



# City of Palm Coast

## Agenda

### City Council Business

City Hall  
160 Lake Avenue  
Palm Coast, FL 32164  
[www.palmcoastgov.com](http://www.palmcoastgov.com)

**Mayor Milissa Holland**  
**Vice Mayor Steven Nobile**  
**Council Member Robert G. Cuff**  
**Council Member Nick Klufas**  
**Council Member Heidi Shipley**

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**Tuesday, November 21, 2017**

**9:00 AM**

**Community Wing**

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#### **City Staff**

**Jim Landon, City Manager**  
**William Reischmann, City Attorney**  
**Virginia A. Smith, City Clerk**

- > Public Participation shall be in accordance with Section 286.0114 Florida Statutes.
- > Other matters of concern may be discussed as determined by City Council.
- > If you wish to obtain more information regarding the City Council's agenda, please contact the City Clerk's Office at 386-986-3713.
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- > City Council Meetings are televised on Charter Spectrum Networks Channel 495 and on AT&T U-verse Channel 99.
- > All pagers and cell phones are to remain OFF while City Council is in session.

#### **A. CALL TO ORDER**

#### **B. PLEDGE OF ALLEGIANCE TO THE FLAG**

#### **C. ROLL CALL**

#### **D. PUBLIC PARTICIPATION**

Public Participation shall be held in accordance with Section 286.0114 Florida Statutes. After the Mayor calls for public participation each member of the audience interested in speaking on topics on the workshop agenda or any topic or proposition not on the agenda, shall come to the podium and state their name. Each speaker will have up to three (3) minutes each to speak. The Mayor will advise when the three (3) minutes are up and the speaker will be asked to take a seat and wait until all public comments are finished to hear answers to all questions. Once all members of the audience have spoken, the Mayor will close public participation and no other questions/comments shall be heard. Council and staff will then respond to questions posed by members of the audience. Should you wish to provide Council with any material, all items shall be given to the City Clerk and made part of the record. If anyone is interested in discussing an issue further or ask additional questions,

individual Council Members and staff will be available after the meeting to discuss the matter and answer questions.

**E. MINUTES**

**1. MINUTES OF THE CITY COUNCIL**

**F. PROCLAMATIONS**

**2. PROCLAMATION DESIGNATING DECEMBER 16, 2017 AS THE PALM COAST YACHT CLUB BOAT PARADE DAY**

**3. PROCLAMATION DESIGNATING NOVEMBER 28, 2017 AS GIVING TUESDAY**

**G. ORDINANCE 2ND READING**

**4. ORDINANCE 2017-XX AMENDING CHAPTER 2, ADMINISTRATION, ARTICLE VI, RETIREMENT, DIVISION 2, VOLUNTEER FIREFIGHTER RETIREMENT SYSTEM AND TRUST FUND**

**5. ORDINANCE 2017-XX KINGS POINTE MULTI-FAMILY REZONING 11.33+/- ACRES FROM HIGH INTENSITY COMMERCIAL (COM-3) TO MULTI-FAMILY RESIDENTIAL (MFR-2), APPLICATION NO. 3421**

**6. ORDINANCE 2017-XX A COMPREHENSIVE PLAN AMENDMENT FOR 145+/- ACRES FROM GREENBELT, INDUSTRIAL, AND CONSERVATION TO RESIDENTIAL, INDUSTRIAL, AND CONSERVATION AND A POLICY TO LIMIT DEVELOPMENT**

**7. ORDINANCE 2017-XX ZONING MAP AMENDMENT FOR 145+/- ACRE PARCEL FROM HIGH INTENSITY COMMERCIAL (COM-3), LIGHT INDUSTRIAL (IND-1), AND SUBURBAN ESTATE RESIDENTIAL (EST-1) TO MASTER PLANNED DEVELOPMENT (MPD) ALONG WITH DEVELOPMENT AGREEMENT**

**H. RESOLUTIONS**

**8. RESOLUTION 2017-XX APPROVING A REQUEST TO WAIVE THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) HOUSING REHABILITATION LIEN FOR PROPERTY AT 36 SEVILLE ORANGE PATH**

**9. RESOLUTION 2017-XX BROWNFIELD AREA DESIGNATION**

**I. OTHER BUSINESS**

**10. SELECT VICE MAYOR FOR THE 2017-2018 FISCAL YEAR**



**11. SELECT COUNCIL LIAISONS TO SERVICE ORGANIZATIONS FOR 2017-2018**

**J. CONSENT**

**12. RESOLUTION 2017-XX BUDGET AMENDMENT FOR 2016-2017 FISCAL YEAR RELATING TO THE DISASTER RESERVE FUND AS A RESULT OF HURRICANE IRMA**

**13. RESOLUTION 2017-XX APPROVING A WORK ORDER WITH CONNECT CONSULTING, INC.**

**14. RESOLUTION 2017-XX APPROVING THE RENEWAL OF STOP-LOSS COVERAGE WITH SUNLIFE**

**K. PUBLIC PARTICIPATION**

Remainder of Public Participation limited to three (3) minutes each

**L. DISCUSSION BY CITY COUNCIL OF MATTERS NOT ON THE AGENDA**

**M. DISCUSSION BY CITY ATTORNEY OF MATTERS NOT ON THE AGENDA**

**N. DISCUSSION BY CITY MANAGER OF MATTERS NOT ON THE AGENDA**

**O. ADJOURNMENT**

**15. CALENDAR/WORKSHEET**

# City of Palm Coast, Florida Agenda Item

Agenda Date : 11/21/2017

<b>Department Item Key</b>	CITY CLERK	<b>Amount Account #</b>
<b>Subject</b>	MINUTES OF THE CITY COUNCIL	
<b>Background :</b>		
<b>Recommended Action :</b>	Approve Minutes of the City Council for: 1. November 7, 2017 City Council Business Meeting 2. November 14, 2017 City Council Workshop	



# City of Palm Coast Minutes City Council Business

City Hall  
160 Lake Avenue  
Palm Coast, FL 32164  
www.palmcoastgov.com

**Mayor Milissa Holland**  
**Vice Mayor Steven Nobile**  
**Council Member Robert G. Cuff**  
**Council Member Nick Klufas**  
**Council Member Heidi Shipley**

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**Tuesday, November 7, 2017**

**6:00 PM**

**Community Wing**

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## City Staff

**Jim Landon, City Manager**  
**William Reischmann, City Attorney**  
**Virginia A. Smith, City Clerk**

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## **A. CALL TO ORDER**

*Mayor Holland called the meeting to order at 6:00 P.M.*

## **B. PLEDGE OF ALLEGIANCE TO THE FLAG**

## **C. ROLL CALL**

*City Clerk Virginia Smith called the roll.*

## **D. PUBLIC PARTICIPATION**

Public Participation shall be held in accordance with Section 286.0114 Florida Statutes. After the Mayor calls for public participation each member of the audience interested in speaking on topics on the workshop agenda or any topic or proposition not on the agenda, shall come to the podium and state their name. Each speaker will have up to three (3) minutes each to speak. The Mayor will advise when the three (3) minutes are up and the speaker will be asked to take a seat and wait until all public comments are finished to hear answers to all questions. Once all members of the audience have spoken, the Mayor will close public participation and no other questions/comments shall be heard. Council and staff will then respond to questions posed by members of the audience. Should you wish to provide Council with any material, all items shall be given to the City Clerk and made part of the record. If anyone is interested in

discussing an issue further or ask additional questions, individual Council Members and staff will be available after the meeting to discuss the matter and answer questions.

*Charles Ebert-hurricanes and debris pick up. WastePro lacking in their duties.*

*Terrance Freeman-PACE,an Energy Fund company, provided a brief overview to their services.*

## **E. MINUTES**

### **1. Minutes of the City Council**

*Pass*

*Motion made to approve made by Vice Mayor Nobile and seconded by Council Member Shipley*

*Approved - 5 - Council Member Robert Cuff, Council Member Nick Klufas, Vice Mayor Steven Nobile, Council Member Heidi Shipley, Mayor Milissa Holland*

## **F. PROCLAMATIONS AND PRESENTATIONS**

### **2. PROCLAMATION DECLARING NOVEMBER 15, 2017 AS AMERICA RECYCLES DAY**

*CM Cuff presented this Proclamation to members of the City's Green Team.*

*Mayor Holland addressed public participation comments following the presentation of the Proclamation. Mr. Landon provided an overview to WastePro and storm debris pick-up.*

*PACE program-Mayor Holland-I am aware of this program. Mr. Landon-I believe this is a County program and we can have staff look into it. Mayor Holland requested Mr. Freeman to please give your information to Ms. Bevan.*

### **3. PROCLAMATION DESIGNATING NOVEMBER 17, 2017 AS WORLD DIABETES DAY**

*CM Klufas presented this Proclamation to representatives from Florida Hospital-Flagler.*

### **4. PROCLAMATION DESIGNATING NOVEMBER 25, 2017 AS SMALL BUSINESS SATURDAY**

*VM Nobile presented this Proclamation to representatives from the Flagler Chamber of Commerce.*

**G. ORDINANCES SECOND READ**

- 5. ORDINANCE 2017-XX REZONING 6.2+/- ACRES FROM PUBLIC/SEMI-PUBLIC TO NEIGHBORHOOD COMMERCIAL (COM-1), LOCATED ON THE SOUTH SIDE OF MATANZAS WOODS PKWY. BETWEEN BELLE TERRE PKWY AND OLD BELLE TERRE PKWY**

**O2017-20**

*City Attorney Reischmann read the title into the record. Reminded Council this is a quasi-judicial item. Mayor Holland called for any ex-parte communication. There was none.*

*Mr. Landon gave a brief summary of the item.*

*Public Comment:  
There were none.*

**Pass**

**Motion made to Adopted on second reading made by Vice Mayor Nobile and seconded by Council Member Cuff**

**Approved - 5 - Council Member Robert Cuff, Council Member Nick Klufas, Vice Mayor Steven Nobile, Council Member Heidi Shipley, Mayor Milissa Holland**

**H. ORDINANCES FIRST READ**

- 6. ORDINANCE 2017-XX AMENDING CHAPTER 2, ADMINISTRATION, ARTICLE VI, RETIREMENT, DIVISION 2, VOLUNTEER FIREFIGHTER RETIREMENT SYSTEM AND TRUST FUND**

*City Attorney Reischmann read the title into the record.*

*Mr. Landon gave a brief summary of the item.*

*Public Comment  
There were none.*

**Pass**

**Motion made to Approve made by Vice Mayor Nobile and seconded by Council Member Shipley**

**Approved - 5 - Council Member Robert Cuff, Council Member Nick Klufas, Vice Mayor Steven Nobile, Council Member Heidi Shipley, Mayor Milissa Holland**

- 7. ORDINANCE 2017-XX KINGS POINTE MULTI-FAMILY REZONING 11.33+/- ACRES FROM HIGH INTENSITY COMMERCIAL (COM-3) TO MULTI-FAMILY RESIDENTIAL (MFR-2), APPLICATION NO. 3421**

**Pass**

**Motion made to Approve by Vice Mayor Nobile and seconded by Council Member Cuff**

**Approved - 5 - Council Member Robert Cuff, Council Member Nick Klufas, Vice Mayor Steven Nobile, Council Member Heidi Shipley, Mayor Milissa Holland**

*City Attorney Reischmann read the title into the record. He reminded Council this is a quasi-judicial item. Mayor Holland called for any ex-parte communication. There were none.*

*Mr. Landon gave a brief summary of the item. Mr. Bill Hoover presented a PowerPoint presentation, which is attached to these minutes.*

*VM Nobile-On the slide, that number for the units and acres, that does not include parking, it is just a formula, correct? Ans: Mr. Hoover-What you would expect is 12 units per acre is pretty common for a condo or an apartment complex across the State. It will usually give you two or three story buildings and you will have stormwater related to that as well as any wetland or preserve area, the parking, and the one thing is when you get to 100 units, usually if it is apartments you will have a professional management team, one will live on site and then you will also have recreational facilities for the residents. Ans: Mr. Landon-The calculation is gross; it includes everything. How many units you can have on a gross acre but you have to fit in all the other things.*

*CM Klufas-You spoke about the infrastructure as far as our roads are concerned, but what about our underlying infrastructure, such as sewer and water, is that capable of sustaining this type of project and where would that align with if it remained in a commercial zoning? Ans: Mr. Hoover-The water and sewer is there and there is a pump station there. They would have to do an analysis to know if the existing sewage lift station can handle this, otherwise, they would have to put in another smaller unit to suffice for that.*

*CM Klufas-Do commercial lots have a tendency to use more? I assume they would use less than a residential usage (as far as sewage and water), is that true? Ans: Mr. Hoover-I would say yes, unless you have something like Coconuts car wash that is across the street. A car wash might use more than residential but I would say a multi-family would generally use more. A Wal-Mart does not use a lot of water and sewage.*

*Mr. Jay Livingston, on behalf of the Developer here is the answer to those questions.*

*CM Cuff-What is the applicants rationale to have the acreage rezoned being on either side of Old Kings Road right-of-way?  
Ans: Mr. Livingston-It is not on either side. The map is showing the old right-of-way, this split that you observe is the old right-of-way that still exists back in the woods. It is a unified piece. When the road was realigned, it essentially created this parcel coming off of Kings Point. (referred to slide of the rezoning map).*

*Public Comment:*

*Charles Ebert-Attended the PLDRB meeting. School issue for students in multi-family. Lift station on Old Kings Road. Road concerns and the impact of the area with this project.*

*Carl Murphy-Attended the PLDRB and opposes the project.*

*Susan Murphy-Traffic concerns; expanded infrastructure, apartment dwellers treatment of their living space.*

*Lisa Zurheide-Was there one public meeting or two? Progress-analyze the police force affect. Who is responsible to put in the lift station-developer or the City? Traffic concerns.*

*Tony Flores-here two years; pro-business person; shopping center is a simple shopping center; why not an anchor store? Apartments-consider selling part of it to the hospital for those that need housing. Can these apartments be for senior citizens? Lighting and the road floods.*

*Louis Zurheide-traffic issues; opposes project.*

*Linda Kendrick-concerned over the traffic and the road.*

*Mr. Tobin-It is unusual to have a zoning change where you have a less intense use. Where would you put apartments in Palm Coast? This is an appropriate place. Supports the project.*

*Gretchen Smith-Newcomers that come to Flagler County that are looking for apartments, patio homes for those that are retired.*

*Mr. Jay Livingston-Rebuttal-*

*A few things need to be clarified. There was an important question about the lift station. Unless something wonderful has changed those lift stations are always designed and paid for by the developer/applicant. If you look at the box, the top of Kings Pointe, that is a lift station that serves that development and whatever it can serve. Whenever there is a site plan that comes in you actually know you density, you know your planned infrastructure. There will be an analysis done to determine if any additional utility infrastructure is*

*needed to be installed and that would be on the applicant to know only pay for the design but also the installation costs. Traffic-on the map all the red is commercial zoning; has been that way since around 2006, when those request for zoning were approved. The commercial designation has been there for a long time. Anchor stores-City Staff, myself and others involved worked very hard to get this road project approved. The right-of-way set aside, the realignment plan and design in order to bring in Wal-mart, which was supposed to be the anchor for this area, Wal-Mart unfortunately delayed due to the downturn, the lack of rooftops not built. We are hopeful that with the rooftops being brought in will drive the development. Initially it will take the impact off the road. The numbers that were put in the staff report about 4,000 trips versus 900 trips-that is the reality in terms of the generation of traffic. It should also be understood, the applicant/landowner, the landowner has contributed quite a bit towards the transportation infrastructure.....Housing-Senior housing, This is only for a rezoning but ultimately any housing project will be driven by the demographics; we are not at the point of housing yet.*

*Responses to Public Comments:*

*Mayor Holland-School district and limits (capacity)-Ans: Mr. Tyner-There was discussion with the school board. In our process with have an Interlocal Agreement with the County to assess for the level of service and capacity. At this level, where we are now with the zoning, it is a general statement, yes there is capacity, once they come in with a site plan, they will have to organize through the application process and the School Board is part of our application process. They will need to get approval from the School Board that there is capacity. If there is not capacity, then the Developer will then go into an agreement with the School Board. Ans: Mr. Landon-The capacity is there in the School District, but this one school may not have it. There is plenty of capacity district wide.*

*Traffic-Ans: Mr. Landon-Bill explained how commercial generates a lot more traffic than residential. It is about a quarter of what it would be, so as far as traffic impacts, multi-family is quite a bit less.*

*Lift Station-Ans: Mr. Adams-There seems to be some confusion about the lift stations, there is more than one lift station. As Mr. Livingston explained, the lift station that is closest to this project may or may not be used to serve this project. It is up to the Developer to make sure it has capacity for this project. If it means making it larger or upgrading the pumps, that would be on the Developer. The master lift station that is on Old Kings Road, that was recently upgraded has quite a bit of capacity because that is how we built it. As part of the major infrastructure, that is the community wide collection system and that is what you pay impact fees for, you pay impact fees to pay for sewer plant capacity and*



*major sewer collection system capacity. The individual capacity to serve just that project will be on the Developer.*

*Police-Mayor Holland-We have had this come up with these types of projects in the past and there is no correlation between multi-family units compared to single family.*

*A rating road-Ans: Mr. Landon-A rating is based on volume. Is there significant capacity for the road to handle the volume? In other words, do you have to stop at red lights two or three times, is it causing backups, etc. Old Kings Road, whether it is four lane or two lane, I drive it all the time and you never have any problems with backups. The only place you may have it right now is at Palm Coast Parkway and that is in design to improve that intersection (CVS and McDonalds). It definitely handles the capacity.*

*Assessment District-Mr. Landon-the whole area is being paid for by an assessment district that the developer/property owners put together. That included Hidden Lakes and Toscana. However, we also charge each one of these developments impact fees as we do everywhere. All the residential projects, houses in Hidden Lakes paid the same impact fees as any other residential single-family residence. Those impact fees are a result of that district are going towards the future widening of Old Kings Road. The residents already contributed when they bought their home or whoever built their home towards those improvements. There is no additional assessment for those residents. The commercial area is different as it is based on acreage and some other calculations; they may have their assessment reduced based on the amount of impact fees they have to pay but there is a formula there as they develop. You cannot double dip, you cannot make them pay impact fees to widen the road and the assessment but that won't impact the residential existing or future single family residential properties in Hidden Lakes and Toscana.*

*Notice for the 300 feet-Ans: Mr. Reischmann-It is set by State law and in our Land Development Code. The distance is set forth in the Land Development Code and the statutes as required.*

*Mr. Landon explained there are two separate meetings (both required by code). One for the developer to hold a neighborhood meeting, a Neighborhood Information Meeting, which is separate from a Planning Board Meeting and City Council, that is the one nobody attended. The other one was the Planning and Land Development Regulation Board meeting, which makes the recommendation to City Council. That one, there were residents from Hidden Lakes, maybe Toscana that attended that meeting.*

*Attorney Reischmann clarified that before Council this evening is a rezoning of the property, not the project.*

## I. RESOLUTIONS

### 8. RESOLUTION 2017-XX BROWNFIELD AREA DESIGNATION

*Mr. Landon provided a brief overview to this item. Mr. Falgout presented a map of the area requesting the Brownfield designation.*

*CM Klufas-Is this designation to Brownfield required before they start the remediation of the kiln dust? Ans: Mr. Falgout-In order to access the incentives and the credits it is required.*

*Mayor Holland-I dealt with this property when I was on the County Commission, CKD was a serious issue back then, I know that DEP was requiring the land owner to either encapsulate it, so it would not go airborne, is that still the discussion point as to how you are going to clean up the property and has it been addressed yet? Ans: Michael Tyler, Attorney from Cobb Cole, representing the applicant Sunbelt-The cement kiln dust is not a regulated DEP substance but it is composed of aluminum, limestone, iron and other materials that are regulated. There is a known issue out at the site related to the previous operation of the cement plant. There is a remedial action plan that the previous owner had approved by DEP for management of the cement kiln dust, testing of the site and encapsulation of it in an area that would not be developed with a deed restriction in place prohibiting that development. Our client is evaluating that plan to see how that fits into their overall development. Use of the State's Brownfield program benefits, tax credits, liability protection that Beau mentioned will help facilitate that decision.*

*Public Comments:  
There were none.*

*This item did not require action; this item was continued to November 21, 2017.*

## J. CONSENT

### 9. RESOLUTION 2017-XX APPROVING A CONTRACT WITH S.E. CLINE FOR THE INSTALLATION OF 18 VALVES ON THE DUAL MEDIA WATER FILTERS FOR WATER TREATMENT PLANT 1

**R2017-136**

**Pass**

**Motion made to Adopted on consent made by Vice Mayor Nobile and seconded by Mayor Holland**

**Approved - 5 - Council Member Robert Cuff, Council Member Nick Klufas, Vice Mayor Steven Nobile, Council Member Heidi Shipley, Mayor Milissa Holland**

**10. RESOLUTION 2017-XX DONATION OF TWO SURPLUS FIRE APPARATUS**

**R2017-137**

**Pass**

**Motion made to Adopted on consent made by Vice Mayor Nobile and seconded by Council Member Shipley**

**Approved - 5 - Council Member Robert Cuff, Council Member Nick Klufas, Vice Mayor Steven Nobile, Council Member Heidi Shipley, Mayor Milissa Holland**

**11. RESOLUTION 2017-XX APPROVING THE CULTURAL ARTS GRANTS FOR A TOTAL OF \$30,000 FOR THE FISCAL YEAR 2017-2018**

**R2017-138**

**Pass**

**Motion made to Adopted on consent made by Vice Mayor Nobile and seconded by Council Member Shipley**

**Approved - 5 - Council Member Robert Cuff, Council Member Nick Klufas, Vice Mayor Steven Nobile, Council Member Heidi Shipley, Mayor Milissa Holland**

**K. PUBLIC PARTICIPATION**

Remainder of Public Participation limited to three (3) minutes each

*Kimble Medley-Opposing current Charter review process.*

*Jack Carall-falling fence ns on Belle Terre look horrible.*

*Charles Ebert-would like to see more respect and consideration for the public.*

*Louis McCarthy-At last workshop, debris clearing from properties. Debris has been cleared. Charter review-where are all the people-the average attendance was 10 people. Things could be worse and could be better but it is a whole lot better than it is worse.*

*Steven Carr-Florida Park Drive traffic.*

*Responses to public comments:*

*Mayor Holland thanked all commenters for their comments acknowledging all speakers individually.*

**L. DISCUSSION BY CITY COUNCIL OF MATTERS NOT ON THE AGENDA**

*CM Cuff-assuming we will be getting a report soon on the costs to the storm clean up. I would like to know the numbers of reimbursable amounts and those not reimbursable.*

*CM Klufas-School zone drop off cutting lines and it is getting dangerous. Not really our responsibility but with our contract with the Sheriff's office; vacant lots and beautification.*

*School zone-Ans: Mr. Landon-The school district officials and the sheriff deputies and the City all work together on it. It is really bad behavior of the parents. If we are aware of the situation, we bring it to the Sheriff's office and they do a knock and talk.*

*Vacant lots-Ans: Mr. Landon-we will bring something to you so you can have discussions.*

*CM Shipley-Charter review concerns-The intent from City Council is to do a charter review. So however a charter review is supposed to be done, we are in the middle of a charter review right now. I understand that the charter itself says it has to be done by a committee elected by us. We opted out of that and we are doing a charter review with everyone. We are allowing many meetings and even meetings after these meetings are closed, we have time for people to get up and speak about their ideas. I understand that people think we are listening to their ideas and then we will not take it into consideration but we have asked for a summary of everything that people have said, not just at the meetings, cause there was a low turn out but also people that write into us personally, people that write in and post it to our website. We will take all of that. I have faith that all of us together will do the right thing. If something has come out to be changed that the people of Palm Coast really want changed, I believe we will do it. That was the idea we had when we went this route. I know you are not happy with the process and I am not really sure I am really happy with the process now that I have heard it all but I think in the long run, everyone will be involved in this first charter and I think it will end up being a summary of what everyone can be happy with.*

**M. DISCUSSION BY CITY ATTORNEY OF MATTERS NOT ON THE AGENDA**

*Nothing at this time.*

**N. DISCUSSION BY CITY MANAGER OF MATTERS NOT ON THE AGENDA**

*Mr. Landon provided an overview to the storm debris pickup. Cost issue-at your next workshop there will be a budget amendment that was caused by Irma. Two hurricanes hit last fiscal year. We will give you a rough estimate next week and then bring you a final report. As of today, we instructed WastePro to go back to regular service. They will not pick up the big piles, we will have crews coming in behind them on second pass.*

*Finance has received two national awards-Government Finance Association award the Achievement in Excellence in Financial Reporting award and the Popular Annual Financial Reporting for Outstanding Achievement award.*

*Veterans Day memorial service will be at Heroes Park on Veteran's Day, Saturday, November 11, 2017 @ 8:00 a.m.*

*Fire Department - Car seat installation.*

*Turkey frying safety tip coming soon.*

**O. ADJOURNMENT**

*The meeting was adjourned at 7:58 P.M.*

*Respectfully submitted by: Virginia A. Smith, MMC  
City Clerk*

**12. CALENDAR/WORKSHEET**

**13. ATTACHMENTS TO MINUTES**



# City of Palm Coast Minutes City Council Workshop

City Hall  
160 Lake Avenue  
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**Mayor Milissa Holland**  
**Vice Mayor Steven Nobile**  
**Council Member Robert G. Cuff**  
**Council Member Nick Klufas**  
**Council Member Heidi Shipley**

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**Tuesday, November 14, 2017**

**9:00 AM**

**Community Wing**

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## City Staff

**Jim Landon, City Manager**  
**William Reischmann, City Attorney**  
**Virginia A. Smith, City Clerk**

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## **A. CALL TO ORDER**

*Mayor Holland called the meeting to order at 9:00 A.M.*

## **B. PLEDGE OF ALLEGIANCE TO THE FLAG**

*Mayor Holland led the pledge to the flag*

## **C. ROLL CALL**

*Deputy City Clerk Kate Settle called the roll.*

## **D. PUBLIC PARTICIPATION**

Public Participation shall be held in accordance with Section 286.0114 Florida Statutes. After the Mayor calls for public participation each member of the audience interested in speaking on topics on the workshop agenda or any topic or proposition not on the agenda, shall come to the podium and state their name. Each speaker will have up to three (3) minutes each to speak. The Mayor will advise when the three (3) minutes are up and the speaker will be asked to take a seat and wait until all public comments are finished to hear answers to all questions. Once all members of the audience have spoken, the Mayor will close public participation and

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*No comments were received.*

## **E. PRESENTATIONS**

### **1. PRESENTATION OF TRANSPORTATION IMPACT FEES**

*Jose Papa provided a PowerPoint presentation, which is attached to these minutes.*

*Jose Papa introduced the representatives from Lassiter Transportation Group (LTG)*

*Mayor Holland - I know that we had worked closely with FCAR in advance in writing our landscape regulations to work closely with the private sector . . . is that the process with impact fees as well? Ans: LTR: Yes, absolutely we invited and encourage public participation.*

*Mayor Holland - When are the impact fees collected? Ans: Mr. Landon – When the building permit is issued.*

*CM Klufas - One of the previous slides before in Seminole Woods where the Race Trac is located. That puts congestion all the way back to Town Center at 5:00 p.m. Ans: Mr. Landon – that one is already funded and is being worked out.*

*Mayor Holland - At the time when the developer received the permits, I am assuming they pay impact fees. Ans: Mr. Landon - The developer does not pay the impact fees; the vertical construction does.*

*VM Nobile - On these numbers, are we calculating any external funding into this number? Ans.: LTG - No.*

*CM Cuff - North Palm Coast Parkway. . . . We have a district. Is that going to be funding 100% of the cost? There is no state money anticipated for the southern section. Ans. Mr. Landon - Correct.*

*CM Nobile - On the long range, did that go out further than five years? Ans: Mr. Landon-Yes.*

*CM Nobile - TPO is looking into raising the match. What does that affect? Ans: Mr. Landon- Old Kings Road should not be affected.*

*Ans. Mr. Papa- The increase in the match will certainly impact smaller municipalities. In the case of Old Kings Road, those funds are not so significant*

as the State and Federal Funds. Ans. Mr. Landon: The FDOT five year plans has the big bucks.

CM Klufas- Can the impact fees be used for traffic signalization or are they simply for adding compacity. Perhaps, to use an adaptive lighting network?  
Ans: LTR - Essentially you are increasing capacity and looking through a variety of funding resources Gainesville has use synchronized signalization.

Mayor Holland - When I served on the Northeast Regional Council, the developers working on Nocatee, needed to create a roadway because of the impact fees. Ans: Mr. Landon: In lieu of pay impact fees, if the developer would pay the roads ahead of time, they will not pay impact fees.

VM Nobile: When I look at this . . . what I woujld like to see is a comparison to nearby areas. I want to make sure we are not pricing ourselves out.  
Mayor Holland: Is this type of analysis lookat our surrounding communities, St. Johns County or Volusia. How do we rank according to the fees. Ans. LTR - Voluisa is looking at this now. They have not updated their fees since 1997. Many during the recession, froze their impact fees. The area is developing again, so people are trying to catch up.

Attorney Reischmann: This is not a market driven calculation. This is an impact fee, not a tax. There are technical standards that drive the calculations and there is a legal ceiling of how much we can charge.

## F. WRITTEN ITEMS

### 2. RESOLUTION 2017-XX APPROVING A REQUEST TO WAIVE THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) HOUSING REHABILITATION LIEN FOR PROPERTY AT 36 SEVILLE ORANGE PATH

Mr. Mr. Landon gave a brief overview of the item. No further discussion was needed.

### 3. RESOLUTION 2017-XX BUDGET AMENDMENT FOR 2016-2017 FISCAL YEAR RELATING TO THE DISASTER RESERVE FUND AS A RESULT OF HURRICANE IRMA

Mr. Mr. Landon gave a brief overview of the itme. He reported the fund has been depleted by two hurricanes within the last fiscal year.

### 4. RESOLUTION 2017-XX APPROVING A WORK ORDER WITH CONNECT CONSULTING, INC.



**5. RESOLUTION 2017-XX APPROVING THE RENEWAL OF STOP-LOSS COVERAGE WITH SUNLIFE**

*Mr. Landon gave a brief overview of the item. He reported the City's claim cost this year is lower than the three last year, and we have more employees.*

**G. PUBLIC PARTICIPATION**

Remainder of Public Participation is limited to three (3) minutes each

*Jon Netts suggested the Council consider have public comment after each item at the Workshoop Meeting. When the impact fees are brought back to Council, he suggested depicting what an a,b,c, road looks like for the sake of the public.*

*Steve Carr: The traffic on Florida park Drive and the improvements along the roadway has increased the traffic through the residential areas.*

*Louis McCarthy: Attended City Council last week and there was a discussion about Old Kings Road and multi-family dwelling and several people from Hidden Lakes were there. A comment was made that it will be like "Detroit" in ten years bothered me, but after going home and thinking about this ignorant comment, I do not need to get my blood pressure raised or anything.*

**H. DISCUSSION BY CITY COUNCIL OF MATTERS NOT ON THE AGENDA**

*Vice Mayor Nobile - No Comments.*

*CM Cuff- I appreciated our City Attorney comments on Impact Fees. I think all of us looking at it as citizen representatives have a more market driven mindset and you get developers coming to you say why did you raise your impact fees? We need to keep in mind that there are technical constraints on what we can do and can't do. I appreciated that comment and hope moving forward that it is something to keep our eye on.*

*Vice Mayor Nobile: No Comments*

*CM Shipley: We got an email about a cement pole. Is that going up on our streets? Are the wooden poles coming down and the concrete poles going up?  
Ans. Mr. Landon - What they are doing is a hardening to make sure the poles stay up in the storm. I am confident that they will not go throughout the neighborhoods, the concrete poles are normally used for a main line. Throughout their system, they are hardening their poles to avoid (having outages); they do not have the outages.*

*There is a resident we all know from fundraisers and events around the City. He has been told that he cannot come to City Property any more. He is in a wheelchair and I know he's been out of line a lot. I think his cool off period has happened. Because he cannot come to the City building, he cannot come to our meetings, he can't do his City permits. He does bring thousands of dollars into the City through his permits. What I would like to do is have it lifted so he can come back onto the property again. Ans. Mr. Landon - Not happening. My*

*decision and I am not changing that decision. He has threatened City employees more than once. And many, many years of this. I am not taking the responsibility of having someone threatening City employees regularly. Keep saying he is sorry and keeps coming back the next day so the whole building is uncomfortable. I can tell you things he has done in this building that are totally disgusting. He is not welcome. He is trespassed. As long as I am City Manager, I am not going to lift it.*

*Mayor Holland - I am not interested in lifting it. I have heard the stories they are very, very disrespectful to a level, when you have former investigators from Miami, working in our building, advising us that he has threaten more than one individual and continues to.*

*CM Shipley: I don't get any of this. He is in my district. I just get the phone calls from him. I have heard he is rude.*

*Mayor Holland: It is really bad.*

*Mr. Landon - This whole building, when he walks in, they call 911.*

*CM Nobile: I know the guy. He does call me and he calls me names and I call him names back. But I defer to the employees. They have to experience.*

*Mr. Landon: This is not just a few. This is your front line. They all call deputies to come. They are that fearful. Anytime you have an individual that comes in and they are that concerned. Given him chances, multiple chances.*

**I. DISCUSSION BY CITY ATTORNEY OF MATTERS NOT ON THE AGENDA**

*A storm that is brewing and it is coming south instead of north a bill pending home rule and preemption. If the bill is passed in Tallahassee, a local government is pre-empted from making a decision regarding removal of trees on private property. We won't have a say, it is up to Tallahassee. I am receiving as much information of all the anticipated bills and they are creating many slots for preemption. It is coming and will affect everyone in the room.*

**J. DISCUSSION BY CITY MANAGER OF MATTERS NOT ON THE AGENDA**

*We have completed first pass. Second pass going much quicker. We are hoping to complete C and B sections. We should be finished in the next few days. Chip and haul it to Gainesville being recycle. Waste pro is back to normal operations. We hope to announce more trucks on their day to day operations.*

*More exciting things. Our Citizens' Academy is very popular and most people are very surprised about what we do. Council had asked for a virtual Citizens Academy.*

*Cindy Lane was assigned the task and made it part of the internship program. Hannah Hussman, a graduate from Flagler College developed the concept and would like to present this soft launch to you.*

*Ms. Hussman presented the virtual academy.*

*Mr. Landon-*

*Fire Department - Reminded all to change batteries in your fire detectors and the Fire Dept. will install fire detectors in your home. Car Seat installation is being provided at Station 25.*

*Tuesday, November 21 is Food Truck Tuesday.*

*Feet to Feast will be held Thanksgiving Day with the start at Daytona State College.*

*December 1 is the Tree Lighting.*

*I attended a County Commission Workshop regarding 800 mghz system . They hired a consultant for best practices. The RFP is about ready to go out. They have offered to come and speak to the Cities. I think it would be a good idea. I would like to take it up on the offer. Council agreed.*

*Diamond will be presenting to you at your workshop in January their proposal for wireless in the City.*

**K. ADJOURNMENT**

*The meeting was adjourned at 11:22 a.m.*

*Respectfully submitted by: Kate Settle,  
Deputy City Clerk*

**6. CALENDAR/WORKSHEET**

**L. Attachments to Minutes**

**7. Attachments to Minutes**

# City of Palm Coast, Florida Agenda Item

Agenda Date : 11/212017

<b>Department</b>	CITY CLERK	<b>Amount</b>
<b>Item Key</b>		<b>Account</b>
		<b>#</b>
<b>Subject</b>	PROCLAMATION DESIGNATING DECEMBER 16, 2017 AS THE PALM COAST YACHT CLUB BOAT PARADE DAY	
<b>Background :</b>	The Palm Coast Yacht Club has requested the City proclaim December 16, 2017 as the Palm Coast Yacht Club Boat Parade Day.	
<b>Recommended Action :</b>	Proclaim December 16, 2017 as the Palm Coast Yacht Club Boat Parade Day.	



## PROCLAMATION

**WHEREAS**, the Palm Coast Yacht Club was established in 1979 and offers a variety of social activities for boaters and non-boaters alike, welcoming new members every month; and

**WHEREAS**, the Palm Coast Yacht Club Holiday Boat Parade has been a holiday tradition in the community since 1983; and

**WHEREAS**, this year's colorful and twinkling nighttime parade will begin at 6 p.m. on Saturday, December 16<sup>th</sup>, departing from Cimmaron Basin to the Intracoastal Waterway; and

**WHEREAS**, the Parade will be escorted by boats from the Flagler County Sheriff's Office, Tow Boat U.S., and the Florida Fish and Wildlife Conservation Commission, and the Palm Coast Auxiliary of the U.S. Coast Guard; and

**WHEREAS**, last year's Parade set a record with more than 33 boats participating and throngs of revelers hugging the shores of the Intracoastal Waterway with parties and music; and

**WHEREAS**, all community residents and visitors are invited to celebrate the season at the 2017 Palm Coast Yacht Club Holiday Boat Parade.

**NOW, THEREFORE, BE IT PROCLAIMED**, by the City Council of the City of Palm Coast, Florida, that December 16, 2017, be officially designated

**“PALM COAST YACHT CLUB HOLIDAY BOAT PARADE DAY”**

**Signed** this 21st day of November 2017.

CITY OF PALM COAST, FLORIDA

Witnessed by:

\_\_\_\_\_  
Milissa Holland, Mayor

\_\_\_\_\_  
Virginia A. Smith, City Clerk

# City of Palm Coast, Florida Agenda Item

Agenda Date : 11/21/2017

<b>Department</b> CITY CLERK <b>Item Key</b>	<b>Amount</b> <b>Account</b> <b>#</b>
<b>Subject</b> PROCLAMATION DESIGNATING NOVEMBER 28, 2017 AS GIVING TUESDAY	
<b>Background :</b> Flagler County Humane Society requested the City proclaim November 28, 2017 as Giving Tuesday.	
<b>Recommended Action :</b> Proclaim November 28, 2017 as Giving Tuesday.	



## PROCLAMATION

**WHEREAS,** Giving Tuesday was established as a national day of giving on the Tuesday following Thanksgiving; and

**WHEREAS,** Giving Tuesday is a celebration of philanthropy and volunteerism where people give whatever they are able to give; and

**WHEREAS,** Giving Tuesday is a day where citizens work together to share commitments, rally for favorite causes, build a stronger community, and think about other people; and

**WHEREAS,** it is fitting and proper on Giving Tuesday and on every day to recognize the tremendous impact of philanthropy, volunteerism, and community service in the City of Palm Coast; and

**WHEREAS,** Giving Tuesday is an opportunity to encourage citizens to serve others throughout this holiday season and during other times of the year.

**NOW, THEREFORE, BE IT PROCLAIMED,** by the City Council of the City of Palm Coast, Florida, that Tuesday, November 28, 2017, be officially designated

## “GIVING TUESDAY”

in Palm Coast, and that all citizens are encouraged citizens to join together to give back to the community in a way that is personally meaningful.

**Signed** this 21st day of November 2017.

CITY OF PALM COAST, FLORIDA

Witnessed by:

\_\_\_\_\_  
Milissa Holland, Mayor

\_\_\_\_\_  
Virginia A. Smith, City Clerk

# City of Palm Coast, Florida Agenda Item

Agenda Date : 11/07/2017

<b>Department Item Key</b>	CITY CLERK	<b>Amount Account #</b>
<b>Subject</b>	ORDINANCE 2017-XX AMENDING CHAPTER 2, ADMINISTRATION, ARTICLE VI, RETIREMENT, DIVISION 2, VOLUNTEER FIREFIGHTER RETIREMENT SYSTEM AND TRUST FUND	
<b>Background :</b>	<p><b><u>UPDATE FROM THE NOVEMBER 7, 2017 BUSINESS MEETING.</u></b> This item was heard by City Council at their November 7, 2017 Business Meeting. There were no changes suggested to this item.</p> <p><b><u>UPDATE FROM THE OCTOBER 31, 2017 WORKSHOP</u></b> This item was heard by City Council at their October 31, 2017 Workshop. There were no changes suggested to this item.</p> <p><b><u>ORIGINAL BACKGROUND FROM THE OCTOBER 31, 2017 WORKSHOP</u></b> The City of Palm Coast Volunteer Firefighters are provided pension and certain other benefits under Ordinances of the City of Palm Coast. In 2005, the city of Palm coast adopted Ordinance 2005-08, which created the Volunteer Firefighter Retirement Trust Fund. From time to time, Ordinance 2005-08 was amended.</p> <p>The members of the Palm Coast Volunteer Firefighters Pension Board met at their regularly scheduled meeting and approved a change to the Supplemental Benefit Section. The change is to increase the required contribution (frozen amount) from \$144,307 to \$200,000 to be retroactive to the plan year ending September 30, 2017. This is a change in the Ordinance, as shown in the attached. This change is to assure this pension plan remains 100 percent funded without local tax contributions.</p> <p>The Board's actuary, Foster &amp; Foster, Inc. will provide the necessary actuarial impact statement prior to the business meeting.</p>	
<b>Recommended Action :</b>	Adopt Ordinance 2017-XX Amending Chapter 2, Administration, Article VI, Retirement, Division 2, Volunteer Firefighter Retirement System and Trust Fund.	



**ORDINANCE 2017-\_\_\_\_\_  
AMENDING VOLUNTEER FIREFIGHTER  
RETIREMENT SYSTEM AND TRUST FUND**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM COAST, AMENDING CHAPTER 2, ADMINISTRATION, ARTICLE VI, RETIREMENT, DIVISION 2, VOLUNTEER FIREFIGHTER RETIREMENT SYSTEM AND TRUST FUND; AMENDING SECTION 2-549, SUPPLEMENTAL BENEFIT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Palm Coast Volunteer Firefighters are presently provided pension and certain other benefits under Ordinances of the City of Palm Coast; and

**WHEREAS**, in 2005 the City of Palm Coast adopted Ordinance 2005-08, which created the Volunteer Firefighter Retirement Trust Fund, which has been amended from time to time; and

**WHEREAS**, Ordinance 2015-02 and Ordinance 2015-10 of the City of Palm Coast amended Ordinance 2005-08 to include a Share Plan to those already retired and vested active members of the Volunteer Firefighters; and

**WHEREAS**, this amendment is necessary due to recent action by the membership to increase the frozen amount to \$200,000 beginning with the plan year ending September 30, 2017.

**NOW, THEREFORE, BE IT ENACTED BY THE CITY OF PALM COAST, FLORIDA;**

**SECTION 1. AMENDMENT TO SECTION 2-549, SUPPLEMENTAL BENEFIT**

Chapter 2, Administration, Article VI, Retirement, Division 2, Volunteer Firefighter Retirement System and Trust Fund, Section 2-549, Supplemental benefit, is hereby amended to read as follows:

\* \* \* \* \*

There is hereby established an additional supplemental retirement, termination, death and disability benefit to be paid in addition to the benefits provided for in the previous sections of this Ordinance, such benefit shall be funded solely and entirely by a portion of the existing

excess state premium tax reserve in the amount of 1,505,738 ("Reserve Amount"), and future premium tax revenues in excess of ~~the new 2013 base amounts of \$123,737.00 for the regular distribution and \$20,570.00 for the supplemental distribution~~ \$200,000, beginning with the plan year ending September 30, 2017; all of which represent premium tax monies received or to be received by the plan pursuant to Chapter 175, Florida Statutes.

\* \* \* \* \*

**SECTION 2. SEVERABILITY.** It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance.

**SECTION 3. CODIFICATION.** It is the intention of the City Council of the City of Palm Coast, Florida, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Palm Coast, Florida; that the Sections of this Ordinance may be renumbered or re-lettered to accomplish such intention; that the word, "Ordinance" may be changed to "Section," "Article," or other appropriate word.

**SECTION 4. CONFLICTS.** All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

**SECTION 5. EFFECTIVE DATE.** That this Ordinance shall become effective retroactively to September 30, 2017.

Approved on first reading this 7th day of November 2017.

Adopted on second reading after due public notice and hearing this 21st day of November 2017.

ATTEST:

**CITY OF PALM COAST, FLORIDA**

\_\_\_\_\_  
VIRGINIA A. SMITH, CITY CLERK

\_\_\_\_\_  
MILISSA HOLLAND, MAYOR

Approved as to form and legality

\_\_\_\_\_  
William Reischmann Jr. Esq.

# City of Palm Coast, Florida

## Agenda Item

Agenda Date: 11/7/2017

Department Item Key	Amount Account #
<p><b>Subject</b> ORDINANCE 2017-XX KINGS POINTE MULTI-FAMILY REZONING 11.33+/- ACRES FROM HIGH INTENSITY COMMERCIAL (COM-3) TO MULTI-FAMILY RESIDENTIAL (MFR-2), APPLICATION NO. 3421</p>	
<p><b>Background :</b></p> <p><b><u>UPDATE FROM THE NOVEMBER 7, 2017 BUSINESS MEETING.</u></b> This item was heard by City Council at their November 7, 2017 Business Meeting. There were no changes suggested to this item.</p> <p><b><u>ORIGINAL BACKGROUND FROM THE NOVEMBER 7, 2017 BUSINESS MEETING.</u></b> The subject property was previously the southerly 11.33+/- acres of a larger parcel comprising 32.45+/- acres. The parent parcel extended from the southern edge of the future Walmart site to the northern edge of the 37-acre Kings Pointe Commercial Subdivision. This parent parcel was legally split along the centerline of an 80-foot wide drainage easement into a 11.33+/- acre Tract 2 (subject property) and a 21.12+/- acre Tract 3 (part closest to the Walmart site) via a Development Agreement with the City Council in 2008 (see OR Book 1653 Page 56). This Development Agreement was created in order to restructure property boundaries south of Town Center Boulevard in order to realign Old Kings Road and have it widened to four lanes. The subject property along with the other properties along this segment of Old Kings Road are part of the Old Kings Road Special Assessment District that was created in this timeframe.</p> <p><u>Analysis:</u></p> <p>The Future Land Use Map (FLUM) designates the subject property as <i>Mixed Use</i> and both the existing High Intensity Commercial (COM-3) and the proposed Multi-Family Residential (MFR-2) are allowable zoning districts for areas designated <i>Mixed Use</i>. Numerous existing and planned commercial uses are within ½ mile of the subject site, including restaurants, a grocery, and gas stations. The proposed MFR-2 zoning will be compatible with these commercial uses and more distant residential uses. Allowing multi-family uses on this site will combat urban sprawl by having these commercial services in close proximity to the future residents. Additionally, these multi-family homes will allow a broader mix of housing types in Palm Coast for residents to choose from.</p> <p>Density in the Multi-Family Residential (MFR-2) Zoning District is calculated based on Table 3-3 and Section 3.05.03.A of the Land Development Code, which allow up to 12 units/per acre on upland areas and up to 3 units/per acre on wetland areas that are preserved. If all of the site was determined to be upland areas, a project could potentially have up to 136 residences. However based on site, marketing, financial, and other development constraints developers normally do not end up utilizing all of the available density.</p> <p><u>Planning and Land Development Regulation Board</u></p> <p>The Planning and Land Development Regulation Board (PLDRB) voted 6-0 to find the subject rezoning in compliance with the Comprehensive Plan and to forward it to the City Council with a recommendation of approval. Five residents who live about 1.5 miles to the north of the site spoke against the rezoning at the PLDRB.</p>	
<p><b>Recommended Action :</b></p> <p>Planning staff and the Planning and Land Development Regulation Board recommend approval to City Council to rezone 11.33+/- acres from High Intensity Commercial (COM-3) to Multi-Family Residential (MFR-2), for the Kings Pointe Multi-Family Rezoning, Application No. 3421.</p>	

**ORDINANCE NO. 2017-\_\_\_\_\_**  
**REZONING APPLICATION NO. 3421**  
**KINGS POINTE MULTI-FAMILY REZONING**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM COAST, FLORIDA, PROVIDING FOR THE AMENDMENT OF THE OFFICIAL ZONING MAP AS ESTABLISHED IN SECTION 2.06 OF THE CITY OF PALM COAST UNIFIED LAND DEVELOPMENT CODE; BY AMENDING THE OFFICIAL ZONING MAP FOR 11.33+/- ACRES OF CERTAIN REAL PROPERTY DESCRIBED AS PART OF TAX PARCEL IDENTIFICATION NUMBER 39-12-31-0000-01010-0056, GENERALLY LOCATED ON THE EAST SIDE OF OLD KINGS ROAD, APROXIMATELY 1/3 MILE NORTH OF SR 100 (MOODY BLVD.) AND MORE PARTICULARLY DESCRIBED IN THE ATTACHED EXHIBIT A, FROM HIGH INTENSITY COMMERCIAL (COM-3) ZONING DISTRICT TO MULTI-FAMILY RESIDENTIAL (MFR-2) ZONING DISTRICT; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of Palm Coast, as the governing body of the City, pursuant to the authority vested in Chapter 163 and Chapter 166, Florida Statutes and the City of Palm Coast Unified Land Development Code, is authorized and empowered to consider applications relating to zoning; and

**WHEREAS**, the notice and public hearing requirements, as provided for in Chapter 2 (Review Authority, Enforcement, and Procedures) of the City of Palm Coast Unified Land Development Code have been satisfied; and

**WHEREAS**, the City Council of the City of Palm Coast has considered the evidence and testimony presented by the applicant and other interested parties, the recommendations of the various City reviewing departments, and the recommendation of the Planning and Land Development Regulation Board (PLDRB); and

**WHEREAS**, the City Council has considered the findings in the staff report and the following findings of fact:

1. The rezoning is consistent with the purposes, goals, objectives, and policies of the City of Palm Coast Comprehensive Plan;
2. The rezoning is compatible as defined in the Unified Land Development Code and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for rezoning;
3. The rezoning will result in a logical, timely and orderly development pattern;
4. The staff report has demonstrated sufficient justification that there are changed circumstances, which would require the rezoning request.

NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE CITY OF PALM COAST, FLORIDA:

**SECTION 1. Legislative and Administrative Findings.** The above recitals (whereas clauses) are hereby adopted as the legislative and administrative findings of the City Council.

**SECTION 2. Official Zoning Map Amended.** The 11.33+/- acres of land, identified as part of tax parcel identification number 39-12-31-0000-01010-0056, located on the east side of Old Kings Road, approximately 1/3 mile north of SR 100 (Moody Boulevard), legally described in "Exhibit A" and as depicted in "Exhibit B", attached hereto, is hereby amended from the High Intensity Commercial (COM-3) Zoning District to Multi-Family Residential (MFR-2) Zoning District.

**SECTION 3. Severability.** It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Code are severable, and if any phrase, clause, sentence, paragraph or section of this Code shall be declared unconstitutional by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Code.

**SECTION 4. Conflicts.** All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed.

**SECTION 5. Effective Date.** This Ordinance shall become effective immediately upon its passage and adoption. [OR BECOME EFFECTIVE IMMEDIATELY UPON THE EFFECTIVE DATE OF ORDINANCE NO. \_\_\_\_ AS ADOPTED BY THE CITY COUNCIL OF THE CITY OF PALM COAST, FLORIDA, AND PURSUANT TO THE CITY CHARTER. IF ORDINANCE NO. \_\_\_\_ DOES NOT BECOME EFFECTIVE, THEN THIS ORDINANCE SHALL BECOME NULL AND VOID.]

Approved on first reading this \_\_\_\_ day of \_\_\_\_\_, 2017.

Adopted on the second reading after due public notice and hearing City of Palm Coast this \_\_\_\_ day of \_\_\_\_\_, 2017.

**CITY OF PALM COAST, FLORIDA**

ATTEST:

\_\_\_\_\_  
MILISSA HOLLAND, MAYOR

\_\_\_\_\_  
VIRGINIA SMITH, CITY CLERK

Attachments:

Exhibit "A" – Legal Description of property subject to Official Zoning Map amendment

Exhibit "B" – Revised Official Zoning Map

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**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

A PARCEL OF LAND LOCATED IN SECTION 39, FR'S PELLICER GRANT, TOWNSHIP 12 SOUTH, RANGE 31 EAST, FLAGLER COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
AS A POINT OF REFERENCE AND THE POINT OF BEGINNING COMMENCE AT THE NORTHWEST CORNER OF TRACT "B", KINGS POINT COMMERCIAL SUBDIVISION REPLAT AS RECORDED IN PLAT BOOK 37, PAGES 4 THROUGH 5, INCLUSIVE, SAID POINT BEING ON A CURVE CONCAVE NORTHEASTERLY AND TO THE LEFT, SAID CURVE HAVING A RADIUS OF 1860.08 FEET, A CENTRAL ANGLE OF 00 DEGREES 43 MINUTES 03 SECONDS, A CHORD LENGTH OF 23.29 FEET, A CHORD BEARING OF SOUTH 33 DEGREES 45 MINUTES 22 SECONDS EAST, THENCE ALONG THE WEST LINE OF SAID TRACT "B", KINGS POINT COMMERCIAL SUBDIVISION REPLAT AND THE ARC OF SAID CURVE FOR A DISTANCE OF 23.29 FEET; THENCE SOUTH 34 DEGREES 25 MINUTES 46 SECONDS WEST ALONG THE NORTHWEST LINE OF PARCEL DESCRIBED IN OFFICIAL RECORD BOOK 1830, PAGE 1194, PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA, FOR A DISTANCE OF 79.46 FEET TO THE EAST RIGHT OF WAY LINE OF OLD KINGS ROAD AS RECORDED IN OFFICIAL RECORDS BOOK 1667, PAGE 941, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA; THENCE ALONG THE EAST RIGHT OF WAY LINE OF SAID OLD KINGS ROAD ALONG A CURVE CONCAVE SOUTHWESTERLY AND TO THE LEFT, SAID CURVE HAVING A RADIUS OF 1450.00 FEE, A CENTRAL ANGLE OF 07°12'53", A CHORD BEARING OF NORTH 59 DEGREES 46 MINUTES 01 SECOND WEST, A CHORD LENGTH OF 182.47 FEET; THENCE ALONG THE ARC OF SAID CURVE FOR A DISTANCE OF 172.59 FEET TO THE POINT OF TANGENCY THEREOF; THENCE NORTH 63 DEGREES 22 MINUTES 28 SECONDS WEST ALONG SAID EAST RIGHT OF WAY LINE FOR A DISTANCE OF 46.15 FEET TO A CURVE CONCAVE NORTHEASTERLY AND TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 1350.00 FEET, A CENTRAL ANGLE OF 09 DEGREES 32 MINUTES 49 SECONDS, A CHORD LENGTH OF 224.69 FEET, A CHORD BEARING OF NORTH 58 DEGREES 36 MINUTES 03 SECONDS WEST; THENCE ALONG THE ARC OF SAID CURVE FOR A DISTANCE OF 224.95 FEET TO THE CENTERLINE OF AN 80 FOOT DRAINAGE EASEMENT AS RECORDED IN OFFICIAL RECORDS BOOK 551, PAGE 609; THENCE THE FOLLOWING COURSES AND DISTANCES:  
THENCE NORTH 70 DEGREES 25 MINUTES 14 SECONDS EAST, A DISTANCE OF 203.02 FEET;  
THENCE NORTH 67 DEGREES 06 MINUTES 22 SECONDS EAST, A DISTANCE OF 100.05 FEET;  
THENCE NORTH 53 DEGREES 46 MINUTES 22 SECONDS EAST, A DISTANCE OF 50.05 FEET;  
THENCE SOUTH 27 DEGREES 25 MINUTES 56 SECONDS EAST, A DISTANCE OF 6.95 FEET;  
THENCE SOUTH 38 DEGREES 47 MINUTES 49 SECONDS EAST, A DISTANCE OF 81.75 FEET;  
THENCE NORTH 88 DEGREES 03 MINUTES 03 SECONDS EAST, A DISTANCE OF 86.69 FEET;  
THENCE SOUTH 84 DEGREES 49 MINUTES 42 SECONDS EAST, A DISTANCE OF 99.96 FEET;  
THENCE NORTH 52 DEGREES 56 MINUTES 28 SECONDS EAST, A DISTANCE OF 140.60 FEET;  
THENCE SOUTH 38 DEGREES 47 MINUTES 49 SECONDS EAST, A DISTANCE OF 81.75 FEET;  
THENCE NORTH 33 DEGREES 16 MINUTES 58 SECONDS EAST, A DISTANCE OF 136.88 FEET;  
THENCE SOUTH 81 DEGREES 43 MINUTES 42 SECONDS EAST, A DISTANCE OF 111.79 FEET;  
THENCE SOUTH 41 DEGREES 09 MINUTES 52 SECONDS EAST, A DISTANCE OF 114.68 FEET;  
THENCE NORTH 30 DEGREES 41 MINUTES 18 SECONDS EAST, A DISTANCE OF 128.85 FEET;  
THENCE SOUTH 79 DEGREES 48 MINUTES 42 SECONDS EAST, A DISTANCE OF 77.16 FEET;  
THENCE SOUTH 06 DEGREES 54 MINUTES 43 SECONDS WEST, A DISTANCE OF 83.87 FEET;  
THENCE SOUTH 30 DEGREES 06 MINUTES 23 SECONDS WEST, A DISTANCE OF 95.79 FEET;  
THENCE SOUTH 18 DEGREES 34 MINUTES 47 SECONDS EAST, A DISTANCE OF 91.65 FEET;  
THENCE SOUTH 65 DEGREES 34 MINUTES 07 SECONDS EAST, A DISTANCE OF 157.70 FEET;  
THENCE SOUTH 26 DEGREES 35 MINUTES 32 SECONDS EAST, A DISTANCE OF 224.76 FEET TO THE NORTH LINE OF AFORESAID KING POINT COMMERCIAL SUBDIVISION REPLAT; THENCE SOUTH 87 DEGREES 48 MINUTES 45 SECONDS WEST ALONG SAID NORTH LINE FOR A DISTANCE OF 739.94 FEET; THENCE NORTH 38 DEGREES 07 MINUTES 38 SECONDS WEST FOR A DISTANCE OF 123.59 FEET; THENCE SOUTH 87 DEGREES 48 MINUTES 45 SECONDS WEST A DISTANCE OF 100.26 FEET; THENCE NORETH 02 DEGREES 10 MINUTES 55 SECONDS WEST A DISTANCE OF 38.00 FEET; THENCE SOUTH 87 DEGREES 48 MINUTES 45 SECONDS WEST A DISTANCE OF 50.00 FEET; THENCE SOUTH 02 DEGREES 10 MINUTES 55 SECONDS EAST A DISTANCE OF 38.00 FEET; THENCE SOUTH 87 DEGREES 48 MINUTES 45 SECONDS WEST A DISTANCE OF 212.41 FEET TO THE POINT OF BEGINNING.



# EXHIBIT "B" REVISED OFFICIAL ZONING MAP



## Proposed Zoning Map

### Parcels

- Subject Site Boundary
- Parcel Boundaries

### Zoning Districts

- MPD Post 11-16-08 Designation
- MPD Pre 11-16-08 Designation

### Proposed Zoning

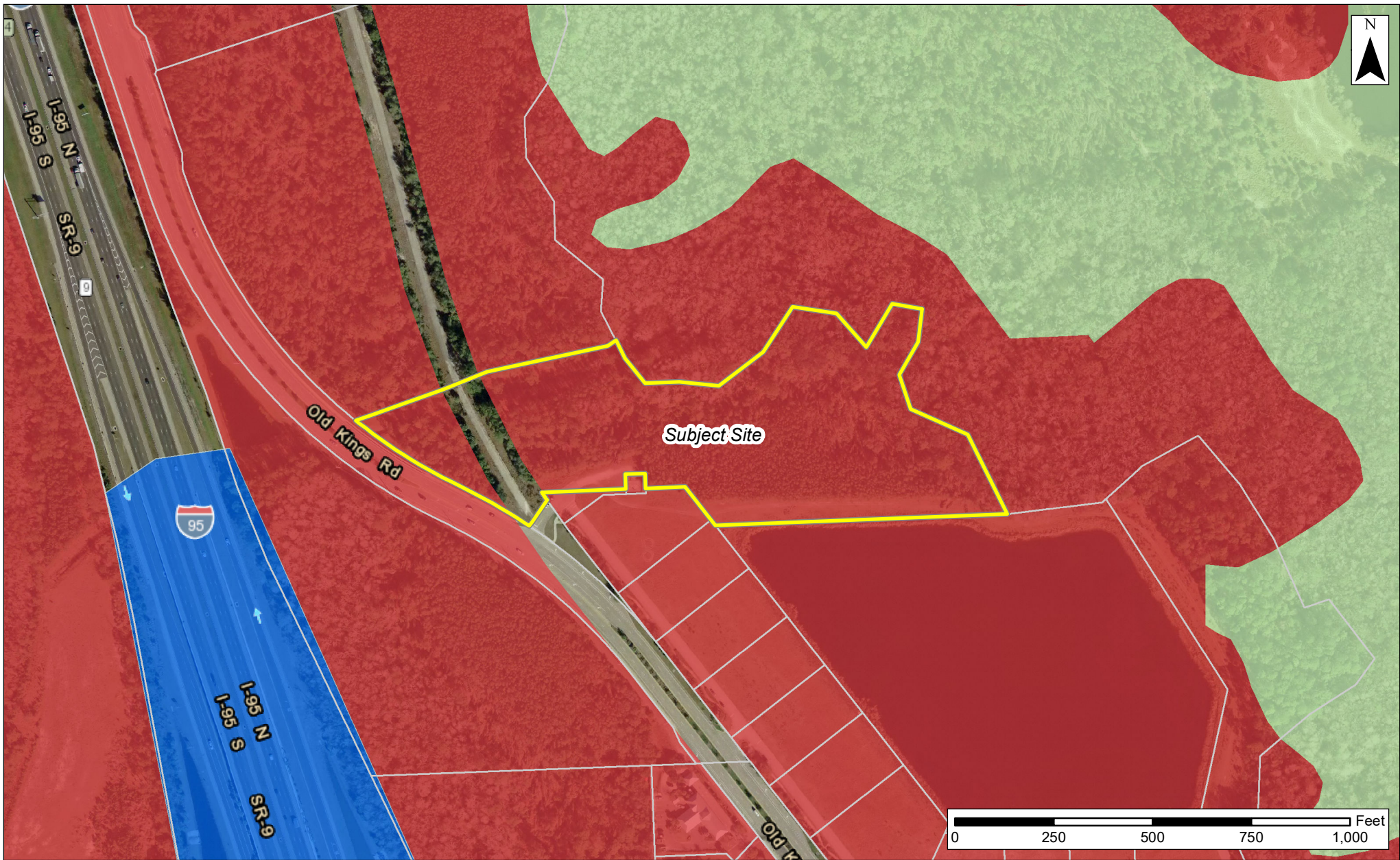
- COM-2
- COM-3
- MFR-2



**Map Provided by the GIS Division**  
Date: 10/6/2017



The City of Palm Coast prepares and uses this map/mapping data for its own purposes. This map/mapping data displays general boundaries and may not be appropriate for site specific uses. The City uses data believed to be accurate; however, a degree of error is inherent in all maps. This map/mapping data is distributed AS-IS without warranties of any kind, either expressed or implied including, but not limited to, warranties of suitability to a particular purpose or use. This map/mapping data is intended for use only at the published scale. Detailed on-the-ground surveys and historical analyses of sites may differ substantially from this map/mapping data.





### FLUM Classification Map

**Parcels**

-  Subject Site Boundary
-  Parcel Boundaries

**Palm Coast FLUM Classifications**

-  Conservation
-  Mixed Use
-  Institutional





**Map Provided by the GIS Division**  
**Date: 10/6/2017**

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### Large Scale Location Map

-  Subject Site Boundary
-  Parcel Boundaries



**Map Provided by the GIS Division**  
**Date: 10/6/2017**

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### Small Scale Location Map

- Subject Site Boundary
- Parcel Boundaries



**Map Provided by the GIS Division**  
**Date: 10/6/2017**

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# Faulkner & Associates

291 BYRD RD, CRESCENT CITY, FL 32112

October 3, 2017

CITY OF PALM COAST  
C/O BILL HOOVER  
160 LAKE AVENUE,  
PALM COAST, FL 32164

RE: Proposed Rezoning – KINGS POINTE MULTIFAMILY PARCEL  
Adjacent Property Owner Notification of Neighborhood Meeting

Dear Property Owner:

A Neighborhood Meeting to discuss the rezoning of southerly 11.43 acres of PARCEL # 39-12-31-0000-01010-0056, is scheduled for **OCTOBER 12, 2017, FROM 5:30 TILL 6:30 AT THE PALM COAST CITY HALL, WORKSHOP ROOM.**

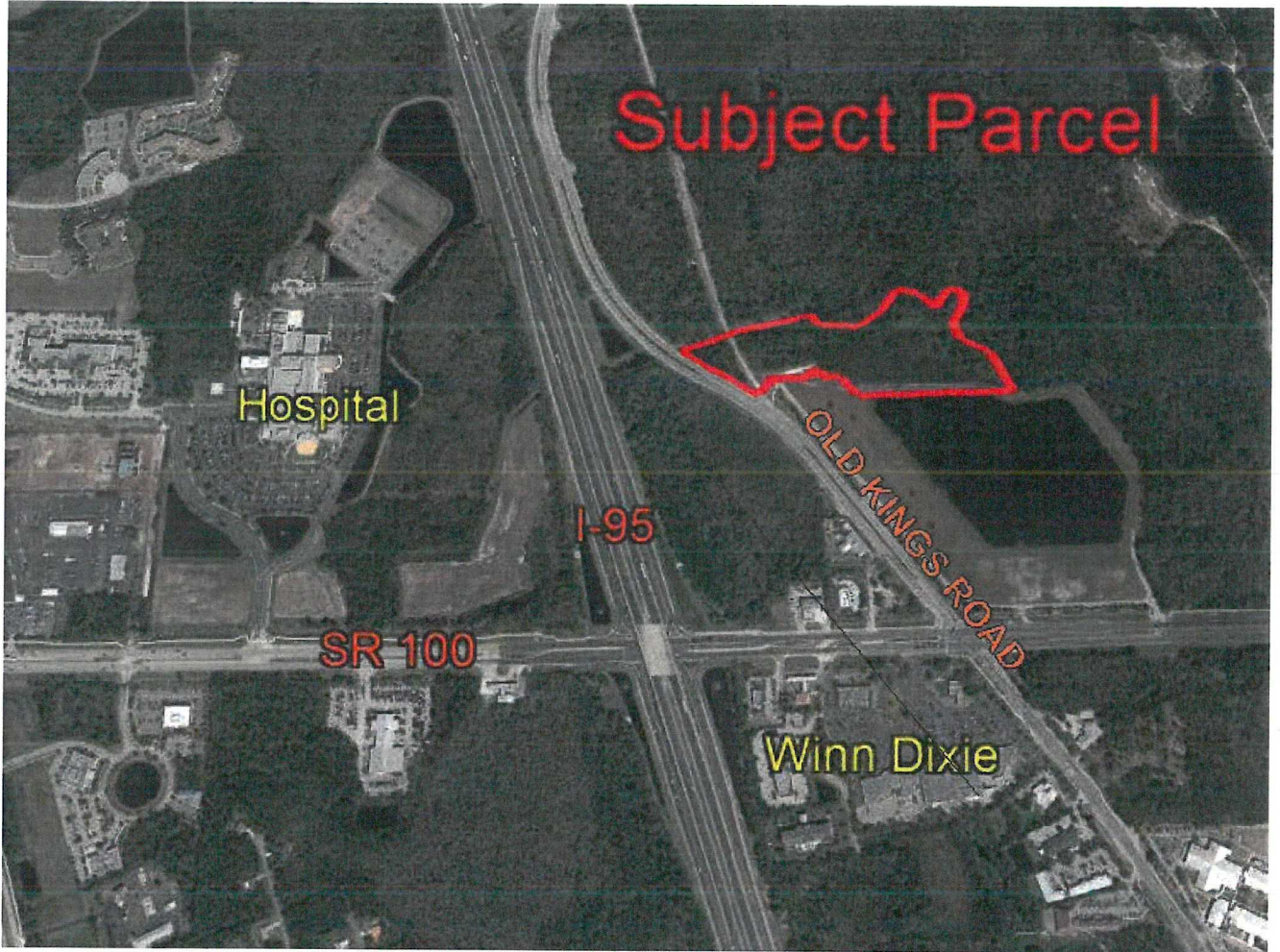
The proposal is to rezone the property from High Intensity Commercial (COM-3) to Multifamily (MFR-2) to facilitate adding a residential component to the Kings Pointe commercial subdivision located directly south of the subject property. A location map of the subject property is attached below for your reference.

If you have any questions, please contact me at 386-931-9147. We look forward to seeing you at the above referenced meeting.

Sincerely,

*Charlie Faulkner*

Charlie Faulkner  
FAULKNER & ASSOCIATES, President



# ATTACHMENT - G

CITY OF PALM COAST  
160 LAKE AVENUE  
PALM COAST, FL 32164

CITY OF PALM COAST  
160 LAKE AVENUE  
PALM COAST, FL 32164

FLAGLER PIONEER GROUP LLC  
C/O JUDITH GIBBS  
1425 OCEAN SHORE BLVD  
UNIT 901  
ORMOND BEACH, FL 32176

FLAGLER PIONEER GROUP LLC  
C/O JUDITH GIBBS  
1425 OCEAN SHORE BLVD  
UNIT 901  
ORMOND BEACH, FL 32176

HEARTWOOD 4 LLC  
401 EAST LAS OLAS BLVD STE 800  
FORT LAUDERDALE, FL 33301

KINGS POINT OFFICES LLC  
151 SOUTHHALL LANE  
STE 300  
MAITLAND, FL 32751

KINGS POINTE COMMERCIAL CENTER  
OWNERS ASSOCIATION INC  
35 CALLE DEL SUR  
PALM COAST, FL 32137

KINGS POINTE COMMERCIAL CENTER  
OWNERS ASSOCIATION INC  
35 CALLE DEL SUR  
PALM COAST, FL 32137

KINGS POINTE DEVELOPERS LLC  
C/O JUDITH GIBBS  
1425 OCEAN SHORE BLVD  
UNIT 901  
ORMOND BEACH, FL 32176

KINGS POINTE DEVELOPERS LLC  
C/O JUDITH GIBBS  
1425 OCEAN SHORE BLVD  
UNIT 901  
ORMOND BEACH, FL 32176



## Bill Hoover

---

**From:** cfaulkner8@cfl.rr.com  
**Sent:** Friday, October 13, 2017 3:51 PM  
**To:** Bill Hoover  
**Cc:** 'Jay Livingston'; Ray Tyner; Irene Schaefer  
**Subject:** Kings Pointe Multifamily Rezoning - Neighborhood Meeting  
**Attachments:** CITY Kings Pointe Multifamily Notification Letter.doc; Attachment G - Parcel Owners within 300'.pdf

Bill,

D. *Post-meeting*. The applicant shall provide the following materials with the submitted application:

1. A copy of the meeting notification. *Attached.*
2. A list of who was notified of the meeting. *Attached.*
3. A copy of all materials distributed at the meeting. *No one attended.*
4. A list of names and addresses of attendees as provided on sign-up sheets from the meeting. *No one attended.*
5. A summary of the issues raised by the attendees. *No one attended.*
6. A description of how the proposal addresses the issues that were raised at the meeting. *No one attended.*

Please advise if you need anything else from us.

Thanks!

Charlie

**Charlie Faulkner**  
**Faulkner & Associates**  
**386-931-9147**

**From:** Bill Hoover [mailto:BHoover@palmcoastgov.com]  
**Sent:** Thursday, September 28, 2017 9:12 AM  
**To:** cfaulkner8@cfl.rr.com  
**Cc:** Jay Livingston <jay.livingston314@gmail.com>; Ray Tyner <RTyner@palmcoastgov.com>; Irene Schaefer <ISchaefer@palmcoastgov.com>  
**Subject:** RE: Attachment G - Parcel Owners within 300' (002).pdf

Charlie,

Attached is our template for the notification of the two neighbors (you can exclude lands owned by the applicant). Also, be sure to include an aerial or location map. Note the letters should be sent first class mail and not certified. Let Irene know if you want her to help coordinate a meeting setup at the City's Community Wing. Below is the section from the LDC on the NIM.

- 2.05.02. *Neighborhood meeting requirements.*

A. *Meetings required*. Developers are required to hold a neighborhood meeting for the following application types:

1. Single-family and multifamily residential developments of 40 units or more, unless waived by the Land Use Administrator.



NOTIFICATION AFFIDAVIT FOR OFFICIAL ZONING MAP AMENDMENT (REZONING)

COUNTY OF FLAGLER X  
STATE OF FLORIDA X

Before me this 5<sup>th</sup> day of OCTOBER, 2017 personally appeared

CHARLIE FAULKNER who after providing FL DL# as identification and who did ~~did not~~ take an oath, and who being duly sworn, deposes and says as follows: "I have read and fully understand the provisions of this instrument".

Two (2) signs have been posted on the subject property subject to a rezoning as described with Application # 3421, on 9/30/2017.

At least fourteen (14) calendar days before the hearing date advertising the date, time, and location of the Planning & Land Development Regulation Board (PLDRB)  
OR

At least seven (7) days before the hearing date advertising the date, time, and location of the City Council hearing.

*[Signature]*  
Signature of Responsible Party

CHARLIE FAULKNER

Printed Name

291 BYRD RD, CRESCENT CITY, FL 32112

Mailing Address

*[Signature]*  
Signature of Person Taking Acknowledgement

Name of Acknowledger (Typed, Printed or Stamped)



SEAL



This document, once executed, must be returned to a Land Development Technician in the City of Palm Coast Community Development Department prior to the hearing date. Failure to provide document by that time will result in the application not being placed on the agenda for a public hearing.









## Existing Zoning Map

### Parcels

-  Subject Site Boundary
-  Parcel Boundaries

### Zoning Districts

- |   |                               |  |       |
|---|-------------------------------|--|-------|
|  | MPD Post 11-16-08 Designation |  | COM-2 |
|  | MPD Pre 11-16-08 Designation  |  | COM-3 |



**Map Provided by the GIS Division**



**Date: 10/6/2017**







## Proposed Zoning Map




### Parcels

-  Subject Site Boundary
-  Parcel Boundaries

### Zoning Districts

-  MPD Post 11-16-08 Designation
-  MPD Pre 11-16-08 Designation

### Proposed Zoning

-  COM-2
-  COM-3
-  MFR-2



**Map Provided by the GIS Division**

**Date: 10/6/2017**





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P. O. Box 755 ■ 1769 E. Moody Blvd. ■ Bldg. 2 ■ Bunnell, FL 32110  
Phone (386) 437-7526 ■ Fax (386) 437-7577  
[www.flaglerschools.com](http://www.flaglerschools.com)

October 6, 2017

**BOARD OF EDUCATION**

Trevor Tucker  
Chairman  
District 4

Flagler Pioneer Group, LLC  
Attn. Mr. Charles Faulkner  
291 Byrd Rd.  
Crescent City, FL 32112

Janet McDonald  
Vice Chairman  
District 2

Re: Old Kings Road – Tract 2  
Parcel # 39-12-31-0000-01010-0056

Dear Mr. Faulkner,

Dr. Maria P. Barbosa  
Board Member  
District 5

This is in response to the application for Development. Multiplier is as follows:

Elementary - .051 / Middle - .020 / High - .018

Acreage	Multi Family Homes	Projected Elementary Students	Projected Middle School Students	Projected High School Students
11.43	136	7	3	3

Andy Dance  
Board Member  
District 1

The ILA for Public School Facility Planning requires finding at the time of final plat and final plat approval. The proposed land use amendment is analyzed as a non-binding concurrency finding only.

Colleen Conklin  
Board Member  
District 3

Concurrency Service Area – 2

Attendance Zones	Capacity	Enrollment as of Oct. 2016
Old Kings Elementary School	1170	1218
Indian Trails Middle School	1663	959
Matanzas High School	1963	16.38
Belle Terre Elementary School	1539	1479

Student School Board Member  
Jessica Paige Middleton  
Flagler Palm Coast H.S.

We currently have school capacity at ITMS and MHS. We are over capacity at OKES. Therefore, we have added BTES as the adjacent elementary school. Please note this is school capacity not permanent capacity.

Student School Board Member  
Margaret Ann O'Mahoney  
Matanzas H.S.

Please continue to review the School District 5-Year Work Plan annually, completed in October of each year, to ascertain the status of proposed projects. Concurrency Mitigation may be necessary. In order to reserve capacity, reservation fees must be met.

Teacher of the Year  
Andrew Hutcheson  
Matanzas High School

If you have any further questions, please do not hesitate to contact me.

Sincerely,

Dave Freeman  
Director of Plant Services

Employee of the Year  
Brandon Seminara  
Flagler County Youth Center

cc: Mr. Ray Tyner & Mr. Jose Papa – COPC

James Tager  
Superintendent

Ms. Kristy Gavin – Flagler schools

DF:pb



**COMMUNITY DEVELOPMENT DEPARTMENT  
STAFF REPORT FOR APPLICATION #3421  
NOVEMBER 7, 2017**

**OVERVIEW**

---

**Application Number:** 3421

**Applicant:** Flagler Pioneer Group, LLC

**Property Description:** 11.33+/- acres of property located on the east side of Old Kings Road approximately 1/3 mile north of SR 100 (Moody Boulevard).

<b>Property Owners:</b>	Flagler Pioneer Group, LLC c/o Judith Gibbs
<b>Parcel ID #:</b>	Part of Parcel #39-12-31-0000-01010-0056
<b>Parcel Address:</b>	Not yet established
<b>Current FLUM designation:</b>	Mixed Use
<b>Current Zoning designation:</b>	High Intensity Commercial (COM-3)
<b>Current Use:</b>	Vacant
<b>Size of subject property:</b>	11.33+/- acres

**Requested Action:** Rezoning from High Intensity Commercial (COM-3) to Multi-Family Residential (MFR-2)

**Recommendation:** Approval

**ANALYSIS**

---

**REQUESTED ACTION**

Flagler Pioneer Group, LLC (as property owner) is proposing to rezone 11.33+/- acres of vacant land located on the east side of Old Kings Road, approximately 1/3 mile north of SR 100 (Moody Boulevard) from High Intensity Commercial (COM-3) to Multi-Family Residential (MFR-2).

**BACKGROUND/SITE HISTORY**

The subject property was previously the southerly 11.33+/- acres of a larger parcel comprising 32.45+/- acres. The parent parcel extended from the southern edge of the future Walmart site to the northern edge of the 37-acre Kings Pointe Commercial Subdivision. This parent parcel was legally split along the centerline of an 80-foot wide drainage easement into a 11.33+/- acre Tract 2 (subject property) and a 21.12+/- acre Tract 3 (part closest to the Walmart site) via a Development Agreement with the City Council in 2008 (see OR Book 1653 Page 56). This Development Agreement was created in order to restructure property boundaries south of Town Center Boulevard in order to realign Old Kings Road and have it widened to four lanes. The subject property along with the other properties along this segment of Old Kings Road are part of the Old Kings Road Special Assessment District that was created in this time frame.

## PROJECT DESCRIPTION

The property owner desires to rezone the 11.33+/- acre Tract 2 from High Intensity Commercial (COM-3) to Multi-Family Residential (MFR-2) and sell the portion being rezoned to a third party. The intended purchaser wants to develop a multi-family project on the site. This location on the north side of the 16-acre lake within the Kings Pointe Commercial Subdivision should provide many future residents with excellent lake views. An existing frontage road extends along all of the Kings Pointe Commercial lots and extends up to the southwest corner of the proposed multi-family site which will allow future residents to obtain some commercial services without even going onto the public roadway system.

## LAND USE AND ZONING INFORMATION

### USE SUMMARY TABLE:

CATEGORY:	EXISTING:	PROPOSED:
Future Land Use Map (FLUM)	Mixed Use	Mixed Use
Zoning District	High Intensity Commercial (COM-3)	Multi-Family Residential (MFR-2)
Overlay District	None	None
Use	Vacant land	Multi-family residences
Acreage	11.33+/- acres	11.33+/- acres

### SURROUNDING LAND USES:

NORTH:	FLUM:	Mixed Uses
	Zoning:	High Intensity Commercial (COM-3) and Master Planned Development (MPD)
SOUTH:	FLUM:	Mixed Uses
	Zoning:	High Intensity Commercial (COM-3)
EAST:	FLUM:	Mixed Uses
	Zoning:	Tuscany Village DRI/PUD (for mixed uses)
WEST:	FLUM:	Mixed Uses
	Zoning:	High Intensity Commercial (COM-3)

### SITE DEVELOPMENT REQUIREMENTS (Previous Standards Versus Proposed Standards)

Criteria	(Previous Standards for COM-3)	(Proposed Standards for MFR-2)
Min. Lot/Development Size	30,000 sq. ft.	4 acres
Min. Lot Width	100 ft.	100 ft.
Max. Impervious Surface Ratio	0.70	0.70
Min. Front Setback	25 ft.	25 ft.
Min. Rear Setback	10 ft.	20 ft.
Min. Interior Side Setback	10 ft.	10 ft.
Max. Building Height	75 ft.	60 ft.
Max. Floor Area Ratio	0.50	NA
Max. Density*	NA	up to 12 units/per acre*

Density in the Multi-Family Residential (MFR-2) Zoning District is calculated based on Table 3-3 and Section 3.05.03.A of the Land Development Code, which allow up to 12 units/per acre on upland areas and up to 3 units/per acre on wetland areas that are preserved. If all of the site was determined to be upland areas, a project could potentially have up to 136 residences. However based on site, marketing, financial, and other development constraints developers normally do not end up utilizing all of the available density.

#### **ANALYSIS BASED ON UNIFIED LAND DEVELOPMENT CODE, CHAPTER 2, SECTION 2.05.05**

The Unified Land Development Code, Chapter 2, Part II, Section 2.05.05 states: *When reviewing a development order application, the approval authority shall determine whether sufficient factual data was presented in order to render a decision. The decision to issue a development order shall be based upon the following, including but not limited to:*

*A. The proposed development must not be in conflict with or contrary to the public interest;*

**Staff Finding:** The proposed project with MFR-2 zoning is an allowed zoning district in areas designated *Mixed Uses* on the Future Land Use Map (FLUM) and will be compatible with the variety of other uses currently allowed within proximity to the site.

*B. The proposed development must be consistent with the Comprehensive Plan and the provisions of this LDC;*

**Staff Finding:** The request is consistent with the following policies and goal of the Comprehensive Plan:

- **Chapter 1 Future Land Use Element:**

*-Policy 1.1.1.2 – The future land use designations shall permit the zoning districts listed and generally described in the following table.*

The FLUM designates the subject property as *Mixed Use* and Multi-Family Residential (MFR-2) is an allowable zoning district for areas with the *Mixed Use* designation on this FLUM table. However, numerous zoning districts are allowed in the *Mixed Use* area, such as High Intensity Commercial (COM-3) and Light Industrial (IND-1), so the proposed zoning must also be compatible with surrounding and neighboring land uses. In this case, the proposed MFR-2 zoning will be compatible with the existing and planned commercial uses in this area.

*-Goal 1.1 – Preserve the character of residential communities, prevent urban sprawl and protect open space and environmental resources, while providing a mix of land uses, housing types, services, and job opportunities in mixed use centers and corridors.*

Numerous existing and planned commercial uses are within ½ mile of the subject site, including restaurants, a grocery, and gas stations. Allowing multi-family uses on this site will combat urban sprawl by having these commercial services in close proximity to the future residents. Additionally, these multi-family homes will allow a broader mix of housing types in Palm Coast where a preponderance of available homes are single-family. Multi-family land uses compared to single-family home sites, also allow an increased opportunity for preserving open space and protecting environmentally sensitive areas.

*-Policy 1.1.4.5 – Land use patterns will be required to be efficient and not disproportionately increase the cost of providing and maintaining public facilities, as well as providing housing and transportation strategies that will foster energy conservation.*

The proposed MFR-2 zoning would provide the opportunity for vehicular energy efficiency by having a significant number of homes on a medium-sized tract in close proximity to numerous commercial services. Additionally, multi-family homes with fewer exterior walls than detached single-family homes would be more energy efficient.

*C. The proposed development must not impose a significant financial liability or hardship for the City;*

**Staff Finding:** Water and sewer services are available to serve the project. Old Kings Road near the proposed project has already been widened to four lanes and has plenty of available capacity.

*D. The proposed development must not create an unreasonable hazard, or nuisance, or constitute a threat to the general health, welfare, or safety of the City's inhabitants;*

**Staff Finding:** The proposed rezoning will be compatible with the overall neighborhood as it is located within a *Mixed Use* designation on the FLUM where a variety of land uses are allowed.

*E. The proposed development must comply with all other applicable local, state and federal laws, statutes, ordinances, regulations, or codes.*

**Staff Finding:** The subject property will be required to comply with the City's Land Development Code, Comprehensive Plan, and the requirements of all other applicable agencies throughout the development process.

### **ANALYSIS BASED ON UNIFIED LAND DEVELOPMENT CODE, CHAPTER 2, SECTION 2.06.03**

The Unified Land Development Code, Chapter 2, Part II, Sec. 2.06.03 states: "*The Planning and Land Development Regulation Board and City Council shall consider the following criteria, in addition to the findings listed in Subsection 2.05.05, when reviewing a rezoning application*":

*A. Whether it is consistent with all adopted elements of the Comprehensive Plan and whether it furthers the goals and objectives of the Comprehensive Plan;*

**Staff Finding:** As noted previously in the analysis prepared for LDC Chapter 2, Part II, Section 2.05.05 of this staff report, the requested rezoning is in conformance with the Comprehensive Plan elements, and their goals, objectives and policies.

*B. Its impact upon the environment and natural resources;*

**Staff Finding:** Upon submittal of a site plan a thorough environmental analysis will be provided by the applicant and reviewed by applicable City staff and other review agencies. The majority of the site does appear to be uplands and the centerline of an 80' wide drainage easement is located along the northerly border of the site.

*C. Its impact on the economy of any affected area;*

**Staff Finding:** Impacts to the Palm Coast economy are anticipated to be positive since the project will provide numerous construction jobs over the first few years and will provide additional tax revenues to the City. Additionally, the residential homes will increase demand for commercial services in close proximity to the site.

*D. Its impact upon necessary governmental services such as schools, sewage disposal, potable water, drainage, fire and police protection, solid waste, or transportation;*

**Staff Finding:** The impact on the necessary governmental services including: wastewater, potable water, drainage, fire and police protection, solid waste and transportation systems will be covered by concurrency regulations and impact fees paid by the developer during the site plan process. The site is part of the Old Kings Road Special Assessment District which has covered the cost for Phase 1 of the Old Kings Road widening to four lanes from SR 100 to Town Center Boulevard and provides some transportation concurrency vesting for the proposed project.

E. *Any changes in circumstances or conditions affecting the area;*

**Staff Finding:** The Kings Pointe Commercial Subdivision has struggled over the last eight years primarily due to the major economic downturn. However, in September 2017, two of the lots were put under purchase contract and a site plan has been submitted to the City for a new RaceTrac convenience store with gas pumps. The proposed multi-family uses on the north end of this commercial center should encourage additional development on the remaining commercial lots.

F. *Compatibility with proximate uses and development patterns, including impacts to the health, safety, and welfare of surrounding residents;*

**Staff Finding:** As previously described the proposed rezoning of the 11.33+/- acres to MFR-2 will be compatible with the existing and planned commercial uses in the overall neighborhood. No negative impacts should be created by the proposed project.

G. *Whether it accomplishes a legitimate public purpose:*

**Staff Finding:** The subject property is located within the *Mixed Use* designation on the FLUM and the *Mixed Use* designation allows for the potential of having Multi-Family Residential (MFR-2) zoning. Staff believes the site is conducive for the proposed residential community and will encourage commercial development on the vacant commercial lots in the Kings Pointe Commercial Subdivision.

## PUBLIC PARTICIPATION

Unified Land Development Code Chapter 2, Part II, Section 2.05.02 requires developers or property owners who are requesting to rezone property within the City to notify neighboring property owners within 300 feet of the subject property boundaries and hold a neighborhood meeting.

To comply with this standard, the developer notified the neighboring property owners via standard USPS mail on October 3, 2017, of an upcoming neighborhood meeting to be held on October 12, 2017 at 5:30 P.M. in the Council Workshop Room of City Hall. No one from the public attended this meeting.

The developer erected two City provided signs on the subject property on September 30, 2017, notifying the general public of the upcoming public hearing for the Planning and Land Development Regulation Board on October 18, 2017 and City Council meetings expected to be on November 7, 2017 and November 21, 2017. After the storm over the September 30<sup>th</sup>/October 1<sup>st</sup> weekend, Planning staff checked and re-erected the signs after noticing the wind had blown them down. City staff has received no correspondence from the public supporting or objecting to this rezoning application but staff has received two phone calls from residents living in or nearby the Hidden Lakes Subdivision requesting additional information on the project and invited them to the PLDRB.

Five residents living in or nearby Hidden Lakes Subdivision spoke against the rezoning at the PLDRB primarily citing concerns with transportation issues, concern with the types of residential units that might be developed, and the lack of available details at this time.

## PLANNING AND LAND DEVELOPMENT REGULATION BOARD (PLDRB) ACTION

The PLDRB voted unanimously (6 – 0) to find the rezoning in compliance with the Comprehensive Plan and recommend that City Council approve the rezoning of the property from High Intensity Commercial (COM-3) to Multi-Family Residential (MFR-2) at its October 18, 2017 public hearing.

## RECOMMENDATION

Planning staff and the Planning and Land Development Regulation Board recommend approval to City Council to rezone 11.33+/- acres from High Intensity Commercial (COM-3) to Multi-Family Residential (MFR-2) for the North Pointe Multi-Family rezoning, Application No. 3421.

# City of Palm Coast, Florida

## Agenda Item

Agenda Date: November 21, 2017

<b>Department</b> PLANNING <b>Item Key</b>	<b>Amount</b> <b>Account</b> <b>#</b>
<b>Subject</b> ORDINANCE 2017-XX A COMPREHENSIVE PLAN AMENDMENT FOR 145+/- ACRES FROM GREENBELT, INDUSTRIAL, AND CONSERVATION TO RESIDENTIAL, INDUSTRIAL, AND CONSERVATION AND A POLICY TO LIMIT DEVELOPMENT	
<p><b>Background :</b> <b>UPDATE TO THE SEPTEMBER 5, 2017 BUSINESS MEETING</b> After first reading at the September 5, 2017 Business Meeting, the Comprehensive Plan Amendment was sent to the State Land Planning Agency (Department of Economic Opportunity) as well as the following state agencies for review and comment:</p> <p>St. Johns River Water Management District, Department of Transportation, Department of Environmental Protection, Northeast Florida Regional Council, Department of State (Historical Preservation Office).</p> <p>The state agencies provided no comments on the proposed Comprehensive Plan Amendment.</p> <p><b>UPDATE TO THE MARCH 7, 2017 BUSINESS MEETING</b> This item was heard by City Council at their March 7, 2017 Business Meeting. City Council tabled this item in order for the applicant to revise their development proposal.</p> <p>The applicant has not proposed any additional entitlement (i.e. # of units or total square footage) to the Future Land Use Map application. However, the applicant has amended the companion application for a Conceptual Master Plan to include a 134 unit single-family subdivision with a 25' buffer, and clustering of the multi-family units (214 units) adjacent to the commercial development.</p> <p>Staff has reviewed the updated Conceptual Master Plan and concludes that there are no changes necessary to the proposed Comprehensive Plan Amendment to accommodate the updated Conceptual Master Plan. Staff analysis and findings for the proposed Comprehensive Plan amendment remain unchanged.</p> <p><b>ORIGINAL BACKGROUND FROM MARCH 7, 2017 BUSINESS MEETING</b> The proposed comprehensive plan amendment is for a 145+/- acre parcel generally located east of US-1 and south of Belle Terre Blvd. The current FLUM designation for the subject parcel is Greenbelt, Industrial, and Conservation with zoning designations of High Intensity, Commercial (COM-3), Light Industrial (IND-1), and Suburban Estate-1 (EST-1).</p> <p>The proposed amendment generally consists of a proposal to change the Future Land Use Map (FLUM) designation of approximately 90 acres on the subject site from Greenbelt to Residential and Industrial. The amendment will also include the delineation of a Conservation area to follow more closely the environmental features of the site as well as the addition of a footnote on the FLUM to limit residential development to 348 dwelling units and non-residential development to 350,000 sq. ft.</p> <p>In addition to the proposed FLUM amendment, there is a companion rezoning for the subject parcel.</p>	



### Public Facilities Impact

The impact on public facilities is calculated by comparing the maximum development potential under the current FLUM designation and the proposed FLUM designation. The analysis shows that net impact analysis of the FLUM amendment will increase the potential dwelling units (from 90 to 348), along with a decrease in non-residential development (from a potential of over 2,000,000 sq. ft. to 350,000 sq. ft.). The change in development potential results in a decrease in peak hour trips, the demand for water and sewer services, and an increase in solid waste generation, and the demand on recreational facilities and schools. The increase in demand on certain public facilities is due to the increase in potential number of dwelling units which may be developed on the property. There are currently adequate infrastructure facilities to accommodate the additional impact.

### Environmental Assessment

There is no significant environmental impact anticipated from the proposed FLUM amendment. The site is not within a Special Flood Hazard Area (SFHA). The amendment will continue to preserve a 13+/- acre Conservation area. The site is fragmented from larger wildlife corridors by US-1 and the existing residential land uses and, therefore, will not impact any listed species. The subject parcel is not within an aquifer recharge area but is within a wellhead protection zone (any development will be subject to the wellhead protection zone regulations in the LDC). Finally, no impacts on historical or archaeological resources are anticipated.

### Land Use Compatibility

The proposed FLUM amendment is consistent with the uses in the proximate area and the development patterns along US-1. The proposed expansion of the Industrial land use designation along US-1 is consistent with the designation for properties to the west and south of the site. Additionally, the proposed Residential designation is consistent with the designation of properties to the north and east.

### Consistency with Comprehensive Plan

The proposed amendment is consistent with Comprehensive Plan policies regarding the following:

- the proposed amendment creates a balance of jobs and housing by accommodating both residential and non-residential uses;
- providing opportunities to diversify the City's housing supply; and
- intensifying uses only where infrastructure has sufficient capacity to accommodate additional development.

### **Planning and Land Development Regulation Board Action**

The application was presented and heard by the Planning and Land Development Regulation Board (PLDRB) on Dec. 21, 2016 and January 18, 2017. At the January 18, 2017 meeting, the PLDRB voted to recommend approval of the proposed Comprehensive Plan amendment.

### **Recommended Action :**

Staff recommends approval.

**ORDINANCE NO. 2017-\_\_\_\_\_**  
**PALM COAST 145, LLC, COMPREHENSIVE PLAN AMENDMENT**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM COAST, FLORIDA, PROVIDING FOR THE AMENDMENT OF THE CITY OF PALM COAST 2035 COMPREHENSIVE PLAN, AS PREVIOUSLY AMENDED, PURSUANT TO SECTION 163, FLORIDA STATUTES; AMENDING THE FUTURE LAND USE MAP (FLUM) DESIGNATION FOR 145+/- ACRES OF CERTAIN REAL PROPERTY FROM INDUSTRIAL, GREENBELT, AND CONSERVATION TO INDUSTRIAL, RESIDENTIAL, AND CONSERVATION AS DESCRIBED IN MORE DETAIL IN THE LEGAL DESCRIPTION WHICH IS AN EXHIBIT TO THIS ORDINANCE; INCLUDING A NOTE ON THE FUTURE LAND USE MAP TO LIMIT DEVELOPMENT ON THE SUBJECT PARCEL TO 348 DWELLING UNITS AND 350,000 SQ. FT. OF NON-RESIDENTIAL; PROVIDING FOR CONFLICTS, RATIFICATION OF PRIOR ACTS, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE**

**WHEREAS**, the City Council of the City of Palm Coast enacted Ordinance 2010-07, adopting the *City of Palm Coast 2035 Comprehensive Plan* which includes the City of Palm Coast Future Land Use Map (FLUM), which Plan and FLUM have been amended from time-to-time; and

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

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

**WHEREAS**, the City of Palm Coast is desirous of amending the future land use designation of property located within the City from Industrial, Greenbelt, and Conservation to Industrial, Residential, and Conservation; and

**WHEREAS**, the proposed future land use map amendment includes a note on the Future Land Use Map to limit residential development within the subject property to 348 dwelling units and 350,000 sq. ft. of non-residential; and

**WHEREAS**, the City of Palm Coast Planning and Land Development Regulation Board (PLDRB) acting as the City's Local Planning Agency, considered the proposed map amendments at a public hearing on December 21, 2016 and January 18, 2017 and voted to recommend approval of the proposed Comprehensive Plan Amendment; and

**WHEREAS**, on February 21, 2017 and September 5, 2017 the City of Palm Coast City Council held public hearings on this Comprehensive Plan amendment after due public notice and upon thorough and complete consideration and deliberation, adopted the proposed Comprehensive Plan amendment; and

**WHEREAS**, the Comprehensive Plan amendments adopted by this Ordinance complies with the requirements of the Community Planning Act, the State Comprehensive Plan as set forth in Chapter 187, Florida Statutes, as well as other applicable law, and is consistent with the goals, objectives, and policies and the overall land use plan of the City's *Comprehensive Plan*; and

**WHEREAS**, the City Council of the City of Palm Coast hereby reaffirms its commitment to the goal of enacting and implementing sound growth management practices within the City; and

**WHEREAS**, the City Council of the City of Palm Coast finds that this Ordinance is in the best interests of the health, safety, and welfare of the citizens of Palm Coast.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF PALM COAST, FLORIDA, THAT THE FUTURE LAND USE MAP IS AMENDED AS FOLLOWS:**

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

The above recitals (whereas clauses) are hereby adopted as the legislative and administrative findings of the City Council of the City of Palm Coast.

**SECTION 2. FUTURE LAND USE MAP AMENDED.**

The 145+/- acres subject area, generally located south of Belle Terre Blvd. and east of US-1, as depicted and legally described in "Exhibit A", attached hereto, is hereby amended from Industrial, Greenbelt, & Conservation to Industrial, Residential, & Conservation including a note on the FLUM limiting the subject property to 348 dwelling units and 350,000 sq. ft. as depicted in "Exhibit B".

**SECTION 3. CONFLICTS.**

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SECTION 4. CODIFICATION.**

It is the intention of the City Council of the City of Palm Coast, Florida, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinance of the City of Palm Coast, Florida; that the Sections of this

Ordinance may be renumbered or re-lettered to accomplish such intention; that the word, “Ordinance” may be changed to Section,” “Article,” or other appropriate word.

**SECTION 5. SEVERABILITY.**

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Resolution are severable, and if any phrase, clause, sentence, paragraph or section of this Resolution shall be declared unconstitutional by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Resolution.

**SECTION 6. EFFECTIVE DATE.**

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

**APPROVED** on first reading after due public notice and hearing the 5th day of September 2017.

**ADOPTED** on second reading after due public notice and hearing the 21st day of November, 2017.

*ATTEST:*

**CITY OF PALM COAST, FLORIDA**

\_\_\_\_\_  
Virginia A. Smith, City Clerk

\_\_\_\_\_  
Milissa Holland, Mayor



Exhibit A – Legal Description – Continued

LEGAL DESCRIPTION

LEGAL TAKEN FROM DEED, FLAGLER COUNTY PUBLIC RECORDS DEED BOOK 2030 PAGE 1229

A PARCEL OF LAND LYING EAST OF U.S. HIGHWAY NO. 1, WITHIN GOVERNMENT SECTION 25, TOWNSHIP 12 SOUTH, RANGE 30 EAST, FLAGLER COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A POINT OF REFERENCE BEING THE SOUTHEAST CORNER OF SAID SECTION 25; THENCE NORTH 01°49'04" WEST ALONG THE EAST LINE OF SECTION 25 A DISTANCE OF 703.34 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE NORTH 54°32'08" WEST ALONG THE EAST RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 1 A DISTANCE OF 3282.01 FEET TO A POINT OF CURVATURE ; THENCE 782.12 FEET ALONG THE ARC OF A CURVE TO THE RIGHT (CONCAVE NORTHEASTERLY) HAVING A CENTRAL ANGLE OF 24°01'04", A RADIUS OF 1818.08 FEET, A CHORD BEARING OF NORTH 42°31'34" WEST AND A CHORD DISTANCE OF 758.55 FEET TO A POINT OF TANGENCY; THENCE NORTH 30°31'02" WEST A DISTANCE OF 733.55 FEET; THENCE DEPARTING U.S. HIGHWAY NO. 1 NORTH 88°39'42" EAST ALONG THE BOUNDARY OF THE PLAT KANKAKEE RUN SECTION 65 PALM COAST, MAP BOOK 17, PAGES 56 THROUGH 67, INCLUSIVE, A DISTANCE OF 2832.30 FEET; THENCE CONTINUING ALONG SAID BOUNDARY NORTH 01°01'39" WEST A DISTANCE OF 848.45 FEET; THENCE NORTH 88°39'42" EAST A DISTANCE OF 880.52 FEET; THENCE SOUTH 01°01'39" EAST A DISTANCE OF 3232.24 FEET; THENCE SOUTH 01°49'04" EAST ALONG SAID BOUNDARY OF SECTION 65 A DISTANCE OF 590.22 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT THE FOLLOWING PARCEL:

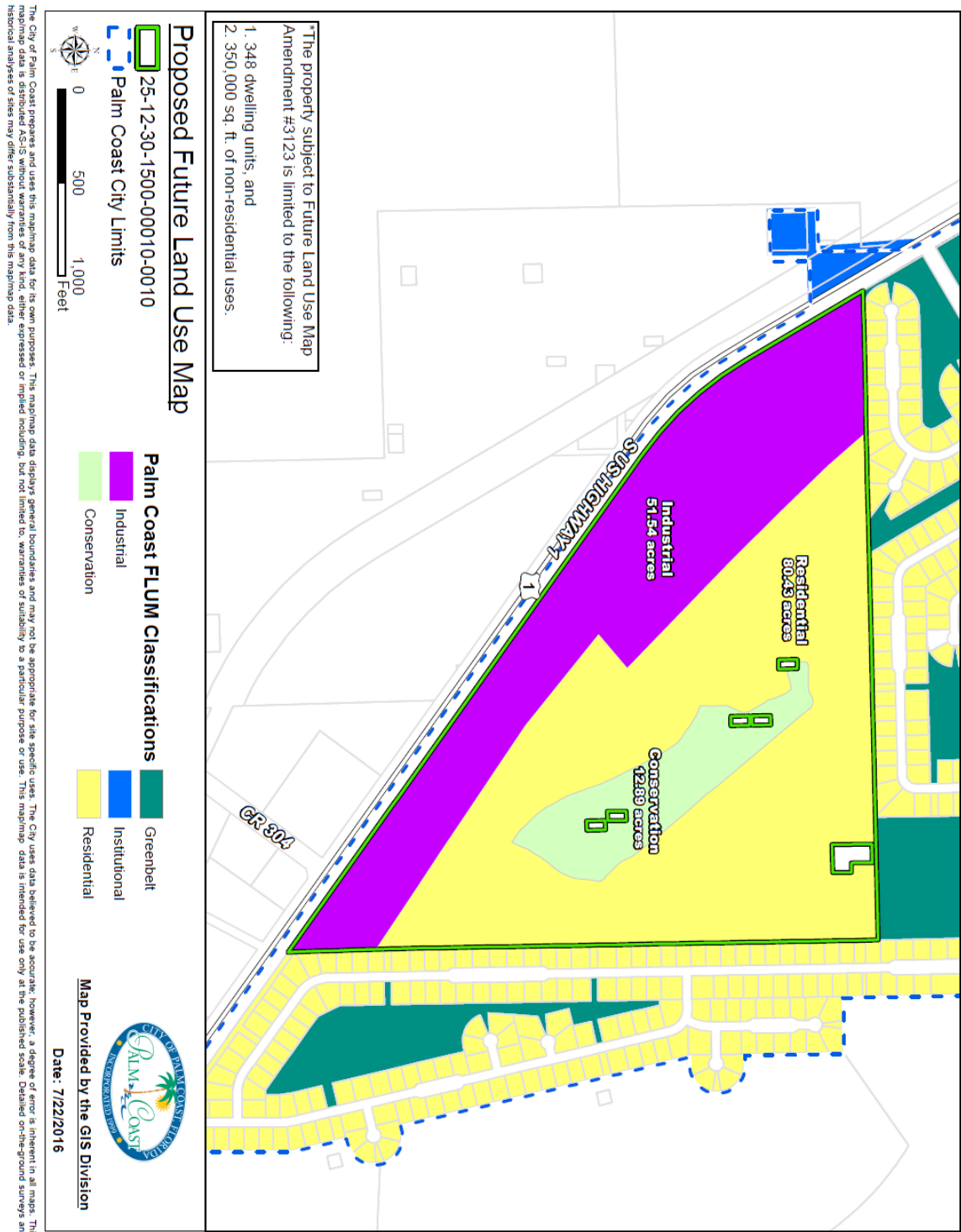
TRACTS 15 AND 16, BLOCK A, IN SECTION 25, TOWNSHIP 12 SOUTH, RANGE 30 EAST, OF BUNNELL DEVELOPMENT COMPANY'S LAND AT BUNNELL, FLORIDA, ACCORDING TO THE PLAT RECORDED IN MAP BOOK 1, PAGE 1, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA.

LESS AND EXCEPT THE FOLLOWING PARCELS:

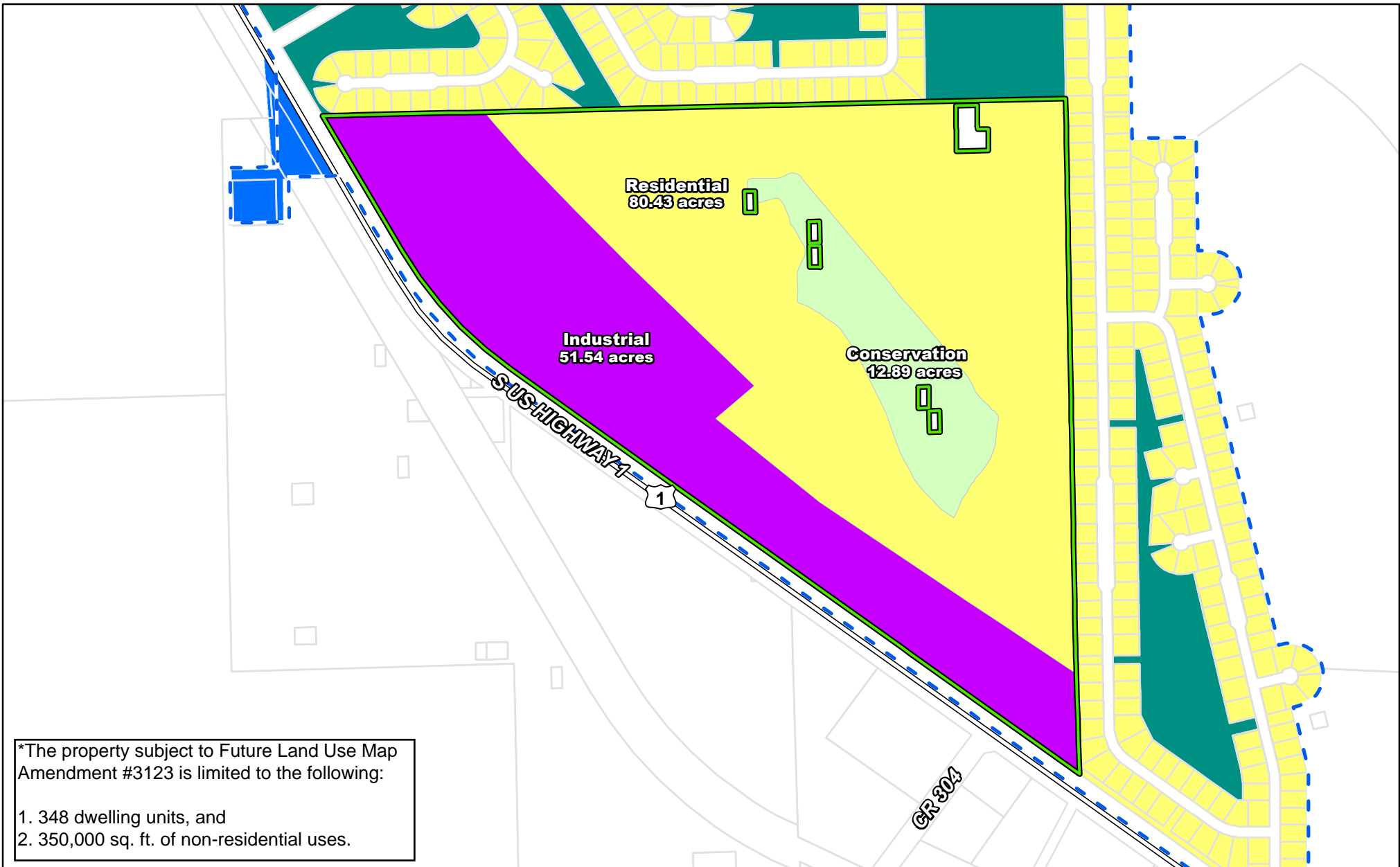
LOTS 5, 6, 7, 8 AND 9, BLOCK 2; LOT 8, BLOCK 20; LOTS 5 AND 7, BLOCK 28, AND LOTS 3 AND 11, BLOCK 70, ALL IN PLAT OF DUPONT, ACCORDING TO THE PLAT RECORDED IN MAP BOOK 1, PAGE 9, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA.

PARCEL ID: 25-12-30-1500-00010-0010

# EXHIBIT B AMENDED FUTURE LAND USE MAP







\*The property subject to Future Land Use Map Amendment #3123 is limited to the following:

1. 348 dwelling units, and
2. 350,000 sq. ft. of non-residential uses.

### Proposed Future Land Use Map

25-12-30-1500-00010-0010

Palm Coast City Limits



#### Palm Coast FLUM Classifications

Industrial  
 Conservation

Greenbelt  
 Institutional  
 Residential





Map Provided by the GIS Division

Date: 7/22/2016






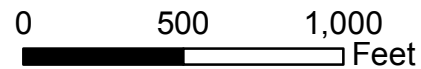


### Future Land Use Map

-  25-12-30-1500-00010-0010
-  Palm Coast City Limits

### Palm Coast FLUM

-  Conservation
-  Greenbelt
-  Industrial



2014 FDOT Imagery



Map Provided by the GIS Division

Date: 6/16/2016

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# Zoning Map

25-12-30-1500-00010-0010  
 Palm Coast City Limits

## Palm Coast Zoning

- COM-3
- EST-1
- IND-1



0 500 1,000 Feet

2014 FDOT Imagery



Map Provided by the GIS Division

Date: 6/16/2016

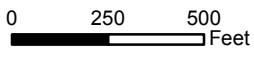
The City of Palm Coast prepares and uses this map/map data for its own purposes. This map/map data displays general boundaries and may not be appropriate for site specific uses. The City uses data believed to be accurate; however, a degree of error is inherent in all maps. This map/map data is distributed AS-IS without warranties of any kind, either expressed or implied including, but not limited to, warranties of suitability to a particular purpose or use. This map/map data is intended for use only at the published scale. Detailed on-the-ground surveys and historical analyses of sites may differ substantially from this map/map data.





Parcel Limits - 144.86 acres

Image Source: ESRI 2013  
Date: 4-24-16



### Aerial Map Palm Coast 145 Flagler County, Florida



WWW.ATLANTICECO.COM  
904-347-9133 | jody@atlanticeco.com  
217 Gallicia Ave | St. Augustine, FL 32086





**COMMUNITY DEVELOPMENT DEPARTMENT  
STAFF REPORT  
November 13, 2017**

**OVERVIEW**

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**Case Number:** 3123

**Applicant:** Beebe & Associates Inc. for Palm Coast 145, LLC

**Size of subject property:** Approximately 145+/- acres

**Property Description/Location:** An approximately 145 acre parcel located east of US-1 approximately 500' south of Belle Terre Blvd. The property has approximately one (1) mile of frontage along US-1.

**Property Owner:** Palm Coast 145, LLC

**Real Estate ID #:** 25-12-30-1500-00010-0010

**Current FLUM Designation:** Industrial (+/- 43 acres), Greenbelt (+/- 90 acres), and Conservation (+/- 13 acres)

**Current Zoning Designation:** High Intensity Commercial (COM-3), Light Industrial (IND-1), and Residential Estate-1 (EST-1)

**Current Use:** Vacant, the property includes a City drainage easement that runs across the property.

**Requested Action:** Large-scale Future Land Use Map (FLUM) amendment that will mainly change 90 acres of Greenbelt to 81 acres of residential and 9 acres of Industrial. The amendment will also reconfigure a Conservation area to more closely follow the environmental features of the site. Additionally, the applicant proposes to include a note on future land use map to limit development on the properties to 348 dwelling units and 350,000 sq. ft. of non-residential use.

There is a companion zoning map amendment that will change the zoning on the designated parcels to be consistent with the FLUM designations of the subject property.

**Recommendation:** Staff and the Planning and Land Development Regulation Board (PLDRB) recommend to the City Council the approval of the FLUM amendment.

**Project Planner:** José Papa, AICP, Senior Planner

**ANALYSIS**

**BACKGROUND**

The application is for a large-scale Future Land Use Map (FLUM) amendment for a 145 +/- acre subject area located east of US-1 and south of Belle Terre Blvd.

Currently, the 145 +/- acre subject area has FLUM designations of Industrial (43 +/- acres), Greenbelt (90 +/- acres), and Conservation (13 +/- acres). The proposed FLUM amendment will mainly consist of changing the 90 acres of Greenbelt designation to Residential (81 +/- acres) and Industrial (9 +/- acres). Additionally, the applicant proposes to include a footnote on the FLUM that will limit development on the 145 acre subject parcel to 348 dwelling units and 350,000 sq. ft. of non-residential uses.

The subject parcel is part of the Dupont Plat, a plat from the early part of Flagler County's history. A large portion of the plat eventually came under single ownership, however, there remains 10 lots within the subject area that remains independent of the subject property owner's control. These lots are not part of this application. Additionally, there is a 40' drainage easement that traverses the property (this easement will remain in place).

In addition to the proposed FLUM amendment, there is a companion rezoning for the subject property.

The Planning and Land Development Regulation Board held a public hearing on Dec. 21, 2016 on this item. Prior to the PLDRB vote on the item, the applicant requested a continuance of the item. On January 18, 2017, the PLDRB held a public hearing and voted to recommend Approval of the proposed Comprehensive Plan amendment.

**DENSITY/INTENSITY AND POPULATION**

**Note: The analysis for comprehensive plan map amendments take into consideration the maximum development potential under the current and proposed Future Land Use Map (FLUM) categories and represent the theoretical maximum development potential within the land use category.**

The 145 +/- acre subject area currently has a FLUM designation of Greenbelt (90 +/- acres), Industrial (43 +/- acres), and Conservation (13 +/- acres). The proposed amendment will result in having land use configuration of Residential (81 +/- acres), Industrial (51 +/- acres), and Conservation (13 +/- acres). The proposed amendment includes a policy to limit residential development to 348 dwelling units and non-residential development to 350,000 sq. ft.

Under the current designation of Greenbelt, the Greenbelt portion of the subject property has a residential development potential of 1 unit/acre. With a proposed policy to limit residential development to 348 dwelling units, the proposed amendment will have the result of increasing the net potential number of residential units on the property by 258. (See Table 1 below).

TABLE 1 - FLUM DESIGNATION MAXIMUM DENSITY/INTENSITY ALLOWED (RESIDENTIAL USE)				
	# of Acres	Maximum Density	Maximum # of units <sup>(1)</sup> , (2)	Population (2.4 persons/dwelling unit)
<b>Proposed FLUM: Residential<sup>(2)</sup></b>	82	348 units	348 units	835
<b>Current FLUM: Greenbelt</b>	90	1 unit/acre	90	216
<b>NET CHANGE</b>	-8		258	619
<b>Footnotes:</b>				
<sup>(1)</sup> Max. # of units = # of Acres X Maximum Density				
<sup>(2)</sup> Proposed Amendment will limit residential development to 348 units.				

As shown in Table 2 below, the proposed amendment will have a potential net reduction of 1,770,501 sq. ft. in non-residential use. This reduction is based on the Industrial land use category having a maximum development potential of 944,381 sq. ft. (Industrial permits .50 Floor to Area Ratio (FAR) of High Intensity Commercial use) and Greenbelt having a maximum development potential of 1,176,120 sq. ft. (Greenbelt permits .30 FAR of Public/Semi-public uses which includes hospitals, houses of worship, and schools) for a total of 2,120,501 sq.ft.. Since the proposed amendment includes a proposal to limit non-residential development to 350,000 sq.ft., the amendment will have a net result of decreasing the potential non-residential development by 1,770,501 sq. ft.

TABLE 2 - FLUM DESIGNATION MAXIMUM DENSITY/INTENSITY ALLOWED (NON-RESIDENTIAL USE)			
	# of Acres	Maximum FAR <sup>(1)</sup>	Maximum Sq. Ft. <sup>(1), (2)</sup>
<b>Proposed FLUM: Industrial</b>	51.69	0.50	350000
<b>Residential</b>	80.72	0.30	**
<b>Current FLUM: Industrial</b>	43.36	0.50	944381
<b>Greenbelt</b>	90	0.30	1176120
<b>NET CHANGE</b>			-1770501
<b>Footnotes:</b>			
<sup>(1)</sup> Max Sq. Ft. = # of Acres X Max. FAR X 43560 sq.ft/acre			
<sup>(2)</sup> Proposed amendment will limit non-residential sq. ft. in Industrial area to 350,000 Sq. Ft.			
**Residential permits non-residential development but maximum non-residential development is proposed to be limited to 350,000 sq. ft.			

**PUBLIC FACILITIES AVAILABILITY /IMPACT ANALYSIS (BASED ON THEORETICAL YIELD OF MAXIMUM DEVELOPMENT POTENTIAL)**

**Objective 1.1.3-Evaluation of Amendments to the FLUM**

Review proposed amendments to the Future Land Use Map (FLUM) based upon environmental conditions, the availability of facilities and services, school capacity, compatibility with surrounding uses, and other generally accepted land use planning principles.

Policy 1.1.3.2 - At a minimum, infrastructure availability and capacity, specified as follows, shall be considered when evaluating proposed FLUM amendments:

- A. Existing and future capacity of roadways based on functional classifications and best available data for traffic modeling. For the purposes of evaluating capacity, roadway improvements programmed in the FDOT 5-year Work Plan or listed in either the City or the County 5-year Capital Improvement Program shall be considered.
- B. Large-scale, high-intensity commercial projects shall be concentrated at intersections of the following arterials
- C. Existing and future availability and capacity of central utility systems.
- D. Availability and capacity of receiving watercourses and drainage systems to convey design storm events.

#### **PUBLIC FACILITIES CAPACITY/IMPACT ANALYSIS**

As previously stated the analysis for comprehensive plan map amendments take into consideration the maximum development potential under the current and proposed land use category and represents the theoretical maximum development potential within the existing and proposed land use categories. Based on an analysis of the development potential under the existing and proposed FLUM with consideration of the proposed policy to limit development on the subject parcel to 348 dwelling units and 350,000 sq. ft. of non-residential, the proposed FLUM amendment will mainly result in a decrease in the impact on public facilities with the exception of solid waste, recreation and schools.

The results of the net impact analysis are shown on Table 3, and are summarized below:

#### **Transportation**

The proposed FLUM amendment will have a maximum potential net decrease of 3,546 peak hour trips. A more in-depth traffic study will be required as part of the site plan/plat review process.

#### **Potable Water**

The proposed FLUM amendment will have a maximum potential net decrease in demand for potable water of .19 MGD. As part of the site plan/plat review process, the property owner and/or developer will need to coordinate with the City of Palm Coast Utility Department to determine the appropriate engineering requirements (size of water line, pump stations, etc.) for potable water service.

#### **Wastewater**

The proposed FLUM amendment will have a maximum potential net decrease in demand for sanitary sewer treatment of .10 MGD. As part of the site plan/plat review process, the property owner and/or developer will need to coordinate with the City of Palm Coast Utility Department to determine the appropriate engineering requirements (size of sewer line, lift stations, etc.) for wastewater service.

#### **Solid Waste**

The proposed FLUM amendment will have a maximum potential net increase of 5,331 lbs. of solid waste/day. The City currently has an interlocal agreement with Volusia County for solid waste disposal. There is adequate capacity at the Volusia County landfill to accommodate the additional demand.

#### **Public Recreation and Open Space**

The proposed FLUM amendment will have a maximum potential net increase in demand of 5.0 acres of park facilities. The City currently has adequate capacity to accommodate the additional demand.

#### **Public Schools**

The proposed FLUM amendment will have a potential net increase in demand for 86 student stations. At the time of site plan review/plat process, the property owner and/or developer will need to coordinate with the School district to determine the current availability of student stations.



**Stormwater**

N/A. Stormwater treatment facilities are reviewed for consistency with LOS during site plan review.

**Table 3 Public Facilities Impact Analysis**

\*Proposed FLUM amendment includes site specific policy to limit development to 348 dwelling units and 350,000 sq. ft. of non-residential use.

Density <sup>(1)</sup>	# of units or square feet of development	Transportation (PHT) <sup>(2)</sup>	Potable Water (GPD) <sup>(3)</sup>	Sanitary Sewer (GPD) <sup>(4)</sup>	Solid Waste (lbs./capita/day) <sup>(5)</sup>	Recreation and Parks (8 acres/ 1000 pop.) <sup>(6)</sup>	Public Education (students) <sup>(7)</sup>	Stormwater Drainage <sup>(8)</sup>
<b>Proposed FLUM designation*</b>								
Residential (81.67 ac.) 12 du/acre	348	348	104,400	68,486	7,191	6.7	116	N/A
Industrial (51.69 ac.)-shopping center	350,000	1,386	59,500	35,000	0	0.0	0	N/A
Conservation (13 ac.) No development.								
	<b>Total</b>	1734	163900	103486	7191	7	116	N/A
	<b>Pass-by Trips (34%)</b>	<b>376</b>						
		<b>1358</b>						

<b>Current FLUM designation</b>								
Industrial (43.36 ac.)-shopping center	944,381	3,740	160,545	94,438	0.0	0.0	0	N/A
Greenbelt (90 ac.)-Hospital Use	1,176,120	1,164	199,940	117,612	0.0	0.0	0	N/A
Greenbelt (90 ac.)-Residential Use	90	--	--	--	1,860	1.7	30	N/A
Conservation (13 ac.) No development								
	<b>Total</b>	4904	360485	212050	1860	2	30	
<b>Net Change</b>		<b>-3,546.1</b>	<b>-196,585</b>	<b>-108,564</b>	<b>5,331</b>	<b>5.0</b>	<b>86</b>	<b>N/A</b>

**Footnotes:**

- <sup>(1)</sup> Calculation of Density: Lot Size (acre)\*# of units/acre
- <sup>(2)</sup> Transportation: Residential PM Peak Hour Trips (PHT), Residential Development: = # of units\*1.0 PM-PHT (Average Rate), ITE Trip Generation Manual, 9th Edition
- <sup>(2)</sup> Transportation: Non-residential PM Peak Hour Trips (PHT), Industrial Use = ITE Code 820: Shopping Center = 3.96/1000 sq. ft. based on equation in ITE Manual, 9th Edition
- <sup>(2)</sup> Transportation: Non-residential PM Peak Hour Trips (PHT), Greenbelt Non-residential Use = ITE Code 610: Hospital = .99/1000 sq. ft. based on average rate in ITE Trip Generation Manual, 9th Edition.
- <sup>(3)</sup> Potable Water: Residential = # of units\*2.4\*125 gallons/capita/day
- <sup>(3)</sup> Potable Water: Commercial = 17 gpd/100 sq. ft.
- <sup>(4)</sup> Wastewater: Residential = # of units\*2.4\*82 gallons/capita/day
- <sup>(4)</sup> Wastewater: Commercial = 10 gpd/100 sq. ft.
- <sup>(5)</sup> Solid Waste: Residential Demand = # of units\*2.40\*8.61 lbs/capita/day
- <sup>(5)</sup> Solid Waste: No Level of Service Requirement for Non-residential
- <sup>(6)</sup> Recreation and Parks: Residential Demand = # of units \* 2.40 \*8 acres/1000 persons
- <sup>(6)</sup> Recreation and Parks = No LOS Requirement for Non-residential
- <sup>(7)</sup> Public Education Residential: = Based on multiplier provided by Flagler County School District. See Table 3.
- <sup>(7)</sup> Public Education Non-Residential = No LOS Requirement for Non-residential
- <sup>(8)</sup> Stormwater/Drainage: Stormwater Treatment will be reviewed for consistency with adopted LOS, during site plan approval process.

**ENVIRONMENTAL/CULTURAL RESOURCES ANALYSIS**

**Objective 1.1.3-Evaluation of Amendments to the FLUM**

Review proposed amendments to the Future Land Use Map (FLUM) based upon environmental conditions, the availability of facilities and services, school capacity, compatibility with surrounding uses, and other generally accepted land use planning principles.

Policy 1.1.3.1- At a minimum, the following environmental factors shall be evaluated each time FLUM amendments are proposed:

- A. Topography and soil conditions including the presence of hydric soils.
- B. Location and extent of floodplains and the Coastal Planning Area, including areas subject to seasonal or periodic flooding.
- C. Location and extent of wetlands, certain vegetative communities, and protected wildlife species.
- D. Location and extent of other environmentally sensitive features.
- E. Proximity to wellfields and aquifer recharge areas.
- F. Impacts to potable water supply.

**LAND USE CHANGE REVIEW:**

Application 3123 proposes a Large Scale Future Land Use Change for the subject parcel which is approximately 145 acres. The subject site is located, east of US 1 and north of CR 304. Single-family residential lots surround the property on the northern and eastern extents. The purpose of the land use change review is to identify the potential environmental impacts resulting from the proposed change and determine overall suitability.

In respect to the considerations provided herein, this review is focused on the existing Land Use designation(s) and evaluating the suitability of the proposed changes. Industrial acreage will expand 8.33 acres beyond the existing land use delineation of 43.36 acres and extend the use along the entire frontage of US 1. A conversion of Greenbelt to Residential land use in dually proposed that will elevate the intensity from 90 potential units to 348 potential units. Staff recognizes that no changes to the existing Conservation land use acreage is proposed. However, staff wants to recognize that additional field studies have been conducted that influences the configuration and designation delineation. These findings along with other environmental matters are incorporated into an Environmental Assessment report conducted by Atlantic Ecological Services (AES) which will be referenced throughout the following sections.

The following sections discuss site conditions and original application materials. Staff has evaluated this information and established the following findings.

**A. TOPOGRAPHY AND SOIL CONDITIONS**

The analysis area is vacant and naturally vegetated. The site is bounded by US1 to the south and single-family residential along the remaining extents. According to the May 2016 AES assessment, the land use proposal area does contain St. Johns River Water Management District (SJRWMD) and U.S. Army Corps of Engineers (USACE) jurisdictional wetlands; the total analysis area contains 87.15 acres of uplands and 50.03 acres of jurisdictional wetlands and surface waters (7.68 acres). The wetlands detailed on AES "Wetland Map" Figure reflect the delineation boundaries were GPS'd in the field and aerial interpreted for coverage pursuant to state and federal guidelines (Chapter 62-340 F.A.C. and the 1987 Corps of Engineers Wetlands Delineation Manual. Further description of these features may be found in the Section D, Vegetative Communities.

As detailed within the AES report, the *Soil Survey of Flagler County, Florida* (U.S.D.A., Soil Conservation Service, 1997) indicates five (5) soil types within the property. Please see the table sampled from the referenced AES report.

*Hicoria, Riviera, and Gator Soils, Depressional (8)* – This is a very deep, nearly level, poorly drained soil found in depressions in the flatwoods. Individual areas are circular to irregular in shape and range from 3 to 1,500 acres. The undrained areas of this map unit are ponded, as much as 24 inches of water is above the surface for 6 months or more except during extended dry periods. This soil on the subject property does not pond as described above due to the drainage features found onsite.

*EauGallie fine sand (9)* – This is a very deep, nearly level, poorly drained soil on broad flatwoods. Areas in this soil range from 3 to 500 acres. The seasonal high water table is at a depth of 6 to 18 inches for 2 to 4 months of the year. It is at a depth of more than 40 inches during extended dry periods.

*Myakka fine sand (11)* – This is a very deep, nearly level, very poorly drained soil that is in broad flatwood areas. The areas range from 5 to 500 acres. The seasonal high water table is at a depth of 6 to 18 inches for 1 to 4 months of the year. It is at a depth of 10 to 40 inches for more than 6 months of the year.

*Placid, Basinger, St. Johns soils (12)* – This is a very poorly drained, nearly level soil in depressions in flatwoods. Areas in this soil are irregular in shape and range from 3 to 400 acres. The undrained areas of this map unit are ponded, as much as 24 inches of water is above the surface for 6 months or more except during extended dry periods. This soil on the subject property does not pond as described above due to the drainage features found onsite.

*Valkaria fine sand (19)* – This is a very deep, nearly level, poorly drained soil on low broad flats and in sloughs connecting depressions. Areas in this soil are irregular and range from 5 to 100 acres. The seasonal high water table is at a depth of 0 to 6 inches for 2 to 6 months of the year. It is at a depth of 10 to 40 inches during extended dry periods.

**Analysis:** It is not anticipated that the proposed FLUM change will negatively impact the local topography or prevent the proposed development permissible within the FLUM designation.

#### C. Floodplains

Federal Emergency Management Agency's (FEMA), Flood Insurance Rate Map (FIRM) source indicates that the subject property lies outside a Special Flood Hazard Area (SFHA) and has a designation of a "X" Zone.

**Analysis:** The Subject Property is not located within a SFHA.

**FINDING:** It is not anticipated that the proposed FLUM change will negatively impact the function of a SFHA.

#### D. Vegetative Communities

According to the AES report, the assessment area is comprised of the following vegetative community types and features.

1. Pine Plantation (441): 87.13 acres
2. Cypress, Pine, Cabbage Palm (624): 49.10 acres
3. Freshwater Marsh (641): 0.94 acre
4. Canal/Ditch (513): 1.72 acres
5. Borrow Pit (513): 5.97 acres

The Conservation land use is comprised of the Cypress, Pine, Cabbage Palm vegetative community type. Further description of this area and other wetland resources are detailed below.

**Analysis:** The proposed City FLUM change to Residential within the Greenbelt designation will intensify the current level of development potential of the site. Independent of the proposed land use amendment, improvements in Industrial and Residential land uses are regulated by

Unified Land Development Code regulations. These regulations are explained in greater detail in the following sections.

The AES analysis notes that canals and ditches on the subject property have been diked and no culverts to the wetlands on the property were identified. Therefore, no direct connection to waters of the state were identified thus the system is deemed isolated. The AES assessment goes into further detail regarding anthropogenic activities associated with the site that has influenced the quality of wetlands.

*"The wetlands on the subject property have been impacted throughout the past 100 years by the utilization of the property as pine plantation. Multiple large drainage ditches/canals traverse the site capturing sheet flow runoff and transporting it offsite, not allowing it to stage within the wetlands as it had prior to land conversion. The property has also been suppressed of wildfire which dramatically impacts the biodiversity of flatwoods and wetland systems such as found on the subject property."*

The Conservation land use is currently delineated as 13.0 acres. Based on the AES assessment the area is comprised of Cypress, Pine, Cabbage Palm community and depicted in the "Wetland" Figure.; the wetland is identified as W-3 (15.31 acres) Based on AES's assessment, the area is of a "Moderate" quality based on a Uniform Mitigation Assessment Methodology (UMAM) and further defined in the following sections. The Applicant proposed to retain 13.0 acres as "Preservation" and retain the Conservation land use designation. Staff respects the proposal but should note that the extent of the wetland has been further refined through field investigations; however, it does not appear that the delineation has been reviewed by the regulatory agencies.

On-site wetlands and surface waters do serve many other functions including, but not limited to the direct contribution to the City's water supply which is another critical consideration. Please see Section F. Groundwater Resource Protection that highlights additional analysis and recommendations that involve wetland resources.

As with any land alteration activity or land use change, wetland impacts should be limited, as much as possible, in an effort to preserve the natural resource functions. Overall ecological function and quality are critical considerations throughout the Comprehensive Plan and review of this proposed FLUM change.

Three (3) main policies from the Comprehensive Plan Conservation and Coastal Management element apply to the proposed FLUM change from Greenbelt to Mixed Use that includes 1.1.1.1.F, 6.1.9.1 and 6.1.10.9. Each policy is described and discussed in the following section.

**Policy 1.1.1.1.F - Conservation - This FLUM designation provides for preservation of large interconnected wetland systems and other environmentally sensitive areas. Conservation areas are generally a minimum of 10 acres in size, with most being substantially larger. Other areas that may be classified as conservation include natural water bodies and lakes, estuaries, oak hammocks and other large areas consisting of native vegetation areas, wildlife corridors, and aquifer recharge zones.**

**Policy 6.1.9.1 - The City shall assess and modify its wetland protection land development regulations to ensure effective protection of high quality, functional, and integrated wetland**

systems. Land development wetland regulations shall consider type, value, function, size, condition and location of wetland systems. The City shall permit appropriate mitigation requirements consistent with State regulatory requirements to allow regulatory permitted impacts to low-quality, isolated wetland systems if it is demonstrated that mitigation will promote infill development, discourage urban sprawl and improve the overall wetland function within the Northern Coastal Basin. Mitigation within the City shall be preferable to mitigation occurring outside of the City.

**Policy 6.1.10.9 - The City shall consider the presence of environmentally sensitive lands in formulating all actions relating to development.**

The overall quality of the wetland community may be qualitatively evaluated by the Uniform Mitigation Assessment Method (UMAM). [Chapter 62-345, F.A.C]. UMAM is utilized to determine the functional value of the following considerations: current condition, hydrologic connection, uniqueness, location, and fish and wildlife utilization. With reasonable scientific judgment, three (3) main categories of wetland and other surface water functions are scored relative to an optimal level of function. Location and Landscape, Water Environment, and Community Structure are each scored on a 0 (no function), 4 (minimal), 7 (moderate) and 10 (optimal) yielding functional score.

The AES assessment was utilized to determine if the FLUM change meets Policy 6.1.9.1. The assessment reflects a moderate location and landscape support function, but a relatively lower score for water environment and community structure which yield an average 0.53 overall score indicating a moderate quality Cypress, Pine, Cabbage Palm (624) system for the majority of onsite wetlands (49.1 acres). The remaining wetlands measuring approximately 0.94 acre also score a moderate quality score (0.53). Effectively, the final score determination will be established by the State regulatory authority during Environmental Resource Permit (ERP) review processes or through the City of Palm Coast permitting process.

The intent of the Comprehensive Plan was transferred to the Unified Land Development Code in 2008. For moderate-quality wetlands (0.41-0.70 UMAM delta), proposed impacts have to be supported by an "Alternatives analysis for avoidance and minimization" report. The purpose of this analysis is to demonstrate a genuine need or hardship to justify wetland impacts for project feasibility. At this time, potential wetland impacts are not a consideration of the land use proposal.

**FINDING:** With compatibility and overall merits of the assessment area, the amendment will intensify the residential development potential in an established residential area. According to the AES assessment, the site's wetlands have been directly impacted by historical pine plantation activities and significant drainage. No "High" quality wetlands exist onsite based on the provided assessment. Staff respects and supports the proposal of preserving 13.0 acres of the Conservation land use to retain the existing acreage of the effective designation boundary. However, staff recommends that the "Conservation" land use configuration respects AES findings. Further, staff recognizes that the boundary may be refined further through permitting with the SJRWMD and USACE.

On-site wetlands and surface waters do serve many other functions including, but not limited to the direction contribution to the City's

water supply which is another critical consideration. Staff recommends that future development proposals consider onsite wetland enhancements and maximize open space pursuant to other applicable Comprehensive Policies. In addition, it should be noted that any proposed improvements to the assessment area inclusive of the amendment area will require a technical site plan review to determine final compliance with the Unified Land Development Code.

**E. PROTECTED SPECIES DISTRIBUTION/ WILDLIFE UTILIZATION**

The submitted AES report documents that eight (8) species of listed or management status have high or moderate likelihood of occurrence with the site area; however, no direct impacts to each of the referenced species is likely.

Two of noted species, American alligator and Florida black bear, were recommended for management in a post-development environment.

1. American alligator (*Alligator mississippiensis*): "American alligators are anticipated to utilize the surface water pond and canals on the subject property. Best Management Practices (FMP's) should be followed in the case of any individual alligator entering the project site during construction will be provided ample space to allow the animal to exit the construction zone. Though this management technique, the project is not likely to adversely affect the species."
2. Florida black bear (*Ursus americanus floridanus*): "Florida black bear have been observed in the vicinity of the subject property west of US Highway 1. No signs of Florida black bears were identified on the subject property. Any proposed project for development should adhere to Florida Bear Smart Communities program. If the development criteria are adhered to then the project is not anticipated to adversely affect the Florida black bear."

**Analysis:** The subject property is suitable for foraging and mobility; however, the site is fragmented from larger corridors via US Highway 1 and directly influenced by neighboring residential land uses. Wildlife utilization may change over time due to various factors. To ensure that the referenced species and any potentially occurring species in the future, the Unified Land Development Code (Section 10.04.03.A, LDC) requires that a listed species study is performed by a Qualified Environmental Professional (QEP) at site plan or preliminary plat. Further, a study is valid for one year for the property that was investigate to capture any changes in wildlife utilization.

**FINDING:** The proposed land use change is not anticipated to impact listed species; however, the management recommendations will be noted and reserved for future development proposals.

**F. Groundwater Resource Protection**

According to City maintained data, the nearest production well is within 500 feet of the site; a total of five production wells fall within 1,500 feet of the site. The site is located within the Secondary Protection Zone and possibly the Primary Protection Zone as defined by Section 10.03.02.B, LDC.

**Analysis:** The amendment is not within an aquifer recharge area but is within wellhead protection zone(s). The LDC applies applicable protection measures and restrictions for properties and buildings within

these zones. All facilities shall comply with the Florida Department of Environmental Protection wellhead protection standards in accordance with the Florida Administrative Code and the City's Groundwater Protection Preventative Measures and comply with Best Management Practices to prevent adverse impacts to the ground water resources pursuant to Section 10.03.05, LDC. These regulations were crafted from numerous Comprehensive Plan Policies found in **Objective 5.4.3** that ensure that groundwater and surface water sources remain suitable for public supply relating to quality and quantity. The importance of open space and protecting environmentally sensitive waterways and wetlands along with encouraging ecological enhancements is a critical strategy to this overall goal. With this said, future development proposals shall give focused consideration to minimizing impervious surface, enhancing onsite wetlands and optimizing open space.

**FINDING:** Due to the rigorous regulations of the State and City of Palm Coast, the proposed land use change is not anticipated to impact potable water supply. Future planning of the project area should optimize the use of open space and minimize impervious surface(s).

#### **G. Historical Resources**

According to the AES assessment, one archaeological site and one resource group were identified as on or adjacent to the subject property.

- FL00298 (Florida East Coast Railway): This references the existing railway which is active but not considered a significant cultural resource.
- FL00282 (Angel's - 20<sup>th</sup> century naval store): In 2005, test digs were completed by archaeologists and several glass bottles and bricks were categorized and removed from the site and taken to a repository in Gainesville, Florida according to the AES report. All artifacts were removed and no further work was recommended by the State Historic Preservation Officer (SHPO). No further surveys were recommended.

**Analysis:** According to the information provided by AES, impacts to historical or archaeological resources are not anticipated. Due to removal of artifacts from the site and the status of no further surveys recommended by SHPO, the proposed project is not anticipated to impact significant cultural resources.

**FINDING:** The proposed land use change is not anticipated to impact cultural and historical resources.

#### **LAND USE COMPATIBILITY ANALYSIS**

*Policy 1.1.3.3 - At a minimum, compatibility with proximate uses and development patterns shall be considered when evaluating proposed FLUM amendments.*

- A. This policy shall not be construed to mean that different categories of uses are inherently incompatible; rather, it is intended to promote the use of transitional areas where densities and intensities can be appropriately scaled.*
- B. Buffers are encouraged as an effective means of transition between areas where there is a greater degree of disparity in terms of densities and intensities.*
- C. Impacts to the health, safety, and welfare of surrounding residents shall be considered.*

Surrounding Future Land Use Map Designation:



North: Residential, Greenbelt  
South: Industrial (Flagler County)  
East: Residential  
West: Industrial, Agriculture & Timberlands (Flagler County)

Surrounding Zoning Designation:

North: Single Family Residential (SFR)  
South: Industrial (Flagler County)  
East: Single Family Residential (SFR) & Duplex (DPX)  
West: Industrial & Agriculture (Flagler County)

Surrounding Property Existing Uses:

North: Single Family Residential  
South: US-1, Gas Station, Warehouse, Vehicle Storage  
East: Predominantly Single Family Residential  
West: US-1, Open/Bulk Storage, Warehouse, Vehicle Storage

The proposed FLUM amendment is consistent with the land use designations in the proximate area and the development patterns along US-1. The proposed expansion of the Industrial land use designation along US-1 is consistent with the designation for properties to the west and south of the site. Additionally, the proposed Residential designation is consistent with the designation of properties to the north and east.

It is important to note that the Residential land use designation permits an array of residential zoning districts which range in density from .4 units/acre to 12 units/acre with height limits ranging from 35' to 60'. Any proposed development on the subject property will be required to meet the development standards provided in the Land Development Code and subject to additional review to ensure compatibility with the surrounding properties.

**CONSISTENCY WITH COMPREHENSIVE PLAN**

In addition to being consistent with Objective 1.1.3 and Policy 1.1.3.3 which establishes the criteria for review of Future Land Use Map Amendments as provided in the previous section. The proposed amendment is consistent with the following policies in the Comprehensive Plan:

*Policy 1.3.1.1 - The City shall ensure that the location and timing of new development is coordinated with the provision of public facilities through the use of growth management measures being included in the LDC such as development phasing, programming, and appropriate sizing of public facilities.*

**Analysis:** The proposed amendments are consistent with Policy 1.3.1.1, the public facilities impacts can be accommodated by the existing infrastructure capacity. The need to extend water or wastewater mains to the facility will be the responsibility of the developer/property owner.

*Policy 1.4.2.1 - The city shall provide an appropriate balance of commercial, retail, office, and industrial land uses on the FLUM to balance jobs and housing.*

**Analysis:** The proposed amendment is consistent with Policy 1.4.2.1, the proposed amendment has the potential to intensify residential uses in the area, however, the proposed amendment also recognizes the need to provide services (commercial, retail, office, or industrial) to the potential residential development by retaining a balance of the property for non-residential uses.

*Objective 3.4.1 - Diversity in Housing Opportunities*

*Policy 3.4.1.1 - Through the FLUM and the zoning district regulations of the LDC, the City shall make provisions to supply land that can be developed with various types of residential uses, including single-family homes of various sizes, duplexes, multi-family dwellings, and residential units in mixed use development.*

**Analysis:** The proposed amendment from Greenbelt to Residential is consistent with Comprehensive Plan Objective and Policy to provide opportunities to diversify housing opportunities in the City. The change from Greenbelt to Residential land use designation provides an opportunity to have a zoning designation that would allow greater flexibility in density, size, or housing types while remaining compatible with the existing community.

*Policy 5.1.3.2 - The City shall designate urban densities or intensities on the Future Land Use Map only in areas that have sufficient existing or planned capacity for potable water facilities and wastewater facilities where connection is available consistent with Policies 1.1.1.2 and 1.1.3.2. For the purposes of this Plan, any residential density exceeding one (1) dwelling unit per acre shall be deemed to be an urban density.*

**Analysis:** The proposed amendment to Residential and the expansion of the Industrial land use designation is consistent with Comprehensive Plan policy to create urban densities or intensities in areas that have sufficient existing or planned capacity for potable water and wastewater facilities.

*Policy 5.2.2.3 - The City shall designate urban densities or intensities on the Future Land Use Map only in areas that have sufficient existing or planned capacity for sanitary sewer facilities and where connection is available as set forth in State law and City regulations. The City shall minimize the use of septic tanks in accordance with the provisions of Objective 5.2.3 and policies implementing that objective. For the purpose of this Plan, any residential density exceeding one (1) dwelling unit per acre shall be deemed to be an urban density.*

**Analysis:** The proposed amendment to Residential and the expansion of the Industrial land use designation is consistent with Comprehensive Plan policy above to designate urban densities or intensities in areas that have sufficient existing or planned capacity for sanitary sewer facilities.

#### **RECOMMENDATION**

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Staff and the Planning and Land Development Regulation Board (PLDRB) recommend to the City Council the approval of the FLUM amendment.

# City of Palm Coast, Florida

## Agenda Item

Agenda Date: November 21, 2017

<b>Department</b>	PLANNING	<b>Amount</b>	
<b>Item Key</b>		<b>Account</b>	
		<b>#</b>	
<b>Subject</b>	ORDINANCE 2017-XX ZONING MAP AMENDMENT FOR 145+/- ACRE PARCEL FROM HIGH INTENSITY COMMERCIAL (COM-3), LIGHT INDUSTRIAL (IND-1), AND SUBURBAN ESTATE RESIDENTIAL (EST-1) TO MASTER PLANNED DEVELOPMENT (MPD) ALONG WITH DEVELOPMENT AGREEMENT		

**Background : UPDATE TO THE SEPTEMBER 5, 2017 BUSINESS MEETING**

This item was heard and approved at first reading by City Council at their September 5, 2017 meeting. At the meeting, City Council made a request to convert two commercial development areas along US-1 to either open space or integrated as part of the development's stormwater system.

The Conceptual Master Plan has been amended to reflect City Council's request. There were no other requested or recommended changes.

**UPDATE TO THE MARCH 7, 2017 BUSINESS MEETING**

This item was heard by City Council at their March 7, 2017 Business Meeting. City Council decided to table this item in order for the applicant to revise their development proposal. The applicant has submitted an updated Conceptual Master Plan that differs from the previous submittal as follows:

1. Buffer on the north and east boundaries will be a 134 unit subdivision including a 25' landscape buffer. The single-family subdivision will meet the minimum development standards for SFR-2 which is consistent with zoning of existing single-family lots. Previous submittal provided 100 to 140' open space buffer with no single-family development.
2. Development will have a maximum of 214 multi-family units with maximum height of 38'. Previous submittal was for 348 multi-family dwelling units and 36' maximum height.
3. Multi-family development are clustered adjacent to the commercial development. Previous submittal, the multi-family buildings are scattered throughout the site.
4. Additional access to US-1 to serve single-family units.

The revised Conceptual Master Plan is Consistent with the Comprehensive Plan and is consistent with the criteria for a Master Planned Development and Zoning Map amendment as established in the Land Development Code.

The property owner conducted a neighborhood meeting to present the revised Conceptual Master Plan on August 31, 2017.

**ORIGINAL BACKGROUND FROM THE MARCH 7, 2017 BUSINESS MEETING**

The proposed rezoning of the subject property is a companion application to a proposed Comprehensive Plan amendment. The subject property is approximately 145 + acres and generally located east of US-1 and south of Belle Terre Blvd. The application proposes to change the zoning designations for the areas currently designated as COM-3, IND-1, and EST-1 to Master Planned Development (MPD) along with a Development Agreement.

The proposed MPD Development Agreement establishes the maximum development potential on the subject property to 348 dwelling units and 350,000 sq. ft. of non-residential. The proposed MPD will have the result of designating the subject property for commercial uses

along US-1 with the remainder of the property for multi-family residential uses, open space and recreation. The MPD includes conditions related to mitigating the impacts of the proposed change from the existing single-family residential areas to the north and east. These conditions include:

- 1) Providing a 100' to 140' buffer on the north and east perimeter of the subject property;
- 2) A minimum distance of 424' between the eastern property line and the multi-family buildings;
- 3) A minimum distance of 420' between the northern property line and the multi-family buildings;
- 4) A maximum height of 24' for the two story buildings, and 36' for the 3 story buildings (note that the maximum height for a single family home is 35'),

The MPD limits the commercial uses to general commercial and shopping center along with other uses listed under the General Commercial (COM-2) zoning district. The MPD eliminate the potential of light industrial uses on the subject property.

Staff analyzed the proposed rezoning based on the criteria established in the City of Palm Coast Land Development Code. In summary, staff makes the following findings:

- the proposed commercial uses along US-1 are compatible with the zoning found along US-1 in the immediate area;
- the area proposed to be designated for multi-family uses is consistent with Comprehensive Plan policy (1.1.1.4) to locate multi-family zoning based on the following locational criteria:

- proximity to major arterials or collectors (US-1);
- parcels with at least 15 acres of contiguous uplands;
- the availability of central utilities;
- availability of land area to provide either a wide landscaped or a natural buffer or barrier from proximate single family residential uses; and
- additionally, any project on the parcel will be required to meet the architectural design guidelines provided in the LDC,

The proposed rezoning is further consistent with the following Comprehensive Plan policies:

- the proposed amendment creates a balance of jobs and housing by accommodating both residential and non-residential uses;
- providing opportunities to diversify the city's housing supply; and
- intensification of uses only where infrastructure has sufficient capacity to accommodate additional development.

Planning and Land Development Regulation Board (PLDRB) Action

This item was presented and heard by the PLDRB at their Dec.21, 2016 and Jan. 18, 2017 meeting. At the Jan. 18, 2017 meeting, the PLDRB recommended approval of the proposed zoning map amendment and companion Development Agreement with a condition that the existing open space and portions of the water areas on the north and eastside of the property be left as native vegetation or buffer to the maximum extent possible. This change has been incorporated in the Conceptual Master Plan attached to this agenda package.

**Recommended Action :**  
Staff recommends approval.

**ORDINANCE 2017 - \_\_\_\_\_**  
**PALM COAST 145, LLC, ZONING MAP AMENDMENT**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM COAST, FLORIDA, PROVIDING FOR THE AMENDMENT OF THE OFFICIAL ZONING MAP AS ESTABLISHED IN SECTION 2.06 OF THE CITY OF PALM COAST UNIFIED LAND DEVELOPMENT CODE; AMENDING THE ZONING DESIGNATION FOR APPROXIMATELY 145 ACRES, FROM LIGHT INDUSTRIAL (IND-1), HIGH-INTENSITY COMMERCIAL (COM-3), AND SUBURBAN ESTATE RESIDENTIAL DISTRICT (EST-1) TO MASTER PLANNED DEVELOPMENT (MPD) WITH A DEVELOPMENT AGREEMENT; SUBJECT PROPERTY IS MORE PARTICULARLY DESCRIBED IN EXHIBIT “A” AND GRAPHICALLY DEPICTED IN EXHIBIT “B”; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR NON-CODIFICATION AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of Palm Coast, pursuant to the authority vested in Chapter 163 and Chapter 166, Florida Statutes and the City of Palm Coast Unified Land Development Code, is authorized and empowered to consider applications relating to zoning; and

**WHEREAS**, the notice and public hearing requirements, as provided for in Chapter 2 (Review Authority, Enforcement, and Procedures) of the City of Palm Coast Unified Land Development Code have been satisfied; and

**WHEREAS**, the City Council of the City of Palm Coast has considered the evidence and testimony presented by the applicant and other interested parties, the recommendations of the various City reviewing departments, and the recommendation of the Planning and Land Development Regulation Board (PLDRB); and

**WHEREAS**, the City Council has considered the findings in the staff report and the following findings of fact:

1. The rezoning is consistent with the purposes, goals, objectives, and policies of the City of Palm Coast Comprehensive Plan;
2. The rezoning is compatible as defined in the Unified Land Development Code and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for rezoning;

3. The rezoning will result in a logical, timely and orderly development pattern;
4. The staff report has demonstrated sufficient justification that there are changed circumstances, which would require the rezoning request.

**WHEREAS**, the City now intends to change the zoning of the subject property from Light Industrial (IND-1), High Intensity Commercial (COM-3), and Suburban Estate Residential (EST-1) to Master Planned Development (MPD) with a Development Agreement.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PALM COAST, FLORIDA:**

**SECTION 1. Recitals.** The foregoing recitals are true and correct and are fully incorporated herein by this reference.

**SECTION 2. Rezoning of Subject Property.** The zoning designations for the subject parcel is hereby changed from Light Industrial (IND-1), High Intensity Commercial (COM-3), and Suburban Estate Residential (EST-1) to Master Planned Development (MPD) along with a Development Agreement.

**SECTION 3. Conflicts.** All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

**SECTION 4. Severability.** It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Code are severable, and if any phrase, clause, sentence, paragraph or section of this Code shall be declared unconstitutional by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Code.

**SECTION 5. Effective Date.** This Ordinance shall become effective immediately upon the effective date of Ordinance No. 2017-\_\_\_ as adopted by the City Council of the City of Palm Coast, Florida, and pursuant to the City Charter. If Ordinance No. 2017-\_\_\_ does not become effective, then this Ordinance shall become null and void.

**APPROVED** on first reading the 5th day of September 2017, at a public hearing.

**ADOPTED** on the second reading the 21<sup>st</sup> day of November 2017, at a public hearing.

**CITY OF PALM COAST, FLORIDA**

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Milissa Holland, Mayor

**ATTEST:**

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Virginia A. Smith, City Clerk

Approved as to form and legality

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William E. Reischmann, Jr.  
City Attorney



# EXHIBIT A LEGAL DESCRIPTION

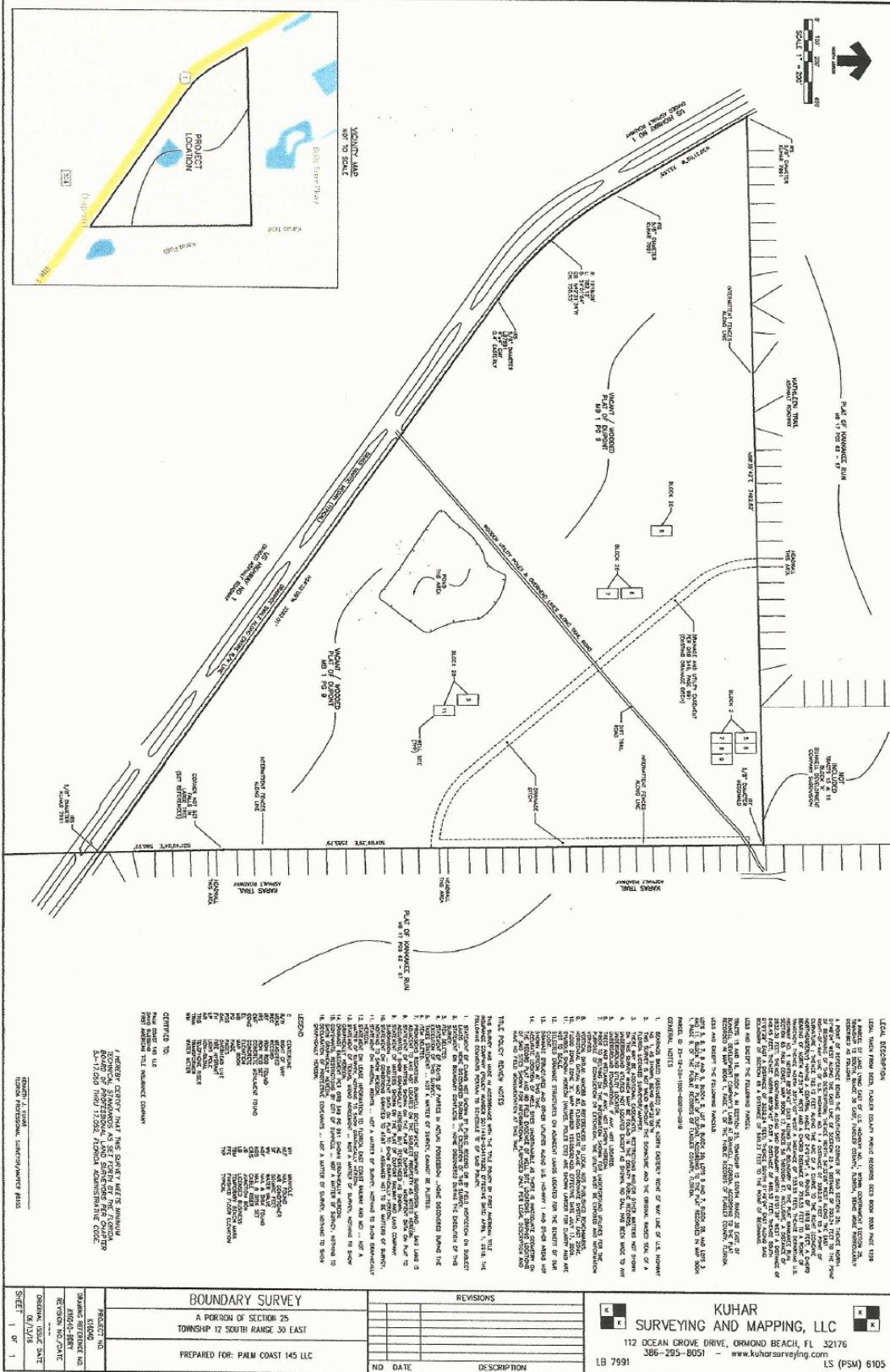


EXHIBIT A – LEGAL DESCRIPTION CONTINUED

LEGAL DESCRIPTION

LEGAL TAKEN FROM DEED, FLAGLER COUNTY PUBLIC RECORDS DEED BOOK 2030 PAGE 1229

A PARCEL OF LAND LYING EAST OF U.S. HIGHWAY NO. 1, WITHIN GOVERNMENT SECTION 25, TOWNSHIP 12 SOUTH, RANGE 30 EAST, FLAGLER COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A POINT OF REFERENCE BEING THE SOUTHEAST CORNER OF SAID SECTION 25; THENCE NORTH 01°49'04" WEST ALONG THE EAST LINE OF SECTION 25 A DISTANCE OF 703.34 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE NORTH 54°32'08" WEST ALONG THE EAST RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 1 A DISTANCE OF 3282.01 FEET TO A POINT OF CURVATURE ; THENCE 782.12 FEET ALONG THE ARC OF A CURVE TO THE RIGHT (CONCAVE NORTHEASTERLY) HAVING A CENTRAL ANGLE OF 24°01'04", A RADIUS OF 1818.08 FEET, A CHORD BEARING OF NORTH 42°31'34" WEST AND A CHORD DISTANCE OF 758.55 FEET TO A POINT OF TANGENCY; THENCE NORTH 30°31'02" WEST A DISTANCE OF 733.55 FEET; THENCE DEPARTING U.S. HIGHWAY NO. 1 NORTH 88°39'42" EAST ALONG THE BOUNDARY OF THE PLAT KANKAKEE RUN SECTION 65 PALM COAST, MAP BOOK 17, PAGES 58 THROUGH 67, INCLUSIVE, A DISTANCE OF 2832.30 FEET; THENCE CONTINUING ALONG SAID BOUNDARY NORTH 01°01'39" WEST A DISTANCE OF 848.45 FEET; THENCE NORTH 88°39'42" EAST A DISTANCE OF 880.52 FEET; THENCE SOUTH 01°01'39" EAST A DISTANCE OF 3232.24 FEET; THENCE SOUTH 01°49'04" EAST ALONG SAID BOUNDARY OF SECTION 65 A DISTANCE OF 590.22 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT THE FOLLOWING PARCEL:

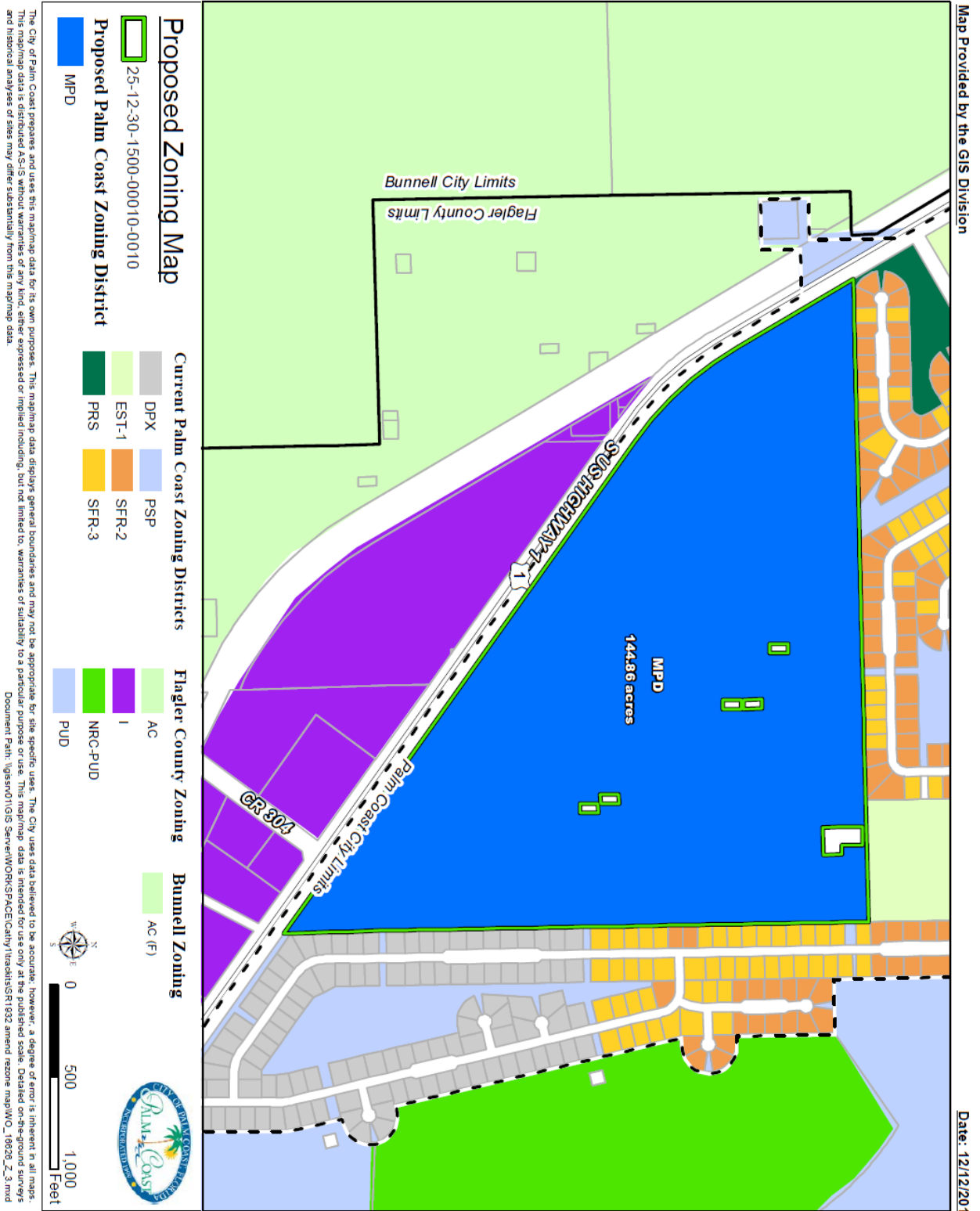
TRACTS 15 AND 16, BLOCK A, IN SECTION 25, TOWNSHIP 12 SOUTH, RANGE 30 EAST, OF BUNNELL DEVELOPMENT COMPANY'S LAND AT BUNNELL, FLORIDA, ACCORDING TO THE PLAT RECORDED IN MAP BOOK 1, PAGE 1, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA.

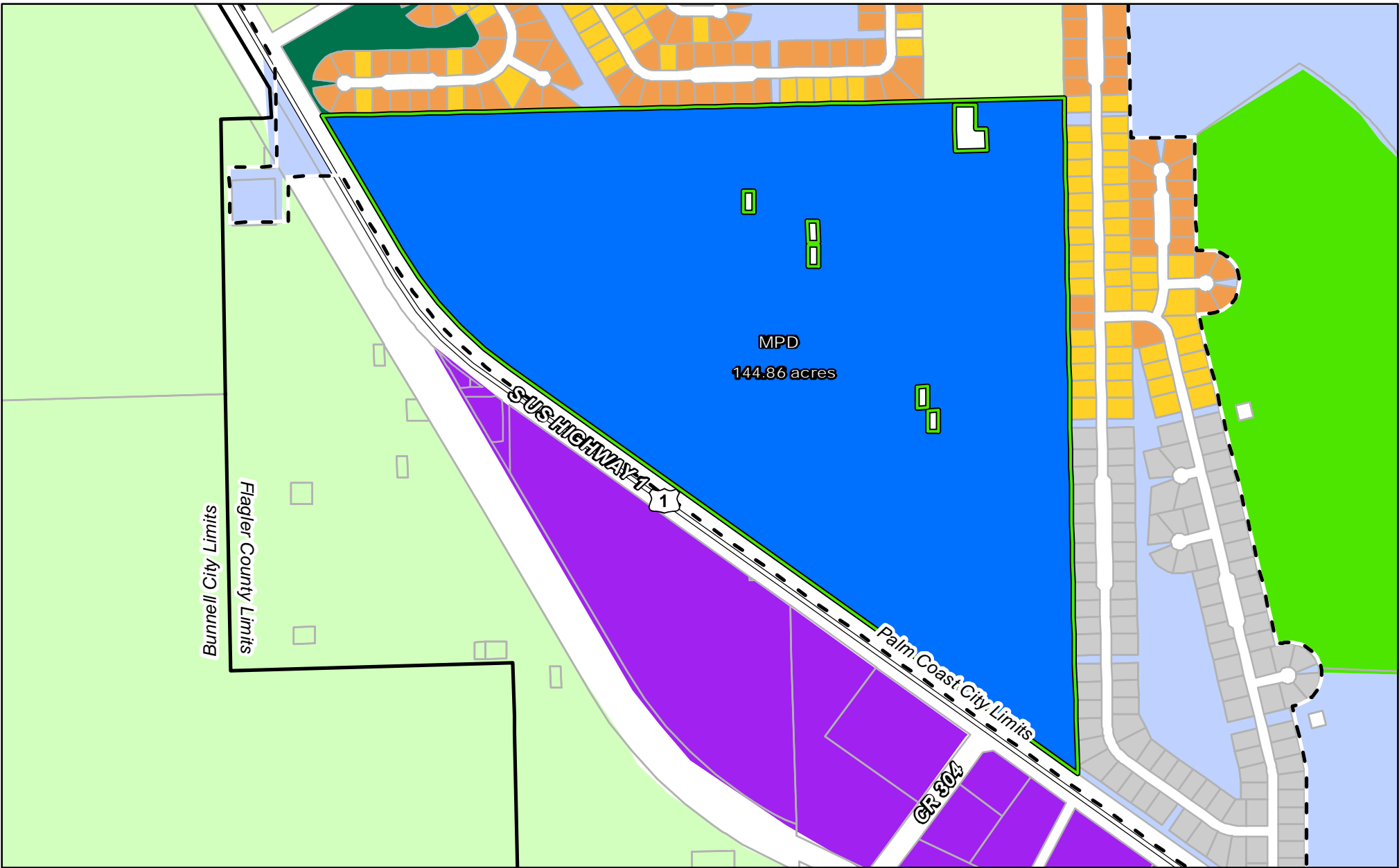
LESS AND EXCEPT THE FOLLOWING PARCELS:

LOTS 5, 6, 7, 8 AND 9, BLOCK 2; LOT 8, BLOCK 20; LOTS 5 AND 7, BLOCK 28, AND LOTS 3 AND 11, BLOCK 70, ALL IN PLAT OF DUPONT, ACCORDING TO THE PLAT RECORDED IN MAP BOOK 1, PAGE 9, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA.

PARCEL ID: 25-12-30-1500-00010-0010

# EXHIBIT B PROPOSED ZONING MAP AMENDMENT





### Proposed Zoning Map

25-12-30-1500-00010-0010

### Proposed Palm Coast Zoning District

MPD

### Current Palm Coast Zoning Districts

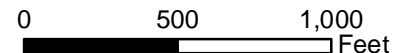
- DPX      PSP
- EST-1      SFR-2
- PRS      SFR-3

### Flagler County Zoning

- AC
- I
- NRC-PUD
- PUD

### Bunnell Zoning

- AC (F)







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### Zoning Map

25-12-30-1500-00010-0010  
 Palm Coast City Limits

### Palm Coast Zoning

- COM-3
- EST-1
- IND-1



0 500 1,000 Feet

2014 FDOT Imagery



Map Provided by the GIS Division

Date: 6/16/2016

The City of Palm Coast prepares and uses this map/map data for its own purposes. This map/map data displays general boundaries and may not be appropriate for site specific uses. The City uses data believed to be accurate; however, a degree of error is inherent in all maps. This map/map data is distributed AS-IS without warranties of any kind, either expressed or implied including, but not limited to, warranties of suitability to a particular purpose or use. This map/map data is intended for use only at the published scale. Detailed on-the-ground surveys and historical analyses of sites may differ substantially from this map/map data.



**PALM COAST 145**  
**MASTER PLAN DEVELOPMENT AGREEMENT**

1  
2  
3 **THIS MASTER PLAN DEVELOPMENT AGREEMENT**, (herein referred to as the  
4 “Development Agreement”) is made and executed this \_\_\_\_ day of \_\_\_\_, 2017, by  
5 and between the **CITY OF PALM COAST**, a Florida municipal corporation (herein  
6 referred to as the “City”), whose address is 160 Lake Avenue, Palm Coast, Florida,  
7 32164, and the owner of the subject property, **Palm Coast 145, LLC**, a Florida limited  
8 liability company (herein referred to from time-to-time as the “Owner” regardless of  
9 whether singular or plural ownership status) whose address is 7070 NW 84<sup>th</sup> Ave,  
10 Parkland, Florida 33067.

11  
12 ***WITNESSETH:***

13  
14  
15 **WHEREAS**, Palm Coast 145, LLC, is the principal owner and developer of a 145 (+/-  
16 ) acre site, as more particularly described on **Exhibit “A” (“Property” or “Subject**  
17 **Property”)**; and

18 **WHEREAS**, the Subject Property has a Future Land Use Map designation of  
19 Industrial, Residential and Conservation.

20 **WHEREAS**, the Owner is in voluntary agreement with the conditions, terms, and  
21 restrictions hereinafter recited, and has agreed voluntarily to their imposition as an  
22 incident to development of the Subject Property; and

23 **WHEREAS**, the City of Palm Coast Planning and Land Development Regulation  
24 Board (PLDRB) and City of Palm Coast City Council finds that this Development  
25 Agreement is consistent with the City’s Comprehensive Plan and Land Development

1 Code ("LDC") and that the conditions, terms, restrictions, and requirements set forth  
2 herein are necessary for the protection of the public health, safety, and welfare of the  
3 citizens of the City; and

4 **WHEREAS**, the City of Palm Coast City Council further finds that this Development  
5 Agreement is consistent with and an exercise of the City's powers under the *Municipal*  
6 *Home Rule Powers Act*, Article VIII, Section 2(b) of the *Constitution of the State of Florida*;  
7 Chapter 166, *Florida Statutes*; the *City of Palm Coast City Charter*, other controlling law;  
8 and the City's police powers; and

9 **WHEREAS**, this is a non-statutory Development Agreement which is not subject to or  
10 enacted pursuant to the provisions of Sections 163.3220 -163.3243, *Florida Statutes*.

11 **NOW, THEREFORE**, it is hereby resolved and agreed by and between the City and  
12 the Owner that the Master Plan Development is approved subject to the following terms  
13 and conditions:

14 **SECTION 1. RECITALS.**

15 The above recitals are true and correct and are incorporated herein by this  
16 reference and form a material part of this Development Agreement upon which the City  
17 and the Owner have relied.

18 **SECTION 2. REPRESENTATIONS OF OWNER.**

19 (a). The Owner hereby represents and warrants to the City that it is the principal  
20 Owner of the Subject Property in accordance with the title opinion or title certification  
21 provided by the Owner to the City issued by an attorney or title insurance company  
22 licensed to provide services in the State of Florida with said title opinion or certification  
23 showing all liens, mortgages, and other encumbrances not satisfied or released of record  
24  
25

1 relative to the Subject Property.

2 (b). The Owner represents and warrants to the City that it has the power and  
3 authority to enter into and consummate the terms and conditions of this Development  
4 Agreement; that all acts, approvals, procedures, and similar matters required in order to  
5 authorize this Development Agreement have been taken, obtained or followed, as the  
6 case may be; that this Development Agreement and the proposed performance of this  
7 Development Agreement by the Owner is not an *ultra vires* act; and that, upon the  
8 execution of this Development Agreement by the parties, this Development Agreement  
9 shall be valid and binding upon the parties hereto and their successors in interest.

10  
11 **SECTION 3. APPROVAL OF MASTER PLAN DEVELOPMENT**

12 (a). The City Council at its business meeting of \_\_\_\_\_2017,  
13 approved a Master Plan Development for the Subject Property subject to the terms and  
14 conditions of this Development Agreement.

15  
16 (b). The Owner acknowledges that if this Development Agreement is ever  
17 terminated, the approval shall be deemed null and void and the land uses approved for  
18 the Subject Property shall no longer be permitted, unless otherwise approved by the City  
19 Council.

20 (c). The current provisions of the LDC, as may be amended from time-to-time,  
21 shall be applicable to the Subject Property unless otherwise specifically stated herein.  
22 Any City Code provision not specifically so identified will not be affected by the terms of  
23 this Development Agreement, and will be subject to enforcement and change under the  
24 same criteria as if no Development Agreement were in effect.  
25

1 **SECTION 4. PROJECT DESCRIPTION**

2 The property shall contain two sections Residential and Commercial.

3 (a). Residential.

4 The portion of the Property designated as Residential on the Master Plan  
5 shall consist of a potential mixture of Single Family and Multi Family. In no event shall the  
6 residential units exceed a MAXIMUM of 348 units.

7 (1) Single Family

8 The portion of the Property designated as Single Family on the Master Plan will  
9 consist of a maximum 134 Single-family dwelling units. These dwelling units will be  
10 developed for a fee simple form of ownership and be located around the perimeter of the  
11 Eastern and Northern property lines. The rear lot line will be located no closer than 25  
12 feet from the project property line. Single-family dwelling units shall have a garage in  
13 accordance with the City of Palm Coast LDC. Supplemental performance standards for  
14 these units shall be as set forth in Section 7. The LDC applicable to SFR-2 shall regulate  
15 development or performance standards not identified in this MPD Agreement-  
16 Development Agreement.

17 (2) Multi-Family

18 The portion of the Property designated as Multi-Family will consist of a maximum  
19 214 multi-family attached dwelling units. These buildings will be three (3) stories and be  
20 no more than 38 feet in height. The Multi-Family buildings shall be no closer than 450 feet  
21 from the Eastern property line and 450 feet from the Northern property line. The multi-  
22 family dwelling units may be developed for either fee simple, condominium, or apartment  
23 rental form of ownership. Supplemental performance standards for these units shall be  
24  
25

1 as set forth in Section 7. The LDC applicable to MFR-1 shall regulate development or  
2 performance standards not identified in this MPD Agreement-Development Agreement.

3  
4 The residential common area improvements will be maintained and managed under one  
5 or more property owner's associations . If more than one property owner's association is  
6 created on the Property, a Master Association will be created. The development plan for  
7 Palm Coast 145 is generally outlined below and depicted on the MPD Conceptual Master  
8 Plan which is attached as **Exhibit "B"** hereto (the "Master Plan"). The Master Plan  
9 contains a level of detail satisfactory to permit the Subject Property to proceed directly to  
10 preliminary plat. Site Plans may be submitted simultaneously with preliminary plat(s)  
11 subject to review approval as provided for in the LDC.

12  
13 If the portion of the Property designated as Multi Family is developed for rental apartments  
14 then the following rules and restrictions shall apply:

- 15 • The development will incorporate Crime Prevention Through Environmental  
16 Design (CPTED) strategies.
- 17 • Members of local fire departments and officers of local law enforcement agencies  
18 shall receive a 20% discount off the rental rates for the apartments.
- 19 • There shall be on-site property management offices, which shall be open no less  
20 than six (6) days per week during normal business hours.
- 21 • Only entire apartment units shall be rented to tenants. No individual rooms in any  
22 apartment unit will be rented separately.

23  
24 (b) Commercial - The portion of the Property designated as Commercial on the  
25 Master Plan shall include up to 350,000 square feet of general commercial and shopping



1 center development to include uses permitted (P) or uses only approved by special  
2 exception (s) as provided for in the LDC under the COM-2 designation. Special Exception  
3 shall be approved in accordance with Chapter 2 of the Land Development Code. A  
4 request for a Special Exception shall not be deemed an amendment to this Development  
5 Agreement or change in zoning. Uses noted with (L) are noted to have additional  
6 limitations from the Land Development Code specific to that use but not all limited uses  
7 are so indicated. The commercial area may be subject to its own property owner's  
8 association and may not necessarily be subject to a proposed Master Association.  
9 Access to the residential areas of the Subject Property shall be provided via a common  
10 roadway traversing through the commercial area and shall be platted in connection with  
11 development of the residential areas.

12 (c). Temporary Sales/Construction Trailers and Model Units - Temporary sales  
13 and construction trailers and model units may be located within the MPD, subject to  
14 review and approval at the time of site development plan approval in accordance with the  
15 LDC.

16 (d). Common Areas – Common areas are located throughout the MPD and shall  
17 include open space, landscape areas, recreation (active and passive) as well as sales  
18 centers.

19  
20 **SECTION 5. DEVELOPMENT PLAN**

21 (a) The Master Plan depicts the general layout of the entire development. The  
22 exact location of structures, lot lines, roadways, internal landscape buffers, wetlands,  
23 drainage facilities and other improvements shown on the Master Plan may be modified  
24 during review of the site development plans and Subdivision plat and plans.

1 (b) Adjustments to the Master Plan are anticipated to occur during the site  
2 development plan and subdivision plat review processes. Revisions which meet the  
3 intent and purpose of the City's Comprehensive Plan and LDC shall be approved by the  
4 Land Use Administrator (LUA), if the substantial integrity of the original Master Plan and  
5 the development standards contained herein are maintained. Any modification to the  
6 Master Plan that increases the intensity or types of development uses, increases building  
7 heights, reduces the total amount of open space, or decreases the size of any perimeter  
8 buffer within the Property shall require the approval of the City Council following the  
9 review and recommendation of the Planning and Land Development Regulation Board  
10 (PLDRB).

11 (c) The MPD may be developed in multiple phases. All infrastructure  
12 necessary to support each phase of the MPD shall be constructed with that phase as a  
13 condition of site development plan or preliminary plat approval.  
14

15 **SECTION 6. LAND DEVELOPMENT CODE APPLICABILITY**

16 (a) The Land Development Code applies to the Property and development  
17 within it, unless expressly otherwise provided in this MPD.

18 (b) The requirements of this Section supersede any inconsistent provisions of  
19 the LDC or other ordinances of the City.

20 (1) Wetlands and Wetland Buffer. After the issuance of an  
21 Environmental Resource Permit by the St. Johns River Water Management District  
22 (SJRWMD), a conservation easement in favor of the SJRWMD shall be recorded.  
23 Conservation Easements including the upland buffer shall not be included within  
24 development lots. A minimum 25' upland buffer shall be provided around all wetland  
25

1 areas not being impacted by development. Where wetlands are impacted by the  
2 development plan, buffering and mitigation, consistent with the SJRWMD permit, shall be  
3 provided. Activities within the upland buffer shall be limited to removal of invasive  
4 vegetation, installation of essential utilities and permitted trail crossings. Wetlands and  
5 wetland buffers shall be regulated by the LDC.

6 (2) Stormwater. The Property is being developed with privately  
7 maintained roads and a privately maintained drainage system. Stormwater runoff from  
8 the Project will be conveyed to on-site stormwater retention systems by means of grassed  
9 swales, curb gutters, and an underground drainage pipe system. The stormwater  
10 retention systems onsite may be interconnected with such systems on adjacent sites,  
11 subject to approval of the St. Johns River Water Management District and the City. The  
12 City and Owner/Developer will coordinate at time of site plan or plat review to ensure that  
13 offsite drainage will not be affected by the onsite improvements.

14 (3) Roadways/Rights-of-Way. Internal access to all residential  
15 structures and the amenities shall be provided by rights-of-way to be maintained by the  
16 Associations. Cul-de-sacs shall have a 120' right-of-way diameter and a 100' pavement  
17 diameter. A 110' right-of-way diameter may be used where no sidewalk is constructed.  
18 Islands may be constructed in the cul-de-sacs so long as a minimum asphalt roadway  
19 width of twenty-four (24) feet is maintained. All roadways, turn lanes and signalization  
20 that are internal to the Project will be constructed in accordance with applicable City  
21 standards and the LDC. Upon development of the lands shown on the Master Plan,  
22 emergency vehicle access shall be permitted through the Property at all times.  
23  
24  
25

1 (4) Landscape. Efforts to preserve and enhance the project design will be  
2 achieved through adjustments of building, parking, roadway and stormwater location (as  
3 outlined below) and through supplemental landscaping that will blend with the natural  
4 vegetation yet carefully accentuate the residential areas, commercial areas, entrances,  
5 and other common spaces. All reasonable efforts shall be made to preserve existing  
6 native trees and vegetation on the site.

7 General landscaping around parking lots, roadways, entrances, residential  
8 buildings, and other common areas will be landscaped with ornamental and native plant  
9 materials and in accordance with the LDC. These areas will be landscaped to include  
10 pockets of preserved trees, enhanced street frontage landscaping, garden courtyards,  
11 foundation and other types of landscaping to reflect outdoor spaces and to blend with the  
12 natural vegetation. All ornamental landscape beds and lawn areas will have  
13 supplemental irrigation. Florida Water Star landscaping standards are encouraged where  
14 feasible.  
15

16 (5) Signage. All signage shall be regulated per the LDC. Directional  
17 signage for recreation and other amenities may be provided throughout the development.  
18 Directional signs shall be uniform and consistent in design throughout the residential  
19 community and shall be located in a tract or easement designated for signage and  
20 maintained by common property association or CDD (if approved by the City). Directional  
21 signage may include the identity of the facility or amenity.

22 The residential entrance signs on US 1 may be located within the area designated  
23 as commercial within an easement or tract adjacent to US 1.  
24  
25

1 Neighborhood identity signs may be located along the main internal road in  
2 accordance with residential entrance sign criteria in the LDC.

3 The project's commercial signage within the area designated as commercial shall  
4 comply with the provisions of the LDC for such property. All signage will be consistent  
5 and uniform in design. All signs will comply with the setbacks and sight clearance  
6 requirements of the LDC.

7 (6) Entry Features. Entry Features and signs are to be regulated per the  
8 LDC. Entry features and signs may be constructed at the entrance/exit to the project in  
9 approximate locations as shown on the Master Plan. The Owner reserves the right to  
10 construct secured entry gates. Vehicular access shall be designed to accommodate  
11 emergency vehicle access at both access locations, pursuant to dimensional  
12 requirements defined by the LDC.

13 (7) Roads, Streets and Alleys. The Property is being developed with  
14 privately maintained roads.

15 (8) School Bus Stops. Improved school bus stops (benches/pads) for  
16 use by residents shall be provided.

17 (9) Recreation. Recreation facilities shall be provided consistent with  
18 Comprehensive Plan level of service standard.

19 (10) Pedestrian / Bicycle Access. A pedestrian / bicycle system shall  
20 provide connection between residential and commercial areas, structures, commercial  
21 development and amenities, and for access and passive recreation needs. A multi-use  
22 path will be provided along US 1 frontage to connect the project to existing multi-use path  
23 system including benches.  
24  
25



1 (11) Lighting. Decorative pole mounted lighting fixtures shall be provided  
2 throughout the MPD. Additional landscape lighting may include low level lighting and  
3 occasional accent lighting. The locations of such fixtures shall be further described at the  
4 time of site development plan approval.

5 (12) Florida Black Bear Protection. Florida black bear have been heavily  
6 documented in this area of Palm Coast. To minimize the potential of human-bear  
7 conflicts, Bear Smart Community practices shall be integrated into the project elements.  
8 The following activities shall be conducted.

9 (a) Prepare a bear conflicts assessment of the project area and  
10 surrounding areas.

11 (b) Prepare a human-bear conflicts management plan that is  
12 designed to address the bear and land use conflicts identified in the  
13 previous step.

14 (c) As part of a new resident's welcome package, bear aware  
15 information shall be provided as part of a continuing education program.

16 (d) Management of solid waste shall be at the core of the  
17 management plan. Bear proof trash receptacles and dumpsters are  
18 required for residential and non-residential land uses.

19 (e) At no cost to the City of Palm Coast, recreation amenities shall  
20 be made available for bear outreach events at a minimum of once per  
21 year.

22 (13) Wildfire Mitigation. The Project will incorporate principles of Firewise  
23 communities, which may include, but not be limited to: (i) the use of select building  
24  
25

materials which are fire resistant, (ii) community design principles, such as lot vegetation management, use of landscaping materials, and suggesting fire break at perimeters, and (iii) the provision of Firewise educational material. Moreover, the Owner, at its election, may cut or remove understory growth consistent with the principles of Firewise communities to minimize the threat of wildfires.

(14) Neighboring Property Perimeter Buffers. Owner will provide a perimeter buffer of 25' between proposed development and existing neighboring residential properties in accordance with Exhibit "B". Owner will make all efforts to leave this "buffer" in its current natural condition. If a buffer cannot be preserved in its natural condition, then supplemental landscaping will be provided meeting the requirements of the LDC.

(15) Nothing herein shall be deemed a prohibited exaction under Fla. Stat. 70.45, and Owner agrees it has not suffered any damages under that statute.

**SECTION 7. SITE DEVELOPMENT PLAN**

(a) The following table lists the site development requirements that are applicable within the Property.

**Table of Site Development Requirements**

TYPE	SINGLE FAMILY (SFR-2)	MULTI-FAMILY (MFR-1)	COMMERCIAL (COM-2) <sup>2</sup> & AMENITY CENTER
Lot Width Minimum	60'	100'	100'
Lot Size Minimum	7,500 Sq. Ft.	2,500 Sq. Ft.	N/A
Living Area Minimum	1,200 Sq. Ft.	750 Sq. Ft.	N/A
Height Maximum <sup>1</sup>	35'	38'	75'
Setbacks from Street Minimums	N/A	N/A	Arterial/Collector Road 25' Local Road 20' Or Landscape Buffer whichever is greater

1	Front Setback Minimum	20'	20'	N/A
2	Interior Side Yard Setback Minimum	5'	0'	10'
3	Rear Setback Minimum	10'	15'	10' Interior boundary
4	Side Street Setback Minimum	15'	15'	N/A
5	Max Impervious Surface Ratio (ISR)	<sup>3</sup> .75	.70	.70
6	Maximum Floor Area Ratio (FAR)	N/A	N/A	.40

7  
8 <sup>1</sup> Roof heights shall be measured in accordance with LDC

9 <sup>2</sup> Commercial development standards not identified in MPD shall follow LDC.

10 <sup>3</sup> Impervious is calculated on the whole project rather than individual lots.

11  
12 **Additional Dimensional Requirements**

- 13 1. All setbacks will be measured from the lot line to the foundation of the structure.

14 (b) Emergency Services. Fire protection requirements for the Project will  
15 be met through a system of fire hydrants installed on the site by the Owner in accordance  
16 with City standards. The locations of fire hydrants will be shown on the final site plans or  
17 Subdivision Plans. The water requirements for the fire system will be served by the City.

18 (c) Parking. Parking shall comply with the LDC

19 (d) Maintenance The Common Areas and other land that are owned or  
20 controlled by a property owner's association will be maintained by the property owner's  
21 association.

22 (e) Services All services for the Property, including utilities, fire  
23 protection, solid waste, telephone, electricity, cable television, fiber optics, and  
24 stormwater management shall be provided by the responsible parties. All new utilities  
25 serving the project shall be installed underground except wells and pump stations.  
Existing wells and pump stations and overhead power lines shall not be required to be

1 placed underground. Water and wastewater services are to be provided by the City of  
2 Palm Coast.

3 **SECTION 8. BREACH; ENFORCEMENT; ALTERNATIVE DISPUTE RESOLUTION.**

4 (a). In the event of a breach hereof by either party hereto, the other party hereto  
5 shall have all rights and remedies allowed by law, including the right to specific  
6 performance of the provisions hereof.

7 (b). In the event that a dispute arises under this Development Agreement, the  
8 parties shall attempt to resolve all disputes informally. In the event of a failure to informally  
9 resolve all disputes, the City and Owner agree to engage in mediation before a certified  
10 Circuit Court mediator selected by the parties. In the event that the parties fail to agree  
11 to a mediator, a certified mediator may be selected by mutual consent of the City and the  
12 Owner. The parties shall equally pay all costs of mediation. A party who unreasonably  
13 refuses to submit to mediation may not later object in Circuit Court that the other party  
14 failed to comply with this Section 8(b) by not participating in the mediation prior to filing  
15 suit.  
16

17 (c). Prior to the City filing any action or terminating this Development Agreement  
18 as a result of a default under this Development Agreement, the City shall first provide the  
19 Owner written notice of the said default. Upon receipt of said notice, the Owner shall be  
20 provided a thirty (30) day period in which to cure the default to the reasonable satisfaction  
21 of the City prior to the City filing said action or terminating this Development Agreement.  
22 If thirty (30) days is not a reasonable period of time in which to cure the default, the length  
23 of the cure period shall be extended for a time period acceptable to the City, but in no  
24 case shall the cure period exceed ninety (90) days from the initial notification of default.  
25

1 Upon proper termination of the Development Agreement, the Owner shall immediately be  
2 divested of all rights and privileges granted hereunder.

3 **SECTION 9. NOTICES.**

4 (a). All notices required or permitted to be given under this Development  
5 Agreement must be in writing and must be delivered to the City or the Owner at its  
6 address set forth below (or such other address as may be hereafter be designated in  
7 writing by such party).

8 (b). Any such notice must be personally delivered or sent by registered or  
9 certified mail, overnight courier, facsimile, or telecopy.

10 (c). Any such notice will be deemed effective when received (if sent by hand  
11 delivery, overnight courier, telecopy, or facsimile) or on that date which is three (3) days  
12 after such notice is deposited in the United States mail (if sent by registered or certified  
13 mail).

14 (d). The parties' addresses for the delivery of all such notices are as follows:

15  
16 As to the City: City Manager  
17 160 Lake Avenue  
18 Palm Coast, Florida, 32164

19 As to the Owner: Palm Coast 145, LLC  
20 7070 NW 84<sup>th</sup> Ave  
21 Parkland, FL 33067

22 **SECTION 10. SEVERABILITY.**

23 It is hereby declared to be the intention of the City Council that the sections,  
24 paragraphs, sentences, clauses and phrases of this Development Agreement are  
25 severable, and if any phrase, clause, sentence, paragraph or section of this Development  
Agreement shall be declared unconstitutional by the valid judgment or decree of a court



1 of competent jurisdiction, such unconstitutionality shall not affect any of the remaining  
2 phrases, clauses, sentences, paragraphs and sections of this Development Agreement.

3 **SECTION 11. SUCCESSORS AND ASSIGNS.**

4 (a). This Development Agreement and the terms and conditions hereof shall be  
5 binding upon and inure to the benefit of the City and Owner and their respective  
6 successors-in-interest. The terms and conditions of this Development Agreement  
7 similarly shall be binding upon the property and shall run with the land and the title to the  
8 same.

9 (b). This Development Agreement touches and concerns the Subject Property.

10 (c). The Owner has expressly covenanted and agreed to this provision and all  
11 other terms and provisions of this Development Agreement.

12 **SECTION 12. GOVERNING LAW/VENUE/COMPLIANCE WITH LAW.**

13 (a). This Development Agreement shall be governed by and construed in  
14 accordance with the laws of the State of Florida and the Code of Ordinances of the City  
15 Of Palm Coast.

16 (b). Venue for any dispute shall be in the Seventh Judicial Circuit Court in and  
17 for Flagler County, Florida.

18 (c). The Owner shall fully comply with all applicable local, State, and Federal  
19 environmental regulations and all other laws of similar type or nature.

20 (d). Without waiving the Owner's potential rights, remedies and protections or  
21 the City's defenses pursuant to Chapter 70 of the Florida Statutes, as may be amended,  
22 this Development Agreement shall not limit the future exercise of the police powers of the  
23 City to enact ordinances, standards, or rules regulating development generally applicable  
24  
25

1 to the entire area of the City, such as requiring compliance with the City capital facilities  
2 plan; parks master plan, including parks and trail dedications; utility construction and  
3 connections; mandating utility capacities; requiring street development or other such  
4 similar land development regulations and requirements.

5 (e). If state or federal laws are enacted after execution of this Development  
6 Agreement, which are applicable to and preclude the parties' compliance with this  
7 Development Agreement, this Development Agreement shall be modified or revoked as  
8 necessary to comply with the relevant law.

9 (f). This Development Agreement shall also not be construed to prohibit the  
10 City from adopting lawful impact fees applicable to the Owner and the Master Plan  
11 Development authorized hereunder.

12 **SECTION 13. TERM / EFFECTIVE DATE.**

13 This Development Agreement shall be effective upon adoption by the City Council  
14 of the City of Palm Coast, Florida and execution of this Development Agreement by all  
15 parties.  
16

17 **SECTION 14. RECORDATION.**

18 Upon adoption by the City Council of the City of Palm Coast, Florida and execution  
19 of this Development Agreement by all parties, this Development Agreement and any and  
20 all amendments hereto shall be recorded by the City with the Clerk of the Circuit Court of  
21 Flagler County within thirty (30) days after its execution by the City and the Development  
22 Agreement shall run with the land.

23 **SECTION 15. PERMITS.**

24 (a). The failure of this Development Agreement to address any specific City,  
25

1 County, State, or Federal permit, condition, term, or restriction shall not relieve the Owner  
2 or the City of the requirement of complying with the law governing said permitting  
3 requirements, conditions, terms, or restrictions.

4 (b). The terms and conditions of this Development Agreement determine  
5 concurrency for the project.

6 (c) All development and impact fees charged by the City for construction or  
7 development of subdivisions or site plans shall be paid by the Owner at the time the City  
8 issues a building permit or a certificate of occupancy.

9 **SECTION 16. THIRD PARTY RIGHTS.**

10 This Development Agreement is not a third party beneficiary contract, and shall  
11 not in any way whatsoever create any rights on behalf of any third party.  
12

13 **SECTION 17. TIME IS OF THE ESSENCE.**

14 (a). Strict compliance shall be required with each and every provision of this  
15 Development Agreement.

16 (b). Time is of the essence to this Development Agreement and every right or  
17 responsibility required herein shall be performed within the times specified.

18 **SECTION 18. ATTORNEY'S FEES.**

19 In the event of any action to enforce the terms of this Development Agreement, the  
20 prevailing party shall be entitled to recover reasonable attorneys' fees, paralegals' fees,  
21 and all costs incurred, whether the same be incurred in a pre-litigation negotiation,  
22 litigation at the trial, or appellate level.

23 **SECTION 19. FORCE MAJEURE.**

24 The parties agree that in the event that the failure by either party to accomplish  
25

1 any action required hereunder within a specific time period ("Time Period") constitutes a  
2 default under terms of this Development Agreement and, if any such failure is due to any  
3 unforeseeable or unpredictable event or condition beyond the control of such party  
4 including, but not limited to, acts of God, acts of government authority (other than the  
5 City's own acts), acts of public enemy or war, terrorism, riots, civil disturbances, power  
6 failure, shortages of labor or materials, injunction or other court proceedings beyond the  
7 control of such party, or severe adverse weather conditions ("Uncontrollable Event"), then  
8 notwithstanding any provision of this Development Agreement to the contrary, that failure  
9 shall not constitute a default under this Development Agreement and any Time Period  
10 prescribed hereunder shall be extended by the amount of time that such party was unable  
11 to perform solely due to the Uncontrollable Event.

12 **SECTION 20. CAPTIONS.**

13 Sections and other captions contained in this Development Agreement are for  
14 reference purposes only and are in no way intended to describe, interpret, define, or limit  
15 the scope, extent or intent of this Development Agreement, or any provision hereof.  
16

17 **SECTION 21. INTERPRETATION.**

18 (a). The Owner and the City agree that all words, terms and conditions  
19 contained herein are to be read in concert, each with the other, and that a provision  
20 contained under one (1) heading may be considered to be equally applicable under  
21 another in the interpretation of this Development Agreement.

22 (b). This Development Agreement shall not be construed more strictly against  
23 either party on the basis of being the drafter thereof, and both parties have contributed to  
24 the drafting of this Development Agreement subject, however, to the provisions of  
25

1 Section 19.

2 **SECTION 22. FURTHER ASSURANCES.**

3 Each party agrees to sign any other and further instruments and documents  
4 consistent herewith, as may be necessary and proper to give complete effect to the terms  
5 of this Development Agreement.

6 **SECTION 23. COUNTERPARTS.**

7 This Development Agreement may be executed in any number of counterparts,  
8 each of which shall be deemed an original, but all of which, taken together, shall constitute  
9 one (1) and the same document.

10 **SECTION 24. MODIFICATIONS / AMENDMENTS/NON-WAIVER.**

11 (a). Amendments to and waivers of the provisions herein shall be made by the  
12 parties only in writing by formal amendment. This Development Agreement shall not be  
13 modified or amended except by written agreement executed by all parties hereto and  
14 upon approval of the City Council of the City of Palm Coast.  
15

16 (b). Failure of any party hereto to exercise any right hereunder shall not be  
17 deemed a waiver of any such right and shall not affect the right of such party to exercise  
18 at some future date any such right or any other right it may have.

19 **SECTION 25. ENTIRE AGREEMENT; EFFECT ON PRIOR AGREEMENTS.**

20 This Development Agreement constitutes the entire agreement between the  
21 parties and supersedes all previous oral discussions, understandings, and agreements  
22 of any kind and nature as between the parties relating to the subject matter of this  
23 Development Agreement.

24 **(SIGNATURES AND NOTARY BLOCKS ON NEXT PAGE)**

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1           **IN WITNESS WHEREOF**, the City and Citation Boulevard Investments, LLC have  
2 caused this Development Agreement to be duly executed by his/her/its/their duly  
3 authorized representative(s) as of the date first above written.

4 **OWNER'S/APPLICANT'S CONSENT AND COVENANT:**

5           **COMES NOW**, the Owner on behalf of itself and its successors, assigns and  
6 transferees of any nature whatsoever, and consents to and agrees with the covenants to  
7 perform and fully abide by the provisions, terms, conditions and commitments set forth in  
8 this Development Agreement.  
9

10  
11 WITNESSES:

Palm Coast 145, LLC

12 \_\_\_\_\_

By: \_\_\_\_\_

13 (print)

Print name: \_\_\_\_\_

14 \_\_\_\_\_

Title: \_\_\_\_\_

15  
16 (print)

17  
18 STATE OF FLORIDA  
19 COUNTY OF \_\_\_\_\_

20           The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of  
21 \_\_\_\_\_, 2017, by \_\_\_\_\_, the \_\_\_\_\_  
22 of Palm Coast 145, LLC, a Florida limited liability company, (check one)  who is  
23 personally known to me or  who produced \_\_\_\_\_ as  
24 identification.

25 \_\_\_\_\_  
Notary Public – State of Florida

Print Name: \_\_\_\_\_

My Commission expires:

CITY OF PALM COAST, FLORIDA

\_\_\_\_\_  
Milissa Holland, Mayor

ATTEST:

\_\_\_\_\_  
Virginia A. Smith, City Clerk

APPROVED AS TO FORM AND LEGALITY:

\_\_\_\_\_  
William E. Reischmann, Jr., City Attorney

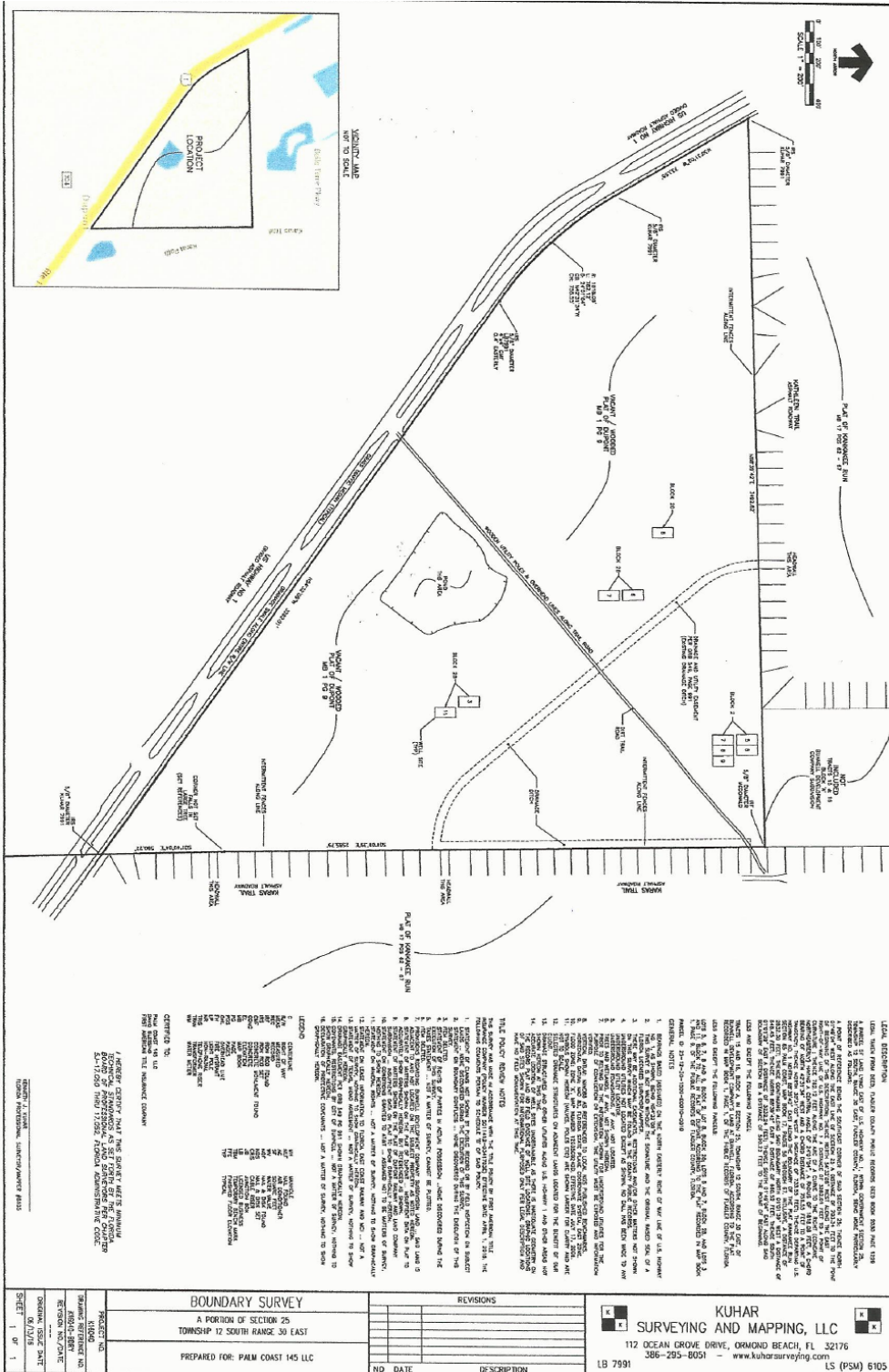
STATE OF FLORIDA  
COUNTY OF FLAGLER

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2017, by Milissa Holland, Mayor of the City of Palm Coast, Florida, who is personally known to me.

\_\_\_\_\_  
Notary Public – State of Florida  
Print Name: \_\_\_\_\_  
My Commission expires:

# EXHIBIT "A" LEGAL DESCRIPTION

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**LEGAL DESCRIPTION**  
 A portion of Section 25, Township 12 South, Range 30 East, as shown on the attached plat, is hereby described as follows: ...

**THIS PLAT REVIEW NOTICE**  
 This plat has been reviewed by the Florida Department of Transportation (FDOT) and the Florida Department of Environmental Protection (FDEP) for compliance with the Florida Department of Transportation (FDOT) and the Florida Department of Environmental Protection (FDEP) rules and regulations. ...

**LEGEND**  
 S - Survey  
 B - Boundary  
 W - Water  
 L - Lot  
 R - Road  
 P - Planting  
 ...

**CERTIFIED TO:**  
 THE BOARD OF COUNTY COMMISSIONERS  
 PALM BEACH COUNTY, FLORIDA

**PREPARED FOR:** PALM COAST 145 LLC

<b>BOUNDARY SURVEY</b> A PORTION OF SECTION 25 TOWNSHIP 12 SOUTH RANGE 30 EAST PREPARED FOR: PALM COAST 145 LLC		<b>REVISIONS</b> <table border="1"> <thead> <tr> <th>NO.</th> <th>DATE</th> <th>DESCRIPTION</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	NO.	DATE	DESCRIPTION										<b>KUHAR SURVEYING AND MAPPING, LLC</b> 112 OCEAN GROVE DRIVE, ORMOND BEACH, FL 32176 386-295-8051 - www.kuharsurveying.com LS (PSM) 6105
NO.	DATE	DESCRIPTION													

LEGAL DESCRIPTION

LEGAL TAKEN FROM DEED, FLAGLER COUNTY PUBLIC RECORDS DEED BOOK 2030 PAGE 1229

A PARCEL OF LAND LYING EAST OF U.S. HIGHWAY NO. 1, WITHIN GOVERNMENT SECTION 25, TOWNSHIP 12 SOUTH, RANGE 30 EAST, FLAGLER COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A POINT OF REFERENCE BEING THE SOUTHEAST CORNER OF SAID SECTION 25; THENCE NORTH 01°49'04" WEST ALONG THE EAST LINE OF SECTION 25 A DISTANCE OF 703.34 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE NORTH 54°32'08" WEST ALONG THE EAST RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 1 A DISTANCE OF 3282.01 FEET TO A POINT OF CURVATURE ; THENCE 782.12 FEET ALONG THE ARC OF A CURVE TO THE RIGHT (CONCAVE NORTHEASTERLY) HAVING A CENTRAL ANGLE OF 24°01'04", A RADIUS OF 1818.08 FEET, A CHORD BEARING OF NORTH 42°31'34" WEST AND A CHORD DISTANCE OF 758.55 FEET TO A POINT OF TANGENCY; THENCE NORTH 30°31'02" WEST A DISTANCE OF 733.55 FEET; THENCE DEPARTING U.S. HIGHWAY NO. 1 NORTH 88°39'42" EAST ALONG THE BOUNDARY OF THE PLAT KANKAKEE RUN SECTION 65 PALM COAST, MAP BOOK 17, PAGES 58 THROUGH 67, INCLUSIVE, A DISTANCE OF 2832.30 FEET; THENCE CONTINUING ALONG SAID BOUNDARY NORTH 01°01'39" WEST A DISTANCE OF 848.45 FEET; THENCE NORTH 88°39'42" EAST A DISTANCE OF 880.52 FEET; THENCE SOUTH 01°01'39" EAST A DISTANCE OF 3232.24 FEET; THENCE SOUTH 01°49'04" EAST ALONG SAID BOUNDARY OF SECTION 65 A DISTANCE OF 590.22 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT THE FOLLOWING PARCEL:

TRACTS 15 AND 16, BLOCK A, IN SECTION 25, TOWNSHIP 12 SOUTH, RANGE 30 EAST, OF BUNNELL DEVELOPMENT COMPANY'S LAND AT BUNNELL, FLORIDA, ACCORDING TO THE PLAT RECORDED IN MAP BOOK 1, PAGE 1, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA.

LESS AND EXCEPT THE FOLLOWING PARCELS:

LOTS 5, 6, 7, 8 AND 9, BLOCK 2; LOT 8, BLOCK 20; LOTS 5 AND 7, BLOCK 28, AND LOTS 3 AND 11, BLOCK 70, ALL IN PLAT OF DUPONT, ACCORDING TO THE PLAT RECORDED IN MAP BOOK 1, PAGE 9, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA.

PARCEL ID: 25-12-30-1500-00010-0010



EXHIBIT "B" CONCEPTUAL MASTER PLAN

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# PALM COAST 145, LLC CONCEPTUAL MASTER PLAN



1 inch = 200 ft.  
DATE: 6-28-2017



**SINGLE FAMILY - 134 DU**  
**MULTI-FAMILY - 214 DU**  
**COMMERCIAL - 350,000 SF**

NOTE: CONCEPTUAL MASTER PLAN REFLECTS 59 ACRES OF OPEN SPACE TO MEET CITY LDC REQUIREMENT OF 40% OPEN SPACE FOR A MASTER PLANNED DEVELOPMENT.





**COMMUNITY DEVELOPMENT DEPARTMENT  
Zoning Map Amendment Staff Report  
August 23, 2017**

**OVERVIEW**

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<b>Case Number:</b>	3122
<b>Applicant:</b>	Beebe & Associates for Palm Coast 145, LLC
<b>Property Description:</b>	145+/- acres generally located east of US-1 and south of Belle Terre Blvd.
<b>Property Owner:</b>	Palm Coast 145, LLC
<b>Real Estate ID #:</b>	25-12-30-1500-00010-0010
<b>Current FLUM designation:</b>	Industrial, Greenbelt, and Conservation
<b>Current Zoning designation:</b>	High Intensity Commercial (COM-3), Light Industrial (IND-1), Estate-1 (EST-1)
<b>Current Use:</b>	Vacant
<b>Requested Action:</b>	Rezoning from High Intensity Commercial (COM-3), Light Industrial (IND-1) and Estate-1 (EST-1) to Master Planned Development (MPD).
<b>Recommendation:</b>	Staff recommends that the City Council APPROVE the proposed zoning map amendment along with the revised Conceptual Master Plan and Development Agreement.  Staff and the Planning and Land Development Regulation Board (PLDRB) previously recommended approval of the original submittal.

**ANALYSIS**

---

**REQUESTED ACTION**

Beebe & Associates on behalf of the property owner, Palm Coast 145, LLC, is requesting to rezone a 145+/- acre parcel from High Intensity Commercial (COM-3), Light Industrial (IND-1) and Estate-1 (EST-1) to Master Planned Development (MPD) along with a development agreement that would permit up to 348 dwelling units and 350,000 sq. ft. of non-residential development (general commercial uses & shopping center).

**BACKGROUND/SITE HISTORY**

This rezoning application is a companion to a Comprehensive Plan amendment to redesignate portions of the subject parcel from Greenbelt to Residential and Industrial. Additionally, the proposed comprehensive plan amendment will limit the potential development of the subject parcel to 348 dwelling units and 350,000 sq. ft. of non-residential uses. The proposed rezoning will provide the properties with a zoning designation consistent with the proposed City of Palm Coast FLUM designation and to permit uses consistent with the allowable uses in the Comprehensive Plan. Under the proposed rezoning, all lands fronting US-1 will be designated for commercial uses and the areas away from US-1 will be designated for multi-family residential development.

The Planning and Land Development Regulation Board held a public hearing on Dec. 21, 2016 on this item. Prior to the PLDRB vote on the item, the applicant requested a continuance of the item. On January 18, 2017, the PLDRB held a public hearing and voted to recommend Approval of the proposed zoning map amendment with a condition that the existing open space and portions of the water areas on the north and east side of the property be left as native vegetation or buffer to the maximum extent possible.

On March 7, 2017, the City Council held a public hearing on the subject item. After staff presentation, and public testimony, City Council tabled the agenda item with direction to continue dialogue on the proposed Master Plan.

### **Update on Proposed Master Plan**

The applicants have provided an updated Conceptual Master Plan that differs from the previous submittal as follows:

1. Buffer on the north and east boundaries will be a 134 unit subdivision including a 25' landscape buffer. The single-family subdivision will meet the minimum development standards for SFR-2 which is consistent with zoning of existing single-family lots.
2. Development will have a maximum of 214 multi-family units with maximum height of 38'. Previous submittal was for 348 multi-family dwelling units and 36' maximum height.
3. Multi-family development are clustered adjacent to the commercial development. Previous submittal, the multi-family buildings are scattered throughout the site.
4. Additional access to US-1 to serve single-family units.

**The staff report has been amended to reflect the proposed changes in the Conceptual Master Plan.**

## **LAND USE AND ZONING INFORMATION**

### **SURROUNDING LAND USES:**

North: Residential, Greenbelt  
South: Industrial (Flagler County)  
East: Residential  
West: Industrial, Agriculture & Timberlands (Flagler County)

### **SURROUNDING ZONING:**

North: Single Family Residential (SFR)  
South: Industrial (Flagler County)  
East: Single Family Residential (SFR) & Duplex (DPX)  
West: Industrial & Agriculture (Flagler County)

The proposed rezoning to Master Planned Development (MPD) with an associated Development Agreement will result in the following changes from the previous zoning designations:

- 1) The proposed comprehensive plan amendment and zoning map amendment would expand the available commercial areas along US-1 by approximately 8.5 acres. The area currently zoned Light Industrial will be limited by the MPD-Development Agreement (DA) to uses that are consistent with the General Commercial (COM-2) zoning district.
- 2) The second component of the amendment would increase the potential residential development on the subject parcel from 90 dwelling units to a maximum of 348 dwelling units.

**COMPARISON SITE DEVELOPMENT REQUIREMENTS:**

A site development requirements comparison between the existing zoning and proposed zoning is provided in the following tables.

**Non-Residential Comparison**

The comparison for the non-residential portion of the property does not indicate a significant difference between the existing and proposed zoning. The main difference is an increase in the maximum building height from 65' to 75'. Additionally, the proposed development agreement will limit commercial development on the subject parcel to 350,000 sq. ft. which is at a Floor to Area Ratio (FAR) of approximately .15 or less than half of the maximum permitted FAR in the current zoning district.

**Non-residential Comparison**

<b>Criteria</b>	<b>IND-1 (Existing)</b>	<b>COM-3 (Existing)</b>	<b>MPD (Proposed)</b>
<b>Floor to Area Ratio (FAR)</b>	.35	.50	.40*
<b>Max. Impervious Area</b>	.70	.70	.70
<b>Max. Bldg. Height</b>	65'	75'	75'
<b>Minimum Interior Side &amp; Rear Setbacks</b>	10'	10'	10'
<b>Minimum Arterial/Collector Rd. Setback</b>	25'	25'	25' or Landscape Buffer whichever is greater
<b>Minimum Local Rd. Setback</b>	25'	20'	20' or Landscape Buffer whichever is greater
<b>Lot Width Minimum</b>	100'	100'	100'

\*The subject parcel is limited to 350,000 sq. ft. of non-residential uses (per companion FLUM amendment) which is equivalent to approximately .15 Floor to Area Ratio (FAR).

**Residential Comparison**

The comparison for the residential development requirements indicates that there is a significant difference in the development potential between the existing and proposed zoning. Currently, the subject property has a maximum development potential of 90 single family dwelling units. The proposed zoning/development agreement proposes a total of 348 dwelling units (134 single-family and 214 multi-family dwelling units).

It is important to note that the applicant has attempted to mitigate the intensification in development by proposing development standards which are generally consistent with the existing zoning. These include creating an envelope of single-family lots adjacent to the existing single-family neighborhood. The development standards for the proposed single-family lots are consistent with the current zoning of the existing single-family neighborhood (SFR-2).

Additionally, the MPD will propose maximum heights which are generally equivalent to the current height limit, a natural buffer of 25' and clustering the multi-family units behind the non-residential uses.



**Residential Comparison**

<b>Criteria</b>	<b>Estate-1 (Existing)</b>	<b>MPD (Proposed) Single-family Residential Area</b>	<b>MPD (Proposed) Multi-family Residential Area</b>
<b>Max. Density (units/acre)</b>	1.0	**	**
<b>Max. Bldg. Height</b>	35'	35'	38'
<b>Max. Impervious Area</b>	.50	.75	.70
<b>Min. Front Setback</b>	25'	20'	20'
<b>Min. Rear Setback</b>	25'	10'	15'
<b>Min. Interior Side Setback</b>	10'	5'	0'
<b>Min. Street Side Setback</b>	20'	15'	15'
<b>Lot Width Minimum</b>	100'	60'	100'
<b>Lot Size Minimum</b>	1 acre	7,500 sq. ft.	2,500 sq. ft.
<b>Living Area Minimum</b>	1200 sq. ft.	1,200 sq. ft.	750 sq. ft.

\*\*The subject parcel is limited to 348 dwelling units (134 Single-family units and 214 multi-family units) which is equivalent to 4.3 dwelling units/acre.

**Consistency of Proposed Zoning Designation with Surrounding Properties**

The proposed expansion of the commercial uses along US-1 is consistent with properties to the west and south of the site which are currently zoned for Industrial uses (Flagler County). Additionally, the commercial uses provide an appropriate buffer between the proposed residential uses on the subject parcel and the industrial uses typically found to the west and south of the site. Finally, the applicant has proposed to limit the commercial uses on the subject property to 350,000 sq. ft.

The proposed rezoning of the subject property to allow multi-family residential uses is a significant change from the existing zoning (EST-1) and the permitted uses within that zoning district. Such a change in density would require site plan design which may mitigate the impacts to the existing residential uses in the surrounding area as well as the potential commercial development sites along US-1. As previously noted, the applicant has proposed a development agreement which limits height to a maximum of 36' on the subject property as well as proposing a meandering natural buffer of 100'-140' along the north and east perimeter of the subject property. Additionally, the MPD Development Agreement states that the multi-family buildings shall be no closer than 450 feet from the eastern property line and 450 feet from the northern property line.

The proposed rezoning of the subject property will allow a mix of single-family and multi-family residential units. The applicant has a proposed a conceptual master plan that creates an envelope of single-family lots with a 25' perimeter buffer adjacent to the existing single-family neighborhood. Additionally, the multi-family residential units have been clustered adjacent to the proposed commercial areas.

**ANALYSIS BASED ON UNIFIED LAND DEVELOPMENT CODE CHAPTER 2 SECTION 2.05.05 AND SECTION 2.06.03**

**The Unified Land Development Code states: *When reviewing a development order application, the approval authority shall determine whether sufficient factual data was presented in order to render a decision. The decision to issue a development order shall be based upon the following, including but not limited to:***

*A. The proposed development must not be in conflict with or contrary to the public interest;*

**Staff Finding:** The proposed development is not in conflict with, or contrary to, the public interest. The proposed rezoning to designate the lands adjacent to US-1 is appropriate and consistent with the development patterns to the west and south.

The proposed rezoning from EST-1 to Master Planned Development (MPD) as previously stated, is a significant change from the existing zoning (EST-1), Industrial-1, and Preservation. The proposed zoning designation provides a significant change in density and potential housing types. The applicant has proposed to mitigate this change by proposing an envelope of single-family lots with a 25' perimeter buffer adjacent to the existing single-family neighborhood and clustering the multi-family units adjacent to the proposed commercial areas.

*B. The proposed development must be consistent with the Comprehensive Plan and the provisions of this LDC;*

**Staff Finding:** The proposed rezoning of the property is consistent with the following Comprehensive Plan Policies:

*Policy 1.1.1.4 – The following principles and locational criteria shall be used for siting the multi-family residential zoning district within the Residential FLUM designation:*

- A. Availability of existing or planned roads or driveways, which provide accessibility to a collector or an arterial roadway.*
- B. Sites with at least 15 acres of contiguous uplands are preferable; sites less than 5 acres should not be considered.*
- C. Availability of central utilities.*
- D. Proximity of existing or planned commercial and employment centers preferable.*
- E. Proximity to existing or planned parks and recreational facilities preferable.*
- F. Proximity to existing or planned schools preferable.*
- G. Preferred sites should have available land area to provide either a wide landscaped buffer or a natural buffer or barrier from proximate single family residential uses.*
- H. Ability to provide architectural design compatibility with proximate single-family residential areas.*

Consistent with Policy 1.1.1.4, the subject parcel is on a major arterial (US-1), contains at least 15 acres of contiguous uplands, have central water and wastewater facilities in proximity of the site, has adequate land area to provide either a wide landscaped or natural buffer from proximate single family residential uses, and finally, will be required to meet the architectural design guidelines provided in the LDC.

Although consistent with the locational criteria for siting multi-family residential districts as provided in the Comprehensive Plan, proposed development will be required to go through the site plan/platting process review to determine consistency with the Land Development Code.

*-Objective 1.1.4 - Promote compact and contiguous development, a mixture of land uses, and discourage urban sprawl*

*-Policy 1.1.4.5 - Land use patterns will be required to be efficient and not disproportionately increase the cost of providing and maintaining public facilities, as well as providing housing and transportation strategies that will foster energy conservation.*

Consistent with Objective 1.1.4 and Policy 1.1.4.5, the subject parcel is contiguous to the developing areas of the City and does not promote urban sprawl. Utility lines are available within proximity of the site and finally, the proposed development on the parcel will appropriately occur on a parcel with direct access to a major arterial (US-1) and therefore, will minimize significant impacts on the local roads.

*Objective 3.4.1 – Diversity in Housing Opportunities*

*Policy 3.4.1.1 – Through the FLUM and the zoning district regulations of the LDC, the City shall make provisions to supply land that can be developed with various types of residential uses, including single-family homes of various sizes, duplexes, multi-family dwellings, and residential units in mixed use development.*

Consistent with Objective 3.4.1 and Policy 3.4.1.1, the proposed rezoning from EST-1 (single family residential on large lots) to MPD provides an opportunity to diversify the housing opportunities in the City of Palm Coast.

*C. The proposed development must not impose a significant financial liability or hardship for the City;*

**Staff Findings:** The rezoning of the site does not impose a significant financial liability or hardship for the City. The proximity of existing infrastructure provides an opportunity to extend water or wastewater lines to the subject property. The need to extend utility lines will be the responsibility of the owner/developer of the property.

*D. The proposed development must not create an unreasonable hazard, or nuisance, or constitute a threat to the general health, welfare, or safety of the City’s inhabitants;*

**Staff Finding:** The rezoning will generally not create an unreasonable hazard, or nuisance, or constitute a threat to the general health, welfare, or safety of the City’s inhabitants. The proposed change to expand commercial uses and residential uses on a parcel with direct access to US-1 is appropriate. Additionally, the applicant has proposed conditions to mitigate the intensification of uses on the subject parcel.

*E. The proposed development must comply with all other applicable local, state and federal laws, statutes, ordinances, regulations, or codes;*

**Staff Finding:** The rezoning request would not affect any requirements imposed by Federal, State or local government. Any proposed project on the subject properties would still be subject to review by the appropriate Federal, State, or local agencies and compliance with all applicable federal, state or local government laws, rules, statutes, ordinances, regulations or codes. Additionally, the companion Future Land Use Map (FLUM) amendment for the subject properties will be transmitted to the state land planning agency for review and comment by the appropriate state agencies.

**ULDC Chapter 2, Part II, Section 2.06.03 specifically states: “The Planning and Land Development Regulation Board and City Council shall consider the following criteria, in addition to the findings listed in Subsection 2.05.05, when reviewing a rezoning application”:**

*A. Whether it is consistent with all adopted elements of the Comprehensive Plan and whether it furthers the goals and objectives of the Comprehensive Plan;*

**Staff Finding:** As noted previously in the analysis prepared for ULDC Chapter 2, Part II, Section 2.05.05 of this staff report, the proposed rezoning is generally in conformance with the Comprehensive Plan.

*B. Its impact upon the environment and natural resources;*

**Staff Finding:** Any proposed use on the subject properties will be subject to environmental review at the time that an application for a development order or plat is submitted.

*C. Its impact on the economy of any affected area;*

**Staff Finding:** The proposed rezoning of the property does not negatively impact the economy of the surrounding area. The proposed zoning to commercial and multi-family residential provide additional economic opportunities in the area.

D. *Its impact upon necessary governmental services such as schools, sewage disposal, potable water, drainage, fire and police protection, solid waste, or transportation;*

**Staff Finding:** The subject property is currently within the existing service area of the City of Palm Coast. As any proposed development moves forward, the applicant for development would be required to provide additional traffic studies to identify impacts on the roadway network as well as any transportation improvement that may be necessary to accommodate the proposed development. Additionally, any proposed development will need to coordinate with utility providers (City of Palm Coast), as well as the Flagler County School District to ensure adequate capacity to accommodate development.

E. *Any changes in circumstances or conditions affecting the area;*

**Staff Finding:** None.

F. *Compatibility with proximate uses and development patterns, including impacts to the health, safety, and welfare of surrounding residents;*

**Staff Finding:** The proposed expansion of the commercial zoning designation along US-1 is consistent with properties to the west and south of the site which are currently zoned for Industrial uses (Flagler County). Additionally, the proposed general commercial uses along US-1 provides a transitional buffer of uses between the industrial uses to the west of the subject property and the proposed residential areas.

It is recognized that the proposed rezoning of the subject property is a significant change from the existing zoning (EST-1) which permits single-family estate lots. Such a change in density, and housing types in addition to being subject to development and architectural standards in the Land Development Code, also require creative site plan design to mitigate the impacts to the existing residential uses in the surrounding area as well as the potential commercial development sites along US-1. The applicant has proposed to mitigate the impact of the increased intensity in use by creating an envelope of single-family lots with a 25' perimeter buffer adjacent to the existing single-family neighborhood and clustering the multi-family units adjacent to the proposed commercial areas.

G. *Whether it accomplishes a legitimate public purpose;*

**Staff Finding:** Yes, the rezoning furthers a legitimate public purpose by providing for a more cohesive plan for development along a major arterial (US-1). Additionally, the change to permit multi-family development can serve to potentially diversify the housing stock in the City, however, the diversification of potential housing stock should also take into consideration the proximity of surrounding uses and that the proposed use on the subject property mitigate its impact on the existing uses in the area.

**2.09.04. Review findings. The Planning and Land Development Regulation Board and City Council shall consider the following criteria, in addition to the findings listed in Subsection 2.05.05, when reviewing a master planned development application:**

A. *Consistency with all adopted elements of the Comprehensive Plan and whether it furthers the goals and objectives of the Comprehensive Plan.*

**Staff Finding:** As previously stated, the proposed application is consistent and furthers the goals and objectives of the Comprehensive Plan.

B. *Consistency with the general intent of the LDC.*

**Staff Finding:** The application is generally consistent with the intent of the LDC. The development standards proposed in the MPD are generally consistent with the standards established for development of a similar nature.

*C. Degree of departure of the proposed development from surrounding areas in terms of character and density/intensity.*

**Staff Finding:** The application is generally consistent with the intent of the LDC. The development standards proposed in the MPD are generally consistent with the standards established for development of a similar nature.

*D. Compatibility within the development and relationship with surrounding neighborhoods.*

**Staff Finding:** The application to include non-residential uses along a major arterial (US-1) adjacent to multi-family uses provides a logical and generally compatible mix of development. The application in order to improve compatibility with the existing single-family uses in the surrounding neighborhoods proposes an envelope of single-family lots with a 25' perimeter buffer adjacent to the existing single-family neighborhood and clustering the multi-family units adjacent to the proposed commercial areas.

*E. Adequate provision for future public education and recreation facilities, transportation, water supply, sewage disposal, surface drainage, flood control, and soil conservation as shown in the development plan.*

**Staff Finding:** As previously stated, if the application for a Master Planned Development is approved, the project will be analyzed in further detail to determine that there are adequate public infrastructure capacity to serve the development. Additionally, should this development move forward, the development will be required to pay impact fees to accommodate its impact on the public infrastructure and services.

*F. The feasibility and compatibility of development phases to stand as independent developments.*

**Staff Finding:** The application does not propose to have development phases.

*G. The availability and adequacy of primary streets and thoroughfares to support traffic to be generated within the proposed development.*

**Staff Finding:** The subject property is located and will have primary access from a major arterial (US-1). There is currently adequate capacity to accommodate the proposed development. As previously stated, should the proposed project move forward more in-depth traffic study will need to be provided to determine the appropriate traffic operation improvements necessary to accommodate the project (i.e. traffic signals, turn-lanes, etc).

*H. The benefits within the proposed development and to the general public to justify the requested departure from standard development requirements inherent in a Master Planned Development District classification.*

**Staff Finding:** The application is generally consistent with the development requirements in a Master Planned Development District.

*I. The conformity and compatibility of the development with any adopted development plan of the City of Palm Coast.*

**Staff Finding:** The proposed expansion of the commercial zoning designation along US-1 is consistent with properties to the west and south of the site which are currently zoned for Industrial uses (Flagler



County). Additionally, the proposed general commercial uses along US-1 provides a transitional buffer of uses between the industrial uses to the west of the subject property and the proposed residential areas.

It is recognized that the proposed rezoning of the subject property is a significant change from the existing zoning (EST-1) which permits single-family estate lots. Such a change in density, and housing types in addition to being subject to development and architectural standards in the Land Development Code, also require creative site plan design to mitigate the impacts to the existing residential uses in the surrounding area as well as the potential commercial development sites along US-1. The applicant has proposed to mitigate the impact of the increased intensity in use by creating an envelope of single-family lots with a 25' perimeter buffer adjacent to the existing single-family neighborhood and clustering the multi-family units adjacent to the proposed commercial areas.

*J. Impact upon the environment or natural resources.*

**Staff Finding:** Any proposed use on the subject properties will be subject to environmental review at the time that an application for a development order or plat is submitted.

*K. Impact on the economy of any affected area.*

**Staff Finding:** The proposed rezoning of the property does not negatively impact the economy of the surrounding area. The proposed zoning to commercial and multi-family residential provide additional economic opportunities in the area.

#### **PUBLIC PARTICIPATION**

Unified Land Development Code Chapter 2, Part II, Section 2.05.02 requires developers (defined as property owners or persons who are improving property within the City) to notify owners within 300' and hold a neighborhood meeting for Zoning Map Amendments. The applicant hosted a neighborhood meeting on August 1, 2016 and December 12, 2016.

The applicant hosted a neighborhood meeting on August 31, 2017 to present the revised conceptual master plan.

#### **RECOMMENDATION**

Staff recommends that the City Council APPROVE the proposed zoning map amendment along with the revised Conceptual Master Plan and Development Agreement.

Staff and the Planning and Land Development Regulation Board (PLDRB) previously recommended approval of the original submittal.

# City of Palm Coast, Florida Agenda Item

Agenda Date: 11/21/2017

<b>Department Item Key</b>	PLANNING	<b>Amount Account #</b>
<b>Subject</b>	RESOLUTION 2017-XX APPROVING A REQUEST TO WAIVE THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) HOUSING REHABILITATION LIEN FOR PROPERTY AT 36 SEVILLE ORANGE PATH	
<p><b>Background :</b>  <b><u>UPDATE FROM THE NOVEMBER 14, 2017 Workshop</u></b>            This item was heard by City Council at their November 14, 2017 Workshop. There were no changes suggested to this item.</p> <p><b><u>ORIGINAL BACKGROUND FROM THE NOVEMBER 14, 2017 WORKSHOP</u></b>            As part of the Community Development Block Grant (CDBG) Program, the City offers financial assistance to rehabilitate substandard owner-occupied single family housing units (units) located in the City and to bring them up to a minimum acceptable living standard.</p> <p>The CDBG Housing Rehabilitation Program provides financing to income qualified homeowners in the form of 100% Deferred Payment Loans. Deferred Payment Loans are conditional 0% loans secured by a mortgage and note, and are provided to homeowners who are unable or unlikely to obtain conventional financing due to their income. The Deferred Payment Loan (DPL) involves a security instrument (lien) requiring repayment of the loan only if the homeowner sells or transfers ownership of the rehabilitated home, ceases to use it as a primary residence within ten years of the date of the DPL, or fails to maintain reasonable required standards of care and maintenance of the rehabilitated unit.</p> <p>The terms of the DPL is ten years, with the principal in the first five years non-amortized 0%, followed by five years of principal forgiveness in 20% increments each year starting at the end of year six until the end of the 10th year where the total principal is forgiven. Upon completion of the ten year term subject to the conditions herein the loan is fully forgiven. There is no interest charged during the ten years.</p> <p>The owner of 36 Seville Orange Path, Debby Sclafani, applied and qualified to participate in the City's CDBG housing rehabilitation program. The housing rehabilitation was completed and a DPL in the amount of \$12,450 was executed. Shortly after conclusion of the housing rehabilitation work, Ms. Sclafani passed away. The homeowner has a daughter who is unable to live independently and therefore, unable to assume the mortgage of the home. The guardian for the daughter has requested a waiver of the required repayment of the DPL to assist in the care of the homeowner's daughter who is now residing in a group home.</p> <p>The waiver of the lien is governed by the City's CDBG Housing Assistance Plan as follows:</p> <p><i>"In the event that the sole owner dies or both/all owners die within the ten year loan period, the heirs or recipients of the title of the property may 1) apply to income qualify and file for homestead and occupy the property as their primary residence for the remainder of the DPL, thereby assuming the mortgage and note and all related conditions OR 2) if not interested in the program or unable to qualify, repay the remaining principal on the DPL within thirty calendar days of transfer of title to the new owner/heirs. If the title is otherwise transferred during the term of the DPL for any circumstance but death of all approved owner(s), the remaining DPL principal at that time becomes due within 30 calendar days of date of title transfer.</i></p>		

***As otherwise provided for in this HAP, the City Council may (by vote) waive these requirements on a case by case basis for hardship and family emergencies, such as permanent disability or long term incapacitation of the remaining owner(s), or in the case of the death of all owner(s)".***

**Recommended Action :** Staff finds that the waiver meets the standards set forth in the HAP due to the unique circumstances and hardship presented. Therefore, staff recommends approval of the waiver.

**RESOLUTION 2017-\_\_\_\_\_**  
**WAIVER OF CITY CDBG HOUSING REHABILITATION PROGRAM LIEN**  
**36 SEVILLE ORANGE PATH**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM COAST, FLORIDA, WAIVING THE REPAYMENT OF A DEFERRED PAYMENT LOAN (DPL) TO THE CITY CDBG HOUSING REHABILITATION PROGRAM; AUTHORIZING THE CITY MANAGER OR DESIGNEE TO EXECUTE NECESSARY DOCUMENTS PROVIDING FOR IMPLEMENTING ACTIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of Palm Coast (the "City") is an entitlement jurisdiction in the Federal Department of Housing and Urban Development (HUD) Community Development Block Grant (CDBG) Program; and

**WHEREAS**, the City prepares a five-year Consolidated Action Plan and a one-year action plan (Annual Action Plan) to implement the first year of the five-year strategy of the Consolidated Action Plan; and

**WHEREAS**, the City uses CDBG funds for a Housing Rehabilitation Program; and

**WHEREAS**, the City has adopted a Housing Assistance Plan (HAP) to govern the administration of the City's CDBG Housing Rehabilitation Program; and

**WHEREAS**, participants in the City's CDBG Housing Rehabilitation Program receive assistance through a Deferred Payment Loan (DPL) which is secured by a 10-year lien on the property to be assisted with CDBG funds; and

**WHEREAS**, the terms of the DPL is five years non-amortized loan at 0% interest followed by five years of principal forgiveness in 20% increments each year starting at the end of year six until the end of the year 10 where the total principal is forgiven; and

**WHEREAS**, as provided for in the HAP the City Council may (by vote) waive the repayment requirements of the DPL on a case by case basis for hardship and family emergencies such as permanent disability or long term incapacitation of the remaining owner(s), or in the case of the death of all owner(s);

**WHEREAS**, 36 Seville Orange Path received assistance through the City's CDBG Housing Rehabilitation Program in an amount of \$12,450.00; and

**WHEREAS**, the owner of 36 Seville Orange Path passed away on November 2016; and

**WHEREAS**, the owner of 36 Seville Orange Path has a daughter who is unable to live independently at the residence and therefore unable to assume the responsibility for care of the home; and

**WHEREAS**, the guardian for the deceased owner's daughter has requested a waiver of the DPL repayment to assist in the care of the deceased owner's daughter; and

**WHEREAS**, the City Council has considered the request at a public meeting of the City Council on November 21, 2017.

**NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE CITY OF PALM COAST, FLAGLER COUNTY, FLORIDA:**

**SECTION 1. APPROVAL OF WAIVER.** The City Council hereby agrees to waive the repayment of the DPL for 36 Seville Orange Path.

**SECTION 2. AUTHORIZATION TO EXECUTE.** The City Manager, or designee, is hereby authorized to execute the necessary documents to implement the action taken in this Resolution.

**SECTION 3. SEVERABILITY.** It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Resolution are severable, and if any phrase, clause, sentence, paragraph or section of this Resolution shall be declared unconstitutional by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Resolution.

**SECTION 4. CONFLICTS.** All resolutions or parts of resolutions in conflict with this Resolution are hereby repealed.

**SECTION 5. EFFECTIVE DATE.** This Resolution shall become effective immediately upon its passage and adoption.

**DULY PASSED AND ADOPTED** by the City Council of the City of Palm Coast, Florida, on this 21st day of November 2017.

**CITY OF PALM COAST, FLORIDA**

*ATTEST:*

\_\_\_\_\_  
MILISSA HOLLAND, MAYOR

\_\_\_\_\_  
VIRGINIA A. SMITH, CITY CLERK

Approved as to form and legality

\_\_\_\_\_  
William E. Reischmann, Jr., Esq.  
City Attorney



# City of Palm Coast, Florida Agenda Item

Agenda Date: 11/21/2017

<b>Department</b> ADMINISTRATIVE SERVICES	<b>Amount</b>
<b>Item Key</b>	<b>Account</b>
	<b>#</b>
<b>Subject</b> RESOLUTION 2017-XX BROWNFIELD AREA DESIGNATION	
<b>Background:</b> <b><u>UPDATE FROM THE NOVEMBER 7, 2017 BUSINESS MEETING</u></b> This item was heard by City Council at their November 7, 2017 Business Meeting. There were no changes suggested to this item.  <b><u>UPDATE FROM THE OCTOBER 31, 2017 WORKSHOP</u></b> This item was heard by City Council at their October 31, 2017 Workshop. There were no changes suggested to this item.  <b><u>ORIGINAL BACKGROUND FROM THE OCTOBER 31, 2017 WORKSHOP</u></b> The City of Palm Coast received a request from Sunbelt Holdings Colbert Lane, LLC to designate approximately 182.75 acres, located between Colbert Lane and Roberts Road, as a "Brownfield Area" in accordance with Florida Statutes. This designation is being sought by the property owner in order to enter the Florida Brownfields Redevelopment Program and access state tax credits and incentives to aid in the cleanup and redevelopment of the property. Redevelopment of the property is complicated by historic industrial operations, including, the presence of cement kiln dust.  City staff have reviewed the request and find that the property meets the criteria set forth in Section 376.80(2)(a)1-4, Florida Statutes for a local government initiated brownfield area designation.  Please note this request requires two public hearings in accordance with Florida Statutes.	
<b>Recommended Action:</b> Approve Resolution 2017-XX designated certain real property as a brownfield area for the purpose of site rehabilitation and economic development.	

**RESOLUTION 2017-\_\_\_\_\_**  
**BROWNFIELD AREA DESIGNATION**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM COAST, FLORIDA, DESIGNATING CERTAIN REAL PROPERTY AS A BROWNFIELD AREA FOR THE PURPOSE OF SITE REHABILITATION AND ECONOMIC DEVELOPMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR IMPLEMENTING ACTIONS AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the State of Florida has provided, in Chapter 97-277, Laws of Florida, codified as Florida Statutes Section 376.77-376.85 ("the Brownfields Redevelopment Act"), for the designation by resolution of certain properties consisting of one or more brownfield parcels as a "Brownfield Area", and for the corresponding provision of environmental remediation and economic development for such property; and

**WHEREAS**, the City wishes to so designate approximately 182.75 acres located in the City of Palm Coast, said area located between Colbert Lane and Roberts Road, as a Brownfield Area and to notify the Florida Department of Environmental Protection, per Section 376.80, Florida Statutes (2017), of its decision to designate the proposed area as a Brownfield Area; and

**WHEREAS**, the procedures set forth in Section 376.80(c)2, Florida Statutes, have been followed, and proper notice has been provided; and

**WHEREAS**, the City held two public hearings, the first on November 7, 2017 and the second on November 21, 2017; and

**WHEREAS**, the City has considered the criteria set forth in Section 376.80(2)(a)1-4, Florida Statutes as part of the designation of this Brownfield Area; and

**WHEREAS**, that the City Council has determined to authorize the Mayor to execute this Resolution and authorize the City Manager, or designee, to take other implementing actions necessary and proper in order to carry out the terms and conditions of this Resolution.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Palm Coast, Flagler County, Florida, that:

**SECTION 1. COUNCIL CONSIDERATIONS, FINDINGS, AND APPROVAL.**

(a) The above recitals are hereby ratified, confirmed, adopted and incorporated as if fully set forth herein.

(b) The City is the local government having jurisdiction over the site and redevelopment of the proposed Brownfield Area;

(c) The area depicted on Exhibit A of approximately 182.75 acres to be designated as a Brownfield Area represents a reasonable focused approach and is not overly large in geographic coverage;

(d) The proposed Brownfield Area warrants economic development and has a reasonable potential for such activities:

(e) The proposed Brownfield Area has potential to interest the private sector in participating in rehabilitation; and

(f) The proposed Brownfield Area has portions of sites suitable for limited recreational open space, cultural or historical preservation purposes.

(g) Based on the aforementioned findings and considerations, the City Council of the City of Palm Coast hereby designates the property depicted by the map attached hereto Exhibit A, and more particularly described in the legal description attached hereto as Exhibit B, as a Brownfield Area for rehabilitation for the purposes of Section 376.77 - 376.85, Florida Statutes.

(f) The designation of the Brownfield Area identified in Exhibit A shall not render the City of Palm Coast liable for the costs of site rehabilitation or source removal, as those terms are defined in Sections 376.79(17) and 376.79(18), Florida Statutes, or any other costs above and beyond those costs attributable to the City's role as administrator of a Brownfield program within the designated Brownfield Area.

**SECTION 2. SEVERABILITY.** If any section or portion of a section of this Resolution proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other section or part of this Resolution.

**SECTION 3. CONFLICTS.** All resolutions or parts of resolutions in conflict with any of the provisions of this Resolution are hereby repealed.

**SECTION 4. IMPLEMENTING ACTIONS.** The City Manager, or designee, is hereby authorized to take any actions necessary to implement the action taken in this Resolution, including, but not limited to notification to the Florida Department of Environmental Protection, per Section 376.80, Florida Statutes of the City Council's decision to designate the property as a Brownfield Area.

**SECTION 5. EFFECTIVE DATE.** This Resolution shall take effect immediately upon

adoption by the City Council.

**DULY PASSED AND ADOPTED** by the City Council of the City of Palm Coast, Florida, on this 21st day of November 2017.

CITY OF PALM COAST, FLORIDA

ATTEST:

\_\_\_\_\_  
MILISSA HOLLAND, MAYOR

\_\_\_\_\_  
VIRGINIA A. SMITH, CITY CLERK

Attachment:  
Exhibit A-Figure Depicting Brownfield Area  
Exhibit B-Legal Description of Brownfield Area

Approved as to form and legality

\_\_\_\_\_  
William E. Reischmann, Jr., Esq.  
City Attorney

EXHIBIT A



Image Source: Bing 2017  
Date: 8-8-17

0 300 600  
Feet



Exhibit A  
Colbert Lane Property  
Palm Coast, Florida



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



## EXHIBIT B

### LEGAL DESCRIPTION:

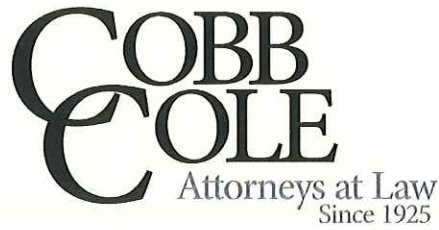
A PARCEL OF LAND LOCATED IN GOVERNMENT SECTIONS 2, 3 AND 11, TOWNSHIP 12 SOUTH, RANGE 31 EAST, FLAGLER COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF BEACH VILLAGE AT PALM COAST PER MAP BOOK 36, PAGES 92-93, PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA, FOR THE POINT OF BEGINNING OF THIS DESCRIPTION, SAID POINT BEING LOCATED ON THE EASTERLY RIGHT-OF-WAY LINE OF COLBERT LANE (A 200-FOOT RIGHT-OF-WAY); THENCE ALONG SAID RIGHT-OF-WAY LINE THE FOLLOWING FIVE (5) COURSES: 1) THENCE ALONG A CURVE TO THE LEFT HAVING AN ARC LENGTH OF 1515.92 FEET, A RADIUS OF 2110.00 FEET, A CENTRAL ANGLE OF 41°09'50", A CHORD BEARING OF N22°21'04"W , AND A CHORD DISTANCE OF 1483.52 FEET TO A POINT OF TANGENCY; 2) THENCE N42°55'59"W FOR A DISTANCE OF 658.63 FEET TO A POINT OF CURVATURE: 3) THENCE ALONG SAID CURVE TO THE RIGHT HAVING AN ARC LENGTH OF 1704.51 FEET, A RADIUS OF 1910.00 FEET, A CENTRAL ANGLE OF 51°07'54", A CHORD BEARING OF N17°22'02"W AND A CHORD DISTANCE OF 1648.51 FEET TO A POINT OF TANGENCY; 4) THENCE N08°11'55"E FOR A DISTANCE OF 862.02 FEET TO A POINT OF CURVATURE: 5) THENCE ALONG SAID CURVE TO THE LEFT HAVING AN ARC LENGTH OF 394.96 FEET. A RADIUS OF 7734.00 FEET, A CENTRAL ANGLE OF 02°55'34", A CHORD BEARING OF N06°44'08"E AND A CHORD DISTANCE OF 394.92 FEET TO THE SOUTHERLY LINE OF LANDS PER OFFICIAL RECORDS BOOK 645, PAGE 1323, PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA; THENCE DEPARTING SAID RIGHT-OF-WAY LINE ALONG SAID SOUTHERLY LINE S88°55'52"E FOR A DISTANCE OF 247.67 FEET TO THE EASTERLY LINE OF SAID LANDS; THENCE DEPARTING SAID SOUTHERLY LINE ALONG SAID EASTERLY LINE N02°15'34"E FOR A DISTANCE OF 361.36 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF ROBERTS ROAD (AN 80-FOOT RIGHT-OF-WAY): THENCE DEPARTING SAID EASTERLY LINE ALONG SAID RIGHT-OF-WAY LINE S87°44'25"E FOR A DISTANCE OF 220.17 FEET TO A POINT OF CURVATURE; THENCE CONTINUING ALONG SAID RIGHT-OF-WAY LINE AND SAID CURVE TO THE RIGHT, SAID CURVE HAVING AN ARC LENGTH OF 1120.99 FEET, HAVING A RADIUS OF 983.00 FEET, A CENTRAL ANGLE OF 65°20'16", A CHORD BEARING OF S55°04'16"E AND A CHORD DISTANCE OF 1061.22 FEET TO A POINT OF TANGENCY; THENCE CONTINUE ALONG SAID RIGHT-OF-WAY S22°24'07"E FOR A DISTANCE OF 175.00 FEET; THENCE DEPARTING SAID RIGHT-OF-WAY LINE S67°35'53"W FOR A DISTANCE OF 370.00 FEET; THENCE DEPARTING SAID LINE S22°24'07"E FOR A DISTANCE OF 1200.00 FEET: THENCE N67°35'53"E FOR A DISTANCE OF 370.00 FEET TO SAID RIGHT-OF-WAY LINE OF ROBERTS ROAD: THENCE ALONG SAID RIGHT-OF-WAY LINE S22°24'07"E FOR A DISTANCE OF 1406.91 FEET TO A POINT OF CURVATURE; THENCE ALONG SAID CURVE TO THE LEFT HAVING AN ARC LENGTH OF 298.27 FEET, A RADIUS OF 1539.73 FEET, A CENTRAL ANGLE OF 11°05'57", A CHORD BEARING OF S27°57'05"E , AND A CHORD DISTANCE OF 297.80 FEET TO THE NORTHERLY LINE OF SAID GOVERNMENT SECTION 11 SAME BEING THE CITY LIMIT LINE BETWEEN PALM COAST AND FLAGLER BEACH: THENCE DEPARTING SAID RIGHT-OF-WAY LINE ALONG SAID NORTHERLY SECTION LINE AND SAID CITY LIMIT LINE S88°27'05"W FOR A DISTANCE OF 24.59 FEET; THENCE DEPARTING SAID SECTION LINE CONTINUING ALONG SAID CITY LIMIT LINE S01°40'05"E FOR A DISTANCE OF 1589.33 FEET TO THE NORTHERLY LINE OF SAID BEACH VILLAGE AT PALM COAST; THENCE N89°29'02"W FOR A DISTANCE OF 1237.83 FEET TO THE AFOREMENTIONED POINT OF BEGINNING OF THIS DESCRIPTION.

Resolution 2017-\_\_\_\_

William M. Cobb  
(1881-1939)  
Thomas T. Cobb  
(1916-2004)  
W. Warren Cole, Jr.  
(1926-2008)  
Rhoda Bess Goodson  
(1950-2017)

Harold C. Hubka  
Scott W. Cichon  
Robert A. Merrell III  
John P. Ferguson  
Thomas J. Leek  
Mark A. Watts  
Heather Bond Vargas  
Kelly Parsons Kwiatek  
Kathleen L. Crotty  
Andrea M. Kurak



Daytona Beach • DeLand

149 South Ridgewood Avenue, Suite 700  
Daytona Beach, Florida 32114  
(386) 255-8171  
**CobbCole.com**

Matthew S. Welch  
Michael J. Woods  
Michael O. Sznajstajler  
Melissa B. Murphy  
Pamela R. Masters  
Robert E. Doan  
Rachel I. Pringle  
Kelsie W. Willett  
Erica C. Johnson

**OF COUNSEL**  
Larry D. Marsh  
Maja Sander Bowler  
William A. Parsons  
Peter R. J. Thompson\*

**RETIRED**  
Thomas S. Hart

\*Practice limited to federal  
immigration matters

October 18, 2017

**VIA ELECTRONIC AND US MAIL**

City of Palm Coast  
Attn: Mr. Beau Falgout  
Administrative Services and Economic Development Director  
160 Lake Avenue  
Palm Coast, FL 32164

Re: Brownfield Area Designation for Property - Colbert Lane and Roberts Road

Dear Mr. Falgout:

As you know, Cobb Cole has the pleasure of representing Sunbelt Holdings Colbert Lane, LLC ("Sunbelt") with respect to redevelopment of the approximately 182.75 acre property located between Colbert Lane and Roberts Road in Palm Coast (the "Property"). The Property consists of multiple parcels with the following Flagler County Parcel Identification Numbers:

- 11-12-31-0650-000B0-0091
- 02-12-31-0000-01010-0120
- 02-12-31-0000-01010-0110
- 02-12-31-0000-01010-0130
- 02-12-31-4938-00000-0100
- 02-12-31-4938-00000-0090
- 02-12-31-4938-00000-0080
- 02-12-31-4938-00000-0070

A figure depicting the location of the Property is attached hereto as Exhibit A.

Redevelopment of the Property is complicated by historic industrial operations, including, the presence of cement kiln dust. Accordingly, Sunbelt respectfully requests that the City of Palm Coast consider designating the Property as a "Brownfield Area" in accordance with Section 376.80, Florida Statutes.

Sunbelt believes that the Property meets the criteria set forth in Section 376.80(2)(a)1-4, Florida Statutes for a local government initiated brownfield area designation. Specifically, the Property warrants economic development, represents a reasonably focused approach and is not overly large in geographic coverage, has the potential to interest the private sector in participating in rehabilitation, and has portions of sites suitable for limited recreational open space, cultural or historical preservation purposes. In addition, the Property is adjacent to the Flagler County Economic Enhancement District Brownfield Area, which was designated by Flagler County in June of 2010.

In order for a party to enter the Florida Brownfields Redevelopment Program in 2017, the Brownfield Area must be designated by the local government with jurisdiction over the property before the end of the year. Accordingly, we respectfully request that the City Council consider the proposed Brownfield Area at its November 2017 meetings. In order to assist in the designation process, attached hereto as Exhibit B is a draft Brownfield Area resolution for your review.

Should you have any questions or concerns, please do not hesitate to contact me. We look forward to working with the City of Palm Coast on this matter.

Sincerely,



**Michael O. Sznajstajler**

Direct Dial (386) 323-9222  
Michael.Sznajstajler@CobbCole.com  
Fax (386) 944-7963

Enclosures

cc: Mr. Ken Belshe (with enclosures)

# City of Palm Coast, Florida Agenda Item

Agenda Date : 11/21/2017

<b>Department</b> CITY CLERK	<b>Amount</b>
<b>Item Key</b>	<b>Account</b>
	<b>#</b>
<b>Subject</b> SELECT VICE MAYOR FOR THE 2017-2018 FISCAL YEAR	
<b>Background :</b> Section 5(b) of the City Charter states that there will be an annual election for Vice Mayor and that “such election shall take place at the first meeting after the General Election or at the organizational meeting during years when there is no election.”  Council Members, and the year they served as Vice Mayor, are listed below:  James Holland 2000 Ralph Carter 2001 William Venne 2002 Jon Netts 2003 Ralph Carter 2004 Mary DiStefano 2005 William Venne 2006 Jon Netts 2007 Alan Peterson 2008 Mary DiStefano 2009 Holsey Moorman 2010 Frank Meeker 2011 Bill Lewis 2012 Bill McGuire 2013 Jason DeLorenzo 2014 Bill McGuire 2015 Heidi Shipley 2016 Steven Nobile 2017	
<b>Recommended Action :</b> For Council action only.	

# City of Palm Coast, Florida Agenda Item

Agenda Date : 11/21/2017

<p><b>Department</b> CITY CLERK <b>Item Key</b></p>	<p><b>Amount</b> <b>Account</b> <b>#</b></p>
<p><b>Subject</b> SELECT COUNCIL LIAISONS TO SERVICE ORGANIZATIONS FOR 2017-2018</p>	
<p><b>Background :</b> Liaison appointments to organizations have generally been done following City Elections. The following liaison positions were approved by City Council for the Fiscal Year 2016/2017:</p> <p><b>Organization Liaison</b>            Flagler County Tourist Development Council Mayor Holland            Flagler League of Cities Mayor Holland            Florida Dept. of Juvenile Justice Circuit 7 Juvenile Justice Council CM Shipley            Palm Coast/Flagler County Chamber of Commerce CM Klufas            St. John's River Water Management District CM Cuff            Stewart Marchman Center CM Shipley            River to Sea Transportation Planning Organization CM Nobile</p> <p><b>Background:</b>  <b>Recommended Action:</b>            Select liaison appointments to service organizations for Fiscal Year 2017-2018.</p>	
<p><b>Recommended Action :</b> For Council action only.</p>	



# City of Palm Coast, Florida Agenda Item

Agenda Date : 11/21/2017

<b>Department</b> FINANCE	<b>Amount</b>
<b>Item Key</b>	<b>Account</b>
	<b>#</b>
<b>Subject</b> RESOLUTION 2017-XX BUDGET AMENDMENT FOR 2016-2017 FISCAL YEAR RELATING TO THE DISASTER RESERVE FUND	
<b>Background :</b>	
<b><u>UPDATE FROM THE NOVEMBER 14, 2017 Workshop</u></b>	
This item was heard by City Council at their November 14, 2017 Workshop. There were no changes suggested to this item. However, staff realized that previously budgeted interest earnings were not included in the summary below. Staff revised Exhibit A to the resolution to reflect this change. Here is the revised disaster reserve fund summary:	
<b>FY 2017 Disaster Reserve Fund</b>	
Currently Budget	\$2,901,200
Proposed Amendment	<u>1,555,000</u>
<b>Total Amended Budget</b>	<b>\$4,456,200</b>
<b><u>ORIGINAL BACKGROUND FROM THE NOVEMBER 14, 2017 WORKSHOP</u></b>	
The City of Palm Coast was effected by two major hurricanes during fiscal year 2017. Hurricane Mathew that occurred on the first month of the fiscal year and Hurricane Irma that occurred on the last month of the fiscal year. The total incurred and/or estimated expenditures to date are listed below:	
<b>FY 2017 Disaster Expenses</b>	
Hurricane Mathew Expenditures FY 2017	\$3,870,000
Hurricane Irma Expenditures (not including force labor) FY 2017 paid to date	555,000
Hurricane Irma Anticipated Expenditures FY 2017	<u>1,000,000</u>
<b>Total Anticipated Expenditures</b>	<b>\$5,925,000</b>
Paid from Department Operating Budgets	(970,000)
<b>Paid from Disaster Reserve Fund</b>	<b>\$4,455,000</b>
In order to account for the expenses related to Hurricane Irma, the Disaster Reserve Fund budget needs to be amended as follows:	
<b>FY 2017 Disaster Reserve Fund</b>	
Currently Budget	\$2,900,000
Proposed Amendment	<u>1,555,000</u>
<b>Total Amended Budget</b>	<b>\$4,455,000</b>
The net effect of these changes is an increase of \$1,555,000 in the Disaster Reserve Fund for Fiscal Year 2017.	
<b>Recommended Action :</b>	

Adopt Resolution 2017-XX approving a budget amendment for Fiscal Year 2016-2017 relating to disaster reserve funds.

**RESOLUTION 2017-\_\_\_\_\_**  
**FISCAL YEAR 2017 BUDGET AMENDMENT**

**A RESOLUTION OF THE CITY OF PALM COAST, FLORIDA,  
AMENDING THE FISCAL YEAR 2016-2017 BUDGET  
RELATING TO DISASTER RESERVE FUNDS; PROVIDING  
FOR SEVERABILITY; PROVIDING FOR CONFLICTS;  
PROVIDING FOR IMPLEMENTING ACTIONS AND  
PROVIDING AN EFFECTIVE DATE.**

WHEREAS, two major hurricanes in Fiscal Year 2017 caused expenditures to exceed the final budget for Fiscal Year 2017, requiring City Council to amend the Fiscal Year 2017 budget.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF  
THE CITY OF PALM COAST, FLORIDA, AS FOLLOWS:**

**SECTION 1. BUDGET AMENDMENT.** The City Council of the City of Palm Coast hereby amends the Fiscal Year 2016-2017 budget by \$1,555,000 relating to expenditures in the Disaster Reserve Fund.

**SECTION 2. SEVERABILITY.** It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Resolution are severable, and if any phrase, clause, sentence, paragraph or section of this Resolution shall be declared unconstitutional by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Resolution.

**SECTION 3. CONFLICTS.** All resolutions or parts of resolutions in conflict with any of the provisions of this Resolution are hereby repealed.

**SECTION 4. IMPLEMENTING ACTIONS.** The Mayor, or designee, is hereby authorized to take any actions necessary to implement the action taken in this Resolution.

**SECTION 5. EFFECTIVE DATE.** This Resolution shall become effective immediately upon its passage and adoption.

**DULY PASSED AND ADOPTED** by the City Council of the City of Palm Coast, Florida, on this 21st day of November 2017.

CITY OF PALM COAST, FLORIDA

ATTEST:

\_\_\_\_\_  
Milissa Holland, Mayor

\_\_\_\_\_  
Virginia A. Smith, City Clerk

Attachment: Exhibit A– 2016-2017 Budget Amendment

Approved as to form and legality

\_\_\_\_\_  
William E. Reischmann, Jr., Esq.  
City Attorney

EXHIBIT A

FY 2017: DISASTER RESERVE FUND  
PREPARED: SEPTEMBER 2017  
FINANCE: HELENA P. ALVES, LINA WILLIAMS

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	FY 2016-2017 REVISED BUDGET
<u>REVENUES:</u>	
Intergovernmental Revenue	\$ 4,455,000
Interest	1,200
	<hr/>
TOTAL REVENUES:	<u>\$ 4,456,200</u>
<u>EXPENDITURES:</u>	
Operating Expenses	\$ 4,455,000
Contingency	\$ 1,200
	<hr/>
TOTAL EXPENDITURES:	<u>\$ 4,456,200</u>



# City of Palm Coast, Florida Agenda Item

Agenda Date : 11/21/2017

<b>Department</b>	CONSTRUCTION MANAGEMENT AND ENGINEERING	<b>Amount</b>	<b>\$256,350.00</b>
<b>Item Key</b>		<b>Account #</b>	54029088-063000-81019
<b>Subject</b>	RESOLUTION 2017-XX APPROVING A WORK ORDER WITH CONNECT CONSULTING, INC. FOR HYDROGEOLOGICAL SERVICES FOR THE SOUTHERN WELLFIELD EXPANSION, PHASE 3 WELLS		
<b>Background :</b>			
<b><u>UPDATE FROM THE NOVEMBER 14, 2017 Workshop</u></b>			
This item was heard by City Council at their November 14, 2017 Workshop. There were no changes suggested to this item.			
<b><u>ORIGINAL BACKGROUND FROM THE NOVEMBER 14, 2017 WORKSHOP</u></b>			
The City of Palm Coast is in the process of expanding the water supply by outfitting three wells and constructing raw water mains in the south zone of the City, which provides raw water to Water Treatment Plant 2. This work is required to provide the necessary source water to the treatment facility to meet current and future demand.			
Phase's 1 & 2 were completed recently and consisted of the installation of raw water mains on Seminole Woods and Sesame Boulevard with the drilling and equipping of five wells. Phase 3 will provide three additional wells and raw water mains to complete the expansion of the Southern Wellfield for Water Treatment Plant 2.			
Connect Consulting, Inc. provided hydrogeological services for the Southern Wellfield Phase 2 wells. Staff recommends retaining Connect Consulting for hydrogeological services for the Southern Wellfield Expansion project. Work will be performed by Connect Consulting for a maximum total cost (including construction) of \$256,350.00. Funds for this project are budgeted in the Utility 5-year Capital Plan.			
<b>SOURCE OF FUNDS WORKSHEET FY 2018</b>			
	<b>IMPR Wellfield and Wells- 54029088-063000-81019</b>		<b>\$2,880,000.00</b>
	Total Expenses/Encumbered to date		<u>209,989.37</u>
	Pending Work Orders/Contracts		<u>256,350.00</u>
	<b>Balance</b>		<b>\$2,413,660.63</b>
<b>Recommended Action :</b>			
Adopt Resolution 2017-XX approving a Work Order with Connect Consulting, Inc., in the total amount of \$256,350.00 for hydrogeological services for the Southern Wellfield Expansion, Phase 3 Wells.			

**RESOLUTION 2017-\_\_\_\_\_**  
**DESIGN AND CONSTRUCTION ENGINEERING SERVICES**  
**FOR THE SOUTHERN WELLFIELD PHASE 3 WELLS**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM COAST, FLORIDA, APPROVING THE TERMS AND CONDITONS OF A WORK ORDER ISSUED TO CONNECT CONSULTING, INC., IN THE AMOUNT NOT TO EXCEED \$256,350.00 FOR HYDROGEOLOGICAL SERVICES FOR THE SOUTHERN WELLFIELD PHASE 3 PROJECT; AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE THE WORK ORDER; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR IMPLEMENTING ACTIONS AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, Connect Consulting, Inc., is engaged in a continuing services agreement to provide hydrogeological services to the City of Palm Coast; and

WHEREAS, the City Council of the City of Palm Coast desires to issue a work order under said contract to Connect Consulting, Inc. for the above referenced hydrogeological services relating to the drilling of two new wells and redevelopment of one existing well for the Southern Wellfield Phase 3 project.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PALM COAST, FLORIDA AS FOLLOWS:**

**SECTION 1. APPROVAL OF WORK ORDER.** The City Council of the City of Palm Coast hereby approves the terms and conditions of a work order to Connect Consulting, Inc., for hydrogeological services for the Southern Wellfield Expansion, Phase 3 wells as attached hereto and incorporated herein by reference herein by reference as Exhibit “A.”

**SECTION 2. AUTHORIZATION TO EXECUTE.** The City Manager, or designee, is hereby authorized to execute the work order as depicted in Exhibit “A.”

**SECTION 3. SEVERABILITY.** If any section or portion of a section of this Resolution proves to be invalid, unlawful, or unconstitutional, is shall not be held to invalidate or impair the validity, force, or effect of any other section or part of this Resolution.

**SECTION 4. CONFLICTS.** All resolutions or parts of resolutions in conflict with any of the provisions of this Resolution are hereby repealed.

**SECTION 5. IMPLEMENTING ACTIONS.** The City Manager is hereby authorized to take any actions necessary to implement the action taken in this Resolution.

**SECTION 6. EFFECTIVE DATE.** This Resolution shall take effect immediately upon adoption by the City Council.

**DULY PASSED AND ADOPTED** by the City Council of the City of Palm Coast, Florida, on this 21st day of November 2017.

**CITY OF PALM COAST, FLORIDA**

*ATTEST:*

\_\_\_\_\_  
MILISSA HOLLAND, MAYOR

\_\_\_\_\_  
VIRGINIA A. SMITH, CITY CLERK

Attachment: Exhibit "A" – Work Order with Connect Consulting, Inc.

Approved as to form and legality

\_\_\_\_\_  
William E. Reischmann, Jr., Esq.  
City Attorney



**WORK ORDER**  
**City of Palm Coast (Buyer)**  
**Purchase Order #:** \_\_\_\_\_

<b>Supplier Name:</b> Connect Consulting, Inc.	<b>Date:</b> 10/31/2017
<b>Address:</b> 19505 NW 184th Terrace	<b>Bid #:</b> RFQ-PW-U-15-12
<b>City, State &amp; Zip:</b> High Springs, FL 32643	<b>Project:</b> South Zone Well Field Expansion, Phase 3- Drilling  <b>Council Approval Date:</b> 4/21/2015

**TOTAL COST:** \$256,350.00

**ATTACHMENTS TO THIS WORK ORDER:**

- Description of Services
- Drawings/Plans/Specifications
- Special Conditions
- Rate Schedule

**METHOD OF COMPENSATION:**

- Fixed Fee Basis
- Not To Exceed
- Unit Price

**TIME FOR COMPLETION:** The obligation of SUPPLIER to provide services to CITY shall commence upon execution of this Work Order (WO) by the parties and services shall be completed within 150 days from issuance of the approved work order. Failure to meet the completion date may be grounds for termination of this WO and the underlying Master Services Agreement (MSA) for default. Time is of the essence.

**INCORPORATION BY REFERENCE; CONFLICT.** The provisions of the MSA are hereby expressly incorporated by reference into and made a part of this WO. In the event of a conflict between the terms and conditions of the MSA and this WO, the terms of the MSA shall govern unless otherwise agreed to in writing by all parties. In the event of a conflict between the terms and conditions of this WO and any attachments, the terms of this WO shall govern unless otherwise agreed to in writing by all parties.

**WITNESS WHEREOF,** the parties hereto have made and executed this Work Order on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, for the purposes stated herein.

**SUPPLIER APPROVAL**

By: \_\_\_\_\_  
 Printed Name \_\_\_\_\_

Date: \_\_\_\_\_  
 Title \_\_\_\_\_

**CITY OF PALM COAST APPROVAL**

By: \_\_\_\_\_  
 ASSED DIRECTOR OR DESIGNEE

Date: \_\_\_\_\_

Project Mgr. Initials: \_\_\_\_\_

## SCOPES OF SERVICES

### SOUTHERN WELLFIELD PHASE THREE DRILLING

#### I. Introduction

City staff requested a proposal from Connect Consulting, Inc. (CCI) to complete the drilling and testing of two (2) new Upper Floridan aquifer (UFA) Public Water Supply (PWS) wells and the redevelopment/testing of one (1) existing PWS supply well in the South Zone Well Field.

The wells to be constructed, LW-83 and LW-85, are currently on the City's Consumptive Use Permit (CUP) No. 1947-10. These wells, along with 14 other permitted, UFA wells serve one of the City's membrane water treatment plants known as Water Treatment Plant No. 2 (WTP 2). **Figure 1** illustrates a vicinity map and well location map (note: all **Figures** are at the end of the proposal text). For reference, **Table 1** lists the construction details for the existing and proposed (well construction details are conceptual for proposed wells) South Well Field wells.

#### II. Background

The South Zone Well Field was started in 1976 with the construction and testing of two (2) 4-inch diameter exploratory wells (LW-15 and LW-16) and a full-sized test/production well (LW-49). LW-49 was used to conduct a long term Aquifer Performance Test (APT) which formed the basis for ground water flow model input and well field development for many years. In 1979, LW-17 was constructed to serve new residents as the development then known as Palm Coast began to grow. LW-17 was never put into service. In the early 1990's, WTP 2 was built and wells LW-14 (an exploratory well that was constructed in 1974), LW-49, and new wells LW-23, LW-30, LW-31 and LW-32 were constructed and equipped to serve WTP 2. LW-19 was added in 2009.

In 2009 test/production well LW-106 and test/observation/production well LW-84, along with three observation wells were constructed and another APT was conducted to add to the knowledge base for the South Well Field. This APT along with the APT conducted at LW-49 became the new basis for model input and well field development. Based in part on this APT (LW-106), the City applied for and was granted modifications to their CUP adding the wells (LW-17R, LW-105, LW-107, and LW-108) that were constructed during Phase 2 of this project. The well construction for Phase 2 was completed in 2016 and the wells were equipped and connected in 2017.

The City began planning for Phase 3 of the South Zone Well Field Expansion in 2017, which includes the construction of LW-83 and LW-85, and the redevelopment/testing of LW-84. LW-84 has been capped since the 2009 APT and will require redevelopment/testing to assess the current hydrogeologic conditions. CCI prepared the following scope of work to complete the well construction and testing portion of the South Zone Well Field Expansion Phase 3 project.



### **III. Scope of Work**

#### **TASK A- Hydrogeologic Services during Construction:**

The CONSULTANT shall provide:

1. Project management.
2. Subcontractor management.
3. On-site oversight during construction and testing.
4. Documentation of construction details.
5. Data collection during testing.
6. Daily/weekly progress reporting.
7. Data analysis and interpretation.
8. Preparation of the final report.

#### **TASK B - Well Field Services – LW-83 and LW-85 Construction and Testing**

The CONSULTANT shall:

1. Apply for and obtain well construction permits for each well from the St. Johns River Water Management District (SJRWMD).
2. Clear an access path to each well site and an area around each staked well location as needed. It is the desire of the City that clearing be kept to a minimum. Each well location will be staked and the maximum limits of clearing will be staked and flagged by others. All debris cleared from the access path and well site must be removed and properly disposed of before mobilization of drilling equipment to the well site. We have assumed that site surveying and layout, including the well location will be provided by others and completed prior to mobilization.
3. Install a silt fence around each well site, as needed.
4. Install temporary culvert and fill to cross road-side drainage ditches.
5. Mobilize a mud-rotary drilling rig and all required equipment to each permitted and staked well site once the well sites are cleared, the debris removed, and temporary culvert pipes installed.
6. Install a pit casing prior to drilling pilot hole.
7. Once the pit casing is installed and the grout set for at least 12-hours (if cemented), then drill, by mud rotary, direct circulation a ~6-8-inch diameter pilot hole through the unconsolidated sand, shell and clay to the top of the rock, estimated at ~100 feet below land surface (BLS).
8. Collect formation samples every 10 feet, rinse and save samples in one-quart heavy-duty zip-lock plastic bags, with well number, sample depth, and date collected marked on each bag. Display formation samples on-site.
9. Once the pilot hole is completed, circulate drilling fluid until the borehole is stable and then remove the drill string.

10. Conduct geophysical logs (gamma ray and electric) performed by a pre-approved geophysical logging service provider. Furnish two (2) field copies of the logs and six (6) hard copies, plus electronic versions of the logs in both .pdf and LAS format.
11. After completing the geophysical logs, ream the pilot hole to a nominal 26-inch diameter to the depth selected for the surface casing estimated between 40 and 80 feet BLS.
12. Furnish and install 20-inch diameter 0.375-inch wall steel casing with centralizers and pressure grout, bottom to top, in place, using the Halliburton method as described below.
13. Install an air-tight fitting which allows a ~2-inch diameter grout tremie line to be installed on the top of the steel casing, equipped with a pressure gage and made air-tight. The grout tremie line should extend to point ~2-feet above the bottom of the casing. Regain circulation through the grout tremie line and ensure the casing is ready for grouting.
14. Pump neat Portland, Type I/II cement mixed with 5.5-6 gallons of fresh water per sack through the grout tremie line, cementing the casing in place from bottom to top. It is expected that the casing will be completely cemented in place in one stage, confirmed by cement returns at the surface in the annulus.
15. If there are no cement returns observed at the surface in the annulus, cementing will be completed the following day by installing a tremie line in the annulus after tagging the top of the cement, filling the annulus to land surface with neat Type I/II, Portland cement.
16. After pumping cement and confirming returns at the surface and flushing out the grouting line with a calculated volume of fresh water, close off the cement line valve and allow the cement to cure for at least 4-hours, and then remove the grout tremie line from the well, allowing the cement to cure for at least 12-hours, total.
17. Remove the fabricated header/tremie line from the 20-inch diameter steel casing.
18. After allowing the grout to cure for at least 12 hours, ream the pilot hole using a single 20-inch drill bit (not a staged bit assembly), again reaming ~2-3-inches into the hard Chert layer but not breaching this stratum so as to lose circulation.
19. Once the final casing set point has been reached, estimated at ~100-feet, circulate drilling fluid and condition the borehole for ~1-hour, then remove the drill string and immediately begin to run the 12-inch SDR 17 Certa-Lok™ PVC casing in the conditioned borehole to the casing set point.
20. Set the PVC casing a few inches into the hard Chert layer.
21. Install an air-tight fitting which allows a ~2-inch diameter grout tremie line to be installed on the top of the PVC casing, equipped with a pressure gage and made air-tight. The grout tremie line should extend to point ~2-feet above the bottom of the casing. Regain circulation through the grout tremie line and ensure the casing is set on the hard bottom.
22. Pump neat Portland, Type I/II cement with 2-4% bentonite mixed with 5.5-6 gallons of fresh water per sack through the grout tremie line, cementing the casing in place from bottom to top. It is expected that the casing will be completely cemented in

place in one stage, confirmed by cement returns at the surface in the annulus. Cement calculations will be provided to the HYDROGEOLOGIST before grouting begins.

23. If there are no cement returns observed at the surface in the annulus, cementing will be completed the following day by installing a tremie line in the annulus after tagging the top of the cement, filling the annulus to land surface with neat Type I/II, Portland cement.
24. It is the water well contractor's responsibility to ensure that the PVC casings are not damaged by the heat of hydration as the Portland cement cures. Potable water will be made available at each well site.
25. After pumping cement and confirming returns at the surface and flushing out the grouting line with a calculated volume of fresh water, close off the cement line valve and allow the cement to cure for at least 4-hours then remove the grout tremie line from the well, allowing the cement to cure for at least 12-hours, total.
26. Remove the fabricated header/tremie line from the 12-inch diameter PVC casing.
27. Drill out the cement plug by reverse air rotary drilling method, adding fresh water as needed and advance a nominal 12-inch diameter borehole to the target depth of 150 feet.
28. Collect formation samples every 10 feet, labeling the bags with well number, depth and date collected. Store samples in one-quart heavy-duty zip-lock plastic bags and display cuttings on-site.
29. Collect formation water samples every 20 feet. To collect water samples, stop drilling and keep reverse circulation pumping the well through the drill stem until the water clears up (as determined by the on-site HYDROGEOLOGIST). Collect a water sample from the drill stem, conduct and record field water quality tests, as follows:
  - a. pH
  - b. Temperature
  - c. Conductivity
  - d. Total Dissolved Solids (TDS)
  - e. Chlorides
  - f. Iron
  - g. Sulfate
  - h. Hydrogen Sulfide
30. After reaching the target depth of ~150 feet, develop the well until Turbidity is ~10 NTUs or less, then remove the drill string from the well.
31. Install a submersible test/development pump with a standalone generator set capable of raw hide/over pumping the well at a rate of at least 800 gallons per minute (GPM). Install at least 200-feet of secure (without leaks) discharge hose and/or piping to a point designated by the HYDROGEOLOGIST. Equip the end of the discharge hose/pipe with a diffuser to mitigate erosion. Equip the discharge with a calibrated flow meter, or orifice plate/manometer and a sampling spigot near the well head. Provide separate ports for sand rate testing (Rossum Sand Cone

provided by the SUBCONTRACTOR) and water sample collection. Raw hide/over pump/develop the well at 700-800 GPM until Turbidity is less than 1 NTU and the sand rate is less than 5 milligrams per liter (mg/L) (estimated to take up to 24 hours). This task is meant to over pump and surge the well to achieve clear, sand-free discharge water.

32. After the well is developed clear (less than 1 NTU and 5 mg/L sand rate), allow the water level to recover for at least 24 hours.
33. Conduct static and dynamic (pumped) geophysical logs/TV survey on the finished well. Geophysical logging/TV services are to be provided by a pre-approved logging service provider, as follows:
  - a. Static caliper
  - b. Static electric (Resistance & Self Potential)
  - c. Static natural gamma ray
  - d. Static fluid temperature
  - e. Static fluid resistivity
  - f. Static fluid velocity
  - g. Static TV survey
  - h. Pumped fluid temperature
  - i. Pumped fluid resistivity
  - j. Pumped fluid velocity
  - k. Pumped TV survey
34. Provide two (2) field copies of the geophysical logs and two (2) DVD copies of the TV survey. Furnish six (6) hard copies of the geophysical logs, electronic copies of the logs in both pdf and LAS formats, and six (6) DVD copies of the TV Survey at a later date.
35. Conduct a final step-drawdown pumping test at rates of 250, 350, and 450 GPM.
36. After completing the step-drawdown pumping test, allow the well to recover for at least 24 hours.
37. Conduct a 4-hour, constant rate pumping test at ~350 GPM.
38. Assist the City with the collection of water samples during the last hour of the constant rate pumping test (service to be provided by a pre-approved, certified environmental laboratory). The water samples will be analyzed for all parameters outlined in Chapter 62-550, Florida Administrative Code (FAC), including primary and secondary drinking water standards, and Rule 62-555.315 parameters.
39. Remove the test pump, discharge hose/pipe, diffuser, and flow meter.
40. Disinfect the well in accordance with AWWA C654-13.
41. Equip the well with a secure, temporary cap.
42. Remove culverts and fill at well sites and restore ditches to original condition.
43. Submit a well completion report to SJRWMD.
44. Clean up the site.
45. Demobilize.

### **TASK C: LW-84 – Redevelopment and Testing**

The CONSULTANT shall:

1. Install a submersible test/development pump with a standalone generator set capable of raw hide/over pumping the well at a rate of at least 800 gallons per minute (GPM). Install at least 200-feet of secure (without leaks) discharge hose and/or piping to a point designated by the HYDROGEOLOGIST. Equip the end of the discharge hose/pipe with a diffuser to mitigate erosion. Equip the discharge with a calibrated flow meter, or orifice plate/manometer and a sampling spigot near the well head. Provide separate ports for sand rate testing (Rossum Sand Cone provided by the SUBCONTRACTOR) and water sample collection. Raw hide/over pump/develop the well at 700-800 GPM until Turbidity is less than 1 NTU and the sand rate is less than 5 milligrams per liter (mg/L) (estimated to take up to 24 hours). This task is meant to over pump and surge the well to achieve clear, sand-free discharge water.
2. After the well is developed clear (less than 1 NTU and 5 mg/L sand rate), allow the water level to recover for at least 24 hours.
3. Conduct static and pumped geophysical logs/TV survey on the finished well. Geophysical logging/TV services are to be provided by a pre-approved logging service provider, as follows:
  - a. Static caliper
  - b. Static electric (Resistance & Self Potential)
  - c. Static natural gamma ray
  - d. Static fluid temperature
  - e. Static fluid resistivity
  - f. Static fluid velocity
  - g. Static TV survey
  - h. Pumped fluid temperature
  - i. Pumped fluid resistivity
  - j. Pumped fluid velocity
  - k. Pumped TV survey
4. Provide two (2) field copies of the geophysical logs and two (2) DVD copies of the TV survey. Furnish six (6) hard copies of the geophysical logs, electronic copies of the logs in both pdf and LAS formats, and six (6) DVD copies of the TV Survey at a later date.
5. Conduct a final step-drawdown pumping test at rates of 250, 350, and 450 GPM.
6. After completing the step-drawdown pumping test, allow the well to recover for at least 24 hours.
7. Conduct a 4-hour, constant rate pumping test at ~350 GPM.
8. Assist the City with the collection of water samples during the last hour of the constant rate pumping test. The water sample will be analyzed for all parameters outlined in Chapter 62-550, FAC, including primary and secondary drinking water standards, and Rule 62-555.315 parameters.



9. Remove the test pump, discharge hose/pipe, diffuser, and flow meter.
10. Disinfect the well in accordance with AWWA C654-13.
11. Equip the well with a secure, temporary cap.
12. Remove culvert and fill at well sites and restore ditch to original condition.
13. Clean up the site.
14. Demobilize.

#### IV. Cost and Schedule

The CONSULTANT shall utilize Freeman Well Drillers, Inc. as a SUB-CONTRACTOR for well drilling services. The CONSULTANT shall complete the scope of work described above on a lump sum/fixed fee basis as follows:

Construction/Testing of LW-83 and LW-85/ Redevelopment/Testing of LW-84: \$256,350.00

Time of Completion

150 Days

**Table 1- South Zone Well Field Well Construction Details & Status**



No.	Well <sup>1</sup> No.	Year Constructed <sup>2</sup>	Current Status	DID <sup>2</sup>	Casing <sup>3</sup> Dia. (in)	Casing <sup>3</sup> Depth (ft.)	Total <sup>3</sup> Depth (ft.)	Rate <sup>4</sup> (GPM)
1	LW-14	1973	In service	6673	8	105	300	80
2	LW-17	1979/2015	Abandoned	6623	12/8	101	215	145
3	LW-17R	2015	In service	449146	12	101	150	145
4	LW-19	2009	In service	6648	12	116	230	165
5	LW-21	1990	In service	6649	12	109	335	358
6	LW-22	TBD	Proposed	6650	12	110	250	189
7	LW-23	1990/2006	In service	35373	12/8	102/116	250	300
8	LW-30	1990/2007	In service	6639	12	108	120	80
9	LW-31	1990	In service	6640	12	105	320	200
10	LW-32	1990/2013	In service	6641	12	101	258	130
11	LW-49	1977/2004	In service	6674	14/10	98/110	225/310	260
12	LW-83	TBD	Proposed	39255	12	110	150	145
13	LW-84	2009	Constructed	39256	12	115	135	145
14	LW-85	TBD	Proposed	39257	12	110	150	145
15	LW-105	2016	In service	438762	12	108.5	150	145
16	LW-106	2009	In service	438763	12	105	130	145
17	LW-107	2016	In service	438764	12	111.5	150	125
18	LW-108	2015	In service	438762	12	112	160	125





Notes:

1. Shaded Wells are part of this work order.
2. Year constructed or re-constructed as LW-32 or modified as LW-14, LW-17, LW-23, LW-30 and LW-49 or for proposed wells LW 105, LW 107 and LW 108, or if unknown then TBD-To Be Determined.
3. Casing diameter, casing depth, and total depth are indicated as Original/Modified e.g. LW-23 was originally constructed with 12-inch casing but was modified with an 8-inch liner, shown as 12/8.
4. SJRWMD modeled pumping rates.
5. TBD-To Be Determined

0 500 1,000 2,000 Feet

**Legend**

- Wells**
-  Proposed Phase 3
  -  Phase 2

- RawWater phase**
-  Phase 1 Raw Water Main
  -  Phase 2 Raw Water (Under Construction)
  -  Proposed Phase 3 Raw Water Main
  -  City Owned Property



**SEMINOLE WOODS BLVD.**

**SESAME BLVD.**

LW-108

LW-107

LW-17R

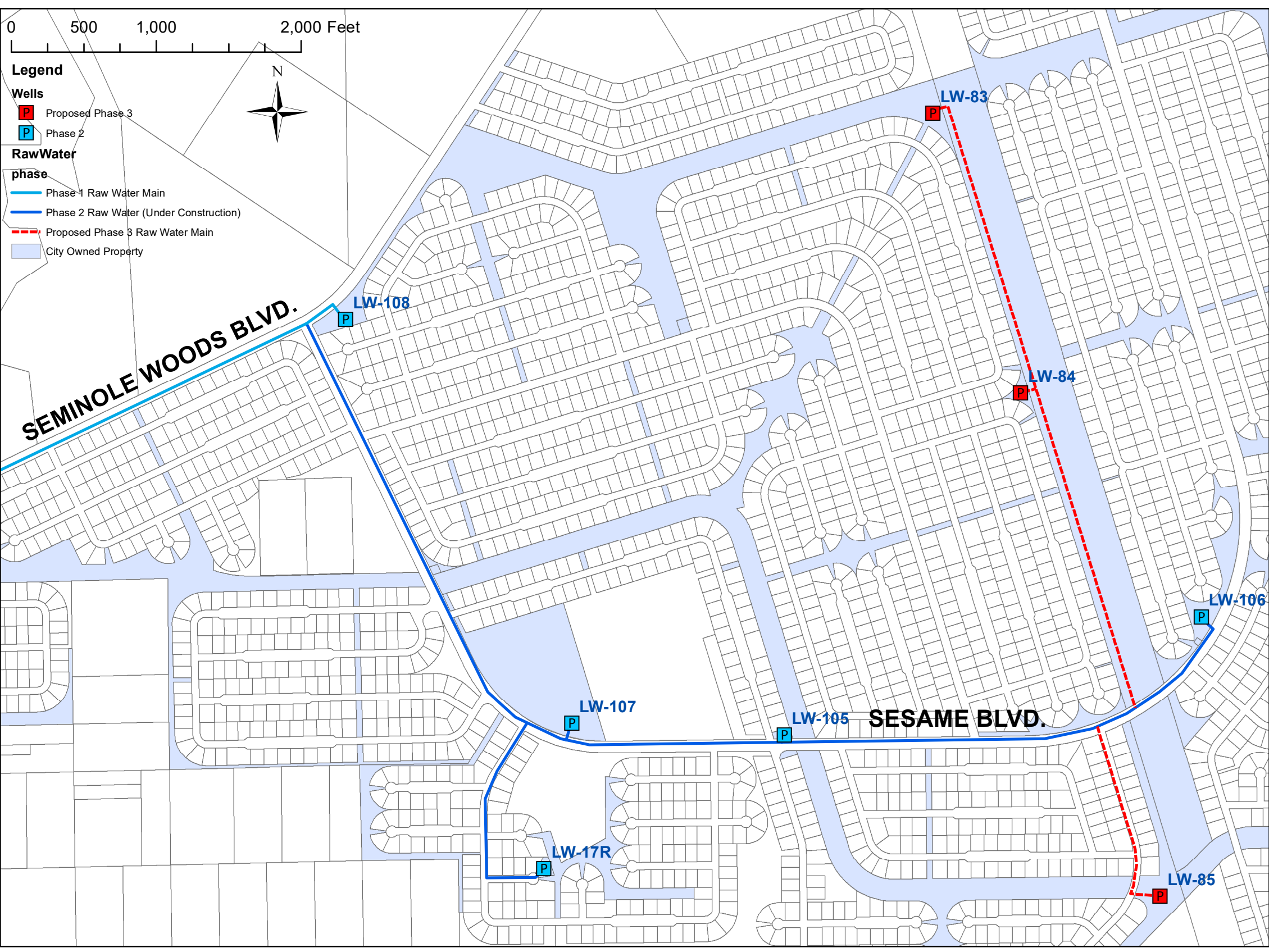
LW-105

LW-83

LW-84

LW-106

LW-85



# City of Palm Coast, Florida Agenda Item

Agenda Date : 11/21/2017

<b>Department</b>	HUMAN RESOURCES	<b>Amount</b>
<b>Item Key</b>		<b>Account</b>
		<b>#</b>
<b>Subject</b>	RESOLUTION 2017-XX APPROVING THE RENEWAL OF STOP-LOSS COVERAGE WITH SUNLIFE	
<b>Background :</b>		
<b><u>UPDATE FROM THE NOVEMBER 14, 2017 Workshop</u></b>		
This item was heard by City Council at their November 14, 2017 Workshop. There were no changes suggested to this item.		
<b><u>ORIGINAL BACKGROUND FROM THE NOVEMBER 14, 2017 WORKSHOP</u></b>		
The City currently offers a well-rounded, self-insured benefits program to employees. The program includes group health insurance, primary clinic service hours, and ancillary coverages (life insurance, long-term disability (LTD) and accidental death and dismemberment (AD&D) insurance). The general composition of the group health insurance program includes a fixed monthly per-employee fee for stop-loss insurance. The City is responsible for the first \$150,000 of any given claim and stop-loss coverage provides for claims payments that exceed \$150,000. Each fall, the City receives proposals for the cost of purchasing stop-loss coverage.		
<b>Alternatives and Analysis</b>		
In calendar year 2017, the cost of Stop-Loss insurance through SunLife to cover claims in excess of \$150,000 was approximately \$319,722 based upon current enrollment.		
The City received quotations through our broker, Brown & Brown, for Stop-Loss coverage from three providers; our current carrier SunLife and alternates from AIG and Symetra. SunLife provided for an increase of 13.9% over current or \$364,021, AIG an increase of 14.6% over current or \$366,403 and Symetra an increase of 26.2%, or \$403,385.		
<b>Recommended Action:</b>	Approve Resolution 2017-XX for Stop-Loss coverage with SunLife.	

**RESOLUTION 2017 - \_\_\_\_**  
**CITY OF PALM COAST HEALTH INSURANCE PROGRAM**  
**STOP LOSS INSURANCE**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM COAST, FLORIDA, APPROVING SUN LIFE AS THE STOP-LOSS INSURANCE PROVIDER; AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE SAID AGREEMENT; PROVIDING FOR SEVERABILITY, PROVIDING FOR CONFLICTS, PROVIDING FOR IMPLEMENTING ACTIONS AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, Sun Life desires to provide Stop-Loss coverage to the City of Palm Coast for its Health Benefits Program; and

**WHEREAS**, the City Council of the City of Palm Coast desires to have Sun Life provide the above referenced services for the City's Health Benefits Program.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PALM COAST, FLORIDA, AS FOLLOWS:**

**SECTION 1. APPROVAL OF INSURANCE CARRIERS.** The City Council hereby approves Sun Life to provide \$150,000.00 Stop-Loss insurance coverage services, for an approximate annual cost of \$364,000, to the City of Palm Coast for its health benefits program.

**SECTION 2. AUTHORIZATION TO EXECUTE.** The City Manager, or designee, is hereby authorized to execute any necessary documents to implement the action taken in this Resolution.

**SECTION 3. SEVERABILITY.** If any section or portion of a section of this Resolution proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other section or part of this Resolution.

**SECTION 4. CONFLICTS.** All resolutions or parts of resolutions in conflict with any of the provisions of this Resolution are hereby repealed.

**SECTION 5. IMPLEMENTING ACTIONS.** The City Manager is hereby authorized to take any actions necessary to implement the action taken in this Resolution.

**SECTION 6. EFFECTIVE DATE.** This Resolution shall become effective immediately after its adoption.

**DULY PASSED AND ADOPTED** by the City Council of the City of Palm Coast on the 21<sup>st</sup> of November, 2017.

CITY OF PALM COAST, FLORIDA

ATTEST:

\_\_\_\_\_  
MILISSA HOLLAND, MAYOR

\_\_\_\_\_  
VIRGINIA A. SMITH, CITY CLERK

Approved as to form and legality

\_\_\_\_\_  
William E. Reischmann, Jr., Esq.  
City Attorney



#	File #	Item	Title	Staff
			<b>Workshop 11/28/2017</b>	
1		Resolution	Landscape Chemicals and Fertilization Purchase Agreement	Abreu
2		Resolution	Culvert Pipes Purchase Agreement	Abreu
3		Resolution	Parks N Rec Fees	Boyer
4		Presentation	Facilitator Summary Report	Crotty
5		Resolution	Belle Terre/US 1 and Wellfield/US 1 Intersection Improvements	Castello/Cote
6		Resolution	Roadway Striping Services Agreement	Castello
7		Resolution	Design Signal Belle Terre/Market Ave	Castello/Cote
8		Resolution	Purchase ROW Old Kings Road-Columbian Club	Flanagan/Peel
9		Presentation	Hurricane Irma After Action Report	Forte
			<b>Business Meeting 12/05/2017</b>	
1		Resolution	Landscape Chemicals and Fertilization Purchase Agreement	Abreu
2		Resolution	Culvert Pipes Purchase Agreement	Abreu
3		Resolution	Parks N Rec Fees	Boyer
4		Resolution	Roadway Striping Services Agreement	Castello
5		Resolution	Belle Terre/US 1 and Wellfield/US 1 Intersection Improvements	Castello/Cote
6		Resolution	Purchase ROW Old Kings Road-Columbian Club	Flanagan/Peel
7		Ordinance	Rezoning Roberts Rd - FL Landmark Communities Properties	Papa
8		Ordinance	Rezoning Roberts Rd - Tuesday Corporation Property	Papa
9		Ordinance	Rezoning Roberts Road - Smith Properties	Papa
10		Ordinance 1st	Amendment to FLUM Roberts Road	Papa
11		Ordinance 2nd	Marina Del Palma FLUM	Papa
12		Ordinance 2nd	Marina Del Palma Rezoning	Papa
			<b>Workshop 12/12/2017</b>	
1		Resolution	Installation/Replacement Pep Tanks	Adams/Ashburn
2		Resolution	LAP Agreement Lakeview Blvd	Cote
3		Ordinance	Charter Amendment Draft Ordinance (if any)	Council
4		Discussion	City Manager RFP Summation	Council
5		Resolution	CDBG Annual Report	Papa
			<b>Business 12/19/2017</b>	
1		Resolution	Installation/Replacement Pep Tanks	Adams/Ashburn
2		Presentation	2017 Annual Intracoastal Waterway Cleanup Event Results	Bevan
3		Resolution	LAP Agreement Lakeview Blvd	Cote

4	Ordinance	Charter Amendment Draft Ordinance (if any)	Council
5	Resolution	CDBG Annual Report	Papa
		<b>Future</b>	
1	Resolution	Annual Fire Inspection Fees	Alves
2	Resolution	WTP #1 Lime Sludge Removal, Hauling and Disposal	Adams
3	Resolution	WTP #1 Lime Slaking System Replacement	Adams
4	Resolution	Purchase/Installation Ozone Odor Control Unit WWTP #1	Adams/Ashburn
5	Resolution	Purchase/Installation Primary Clarifier Process Equipment WWTP #1	Adams/Ashburn
6	Resolution	Master Plan SCADA Telemetry Standardization	Adams/Hogan
7	Resolution	Permit compliance with NECGA (MOU and Conservation easement)	Bevan
8	Ordinance	Draft charter amendments (1/9/2018)	Council
9	Ordinance 1st	Charter amendments (1/16/2018)	Council
10	Ordinance 2nd	Charter amendments (2/6/2018) for General Election	Council
11	Resolution	Property Exchange NECGA	Falgout
12	Resolution	Purchase Fire Truck	Forte
13	Presentation	Health and Safety Calendar Contest	Mini
14	Ordinance 1st	Coastal Trace FLUM	Papa
15	Ordinance 1st	Coastal Trace Rezoning	Papa
16	Ordinance	Rezoning Roberts Rd - FL Landmark Communities Properties	Papa
17	Ordinance	Rezoning Roberts Rd - Tuesday Corporation Property	Papa
18	Ordinance	Rezoning Roberts Road - Smith Properties	Papa



**Meeting Calendar for 11/22/2017 through 12/31/2017**

**11/28/2017 9:00 AM**

City Council Workshop  
City Hall

**11/29/2017 5:30 PM**

Citizens' Advisory Task Force  
City Hall

**12/5/2017 10:00 AM**

Animal Control Hearing  
City Hall

**12/5/2017 6:00 PM**

City Council  
City Hall

**12/6/2017 10:00 AM**

Code Enforcement Board  
City Hall

**12/7/2017 5:00 PM**

Beautification and Environmental Advisory Committee  
City Hall

**12/12/2017 9:00 AM**

City Council Workshop  
City Hall

**12/19/2017 9:00 AM**

City Council  
City Hall



**Meeting Calendar for 11/22/2017 through 12/31/2017**

**12/20/2017 5:30 PM**

Planning & Land Development Regulation Board

City Hall