

December 6, 2024

The Honorable Patti King
Mayor, City of Flagler Beach
105 South 2nd Street
P.O. Box 70
Flagler Beach, Florida 32136

Dear Mayor King:

FloridaCommerce has completed its review of the proposed comprehensive plan amendment for the City of Flagler Beach (Amendment No. 24-01DRI), which was received on September 27, 2024. We have reviewed the proposed amendment in accordance with the state coordinated review process set forth in Sections 163.3184(2) and (4), Florida Statutes (F.S.), for compliance with Chapter 163, Part II, F.S.

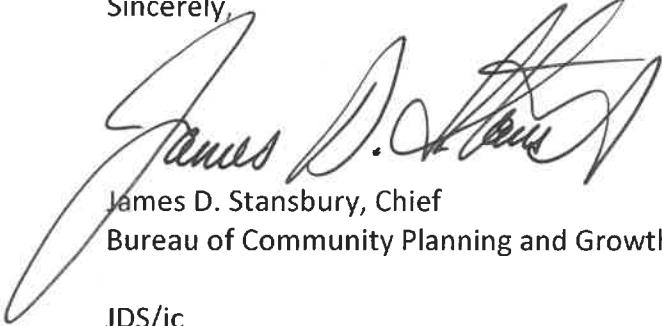
The attached Objections, Recommendations, and Comments Report outlines our findings concerning the amendment. We have identified an objection and have included recommendations regarding measures that can be taken to address the objection.

The City should act by choosing to adopt, adopt with changes, or not adopt the proposed amendment. For your assistance, we have enclosed the procedures for final adoption and transmittal of the comprehensive plan amendment.

The second public hearing, which shall be a hearing on whether to adopt one or more comprehensive plan amendments, **must be held within 180 days** of your receipt of FloridaCommerce's attached report, or the amendment will be deemed withdrawn unless extended by agreement with notice to FloridaCommerce and any affected party that provided comment on the amendment pursuant to Section 163.3184(4)(e)1., F.S. **The adopted amendment must be transmitted to FloridaCommerce within ten working days after the second public hearing pursuant to Section 163.3184(4)(e)2., F.S.**

FloridaCommerce staff is available to assist the City to address the objection. If you have any questions related to this review, please contact Jon Coulter, Planning Analyst, by telephone at (850) 717-8421 or by email at Jon.Coulter@commerce.fl.gov.

Sincerely,



James D. Stansbury, Chief
Bureau of Community Planning and Growth

JDS/jc

Enclosures: Objections, Recommendations, and Comments Report
Procedures for Adoption
Reviewing Agency Comments

cc: Lupita McClenning, City Planner, City of Flagler Beach
Elizabeth Payne, AICP, Chief Executive Officer, Northeast Florida Regional Council

**Objections, Recommendations and Comments Report
Proposed Comprehensive Plan Amendment
City of Flagler Beach 24-01DRI**

FloridaCommerce has identified an objection regarding the City of Flagler Beach’s proposed comprehensive plan amendment. The objection is provided below, along with recommended actions the City could take to resolve issues of concern. If the City adopts the plan amendment without adequately addressing the objection, FloridaCommerce may find the amendment not in compliance with Chapter 163, Part II, Florida Statutes (F.S.), pursuant to section 163.3184(4)(e)4., F.S.

FloridaCommerce staff has discussed the basis of the report with local government staff and is available to assist the City to address the objection.

Objection 1: Public Facilities

The proposed amendment is not supported with adequate data and analysis to demonstrate that the public facility improvements needed for the land uses allowed by the proposed amendment on the amendment site have been identified and that the improvements have been included in the Comprehensive Plan and have been adequately planned for as required in section 163.3177(1)(f)1., Florida Statutes (F.S.). The amendment is not based upon surveys, studies, and data regarding the amendment site, including the availability of water supplies, public facilities, transportation infrastructure, and services as required in sections 163.3177(6)(a)2.d., (6)(a)3.e., 163.3177(6)(a)8., (6)(b)1.a., b., d., e., and (6)(c), F.S.

The Capital Improvements Element was not updated to reflect any needed public facilities improvements. Furthermore, if the City is relying on executed developer’s agreement(s) to provide the necessary facilities, they were not included in the data and analysis supporting the comprehensive plan amendment and were not included as part of an amendment to the Capital Improvements Element to recognize the planned improvements.

Stormwater and Drainage: The proposed amendment does not establish meaningful and predictable standards for the use and development of land. The amendment is not supported with accurate data and analysis of how stormwater flows will affect the proposed development and local hydrology. The amendment also does not demonstrate how the stormwater will be best directed or re-used and reflect these plans in the Comprehensive Plan.

Potable Water and Sanitary Sewer: The data and analysis did not adequately identify the necessary improvements to the public facilities (potable water and sanitary sewer) in the short-term or long-term and did not include these necessary improvements in the Comprehensive Plan identifying them as short-term or long-term projects within the Capital Improvements Element.

School Facilities: The data and analysis for public school facilities identifies the number of students projected to be generated by the proposed development, but does not address current or future capacity for the School District to accommodate these students.

Transportation: The data and analysis provided did not adequately identify all potentially impacted roadways and thoroughfares for the short- and long-term planning horizons. As such, the amendment is not supported with adequate data and analysis regarding transportation impacts attributable to the proposed development or future development within the scope of the TIA provided. Any improvements necessary to maintain LOS standards for all impacted roadways have not been identified as short-term or long-term projects within the Capital Improvements Element. Additionally, the Future Transportation Map was not proposed to be updated to reflect any needed roadway improvements. There was also no demonstration of coordination with any applicable transportation authority, Florida Transportation Plan, or the Florida Department of Transportation's (FDOT) adopted work program.

Statutory Authority: Sections 163.3177(1)(f), 163.3177(2), 163.3177(3), 163.3177(6)(a), 163.3177(6)(b), 163.3177(6)(c), 163.3184(4), F.S.

Recommendations: Should the City proceed in adopting the amendment, the City must support the proposed amendment with adequate data and analysis to demonstrate that the public facility improvements needed for the land uses allowed by the proposed amendment on the amendment site have been identified. These improvements must be included in the Comprehensive Plan and adequately planned for. The amendment must be based upon surveys, studies and data regarding the amendment site, including the availability of water supplies, public facilities, and services.

Stormwater and Drainage: Pursuant to section 163.3177(1), F.S., the City must provide further data and analysis regarding the stormwater and run-off that the development will be subject to.

Potable Water and Sanitary Sewer: Prior to adopting the amendment, the City must support the proposed amendment with adequate data and analysis to demonstrate that adequate water supply availability and related facilities are existing or planned to support the development associated with the amendment. This could be demonstrated by (1) updating the City's Water Supply Facilities Work Plan (WSFWP) to address the potable and non-potable water demand and required facilities associated with this amendment, (2) providing an executed developer's agreement to ensure development of the Water Treatment Facility, Wastewater Treatment Facility, and their distribution facilities, or (3) adoption of site-specific Comprehensive Plan policies that accomplish the same. To accommodate the amendment's projected water demand, the City must ensure that the adopted amendment addresses the following:

- a. Schedule of obtaining a new or modified consumptive use permit (CUP)
- b. Projected water supply source(s) and amount(s) for any new or modified CUP
- c. Schedule and capacity of the new Water Treatment Facility and any other potable water supply infrastructure improvements

- d. Schedule and capacity of the new Waste Water Treatment Facility and any other non-potable water supply infrastructure improvements
- e. The City's and developer's commitments to fund potable and non-potable water supply infrastructure projects
- f. Update the Capital Improvements or Infrastructure elements, including the Capital Improvements Schedule, to include the City's and developer's commitments to fund proposed WTF and WWTF improvements related to the amendment

Further, in accordance with section 163.3177(6)(c)4, F.S., the City is required to adopt an updated WSFWP and related comprehensive plan amendment within 18 months of approval.

School Facilities: Prior to adopting the amendment, the City must demonstrate sufficient capacity within schools impacted by the proposed development has been planned for.

Transportation: Pursuant to section 163.3177(6)(b)(e), F.S. the City must provide further data and analysis regarding the impacts to transportation facilities resulting from the development associated with the amendment. The proposed amendment package includes data and analysis identifying that several road segments are projected to operate over capacity through the future year 2035 scenario given current conditions. The City of Flagler Beach must coordinate with FDOT regarding ways to mitigate potential impacts of the proposed development to identified roadways in proximity to the proposed amendment. The City must demonstrate sufficient planning to maintain LOS standards on impacted roadways by incorporating the short- and long-term improvements within the Capital Improvements Element and on the Long Term Transportation Map as supported with data and analysis.

SUBMITTAL OF ADOPTED COMPREHENSIVE PLAN AMENDMENTS

FOR STATE COORDINATED REVIEW

Section 163.3184(4), Florida Statutes

NUMBER OF COPIES TO BE SUBMITTED: Please submit electronically using FloridaCommerce’s electronic amendment submittal portal “**Comprehensive Plan and Amendment Upload**” (<https://fldco.my.salesforce-sites.com/cp/>) **or** submit three complete copies of all comprehensive plan materials, of which one complete paper copy and two complete electronic copies on CD ROM in Portable Document Format (PDF) to the State Land Planning Agency and one copy to each entity below that provided timely comments to the local government: the appropriate Regional Planning Council; Water Management District; Department of Transportation; Department of Environmental Protection; Department of State; the appropriate county (municipal amendments only); the Florida Fish and Wildlife Conservation Commission and the Department of Agriculture and Consumer Services (county plan amendments only); and the Department of Education (amendments relating to public schools); and for certain local governments, the appropriate military installation and any other local government or governmental agency that has filed a written request.

SUBMITTAL LETTER: Please include the following information in the cover letter transmitting the adopted amendment:

_____ Florida Department of Commerce identification number for adopted amendment package;

_____ Summary description of the adoption package, including any amendments proposed but not adopted;

_____ Ordinance number and adoption date;

_____ Certification that the adopted amendment(s) has been submitted to all parties that provided timely comments to the local government;

_____ Name, title, address, telephone, FAX number and e-mail address of local government contact;

_____ Letter signed by the chief elected official or the person designated by the local government.

ADOPTION AMENDMENT PACKAGE: Please include the following information in the amendment package:

_____ In the case of text amendments, changes should be shown in strike-through/underline format;

_____ In the case of future land use map amendment, an adopted future land use map, **in color format**, clearly depicting the parcel, its existing future land use designation, and its adopted designation;

_____ A copy of any data and analyses the local government deems appropriate.

Note: If the local government is relying on previously submitted data and analysis, no additional data and analysis is required;

_____ Copy of executed ordinance adopting the comprehensive plan amendment(s);

Suggested effective date language for the adoption ordinance for state coordinated review:

"The effective date of this plan amendment, if the amendment is not timely challenged, shall be the date the state land planning agency posts a notice of intent determining that this amendment is in compliance. If the amendment is timely challenged, or if the state land planning agency issues a notice of intent determining that this amendment is not in compliance, this amendment shall become effective on the date the state land planning agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance."

_____ List of additional changes made in the adopted amendment that the Florida Department of Commerce did not previously review;

_____ List of findings of the local governing body, if any, that were not included in the ordinance and which provided the basis of the adoption or determination not to adopt the proposed amendment;

_____ Statement indicating the relationship of the additional changes not previously reviewed by the Florida Department of Commerce to the ORC report from the Florida Department of Commerce.