



December 5, 2024

Department of Economic Opportunity

State Land Planning Agency

ATTN: James Stansbury, Bureau Chief and Jon Coulter, Plan Processing Administrator

Caldwell Building

107 East Madison-MS 160

Tallahassee, FL 32399-0001

RE: City of Flagler Beach Comprehensive Plan Amendment Package – (COFB Application #PFLUMA-0001) – Veranda Bay FLUM Amendment – Responses to Technical Assistance Comments

Dear Mr. Stansbury and Mr. Coulter:

We are in receipt of the Technical Assistance Comments provided to us by the Florida Department of Transportation (FDOT), and the St. Johns River Water Management District (SJRWMD). The City and the Developer have been actively making good faith efforts to address these issues, and as such, each comment will be reproduced below with the applicable response immediately following the comment.

In response to FDOT comments and subsequent phone conference(s) with FDOT, the City intends to amend the comprehensive plan to include a site-specific limiting policy. This has been incorporated into the proposed ordinance for the comprehensive plan amendment, and limits development within the planning area not exceed 3,749 peak PM gross trips. This limiting policy demonstrates that the trip generation is not adversely impacting the level of service. The EAR for the City's Capital Improvement Plan (CIP) is to follow. Forthcoming.

Florida Department of Transportation (FDOT)

1. On page 195 of the PDF, within Appendix A of the Methodology Statement, it is stated that the methodology statement should be provided to the Department for approval.

Resolution: As was mentioned in the Summary, the Department would like to meet with the City of Flagler Beach to discuss the Methodology Statement for this TIA.

CITY OF FB RESPONSE: A limiting policy has been incorporated which further demonstrates that trip generation is not adversely impacting the level of service which reads as follows:

The Comprehensive Plan amendment adopted by Ordinance 2024-19 shall include the following limiting policy:

Objective A.1.11 -- Veranda Bay Planning Area



Encourage the responsible development of the Veranda Bay Planning Area which has significant economic benefit to the City of Flagler Beach, while requiring the reasonable protection of the quality of life for the City's residents and its surrounding infrastructure.

Policy A.1.11.1 -- Without limiting the mix of density and intensity, the development in the Veranda Bay Planning Area will not exceed 2,200 residential dwelling units and 650,000 square feet of commercial use and in no case shall the development exceed 3,749 peak PM gross trips.

2. In the Application Information section, under 7.5.3, it is stated that: The analysis balanced traffic throughput, prioritization, use and distribution and ensured a comprehensive approach to augment the transportation network. Additionally, this approach meets regulatory standards and advances a responsive transportation strategy.

Resolution: The Department would like the City of Flagler Beach to clarify how the current approach in the Methodology Statement meets these standards.

CITY OF FB RESPONSE: The analysis conducted follows the standard site impact analysis, and is a compilation of the city, County, and FDOT site requirements. All of which was done at the discretion of the City of Flagler Beach to reduce the parameters of the area studied.

3. In the Application Information section, under 7.5.2, it is stated that: At the time of the study developed with City of Palm Coast and agreed upon by City of Flagler Beach, the following pertinent developments were included in the transportation model.

Resolution: The Department would like the City of Flagler Beach to clarify the time at which this was decided. Please clarify if Flagler County or the Department were involved in the selection of these developments for the transportation model.

CITY OF FB RESPONSE: On or about May 6, 2024, the City Manager approved the proposed methodology. A Master Development Agreement discusses the density and intensity and as such, the traffic analysis selections were limited as depicted. Applicant also followed the River to Sea guidelines. At the discretion of the City of Flagler Beach, the study area was limited to the scope shown in the report. Moreover, a limiting policy has been incorporated which further demonstrates that trip generation is not adversely impacting the level of service.

4. On page 195 of the PDF, within Appendix A of the Methodology Statement of the Traffic Impact Analysis (TIA), in the Intersection Control Evaluation section, the sentence ends without finishing it.

Resolution: Please finish this sentence.



CITY OF FB RESPONSE: Inadvertently, the word “results” was not added. As such, the sentence should read as “The ICE will be developed as a separate document, reviewed, and approved by FDOT, with Flagler Beach informed of the **results.**”

5. Within the amendment package, and in the supporting documentation, references to total acreage differs. The project description within the Methodology Statement of the TIA mentions 553 acres, whereas the amendment package refers to 899 acres or 160/739 acres.

Resolution: The Department would like the City of Flagler Beach to clarify the acreage for this amendment package.

CITY OF FB RESPONSE: Earlier indications of the total acreage was 553 acres, and has since been raised to the 899-acre figure. This change, however, has no impact on the analysis in the traffic report. To clarify, the acreage for this amendment package is 899 acres, and the 553 acres vs 899 acres does not affect the trip generation that has been analyzed.

6. Within the amendment package, there is a reference to 160 acres that are currently being developed as part of this project.

Resolution: The Department would like the City of Flagler Beach to clarify the type of development that is already occurring for the 160 acres and if these impacts are being included within the TIA.

CITY OF FB RESPONSE: The 160-acre area is subject to a Planned Unit Development (PUD) Agreement, which consists of a mixed-use residential development. Additionally, these impacts are included in the traffic analysis report.

7. Within the methodology statement for the TIA, there are roadway segments that the Department believes may be beneficial to add to the analysis.

Resolution: The Department would like the City of Flagler Beach to clarify the reasoning for why the segments in the TIA were selected. For context, Appendix A of this review letter notes all the segments within three 3 miles of the proposed development.

CITY OF FB RESPONSE: The segments in the TIA that were selected based on the understanding that FDOT was handling issues involving certain major intersections. With that said, the analysis began as a 3-mile review when the project involved the City of Palm Coast. However, when the project transitioned to the City of Flagler Beach, it was decided by the city that with an accompanying Master Development Agreement, these limits were not necessary. Moreover, the inclusion of the limiting policy further demonstrates that trip generation is not adversely impacting the level of service.



8. Within the Appendices of the amendment package, there were several out of place pages, or extra material provided. For example, the TIA looks to be provided three times in the appendices and on pages 516-518 of the PDF, there are pages related to the Water Demand that do not look to be related to any appendix.

Resolution: Please review the appendices for these additional pages and remove them before submitting again to the Department.

CITY OF FB RESPONSE: In transmission from city to state, certain pages may have been reorganized from the original state of the TIA package. The package will be reviewed and corrected.

9. Within the Attachments of the TIA, there was information added that's related to SR A1A. This roadway was not included as part of the study area for the TIA.

Resolution: Please clarify why the Project Information Sheet for SR A1A was included as Attachment D in the Traffic Impact Analysis.

CITY OF FB RESPONSE: From discussions FDOT, it was communicated that improvements were being done at SR A1A by FDOT, and therefore, were not needed to be included in the analysis. The information sheet is included for clarification purposes.

10. In Section 10 of the Methodology Statement for the TIA, Attachment A, it notes that any mitigation strategies and proportionate share calculations will only be based on if the adverse effects are from the proposed development itself.

Resolution: The Department would like to note that any findings from the TIA are preliminary as the Methodology Statement for the TIA has not been reviewed.

CITY OF FB RESPONSE: This had been discussed and coordinated at a cursory level with FDOT and pursuant to F.S. 163.3184. As such, Mr. Lingenfelter was in agreement with the analysis provided, and through discussions with Mr. Lingenfelter, a final TIA review was requested and no concerns with the methodology were raised. Said methodology was conducted in compliance with the River to Sea guidelines. Moreover, the inclusion of the limiting policy further demonstrates that trip generation is not adversely impacting the level of service.

11. Within the TIA, the figures and tables were added at the end of the report. This makes a review of the TIA itself somewhat difficult.

Resolution: The Department would like the tables and figures to be added within the report itself so that the supporting text is more readily available to review alongside the tables and figures.



CITY OF FB RESPONSE: Thank you, the formatting comes down to the writer's preference in doing so, we understand the concern, but feel that no changes are necessary.

12. Within the TIA, in the Methodology Statement, it says that the study area was reduced in size at the request of the City of Palm Coast.

Resolution: The Department would like the City of Flagler Beach to provide clarification as to why this was reduced.

CITY OF FB RESPONSE: Please see response to comments 2 and 3 above. The study area was reduced in size at the discretion of the City of Flagler Beach. During meetings between the applicant and City of Flagler Beach, the desired methodology was presented and the analysis and report were reduced to account for this. Moreover, the inclusion of the limiting policy further demonstrates that trip generation is not adversely impacting the level of service.

St. John's River Water Management District (SJRWMD)

1. The transmitted amendment did not contain data and analysis addressing the impact of its projected water demand on the city's available potable water supply. Prior to adopting the amendment, the city should provide data and analysis demonstrating that adequate water supply availability is existing or planned to support the development associated with the amendment.

CITY OF FB RESPONSE: For purposes of providing utility services, the City's Water Treatment Plant has a production capacity of 2,000,000 GPD. The current storage capacity of treated water is 1,400,000 gallons. The City's Wastewater Treatment Plant has a current capacity of 1,000,000 GPD. A planned expansion of the facility will increase the capacity to 1,500,000, with additional capacity designed to further increase capacity to 2,000,000 GPD. To ensure the development associated with the amendment does not outpace the current availability, the city will increase the Consumptive Use Permit (CUP) from .912 up to 1.2 MGD. The City will build a new 1-million-gallon storage facility and simultaneously purchase two (2) additional well sites, and permit two (2) new wells for future growth to be phased with the build out of Veranda Bay.

2. In association with the preceding information, to accommodate the amendment's projected water demand, the city should ensure that the adopted amendment's data and analysis addresses the following:
 - a. Impact of projected water demand on the City's existing consumptive use permit allocation (i.e., water supply availability).

CITY OF FB RESPONSE: See response to comment 1 above. The City's Consumptive Use permit has a maximum daily allowance of 0.912 MPD. Based on the latest reports, the city is averaging



0.610 MGD. This gives the city the ability to increase use approximately 23% before being required to apply for a new consumptive use permit. Because this development is to be phased, the first five (5) years will see an increase in potable water demand of 247,780 GPD for residential use, and 17,527.3 GPD for commercial use, making the total increase in potable water demand within the first five years of development 265,307.3 GPD.

Further, the Master Planned Development Agreement (“Agreement”) includes language in which the developer may construct private services or obtain such services from other providers, including adjacent municipalities, in the event of insufficient availability with the City of Flagler Beach.

3. In association with the preceding information, to accommodate the amendment’s projected water demand, the city should ensure that the adopted amendment’s data and analysis addresses the following:

- b. Whether the City will require development associated with the amendment to install a nonpotable water distribution system (e.g., reuse).

CITY OF FB RESPONSE: As a material inducement for the Developer to enter the Agreement with the City, the City represents and warrants that it presently has, and shall maintain per the projected demands, potable water and wastewater capacity for the project. Further, should the aforementioned reservations not be available when requested by Developer, Developer may construct private services or obtain such services from other providers, including adjacent municipalities.

4. In association with the preceding information, to accommodate the amendment’s projected water demand, the city should ensure that the adopted amendment’s data and analysis addresses the following:

- c. Whether the City will require development associated with the amendment to install stormwater management systems designed as stormwater harvesting systems to maximize the amount of surface water available for nonpotable water needs.

CITY OF FB RESPONSE: The Agreement provides that the Developer shall be responsible for designing and constructing a master stormwater system within the project including, but not limited to, all stormwater lines, ditches, culverts, and other stormwater facilities that are necessary to convey and treat stormwater runoff. Stormwater detention facilities shall be designed to meet the water quality and attenuation requirements of SJRWMD.

5. In association with the preceding information, to accommodate the amendment’s projected water demand, the city should ensure that the adopted amendment’s data and analysis addresses the following:



d. Projected water supply source(s) and amount(s) for any modified or new consumptive use permit.

CITY OF FB RESPONSE: See response to SJRWMD comment 1 above. Additionally, to ensure the development associated with the amendment does not outpace the current availability, the city will increase the Consumptive Use Permit (CUP) from .912 up to 1.2 MGD. The City will build a new 1-million-gallon storage facility and simultaneously purchase two (2) additional well sites, and permit two (2) new wells for future growth to be phased with the build out of Veranda Bay.

6. In association with the preceding information, to accommodate the amendment's projected water demand, the city should ensure that the adopted amendment's data and analysis addresses the following:

e. Schedule for obtaining any new or modified consumptive use permit.

CITY OF FB RESPONSE: See response to SJRWMD comment 1 above. Additionally, to ensure the development associated with the amendment does not outpace the current availability, the city will increase the Consumptive Use Permit (CUP) from .912 up to 1.2 MGD. The City will build a new 1-million-gallon storage facility and simultaneously purchase two (2) additional well sites, and permit two (2) new wells for future growth to be phased with the build out of Veranda Bay.

7. The City is required to adopt an updated Water Supply Facilities Work Plan (WSFWP) and related comprehensive plan amendment within 18 months of approval of the 2023 NFRWSP. The District approved the 2023 NFRWSP on December 12, 2023. Subsequently, the city is required to adopt an updated WSFWP and related comprehensive plan amendment by June 12, 2025. The city last updated its WSFWP in 2019. The city should ensure that its next WSFWP update incorporates this amendment's projected water demand and related water supply sources.

CITY OF FB RESPONSE: The City will take measures to ensure that its next WSFWP update incorporates this amendment's projected water demand and related water supply sources.

8. Environmental Resource Permit (ERP) Advisory Information:

f. The future proposed development will require an Environmental Resource Permit (ERP) in accordance with Chapter 62-330, Florida Administrative Code (F.A.C.). Pursuant to the Operating Agreement between the Florida Department of Environmental Protection and District, the District will be the permitting agency for all ERPs associated with this development. Conceptual approval for the proposed development may be requested followed by submittal of applications for phased construction. The extent of wetlands and surface waters will need to be established pursuant to Chapter 62-340, F.A.C., and will be utilized during review of any ERP.



CITY OF FB RESPONSE: Understood. The Developer and City are committed to complying with all required review procedures.

9. Environmental Resource Permit (ERP) Advisory Information:

g. Note that the ERP applicant must provide reasonable assurance the conditions of issuance are met regarding water quality, water quantity, and impacts to natural resources. District ERP staff recommend proceeding with the scheduling a pre-application meeting to ensure the applicant is aware of options that can be incorporated into the project design to provide the required reasonable assurance with regard to the rule criteria. In addition, since stormwater harvesting may be a viable option for the project, District CUP staff could also attend the pre-application meeting.

CITY OF FB RESPONSE: Understood. The parties will conduct pre-application meeting, and provide reasonable assurance that the conditions of issuance are met regarding water quality, water quantity, and impacts to natural resources, as required.

North East Florida Regional Planning Council

1. Coordination with Flagler County Growth Management Department and the City of Palm Coast Planning Division is recommended through the amendment process.

CITY OF FB RESPONSE: The applicant, and City of Flagler Beach have been in communication with the aforementioned parties and will continue to do so throughout the amendment process.

Additional Comments

The proposed development is compliant with the Comprehensive Plan. Additionally, as noted by the development team, the proposed development looks to be exempt pursuant to s. 380.0651 [380.0651(3) b **Exemption for dense urban land area**] and not required to undergo a review pursuant to s.163.3184(4), a State Coordinated Review.

For additional coordination, please contact the following staff person:

Lupita McClenning, City Planner at lmcclenning@cityofflaglerbeach.com.

Sincerely,

Lupita McClenning

Lupita McClenning
City Planner

w/out enclosures cc: