

Judge hears case over condos More Hammock Dunes testimony set for today

FRANK FERNANDEZ - STAFF WRITER
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Correction: *A story Dec. 17 about a condominium project proposed in Palm Coast should have stated developers want to build it on the current location of a lodge at the Ocean Hammock Golf Course.

BUNNELL - Replacing a 20-room lodge on the Hammock Dunes Golf Course with up to a 561-unit condominium-hotel is part of the "evolution" of the area's development, according to testimony during a hearing Thursday at the Flagler County Courthouse.

But that evolutionary step is being challenged by Flagler County and residents who complain it violates original plans and will decimate property values for nearby residents losing their ocean views.

The developers' counter that they have followed the rules, and the county's own planning staff recommended the project's approval with conditions, even though county commissioners rejected it earlier this month. Developers say they are "entitled" to build up to 561 units but would limit the construction to 289 units. They also say they would not harm the golf course.

Ginn-La Marina, Northshore Hammock and Northshore Ocean Hammock Investments want to build the condo and are opposed by Flagler County, the Ocean Hammock Property Owners Association, the Hammock Beach Club Condominium Association and Michael Hewson.

The testimony is expected to be completed today. But it might be weeks or months before Administrative Law Judge D. R. Alexander makes a recommendation to Gov. Rick Scott and cabinet officers, who will vote on a resolution, which could then be appealed to the 1st District Court of Appeal.

The golf course along with the rest of the development of regional impact is still changing, according to Ken Metcalf, a planning director for Greenberg Traurig, who testified for developers.

"The golf course can continue to evolve until it reaches a final configuration," Metcalf said.

But it was Greenberg Traurig's attorneys who originally drew up legal documents stating that the golf course would be there "in perpetuity," testified Robert DeVore. DeVore is not involved with this project but worked for ITT at the time it developed the Hammock Dunes Golf Course. The company no longer owns the course.

Michael **Chiumento**, an attorney for the homeowners, asked DeVore what ITT's intentions were for the golf course.

"To plat the land and leave it as a golf course forever," DeVore said.

How would replacing the 20-room lodge with a 289 to 561 unit condominium affect that? **Chiumento** asked.

"It certainly would change the character of what we built," DeVore said. "It wouldn't be golf as we constructed it." **Chiumento** also pointed out documents which said the golf course would be there "in perpetuity."

Attorney Scott Glass, representing the current developers, asked DeVore whether he had personally heard salespeople tell customers that the golf course would be there in perpetuity.

"No, not personally," DeVore said.

Opponents of the project called Flagler County Property Appraiser Jay Gardner, who testified that the condominium could take a big bite out of nearby homeowners' property values.

The loss of an ocean view could result in a decrease of 46 percent in property value, Gardner said. He said that's Gardner said property owners without an ocean view related to the Cinnamon Beach Condominium project saw a decrease in value of 46 percent, he said.

But Glass asked Gardner whether he had taken into account whether the properties that lose value were legally entitled to an ocean view. Gardner said no, that his estimate was based on the market.

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