City of Palm Coast
Agenda
City Council Business

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

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

Tuesday, December 5, 2017 | **6:00 PM** | **Community Wing**

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.

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A. CALL TO ORDER

B. PLEDGE OF ALLEGIANCE TO THE FLAG

C. ROLL CALL

D. PUBLIC PARTICIPATION

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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:**
   NOVEMBER 21, 2017 BUSINESS MEETING
   NOVEMBER 28, 2017 WORKSHOP

F. PRESENTATIONS

2. **PRESENTATION OF THE 2017 VIDEO AWARDS**

G. ORDINANCES SECOND READ

3. **ORDINANCE 2017-XX AMENDING THE FUTURE LAND USE MAP DESIGNATION FOR 109+/- ACRES LOCATED 1,400' NORTH OF ROBERTS ROAD ON THE EASTSIDE OF COLBERT LANE FROM FLAGLER COUNTY DESIGNATIONS TO CITY OF PALM COAST DESIGNATIONS**

4. **ORDINANCE 2017-XX A ZONING MAP AMENDMENT FROM PLANNED UNIT DEVELOPMENT (FLAGLER COUNTY DESIGNATION) TO MASTER PLANNED DEVELOPMENT (CITY OF PALM COAST DESIGNATION FOR A 109+/- ACRE PARCEL LOCATED 1400' NORTH OF ROBERTS ROAD ON THE EASTSIDE OF COLBERT LANE**

H. ORDINANCES FIRST READ

5. **ORDINANCE 2017-XX A COMPREHENSIVE PLAN AMENDMENT FOR A 196+/- ACRE PARCEL FROM FLAGLER COUNTY DESIGNATIONS OF MIXED USE HIGH INTENSITY AND INDUSTRIAL TO CITY OF PALM COAST DESIGNATION OF MIXED USE ALONG WITH A POLICY TO LIMIT DEVELOPMENT**

6. **ORDINANCE 2017-XX A ZONING MAP AMENDMENT FROM INDUSTRIAL (FLAGLER COUNTY DESIGNATION) TO GENERAL COMMERCIAL (COM-2) FOR A 2+/- ACRE PARCEL LOCATED AT THE SOUTHEAST CORNER OF COLBERT LANE AND ROBERTS ROAD**

7. **ORDINANCE 2017-XX A ZONING MAP AMENDMENT FROM INDUSTRIAL (FLAGLER COUNTY DESIGNATION) TO LIGHT INDUSTRIAL (IND-1) FOR A 10+/- ACRE PARCEL LOCATED AT 465 AND 551 ROBERTS ROAD**

8. **ORDINANCE 2017-XX ZONING MAP AMENDMENT FOR 184+/- ACRE PARCEL FROM MIXED USE HIGH: PLANNED UNIT DEVELOPMENT (PUD) (FLAGLER COUNTY DESIGNATION) TO MASTER PLANNED DEVELOPMENT (MPD) (CITY OF PALM COAST DESIGNATION)**

I. CONSENT

9. RESOLUTION 2017-XX APPROVING A ONE-YEAR PRICE AGREEMENT WITH HARRIS CULVERT, INC. TO PURCHASE VARIOUS TYPES OF DRAINAGE PIPES

10. RESOLUTION 2017-XX APPROVING PRICE AGREEMENT WITH HOWARD FERTILIZER & CHEMICAL FOR THE PURCHASE AND DELIVERY OF VARIOUS LANDSCAPE CHEMICALS AND FERTILIZER FOR THE CITY MEDIANS AND PARK ATHLETIC FIELDS.

11. RESOLUTION 2017-XX APPROVING AN EASEMENT WITH THE COLUMBIAN CLUB OF FLAGLER COUNTY, INC., FOR THE OLD KINGS ROAD WIDENING PROJECT

J. PUBLIC PARTICIPATION

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

K. DISCUSSION BY CITY COUNCIL OF MATTERS NOT ON THE AGENDA

L. DISCUSSION BY CITY ATTORNEY OF MATTERS NOT ON THE AGENDA

M. DISCUSSION BY CITY MANAGER OF MATTERS NOT ON THE AGENDA

N. ADJOURNMENT

12. CALENDAR/WORKSHEET

City of Palm Coast, Florida
Agenda Item

Agenda Date : 12/5/2017

Department	CITY CLERK	**Amount**	
Item Key		**Account #**	

Subject MINUTES OF THE CITY COUNCIL:
NOVEMBER 21, 2017 BUSINESS MEETING
NOVEMBER 28, 2017 WORKSHOP

Background :

Recommended Action :
Approve the Minutes of the City Council for:
November 21, 2017 Business Meeting
November 28, 2017 Workshop

City of Palm Coast
Agenda
City Council Business

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
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Tuesday, November 21, 2017 | **9:00 AM** | **Community Wing**

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

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.

There were no public comments.

E. MINUTES

1. MINUTES OF THE CITY COUNCIL

1ST VM Nobile
2ND CM Cuff
Motion passed unanimously.

F. PROCLAMATIONS

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

CM Klufas presented this Proclamation to members of the Palm Coast Yacht Club.

3. PROCLAMATION DESIGNATING NOVEMBER 28, 2017 AS GIVING TUESDAY

VM Nobile presented this Proclamation to a representative from the Flagler Humane Society.

G. ORDINANCE 2ND READING

4. 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 of the Ordinance into the record. Mr. Landon provided a brief overview to this item.

Public Comments:
There were none.

1ST VM Nobile
2ND CM Cuff
Motion passed unanimously.

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

City Attorney Reischmann read the title of the Ordinance into the record. Attorney Reischmann reminded Council this is a quasi-judicial item. Mayor Holland called for any

ex-parte communications. CM Cuff received an email from a resident of North Old Kings Road who expressed opposition to this rezoning.

Mr. Landon provided a brief overview to this item.

Responses to Public Comments-

Developer-Ans: Mr. Hoover-They have not submitted any Developer at this point.

Plans-Ans: Mr. Landon-As we discussed at the last meeting, this item is for rezoning not development, this is strictly changing the zoning from Commercial to Residential and Multi-Family. Next step is a site plan that fits into those kind of details and they have to plat it. At this time, we are designating the zoning ; do not have those details.

Property owner-Ans: Mr. Landon-If Mr. Gibbs owns the property now and he sells it, there may be deed restrictions but usually not and the new property owner would have the input into the development.

Colbert Lane-Ans: Mayor Holland-Colbert Lane is owned and maintained by the County; we have no governing authority over that.

Mr. Landon-Consideration for property-Ans: Mr. Landon-I think, although, they were sarcastic comments, I must say I think he was referring to the high rise we were talking about on Colbert Lane and the multi-family highrise that the County approved. I would like to address that and the fact that was approved by Flagler County and not Palm Coast. As far as how can we control this compared to that, our standards are different. This will be under City of Palm Coast and not Flagler County's standards. The difference between a Colbert Lane development which was approved by Flagler County and one that will start and finish here in the City of Palm Coast will be different because of different standards. I think the residents in that area can be assured it will meet the City of Palm Coast standards, including our height restrictions, setbacks and landscaping.

Proposals-Ans: Mr. Landon-It is very important that each one of these is considered by its own set of facts and conditions. Every property is different and there is no obligation for you to approve or deny the next application because it will have a different set of facts, as is the case with all rezonings.

1ST VM Nobile
2ND CM Cuff
Motion passed unanimously.

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

City Attorney Reischmann read the title of the Ordinance into the record. Mr. Landon provided a brief overview to this item. Mr. Papa provided a PowerPoint presentation to items 6 and 7, which is attached to these minutes.

CM Cuff-To staff-we are looking at an MPD with a site plan, which is essentially what we are voting on. The development agreement will require this configuration and if the Developer, whoever the Developer is, will come back to the City to seek further flexibility, what would be that process? Ans: Mr. Papa-Any significant changes to the Master Plan Development Agreement, our code requires that it goes through the process, essentially of a rezoning, if they were to, for example, propose that some of those multi-family units be converted to single family. That would certainly go through the process where it is rezoned. It would have to go to the Planning Board and City Council for approval.

CM Cuff-Received an email from a resident that was opposed to this project. As far as the development of the single family, which is the closest to and will have the most impact on the single family neighborhoods to the north and to the east of this project, under our current Land Development Code, would the Developer of that portion of this project be allowed to come in an clear cut all those lots or would that be done as the houses come on board? Ans: Mr. Papa-As part of our platting process we do require, essentially a tree survey that would identify any significant strands of Cypress or Live Oaks, and to the extent possible those would be preserved or attempted to be preserved, and if not, to be mitigated. As we go through the process, there is some reasonableness as to whether they can clear-cut everything or not.

CM Cuff-Before a builder wants to build 12 homes, clears the land…. Ans: Mr. Landon-That will not be the case. When this is platted, it will be developed as a complete development. Very similar to what we have seen at Hidden Lakes and Grand Landings. You still need to have a tree survey to protect certain trees.

CM Cuff-When will the trees that abut the existing single-family homes go down? Ans: Mr. Landon-When the infrastructure goes in.

VM Nobile-When will that infrastructure go in? Ans: Mr. Landon-We do not know when that will be.

CM Klufas-Is there any timeframe for once the land is plotted, where they have to reinsure that the buffer is present? Ans: Mr. Landon-That will happen at platting. Before they start building lots, they have to have that platted.

Attorney Reischmann confirmed this item was not a quasi-judicial item but the following item is a quasi-judicial item.

Public Comments:
Mr. Nielebock-The impact on city services, how does this impact those services?

Tim O'Donnell-I am the one who sent the email about the trees. Opposes the project.

Chuck Johnson-Army Corp. of Engineers explained that it is mostly wetlands. Testing for topography and wetlands is under way right now.

Sarah Sieling-Thanked VM Nobile for his support. Opposes the project. Requesting a fence or a wall on the first set of renderings. Does not understand the clear-cut issue. Nothing good with this proposal.

Les Kinmon, 55 Karas Trail–Homes have been put on the market. The flight has begun. Opposes the project.

Roger Sieling-opposes the project.

Responses to Public Comments:
Impacts-Ans: Mayor Holland-We have impact fees in the State of Florida that recognize that future development pay for itself. Every developer pays transportation impact fees, park impact fees, fire impact fees, etc. Those goes right back into the fund for the impact that is created. Impact fees are adding to the capacity in which this development is adding to our community. For transportation, there is a calculation that we have applied for the amount of impact it has to our roadways. Mr. Landon-Also, any of the infrastructure for this development will be paid 100% by the Developer.

Clear cutting-Ans: Mr. Landon-Let me clarify, if the single family is not built then that area will not be clear-cut. If they only build the commercial, then the commercial area will be clear-cut; if they build the apartments (or multi-family), we will make sure that that they do not clear any of the area that they do not have to. So, if the single-family is not built, there will still be a buffer in that area-the natural buffer it is today.

Mayor Holland-How many feet is the buffer-Ans: Mr. Papa-There is an existing 25-foot buffer; between the existing property lines to the north, the existing single-family homes and where the new single-family line lots will be in there will be another 25 ft. buffer.

Wetlands-Ans: Mayor Holland-We have Developers that get very frustrated with the City of Palm Coast because when wetlands are identified on parcels and property, the SJRWMD will not allow any development to occur. If you are talking about a mitigation bank, that is a very arduous process that very rarely ever happens with these massive developments. I know the Army Corp. does some testing as far as flood plains and controlled areas but DEP is engaged and involved in these developments, SJRWMD gets involved in these developments. That is before any development ever occurs.

Affordable housing-Ans: Mayor Holland-I think this is true for any other private industry going in - it is driven by the market.

Buffers-Ans: Mr. Landon-We welcome a motion to make it very clear in the Development Agreement that no trees and areas will be cleared that are not absolutely necessary for the phase that they are building at the time.

Buffers- Mayor Holland-The corners are going to stay green? Ans: Mr. Landon-Yes, those are going to stay green.

1ST CM Klufas
2ND CM Cuff
Motion passed 3 to 1 with VM Nobile dissenting.

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

This item was heard with Item 6 however, City Attorney Reischmann read the title of the Ordinance into the record. Attorney Reischmann reminded Council this is a quasi-judicial item. Mayor Holland called for any ex-parte communications. CM Cuff confirmed received emails regarding the clearing of the development.

Mr. Landon provided a brief overview to this item and recommended that additional language be added in regarding land clearing only when necessary.

CM Cuff made a motion to approve subject to additional language in the development agreement to make it as stringent as we can regarding the land clearing, which was seconded by CM Klufas. Attorney Reischmann suggested adding the language to Section 5C of the attachment to the agenda item relating to the development plan.

Public Comments:
There were none.
Motion passed 3 to 1 with VM Nobile dissenting.

RESOLUTIONS

H.

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

Mr. Landon provided a brief overview to this item.

There were no public comments.

1ST VM Nobile
SECOND CM Klufas
Motion passed unanimously.

9. RESOLUTION 2017-XX BROWNFIELD AREA DESIGNATION

Mr. Landon provided a brief overview to this item.

Public Comments:
Mr. Nielebock-Is this property considered environmentally safe? Who pays for the clean-up? Ans: Mayor Holland provided an overview as to why we designate an area as a Brownfield Area designation. This is exactly what we are doing; requiring the owner to clean it up.

1ST VM Nobile
2ND CM Klufas
Motion passed unanimously.

I. OTHER BUSINESS

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

Motion to appoint VM Nobile, seconded by CM Klufas to appoint CM Cuff as the Vice Mayor.
There were no public comments.
Motion passed unanimously.

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

Current *Organization Liaisons*
Flagler County Tourist Development Council Mayor Holland
Flagler League of Cities Mayor Holland
Florida Dept. of Juvenile Justice Circuit 7Juvenile 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

There were no public comments.

CM Cuff made a motion, seconded by VM Nobile, to keep all liaisons positions the same as 2017.
Motion passed unanimously.

J. CONSENT

There were no public comments.

1ST VM Nobile
2ND CM Klufas
Motion passed unanimously.

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

Steve Carr-Impact fees and support of more police-do any impact fees go to the Sheriff's office?

Responses to Public Participation:

Mayor Holland-Impact fees are limited on what we can pay for, such as fire impact fees go to fire. Mr. Landon is not aware of a law enforcement impact fee.

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

CM Klufas-Trees on side of Colbert Lane-Pine trees leaning heavily but they have green vegetation. It is dangerous if it falls; it will cross the road. Fiber RFP status and the corresponding conduit permits that have been pulled around the City. Diamond's comment about T Mobile adding to our towers.

Ans: Mr. Landon-Leaning trees will have that looked into. FibertNet RFP-There are three submittals and we are having face-to-face interviews. T-Mobile is on the School pole but is looking at our Tennis Center pole (did not come in through Diamond). Verizon is laying Fiber, not just in Palm Coast; their lines are along US 1. We will have another provider for Fiber. Good to have competition.

CM Klufas-The conduit that they laid, are there any agreements in place where we also can pull fiber through those conduits? Ans: Mr. Landon-Where we want it, we are still working on those.

CM Cuff-I hate to get philosophical during comments but the agenda today brought up two points in my mind that I did want to address. This deals with the two rezonings from today on Old Kings Road and US 1. In one case, there was public comment naming some individual owners or people who have interest in property on Old Kings Road and at the same time there were comments during the US 1 public discussion about investors. In

both cases, I do not mean to put words in anyone's mouth but the implication in both those cases was that there was something improper in this. In one case there was a longtime resident property owner that someone that I do not know personally, but someone that I have known since I moved here 34 years ago as someone who has been a backbone to the economy in Flagler County and Palm Coast and a supporter of many charities. On the other hand, we have someone that I would not know if I ran into them outside of the Council chamber but the implication that somehow we are favoring investors or that I am favoring an investor and selling out to developers, I know that has been a charge as old as land development in Florida. On the other hand the implication I think is that there is some kind of a deal going on because someone has been here awhile, I do not know what the happy median is here but I find those kinds of comments, I do not want to say offensive because I do not want to discourage anyone from coming to one of our meetings and telling us what they feel or think about what comes before us. It bothered me a little to hear that and I thought it was a little ironic that it was polar opposites. I do not know if there is a happy median as to how many years you have to live here before you are allowed to develop a property but the other issue, I am sure we have discussed it, and we will discuss it again is rent vs. own. I am getting as a Council Member, increasing public input saying we need to do more to crack down on the condition of our single-family homes. Usually the implication is that the offenders are renters and the same kind of like, the old western movies. They are sheepherders. They are not cattlemen like good people. The issue of multi-family housing is that it is rental. If we approve anything, a rezoning, a site plan, or whatever that allows multi-family housing, that will automatically going to turn into a seedy hive of scum and villainy that will degrade the community. I know there was one public comment on the Old Kings Road property that we are going to be Detroit in a couple of years if this is built. I do not think so. I think we need to recognize and I think this Council does recognize...the implication that rental property does not pay its' own way, I think CM Klufas's comments on one of the items spoke to this. People that rent single-family homes or apartments, pay taxes. Those properties are not tax-free. They are actually taxed for ad-valorem purposes and taxed at a higher rate than at an owner occupied condominium unit or single-family detached home. The notion that I am writing a check to a landlord for $900 or $1200 per month, that a big component of that is not my landlord's tax bill to Flagler County and Palm Coast, I think is missing a very important point for the economic future. Aside from how do we provide for housing choices for our residents, including public employees, including service employees who need a decent, safe place to live for themselves and their families. And if we ever want to get beyond the perception that Palm Coast is a retirement community, if we really want to make good on our vision. We talked about it being a multi-generational city that addresses the needs of all of our residents; we need to get beyond the thinking of multi-family housing in the sense of us versus them. The good guys vs. the bad guys.

CM Cuff-Community Center update? Ans: Mr. Landon-It is coming along, on time and in budget.

Mayor Holland-Support local business. Mr. Landon-We will put out a blitz for shop local. Will get Beau and Cindi to get something together.

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

Follow up on CM Cuff's comment (under Council Discussion). I appreciate it. Reminded everyone that this is an open public process. Thanked CM Cuff for his comments.

Mayor Holland wished everyone a Happy Thanksgiving.

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

Mr. Landon-The Community Center move in date should be March 2018.

Water Treatment Plant-moving along as scheduled.

Water Tower-It is a tent as we have to sand blast the tower to repaint it. Maintenance of the tower.

Feet to Feast at DSC at 7:45 a.m.

Food Truck Tuesday, tonight, here at Central Park 5:00 pm to 8:00 pm

Tree Lighting December 1 here at Central Park and that starts the Lights

Debris-all storm debris has been picked up except for a little C and D, non-vegetative debris.

O. ADJOURNMENT

Meeting adjourned at 10:48 a.m.
Respectfully submitted by:
Virginia A. Smith, MMC
City Clerk

15. CALENDAR/WORKSHEET

16. ATTACHMENTS TO MINUTES

City of Palm Coast
Minutes
City Council Workshop- AMENDED AGENDA

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Tuesday, November 28, 2017 **9:00 AM** **Community Wing**

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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

Ms. Settle called the roll and announced that Council Member Nobile had an excused absence.

D. PUBLIC PARTICIPATION

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No comments were received.

E. PRESENTATIONS

1. PRESENTATION - HURRICANE IRMA AFTER ACTION REPORT

Mr. Landon gave an overview of the item. Mr. Falgout, Chief Beadle and Deputy Chief Forte provided a PowerPoint presentation, which is attached to these minutes.

Mayor Holland: The bridges at either end of our community, where the evacuations took place, were closed or on guard for a period of time after the storm. How does that work? What is the protocol? Ans: Deputy Chief Forte - When the winds are 40 miles an hour, the bridges close for safety. The road crews are coordinated through the Sherriff's office.

Mayor Holland: The curfew was important not only as a safety issue but also for law enforcement to assess some areas. Ans: Chief Beadle -Good point, we were out in SUVs with Public Works asessing damage to infrastructure and road safety. We encourntered a citizen driving around because he had gotten a little stir crazy. We sent him back home. Power lines were down and streets were flooded.

Mayor Holland: Maybe a stronger message needs to be put out to the citizens of the importance of the curfew prior to the storm.

Deputy Chief Forte - Evacuations as well. Residents truly need to heed the warnings. We will not be coming out when the winds are too strong. We will not be coming over the bridge.

VM Cuff: How confident are we that we have a comprehensive list of special needs facilities and group homes? Ans: Mr. Falgout: I am fairly confident we have the list of those facilities from the State.

CM Klufus: Is there an ordinance we need to put in place to ensure generators and other needs are met? Ans: Mr. Landon - These facilities are regulated by the State. Locally, the Fire Department will provide inspections. If they are not in compliance, it becomes a code issue.

Mayor Holland: Can we do a wellfare check of these facilities or actually make sure they have moved out to the shelter? Ans: Mr. Landon - The small facilities, we encourage them to to move to the shelter. The larger facilities, Las Palmas, we keep in regular communication with them.

CM Klufas: Are we going to store 50,000 sandbags? Ans: Mr. Falgout - We pre-order them beore the storm. Mr. Landon - Another impact of Harvey in Texas was the lack of resources available when Hurricane Irma hit. We may need to staff up more because some of our citizens had difficulties in filling the sandbags.

Mayor Holland: The sheriff uses inmates. Ans: Mr. Landon - That is something too we could look into.

VM Cuff: Is there some government approved suggestions on how many you need and how best to arrange them to protect your property? Ans: Chief Beadle: When securing your garage, you need to lay a tarp down and put the sandbags on top of them.

VM Cuff: Can we put this in a flyer of some kind?

Mayor Holland: Were our fuel tanks adequate? Ans: Mr. Landon - Yes. We would like to be able to distribute the fuel faster, deliver the fuel to the workers at the site. Deputy Chief Forte - If you have folks doing wastewater and the gas stations are closed after hours, they need to have access to fuel to keep going.

CM Klufas: Do we plan to get a generator for City Hall? Mr. Landon: Ans. Yes, it is in the works—communications between Public Works and Fire.

Mayor Holland: Does Bob Pickering give reports to the City? Ans: Chief Beadle-Yes, but his reports are coming from an inland area and other reports from Flagler Beach are very different. We would like to have weather stations at the City's five fire houses. Mr. Landon - Rain and wind impacts differ greatly throughout the City.

Mayor Holland: What was the call volume? Ans: Mr. Landon - We have a number and yes, it is huge.

Mayor Holland: The Sheriff gets calls they shouldn't and a lot of them are frequent callers. We need to find a solution through technology for a better reduction of those calls. Ans: Mr. Landon - This is not just a report that we will put on the shelf. The volume of calls, etc. that is one that we are on top of. The tasks are assigned to the performance measures We put it into our culture and the phone system will be one of those.

Mayor Holland: How many debris removal companies are there? Ans: Mr. Falgout-There are just a handful. Crowder Gulf is like a broker. We have found that the national companies are the most effective at picking up the debris. We need to look at the bids and contracts on how we would get a priority.

CM Shipley: Have we looked at getting our own trucks? Ans: Mr. Landon - FEMA will reimburse us for our trucks. Our crews were working 6 or 7 days a week but it was so much. The haulers are frustating to deal with and they threaten you if you use your Public Works crews because they are being paid by how much they pick up. The independent haulers will just leave when you use your own crew. Mr. Falgout - They want pre- disaster contracts with a per cubic yard price. It is a business and they know how to work it. It was a tough environment. They too are working with limited resources. Mr. Landon When we were working with an independent, they are a tight knit group. We tried our best.

CM Klufas: I was wondering what we would need to do to pay to play? Ans: Mr. Landon - We are talking about millions of dollars. Mr. Abreu - With this storm, we had public employees doing things we never thought they would do. . . we had public employees driving Waste Pro Trucks. Mr. Landon – Waste Pro allowed us to use their trucks if we would man them. Disposal sites were also a challenge. The City is still in the debris business.

CM Cuff: Disposal sites, because of the rain, it was inaccessible after the rain. Does it make sense to have an alternate location? Mr. Landon - We have those alternates and they are privately owned. We are hauling because they were privately owned places and they are the only ones available. The line to get in was very long. It wouldn't hurt to look at other sites, maybe another alternate of City owned property. Mr. Abreu - We don't want to end up too far west.

2. PRESENTATION ON PROPOSED PARKS AND RECREATION FEE STRUCTURE

Mr. Landon gave an overview of the item. Alex Boyer gave a power point presentation to Council. The presentation is attached to these minutes.

CM Shipley: Have you ever received any request for wedding and/or receptions? Ans: Mr. Boyer: Currently, we are not accepting reservations.

CM Shipley: Will there be a room that will just be set up for seniors and not be broken down? Ans: Mr. Boyer: There will be a common area to be used for all residents that will not be broken down. If they want exclusive use, that is where the fees come in.

CM Klufas: Do we have cumulative number of reservations made? We have 100 reservations per year. With the new facility, we are trying not to displace other programs.

CM Cuff: Help me understand? We have three non-profit, tax exempt and for profit. Ans: Mr. Boyer: For profit, they reserve the room and sell something.

CM Cuff: Why would a for profit, I want to sell you trust or something, why are we so far below the market rate? Ans: Mr. Boyer – A lot of it was the way it was set up in 2011. We can up it. In the past, it was a $10 difference. Mr. Landon: That is one reason we added the market rate on this chart. Amenity vs. Venue. If council supports it, we can present it to you. It makes sense. This is intended to be an amenity for citizens but not for businesses necessarily.

Mayor Holland: There are other opportunities to offset operational costs. Are we having tables? Ans: Mr. Boyer - We willl get there. The current deposit amount does not cover a broken chair. The set up and tear down cost would be lowered because the City prefers staff to do the the set up and tear down.

Mayor Holland: Moving forward with the parking lot, is this still going to be a voting place? You had voters going in, to me it was dangerous. Ans: Mr. Boyer - For larger events, such as voting, there will be one way in and one way out of the facility. We are going to have to look at where we might have e overflow parking.

Mr. Landon - I am hearing to get the for-profits closer to the market rate.

CM Klufas: Do we know the amount of the cost to recovery? Ans: Mr. Landon - We have to figure in the cost from a staffing perspective with all the amenities thoughout the City. Our main focus and use of the building is not for rentals but programs. If we have programs scheduled, we are not going to be renting the rooms at the facility.

Mayor Holland: Alcohol permit costs? Ans: Mr. Boyer: Yes it is an extra $50.00.

Mayor Holland: Can a resident host an event at the tennis center? Ans: Mr. Boyer: You can rent the pavilion for $25.00. Mr. Landon - The tennis pavilion needs to be put on the list of rentals.

CM Shipley: Holland Park - Why are we allowing alcohol at that location? Ans: Mr. Boyer - It is only allowed at Pavilion 3 where the grill pits are, and it is the only pavilion with bathrooms.

VM Cuff: Central Park - . $25.00 is a small fee for such a large space. Ans: Mr. Landon - I would be in favor of looking at a more realistic rate.

VM Cuff: Is there only one family pass (Tennis)? Ans: Mr. Boyer - Yes. Single rates are going down.

VM Cuff: Is this cost for prohibitive for the individual? Ans: Mr. Boyer - It is in line with other facilities. The day rate is $10.00.

Mayor Holland: Our facility is great with a very reasonable rate.

CM Shipley: Do we promote students to come over? Ans: Mr. Boyer - Yes, we do and we are looking for different partnerships. We are tyring to do more of an out reach with all of our parks.

Mayor Holland: Does Holland Park help with soccer? Ans: Mr. Boyer: Some with overflow. Indian Trails makes it easier for families to have more than one child playing.

Mr. Landon - Needs feedback. Good with proposed rates?

Mayor Holland: If staff is preparing fields, and they are not using them, of course.

F. WRITTEN ITEMS

3. RESOLUTION 2017-XX APPROVING A ONE-YEAR PRICE AGREEMENT WITH HARRIS CULVERT, INC. TO PURCHASE VARIOUS TYPES OF DRAINAGE PIPES

Mayor Holland read the title of the item into the record. Council did not have any questions on the item. No questions were received from Council.

4. RESOLUTION 2017-XX APPROVING PRICE AGREEMENT WITH HOWARD FERTILIZER & CHEMICAL FOR THE PURCHASE AND DELIVERY OF VARIOUS LANDSCAPE CHEMICALS AND FERTILIZER FOR THE CITY MEDIANS AND PARK ATHLETIC FIELDS.

Mayor Holland read the title of the item into the record. Mr. Landon gave an overview of the item. No questions from Council were received.

5. RESOLUTION 2017-XX APPROVING AN EASEMENT WITH THE COLUMBIAN CLUB OF FLAGLER COUNTY, INC., FOR THE OLD KINGS ROAD WIDENING PROJECT

Mayor Holland read the title of the item into the record. Mr. Landon provided a brief overview of the item. No questions from Council were received.

G. PUBLIC PARTICIPATION

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

George Mayo:
Road Wash out - Regarding the road in the presentation and regarding Irma - we need a permanent solution to the problem. . . .what about putting a culvert in?

Railroad crossing - There was a crew, trucks working to get to the wells so they could get fuel instead of working in the community. Why not have a permanent railroad crossing? or even a temporary one that could be housed at the wellfield?

Fuel: What about having larger tanks and/or more tanks?

Public comments were closed.

Mr. Landon - We will take all of this into consideration when putting a plan in place. The only one that won't happen is a permanent railroad crossing. The railroad will not allow it.

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

CM Shipley: None

CM Klufas: Our traffic coordination cameras are they used just for traffic flow or light timing.? I was looking at the upcoming schedule and we had talked about additional cameras at even Holland Park. I haven't heard anything back. One of the things you had said was it was massively expensive to store video. If we had security cameras, you can fill a terabyte drive in a month. I know I had brought this up a number of times and I have not heard anything back about it and I don't see it scheduled for the future. I listened to a few of the meetings, and it seemed, at the time, that this was a big hurdle to jump between Council Member Nobile and Mr. Landon. There was a 13 year-old girl who tried to stab a boy at Holland Park. And now we will have the new community center with people with wood working equipment there and we may need more eyes in the sky at these locations and at the intersections. Then I was thinking about the recruitment firm for selecting a new City Manager. I started looking at new goals and initiatives I

would like to see for the City and they all have to do with technology. I would like to talk about the new position, the economic position. Perhaps, we can gear that position more toward a Chief Technology Solutions Officer so we can drive iniatiatives toward the future. I really think we might be struggling to find the combination of both roles into the City Manager position.

Mayor Holland: I am complete agreement with you. When you look at economic development and there is a standard where they try to attract companies but very few are coming from the mindset of creating a new energy around a community. I think that should be a priority. I don't want to hire someone in the economic development role that has been doing this for some time. I think it should be someone unique and very special. I like your direction and am in full support.

CM Shipley: We are talking about creating a new position? Ans: Mayor Holland - In lieu of the Economic Development position we budgeted for, we might consider looking for someone with innovation in technology.

CM Klufus: Ideally I would love to have it wrapped up in one person as City Manager. I don't realistically think we will find that person.

Mr. Landon - The title we have is Innovation and Economic Growth. Our goal is for the person to create the innovation district for downtown. Our challenge is trying to find someone. I think it needs to be a young person. I think we are on the same page.

Mayor Holland: I have asked Mr. Landon to reach out to the Kaufman Foundation. I think we could attract some good talent.

CM Cuff: How do we find that person?

CM Klufas: I have some suggestions, Stackoverflow and Wicombinator.

Mr. Landon: Any kind of connections to get us in the right pipeline.

VM Cuff: None.

Mayor Holland: None.

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

None.

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

Friday at 6:-00 p.m. is the tree lighting and the kick off for Fantasy of Lights. The Rotary Club is adding a Taste of the Holidays to accompany the event.

Starlight Parade is the following Saturday. The parade starts at 7:00 p.m.

Changes to the Council Schedule - The following dates will be cancelled: December 26, 2017 and January 2, 2018. The City will get to the regular schedule in January on the 9th.

K. ADJOURNMENT

The meeting adjourned at 11:24 a.m.

Respectfully submitted,

Kathleen E. Settle

7. ATTACHMENTS TO MINUTES

City of Palm Coast, Florida
Agenda Item

Agenda Date : 12/05/2017

Department CITY CLERK	**Amount**
Item Key	**Account #**

Subject PRESENTATION OF THE 2017 VIDEO AWARDS

Background :
2017 Video Awards – City of Palm Coast

Three City of Palm Coast videos – two related to public safety and one that's used to recruit college interns – have earned awards in state and national competitions this year. The videos were produced by Video Production Coordinator Tom Hanson and Digital Communications Coordinator Jason Giraulo of the City's Communications & Marketing Division and Palm Coast Television (PCTV).

The "Find Your Future – Internships with the City of Palm Coast" video earned three national honors:

- 2017 Telly Awards – Bronze Award in the Government Relations for Non-Broadcast Productions category;
- Communicator Awards – Silver Award for Distinction in the Film/Video-Government Relations category;
- NATOA (National Association of Telecommunications Officers and Advisors) Government Programming Awards – Third Place in the Public Education category (for operating budgets up to $250,000).

The "Zombie Survival Guide to Bicycle Safety" earned three awards this year:

- Communicator Awards – Silver Award for Distinction in the Film/Video-Safety category;
- NATOA Government Programming Awards – Third Place in the Public Safety category (for operating budgets under $300,000); and
- Florida Public Relations Association Golden Image Awards – First-place Image Award in the Video-Public Service category.

The "Holiday Fire Safety Trips – Meet Joey Christmas" video also earned an award:

- 2017 Telly Awards – Bronze Award in the Safety for Non-Broadcast Productions category.

The Communications & Marketing Division produces dozens of videos in coordination with all City departments each year. The videos can be viewed on the City's YouTube Channel at www.palmcoastgovtv.com.

Recommended Action :
For Presentation purposes only.

City of Palm Coast, Florida
Agenda Item

Agenda Date : 12/5/2017

Department	COMMUNITY DEVELOPMENT	**Amount**	
Item Key		**Account #**	

Subject ORDINANCE 2017-XX AMENDING THE FUTURE LAND USE MAP DESIGNATION FOR 109+/- ACRES LOCATED 1,400' NORTH OF ROBERTS ROAD ON THE EASTSIDE OF COLBERT LANE FROM FLAGLER COUNTY DESIGNATIONS TO CITY OF PALM COAST DESIGNATIONS

Background :

UPDATE FROM THE OCTOBER 21, 2017 BUSINESS MEETING

This item was heard at the City Council Business Meeting on October 21, 2017. There were no changes suggested to this item. This amendment was transmitted to the FDEO and other state agencies for review, there were no comments received from any of these agencies.

ORIGINAL BACKGROUND FROM THE OCTOBER 21, 2017 BUSINESS MEETING

The proposed comprehensive plan amendment is for 109+/- acre parcel annexed into the City on September 19, 2017. The application is for a large-scale Future Land Use Map (FLUM) amendment that will designate the subject parcels with the equivalent City of Palm Coast designation. As specified in a Pre-annexation agreement with the land owner, the proposed amendment will recognize and protect the existing entitlements granted to the subject property. Currently, the subject area has Flagler County FLUM designations of Residential-Medium Density (88.9+/- acres), Commercial-Low Intensity (3.5+/- acres), and Conservation (17.5+/- acres). The amendment will change the designations to the most equivalent City of Palm Coast designations of Residential (88.9+/- acres), Mixed Use (3.5+/- acres), and Conservation (17.5+/- acres). Additionally, the proposed amendment will include a policy on the FLUM to limit residential development on the parcels to 615 dwelling units. There is a companion zoning map amendment that will provide the parcel with a City of Palm Coast designation which recognizes the existing entitlements and development standards previously approved for the parcel. An analysis of the proposed amendment's impacts on public facilities and infrastructure indicates no significant increase in impacts since the entitlements remain generally similar.

Additionally, the proposed amendment will not cause a more significant impact on the environmental conditions on the subject property since the entitlements will remain the same.

Finally, the proposed amendment is consistent with comprehensive plan policies regarding:

- Directing development where existing infrastructure is available,
- Providing opportunities to diversify the housing stock in the City, and
- Designating urban densities (1 d.u./acre) only in areas that have sufficient capacity for central sewer and water services.

The Planning and Land Development Regulation Board held a public hearing on September 19, 2017 and recommended approval of the proposed amendment.

Recommended Action :
Planning Staff and the Planning and Land Development Regulation Board (PLDRB) Recommend that the City Council Approve application number 3401 to amend the Future Land Use Map (FLUM) for 109+/- acres from Residential-Medium Density (88.9+/- acres), Commercial-Low Intensity (3.5+/- acres), and Conservation (17.5+/- acres) to the most equivalent City of Palm Coast designations of Residential (88.9+/- acres), Mixed Use (3.5+/- acres), and Conservation (17.5+/- acres) along with a footnote to limit residential development to 615 dwelling units.

ORDINANCE NO. 2017-_____
MARINA DEL PALMA 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 109+/- ACRES OF CERTAIN REAL PROPERTY FROM FLAGLER COUNTY FUTURE LAND USE MAP DESIGNATIONS OF RESIDENTIAL-MEDIUM DENSITY, COMMERCIAL-LOW INTENSITY, AND CONSERVATION TO CITY OF PALM COAST DESIGNATIONS OF RESIDENTIAL, MIXED USE, 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 RESIDENTIAL DEVELOPMENT ON THE SUBJECT PARCELS TO 615 DWELLING UNITS; 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 Flagler County Designations Residential-Medium Density, Commercial-Low Intensity, and Conservation to City of Palm Coast designation of Residential, Mixed Use, 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 615 dwelling units; 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 comprehensive plan amendment at a public hearing on _____ 2017 and voted to recommend approval of the proposed Comprehensive Plan Amendment; and

WHEREAS, on _____ and _____, 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.

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

(b) The City Council of the City of Palm Coast hereby adopts and incorporates into this Ordinance the City staff report and City Council agenda memorandum and packet relating to the application relating to the proposed amendment to the *City of Palm Coast Comprehensive Plan* relating to the subject property. The exhibits to this Ordinance are incorporated herein as if fully set forth herein verbatim.

(c) The City of Palm Coast has complied with all requirements and procedures of Florida law in processing and advertising this Ordinance.

(d) This Ordinance is internally consistent with the goals, objectives and policies of the *Comprehensive Plan of the City of Palm Coast*.

SECTION 2. FUTURE LAND USE MAP AMENDED.

The 109+/- acres subject area, generally located 1400 feet north of Roberts Rd. on the eastside of Colbert Lane, as depicted and legally described in "Exhibit A", attached

hereto, is hereby amended from Flagler County Designations Residential-Medium Density, Commercial-Low Intensity, and Conservation to City of Palm Coast designation of Residential, Mixed Use, and Conservation including a note on the FLUM limiting the subject property to 615 dwelling units as depicted in "Exhibit B".

SECTION 3. CONFLICTS.

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

SECTION 4. CODIFICATION/INSTRUCTIONS TO CODE CODIFIER. Upon the effective date of the Comprehensive Plan Amendment adopted by this Ordinance, said Amendment shall be incorporated into the City of Palm Cost Comprehensive Plan and any section or paragraph number or letter and any heading may be changed or modified as necessary to effectuate the foregoing.

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 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 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 ____ day of _____, 2017.

ADOPTED on second reading after due public notice and hearing the ____ day of _____, 2017.

ATTEST: **CITY OF PALM COAST, FLORIDA**

_____ _____

Virginia Smith, City Clerk Milissa Holland, Mayor

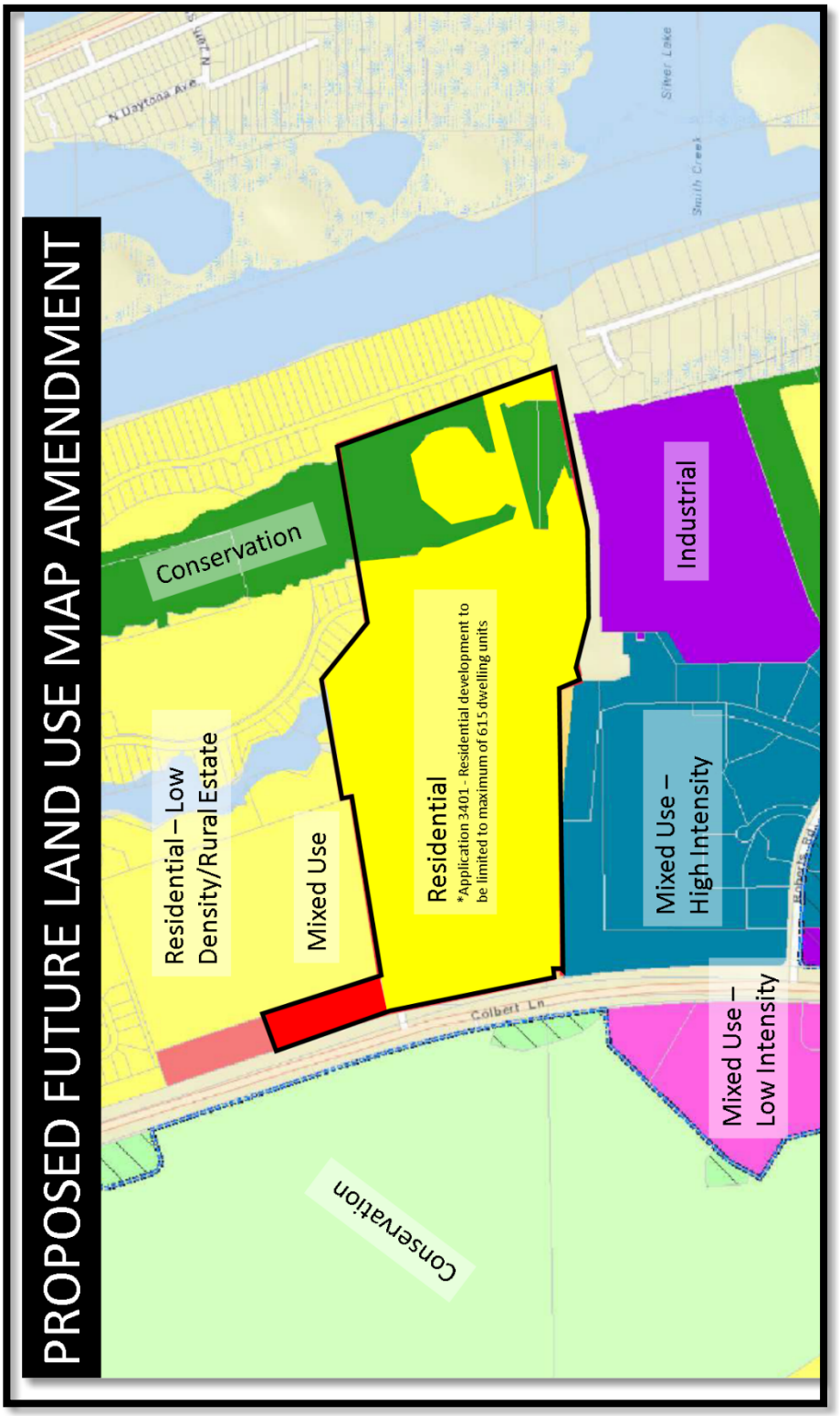
EXHIBIT A

LEGAL DESCRIPTION – Boundary Description

A PART OF SECTIONS 34 AND 35, TOWNSHIP 11 SOUTH, RANGE 31 EAST, AND SECTION 2, TOWNSHIP 12 SOUTH, RANGE 31 EAST, FLAGLER COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: FOR A POINT OF REFERENCE COMMENCE AT THE SOUTHWEST CORNER OF PALM COAST PLANTATION PUD UNIT 2, AS RECORDED IN PLAT BOOK 33, PAGES 54 THROUGH 61 OF THE PUBLIC RECORDS OF SAID COUNTY, SAID CORNER ALSO LYING ON THE EAST RIGHT OF WAY LINE OF COLBERT LANE (A 200 FOOT WIDE RIGHT OF WAY, AS NOW ESTABLISHED) THENCE NORTH 71°35'39" EAST ALONG THE SOUTHERLY LINE OF SAID PALM COAST PLANTATION PUD UNIT 2, A DISTANCE OF 279.53 FEET TO THE NORTHWEST CORNER OF THOSE LANDS AS DESCRIBED IN OFFICIAL RECORD BOOK 569, PAGE 759 OF SAID PUBLIC RECORDS; THENCE SOUTH 18°24'03" EAST ALONG THE WESTERLY LINE OF SAID LANDS, A DISTANCE OF 700.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 18°24'03"EAST ALONG SAID LINE, A DISTANCE OF 716.28 FEET TO THE SOUTHWEST CORNER OF SAID LANDS; THENCE NORTH 80°54'30" EAST ALONG THE SOUTHERLY LINE OF SAID LANDS, A DISTANCE OF 1097.79 FEET TO THE SOUTHEAST CORNER OF SAID LANDS; THENCE NORTH 18°24'18" WEST ALONG THE EASTERLY LINE OF SAID LANDS, A DISTANCE OF 60.80 FEET TO THE SOUTHWEST CORNER OF TRACT I, PALM COAST PLANTATION PUD UNIT 4 AS RECORDED IN PLAT BOOK 34 PAGES 5 THROUGH 11 , INCLUSIVELY, THENCE EASTERLY AND SOUTHERLY ALONG THE SOUTHERLY AND WESTERLY LINES OF SAID PALM COAST PLANTATION PUD UNIT 4 THE FOLLOWING FOUR COURSES; NORTH 80°54'30" EAST, A DISTANCE OF 726.45 FEET; THENCE SOUTH 51°44'16" EAST, A DISTANCE OF 425.31 FEET; THENCE NORTH 80°54'30" EAST, A DISTANCE OF 1101.40 FEET; THENCE SOUTH 19°11'49" EAST, A DISTANCE OF 1358.39 FEET; THENCE WESTERLY ALONG THE NORTHERLY LINES OF THOSE LANDS AS DESCRIBED IN OFFICIAL RECORDS BOOK 554, PAGE 832 AND RECORDED IN SAID PUBLIC RECORDS THE FOLLOWING NINE COURSE, SOUTH 79°29'51" WEST, A DISTANCE OF 304.73 FEET; THENCE SOUTH 70°14'27" WEST, A DISTANCE OF 92.41 FEET; THENCE NORTH 83°02'12" WEST, A DISTANCE OF 51.54 FEET; THENCE SOUTH 77°10'19" WEST, A DISTANCE OF 619.14 FEET; THENCE NORTH 89°14'51"WEST, A DISTANCE OF 475.82 FEET; THENCE NORTH 73°01'14" WEST, A DISTANCE OF 142.83 FEET; THENCE NORTH 75°05'25" WEST, A DISTANCE OF 97.11 FEET; THENCE SOUTH 71°00'23" WEST, A DISTANCE OF 69.80 FEET; THENCE NORTH 55°45'02" WEST, A DISTANCE OF 70.36 FEET; THENCE SOUTH 00°15'47" EAST, ALONG THE WESTERLY LINE OF SAID LANDS AS DESCRIBED IN OFFICIAL RECORDS BOOK 554, PAGE 832, A DISTANCE OF 52.58 FEET; THENCE NORTH 25°14'03" WEST, A DISTANCE OF 156.53 FEET; THENCE WESTERLY ALONG THE SOUTHERLY LINE AND ITS EASTERLY PROLONGATION OF THOSE LANDS AS DESCRIBED IN OFFICIAL RECORDS BOOK 678, PAGE 1352, SOUTH 89°10'56" WEST, A DISTANCE OF 1717.09 FEET TO THE INTERSECTION OF AFOREMENTIONED EASTERLY RIGHT OF WAY LINE OF COLBERT LANE, SAID RIGHT OF WAY LINE ALSO BEING A CURVE CONCAVE WESTERLY AND HAVING A RADIUS OF 7734.00 FEET; THENCE NORTHERLY ALONG SAID CURVE AND SAID RIGHT OF WAY LINE AN ARC DISTANCE OF 1.62 FEET AND SUBTENDED BY A CHORD BEARING OF NORTH 07°55'11" WEST AND A CHORD DISTANCE OF 1.62 FEET TO A POINT ON SAID CURVE; THENCE NORTH 82°08'24" EAST, A DISTANCE OF 50.24 FEET; THENCE NORTH 07°51'36" WEST, A DISTANCE OF 60.00 FEET; THENCE SOUTH 82°08'24" WEST, A DISTANCE OF 50.54 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF AFOREMENTIONED COLBERT LANE, SAID RIGHT OF WAY LINE BEING A CURVE CONCAVE WESTERLY HAD HAVING A RADIUS OF 7734.00 FEET; THENCE NORTHERLY ALONG SAID CURVE AND SAID RIGHT OF WAY LINE AN ARC DISTANCE OF 1354.22 FEET AND SUBTENDED BY A CHORD BEARING OF NORTH 13°23'11" WEST AND A CHORD DISTANCE OF 1352.49 FEET TO THE POINT OF TANGENCY OF SAID CURVE AND SAID RIGHT OF WAY LINE; THENCE NORTH 18°24'09" WEST, CONTINUING ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 340.96 FEET; THENCE NORTH 71°35'57"EAST, DEPARTING FROM SAID RIGHT OF WAY LINE, A DISTANCE OF 219.50 FEET TO THE POINT OF BEGINNING.

THE LANDS THUS DESCRIBED CONTAINS 109.21 ACRES MORE OR LESS.

EXHIBIT B


PROPOSED FUTURE LAND USE MAP AMENDMENT
Conservation
Residential – Low Density/Rural Estate
Mixed Use
Residential
*Application 3401 - Residential development to be limited to maximum of 615 dwelling units
Industrial
Mixed Use – High Intensity
Mixed Use – Low Intensity
Colbert Ln
Conservation
N Daytona Ave
Silver Lake
Smith Creek

COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT
September 27, 2017

OVERVIEW

Case Number:	3401
Applicant:	City of Palm Coast
Size of subject property:	Approximately 109 acres
Property Description/Location:	An approximately 109 acre area located 1,400 feet north of Roberts Road, and east of Colbert Lane.
Property Owner(s):	Sunbelt Palm Coast Marina LLC, WGA Investments LLC
Real Estate ID #:	02-12-31-0000-01010-0051, 34-11-31-0000-01010-0090, 35-11-31-0000-01010-0061, 02-12-31-0000-01010-0041, 02-12-31-0000-01010-0050, 34-11-31-0000-01010-0000, 35-11-31-0000-01010-0010, 35-11-31-0000-01010-0060
Current FLUM Designation:	Residential-Medium Density (88.9+/- acres), Commercial-Low Intensity (3.5+/- acres), and Conservation (17.5+/- acres) – Flagler County designations
Current Zoning Designation:	Planned Unit Development (PUD) – Flagler County designation
Current Use:	Vacant
Requested Action:	Large-scale Future Land Use Map (FLUM) amendment for an approximately 109 acre parcel from current Flagler County designations to City of Palm Coast designations. Proposed amendment will include a policy to limit residential development on the parcels to 615 dwelling units. There is a companion zoning map amendment that will change the zoning on the designated parcels to an equivalent City of Palm Coast Master Planned Development Agreement.
Recommendation:	Staff and the Planning and Land Development Regulation Board (PLDRB) recommend that the City Council approve the Transmittal of the FLUM amendment to the State Land Planning Agency.
Project Planner:	José Papa, AICP, Senior Planner

ANALYSIS

BACKGROUND

The application is for 109+/- acre parcel annexed into the City on September 19, 2017. The application is for a large-scale Future Land Use Map (FLUM) amendment that will designate the subject parcels with the equivalent City of Palm Coast designation. As specified in a Pre-annexation agreement with the land owner, the proposed amendment will recognize the existing entitlements granted to the subject property.

Currently, the subject area has Flagler County FLUM designations of Residential-Medium Density (88.9+/- acres), Commercial-Low Intensity (3.5+/- acres), and Conservation (17.5+/- acres). The proposed amendment will amend the Flagler County designations to the most equivalent City of Palm Coast designations of Residential (88.9+/- acres), Mixed Use (3.5+/- acres), and Conservation (17.5+/- acres). Additionally, the proposed amendment will include a policy on the FLUM to limit residential development on the parcels to 615 dwelling units. There is a companion zoning map amendment to amend the zoning designation of the parcel to City of Palm Coast Master Planned Development along with a Master Planned Development Agreement which recognizes the existing entitlements and development standards previously approved for the parcel.

DENSITY/INTENSITY AND POPULATION

Note: The analysis for comprehensive plan map amendments take into consideration the maximum development potential including any policy limiting development under the current and proposed land use category and represent the theoretical maximum development potential within the land use category.

Currently, the 109+/- acre subject area currently has Flagler County FLUM designations of Residential-Medium Density (88.9+/- acres), Commercial-Low Intensity (3.5+/- acres), and Conservation (17.5+/- acres). The proposed amendment will amend the Flagler County designations to City of Palm Coast designations of Residential (88.9+/- acres), Mixed Use (3.5+/- acres), and Conservation (17.5+/- acres). Additionally, the proposed amendment will include a policy on the FLUM to limit residential development on the parcel to 615 dwelling units.

As shown in Table 1, the proposed amendment will have a potential net increase of 38,115 sq. ft. and net reduction of 7 dwelling units. The increase in allowable sq. ft. is due to the City of Palm Coast Mixed Use designation having a higher allowable Floor to Area Ratio of .55 while the existing Flagler County FLUM designation has a maximum FAR of .30. The net reduction in dwelling units is due to the policy limiting residential development to 615 dwelling units.

TABLE 1 - FLUM DESIGNATION MAXIMUM DENSITY/INTENSITY ALLOWED (NON-RESIDENTIAL USE)				
		# of Acres	Maximum FAR	Maximum Sq. Ft.(1)
Proposed FLUM:	**Mixed Use (City Designation)**	3.5	0.55	83853
Current FLUM:	**Commercial Low Intensity (Flagler County designation)**	3.5	0.30	45738
NET CHANGE			Increase	38115
Footnotes:				
(1) Max Sq. Ft. = # of Acres X Max. FAR X 43560 sq.ft/acre				

TABLE 1a - FLUM DESIGNATION MAXIMUM DENSITY/INTENSITY ALLOWED (RESIDENTIAL USE)				
		# of Acres	Maximum Density	Maximum # of units(1)
Proposed FLUM:	**Residential (City Designation)**	88.9	15 units/acre* (will include policy limit of 615 units)	615
Current FLUM:	**Residential-Medium High Density (Flagler County designation)**	88.9	7 units/acres	622
NET CHANGE			Increase	-7
Footnotes:				
(1) Max. # of units = # of Acres X Maximum Density				

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 intent of the comprehensive plan amendment is to provide a City of Palm Coast designation for the subject property while recognizing the existing entitlements. 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. The analysis shows no substantial increase in the demand on public facilities and services. The analysis provided in this section is a capacity analysis. At the time of site plan review or during the platting process, a more in-depth analysis of the public infrastructure needed to serve the proposed project is conducted. It should be noted that preliminary review of the proposed development has been conducted by the City of Palm Coast Utilities Department.

The results of the net impact analysis are shown on Table 2, and are summarized below:

Transportation
The proposed FLUM amendment will have a maximum potential net increase of 86 peak hour trips.

Potable Water
The proposed FLUM amendment will have a maximum potential net decrease in demand for potable water of 4,290 gallons/day.

Wastewater
The proposed FLUM amendment will have a maximum potential net decrease in demand for sanitary sewer treatment of 2,375 gallons/day.

Solid Waste
The proposed FLUM amendment will have a maximum potential net decrease of 151 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 potential net decrease in demand of -.14 acres of park facilities.

Public Schools
The proposed FLUM amendment will have a potential net decrease in demand of 3 student stations.

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

Table 2 Public Facilities Impact Analysis

***Proposed FLUM amendment includes site specific policy to limit residential development to 615 dwelling units.**

Density[1]	# of units or square feet of development	Transportation (PHT)[2]	Potable Water (GPD)[3]	Sanitary Sewer (GPD)[4]	Solid Waste (lbs./capita/day) [5]	Recreation and Parks (8 acres/ 1000 pop.)[6]	Public Education (students)[7]	Stormwater Drainage[8]
Proposed FLUM designation								
Conservation (17.5 ac.) No development								
Residential (88.9 ac.) 12 du/acre	615	615	184,500	121,032	12,708	11.8	204	N/A
Mixed Use (3.5 ac.) .55 FAR	83,853	311	14,255	8,385	0	0.0	0	N/A
(minus) 34% pass-by trips for shopping center		106						
	Total	820	198755	129417	12708	12	204	N/A
Current FLUM designation (Flagler County Designations)								
Conservation (17.5 ac.) No development.		--	--	--	0	0.0	0	N/A
Residential-Medium Density (88.9 ac.) 7 du/acre	622	622	186,690	122,469	12,859	11.9	207	N/A
Commercial Low Intensity (3.5 ac.) .30 FAR	45,738	170	7,775	4,574	0.0	0.0	0	N/A
(minus) 34% pass-by trips for shopping center		58						
	Total	734	194465	127042	12859	12	207	
Net Change		**86**	**4,290**	**2,375**	**-151**	**-0.1**	**-3**	**N/A**

Footnotes:

[1] Calculation of Density: Lot Size (acre)*# of units/acre

[1] Calculation of Intensity: Lot Size (acre)*43560*FAR

[2] Transportation: Residential PM Peak Hour Trips (PHT), Residential Development: = # of units*1.0 PM-PHT (Average Rate), ITE Trip Generation Manual, 9th Edition

[2] Transportation: Non-residential PM Peak Hour Trips (PHT), Industrial Use = ITE Code 820: Shopping Center = 3.71/1000 sq. ft. based on equation in ITE Manual, 9th

[3] Potable Water: Residential = # of units*2.4*125 gallons/capita/day

[3] Potable Water: Commercial = 17 gpd/100 sq. ft.

[4] Wastewater: Residential = # of units*2.4*82 gallons/capita/day

[4] Wastewater: Commercial = 10 gpd/100 sq. ft.

[5] Solid Waste: Residential Demand = # of units*2.40*8.61 lbs/capita/day

[5] Solid Waste: No Level of Service Requirement for Non-residential

[6] Recreation and Parks: Residential Demand = # of units * 2.40 *8 acres/1000 persons

[6] Recreation and Parks = No LOS Requirement for Non-residential

[7] Public Education Residential: = Based on multiplier provided by Flagler County School District. See Table 3.

[7] Public Education Non-Residential = No LOS Requirement for Non-residential

[8] 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.

Analysis: The proposed comprehensive plan amendment does not cause additional environmental/cultural impacts on the subject property. The proposed amendment does not change the developable areas and continues to preserve the identified "Conservation" areas. A copy of the environmental assessment and site plan analysis report is provided.

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: Low Density-Rural Estate (Flagler County)
South: Mixed Use: High Intensity (Flagler County)
East: Residential: Low Density-Rural Estate (Flagler County)
West: Conservation (City of Palm Coast) – Graham Swamp Preservation Area

Surrounding Zoning Designation:

North: Agriculture & Planned Unit Development (PUD) (Flagler County)
South: Planned Unit Development (PUD) (Flagler County)
East: Planned Unit Development (PUD) (Flagler County)
West: Preservation (City of Palm Coast)

Surrounding Property Existing Uses:

North: Vacant/FIND Property & Single-family residential
South: Vacant
East: Single-family residential
West: Preservation area

The proposed FLUM amendment is consistent with the land use designations in the proximate area. The proposed Residential land use designation is appropriate and consistent with properties to the north, east and south. The proposed Mixed Use designation along Colbert Lane abut residential properties and are separated by Colbert Lane from lands with a FLUM designation of Conservation

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 will mainly increase the number of residential dwellings in the area. The amendment will retain a small 3.5 acre parcel for non-residential uses which may provide services to the residential units.

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 is consistent with Comprehensive Plan Objective and Policy to provide opportunities to diversify housing opportunities in the City. The change to Residential land use designation provides an opportunity to have zoning designations that would allow greater flexibility in density, size, or housing types.

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 Mixed 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.

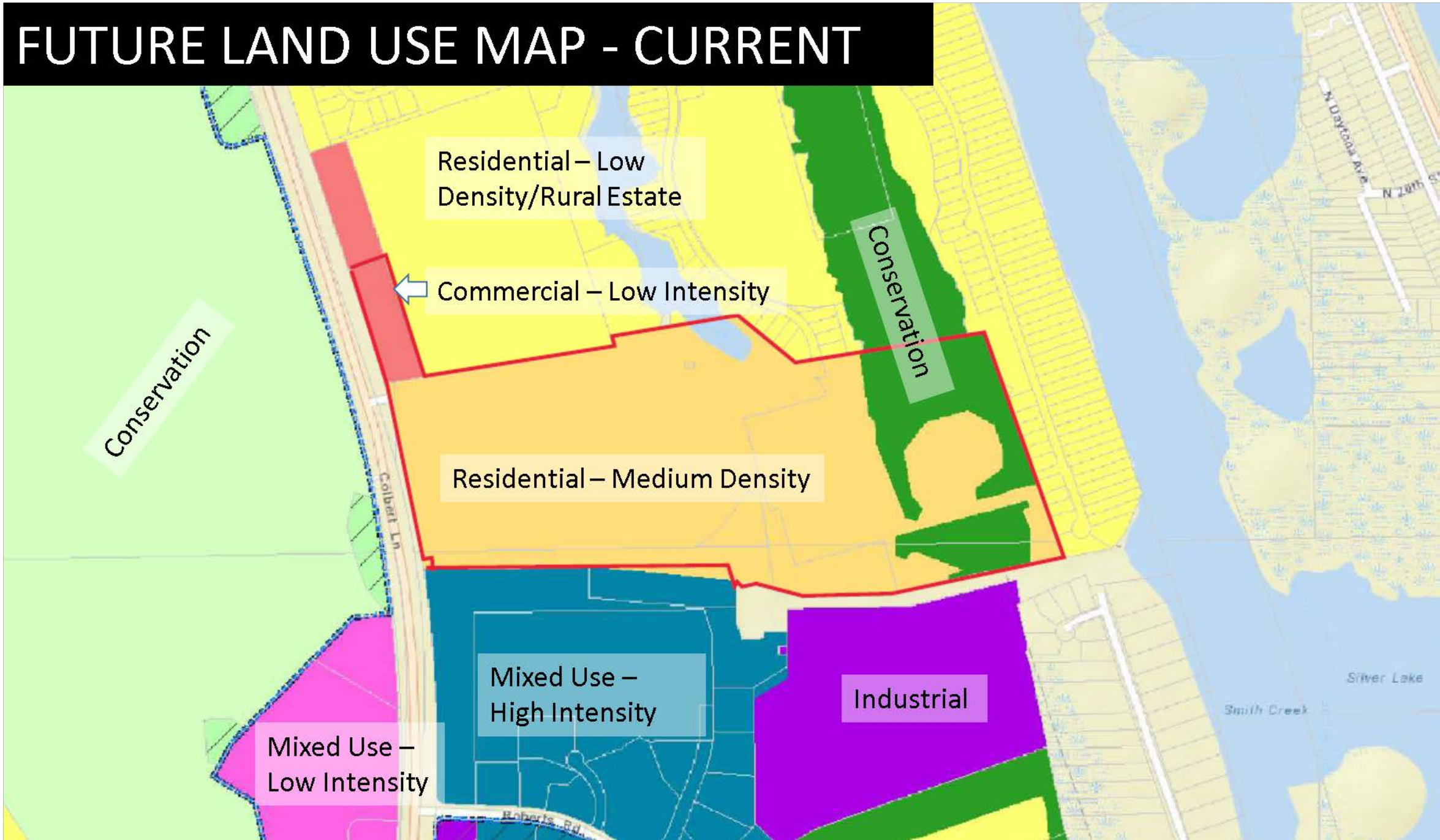
Policy 5.2.2.3 – The City shall designate urban densities or intensities on the Future Land Use Map only in areas that have sufficient existing or planned capacity for sanitary sewer facilities and where connection is available as set forth in State law and City regulations. The City shall minimize the 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 Mixed Use 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.

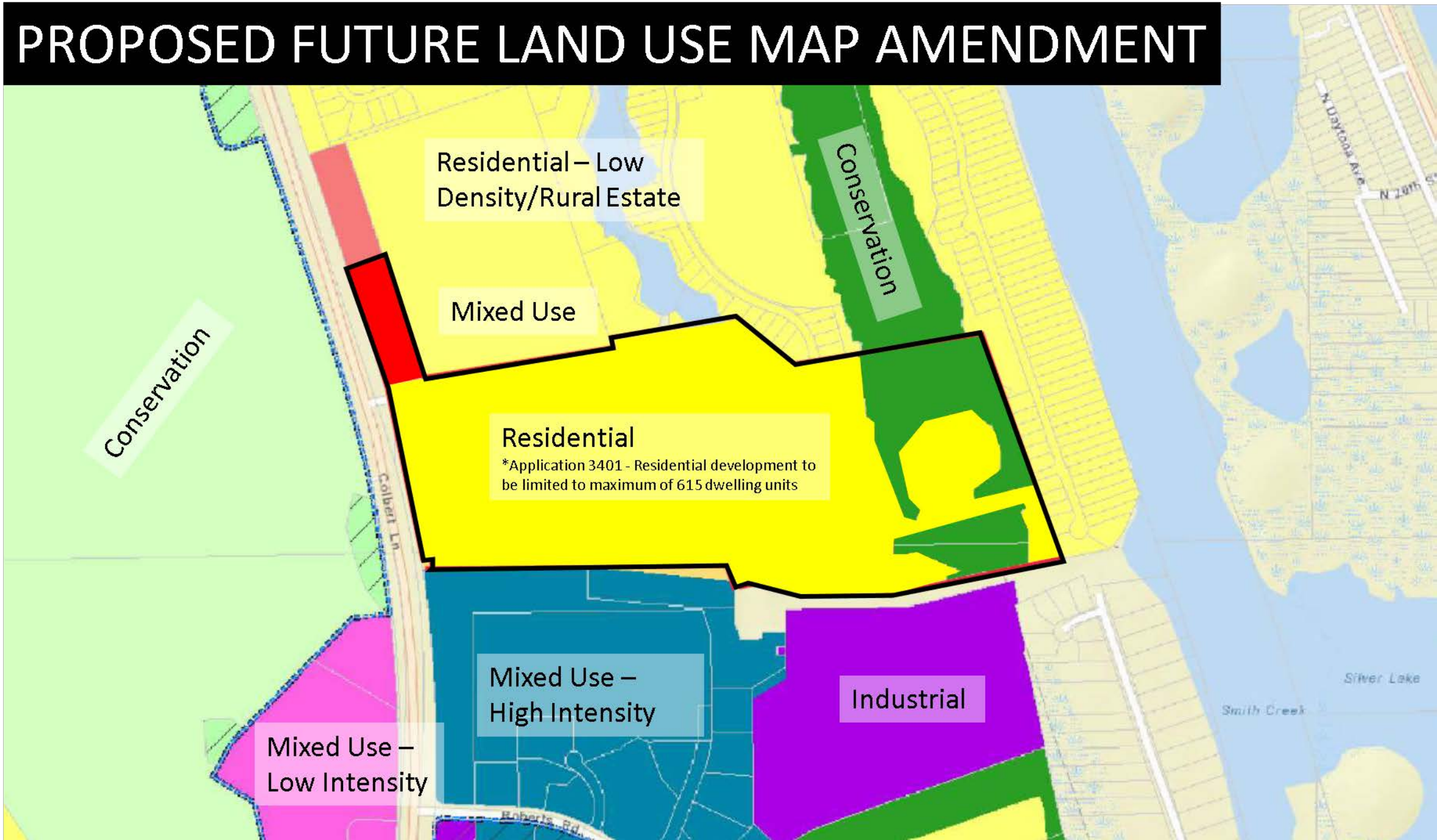
RECOMMENDATION

Staff and the Planning and Land Development Regulation Board (PLDRB) recommend that the City Council Approve the proposed Comprehensive Plan amendment.

FUTURE LAND USE MAP - CURRENT



PROPOSED FUTURE LAND USE MAP AMENDMENT



Location Map



City of Palm Coast, Florida
Agenda Item

Agenda Date : 12/5/2017

Department	COMMUNITY DEVELOPMENT	**Amount**	
Item Key		**Account #**	

Subject ORDINANCE 2017-XX A ZONING MAP AMENDMENT FROM PLANNED UNIT DEVELOPMENT (FLAGLER COUNTY DESIGNATION) TO MASTER PLANNED DEVELOPMENT (CITY OF PALM COAST DESIGNATION) FOR A 109+/- ACRE PARCEL LOCATED 1400' NORTH OF ROBERTS ROAD ON THE EASTSIDE OF COLBERT LANE

Background :

UPDATE FROM THE OCTOBER 21, 2017 BUSINESS MEETING

This item was heard at the City Council Business Meeting on October 21, 2017. There were no changes suggested to this item. This amendment was transmitted to the FDEO and other state agencies for review, there were no comments received from any of these agencies.

ORIGINAL BACKGROUND FROM THE OCTOBER 21, 2017 BUSINESS MEETING

The proposed rezoning of the subject property is a companion application to a proposed Future Land Use Map amendment for the subject property (formerly Harbor View Marina, now called Marina Del Palma) which was recently annexed into the City. The subject property is 109± acres and generally located 1400' north of Roberts Road on the eastside of Colbert Lane. The proposed rezoning will amend the zoning designation for the subject property from Flagler County designation of Planned Unit Development to City of Palm Coast designation of Master Planned Development. The accompanying development agreement will recognize the existing entitlements and development standards established for the subject property.

The development agreement includes the following entitlements and standards:

- 615 dwelling units (154 single-family & 461 multi-family),
- 45,738 sq. ft. of non-residential uses,
- 45' maximum height for single-family, 95' for multi-family, and 50' for commercial building
- 1,800 sq. ft. living area minimum for single family and 1,200 sq. ft. for multi-family,
- Amenities which include, marina and a boat storage/stackhouse for residents

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 rezoning is consistent with the objectives and policies of the Comprehensive Plan,
- the proposed rezoning does not negatively impact the existing public facilities,
- the proposed rezoning is consistent with the surrounding land uses, and
- is in an area appropriate for commercial uses.

The Planning and Land Development Regulation Board held a public hearing on September 19, 2017 and recommended approval of the proposed amendment.

Recommended Action : Planning Staff and the Planning and Land Development Regulation Board (PLDRB) recommend that City Council, approve application number 3400 to rezone 109

+/- acres from Planned Unit Development (Flagler County designation) to Master Planned Development (City of Palm Coast designation) along with the accompanying Development Agreement.

ORDINANCE 2017 - ____
MARINA DEL PALMA MASTER PLANNED DEVELOPMENT

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 109 ACRES, FROM FLAGLER COUNTY DESIGNATION OF PLANNED UNIT DEVELOPMENT (PUD) TO CITY OF PALM COAST MASTER PLANNED DEVELOPMENT (MPD) WITH A DEVELOPMENT AGREEMENT (EXHIBIT "C"); SUBJECT PROPERTY IS MORE PARTICULARLY DESCRIBED IN EXHIBIT "A" AND GRAPHICALLY DEPICTED IN EXHIBIT "B"; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY 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 Flagler County Designation of Planned Unit Development (PUD) to City of Palm Coast designation of 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 designation for the subject parcel is hereby changed from Flagler County Designation of Planned Unit Development (PUD) to City of Palm Coast 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-XX as adopted by the City Council of the City of Palm Coast, Florida, and pursuant to the City Charter. If Ordinance No. 2017-XX does not become effective, then this Ordinance shall become null and void.

APPROVED on first reading the ____ day of _____, 2017, at a public hearing.

ADOPTED on the second reading the ____ day of _____ 2017, at a

public hearing.

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

EXHIBIT A

LEGAL DESCRIPTION

A PART OF SECTIONS 34 AND 35, TOWNSHIP 11 SOUTH, RANGE 31 EAST, AND SECTION 2, TOWNSHIP 12 SOUTH, RANGE 31 EAST, FLAGLER COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: FOR A POINT OF REFERENCE COMMENCE AT THE SOUTHWEST CORNER OF PALM COAST PLANTATION PUD UNIT 2, AS RECORDED IN PLAT BOOK 33, PAGES 54 THROUGH 61 OF THE PUBLIC RECORDS OF SAID COUNTY, SAID CORNER ALSO LYING ON THE EAST RIGHT OF WAY LINE OF COLBERT LANE (A 200 FOOT WIDE RIGHT OF WAY, AS NOW ESTABLISHED) THENCE NORTH 71°35'39" EAST ALONG THE SOUTHERLY LINE OF SAID PALM COAST PLANTATION PUD UNIT 2, A DISTANCE OF 279.53 FEET TO THE NORTHWEST CORNER OF THOSE LANDS AS DESCRIBED IN OFFICIAL RECORD BOOK 569, PAGE 759 OF SAID PUBLIC RECORDS; THENCE SOUTH 18°24'03" EAST ALONG THE WESTERLY LINE OF SAID LANDS, A DISTANCE OF 700.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 18°24'03"EAST ALONG SAID LINE, A DISTANCE OF 716.28 FEET TO THE SOUTHWEST CORNER OF SAID LANDS; THENCE NORTH 80°54'30" EAST ALONG THE SOUTHERLY LINE OF SAID LANDS, A DISTANCE OF 1097.79 FEET TO THE SOUTHEAST CORNER OF SAID LANDS; THENCE NORTH 18°24'16" WEST ALONG THE EASTERLY LINE OF SAID LANDS, A DISTANCE OF 60.80 FEET TO THE SOUTHWEST CORNER OF TRACT I, PALM COAST PLANTATION PUD UNIT 4 AS RECORDED IN PLAT BOOK 34 PAGES 5 THROUGH 11 , INCLUSIVELY, THENCE EASTERLY AND SOUTHERLY ALONG THE SOUTHERLY AND WESTERLY LINES OF SAID PALM COAST PLANTATION PUD UNIT 4 THE FOLLOWING FOUR COURSES; NORTH 80°54'30" EAST, A DISTANCE OF 726.45 FEET; THENCE SOUTH 51°44'16" EAST, A DISTANCE OF 425.31 FEET; THENCE NORTH 80°54'30" EAST, A DISTANCE OF 1101.40 FEET; THENCE SOUTH 19°11'49" EAST, A DISTANCE OF 1358.39 FEET; THENCE WESTERLY ALONG THE NORTHERLY LINES OF THOSE LANDS AS DESCRIBED IN OFFICIAL RECORDS BOOK 554, PAGE 832 AND RECORDED IN SAID PUBLIC RECORDS THE FOLLOWING NINE COURSE, SOUTH 79°29'51" WEST, A DISTANCE OF 304.73 FEET; THENCE SOUTH 70°14'27" WEST, A DISTANCE OF 92.41 FEET; THENCE NORTH 83°02'12" WEST, A DISTANCE OF 51.54 FEET; THENCE SOUTH 77°10'19" WEST, A DISTANCE OF 619.14 FEET; THENCE NORTH 89°14'51"WEST, A DISTANCE OF 475.82 FEET; THENCE NORTH 73°01'14" WEST, A DISTANCE OF 142.83 FEET; THENCE NORTH 75°05'25" WEST, A DISTANCE OF 97.11 FEET; THENCE SOUTH 71°00'23" WEST, A DISTANCE OF 69.80 FEET; THENCE NORTH 55°45'02" WEST, A DISTANCE OF 70.36 FEET; THENCE SOUTH 00°15'47" EAST, ALONG THE WESTERLY LINE OF SAID LANDS AS DESCRIBED IN OFFICIAL RECORDS BOOK 554, PAGE 832, A DISTANCE OF 52.58 FEET; THENCE NORTH 25°14'03" WEST, A DISTANCE OF 156.53 FEET; THENCE WESTERLY ALONG THE SOUTHERLY LINE AND ITS EASTERLY PROLONGATION OF THOSE LANDS AS DESCRIBED IN OFFICIAL RECORDS BOOK 678, PAGE 1352, SOUTH 89°10'59" WEST, A DISTANCE OF 1717.09 FEET TO THE INTERSECTION OF AFOREMENTIONED EASTERLY RIGHT OF WAY LINE OF COLBERT LANE, SAID RIGHT OF WAY LINE ALSO BEING A CURVE CONCAVE WESTERLY AND HAVING A RADIUS OF 7734.00 FEET; THENCE NORTHERLY ALONG SAID CURVE AND SAID RIGHT OF WAY LINE AN ARC DISTANCE OF 1.62 FEET AND SUBTENDED BY A CHORD BEARING OF NORTH 07°55'11" WEST AND A CHORD DISTANCE OF 1.62 FEET TO A POINT ON SAID CURVE; THENCE NORTH 82°08'24" EAST, A DISTANCE OF 50.24 FEET; THENCE NORTH 07°51'36" WEST, A DISTANCE OF 60.00 FEET; THENCE SOUTH 82°08'24" WEST, A DISTANCE OF 50.54 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF AFOREMENTIONED COLBERT LANE, SAID RIGHT OF WAY LINE BEING A CURVE CONCAVE WESTERLY HAD HAVING A RADIUS OF 7734.00 FEET; THENCE NORTHERLY ALONG SAID CURVE AND SAID RIGHT OF WAY LINE AN ARC DISTANCE OF 1354.22 FEET AND SUBTENDED BY A CHORD BEARING OF NORTH 13°23'11" WEST AND A CHORD DISTANCE OF 1352.49 FEET TO THE POINT OF TANGENCY OF SAID CURVE AND SAID RIGHT OF WAY LINE; THENCE NORTH 18°24'09" WEST, CONTINUING ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 340.96 FEET; THENCE NORTH 71°35'57"EAST, DEPARTING FROM SAID RIGHT OF WAY LINE, A DISTANCE OF 219.50 FEET TO THE POINT OF BEGINNING.

THE LANDS THUS DESCRIBED CONTAINS 109.21 ACRES MORE OR LESS.

EXHIBIT B

PROPOSED ZONING MAP AMENDMENT

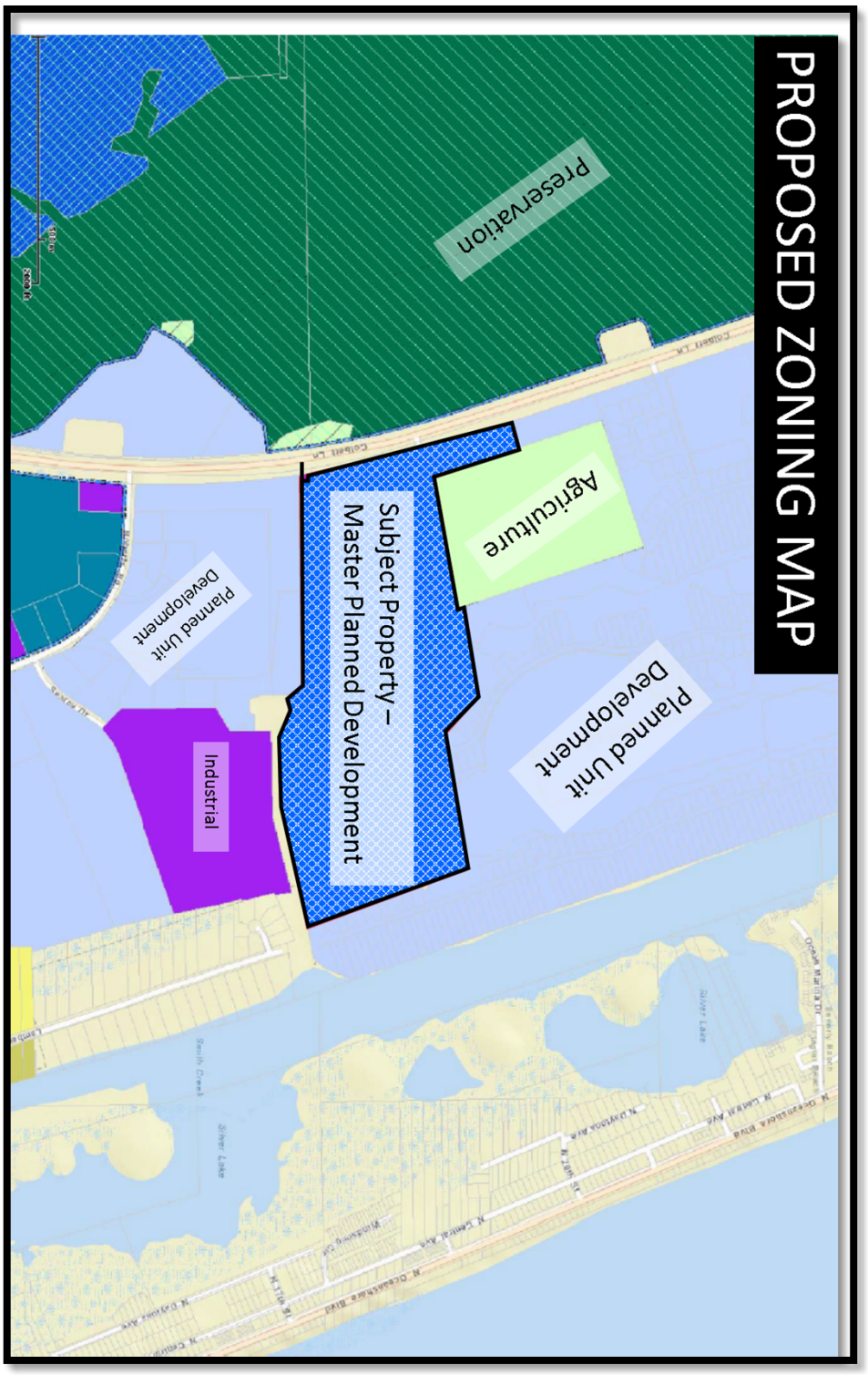


EXHIBIT C

MPD DEVELOPMENT AGREEMENT

Exhibit 1

MARINA DEL PALMA MPD DEVELOPMENT AGREEMENT

The parties, SUNBELT PALM COAST MARINA, LLC, a Nevada Limited Liability Company, and WGA INVESTMENTS, LLC, a Nevada Limited Liability Company, (hereinafter "Developer"), and CITY OF PALM COAST, a political subdivision of the State of Florida, state as follows:

WHEREAS, the Developer is the owner of a 109.21 acre, more or less, parcel of land which is situated in the City of Palm Coast. This parcel of land is to be known as MARINA DEL PALMA MPD (formerly known as Harbor View Marina PUD), and is described more particularly in the survey and legal description, a true copy of which is attached hereto as Exhibit "A" (“Property”); and

WHEREAS, a project on the property was previously approved by Flagler County as a Planned Unit Development known as Harbor View: and

WHEREAS, the Property was annexed into the City, and the Developer desires to create a Master Planned Development, composed of 615 residential units featuring waterfront and natural amenities, with all facilities and amenities to be owned and operated by one or more Homeowners Associations, as well as 3.53 acres of commercial low intensity uses along Colbert Lane; and

WHEREAS, the said MPD zoning is consistent with the City of Palm Coast Comprehensive Plan and meets the guidelines established by the policies and the intent and purpose of City of Palm Coast Ordinances and the Comprehensive Plan, and promotes the public health, safety, morals, general welfare and orderly growth of the area affected by the rezoning request,

THEREFORE, the parties agree as follows:

1. The proposed MPD does not affect adversely the orderly development of City of Palm Coast and complies with the Comprehensive Plan adopted by the City of Palm Coast City Council, and the proposed MPD will not adversely affect the health and safety of residents or workers in the area and will not be detrimental to the use of adjacent properties or the general neighborhood.

2. (a) This Development Agreement consists of this Development Agreement

and its exhibits, including Exhibit "B", which contains a graphic depiction of the Master Planned Development. The Development Agreement shall be filed and retained for public inspection in the office of the City of Palm Coast Community Development Department. All Development Agreement amendments other than those deemed by the Land Use Administrator to be minor amendments to either this Agreement or to any exhibit hereto, shall require the review and recommendation of the Planning and Land Development Regulation Board and of the City of Palm Coast City Council in the same manner as for the original rezoning.

(b) This Development Agreement shall be recorded in the Public Records of Flagler County, Florida, upon approval and following execution of the document by the City of Palm Coast. The Developer shall pay all recording costs.

(c) Final Plat Approval: The Developer is required to obtain final plat approval for all improvements provided for in Exhibit "B" including, but not limited to, landscaping and infrastructure improvements.

(d) The Developer shall maintain unified ownership of the Property until approval of the Master Final Plat for areas to be subdivided.

3. Land Use: The development of the Property shall be consistent with the limitations on the uses prescribed for each land use area. Uses within the residential area shall be as provided in paragraph 4 of this Agreement. Uses within the neighborhood commercial area shall be as provided in paragraph 5 of this Agreement.

4. Residential Land Use Description: In those areas designated for residential uses, the following uses are also expressly permitted: open space and recreational use as provided on Exhibit "B". Mobile homes are specifically prohibited as a permitted use. Temporary mobile construction offices may be permitted during construction, however any such structure shall be removed within three (3) months from the receipt of a Certificate of Occupancy or a Certificate of Completion.

(a) Details of MPD:

(1) Total number of residential units:

a. Single family lots: 154 (See Lots 1-154)

b. Multi family units: 461 (See Tracts 155-158)

(2) Single Family Parcel Minimum Building Setbacks: All setbacks will be

measured from the adjacent property line or roadway easement to the nearest point of the dwelling unit, unless otherwise noted below:

a. Side: 5.0 feet from the side property line; 10 feet if abutting any street.

b. Front: 20 feet

c. Rear: 25 feet from rear lot line or 10 feet from any conservation easements (whichever measurement results in a larger setback)., For in-ground swimming pools, screened enclosures, get-wet pools, hot tubs, patios and porches – 10 feet from rear lot line or any conservation easements (whichever measurement results in a larger setback).

(3) Multi Family Parcel Minimum Building Setbacks: All setbacks will be measured from the adjacent property line or roadway easement to the nearest point of the dwelling structure, unless otherwise noted below:

a. Side: 10 feet from the side property line;

b. Front: 25 feet

c. Rear: 25 feet from rear lot line or 10 feet from any conservation easements (whichever measurement results in a larger setback)., For in-ground swimming pools, screened enclosures, get-wet pools, hot tubs, patios and porches – 10 feet from rear lot line or any conservation easements (whichever measurement results in a larger setback).

(4) Minimum Square Footage of living area per Unit:

a) Single Family 1,800 sq. ft. per unit

b) Multi Family 1,200 sq. ft. per Unit

(5) Maximum Lot Coverage for principal and accessory buildings: The total area covered with principal and accessory buildings shall not exceed 65%.

(6) Maximum Building Height:

a) Single Family 45 feet

b) Multi Family a "net" eighty (80) feet from existing ground elevations, including all garages, common areas, and habitable space within each building on the Property, not to exceed a gross height of 95 feet, as defined and measured in the City of Palm Coast Land Development Code.

Maximum building height to be 95 feet overall (7 residential stories over 1 story of enclosed parking). Any portion of the roof line exceeding 89 feet will be for screening of rooftop mechanical equipment and- architectural features. Height to be measured in accordance with City of Palm Coast LDC Section 14.02, definition of "Height of Building."

(8) Minimum Separation between principal building and accessory structure on a lot: 7.5 feet

(9) Minimum Lot Size:

a) Single family 4,000 square feet/40 feet width.

(b) Stack House The stack house for boat storage will be constructed using metal material and will have a maximum height of 70 feet.

5. Commercial Land Use Description: Tract 159 is the commercial tract shown on Exhibit "B" hereto. The uses to be permitted on said parcel shall be those uses permitted in any retail or business and professional offices less adult uses, fast food restaurant (drive thru), and filling stations. No individual establishment may exceed 40,000 square feet gross floor area. The technical specifications for a commercial lot is as follows:

a) Building Setbacks: All setbacks will be measured from the adjacent property line to the nearest point of the building, unless otherwise noted below:

1. Side: 10 feet from the side property line; 25 feet abutting any street.
2. Front: 25 feet
3. Rear: 25 feet from rear lot line
4. Colbert Lane: 25 feet which shall be landscaped.

b) Maximum Gross Floor Area: 45,738 square feet

c) Maximum Lot Coverage for principal and accessory buildings: The total area covered shall not exceed 65%.

d) Maximum Building Height: 50 feet

e) Minimum Separation between buildings on a lot: shall be 7.5 feet, unless another separation is required to meet commercial fire safety code.

f) Minimum Lot Size: 20,000 square feet

6. Signs: An Identification Sign is permitted on Colbert Lane with a decorative structure. The sign and structure may not exceed 10 feet in height. The copy area

may not exceed 80 square feet.

7. Environmental Considerations: The Developer will provide for the preservation of jurisdictional wetland habitats and associated upland buffers, as provided on the Site Development Plan.

(a) All lands within the jurisdiction of the Florida Department of Environmental Protection or other governmental units for conservation purposes shall be subject to a conservation easement. . The location of all conservation easement areas shall be determined and shown for the entire MPD parcel prior to the recording of the Master Plat.

(b). The City consents to the following condition previously adopted in the Harborview Marina PUD Agreement with the County: *"Developer agrees to relocate, on site, as many gopher tortoises as the State will permit to be relocated on site. The remaining gopher tortoises currently on site will be relocated, by the developer, at its own expense to a County approved preserved site which is subsequently determined to be suitable for gopher tortoise habitation as approved by the State. The developer agrees to pay to Flagler County an amount of money equivalent to what it would have paid to the State for the incidental take permit (entombment) of the tortoises. Said funds are intended to be used by the County to purchase additional environmental preservation land or in compensation for the use of the County land to support the tortoises. The developer agrees to take responsibility for any testing, relocation, and monitoring required for the successful relocation of the tortoises".*

(c). Construction of Docks on the proposed Marina parcel is subject to permitting by the St. Johns River Water Management District and/or the State of Florida Department of Environmental Protection, the US Army Corps of Engineers, and the City of Palm Coast. All docks shall be constructed in accordance with governmental rules and regulations, including but not limited to the following:

1. Adjacent property line (riparian rights line) setbacks of 20 feet will be adhered to, except where docks are parallel wharf docks that are appended to the canal seawalls, in which case the wharf docks may occupy the entire length of the canal frontage with a maximum width of 8 feet.

(d). All environmental restrictions provided in this Agreement shall also be included in the Covenants, Conditions and Restrictions (CCRs) of the Homeowners Association recorded within the public records of Flagler County, Florida.

(e). The marina to be developed shall participate in the Florida Department of Environmental Protection's "Clean Marina Program" within 18 months of a Certificate of Occupancy and shall maintain this designation as long as the facility is in operation, provided that the designation is maintained by the FDEP.

(f). Prior to the Final MPD Site Development Plan, the Developer will provide to the City of Palm Coast a Phase II environmental assessment testing for CKD constituent materials in soil and groundwater. The number and location of boring and well locations will be approved in advance by the City of Palm Coast. If the assessment requires remediation, such remediation shall be approved by the City of Palm Coast, FDEP and all other agencies having jurisdiction. Remediation shall be deemed a subdivision improvement, the cost of which shall be included in the subdivision performance bond.

8. Sewage and Potable Water: A central potable water system and sewage collection system shall serve the MPD, with service by the City of Palm Coast.

9. Stormwater Drainage: Stormwater will be initially retained on site and shall meet or exceed the requirements of the City of Palm Coast Land Development Code and St. Johns River Water Management District, prior to discharging offsite.

10. Traffic Patterns: Access:

(a). Road system improvements throughout the project shall be as depicted in Exhibit "B" attached hereto. All roads within the project are private and shall be constructed to City of Palm Coast standards. A Homeowners Association shall be established at the time of final plat approval to be solely responsible for maintenance of said road system.. The Plat shall contain a legend in bold as follows:
IT IS EXPRESSLY PROVIDED THAT CITYOF PALM COAST SHALL HAVE NO RESPONSIBILITY FOR THE MAINTENANCE OR IMPROVEMENTS OF THE PRIVATE ROADWAYS OR INFRASTRUCTURE IMPROVEMENTS AS DESCRIBED IN THE MARINA DEL PALMA MPD.

(b). The roadway system within the MPD may be gated and restricted by use

of the general public with the exception of providing emergency route access for the residents and for emergency personnel and other service providers. All construction activities shall access the project from Colbert Lane.

11. Covenants and Restrictions: The property shall be governed by a Declaration of Covenants, Conditions and Restrictions. There shall be a Master Homeowners Association, and there may be sub-Associations for the various neighborhoods, multi family sites, and commercial sites identified on Exhibit "B". The Developer shall be responsible for recording said document in the Public Records of Flagler County, Florida. Also, the Developer shall bear and pay all costs for recording all of the aforementioned documents. With respect to the enforcement of said agreements, covenants, easements or restrictions entered into between the Developer and the owners or occupiers of property within the MPD, the City of Palm Coast may only enforce the provisions of this Agreement, the Plat, and the City of Palm Coast Land Development Code, whichever is applicable, and is specifically exempt from any requirement to enforce private agreements, covenants, restrictions and easements entered into between subsequent owners of lots, except if the CCRs specifically reference the City's right of enforcement. The City may enforce any rights or agreements, such as conservation easements, dedicated or referring directly to the City.

12. Binding Effect of Plans: Recording: The provisions of this Agreement, including any and all supplementary orders and resolutions, and the MPD Site Development Plan shall bind and inure to the benefit of the Developer or its successor in title or interest. The MPD zoning, provisions of this Agreement and all approved plans shall run with the land and shall be administered in a manner consistent with the City of Palm Coast Land Development Code. All subsequent orders and resolutions shall be filed for record in the Official Records of Flagler County, Florida.

13. Transportation. The City will consult and cooperate with Flagler County on appropriate roadway improvements to Colbert Lane. The Fair Share obligation from the County approved PUD Agreement is eliminated and the project shall be subject to impact fees required under the City Code.

14. Amendment. Adjustments to the MPD Plan attached as Exhibit "B", and to the

provisions of this Agreement are anticipated to occur during the site plan and plat review processes. Revisions which meet the intent and purpose of City of Palm Coast's Comprehensive Plan and this Agreement shall be approved by the Land Use Administrator, if the substantial integrity of the original MPD Site Development Plan and the development standards contained herein are substantially maintained. Any modification to the MPD Site Development Plan that: 1) increases the total number of dwelling units; or 2) reduces the total amount of open space; or 3) decreases the size of any perimeter buffer within the MPD shall require the approval of the City of Palm Coast City Council upon recommendation of the Land Use Administrator.

REMAINDER OF PAGE INTENTIONALLY BLANK
SIGNATURE PAGES TO FOLLOW

IN WITNESS WHEREOF, the parties hereto have set their hands this _____day of _____, 2017.

ATTEST: **CITY OF PALM COAST, FLORIDA**

_____ _____
Virginia A. Smith, City Clerk Milissa Holland, Mayor

APPROVED AS TO FORM AND LEGALITY:

_____
William Reischmann, Jr., Esquire
City Attorney

SUNBELT PALM COAST MARINA, LLC
A Nevada Limited Liability Company

By: _____
Graham B. Allen, Manager

Witnesses as to Developer:

_____

_____
(Printed Name)

_____

_____
(Printed Name)

STATE OF _____
COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of_____, 2017, by Graham B. Allen, who is personally known to me or who has produced _____ as identification and who did (did not) take an oath, and who executed the foregoing instrument as Manager of SUNBELT PALM COAST MARINA, LLC, and acknowledged to and before me that he executed such instrument as such Manager of said company, and that said instrument is the free act and deed of said company.

_____
Notary Public

_____
(Printed Name)

Commission #:_____

(SEAL)

WGA INVESTMENTS, LLC
A Nevada Limited Liability Company

By: _____
William G. Allen, Manager

Witnesses as to Developer:

_____

_____
(Printed Name)

_____

_____
(Printed Name)

STATE OF _____
COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of_____, 2017, by William G. Allen, who is personally known to me or who has produced _____ as identification and who did (did not) take an oath, and who executed the foregoing instrument as Manager of WGA INVESTMENTS, LLC, and acknowledged to and before me that he executed such instrument as such Manager of said company, and that said instrument is the free act and deed of said company.

_____
Notary Public

_____
(Printed Name)

Commission #:_____

(SEAL)

EXHIBIT "A"
Legal Description and Survey

A PART OF SECTIONS 34 AND 35, TOWNSHIP 11 SOUTH, RANGE 31 EAST, AND SECTION 2, TOWNSHIP 12 SOUTH, RANGE 31 EAST, FLAGLER COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: FOR A POINT OF REFERENCE COMMENCE AT THE SOUTHWEST CORNER OF PALM COAST PLANTATION PUD UNIT 2, AS RECORDED IN PLAT BOOK 33, PAGES 54 THROUGH 61 OF THE PUBLIC RECORDS OF SAID COUNTY, SAID CORNER ALSO LYING ON THE EAST RIGHT OF WAY LINE OF COLBERT LANE (A 200 FOOT WIDE RIGHT OF WAY, AS NOW ESTABLISHED) THENCE NORTH 71°35'39" EAST ALONG THE SOUTHERLY LINE OF SAID PALM COAST PLANTATION PUD UNIT 2, A DISTANCE OF 219.53 FEET TO THE NORTHWEST CORNER OF THOSE LANDS AS DESCRIBED IN OFFICIAL RECORD BOOK 569, PAGE 759 OF SAID PUBLIC RECORDS; THENCE SOUTH 18°24'03" EAST ALONG THE WESTERLY LINE OF SAID LANDS, A DISTANCE OF 700.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 18°24'03" EAST ALONG SAID LINE, A DISTANCE OF 716.28 FEET TO THE SOUTHWEST CORNER OF SAID LANDS; THENCE NORTH 80°54'30" EAST ALONG THE SOUTHERLY LINE OF SAID LANDS, A DISTANCE OF 1097.79 FEET TO THE SOUTHEAST CORNER OF SAID LANDS; THENCE NORTH 18°24'16" WEST ALONG THE EASTERLY LINE OF SAID LANDS, A DISTANCE OF 60.80 FEET TO THE SOUTHWEST CORNER OF TRACT I, PALM COAST PLANTATION PUD UNIT 4 AS RECORDED IN PLAT BOOK PAGES 5 THROUGH 11 , INCLUSIVELY, THENCE EASTERLY AND SOUTHERLY ALONG THE SOUTHERLY AND WESTERLY LINES OF SAID PALM COAST PLANTATION PUD UNIT 4 THE FOLLOWING FOUR COURSES; NORTH 80°54'30" EAST, A DISTANCE OF 726.45 FEET; THENCE SOUTH 51°44'16" EAST, A DISTANCE OF 425.31 FEET; THENCE NORTH 80°54'30" EAST, A DISTANCE OF 1101.40 FEET; THENCE SOUTH 19°11'49" EAST, A DISTANCE OF 1358.39 FEET; THENCE WESTERLY ALONG THE NORTHERLY LINES OF THOSE LANDS AS DESCRIBED IN OFFICIAL RECORDS BOOK 554, PAGE 832 AND RECORDED IN SAID PUBLIC RECORDS THE FOLLOWING NINE COURSE, SOUTH 79°29'51" WEST, A DISTANCE OF 304.73 FEET; THENCE SOUTH 70°14'27" WEST, A DISTANCE OF 92.41 FEET; THENCE NORTH 83°02'12" WEST, A DISTANCE OF 51.54 FEET; THENCE SOUTH 77°10'19" WEST, A DISTANCE OF 619.14 FEET; THENCE NORTH 89°14'51"WEST, A DISTANCE OF 475.82 FEET; THENCE NORTH 73°01'14" WEST, A DISTANCE OF 142.83 FEET; THENCE NORTH 75°05'25" WEST, A DISTANCE OF 97.11 FEET; THENCE SOUTH 71°00'23" WEST, A DISTANCE OF 69.80 FEET; THENCE NORTH 55°45'02" WEST, A DISTANCE OF 70.36 FEET; THENCE SOUTH 00°16'47" EAST, ALONG THE WESTERLY LINE OF SAID LANDS AS DESCRIBED IN OFFICIAL RECORDS BOOK 554, PAGE 832, A DISTANCE OF 52.58 FEET; THENCE NORTH 25°14'03" WEST, A DISTANCE OF 156.53 FEET; THENCE WESTERLY ALONG THE SOUTHERLY LINE AND ITS EASTERLY PROLONGATION OF THOSE LANDS AS DESCRIBED IN OFFICIAL RECORDS BOOK 678, PAGE 1352, SOUTH 89°10'59" WEST, A DISTANCE OF 1717.09 FEET TO THE INTERSECTION OF AFOREMENTIONED EASTERLY RIGHT OF WAY LINE OF COLBERT LANE, SAID RIGHT OF WAY LINE ALSO BEING A CURVE CONCAVE WESTERLY AND HAVING A RADIUS OF 7734.00 FEET; THENCE NORTHERLY ALONG SAID CURVE AND SAID RIGHT OF WAY LINE AN ARC DISTANCE OF 1.62 FEET AND SUBTENDED BY A

CHORD BEARING OF NORTH 07°55'11" WEST AND A CHORD DISTANCE OF 1.62 FEET TO A POINT ON SAID CURVE; THENCE NORTH 82°08'24" EAST, A DISTANCE OF 50.24 FEET; THENCE NORTH 07°51'36" WEST, A DISTANCE OF 60.00 FEET; THENCE SOUTH 82°08'24" WEST, A DISTANCE OF 50.54 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF AFOREMENTIONED COLBERT LANE, SAID RIGHT OF WAY LINE BEING A CURVE CONCAVE WESTERLY AND HAVING A RADIUS OF 7734.00 FEET; THENCE NORTHERLY ALONG SAID CURVE AND SAID RIGHT OF WAY LINE AN ARC DISTANCE OF 1354.22 FEET AND SUBTENDED BY A CHORD BEARING OF NORTH 13°23'11" WEST AND A CHORD DISTANCE OF 1352.49 FEET TO THE POINT OF TANGENCY OF SAID CURVE AND SAID RIGHT OF WAY LINE; THENCE NORTH 18°24'09" WEST, CONTINUING ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 340.96 FEET; THENCE NORTH 71°35'57" EAST, DEPARTING FROM SAID RIGHT OF WAY LINE, A DISTANCE OF 219.50 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT:

A PART OF SECTION 35, TOWNSHIP 11 SOUTH, RANGE 31 EAST, FLAGLER COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS FOR A POINT OF REFERENCE; COMMENCE AT THE SOUTHEAST CORNER OF THE SPOIL DEPOSIT PARCEL FL-12 AS DESCRIBED IN OFFICIAL RECORDS BOOK 569, PAGES 759 THROUGH 761 OF THE CURRENT PUBLIC RECORDS OF SAID COUNTY; THENCE NORTH 18°24'16" WEST ALONG THE EASTERLY LINE OF SAID PARCEL, A DISTANCE OF 60.80 FEET; THENCE NORTH 80°54'30" EAST ALONG THE NORTHERLY LINE OF THE 60 FOOT WIDE PIPELINE EASEMENT AS DESCRIBED IN OFFICIAL RECORDS BOOK 569, PAGE 768 THROUGH 770 OF SAID PUBLIC RECORDS, A DISTANCE OF 396.21 FEET; THENCE SOUTH 09°08'29" EAST DEPARTING SAID NORTHERLY LINE, A DISTANCE OF 214.24 FEET TO THE POINT OF BEGINNING; THENCE NORTH 89°10'59" EAST, A DISTANCE OF 35.00 FEET; THENCE SOUTH 00°49'01" EAST, A DISTANCE OF 35.00 FEET; THENCE SOUTH 89°10'59" WEST, A DISTANCE OF 35.00 FEET; THENCE NORTH 00°49'01" WEST, A DISTANCE OF 35.00 FEET TO THE POINT OF BEGINNING.

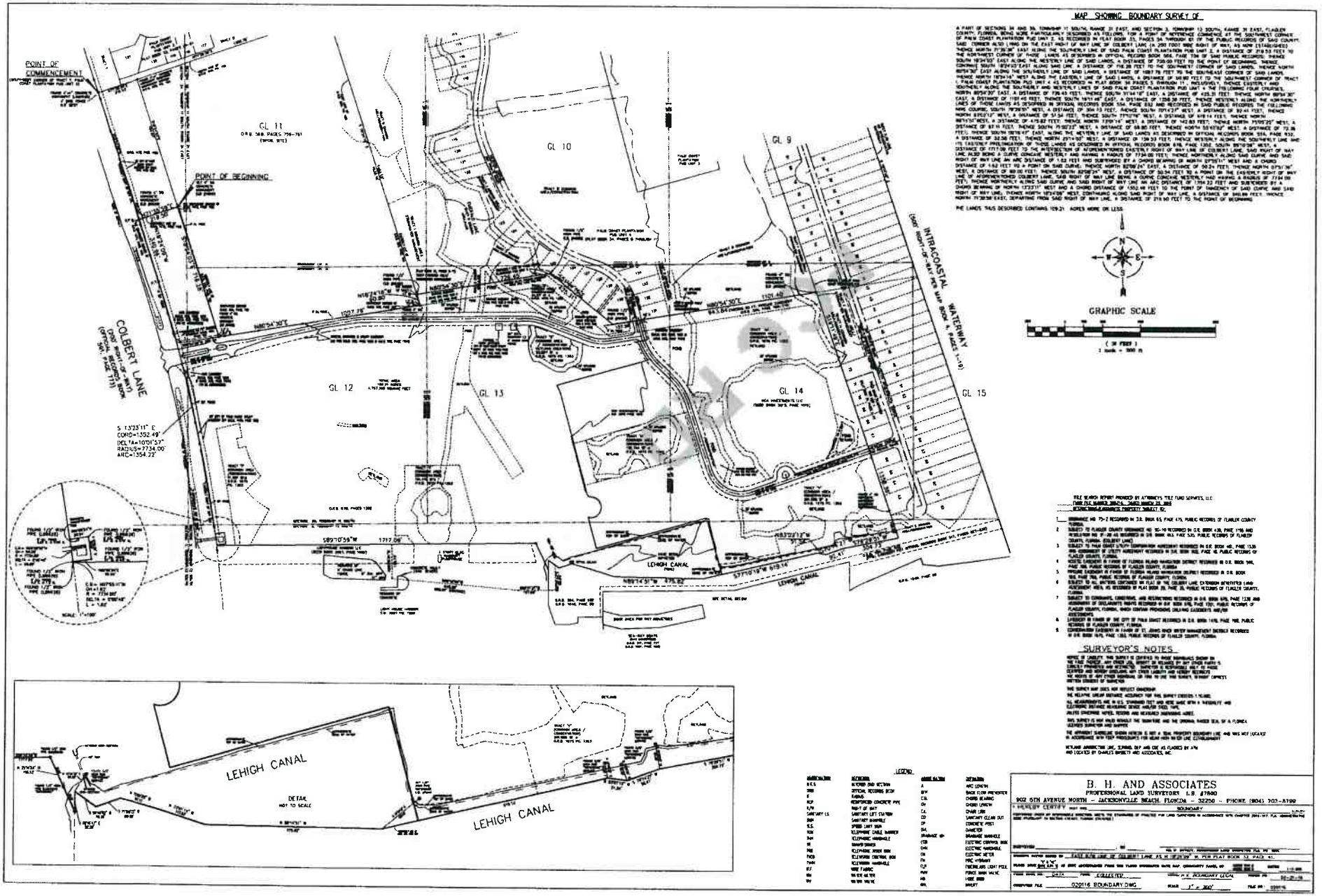

MAP SHOWING BOUNDARY SURVEY OF
POINT OF COMMENCEMENT
POINT OF BEGINNING
COLBERT LANE
(100' RIGHT-OF-WAY PER OFFICIAL RECORDS BOOK 1731, PAGE 1731)
INTRACOASTAL WATERWAY
(300' RIGHT-OF-WAY PER MAP BOOK 4, PAGES 1-19)
LEHIGH CANAL
GL 9
GL 10
GL 11
GL 12
GL 13
GL 14
GL 15
S 13°23'11" E
CORD=1352.49'
DELTA=10°01'52"
RADIUS=7734.00'
ARC=1354.22'
N89°54'30"E
1107.78'
S89°10'59"W
1717.08'
S77°10'19"W 519.14'
N89°14'51"W 875.82'
GRAPHIC SCALE
(IN FEET)
1 inch = 300 ft.
SURVEYOR'S NOTES
LEGEND
DETAIL
NOT TO SCALE
LEHIGH CANAL
LEHIGH CANAL
B. H. AND ASSOCIATES
PROFESSIONAL LAND SURVEYORS L.B. #7640
902 5TH AVENUE NORTH - JACKSONVILLE BEACH, FLORIDA - 32250 - PHONE (904) 703-4799
I HEREBY CERTIFY
BOUNDARY
020116 BOUNDARY.DWG

EXHIBIT "B"
Site Plan



NO.	DATE	DESCRIPTION	BY
		REVISIONS	

PARKER MYNCHENBERG & ASSOCIATES, INC.

PROFESSIONAL ENGINEERS * LANDSCAPE ARCHITECTS

1729 RIDGEWOOD AVENUE HOLLY HILL, FLORIDA 32117

(386) 677-6891 FAX (386) 677-2114 E-MAIL: parkermynchenberg.com

CERTIFICATION OF AUTHORIZATION NUMBER: 00003910

EXHIBIT B

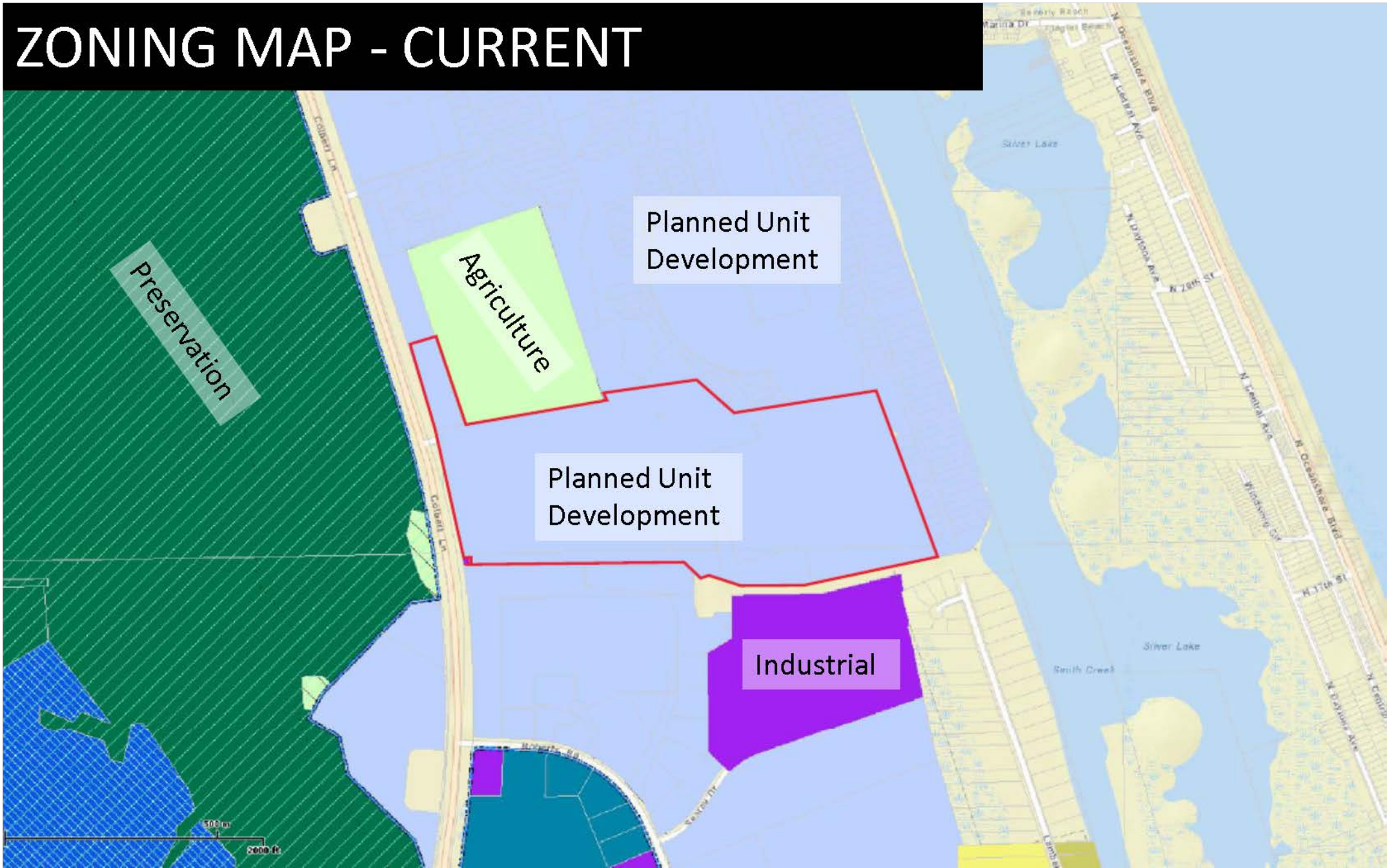
MARINA DEL PALMA PUD SITE DEVELOPMENT PLAN

FLAGLER COUNTY * FLORIDA

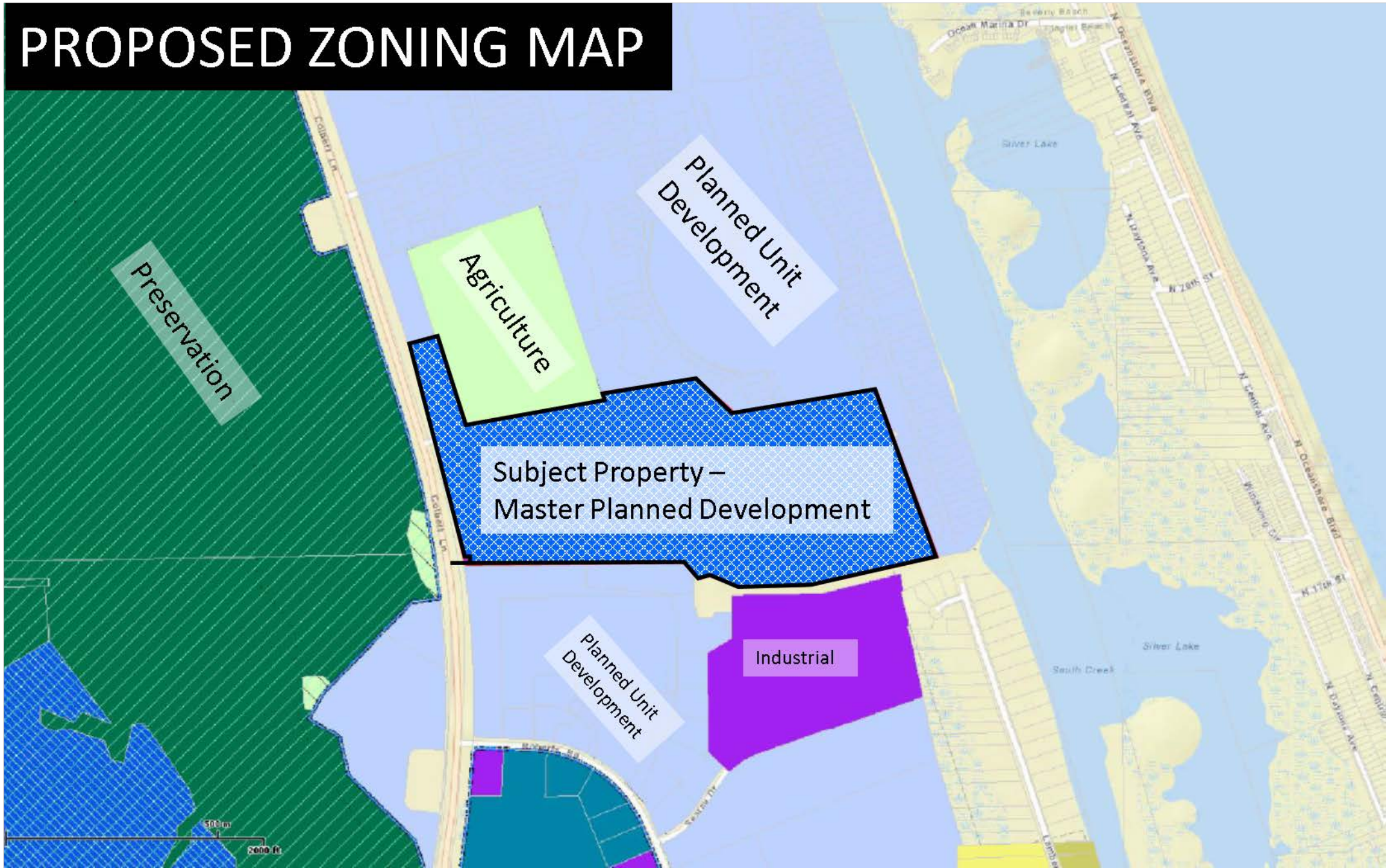
FILE NO. 0605MDPEXB.DWG	DESIGNER: P.MYNCHENBERG
DATE: 9-18-17	CADD TECH: DE CILLA
SCALE: 1" = 450'	SHEET 1 OF 1

SEAL

ZONING MAP - CURRENT



PROPOSED ZONING MAP



COMMUNITY DEVELOPMENT DEPARTMENT
Zoning Map Amendment Staff Report
September 27, 2017

OVERVIEW

Case Number: 3400

Applicant: Dennis Bayer, Attorney

Property Description: 1,400 feet north of Roberts Rd. on the eastside of Colbert Lane

Property Owner: Sunbelt Palm Coast Marina LLC, WGA Investments LLC

Real Estate ID #: 02-12-31-0000-01010-0051, 34-11-31-0000-01010-0090, 35-11-31-0000-01010-0061, 02-12-31-0000-01010-0041, 02-12-31-0000-01010-0050, 34-11-31-0000-01010-0000, 35-11-31-0000-01010-0010, 35-11-31-0000-01010-0060

Current FLUM designation: Residential-Medium Density, Commercial-Low Intensity, & Conservation

Current Zoning designation: Planned Unit Development

Current Use: Vacant

Requested Action: Rezoning from Planned Unit Development (Flagler County Designation) to Master Planned Development (MPD) – City of Palm Coast Designation.

Recommendation: Staff and the Planning and Land Development Regulation Board (PLDRB) recommend that the City Council APPROVE the proposed zoning map amendment along with the Development Agreement.

ANALYSIS

REQUESTED ACTION

Dennis Bayer, on behalf of the property owners, is requesting to rezone a 109+/- acre parcel from Planned Unit Development (PUD) to Master Planned Development (MPD) along with a development agreement that would permit up to 615 dwelling units (154 single-family and 461 multi-family) and 45,738 sq. ft. of non-residential development (general commercial uses & shopping center with certain exceptions). The development agreement includes a marina and boat storage stackhouse.

BACKGROUND/SITE HISTORY

This rezoning application is a companion to a Comprehensive Plan amendment to designate the subject parcels with City of Palm Coast designations that are most equivalent to the current Flagler County designations. The subject parcels are currently zoned Planned Unit Development (PUD) approved by the Flagler County Board of Commissioners on March 20, 2017 (Ordinance # 2017-02, the project is formerly known as Harbor View Marina PUD).

The approved PUD entitles the PUD property to construct up to 154 single-family residential units and 461 multi-family residential unit with a maximum "gross" height of 95 feet. Additionally, the PUD includes an approximately 3.5 acre commercial site which is limited to development with a gross floor area of 45,738.

LAND USE AND ZONING INFORMATION

Surrounding Future Land Use Map Designation:
North: Residential: Low Density-Rural Estate (Flagler County)
South: Mixed Use: High Intensity (Flagler County)
East: Residential: Low Density-Rural Estate (Flagler County)
West: Conservation (City of Palm Coast) – Graham Swamp Preservation Area

Surrounding Zoning Designation:
North: Agriculture & Planned Unit Development (PUD) (Flagler County)
South: Planned Unit Development (PUD) (Flagler County)
East: Planned Unit Development (PUD) (Flagler County)
West: Preservation (City of Palm Coast)

Surrounding Property Existing Uses:
North: Vacant/FIND Property & Single-family residential
South: Vacant
East: Single-family residential
West: Preservation area

Consistency of Proposed Zoning Designation with Surrounding Properties
The proposed zoning designation of Master Planned Development which includes residential and non-residential development is generally consistent with the surrounding uses. The majority of properties to the north and south are zoned Planned Unit Development, while properties to the west zoned preservation are buffered from the subject property by Colbert Lane. There are two adjacent parcels zoned Agriculture and Industrial. The parcel zoned Agriculture is owned by the Florida Inland Navigation District (FIND) and is used as a spoil site. The Industrial zoned parcel located southeast of the subject property is owned by Sea Ray Boats Inc. and is operated as a boat manufacturing plant. The plant is separated from the subject property by a 200' wide inlet/boat basin.

COMPARISON SITE DEVELOPMENT REQUIREMENTS:
A site development requirements comparison between the existing zoning and proposed zoning is provided in the following tables.

Residential Development Standards
The proposed zoning change to MPD does not change the development standards previously established in the approved Harbor View PUD. The table below provides a summary of the development standards for residential uses in the MPD.

Residential Comparison

Criteria	Single-family Residential Area	Multi-family Residential Area
Max. Density (units/acre)	154 units total	461 units total
Max. Gross Height (	45'	95'
Max. Impervious Area	.65	.65
Min. Front Setback	20'	25'
Min. Rear Setback	25' or 10' for various accessory uses	25' or 10' for various accessory uses
Min. Interior Side Setback	5'	10'

Min. Street Side Setback	10’	--
Lot Width Minimum	40’	--
Lot Size Minimum	4,000 sq. ft.	--
Living Area Minimum	1,800 sq. ft.	1,200 sq. ft.

Non-Residential Comparison

Similar to the residential uses, the zoning map amendment/development agreement will not change the development standards previously established in the approved Harbor View PUD. The table below provides a summary of the development standards for residential uses in the MPD. The uses to be permitted will be those generally shall be those uses permitted in any retail or business and professional offices less adult uses, fast food restaurant (drive thru), and filling stations. No individual establishment may exceed 40,000 square feet gross floor area

Non-residential Comparison

Criteria	**MPD (Proposed)**
Floor to Area Ratio (FAR)	45,738 maximum gross floor area (no individual establishment shall be greater than 40,000 sq. ft.)
Max. Impervious Area	.65
Max. Bldg. Height	50’
Minimum Side Setbacks	10’
Minimum Side & Rear Setbacks	25’
Minimum Street Setback (including Colbert Lane)	25’
Minimum Lot Size	20,000 sq. ft.

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 subject property has existing entitlements governed by the Harbor View PUD. The proposed rezoning will not increase the entitlements or change the development standards established for the subject property.

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

Staff Finding: As previously stated, the proposed zoning map amendment does not increase the entitlements or change the development standards established for the subject property. However, staff finds the proposed MPD to be 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 an established arterial (Colbert Lane), 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.

-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 an arterial (Colbert Lane) 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 subject 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 development 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.

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 along Colbert Lane is appropriate.

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: The landowner has submitted an environmental study which was utilized to receive previous approval for the existing PUD agreement. The current environmental conditions in the PUD agreement will be part of the proposed MPD agreement for the subject parcel.

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 MPD agreement protects the existing entitlements on the site to provide single-family, multi-family residential along with a marina and commercial uses.

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: The annexation of the subject property into the City of Palm Coast necessitates the zoning map amendment, as well as the companion Future Land Use Map amendment.

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

Staff Finding: As previously stated, the proposed amendment does not change the entitlements or amend the development standards for the subject property. The development pattern established for this site will not have a negative impact on the health, safety, and welfare of surrounding residents.

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

Staff Finding: Yes, the rezoning furthers a legitimate public purpose by protecting a land owners established development entitlement. Additionally, the development is in an underutilized area which was the site of an abandoned cement plant.

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 n 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 n 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 proposed uses within an approved PUD is compatible with the surrounding neighborhood.

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: The subject project will be analyzed in further detail to determine that there are adequate public infrastructure capacity to serve the development (such discussions have been on-going with the City of Palm Coast to ensure adequate water and sewer services will be available to the site). Other infrastructure or public service needs such as schools will be reviewed in more detail as development progresses. The subject project 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 an arterial (Colbert Lane). 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 proposed MPD zoning and agreement are necessitated by the annexation of the property into the City of Palm Coast. The MPD will not change the existing entitlements or development standards previously established for the site by the adoption of the Harbor View PUD by the Flagler County Board of County Commissioners.

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

Staff Finding: The proposed development site is in a newly annexed area of the City of Palm Coast. The City recognizes the uses and development patterns established by the previously approved PUD agreement for the subject parcel.

J. Impact upon the environment or natural resources.

Staff Finding: The landowner has submitted an environmental study which was utilized to receive previous approval for the existing PUD agreement. The current environmental conditions in the PUD agreement will be part of the proposed MPD agreement for the subject parcel.

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 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 subject property has been the subject of recent public hearings and did not require the need for additional neighborhood meeting.

RECOMMENDATION

Staff and the Planning and Land Development Regulation Board (PLDRB) recommend that the City Council APPROVE the proposed zoning map amendment and development agreement.

City of Palm Coast, Florida
Agenda Item

Agenda Date: 12/05/2017

Department	PLANNING	**Amount**	
Item Key		**Account #**	

Subject ORDINANCE 2017-XX A COMPREHENSIVE PLAN AMENDMENT FOR A 196+/- ACRE PARCEL FROM FLAGLER COUNTY DESIGNATIONS OF MIXED USE HIGH INTENSITY AND INDUSTRIAL TO CITY OF PALM COAST DESIGNATION OF MIXED USE ALONG WITH A POLICY TO LIMIT DEVELOPMENT

Background: The proposed comprehensive plan amendment is for a 196+/- acre parcel generally located east of Colbert Lane and west of Roberts Rd. The current FLUM designations for the subject area are Flagler County designations of Mixed Use High Intensity and Industrial with zoning designations of Mixed Use High: Planned Unit Development and Industrial.

The proposed amendment generally consists of a proposal to change the Future Land Use Map (FLUM) designation from Flagler County designations stated above to the City of Palm Coast designation of Mixed Use. The amendment will also include a footnote on the future land use map to limit development within the Colbert Preserve/Roberts Pointe Master Planned Development Area to 1,500 dwelling units and 200,000 sq. ft. of non-residential.

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

Public Facilities Impact

The analysis for comprehensive plan map amendments take into consideration the maximum development potential under the current and proposed land use category and represent the theoretical maximum development potential within the land use category.

The analysis for density/intensity and population comparison as well as the analysis of the theoretical maximum development potential includes consideration of the following policy from the Flagler County Comprehensive Plan (this is applied since the properties currently have the Flagler County designation):

Flagler County Future Land Use Element Policy A.1.1.3 The location and extent of low intensity and high intensity mixed land use categories in accordance with the Future Land Use Map and the policies and descriptions of type, sizes, densities, and intensities of land use are outlined below: …

(2)(b) Mixed Use - High Intensity - 3.1 to 10.0 residential units per gross acre. Retail and office, maximum FAR of .4. Residential uses shall occupy a minimum of 25% and a maximum of 60% of the development area. Retail and office uses shall occupy a minimum of 25% and a maximum of 50% of the development area. Open space uses shall occupy a minimum of 25% of the development site.

Since the FLUM designation provides for a range of development potential which requires both residential and retail uses, the analysis for existing development potential will assume that 50%

will be residential use and 50% will be non-residential use.

The maximum development net impact analysis of the FLUM amendment shows a decrease in potential demands on transportation, water and sewer facilities. This is mainly due to potential decrease in non-residential development (from 944,381 sq. ft. to 250,000 sq. ft.). The change in development potential shows a potential 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 is currently adequate infrastructure facilities to accommodate the additional impact.

Environmental Assessment
An environmental assessment conducted in 2017 indicate that the habitats onsite have been heavily impacted by human activity and thus have transitioned to altered habitats. Additional scrutiny will be required as the site continues through the development review process which will require the site's compliance with the Land Development Code for stormwater, floodplain regulations, as well as regulations to protect threatened and endangered species.

Land Use Compatibility
The proposed FLUM amendment is generally consistent with the uses in the proximate area and the development patterns along Colbert Lane and Roberts Rd.

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

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

Planning and Land Development Regulation Board (PLDRB) Public Hearing
The PLDRB held a public hearing on November 15, 2017 and recommended approval of the proposed amendment. There were no recommended changes to the proposed amendment.

Recommended Action: Staff and the Planning and Land Development Regulation Board (PLDRB) recommend that the City Council approve the transmittal of the proposed Comprehensive Plan amendment from Flagler County designations of Mixed Use High Intensity and Industrial to City of Palm Coast Designation Mixed use along with a policy to limit development on portions of the subject area to 1,500 dwelling units and 200,000 sq. ft. of non-residential uses.

COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT
November 20, 2017

OVERVIEW

Case Number:	3194
Applicant:	City of Palm Coast
Size of subject property:	Approximately 196 acres
Property Description/Location:	An approximately 196 acre area located east of Colbert Lane and west of Roberts Road and approximately 1200' north of State Road 100.
Property Owner(s):	See Parcel ID List
Real Estate ID #:	See Parcel ID List
Current FLUM Designation:	Mixed Use High Intensity (189+/- acres), and Industrial (7+/- acres) – Flagler County designations
Current Zoning Designation:	Mixed Use High Intensity-Planned Unit Development (184+/- acres) and Industrial (12+/- acres) – Flagler County designations
Current Use:	Vacant
Requested Action:	Large-scale Future Land Use Map (FLUM) amendment for an approximately 196 acre parcel from current Flagler County designations of Mixed Use High Intensity (189+/- acres), and Industrial (7+/- acres) to City of Palm Coast designations of Mixed Use (196+/- acres). Proposed amendment will include a policy to limit development on the parcels to be designated as part of the Colbert Preserve/Roberts Pointe MPD to 1500 dwelling units and 200,000 sq. ft. of non-residential uses. 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 that City Council approve the Transmittal of the FLUM amendment to the State Land Planning Agency.
Project Planner:	José Papa, AICP, Senior Planner

ANALYSIS

BACKGROUND

The application is for a large-scale Future Land Use Map (FLUM) amendment for a 196 +/- acre subject area located east of Colbert Lane, west of Roberts Rd. and approximately 1200 feet north of State Road 100.

The subject parcel was annexed by the City of Palm Coast on October 6, 2015.

Currently, the 196+/- acre subject area currently has Flagler County FLUM designations of Mixed Use High Intensity (189+/- acres), and Industrial (7+/- acres). The proposed amendment will amend the Flagler County designations to City of Palm Coast designations of Mixed Use (196+/- acres). Additionally, the proposed amendment will include a policy on the FLUM to limit development on the parcels to be designated as part of the Colbert Preserve/Roberts Pointe MPD to 1500 dwelling units and 200,000 sq. ft. of non-residential uses. The Colbert Preserve/Roberts Pointe MPD serves as a companion application to the proposed FLUM amendment and covers approximately 184 acres of the subject area.

Planning and Land Development Regulation Board (PLDRB) Action

On November 15, 2017, the PLDRB held a public hearing on the agenda item and recommended approval without changes. There were no public comments at the hearing.

DENSITY/INTENSITY AND POPULATION

Note: The analysis for comprehensive plan map amendments take into consideration the maximum development potential under the current and proposed land use category and represent the theoretical maximum development potential within the land use category.

The analysis for density/intensity and population comparison as well as the analysis of the theoretical maximum development potential includes consideration of the following policy from the Flagler County Comprehensive Plan:

Future Land Use Element Policy A.1.1.3 The location and extent of low intensity and high intensity mixed land use categories in accordance with the Future Land Use Map and the policies and descriptions of type, sizes, densities, and intensities of land use are outlined below: …

(2)(b) Mixed Use - High Intensity - 3.1 to 10.0 residential units per gross acre. Retail and office, maximum FAR of .4. Residential uses shall occupy a minimum of 25% and a maximum of 60% of the development area. Retail and office uses shall occupy a minimum of 25% and a maximum of 50% of the development area. Open space uses shall occupy a minimum of 25% of the development site.

Since the FLUM designation provides for a range of development potential which requires both residential and retail uses, the analysis for existing development potential will assume that 50% will be residential use and 50% will be non-residential use.

Currently, the 196+/- acre subject area currently has Flagler County FLUM designations of Mixed Use High Intensity (189+/- acres), and Industrial (7+/- acres). The proposed amendment will amend the Flagler County designations to City of Palm Coast designations of Mixed Use (196+/- acres). Additionally, the proposed amendment will include a policy on the FLUM to limit development on the parcels to be designated as part of the Colbert Preserve/Roberts Pointe MPD to 1500 dwelling units and 200,000 sq. ft. of non-residential uses. There are three parcels (12+/- acres of the total 196+/-acres) which will not be subject to the density or FAR limitation policy.

As shown in Table 1, the proposed amendment will have a potential net increase of 741 dwelling units. This is with the assumption of the density limit (1500 d.u. for a portion of the subject area) and that the remaining area (12+/- acres) will be developed solely for residential uses.

As shown in Table 2, the proposed amendment will have the potential to reduce the non-residential development in the subject area by 1,294,979 sq. ft. This reduction in maximum potential for non-residential development can be attributed to the policy to limit non-residential development on 184 acres of the area to 200,000 sq. ft.

TABLE 1 - FLUM DESIGNATION MAXIMUM DENSITY/INTENSITY ALLOWED (RESIDENTIAL USE)

		# of Acres	Maximum Density	Maximum # of units[(1), (2), (3)]	Population (2.4 persons/d.u.)
Proposed FLUM:	**Mixed Use - subject to policy limit of 1500 units**	184.0	1500 Units*	1,500	3,600
	Mixed Use	12.2	15 units/acre	183	439
			Sub-total	**1,683**	**4,039**
Current FLUM:	**Mixed Use: High Intensity***	188.5	10 units/acre	943	2,262
NET CHANGE				741	1,777

Footnotes:

[(1)] Max. # of units = # of Acres X Maximum Density

[(2)] Proposed amendment will limit residential development on 184 acres to to 1500 dwelling units. An additional 12.2 acres of Mixed Use land will not be subject o density limitation.

[(3)] See note above regarding development potential for Mixed Use High Intensity.

TABLE 2 - FLUM DESIGNATION MAXIMUM DENSITY/INTENSITY ALLOWED (NON-RESIDENTIAL USE)				
		# of Acres	Maximum FAR (1)	Maximum Sq. Ft. (1), (2), (3)
Proposed FLUM:	Mixed Use - subject to policy limit of 200,000 sq. ft. of non-residential use	184	200000	200000
	Mixed Use	12.2	0.55	292288
			Sub-total	492288
Current FLUM:	Mixed Use: High Intensity	188.5	0.40	1642212
	Industrial	7.4	0.45	145055
			Sub-total	1787267
NET CHANGE				-1294979

Footnotes:

(1) Max Sq. Ft. = # of Acres X Max. FAR X 43560 sq.ft/acre

(2) Proposed amendment will limit non-residential sq. ft. on 184 acres to 200,000 Sq. Ft. An additional 12.19 acres of Mixed Use land will not be subject to intensity limitation.

(3) See note above regarding development potential for Mixed Use High Intensity.

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 are based on the maximum development potential under the current and proposed land use category and represents the infrastructure impacts based on the potential maximum development. Based on an analysis of the development potential under the existing and proposed FLUM with consideration of the proposed policy to limit development on a majority of the subject parcel to 1500 dwelling units and 200,000 sq. ft. of non-residential use, the proposed FLUM amendment will result in a decrease in the impact on most public facilities with the exception of solid waste, parks, and schools. The results of the net impact analysis are shown on Table 3, and are summarized below:

At the time of site plan review or during the platting process, a more in-depth analysis on the availability of public infrastructure to serve the proposed project is conducted.

Transportation
The proposed FLUM amendment along with the proposed policy to limit development will have a net potential decrease of 2,605 peak hour trips.

Potable Water
The proposed FLUM amendment along with the proposed policy to limit development will have a net potential decrease in demand for potable water of 52,620 Gallons/Day.

Wastewater
The proposed FLUM amendment along with the proposed policy to limit development will have a net potential decrease in demand for sanitary sewer treatment of 19,609 Gallons/Day.

Solid Waste

The proposed FLUM amendment will have a maximum potential net increase of 11,530 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 10.7 acres of park facilities.

Public Schools

The proposed FLUM amendment will have a potential net increase in demand for 185 student stations. At the time of site plan review or final plat for residential development, the developer will be required to meet the concurrency requirements for school facilities.

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

Table 3 Public Facilities Impact Analysis*

Density[1]	# of units/sq. ft.	Transportation (PHT)[2]	Potable Water (GPD)[3]	Sanitary Sewer (GPD)[4]	Solid Waste (lbs./capita/day)[5]	Recreation and Parks (8 acres/ 1000 pop.)[6]	Public Education (students)[7]	Stormwater Drainage[8]
Proposed FLUM designation								
Mixed Use (183.8 acres)*	1500	1515	450,000.0	295,200.0	30,996.0	28.8	498	N/A
Mixed Use (183.8 acres)*-same acreage as above	200,000	742	34,000.0	20,000.0	0.0	0.0	0	N/A
Mixed Use (12.2 ac.) @.55 FAR	292,048	1,083	49,648.2	29,204.8	0.0	0.0	0	N/A
34% trip reduction for non-residential use pass-by trips		621						
	Total	**2720**	533648	344405	30996	29	498	N/A
Current FLUM designation								
Mixed Use-High Intensity (188.5 ac.) 188.5 acres @ 10 units/acre = 1885 d.u.	1885 Max. 942	951	282,600.0	185,385.6	19,465.5	18.1	313	N/A
Mixed Use-High Intensity (188.5 ac.) @ .40 FAR	3284424 Max. 1642212	6,093	279,176.0	164,221.2	0.0	0.0	0	N/A
Industrial (7.35 acres) 7.35 acres @ .45 FAR	144,075	535	24,492.7	14,407.5	0.0	0.0	0	N/A
34% trip reduction for non-residential use pass-by trips		2,253						
	Total	**5325**	586269	364014	19465	18	313	
Net Change		**-2,605.5**	**-52,620.6**	**-19,609.5**	**11,530.5**	**10.7**	**185**	**N/A**

Proposed FLUM amendment includes policy to limit development potential to 1500 dwelling units and 200,000 sq. ft. of non-residential uses in areas to be designated as ColbertPreserve/Roberts Pointe Master Planned Development Area

Footnotes:

[1] Calculation of Density: Lot Size (acre)*# of units/acre. Proposed FLUM amendment includes policy that limits development potential.

[1] Calculation of Intensity: Lot Size (acre)*FAR*43560. Proposed FLUM amendment includes policy that limits development potential on certain parcels.

[2] Transportation: Residential PM Peak Hour Trips (PHT), Residential Development: = # of units*1.01 PM-PHT

[2] Transportation: Non-residential PM Peak Hour Trips (PHT), Mixed Use = ITE Code 820: Shopping Center = 3.71/1000 sq. ft. (with 34% reduction for pass-by trips)

[2] Transportation: Non-residential PM Peak Hour Trips (PHT), Industrial (Flagler County designation) = ITE Code 820: Shopping Center = 3.71/1000 sq. ft. (with 34% reduction for pass-by trips)

[3] Potable Water: Residential = # of units*2.4*125 gallons/capita/day

[3] Potable Water: Commercial = 17 gpd/100 sq. ft.

[4] Wastewater: Residential = # of units*2.4*82 gallons/capita/day

[4] Wastewater: Commercial = 10 gpd/100 sq. ft.

[5] Solid Waste: Residential Demand = # of units*2.40*8.61 lbs/capita/day

[5] Solid Waste: No Level of Service Requirement for Non-residential

[6] Recreation and Parks: Residential Demand = # of units * 2.40 *8 acres/1000 persons

[6] Recreation and Parks = No LOS Requirement for Non-residential

[7] Public Education Residential: = Based on multiplier provided by Flagler County School District. See Table 3.

[7] Public Education Non-Residential = No LOS Requirement for Non-residential

[8] 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.

An Environmental Analysis (EA) is attached to the staff report. The EA indicates no significant impact as a result of the proposed FLUM amendment.

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: Mixed Use: High Intensity (Flagler County)
South: Mixed Use (City of Palm Coast)
East: Commercial: High Intensity, Residential: Low Density/Rural Estate (Flagler County), Mixed Use (Flagler Beach)
West: Mixed Use: Low Intensity (Flagler County), Mixed Use & Residential (City of Palm Coast)

Surrounding Zoning Designation:
North: Planned Unit Development (PUD) (Flagler County)
South: Neighborhood Commercial (COM-1), Multi-family Residential-2 (MFR-2) (City of Palm Coast)
East: Planned Unit Development (PUD) (Flagler County), Planned Unit Development (PUD) (Flagler Beach)
West: Planned Unit Development (PUD) (Flagler County), General Commercial (COM-2) (City of Palm Coast), and Master Planned Development (MPD) (City of Palm Coast)

Surrounding Property Existing Uses:
North: Vacant
South: Multi-family residential, Vacant
East: Vacant
West: Vacant

The proposed FLUM amendment is consistent with the land use designations in the proximate area. The proposed Mixed Use land use designation is appropriate and consistent with properties to the north, west, and south.

The properties east of Roberts Road are a mix of Commercial High Intensity and Residential Low-density/Rural Estate designations. The proposed Mixed Use designation is generally consistent with the designations to the east. However, it is recognized that site design considerations such as buffers, landscaping, and architectural standards will need to be carefully reviewed to ensure the compatibility between potential differences in intensity and height of the development on either side of Roberts Road.

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 subject area 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 is consistent with Comprehensive Plan Objective and Policy to provide opportunities to diversify housing opportunities in the City. The Mixed Use land use designation provides an opportunity to have zoning designations that would allow greater flexibility in density, size, and housing types.

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.

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 Mixed 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.

RECOMMENDATION

Staff and the Planning and Land Development Regulation Board (PLDRB) recommend that City Council approve the Transmittal of the FLUM amendment to the State Land Planning Agency.

ORDINANCE 2017-_____
COLBERT LANE/ROBERTS ROAD ANNEXATION AREA
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 196+/- ACRES OF CERTAIN REAL PROPERTY FROM MIXED USE HIGH INTENSITY, AND INDUSTRIAL (FLAGLER COUNTY DESIGNATIONS), TO MIXED USE (CITY OF PALM COAST DESIGNATION) 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 WITHIN THE COLBERT PRESERVE/ROBERTS POINTE MASTER PLANNED DEVELOPMENT AREA TO 1500 DWELLING UNITS AND 200,000 SQ. FT. OF NON-RESIDENTIAL USE; PROVIDING FOR CONFLICTS, 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 Mixed Use-High Intensity and Industrial (Flagler County designations) to Mixed Use (City of Palm Coast Designations); and

WHEREAS, the proposed future land use map amendment includes a note on the Future Land Use Map to limit residential development within the Colbert Preserve/Roberts Pointe Master Planned Development Area to 1500 dwelling units and 200,000 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 November 15, 2017 and voted to recommend approval of the proposed Comprehensive Plan Amendment; and

WHEREAS, on _____ and _____, 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 196+/- acres subject area, generally located 1200 feet north of State Road 100, west of Roberts Road, and east of Colbert Lane, as depicted and legally described in "Exhibit A", attached hereto, is hereby amended from Mixed Use-High Intensity, and Industrial (Flagler County Designations) to Mixed Use (City of Palm Coast Designations) and including a note on the FLUM limiting a portion of the subject property to 1500 dwelling units and 200,000 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.

If any section, subsection, sentence, clause, phrase or provision of this Ordinance is held to be unconstitutional or otherwise invalid by a court of competent jurisdiction, such unconstitutionality or invalidity shall not be construed as to render unconstitutional or invalid the remaining provision of the Ordinance.

SECTION 6. EFFECTIVE DATE.

The effective date of this plan amendment, if the amendment is not timely challenged, shall be when the State Land Planning Agency posts a Notice of Intent (NOI) on the agency's Internet site.

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

ADOPTED on second reading after due public notice and hearing the ____ day of _____ 2017.

ATTEST: **CITY OF PALM COAST, FLORIDA**

_____ _____

Virginia Smith, City Clerk Milissa Holland, Mayor

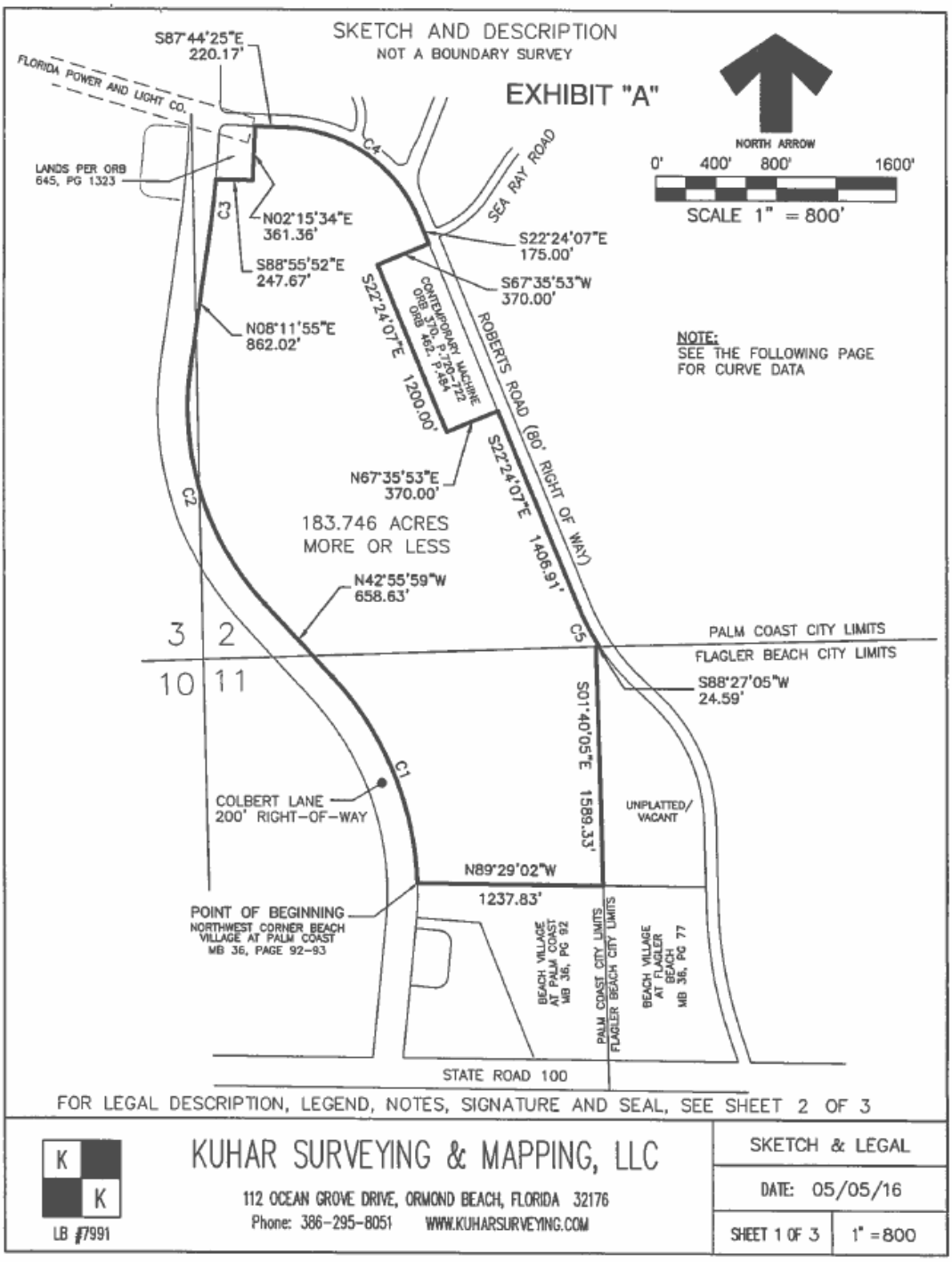
Approved as to form and legality:

_____

William E. Reischmann, Jr., Esq.

EXHIBIT A

LEGAL DESCRIPTION-Colbert Preserve/Roberts Pointe Master Planned Development Area



SKETCH AND DESCRIPTION
NOT A BOUNDARY SURVEY

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°20'18", 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 COST; THENCE N89°29'02"W FOR A DISTANCE OF 1237.83 FEET TO THE AFOREMENTIONED POINT OF BEGINNING OF THIS DESCRIPTION.

THE ABOVE DESCRIBED PARCEL OF LAND CONTAINS 8003958.4 SQUARE FEET, OR 183.746 ACRES, MORE OR LESS.

K K
LB #7991

KUHAR SURVEYING & MAPPING, LLC
112 OCEAN GROVE DRIVE, ORMOND BEACH, FLORIDA 32176
Phone: 386-295-8051 WWW.KUHARSURVEYING.COM

SKETCH & LEGAL	
DATE: 05/05/16	
SHEET 2 OF 3	1" =N/A

SKETCH AND DESCRIPTION
NOT A BOUNDARY SURVEY

CURVE TABLE					
CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	2110.00'	1515.92'	1483.52'	N22°21'04"W	41°09'50"
C2	1910.00'	1704.51'	1648.51'	N17°22'02"W	51°07'54"
C3	7734.00'	394.96'	394.92'	N06°44'08"E	2°55'34"
C4	983.00'	1120.99'	1061.22'	S55°04'16"E	65°20'18"
C5	1539.73'	298.27'	297.80'	S27°57'05"E	11°05'57"

SURVEYOR'S NOTES

1. BEARINGS BASED ON THE PLAT OF BEACH VILLAGE AT PALM COAST, PER MAP BOOK 36, PAGE 92, PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA, WITH THE NORTH LINE OF SAID PLAT BEING N89°29'02"W.
2. THERE MAY BE ADDITIONAL EASEMENTS, RESTRICTIONS, AND/OR OTHER MATTERS NOT SHOWN ON THIS SKETCH WHICH MAY BE FOUND IN THE COUNTY PUBLIC RECORDS.
3. THIS IS NOT A BOUNDARY SURVEY.
4. THIS SKETCH IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR/MAPPER, UNLESS THE DOCUMENT IS A DIGITAL FILE AND HAS BEEN ELECTRONICALLY SIGNED.

LEGEND/ABBREVIATIONS

C=CURVE
D=DELTA
R=RADIUS
L=LENGTH
CH=CHORD
CB=CHORD BEARING
PC=POINT OF CURVE
PT=POINT OF TANGENCY
PI=POINT OF INTERSECTION
M.B.=MAP BOOK
P.B.=PLAT BOOK
PG.=PAGE
O.R.B.=OFFICIAL RECORD BOOK
S.F.=SQUARE FEET
AC.=ACRES

R/W=RIGHT-OF-WAY
℄=CENTER LINE
POB=POINT OF BEGINNING
POC=POINT OF COMMENCEMENT
PCP=PERMANENT CONTROL POINT
SECT.=SECTION
RNG.=RANGE
TWP.=TOWNSHIP
I.D=IDENTIFICATION
CONC=CONCRETE
(R)=RECORD
(F)=FIELD MEASURED
(NR)=NON-RADIAL
(RAD)=RADIAL

I HEREBY CERTIFY THAT THIS SKETCH MEETS MINIMUM TECHNICAL STANDARDS AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS PER CHAPTER 5J-17.050 THRU 17.052, FLORIDA ADMINISTRATIVE CODE.

KENNETH J. KUHAR
FLORIDA PROFESSIONAL SURVEYOR/MAPPER #6105

K K
LB #7991

KUHAR SURVEYING & MAPPING, LLC
112 OCEAN GROVE DRIVE, ORMOND BEACH, FLORIDA 32176
Phone: 386-295-8051 WWW.KUHARSURVEYING.COM

SKETCH & LEGAL
DATE: 05/05/16
SHEET 3 OF 3 | 1" =N/A

LEGAL DESCRIPTION FOR SMITH PROPERTIES

LEGAL DESCRIPTION

The following Legal Description prepared by Dan A. Wilcox RLS #2238, Palm Coast Engineering and Design Services, Inc., 5 Hargrove Grade, Palm Coast, Florida.
Date; May 6, 1900.

5.3512 acre industrial site West of Roberts Road.

LEGAL DESCRIPTION:

A parcel of land lying West of and adjacent to Roberts Road (formally the Lehaigh Cement Plant Road) in Government Section 2, Township 12 South, Range 31 East, Flagler County, Florida, being more particularly described as follows:

As a Point of Reference being the South Quarter (1/4) corner of said Government Section 2 thence North 88°27'05" East along the Southerly line of section 2 a distance of 24.59 feet to a Point on a curve being the Westerly right-of-way of said Roberts Road (80'R/W), thence departing said Section line Northwesterly 298.27 feet along said right-of-way and curve to the right (concave Northeasterly) having a central angle of 11°05'57", a radius of 1539.72 feet, a chord bearing of North 27°57'05" West and a chord distance of 297.80 feet to a Point of tangency, thence North 22°24'07" West along said right-of-way a distance of 1976.91 feet to the POINT OF BEGINNING of this description, thence departing said right-of-way South 67°35'53" West a distance of 370.00 feet, thence North 22°24'07" West a distance of 630.00 feet, thence North 67°35'53" East a distance of 370.00 feet to a Point on the Westerly right-of-way of Roberts Road (80'R/W) thence South 22°24'07" East along said right-of-way a distance of 630.00 feet to the POINT OF BEGINNING.

Parcel containing 5.3512 acres more or less.

Bearings refer to the Transverse Mercator Grid System of the East Zone of Florida.

FCRD

4.8416 acre [illegible] parcel for Contemporary Machine Co. lying West of Roberts Road.

LEGAL DESCRIPTION:

A parcel of land lying West of and adjacent to Roberts Road (formally the Leheigh Cement Plant Road) in Government Section 2, Township 12 South, Range 31 East, Flagler County, Florida, being more particularly described as follows:

As a Point of Reference being the South Quarter (1/4) corner of said Government Section 2 thence North 88 27'05" East along the Southerly line of section 2 a distance of 24.59 feet to a Point on a curve being the Westerly right-of-Way of said Roberts Road (80'R/W), thence departing said Section line Northwesterly 298.27 feet along said right-of-way and curve to the right (concave Northeasterly) having a central angle of 11 05'57", a radius of 1539.72 feet, a chord bearing of North 27 57'05" West and a chord distance of 297.80 feet to a Point of tangency, thence North 22 24'07" West along said right-of-way a distance of 1406.91 feet to the POINT OF BEGINNING of this description, thence departing said right-of-way South 67 35'53" West a distance of 370.00 feet, thence North 22 24'07" West a distance of 570.00 feet, thence North 67 35'53" East a distance of 370.00 feet to a Point on the Westerly right-of-way of Roberts Road (80'R/W) thence South 22 24'07" East along said right-of-way a distance of 570.00 feet to the POINT OF BEGINNING.

Parcel containing 4.8416 acres more or less.

Bearings refer to the Transverse Mercator Grid System of the East Zone of Florida.

LEGAL DESCRIPTION FOR TUESDAY CORPORATION PROPERTY

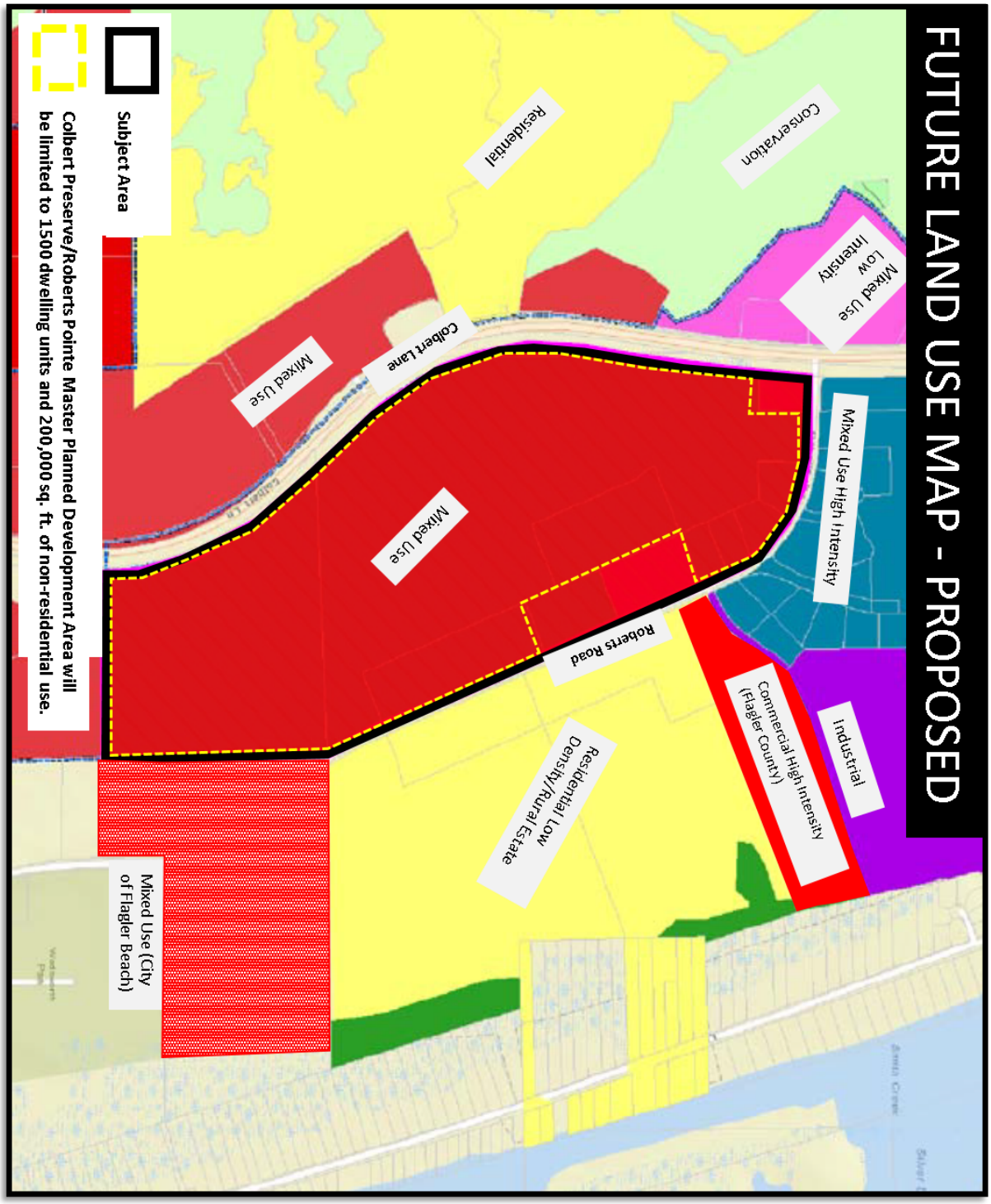
PARCEL 521.02

DESCRIPTION:

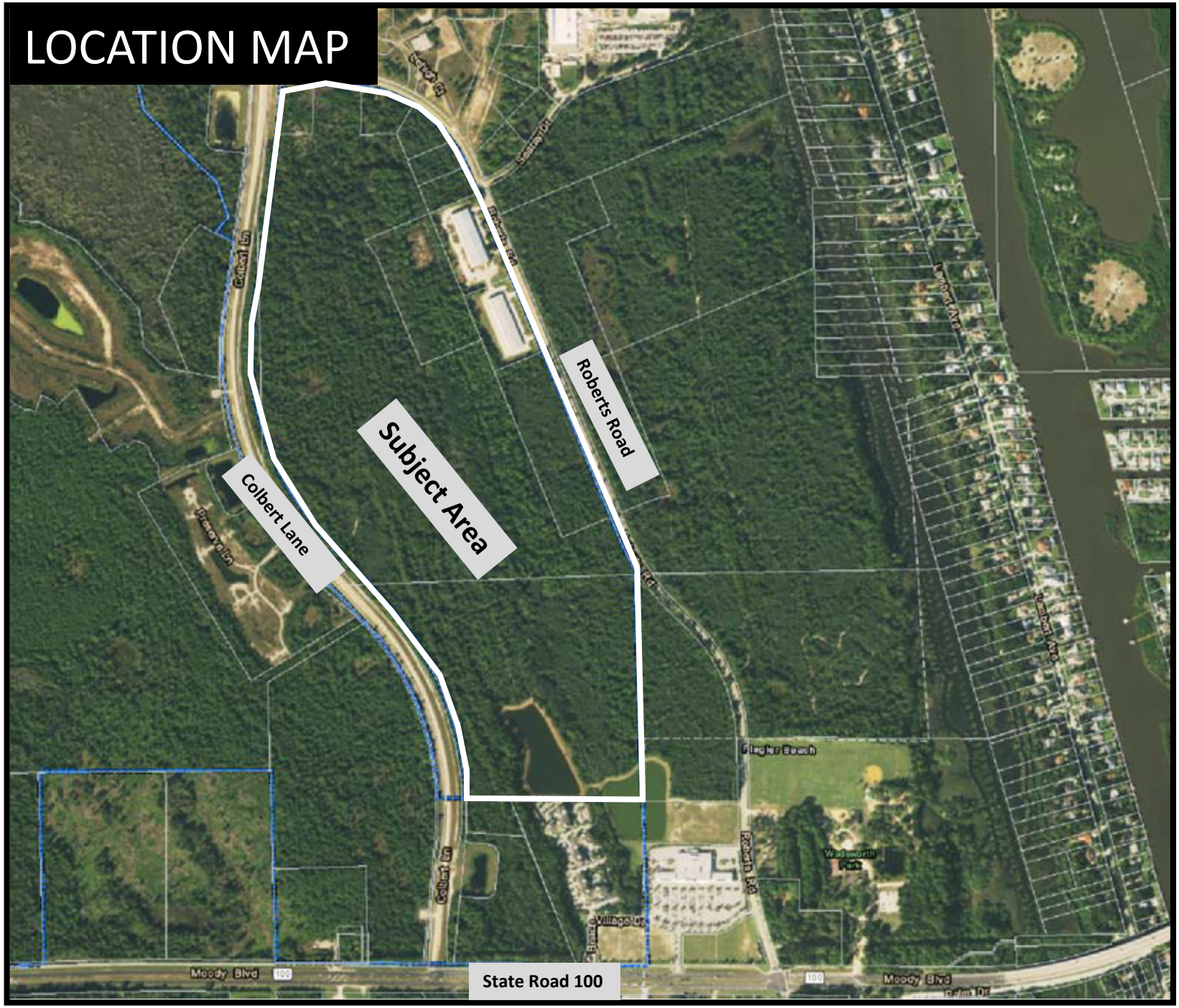
A PARCEL OF LAND RECORDED AT PAGE 1791 OF OFFICIAL RECORDS BOOK 553, PAGES 1539 THROUGH 1840, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA, LYING IN GOVERNMENT SECTION 2, TOWNSHIP 12 SOUTH, RANGE 31 EAST, FLAGLER COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

A POINT OF REFERENCE BEING THE SOUTHWEST CORNER OF GOVERNMENT SECTION 2, THENCE NORTH 01° 13' 06" WEST ALONG THE WEST LINE OF SECTION 2 A DISTANCE OF 3187.53 FEET, THENCE DEPARTING SAID SECTION LINE NORTH 88° 46' 54" EAST A DISTANCE OF 154.23 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF COLBERT LANE (200' R/W) AND THE POINT OF BEGINNING OF THIS DESCRIPTION, SAID POINT BEING ON A CURVE, THENCE 317.27 FEET ALONG THE ARC OF A CURVE TO THE LEFT (CONCAVE WESTERLY) HAVING A CENTRAL ANGLE OF 02° 21' 02", A RADIUS OF 7734.00 FEET, A CHORD BEARING OF NORTH 04° 05' 50" EAST AND A CHORD DISTANCE OF 317.25 FEET TO A POINT OF REVERSE CURVATURE, THENCE 77.96 FEET ALONG THE ARC OF A CURVE TO THE RIGHT (CONCAVE SOUTHEASTERLY) HAVING A CENTRAL ANGLE OF 89° 20' 15", A RADIUS OF 50.00 FEET, A CHORD BEARING OF NORTH 47° 35' 27" EAST AND A CHORD DISTANCE OF 70.30 FEET TO A POINT OF TANGENCY, THENCE SOUTH 87° 44' 26" EAST A DISTANCE OF 187.45 FEET, THENCE SOUTH 02° 15' 34" WEST A DISTANCE OF 361.36 FEET, THENCE NORTH 88° 55' 51" WEST A DISTANCE OF 247.67 FEET TO THE POINT OF BEGINNING.

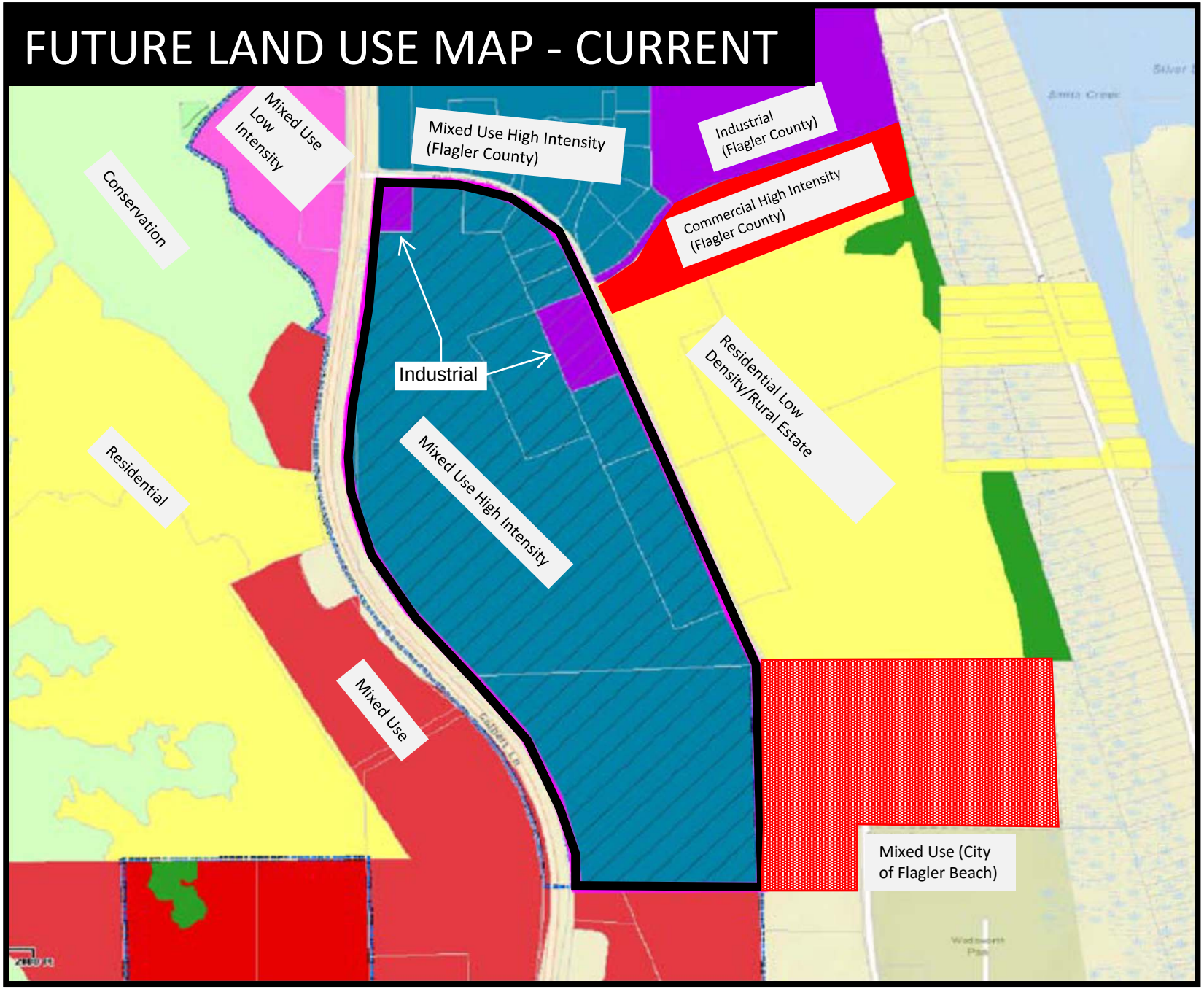
EXHIBIT B


FUTURE LAND USE MAP - PROPOSED
Subject Area
Colbert Preserve/Roberts Pointe Master Planned Development Area will be limited to 1500 dwelling units and 200,000 sq. ft. of non-residential use.
Residential
Conservation
Mixed Use Low Intensity
Colbert Lane
Mixed Use
Mixed Use High Intensity
Mixed Use
Roberts Road
Industrial
Commercial High Intensity (Flagler County)
Residential Low Density/Rural Estate
Mixed Use (City of Flagler Beach)

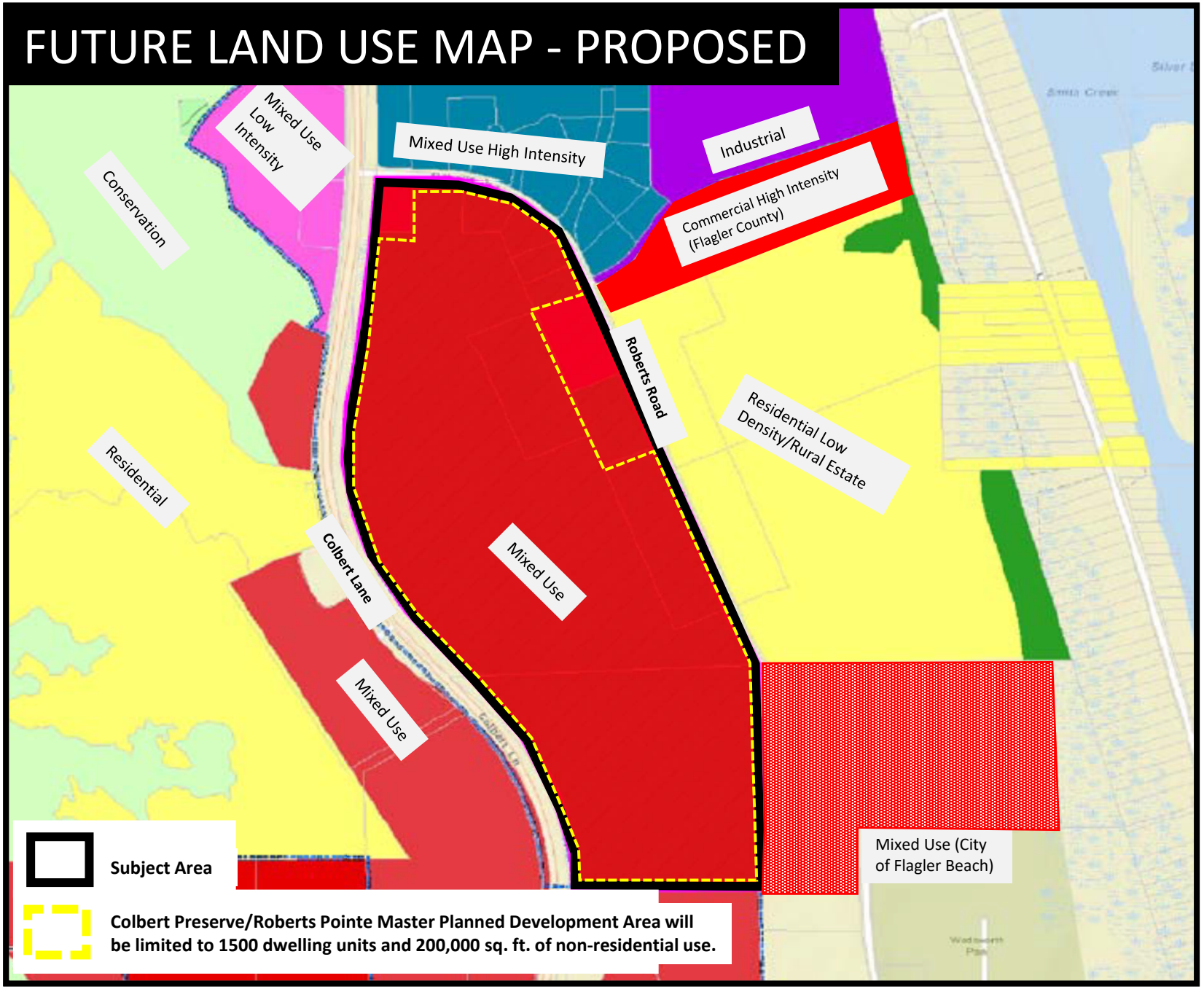
LOCATION MAP



FUTURE LAND USE MAP - CURRENT



FUTURE LAND USE MAP - PROPOSED



Virginia Smith

From: Jose Papa
Sent: Wednesday, November 29, 2017 2:43 PM
To: Virginia Smith
Subject: FW: Application No. 3194 - Comprehensive Plan FLUM Amendment

Jose Papa, AICP
Senior Planner
City of Palm Coast
160 Lake Avenue
Palm Coast, FL 32164
Tel: 386-986-2469
www.palmcoastgov.com

From: Sara Lockhart [mailto:saradon48@gmail.com]
Sent: Wednesday, November 29, 2017 1:55 PM
To: Jose Papa <jpapa@palmcoastgov.com>; Denise Bevan <dbevan@palmcoastgov.com>; Ray Tyner <RTyner@palmcoastgov.com>
Subject: Application No. 3194 - Comprehensive Plan FLUM Amendment

Please accept this e-mail as my written comments for inclusion in the public record.

I've reviewed the above referenced FLUM amendment application and offer the following for your consideration:

1. Please provide an analysis of how this project further enhances the Flagler County Blueways. Flagler County is part of the North Atlantic Flyway and Tomoka Woods State Park, Bulow Creek State Park, Graham Swamp, Longs Landing Park, Favor Dykes State Park and other public areas provide important resting stops for migrating birds.

2. Larger critters, such as wild hog, alligator, turtles and deer that may be migrating between larger tracts of habitat, are often hit by the travelling public along Colbert Lane and State Road 100, causing property damage. How will this project provide wildlife linkages that reduce these costs?

3. There should be a cap on the number of units offered at the minimum square footage so that the stated intent of a range of housing options is provided. It appears that only apartments and condominium/townhomes are contemplated.

4. The City's rental policy requirements should be included in the Homeowner Association Documents so the project does not become a time share or other unforeseen non-residential business.

5. Commercial uses that generate high traffic volumes, such as gas stations and fast food restaurants, should be listed as EXCLUDED from the MPD. Those uses have already been planned for and appropriately located at Colbert Lane and State Road 100 where adequate turn lanes and signalization exist. Furthermore, the high traffic from those uses will not disrupt the residential neighborhoods as Colbert Lane and Roberts Road are listed as collector, as opposed to arterial, roads.

6. The clubhouse should be designed as a hurricane shelter so that residents can shelter in place. You may not be aware of it, but the Bunnell shelter reached capacity before Hurricanes Matthew and Irma.

7. It appears that one of the biggest draws for living in Palm Coast has been ignored on the conceptual master plan. I see no pedestrian linkages or references to the Lehigh Trail or Wadsworth Park. Please don't repeat the mistake we live with in Grand Haven and Palm Coast Plantation which is having to cross Colbert Lane to reach a public sidewalk. Once again, with this development the population is on the east side of Colbert Lane, but the sidewalk is on the west side of Colbert Lane. This area of Colbert Lane is posted at 55 m.p.h. As you know, people don't necessarily drive the speed limit. My concern is that as trail use and traffic increases, drivers and pedestrians will not see each other. At a minimum, this development should provide a sidewalk along the east side of Colbert Lane and fund a pedestrian signal crossing. Given the amount of development proposed, perhaps it is also time to drop the speed limit from 55 m.p.h. to 45 m.p.h.

7. Is there adequate land set aside for turn lanes, stacking lanes and drainage without reducing the landscape buffer widths? If the answer is "unknown", perhaps a condition of approval is required to ensure the conceptual design does not create conflicts later by stating the developer if necessary, is required to donate appropriate land in the future.

8. According to Comprehensive Plan policy 1.2.2.1, Colbert Lane is a "gateway corridor" and should therefore exceed the City's landscape standards. What has the applicant proposed to enhance this important gateway corridor?

Thank you for the opportunity to comment. Please contact me if you have any questions. See you Tuesday.

Best regards,

Sara

City of Palm Coast, Florida
Agenda Item

Agenda Date: December 5, 2017

Department	PLANNING	**Amount**	
Item Key		**Account #**	

Subject A ZONING MAP AMENDMENT FROM INDUSTRIAL (FLAGLER COUNTY DESIGNATION) TO GENERAL COMMERCIAL (COM-2) FOR A 2+/- ACRE PARCEL LOCATED AT THE SOUTHEAST CORNER OF COLBERT LANE AND ROBERTS ROAD

Background : The proposed zoning of the subject property is a companion application to a proposed Future Land Use Map amendment for the subject property. The subject property is 2 ± acres and generally located at the southeast corner of Colbert Lane and Roberts Rd. The proposed zoning will amend the zoning designation for the subject property from Industrial (Flagler County designation) to General Commercial (COM-2) (City of Palm Coast designation).

The intent of the proposed zoning is to allow a variety of commercial uses which may serve the emerging residential uses in the surrounding area.
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 zoning is consistent with the Comprehensive Plan,
- the proposed zoning does not negatively impact the existing public facilities, and
- the proposed zoning is in an area appropriate for commercial uses and may serve the impending residential uses in the area,
- finally, the designation does not cause a nuisance or threat to the general welfare and safety of the public.

Planning and Land Development Regulation Board Public Hearing
The PLDRB held a public hearing on November 15, 2017, and recommended approval of the proposed zoning map amendment. There were no recommended changes from the PLDRB.

Recommended Action: Planning Staff and the Planning and Land Development Regulation Board (PLDRB) recommend that the City Council approve Application # 3418 to rezone 2 +/- acres from Industrial (Flagler County designation) to General Commercial (COM-2) (City of Palm Coast designation).

COMMUNITY DEVELOPMENT DEPARTMENT
Zoning Map Amendment Staff Report
November 20, 2017

OVERVIEW

Case Number: 3418

Applicant: City of Palm Coast

Property Description: 2.0 acre parcel at the southeast corner of Roberts Rd. and Colbert Ln.

Property Owner: Tuesday Corporation

Real Estate ID #: 02-12-31-0000-01010-0090

Current FLUM designation: Industrial (Flagler County Designation). A FLUM amendment to Mixed Use is being processed concurrent with this application.

Current Zoning designation: Industrial

Current Use: Vacant

Requested Action: Rezoning from Flagler County Designation of Industrial to General Commercial (COM-2) (City of Palm Coast designation)

Recommendation: Staff and the Planning and Land Development Regulation Board (PLDRB) recommend to City Council the Approval of the proposed rezoning.

ANALYSIS

REQUESTED ACTION

The City is proposing to rezone the subject lot totaling approximately 2 acres from Flagler County Designation of Industrial to City of Palm Coast designation of General Commercial (COM-2). This application is a companion rezoning to a Comprehensive Plan amendment for the subject property.

BACKGROUND/SITE HISTORY

This application is for a City-initiated Zoning Map amendment or rezoning for an approximately 2 acre lot. The lot was part of a 197 acre area that was annexed into the City in 2015 and is generally located at the southeast corner of Roberts Rd. and Colbert Ln. The property is currently undeveloped.

This rezoning application is a companion to a Future Land Use Map (FLUM) amendment. The FLUM amendment will designate the subject properties with City of Palm Coast designations consistent with the proposed City of Palm Coast FLUM designation of Mixed Use.

Planning and Land Development Regulation Board (PLDRB) Action

On November 15, 2017, the PLDRB held a public hearing on the agenda item and recommended approval without changes. There were no public comments at the hearing.

LAND USE AND ZONING INFORMATION

SURROUNDING LAND USES:

North: Mixed Use: High Intensity (Flagler County)
South: Mixed Use: High Intensity (Flagler County)
East: Mixed Use: High Intensity (Flagler County)
West: Mixed Use: Low Intensity (Flagler County)

SURROUNDING ZONING:

North: Planned Unit Development (PUD) (Flagler County)
South: Mixed Use High Intensity: Planned Unit Development (PUD) (Flagler County)
East: Mixed Use High Intensity: Planned Unit Development (PUD) (Flagler County)
West: Planned Unit Development (PUD) (Flagler County)

Consistency of Proposed Zoning Designation with Surrounding Properties

The proposed General Commercial (COM-2) allows a variety of commercial/office uses that can serve the proposed residential uses in the surrounding area. Located at the southeast corner of Roberts Rd. and Colbert Ln., the location of the subject property is appropriate to provide services to the residential uses in the surrounding area.

COMPARISON SITE DEVELOPMENT REQUIREMENTS:

Criteria	IND (Flagler County Designation)	General Commercial (COM-2)
Floor to Area Ratio (FAR)	.45	.40
Max. Impervious Area	.70	.70
Max. Bldg. Height	65’	100’
Minimum Interior Side & Rear Setbacks	20’	10’
Minimum Arterial/Collector Rd. Setback	30’ (any street)	25’
Minimum Local Rd. Setback	30’ (any street)	20’
Lot Width Minimum	100’	100’

Comparison

The development standards for the Flagler County Industrial zoning are generally comparable with the development standards for the General Commercial (COM-2) zoning designation.

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 rezoning from the current Flagler County designations to City designation is not in conflict with or contrary to the public interest. The rezoning action will provide a City zoning designation on the property which is consistent with the companion FLUM amendment for the property. Additionally, the proposed COM-2 designation provides an opportunity to provide services adjacent to two potential large-scale residential developments (the parcels to the north and south) which are part of approved Planned Unit Developments (PUD) or Master Planned Developments (MPD).

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

Staff Finding: The proposed zoning for the property is consistent with the companion FLUM amendment to designate the property as Mixed Use.

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 existing public infrastructure capacity may accommodate the development of the subject properties.

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 not create an unreasonable hazard, or nuisance, or constitute a threat to the general health, welfare, or safety of the City's inhabitants. The existing development does not create any additional impacts on the City's public infrastructure. The proposed zoning designation will permit uses that are generally compatible with the proposed uses on the surrounding properties.

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

Staff Finding: The proposed rezoning would not affect any requirements imposed by Federal, State or local government. Any proposed development on the site will require review by the appropriate 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 in conformance with the Comprehensive Plan.

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

Staff Finding: Any proposed development on site will be subject to environmental review.

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. As previously stated, the proposed zoning to General Commercial (COM-2) will permit uses that are generally consistent with the surrounding area and serves as an area to provide services to the residential areas to the north, south, and west of the subject property.

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 rezoning request will not have a significant impact on governmental services or demand on infrastructure. The site is adjacent to existing central water and sewer. Additionally, the parcel lies in an area already serviced by existing fire and police services.

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

Staff Finding: Yes, the annexation of the subject property into the City of Palm Coast necessitates the current action to rezone the property from a Flagler County zoning designation to City of Palm Coast designation.

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

Staff Finding: The proposed zoning designation of General Commercial (COM-2) will permit uses that are generally consistent with the surrounding area and serves as an area to potentially provide services to the residential areas to the north, south, and west of the subject property. Any development on site will be reviewed for compliance with the land development code to ensure compatibility with surrounding uses and to mitigate any negative impacts on the health, safety, and welfare of the surrounding area.

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

Staff Finding: Yes, the rezoning furthers a legitimate public purpose by providing for a zoning designation and regulations by which to regulate any future development of the subject property.

PUBLIC PARTICIPATION

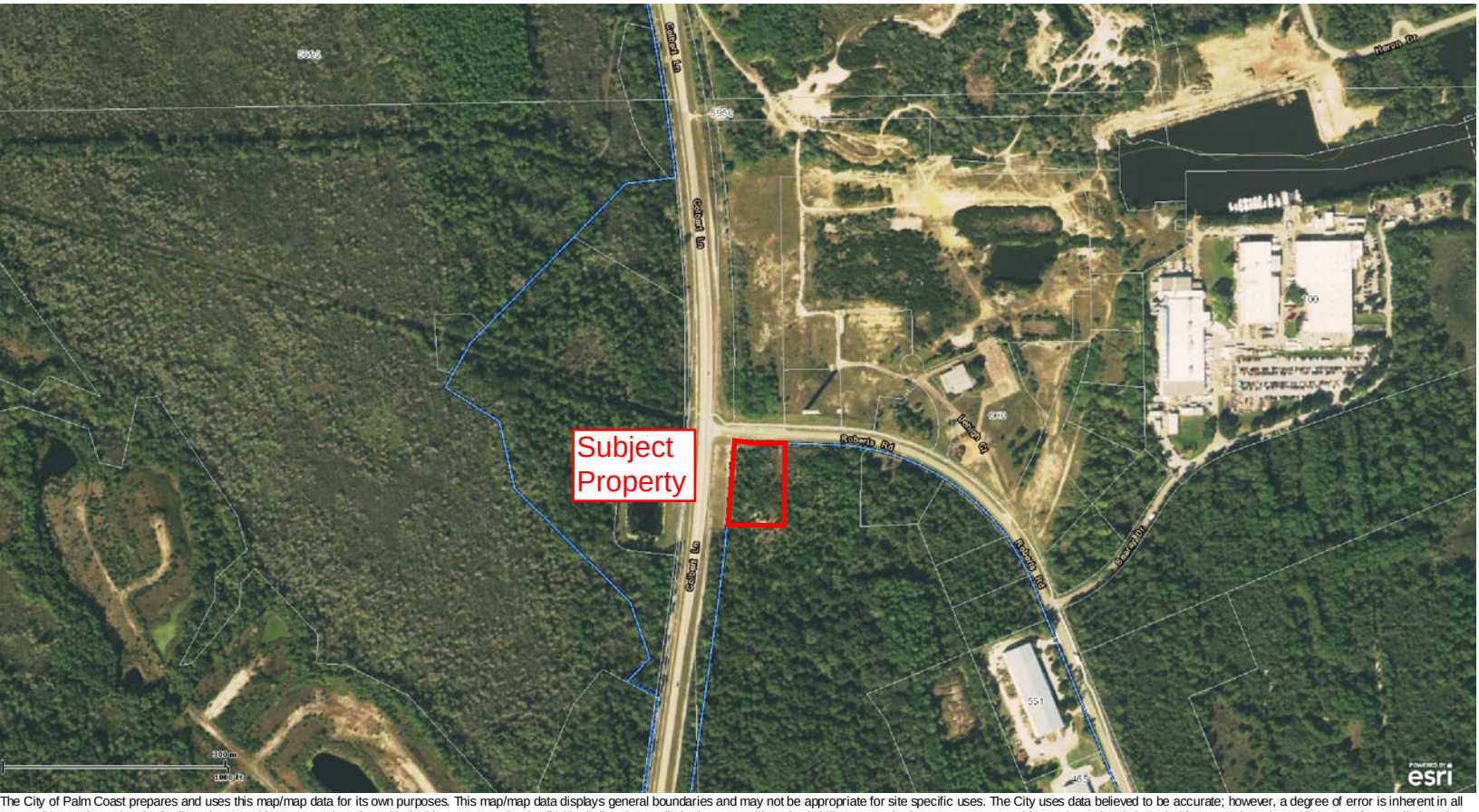
Unified Land Development Code Chapter 2, Part II, Section 2.05.02 requires developers (defined as property owners or persons who are improving property within the City) to notify owners within 300' and hold a neighborhood meeting for Zoning Map Amendments. Staff hosted a neighborhood meeting on March 1, 2017 to discuss the proposed zoning map amendment, there are no outstanding issues to be addressed.

RECOMMENDATION

Staff and the Planning and Land Development Regulation Board (PLDRB) recommend to City Council the Approval of the proposed rezoning.

Palm Coast Property Search & Land Use Map

Location Map



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. Print Date: Thu Feb 9 2017 12:06:24 PM.

ORDINANCE 2017 - ____
REZONING TUESDAY CORPORATION PROPERTY

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 2+/- ACRES OF CERTAIN REAL PROPERTY FROM FLAGLER COUNTY DESIGNATION OF INDUSTRIAL TO CITY OF PALM COAST DESIGNATION OF GENERAL COMMERCIAL (COM-2) AS DESCRIBED IN MORE DETAIL IN THE LEGAL DESCRIPTION WHICH IS AN EXHIBIT TO THIS ORDINANCE; PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE

WHEREAS, the Subject Property as more particularly described in Exhibit "A" to this Ordinance is approximately 2 acres and was annexed into the City of Palm Coast on October 2015; and

WHEREAS, the City now intends to change the zoning of the subject property from Flagler County designation of Industrial to City of Palm Coast designation of General Commercial (COM-2); and

WHEREAS, the City Staff and Planning and Land Development Regulation Board and of the City of Palm Coast have recommended approval of this Ordinance and the Planning and Land Development Regulation Board has found this requested change consistent with the City of Palm Coast Comprehensive Plan; and

WHEREAS, the City Council has considered the evidence and testimony presented by the applicant and other interested parties, the recommendations of City staff, and the recommendation of the Planning and Land Development Regulation Board which voted to recommend Approval at the regularly scheduled meeting conducted on _____; and

WHEREAS, the City Council of the City of Palm Coast held duly noticed public hearings on the proposed zoning change set forth hereunder and considered findings and advice of staff, citizens, and all interested parties submitting written and oral comments and supporting data and analysis, and after complete deliberation, hereby finds the requested change consistent with the City of Palm Coast Comprehensive Plan and that sufficient, competent, and substantial evidence supports the zoning change set forth hereunder; and

WHEREAS, the City Council of the City of Palm Coast hereby finds that this Ordinance serves a legitimate government purpose and is in the best interests of the public health, safety, and welfare of the citizens of Palm Coast, Florida.

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

SECTON 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 designation for subject parcel is hereby changed from Flagler County Designation of Industrial to City of Palm Coast designation of General Commercial (COM-2). (See Exhibit "B")

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 December 2017 at a public hearing.

ADOPTED on the second reading the ____ day of _____ 2017, at a public hearing.

ATTEST: **CITY OF PALM COAST, FLORIDA**

_____ _____

Virginia A Smith, City Clerk Milissa Holland, Mayor

Approved as to form and legality:

_____

William E. Reischmann, Jr.

EXHIBIT A

LEGAL DESCRIPTION

PARCEL 521.02

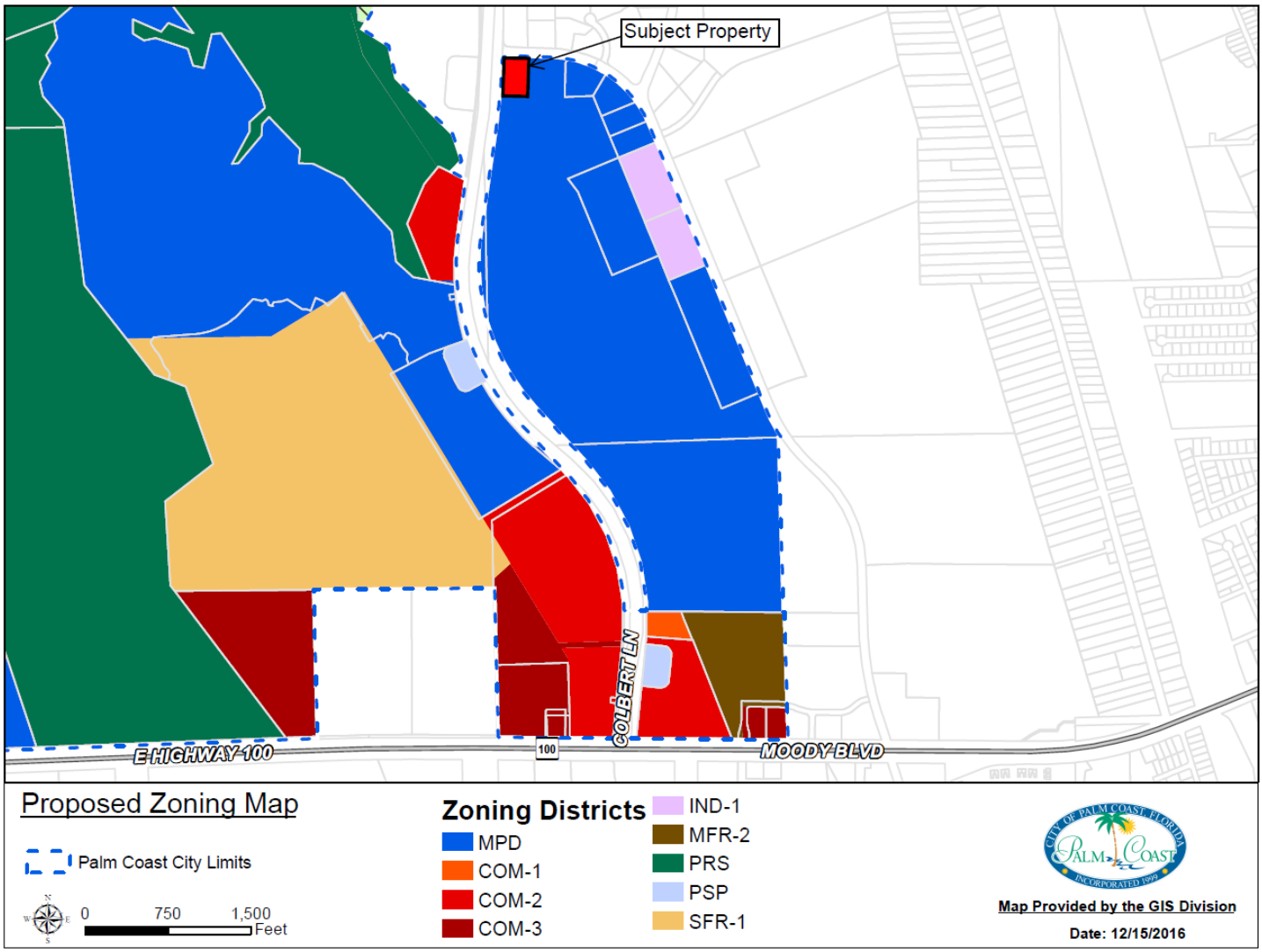
DESCRIPTION:

A PARCEL OF LAND RECORDED AT PAGE 1791 OF OFFICIAL RECORDS BOOK 553, PAGES 1539 THROUGH 1840, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA, LYING IN GOVERNMENT SECTION 2, TOWNSHIP 12 SOUTH, RANGE 31 EAST, FLAGLER COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

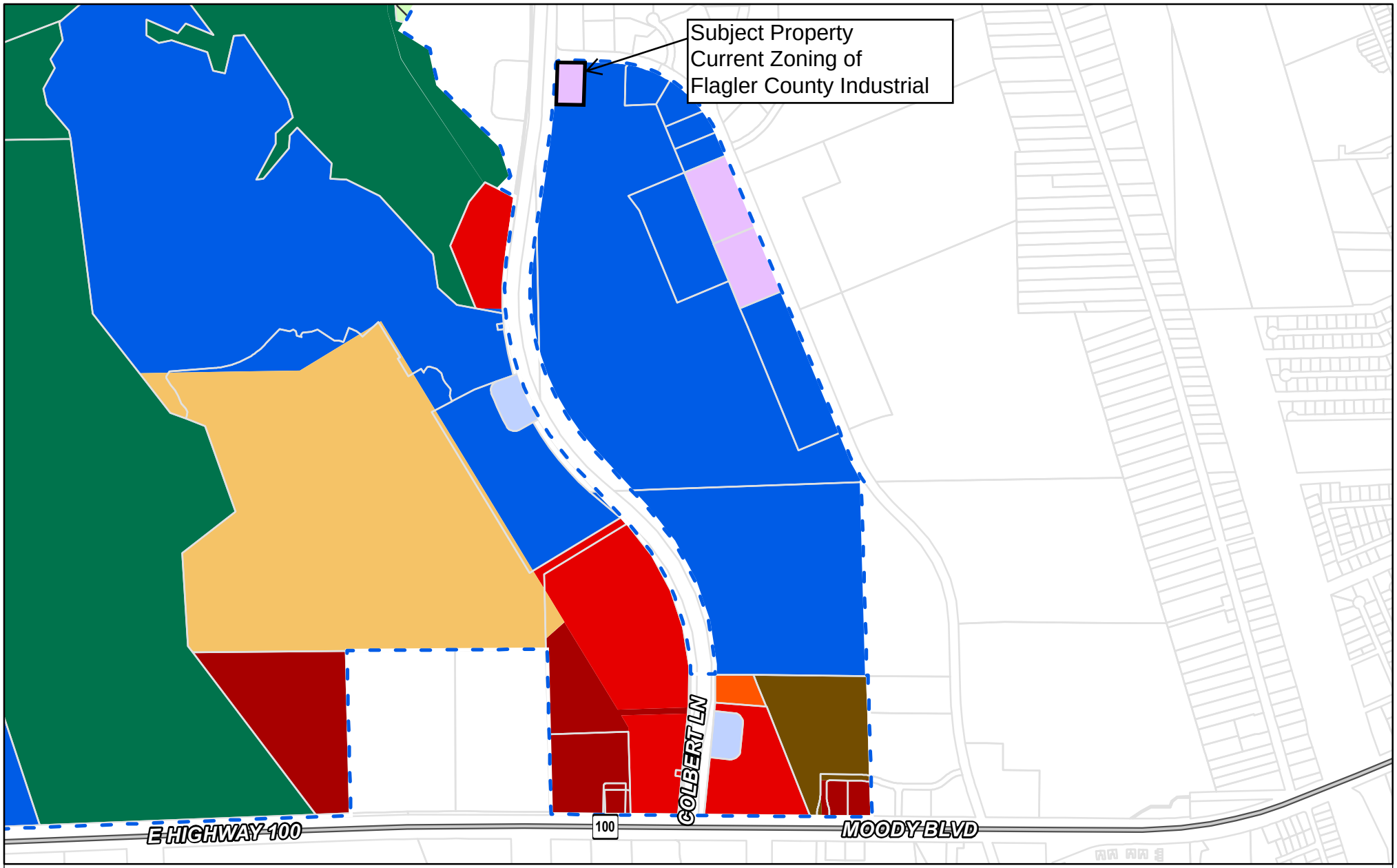
A POINT OF REFERENCE BEING THE SOUTHWEST CORNER OF GOVERNMENT SECTION 2, THENCE NORTH 01° 13' 06" WEST ALONG THE WEST LINE OF SECTION 2 A DISTANCE OF 3187.53 FEET, THENCE DEPARTING SAID SECTION LINE NORTH 88° 46' 54" EAST A DISTANCE OF 154.23 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF COLBERT LANE (200' R/W) AND THE POINT OF BEGINNING OF THIS DESCRIPTION, SAID POINT BEING ON A CURVE, THENCE 317.27 FEET ALONG THE ARC OF A CURVE TO THE LEFT (CONCAVE WESTERLY) HAVING A CENTRAL ANGLE OF 02° 21' 02", A RADIUS OF 7734.00 FEET, A CHORD BEARING OF NORTH 04° 05' 50" EAST AND A CHORD DISTANCE OF 317.25 FEET TO A POINT OF REVERSE CURVATURE, THENCE 77.96 FEET ALONG THE ARC OF A CURVE TO THE RIGHT (CONCAVE SOUTHEASTERLY) HAVING A CENTRAL ANGLE OF 89° 20' 15", A RADIUS OF 50.00 FEET, A CHORD BEARING OF NORTH 47° 35' 27" EAST AND A CHORD DISTANCE OF 70.30 FEET TO A POINT OF TANGENCY, THENCE SOUTH 87° 44' 26" EAST A DISTANCE OF 187.45 FEET, THENCE SOUTH 02° 15' 34" WEST A DISTANCE OF 361.36 FEET, THENCE NORTH 88° 55' 51" WEST A DISTANCE OF 247.67 FEET TO THE POINT OF BEGINNING.

EXHIBIT B

Zoning Map Amendment



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.



Current Zoning Map

Palm Coast City Limits

0 750 1,500 Feet

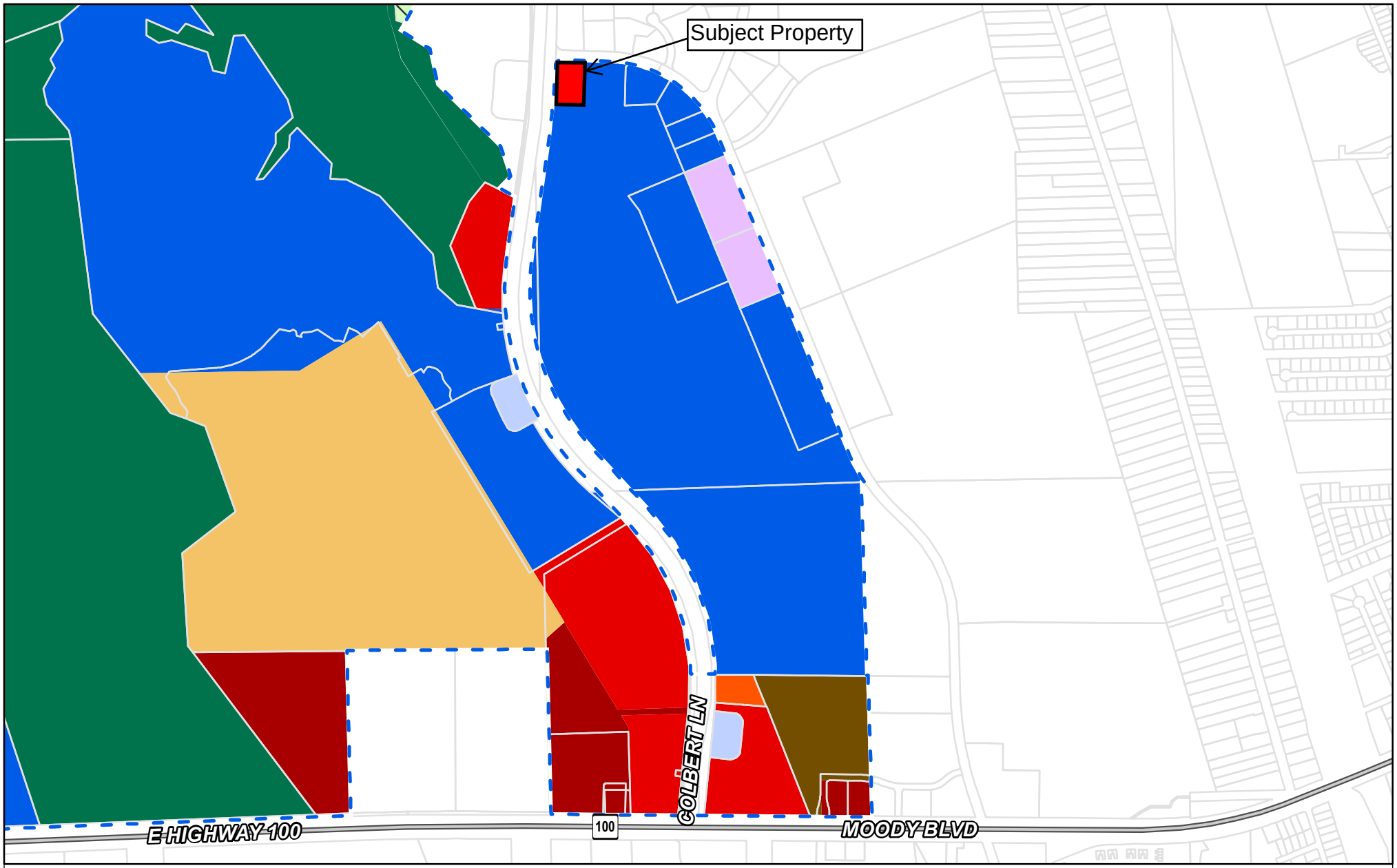
Zoning Districts

- MPD
- COM-1
- COM-2
- COM-3
- IND-1
- MFR-2
- PRS
- PSP
- SFR-1

Map Provided by the GIS Division

Date: 12/15/2016

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Proposed Zoning Map

Palm Coast City Limits

0 750 1,500 Feet

Zoning Districts

- MPD
- COM-1
- COM-2
- COM-3
- IND-1
- MFR-2
- PRS
- PSP
- SFR-1

Map Provided by the GIS Division

Date: 12/15/2016

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City of Palm Coast, Florida
Agenda Item

Agenda Date: 12/05/2017

Department	PLANNING	**Amount**	
Item Key		**Account #**	

Subject ORDINANCE 2017-XX A ZONING MAP AMENDMENT FROM INDUSTRIAL (FLAGLER COUNTY DESIGNATION) TO LIGHT INDUSTRIAL (IND-1) (CITY OF PALM COAST DESIGNATION) FOR A 10+/- ACRE PARCEL LOCATED AT 465 AND 551 ROBERTS ROAD

Background: The proposed zoning of the subject property is a companion application to a proposed Future Land Use Map amendment for the subject property. The subject properties are a combined 10 ± acres and whose address is 465 and 551 Roberts Rd. The proposed zoning will amend the zoning designation for the subject property from Industrial (Flagler County designation) to Light Industrial (IND-1) (City of Palm Coast designation). The subject properties are currently developed with two industrial buildings (50,000 and 40,000 sq. ft.). The 50,000 sq. ft. building is currently used for light manufacturing while the 40,000 sq. ft. building is currently vacant.

The intent of the proposed zoning is to protect the existing use on the properties. 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 zoning is consistent with the Comprehensive Plan,
- the proposed zoning does not negatively impact the existing public facilities (the site is currently served by central water and sewer service), and
- the proposed zoning will protect the on-going economic activity on the property.

Planning and Land Development Regulation Board (PLDRB) Public Hearing

The Planning and Land Development Regulation Board held a public hearing on November 15, 2017 to discuss the proposed zoning map amendment. The PLDRB recommended approval and did not recommend any changes. At the meeting, the property owner asked questions about the recommended zoning district in comparison to the existing zoning district on the property. Staff has provided additional analysis below comparing the two industrial districts in the City's zoning code.

The City of Palm Coast has two Industrial districts, Light and Heavy Industrial. A comparison of the districts indicate that the two Industrial districts have comparable permitted uses. The main difference lies in what is presumed to be heavy industrial uses. These include uses such as air curtain incinerators, asphalt plants, concrete batch plants, fabrication facilities (involving open air grit blasting or open air painting); phosphate/nitrate fertilizer manufacturing facilities; fiberglass products manufacturing facilities; explosive storage and or manufacturing facilities; biohazardous waste incinerator, pesticide formulation facilities; scrap yard/shredding facilities; soil remediation facilities; bulk solvent chemical storage and or processing facilities; paint/ink manufacturing facilities; secondary metals recovery or manufacturing facilities; chrome plating facilities; asbestos products fabricators; manufacturer, livestock importing/exporting facilities; and those uses listed in the IND-2 District outlined in Chapter 3, Table 3-4.

In consideration of the mixed uses permitted in the surrounding area which include residential, staff's analysis indicates that the Light Industrial (IND-1) zoning district is the appropriate zoning designation for the subject properties.

At the time of preparing this agenda item, staff is scheduled to meet with the property owner to discuss staff's recommendation on the proposed zoning amendment.

Recommended Action: Planning Staff and the Planning and Land Development Regulation Board (PLDRB) recommend that City Council approve Application # 3417 to rezone 10 +/- acres from Industrial (Flagler County designation) to Light Industrial (IND-1) (City of Palm Coast designation).

ORDINANCE 2017 - ____
465 & 551 ROBERTS ROAD

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 10.1 ACRES, LOCATED AT 465 & 551 ROBERTS ROAD, FROM FLAGLER COUNTY DESIGNATION OF INDUSTRIAL TO CITY OF PALM COAST DESIGNATION OF LIGHT INDUSTRIAL (IND-1); SUBJECT PROPERTIES ARE MORE PARTICULARLY DEPICTED AND DESCRIBED IN EXHIBIT "A"; PROVIDING FOR CONFLICTS;PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Subject Properties of approximately 10.1 acres was annexed into the City of Palm Coast on October 2015; and

WHEREAS, the City now intends to change the zoning of the subject property from Flagler County Designation of Industrial to City of Palm Coast designation of Light Industrial (IND-1); and

WHEREAS, the Planning and Land Development Regulation Board and City Staff of the City of Palm Coast have recommended approval of this Ordinance and the Planning and Land Development Regulation Board has found this requested change consistent with the City of Palm Coast Comprehensive Plan; and

WHEREAS, the City Council has considered the evidence and testimony presented by the applicant and other interested parties, the recommendations of City staff, and the recommendation of the Planning and Land Development Regulation Board which voted to recommend Approval at the regularly scheduled meeting conducted on _____; and

WHEREAS, the City Council of the City of Palm Coast held duly noticed public hearings on the proposed zoning change set forth hereunder and considered findings and advice of staff, citizens, and all interested parties submitting written and oral comments and supporting data and analysis, and after complete deliberation, hereby finds the requested change consistent with the City of Palm Coast Comprehensive Plan and that sufficient, competent, and substantial evidence supports the zoning change set forth hereunder; and

WHEREAS, the City Council of the City of Palm Coast hereby finds that this Ordinance serves a legitimate government purpose and is in the best interests of the public health, safety, and welfare of the citizens of Palm Coast, Florida.

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 areas are hereby changed from Flagler County Designation of Industrial to City of Palm Coast designation of Light Industrial (IND-1) See Exhibit "B".

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 December 2017 at a public hearing.

ADOPTED on the second reading the ____ day of _____ 2017, at a public hearing.

ATTEST: **CITY OF PALM COAST, FLORIDA**

_____ _____

Virginia A. Smith, City Clerk Milissa Holland, Mayor

Approved as to form and legality

_____

William E. Reischmann, Jr.
City Attorney

EXHIBIT A

LEGAL DESCRIPTION

551 Roberts Rd. (Parcel ID # 02-12-31-0000-01010-0020)

LEGAL DESCRIPTION

The following Legal Description prepared by Dan A. Wilcox RLS #2238, Palm Coast Engineering and Design Services, Inc., 5 Hargrove Grade, Palm Coast, Florida.
Date: May 6, 1988.

5.3512 acre industrial site West of Roberts Road.

LEGAL DESCRIPTION:

A parcel of land lying West of and adjacent to Roberts Road (formally the Lehaigh Cement Plant Road) in Government Section 2, Township 12 South, Range 31 East, Flagler County, Florida, being more particularly described as follows:

As a Point of Reference being the South Quarter (1/4) corner of said Government Section 2 thence North 88°37'05" East along the Southerly line of section 2 a distance of 24.59 feet to a Point on a curve being the Westerly right-of-way of said Roberts Road (80'R/W), thence departing said Section line Northwesterly 298.27 feet along said right-of-way and curve to the right (concave Northeasterly) having a central angle of 11°05'57", a radius of 1539.72 feet, a chord bearing of North 27°57'05" West and a chord distance of 297.80 feet to a Point of tangency, thence North 22°24'07" West along said right-of-way a distance of 1976.91 feet to the POINT OF BEGINNING of this description, thence departing said right-of-way South 67°35'53" West a distance of 370.00 feet, thence North 22°24'07" West a distance of 630.00 feet, thence North 67°35'53" East a distance of 370.00 feet to a Point on the Westerly right-of-way of Roberts Road (80'R/W) thence South 22°24'07" East along said right-of-way a distance of 630.00 feet to the POINT OF BEGINNING.

Parcel containing 5.3512 acres more or less.

Bearings refer to the Transverse Mercator Grid System of the East Zone of Florida.

NOT RECORD

465 Roberts Rd. (Parcel ID # 02-12-31-0000-01010-0021)

4.8416 acre [illegible] parcel for Contemporary Machine Co. lying West of Roberts Road.

LEGAL DESCRIPTION:

A parcel of land lying West of and adjacent to Roberts Road (formally the Leheigh Cement Plant Road) in Government Section 2, Township 12 South, Range 31 East, Flagler County, Florida, being more particularly described as follows:

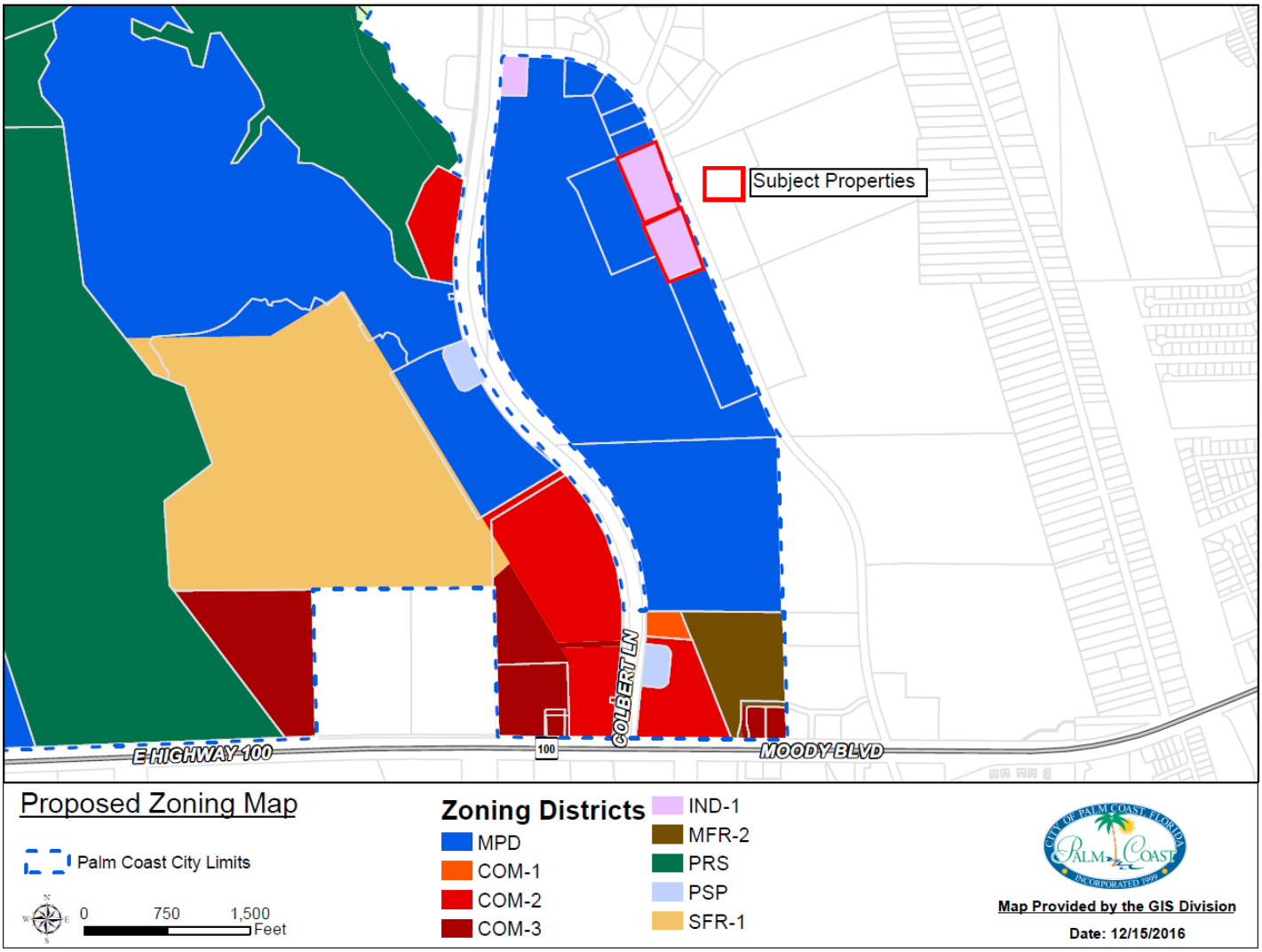
As a Point of Reference being the South Quarter (1/4) corner of said Government Section 2 thence North 88 27'05" East along the Southerly line of section 2 a distance of 24.59 feet to a Point on a curve being the Westerly right-of-way of said Roberts Road (80'R/W), thence departing said Section line Northwesterly 298.27 feet along said right-of-way and curve to the right (concave Northeasterly) having a central angle of 11 05'57", a radius of 1539.72 feet, a chord bearing of North 27 57'05" West and a chord distance of 297.80 feet to a Point of tangency, thence North 22 24'07" West along said right-of-way a distance of 1406.91 feet to the POINT OF BEGINNING of this description, thence departing said right-of-way South 67 35'53" West a distance of 370.00 feet, thence North 22 24'07" West a distance of 570.00 feet, thence North 67 35'53" East a distance of 370.00 feet to a Point on the Westerly right-of-way of Roberts Road (80'R/W) thence South 22 24'07" East along said right-of-way a distance of 570.00 feet to the POINT OF BEGINNING.

Parcel containing 4.8416 acres more or less.

Bearings refer to the Transverse Mercator Grid System of the East Zone of Florida.

EXHIBIT B

PROPOSED ZONING MAP AMENDMENT



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.

COMMUNITY DEVELOPMENT DEPARTMENT
Zoning Map Amendment Staff Report
November 21, 2017

OVERVIEW

Case Number:	3417
Applicant:	City of Palm Coast
Property Description:	10.1 acres north of State Road 100 and west of Roberts Rd.
Property Owner:	James A. and Julia M. Smith
Real Estate ID #:	02-12-31-0000-01010-0020 & 02-12-31-0000-01010-0021
Current FLUM designation:	Industrial (Flagler County Designation). A proposed FLUM amendment to Mixed Use for the subject properties is being processed concurrent to this zoning map amendment.
Current Zoning designation:	Industrial
Current Use:	2 Industrial buildings – Approximately 50,000 sq. ft. and 40,000 sq. ft.
Requested Action:	Rezoning from Flagler County Designation of Industrial to Light Industrial-1 (IND-1) (City of Palm Coast designation)
Recommendation:	Staff and the PLDRB recommend that the City Council Approve the proposed rezoning.

ANALYSIS

REQUESTED ACTION

The City is proposing to rezone 2 lots totaling approximately 10.1 acres from Flagler County Designation of Industrial to City of Palm Coast designation of Light Industrial (IND-1). This application is a companion rezoning to a Comprehensive Plan amendment for the subject property.

BACKGROUND/SITE HISTORY

This application is for a City-initiated Zoning Map amendment or rezoning for 2 lots totaling approximately 10.1 acres. The lots were annexed into the City in 2015 and is generally located about 1 mile north of State Road 100 on the west side of Roberts Rd. Both properties are currently developed with metal industrial buildings. The buildings are approximately 50,000 and 40,000 sq. ft.

This rezoning application is a companion to a Future Land Use Map (FLUM) amendment. The FLUM amendment will designate the subject properties with City of Palm Coast designations consistent with the proposed City of Palm Coast FLUM designation of Mixed Use.

The Planning and Land Development Regulation Board held a public hearing on November 15, 2017 to discuss the proposed zoning map amendment. The PLDRB recommended approval and did not recommend any changes. At the meeting, the property owner asked questions about the recommended zoning district in comparison to the existing zoning district on the property. Staff has provided additional analysis below comparing the two industrial districts in the City's zoning code.

LAND USE AND ZONING INFORMATION

SURROUNDING LAND USES:

North: Mixed Use: High Intensity (Flagler County)
South: Mixed Use: High Intensity (Flagler County)
East: Commercial: High Intensity & Residential (Flagler County)
West: Mixed Use: High Intensity (Flagler County)

SURROUNDING ZONING:

North: Planned Unit Development (PUD) (Flagler County)
South: Planned Unit Development (PUD) (Flagler County)
East: Planned Unit Development (PUD) (Flagler County)
West: Planned Unit Development (PUD) (Flagler County)

Consistency of Proposed Zoning Designation with Surrounding Properties

The City of Palm Coast has two Industrial districts, Light and Heavy Industrial. A comparison of the districts indicate that the two Industrial districts have comparable permitted uses. The main difference lies in what is presumed to be heavy industrial uses. These include uses such as air curtain incinerators, asphalt plants, concrete batch plants, fabrication facilities (involving open air grit blasting or open air painting); phosphate/nitrate fertilizer manufacturing facilities; fiberglass products manufacturing facilities; explosive storage and or manufacturing facilities; biohazardous waste incinerator, pesticide formulation facilities; scrap yard/shredding facilities; soil remediation facilities; bulk solvent chemical storage and or processing facilities; paint/ink manufacturing facilities; secondary metals recovery or manufacturing facilities; chrome plating facilities; asbestos products fabricators; manufacturer, livestock importing/exporting facilities; and those uses listed in the IND-2 District outlined in Chapter 3, Table 3-4.

In consideration of the mixed uses permitted in the surrounding area which include residential uses, the Light Industrial (IND-1) zoning district is a more appropriate zoning designation for the subject properties.

The proposed rezoning to Light Industrial (IND-1) recognizes and protects the existing uses on the subject properties. As one of the few developed lots in the surrounding area, new projects will have to be cognizant of the need to design projects with consideration of the existing light industrial use on the subject property.

COMPARISON SITE DEVELOPMENT REQUIREMENTS:

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

Criteria	**IND (Flagler County Designation)**	**IND-1 (Proposed)**
Floor to Area Ratio (FAR)	.45	.35
Max. Impervious Area	.70	.70
Max. Bldg. Height	65’	65’
Minimum Interior Side & Rear Setbacks	20’	10’
Minimum Arterial/Collector Rd. Setback	30’ (any street)	25’
Minimum Local Rd. Setback	30’ (any street)	25’
Lot Width Minimum	100’	100’

Comparison

The development standards for the City of Palm Coast Light Industrial Zoning District and Flagler County Industrial zoning category differ in allowable FAR and setback requirements. The Flagler County designation allows a higher FAR, however, the County designation have more restrictive setback requirements.

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 rezoning from the current Flagler County designations to City designation is not in conflict with or contrary to the public interest. The rezoning action will provide a City zoning designation on the property which protects the existing entitlements approved for the property and is consistent with the companion FLUM amendment for the property.

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

Staff Finding: The proposed zoning for the property is consistent with the companion FLUM amendment to designate the property as Mixed Use.

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 existing public infrastructure capacity can accommodate the existing development on the subject properties.

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 not create an unreasonable hazard, or nuisance, or constitute a threat to the general health, welfare, or safety of the City's inhabitants. The existing development does not create any additional impacts on the City's public infrastructure. The proposed zoning designation recognizes an existing use which currently has minimal impact on the surrounding properties.

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

Staff Finding: The proposed rezoning would not affect any requirements imposed by Federal, State or local government. Any expansion or proposed change to the sites will require review by the appropriate 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 in conformance with the Comprehensive Plan.

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

Staff Finding: The proposed rezoning recognizes the existing uses on the parcels. Any expansion or proposed change on the subject properties will be subject to environmental review.

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 City designation of Light Industrial recognizes the uses currently existing on site and will ensure that the on-going economic activities may continue.

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 rezoning request will not have a significant impact on governmental services or demand on infrastructure. The site is currently developed and is already served by central water and sewer services from the City.

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

Staff Finding: Yes, the annexation of the subject property into the City of Palm Coast necessitates the current action to rezone the property from a Flagler County zoning designation to City of Palm Coast designation.

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

Staff Finding: The proposed rezoning recognizes the existing uses on the property. Any expansion on site will be reviewed for compliance with the land development code to ensure

compatibility with surrounding uses and to mitigate any negative impacts on the health, safety, and welfare of the surrounding area.

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

Staff Finding: Yes, the rezoning furthers a legitimate public purpose by providing for a zoning designation and regulations which may regulate any future development or redevelopment of lands within the City of Palm Coast.

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. Staff hosted a neighborhood meeting on March 1, 2017 to discuss the proposed zoning map amendment, there are no outstanding issues to be addressed.

RECOMMENDATION

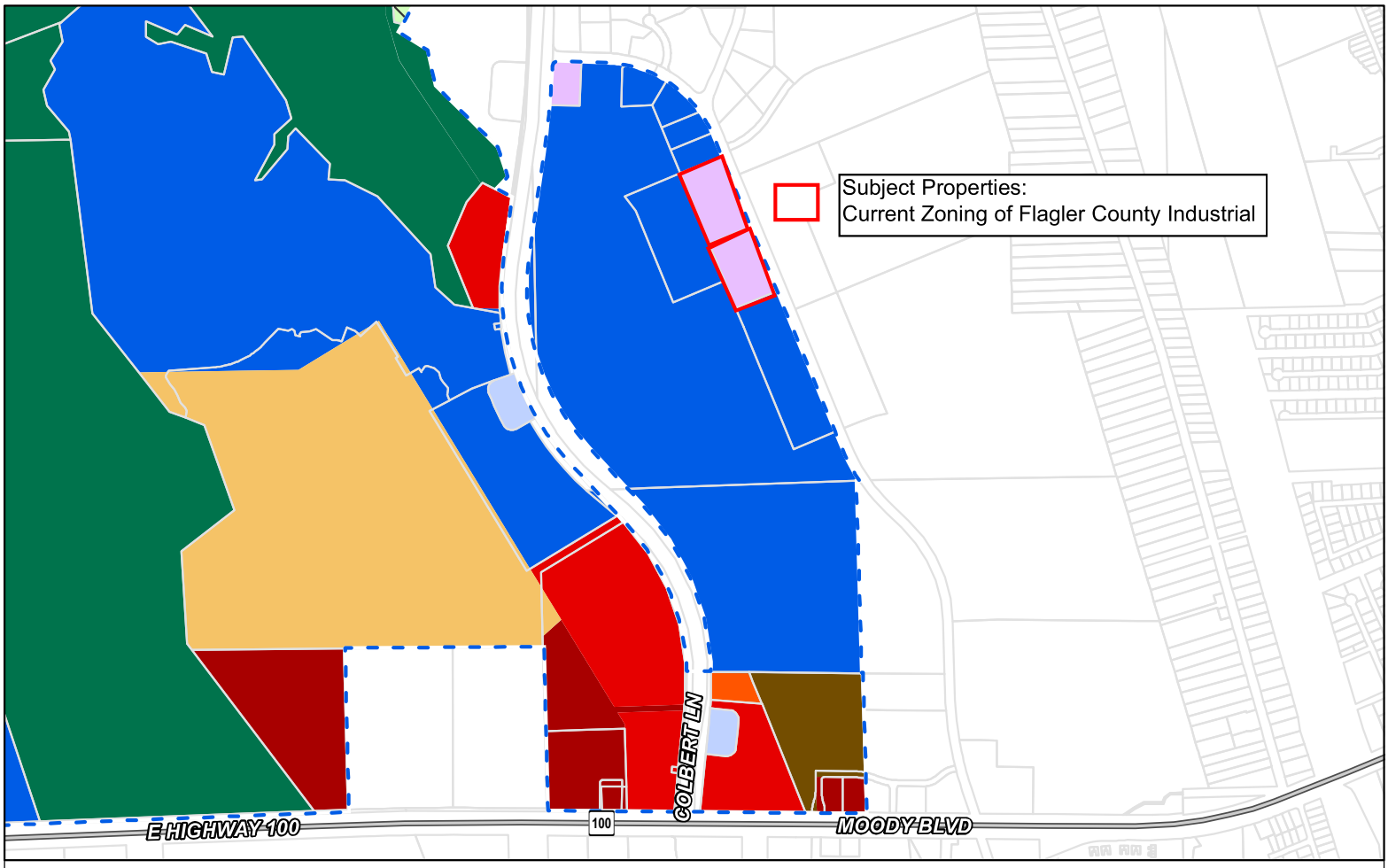
Staff and the PLDRB recommend that the City Council Approve the proposed rezoning.

Palm Coast Property Search & Land Use Map

Location Map



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. Print Date: Thu Feb 9 2017 11:59:16 AM.



Current Zoning Map

Palm Coast City Limits

0 750 1,500 Feet

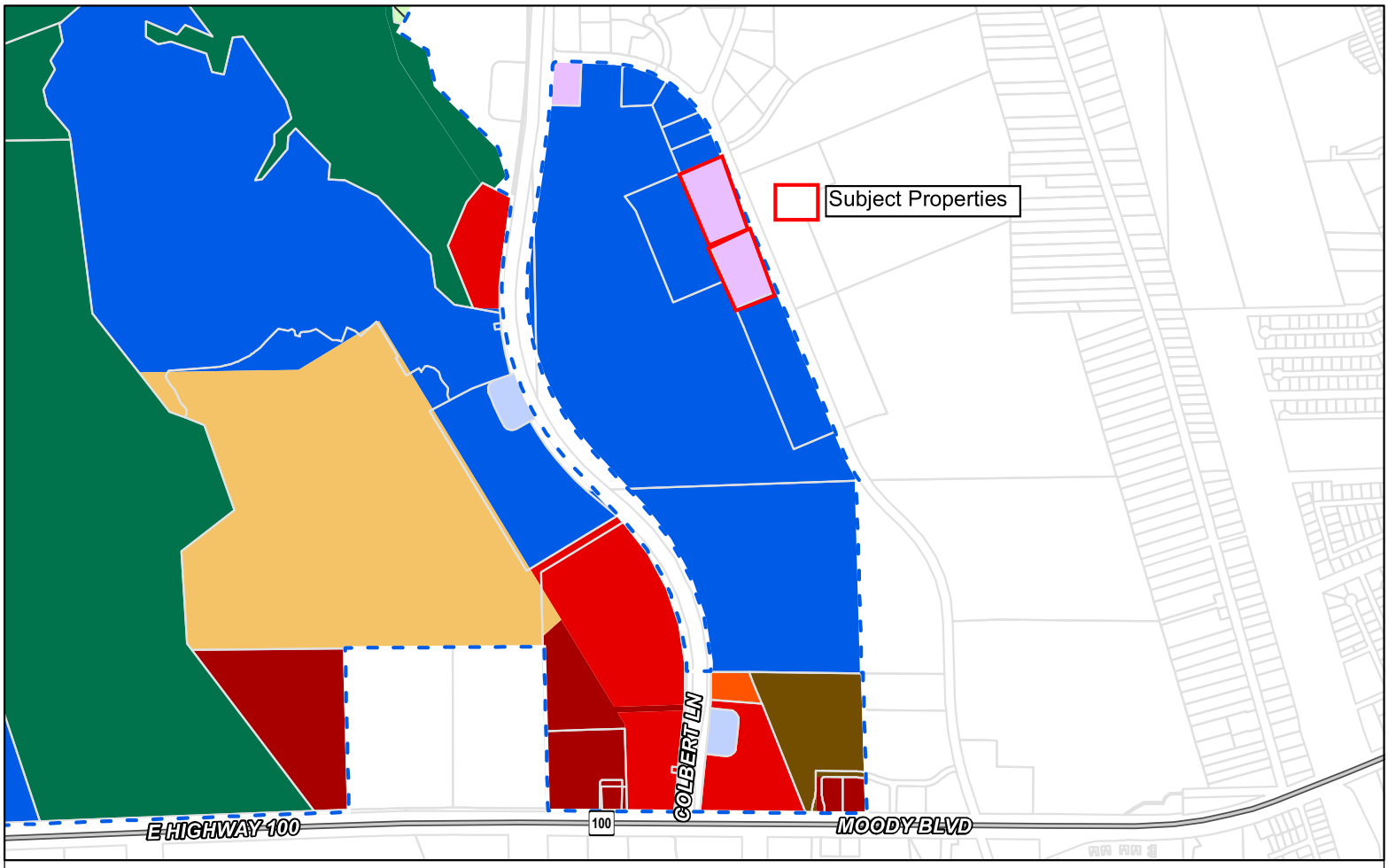
Zoning Districts

- MPD
- COM-1
- COM-2
- COM-3
- IND-1
- MFR-2
- PRS
- PSP
- SFR-1

Map Provided by the GIS Division

Date: 12/15/2016

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Proposed Zoning Map

Palm Coast City Limits

0 750 1,500 Feet

Zoning Districts

- MPD
- COM-1
- COM-2
- COM-3
- IND-1
- MFR-2
- PRS
- PSP
- SFR-1

Map Provided by the GIS Division

Date: 12/15/2016

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.

City of Palm Coast, Florida
Agenda Item

Agenda Date: 12/05/2017

Department	PLANNING	**Amount**	
Item Key		**Account #**	

Subject ORDINANCE 2017-XX ZONING MAP AMENDMENT FOR 184+/- ACRE PARCEL FROM MIXED USE HIGH: PLANNED UNIT DEVELOPMENT (PUD) (FLAGLER COUNTY DESIGNATION) TO MASTER PLANNED DEVELOPMENT (MPD) (CITY OF PALM COAST DESIGNATION)

Background: The subject property was annexed into the City of Palm Coast in 2015. The subject property is approximately 184+/- acres and generally located east of Colbert Lane and west of Roberts Road located approximately 1,400 feet north of State Road 100. The application proposes to change the zoning designations for the areas currently designated as Mixed Use High: Planned Unit Development to Master Planned Development (MPD) along with a Development Agreement. The proposed zoning of the subject property is a companion application to a proposed Comprehensive Plan amendment.

The proposed MPD Development Agreement establishes a maximum development potential on the subject property to 1500 dwelling units and 200,000 sq. ft. of non-residential along with 400 spaces for RV and boat storage. The proposed MPD includes a conceptual master plan that will designate 21+/- acres along Colbert Lane for commercial uses, 22.3+/- acres along Roberts Rd. for commercial or light industrial use, 19+/- acres for open space, preservation or park/recreation use, and 121+/- acres for residential.

The MPD proposes a maximum density of 1500 dwelling units (which may be single-family attached or detached, as well as multi-family development) with a height limit of45’ for single-family residential, 60’ for the multi-family residential buildings, and 60’ for commercial buildings. The density (gross density approximately 12 units/acre) and development standards for proposed multi-family development in the MPD (height, setbacks, etc.) are comparable with the City’s Multi-family Residential-2 (MFR-2) zoning district.

Staff analyzed the proposed zoning 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 a collector road is appropriate;

- 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;
- 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 zoning is further consistent with the following Comprehensive Plan policies:

- 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 Public Hearing (PLDRB)

The PLDRB held a public hearing on the proposed zoning map amendment on November 15, 2017. The PLDRB recommended approval of the proposed MPD and Development Agreement. There were no recommended changes from the PLDRB.

Recommended Action: Staff and the PLDRB recommend that the City Council approve the proposed zoning map amendment to MPD as well as the companion Development Agreement.

ORDINANCE 2017 - ____
COLBERT PRESERVE/ROBERTS POINTE MPD
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 184 ACRES, FROM FLAGLER COUNTY DESIGNATION OF MIXED USE HIGH INTENSITY-PLANNED UNIT DEVELOPMENT TO CITY DESIGNATION OF 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 CONFLICTS; PROVIDING FOR SEVERABILITY; 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 Flagler County Designation of Mixed Use High Intensity-Planned Unit Development to City

of Palm Coast 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 Flagler County Mixed Use High Intensity Planned Unit Development to City of Palm Coast Master Planned Development (MPD) along with a Development Agreement (Exhibit "C").

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 December 2017 at a public hearing.

ADOPTED on the second reading the ____ day of _____ 2017, at a public hearing.

ATTEST: **CITY OF PALM COAST, FLORIDA**

_____ _____

Virginia A. Smith, City Clerk Milissa Holland, Mayor

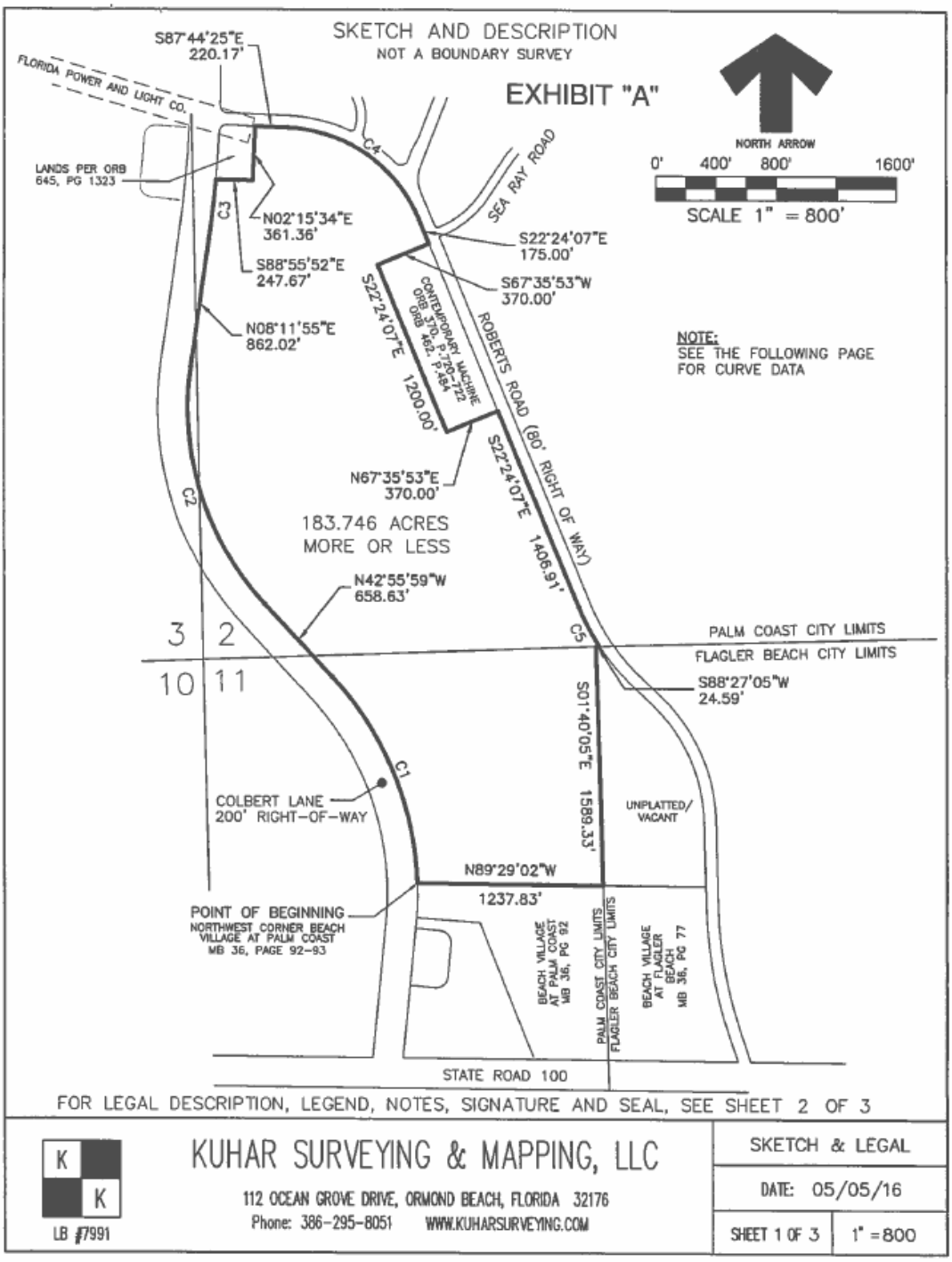
Approved as to form and legality

_____

William E. Reischmann, Jr., Esq.

EXHIBIT A

LEGAL DESCRIPTION



SKETCH AND DESCRIPTION
NOT A BOUNDARY SURVEY

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°20'18", 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 COST; THENCE N89°29'02"W FOR A DISTANCE OF 1237.83 FEET TO THE AFOREMENTIONED POINT OF BEGINNING OF THIS DESCRIPTION.

THE ABOVE DESCRIBED PARCEL OF LAND CONTAINS 8003958.4 SQUARE FEET, OR 183.746 ACRES, MORE OR LESS.

K K LB #7991	KUHAR SURVEYING & MAPPING, LLC 112 OCEAN GROVE DRIVE, ORMOND BEACH, FLORIDA 32176 Phone: 386–295–8051 WWW.KUHARSURVEYING.COM	SKETCH & LEGAL DATE: 05/05/16 SHEET 2 OF 3 | 1" =N/A

SKETCH AND DESCRIPTION
NOT A BOUNDARY SURVEY

CURVE TABLE					
CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	2110.00'	1515.92'	1483.52'	N22°21'04"W	41°09'50"
C2	1910.00'	1704.51'	1648.51'	N17°22'02"W	51°07'54"
C3	7734.00'	394.96'	394.92'	N06°44'08"E	2°55'34"
C4	983.00'	1120.99'	1061.22'	S55°04'16"E	65°20'18"
C5	1539.73'	298.27'	297.80'	S27°57'05"E	11°05'57"

SURVEYOR'S NOTES

1. BEARINGS BASED ON THE PLAT OF BEACH VILLAGE AT PALM COAST, PER MAP BOOK 36, PAGE 92, PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA, WITH THE NORTH LINE OF SAID PLAT BEING N89°29'02"W.
2. THERE MAY BE ADDITIONAL EASEMENTS, RESTRICTIONS, AND/OR OTHER MATTERS NOT SHOWN ON THIS SKETCH WHICH MAY BE FOUND IN THE COUNTY PUBLIC RECORDS.
3. THIS IS NOT A BOUNDARY SURVEY.
4. THIS SKETCH IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR/MAPPER, UNLESS THE DOCUMENT IS A DIGITAL FILE AND HAS BEEN ELECTRONICALLY SIGNED.

LEGEND/ABBREVIATIONS

C=CURVE
D=DELTA
R=RADIUS
L=LENGTH
CH=CHORD
CB=CHORD BEARING
PC=POINT OF CURVE
PT=POINT OF TANGENCY
PI=POINT OF INTERSECTION
M.B.=MAP BOOK
P.B.=PLAT BOOK
PG.=PAGE
O.R.B.=OFFICIAL RECORD BOOK
S.F.=SQUARE FEET
AC.=ACRES
R/W=RIGHT-OF-WAY
℄=CENTER LINE
POB=POINT OF BEGINNING
POC=POINT OF COMMENCEMENT
PCP=PERMANENT CONTROL POINT
SECT.=SECTION
RNG.=RANGE
TWP.=TOWNSHIP
I.D=IDENTIFICATION
CONC=CONCRETE
(R)=RECORD
(F)=FIELD MEASURED
(NR)=NON-RADIAL
(RAD)=RADIAL

I HEREBY CERTIFY THAT THIS SKETCH MEETS MINIMUM TECHNICAL STANDARDS AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS PER CHAPTER 5J-17.050 THRU 17.052, FLORIDA ADMINISTRATIVE CODE.

KENNETH J. KUHAR
FLORIDA PROFESSIONAL SURVEYOR/MAPPER #6105

K K
LB #7991

KUHAR SURVEYING & MAPPING, LLC
112 OCEAN GROVE DRIVE, ORMOND BEACH, FLORIDA 32176
Phone: 386-295-8051 WWW.KUHARSURVEYING.COM

SKETCH & LEGAL
DATE: 05/05/16
SHEET 3 OF 3 | 1" =N/A

EXHIBIT B

PROPOSED ZONING MAP AMENDMENT

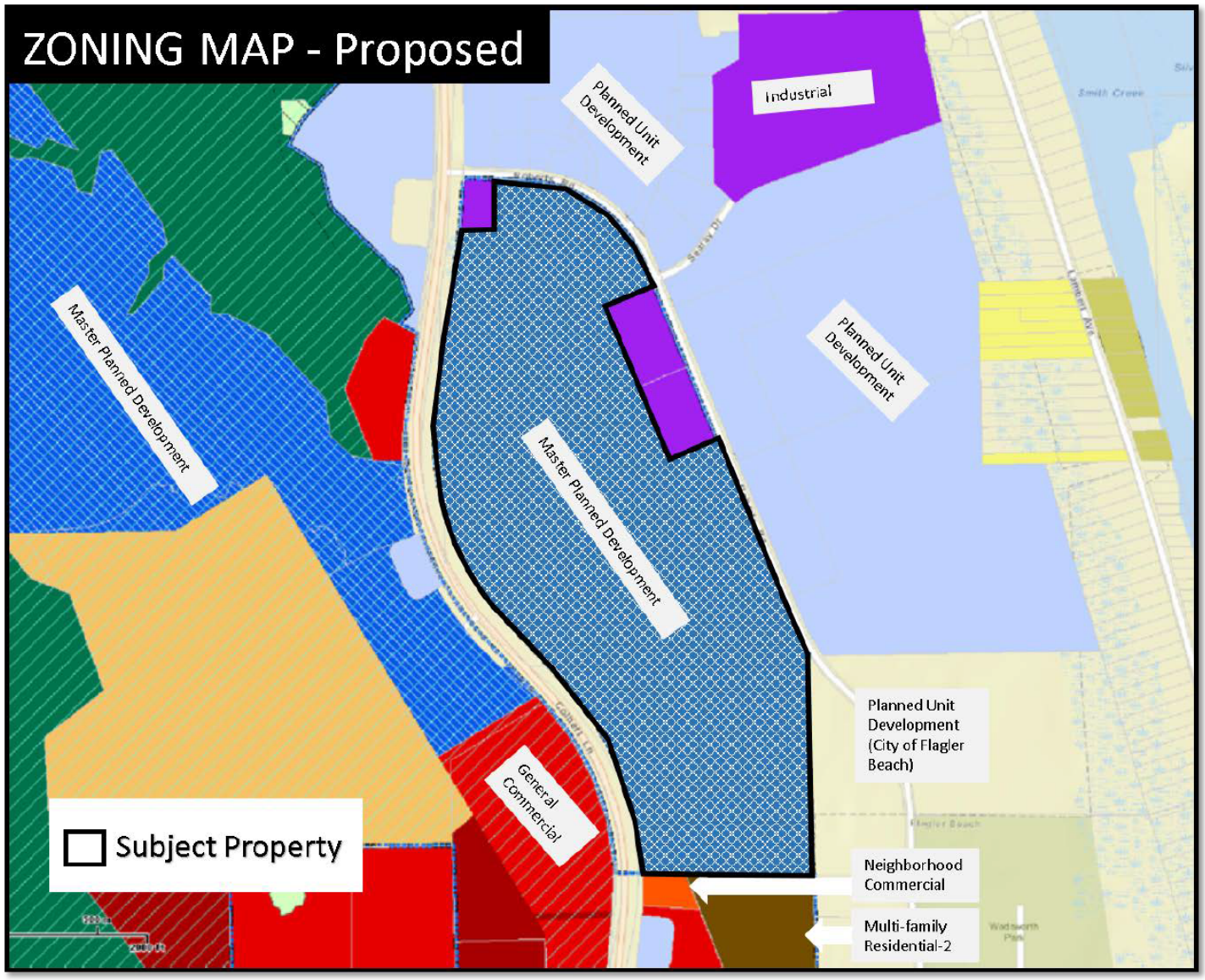


EXHIBIT C

MASTER PLAN DEVELOPMENT AGREEMENT

COMMUNITY DEVELOPMENT DEPARTMENT
Zoning Map Amendment Staff Report
November 20, 2017

OVERVIEW

Case Number:	3193
Applicant:	City of Palm Coast
Property Description:	184+/- acres generally located east of US-1 and south of Belle Terre Blvd.
Property Owner:	Sunbelt Holdings Colbert Lane LLC
Real Estate ID #:	03-12-31-0000-01010-0080, 02-12-31-0000-01010-120, 02-12-31-0000-01010-0110, 02-12-31-4938-00000-0070, 02-12-31-4938-00000-0080, 02-12-31-4938-00000-0090, 02-12-31-4938-00000-0100, 02-12-31-0000-01010-0130, and 11-12-31-0650-000B0-0091

Current FLUM designation: Mixed Use: High Intensity

Current Zoning designation: Mixed Use High: Planned Unit Development (MUH-PUD)

Current Use:	Vacant
Requested Action:	Rezoning from Flagler County designation Mixed Use High: Planned Unit Development (MUH-PUD) to City of Palm Coast designation Master Planned Development (MPD).
Recommendation:	Staff and the Planning and Land Development Regulation Board (PLDRB) recommend that the City Council APPROVE the proposed zoning map amendment to MPD as well as the companion Development Agreement.

ANALYSIS

REQUESTED ACTION

The subject parcels were annexed into the City of Palm Coast in October 2015. The proposed zoning map amendment (rezoning) will change the designation of the subject properties from Flagler County designation of Mixed Use High: Planned Unit Development (MUH-PUD) to City of Palm Coast designation of Master Planned Development (MPD) along with a development agreement that will permit up to 1500 dwelling units, 200,000 sq. ft. of non-residential development along with up to 400 spaces for RV and boat storage. The proposed conceptual master plan divides the subject parcel into the following areas:

Roberts Pointe (Non-residential/Industrial Area) – 22.3+/- acres
Residential/Commercial (Flex) nodes (along Colbert Lane) – 21.7+/- acres
Residential Use – 121+/- acres
Open space/Park Area – 19+/- acres

The MPD Development Agreement also includes an Exhibit which delineates the developable lands on the subject property.

This request is a companion to a Comprehensive Plan amendment to change the Future Land Use Map (FLUM) designation of the subject parcel from Flagler County designations of Mixed Use High Intensity to City of Palm Coast designation of Mixed Use.

BACKGROUND/SITE HISTORY

The subject properties along with some adjacent parcels were annexed by the City in October 2015. The subject properties currently have entitlements as part of the Grand Reserve West Planned Unit Development (PUD). The PUD was approved and amended in 2008. The PUD development agreement permits a maximum of 300 dwelling units and development of commercial uses on 25% to 50% of the property.

Planning and Land Development Regulation Board (PLDRB) Action

On November 15, 2017, the PLDRB held a public hearing on the agenda item and recommended approval without changes. There were no public comments at the hearing.

LAND USE AND ZONING INFORMATION

SURROUNDING LAND USES:

North: Mixed Use: High Intensity (Flagler County)
South: Mixed Use (City of Palm Coast)
East: Commercial: High Intensity, Residential: Low Density/Rural Estate (Flagler County), Mixed Use (Flagler Beach)
West: Mixed Use: Low Intensity (Flagler County), Mixed Use & Residential (City of Palm Coast)

SURROUNDING ZONING:

North: Planned Unit Development (PUD) (Flagler County)
South: Neighborhood Commercial (COM-1), Multi-family Residential-2 (MFR-2) (City of Palm Coast)
East: Planned Unit Development (PUD) (Flagler County), Planned Unit Development (PUD) (Flagler Beach)
West: Planned Unit Development (PUD) (Flagler County), General Commercial (COM-2) (City of Palm Coast), and Master Planned Development (MPD) (City of Palm Coast)

Consistency of Proposed Zoning Designation with Surrounding Properties

The proposed rezoning to Master Planned Development (MPD) along with the conceptual master plan is generally consistent with the uses found in the surrounding areas. Specifically, the Roberts Pointe industrial area will be adjacent to lands designated for Industrial (Sea Ray Boats) or High Intensity Commercial use (proposed parking area for Sea Ray). The proposed location of the commercial use is along an arterial (Colbert Lane). Finally, the overall size of the parcel will allow for appropriate buffers and open space areas between the different land uses.

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 indicate significant differences between the existing and proposed PUD/MPD Agreement. The current PUD agreement permits commercial development to occur from 25% to 50% of the subject property with a maximum FAR of .4 (if 50% of land is developed, this is a maximum potential of 1.6 million sq. ft.), while the proposed MPD will limit non-residential development to a total of 200,000 sq. ft. overall and a 400 space RV and boat storage. Another difference is the maximum building height limit which will increase from 45' to 60'.

Non-residential Comparison

Criteria	PUD (Existing)	MPD (Proposed)
Floor to Area Ratio (FAR)	Commercial development limited to 25% to 50% of PUD area	limited to total of 200,000 sq. ft. overall
Max. Impervious Area	---	.70
Max. Bldg. Height	3 stories or 45'	60'
Minimum Interior Side & Rear Setbacks	20' from parcel boundary (35' from any residential lot)	20'
Minimum Arterial/Collector Rd. Setback	25' (from Colbert Ln. or Roberts Rd.)	20' or Landscape Buffer whichever is greater
Minimum Local Rd. Setback	---	20' or Landscape Buffer whichever is greater
Lot Width Minimum	---	100'

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 approved PUD has a maximum development potential of 300 attached or detached single family units. The proposed MPD would increase the development potential to 1500 dwelling units while the maximum height limit will increase from 35' to 60'. The 1500 dwelling units equates to a gross density of approximately 9 dwelling units/acre (in comparison, the City's two multi-family zoning district MFR-1 and MFR-2 allow a gross density of 8 and 12 units/acre, respectively with a height limits of 50' and 60'). Additionally, the minimum living area for single family is 1,000 which is less than requirement for other single family homes in Palm Coast. Finally, the housing types will change by permitting multi-family units along with single-family detached.

Residential Comparison

Criteria	PUD (Existing) Townhomes Attached	PUD (Existing) Single Family Detached	MPD (Proposed) Single-family Detached	MPD (Proposed) Multi-family Attached

Max. Density (units/acre)	300 total	300 total	1500 units total for all residential	1500 units total for all residential
Max. Bldg. Height	35’	35’	35’	60’
Min. Front Setback	20’	20’	10’	10’
Min. Rear Setback	5’	15’	10’	10’
Min. Interior Side Setback	0’(20’ between buildings)	5’	5’	0’ (10’ between buildings)
Lot Width Minimum	22’	50’	40’	18’
Lot Size Minimum	2,200 sq. ft.	5,000 sq. ft.	4,000 sq. ft.	1,800 sq. ft.
Living Area Minimum	---	---	1,000 sq. ft.	650 sq. ft.

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 zoning designation is consistent with the majority of the surrounding lands.

The proposed rezoning from the Flagler County PUD designation to City of Palm Coast MPD provides a significant change in density and potential housing types. However, the subject parcel is of a size that is adequate to provide buffering between adjacent uses. The non-residential use component of the MPD will be located appropriately on parcels with direct access to Colbert Lane or Roberts Rd. and serves as an appropriate location for additional services (retail, office, etc.).

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 has direct access to a collector road (Roberts Rd. & Colbert Ln.), 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 (there are no single family residential uses proximate to the site), 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 collector (Roberts Rd. & Colbert Ln.) 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 provides an opportunity to diversify the housing opportunities in the City of Palm Coast. The current development agreement permits single-family attached or detached units. The proposed Development Agreement proposes to permit multi-family dwellings in addition to single-family units.

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.

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 Colbert Ln. or Roberts Rd. is appropriate.

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 additional environmental review at the time that an application for a development order or plat is submitted. The property has previously been studies to determine wetland locations and has proposed a developable area map that avoids impacts to the wetlands on site.

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 MPD agreement which permits commercial and 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: The annexation of the subject property necessitates the zoning map amendment to provide the subject properties with an appropriate zoning designation that is consistent with the City of Palm Coast Comprehensive Plan.

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

Staff Finding: The proposed uses on the subject properties are consistent with uses found in the surrounding area. The proposed Roberts Pointe area is adjacent to an industrial use parcel and would be separated from any residential development by significant wetland/open space. The Colbert Preserve Mixed Use area is located directly on Colbert Ln. and can serve as an appropriate buffer between Colbert Ln. and the proposed residential uses to the interior of the property. Finally, residential uses will have direct access to collector roads (Colbert Ln./Roberts Rd.) and will have an appropriate open space buffer from the adjacent non-residential uses.

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 growing area of the City of Palm Coast/Flagler County. 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. Additionally, the proposed uses within the MPD are consistent with the existing uses adjacent to the site (industrial) or to the potential uses permitted by the surrounding zoning districts.

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

Staff Finding: As stated in the previous criteria, the proposed uses within the MPD are compatible with the uses adjacent to the subject properties as well as the potential uses permitted by the surrounding zoning districts. Additionally, the conceptual master plan for the subject parcel provides a buffer (identified as the Lehigh Memorial Park on the conceptual plan) between the existing industrial use on the adjacent property to the proposed residential uses on site.

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 MPD development agreement requires that all infrastructure necessary to support each project shall be constructed concurrently with or prior to construction of the project.

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 two parallel collectors (Colbert Ln. and Roberts Rd.). As the proposed project move forward, the MPD agreement requires a traffic study to provide more in-depth analysis 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 benefits of the proposed MPD classification over the standard development requirement is justified by the flexibility in developing those areas of the properties which are most appropriate. Through the use of MPD, the higher quality wetlands are avoided and development is allowed to cluster away from the wetlands. Additionally, areas with specimen trees are identified and may be preserved.

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

Staff Finding: The proposed non-residential uses along the collector roads (Colbert Ln./Roberts Rd.) is appropriate. Additionally, the proposed Roberts Rd. industrial area is adjacent to existing industrial development. Furthermore, the industrial uses will be buffered from future residential uses by an open space area identified as the Lehigh Memorial Park on the conceptual plan.

Although bounded on the north by properties not within the City of Palm Coast, this area to the north is part of an approved Flagler County PUD which will permit a mix of multi-family residential units and retail uses. Also, the subject properties are bounded to the west by parcels zoned for both commercial and residential uses.

J. Impact upon the environment or natural resources.

Staff Finding: Any development on the subject properties will be subject to additional environmental review at the time that an application for a development order or plat is submitted. A wetland study was previously completed for the site and delineated the most appropriate areas for development and areas on the property to be left as undeveloped.

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 City hosted a neighborhood meeting on March 2, 2017.

RECOMMENDATION

Staff and the Planning and Land Development Regulation Board (PLDRB) recommend that the City Council APPROVE the proposed zoning map amendment to MPD as well as the companion Development Agreement.

Prepared by and Return to:
William I. Livingston
Florida Landmark Communities, LLC
145 City Place
Suite 300
Palm Coast, Florida, 32164

---------- [SPACE ABOVE THIS LINE FOR RECORDING DATA] ----------

COLBERT PRESERVE / ROBERTS POINTE

MASTER PLAN DEVELOPMENT AGREEMENT

THIS MASTER PLAN DEVELOPMENT AGREEMENT, (this "Development Agreement") is made and executed this ___ day of _____, 2017 by and between the **City of Palm Coast**, a Florida municipal corporation (the "City"), with an address at 160 Lake Avenue, Palm Coast, Florida, 32164, and the owner of the subject property, Sunbelt Holdings Colbert Lane, LLC, a Nevada limited liability company, with an address at 3129 Springbank Lane, Charlotte, NC, 28226 (the "Owner");

WHEREAS, the Owner holds fee simple title to certain real property consisting of approximately 183.746 acres located in the City of Palm Coast, Flagler County, Florida, as more particularly described on **Exhibit "A"** hereto (the "Subject Property"); and

WHEREAS, on September 15, 2015, the Subject Property was annexed to the City pursuant to a PRE-ANNEXATION AND ECONOMIC DEVELOPMENT AGREEMENT that was entered into between the City and Florida Landmark Communities, LLC, effective September 1, 2015 (the "Pre-Annexation Agreement"); and

WHEREAS, on Flagler County's Future Land Use Map, the Subject Property is designated Mixed-Use: High Intensity/Medium High Intensity. On Flagler County's Official Zoning Map, the Subject Property is classified Mix Use - High Intensity PUD; and

WHEREAS, Section 4(d) of the Pre-Annexation Agreement provides, inter alia, that in partial consideration for Owner entering into the agreement, the City will initiate and process applications for a comprehensive plan amendment and rezoning consistent with Owner's proposed use for the Subject Property at no cost to Owner; provided however, Owner will cooperate with the City by providing the City with all necessary and desirable data and analysis in connection with the comprehensive plan amendment and rezoning; and.

WHEREAS, the City has initiated and is processing an application for a comprehensive plan amendment to designate the Subject Property Mixed Use; and

WHEREAS, the City and the Owner have mutually determined that the most appropriate zoning for the Subject Property is Master Plan Development ("MPD") zoning in accordance with the terms of this Development Agreement; and

WHEREAS, the City Council finds that the conditions, terms, restrictions, and requirements set forth in this Development Agreement are necessary for the protection of the public health, safety, and welfare of the citizens of the City; and

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

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

NOW, THEREFORE, it is hereby resolved and agreed by and between the City and the Owner that the MPD is approved, subject to the following terms and conditions:

SECTION 1. RECITALS.

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

SECTION 2. REPRESENTATIONS OF OWNER.

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

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

(c) Unless otherwise agreed to by the City, all liens, mortgages and encumbrances not satisfied or released of record must be subordinated to the terms of this Development Agreement. It is the responsibility of the Owner to ensure that any

subordinations occur in a form and substance acceptable to the City Attorney prior to the City's execution of this Development Agreement.

SECTION 3. APPROVAL OF MASTER PLANNED DEVELOPMENT.

(a) MPD zoning for the Subject Property, as approved by the City, is subject to the terms and conditions of this Development Agreement.

(b) The Owner acknowledges that, if this Development Agreement is ever terminated, the approval shall be deemed null and void and the uses approved for the Subject Property shall no longer be permitted, and all properties affected by this Development Agreement shall be subject to rezoning.

(c) The provisions of the City's Unified Land Development Code ("LDC") shall be applicable to the Subject Property, unless otherwise specifically stated herein.

SECTION 4. PERMITTED USES.

(a) The term "Subject Property" includes "Colbert Preserve East", "Colbert Preserve West", "Colbert Preserve Mixed Use", "Lehigh Memorial Park" and "Roberts Pointe", as shown on **Exhibit "B"** hereto. The permitted land uses on the Subject Property shall consist of the following categories: Residential; Commercial; Office; Industrial; Institutional; Public; Preservation; Park and Recreation.

(b) On Colbert Preserve Mixed Use, a mixture of Non-Residential and Residential land uses are permitted. In the case of those parcels, at the commencement of the platting process, a subdivision master plan ("Subdivision Master Plan") shall be submitted designating the location of the Residential and Non-Residential uses and shall comply with the applicable dimensional and other standards specified within this Development Agreement, or if not specified herein, as specified in the LDC.

(c) Table 4-1 indicates the MPD uses allowed on each portion of the Subject Property.

TABLE 4-1	
Parcel	**MPD Uses As shown on Exhibit "C"**
Colbert Preserve East	Residential
Colbert Preserve West	Residential
Colbert Preserve Mixed Use	Residential and Non-residential
Roberts Pointe	Non-residential
Lehigh Memorial Park	Preservation or Park and Recreation

NOTES: (a) Specific uses for Residential and Non-Residential areas shall be those as listed in **Exhibits "C" and "D"**, respectively. In the future, if Owner chooses a use designated as a special exception in the Tables, Owner shall apply for approval of the special exception under the LDC in effect at the time of application.

(b) Dimensional Standards are included in Section 9 of this Development Agreement and supersede the LDC Dimensional Standards for each zoning category.

SECTION 5. PROHIBITED USES.

The following uses are not permitted anywhere within the Subject Property:

Adult Oriented Businesses
Manufacturing, Heavy
Bail Bonding
Truck Stops
Landfills (construction debris, etc.), except as provided for in Section 6 of the Pre-Annexation Agreement
Asphalt Manufacturing Plants
Animal Feed Lots
Deep Well Injection of Waste Products
Dog Farms
Hog & Poultry Farms
Junkyards, Salvage Yards
Motor Vehicle Race Tracks

Paper and Pulp Mills

SECTION 6. CONCEPTUAL DEVELOPMENT PLAN AND MODIFICATIONS THERETO.

(a) Residential density and commercial, office, industrial and institutional intensity will be allocated, generally as depicted on the Conceptual Development Plan that is attached as **Exhibit "E"** hereto. Approval of Subdivision Master Plans, site plans, or other applicable applications for each project will be obtained from the City prior to development and may vary from the Conceptual Development Plan, provided that each is in compliance with the provisions of this Development Agreement.

(b) The conceptual locations of access points, internal roadways, lakes and other improvements, as shown on the Conceptual Development Plan (**Exhibit "E"**), are subject to change during the development review process and such modifications do not require amendment of this Development Agreement. Modifications to the conceptual location of access points, internal roadways, lakes and other improvements may be requested by the Owner or project developer and may be approved by the City Land Use Administrator, or his or her designee, during review of construction documents, site plans, preliminary plats and/or final plats for the Subject Property or portions thereof; provided, however, that the MPD development standards contained in this Development Agreement shall be maintained. Moreover, the City Land Use Administrator is authorized to approve modifications to the Conceptual Development Plan, construction documents, and final site plans for the Subject Property or portions thereof (individually, a "Plan"), so long as the applicable Plan complies with the MPD development standards in this Development Agreement. This Development Agreement does not constitute a preliminary plat or final

plat approval for the Subject Property, and as such, the Owner or project developer shall be required to obtain all necessary land use approvals, including preliminary and final plat approval.

(c) Any modification to the MPD Conceptual Master Plan that (1) increases the number of residential units or non-residential development or (2) reduces the amount of total open space, or (3) decreases the size of any perimeter buffer within the MPD shall require approval in accordance with the LDC.

SECTION 7. DENSITY AND INTENSITY.

(a) Residential - Residential density on the portions of the Subject Property where residential uses are allowed shall not exceed the densities shown in Section 9(b) below or an aggregate total of 1500 dwelling units.

(b) Non-residential - Non-residential intensity on the portions of the Subject Property where non-residential uses are allowed shall not exceed the FARs shown in Section 9(a) below or an aggregate of 200,000 sq. ft. of any combination of allowable non-residential uses. Up to 400 spaces for recreational vehicle and boat storage are also allowed in addition to the 200,000 sq. ft. of non-residential uses.

SECTION 8. PHASING OF DEVELOPMENT.

(a) The Subject Property may be developed in multiple phases. All infrastructure necessary to support each project that is constructed on the Subject Property shall be constructed concurrently with or prior to construction of the project as approved by the City. Adequate emergency vehicle access and turnarounds shall be provided at all times. Clearing of land shall be in accordance with each site plan approval,

subject, however, to the provisions of Sections 4(g) and 6 of the Pre-Annexation Agreement.

SECTION 9. MPD DEVELOPMENT STANDARDS.

(a) Non-Residential Dimensional Standards are specified below:

Non-Residential Dimensional Standards

Design Standards	Dimensional Standards
Minimum Lot Size	20,000 s.f.
Minimum Lot Width	100 ft.
Minimum Front Yard Bldg. Setback	20 ft
Minimum Street Side Yard Bldg. Setback	20 ft.
Minimum Side Yard Bldg. Setback (1)	10 ft.
Minimum Rear Yard Bldg. Setback	20 ft.
Maximum Building Height	60 ft.(2)
Maximum Impervious Surface Percentage*	70%
Maximum Floor Area Ratio (FAR)	0.55

(1) A zero foot side yard building setback is permitted for sites with Controlling Master Site Plan, as provided for in the LDC.
(2) Maximum height permitted by the LDC, measured in accordance with the LDC.

(b) Residential Dimensional Standards are specified below:

Residential Dimensional Standards

Design Standards	Single-Family (Detached)	Multi-family (Attached)
Minimum Development Site Size	Not Applicable	3 acres
Minimum Lot Size	4,000 s.f.	1,800 s.f.
Minimum Lot Width	40 ft.	18 ft.
Maximum Density (units per gross acre)	8	15
Minimum Living Area	1,000 s.f.	650 s.f.
Minimum Front Setback	10 ft. (1)	10 ft.
Minimum Rear Setback	10 ft. (2)	10 ft.
Minimum Rear Street Setback	20 ft.	10 ft.
Minimum Interior Side Setback	5 ft.	0 ft. (3)
Minimum Street Side Setback	10 ft. (1)	10 ft. (1)

Design Standards	Single-Family (Detached)	Multi-family (Attached)
Minimum Colbert Lane and Roberts Road Setback	25 ft.	25 ft.
Maximum Impervious Surface Percentage*	80%	70%
Maximum Building Height	35 ft. (4)	60 ft. (4)

*Overall impervious surface percentage within Master Plan shall be 70%

(1) 20 ft. to garage entrance.
(2) 5 ft. to pool enclosure on any lot if the rear property line of the lot abuts a pond, conservation area, wetland or park.
(3) Minimum 10 ft. between buildings.
(4) Measured in accordance with the LDC

(c) Offstreet parking requirements for Residential and Non-Residential uses:

Development Type	Offstreet Minimum Parking Requirements (2)
Residential - Single-Family	2 spaces/unit (garage)
Residential - Townhome	2 spaces / unit -20 ft. x 8 ft. driveway equals 1 space
Residential - Multi-Family	1 ½ spaces / unit (3)
Commercial and Office	1 space / 300 sq. ft. of building - 18 ft. x 9 ft. space (1)
Industrial	1 space / 600 sq. ft. of building - 18 ft. x 9 ft. space (1)

(1) Requires a 2 ft. overhang using curb or wheel stops, or if no curb or wheel stops, the minimum space shall be 20 ft. x 9 ft.
(2) Offstreet parking requirements are eligible for reduction pursuant to the LDC, Off Street Vehicle Parking, Flexibility.
(3) Structured parking is allowed to meet the LDC garage requirements.

(d) In the case of parcels on which flex-uses are allowed, the dimensional standards pertaining to the use on the first floor shall apply. The offstreet parking requirements shall apply separately for each use category.

(e) Roadways, sidewalks/bikeways and trails shall be constructed concurrently with development of adjacent properties to insure that contiguous walkable sidewalks are available at all times.

(f) Open Space Requirements. Open space shall be provided consistent with LDC Section 3.03.04.I.

(g) Development standards not regulated by this MPD agreement are regulated by the LDC. See Section 10 for governing of conflicts.

(h) Model Homes. Model homes may be permitted in the residential portions of the property with an approved preliminary subdivision once the City deems construction "substantially complete" within the following guidelines:

1. The model homes are staged or phased in accessible areas of the subdivision.

2. One model home is allowed for 1-10 lots, two for 11-20 lots, three for 21-30 lots and no more than four for subdivisions or phases 31 lots or greater.

3. Model homes will include landscaping, driveways and garages. The driveway may be deferred until the model home is converted for residential use if separate off-street parking is provided. Any parking and access must meet ADA requirements.

4. An application for model homes shall show the site plan for the home and parking including ADA requirements, the location within an approved preliminary plat and temporary signage, and include an executed "hold harmless" agreement.

5. Before a CO for a model home will be issued, the applicant must demonstrate that the following conditions are met: i) hydrants, ii) bacterial clearance of water lines per FDEP and required permits, iii) stabilized road base, iv) stormwater provisions and v) operational sewer and water lines.

6. No model home may be occupied for use until a CO is issued.

7. No model home may be occupied for residential use until the final plat is recorded and a CO for residential is issued.

8. Model homes must follow LDC and MPD-related requirements.

(i) Recreation Level of Service shall comply with Section 3.05.04 of the LDC.

(j) Recreational Vehicle and Boat Storage shall comply with the requirements of the LDC.

(k) Tree Protection

Tree Protection requirements shall comply with the LDC in all aspects. In addition, to sustain hardwood hammock and maintain canopy integrity canopy integrity, areas within the Subject Property with the highest concentration of specimen and historic trees, shall be considered in the site development design process to minimize impacts and/or removal of the trees through avoidance and minimization within these areas. To ensure tree surveying data is accurate to meet this provision, a Certified Arborist shall review and certify that the survey is accurate. The Project Arborist shall coordinate with the City Urban Forester during the review process.

To ensure that construction does not adversely impact historic or specimen trees, all associated tree preservation design elements shall be reviewed by and approved by a Master Certified Arborist"

(l) A traffic study for the entire project shall be submitted with the initial Subdivision Master Plan.

(m) Prior to submittal of the Subdivision Master Plan, a consultation with the Flagler County School Board must be held to determine any school bus stop requirements. Any proposed bus stops shall be shown on the Subdivision Master Plan.

SECTION 10. LAND DEVELOPMENT CODE NON-APPLICABILITY; WHAT GOVERNS IN THE EVENT OF CONFLICTS; APPLICABILITY OF FUTURE AMENDMENTS.

Section 4 of the Pre-Annexation Agreement (Resolution # 2015-92) is incorporated herein by reference and shall govern the applicability of the LDC to the Subject Property. The provisions of Section 6 of the Pre-Annexation Agreement shall be modified to read as follows:

Concrete Kiln Dust

The City acknowledges that, during operation of the Lehigh Portland Cement Plant, a portion of the Property was used as a disposal site for the CKD from the cement plant. As a result, truck load size piles of CKD are scattered over approximately 40 acres of the Property.

By letter dated October 28, 2014, the Florida Department of Environmental Protection ("FDEP") approved a remedial action plan ("RAP") for the CKD. The RAP provides for disposing of the CKD in a landfill on the A2 Property which will provide a buffer between an existing industrial facility (Contemporary Machine) and future residential units. The CKD landfill will be sodded and landscaped and then will be available for preservation or recreation and park uses. If the owner proposes park uses and donation to the City, the City reserves its right to accept or decline donation of the property for a City park. The City acknowledges that FDEP not the City, has jurisdiction to regulate remediation of the CKD. Upon two weeks prior notice to the City, the owner may take all steps necessary to implement the RAP, including, but not limited to, clearing the Property, excavation of CKD,

and other steps that the owner deems necessary for the proper implementation of the RAP. The CKD may be excavated and relocated and the areas regraded without further approval by the City, so long as the regrading is consistent with the applicable FDEP permits and/or approvals.

Other than the modification above, in the event of a conflict between or among this Development Agreement, the Pre-Annexation Agreement, the LDC or other City ordinances, this Development Agreement and the Pre-Annexation Agreement shall govern. In the event of a conflict between this Development Agreement and the Pre-Annexation Agreement, the Pre-Annexation Agreement shall govern. For purposes hereof and throughout this Development Agreement, references to the LDC, other City ordinances, this Development Agreement and the Pre-Annexation Agreement shall mean and include any amendments thereto.

SECTION 11. FACILITY COMMITMENTS.

(a) Except as provided for in Section 3 of the Pre-Annexation Agreement, the Owner agrees that the City is not responsible for the construction or creation of public facilities or capacity in order to facilitate the development of the Subject Property.

(b) The Owner agrees to grant any and all utility easements to the City which the City deems necessary to serve the Subject Property with City utilities.

(c) The Owner agrees that the City has shown an essential nexus between a legitimate City interest and the conditions imposed herein. Further, the Owner agrees that the City has established that all proposed conditions are roughly proportional to the impact the development will have upon the public problems addressed herein based upon

an individualized determination that the required dedication/commitment is related in both nature and extent to the impacts of the proposed development.

SECTION 12. BREACH; ENFORCEMENT; ALTERNATIVE DISPUTE RESOLUTION.

(a) In the event of a breach hereof by either party, the other party shall have all rights and remedies allowed by law, including the right to specific performance of the provisions hereof. In the event that the City seeks enforcement of the terms or conditions of this Development Agreement, the Owner shall be responsible for any and all costs, attorney fees, and expenses borne by the City in such enforcement action, regardless of whether litigation commences, and, if litigation does commence, both at the trial level and on appeal to include, but not be limited to, attorney fees, paralegal fees, and all assessable costs of litigation.

(b) In the event that a dispute arises under this Development Agreement, and if the City and the Owner are unable to resolve the issues, the parties shall attempt to resolve all disputes informally. In the event of a failure to informally resolve all disputes, the City and the Owner agree to engage in mediation before a certified Circuit Court mediator selected by the parties. In the event the parties fail to agree to a mediator, a mediator shall be selected by the Florida Conflict Resolution Consortium or, if unavailable, a certified mediator may be selected by the City. The parties shall equally pay all costs of mediation.

SECTION 13. NOTICES.

(a) All notices required or permitted to be given under this Development Agreement must be in writing and must be delivered to the City or the Owner at its address

set forth below (or such other address as may hereafter be designated in writing by such party).

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

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

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

As to the City:	City Manager 160 Lake Avenue Palm Coast, Florida, 32164
As to Owner:	Sunbelt Holdings Colbert Lane, LLC Manager 3129 Springbank Lane Charlotte, NC 28226

SECTION 14. SEVERABILITY.

The terms and provisions of this Development Agreement are not severable and in the event any portion of this Development Agreement shall be found to be invalid or illegal, then the entire Development Agreement shall be null and void.

SECTION 15. SUCCESSORS AND ASSIGNS.

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

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

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

SECTION 16. GOVERNING LAW/VENUE; COMPLIANCE WITH LAW.

(a) This Development Agreement shall be governed by and construed in accordance with the laws of the State of Florida and the City's Code of Ordinances.

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

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

(d) This Development Agreement shall not limit the future exercise of the police powers of the City to enact ordinances, standards, or rules regulating development generally applicable to the entire area of the City such as requiring compliance with the City capital facilities plan, parks master plan, including parks and trail dedications, utility construction and connections, mandating utility capacities, requiring street development or other such similar land development regulations and requirements.

(e) This Development Agreement shall not be construed to prohibit the City from adopting lawfully imposed impact fees applicable to the Owner and the MPD authorized hereunder.

SECTION 17. TERM; EFFECTIVE DATE.

(a) This Development Agreement shall be effective upon adoption by the City Council and execution of this Development Agreement by all parties.

(b) This Development Agreement shall expire upon rezoning of the Subject Property to other than MPD.

SECTION 18. RECORDATION.

Upon adoption by the City Council and execution of this Development Agreement by all parties, this Development Agreement and any and all amendments hereto shall be recorded by the City with the Clerk of the Circuit Court of Flagler County within 14 days after its execution by the City and the Development Agreement shall run with the land. The Owner shall pay the costs to record this Development Agreement.

SECTION 19. PERMITS.

(a) The failure of this Development Agreement to address any specific City, county, state, or federal permit, condition, term, or restriction shall not relieve the Owner or the City of the requirement of complying with the law governing the permitting requirements, conditions, terms, or restrictions.

(b) The terms and conditions of this Development Agreement do not determine concurrency for any project on the Subject Property.

SECTION 20. THIRD PARTY RIGHTS.

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

SECTION 21. SPECIFIC PERFORMANCE; TIME IS OF THE ESSENCE.

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

(b) The parties agree that failure to perform the obligations established in this Development Agreement shall result in irreparable damage, and that specific performance of these obligations may be obtained by suit in equity.

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

SECTION 22. ATTORNEY'S FEES.

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

SECTION 23. *FORCE MAJEURE*.

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

SECTION 24. INDEMNIFICATION.

The Owner shall indemnify and save the City harmless from and against any and all liability, claims for damages, and suits for any injury to any person or persons, or damages to any property of any kind whatsoever arising out of or in any way connected with the development of the Subject Property as provided for in this Development Agreement, or in any other way and for any and all acts or omissions in any manner related to the development of the Subject Property. This agreement by the Owner to indemnify and hold the City harmless shall include, but not be limited to, all charges, expenses and costs, including reasonable attorneys' fees, both at trial and on appeal, incurred by the City on account of or by reason of such injuries, damages, liability, claims, suits, or losses and all damages arising there from.

SECTION 25. CITY'S RIGHT TO TERMINATE DEVELOPMENT AGREEMENT.

The failure by the Owner to perform each and every one of its obligations hereunder shall constitute a default, entitling the City to pursue whatever remedies are available to it under Florida law or equity including, without limitation, an action for specific performance and/or injunctive relief or alternatively, the termination of this Development Agreement. Prior to the City filing any action or terminating this Development Agreement as a result of a default under this Development Agreement, the City shall first provide the Owner written notice of the default. Upon receipt of notice, the Owner shall be provided a 30 day period in which to cure the default to the reasonable satisfaction of the City prior to filing an action or terminating this Development Agreement. If 30 days is not considered by the parties to be a reasonable period in which to cure the default, the cure period shall be extended to such cure period acceptable to the City, but in no case shall

that cure period exceed 90 days from initial notification of default. Upon termination of the Development Agreement, the Owner shall immediately be divested of all rights and privileges granted hereunder.

SECTION 26. CAPTIONS.

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

SECTION 27. EXHIBITS.

Each exhibit referred to and attached to this Development Agreement is an essential part of this Development Agreement. The exhibits and any amendments or revisions thereto, even if not physically attached hereto, shall be treated as if they are part of this Development Agreement.

SECTION 28. INTERPRETATION.

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

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

SECTION 29. COUNTERPARTS.

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

SECTION 30. MODIFICATIONS; AMENDMENTS; NON-WAIVER.

(a) Amendments to and waivers of the provisions herein shall be made by the parties only in writing by formal amendment. This Development Agreement shall not be modified or amended, unless otherwise provided for in this Development Agreement, except by written agreement executed by all parties hereto and upon approval of the City Council.

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

(c) Amendments to this Development Agreement, other than those which are considered to be a "minor modification" by the City Manager, or designee, will require the approval of the City Council following the recommendation of the Planning and Land Development Regulation Board. Public notification procedures required for rezoning will not be required for modification of this Development Agreement. Minor modifications may be approved by the City Manager, or designee.

SECTION 31. ENTIRE AGREEMENT; EFFECT ON PRIOR AGREEMENTS.

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

SECTION 32. FURTHER ASSURANCES.

Each party hereto agrees to sign any other and further instruments and documents, consistent herewith, as may be necessary and proper in order to give complete effect to the benefits deriving from the terms and conditions of this Development Agreement.

IN WITNESS WHEREOF, the City and the Owner have caused this Development Agreement to be duly executed each by its duly authorized representative as of the date first above written.

OWNER'S / APPLICANT'S CONSENT AND COVENANT:

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

Sunbelt Holdings Colbert Lane, LLC

By:_____
William G. Allen, Manager

STATE OF ==========
COUNTY OF ==========

The foregoing instrument was acknowledged before me this ____ day of _____, 2017, by William G. Allen the Manager of Sunbelt Holdings Colbert Lane, LLC, on behalf of the company. He is known to me and did not take an oath.

_____
Notary Public, State of ==========
My Commission Expires:

ATTEST:

By:_____
_____, City Clerk

Dated:_____

CITY OF PALM COAST, FLORIDA

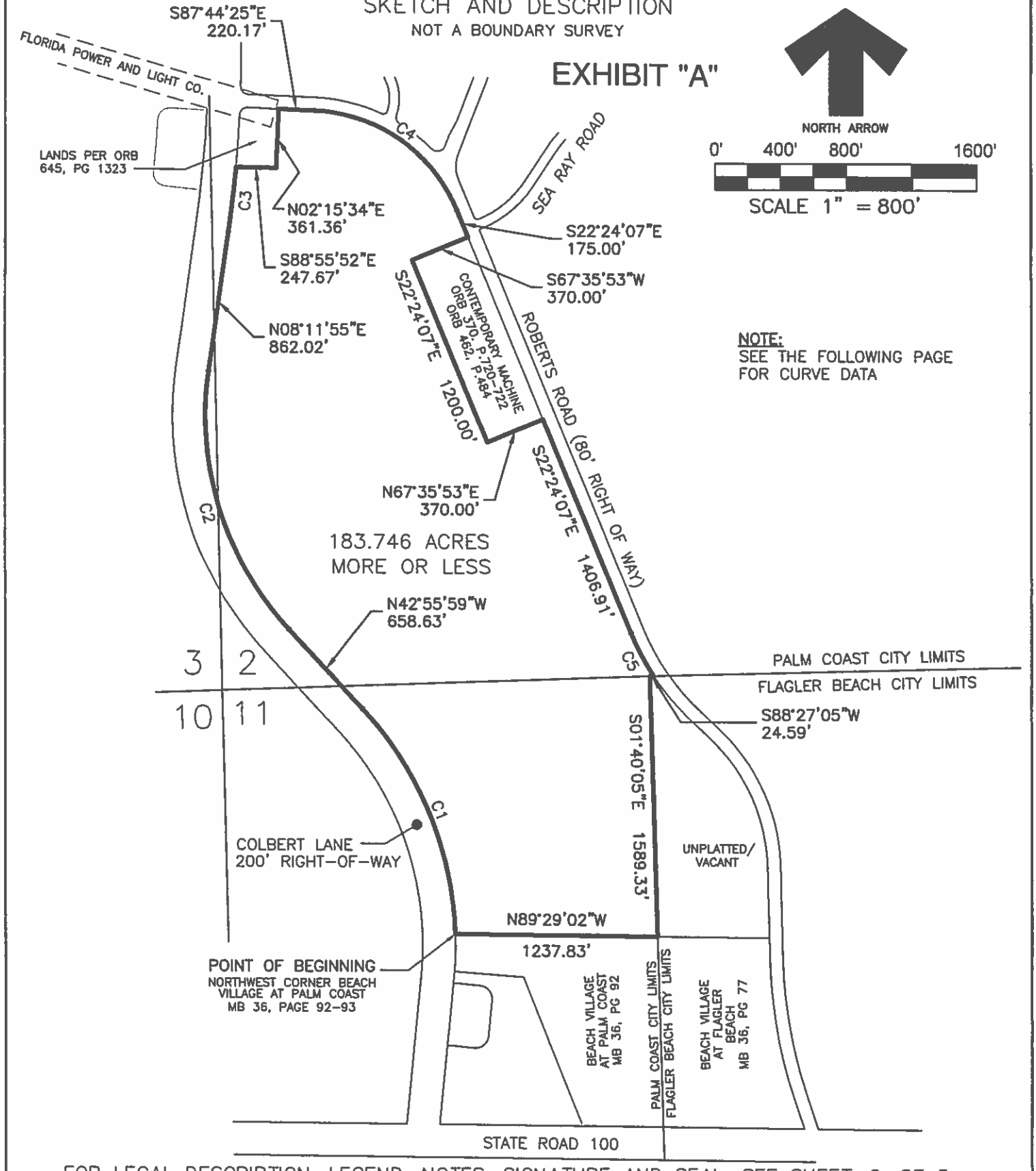
By:_____
Milissa Holland, Mayor

For use and reliance of the
Palm Coast City Council only.
Approved as to form and legality.

/s/_____
William Reischmann, City Attorney

SKETCH AND DESCRIPTION
NOT A BOUNDARY SURVEY

EXHIBIT "A"



NOTE:
SEE THE FOLLOWING PAGE
FOR CURVE DATA

FOR LEGAL DESCRIPTION, LEGEND, NOTES, SIGNATURE AND SEAL, SEE SHEET 2 OF 3

KUHAR SURVEYING & MAPPING, LLC
112 OCEAN GROVE DRIVE, ORMOND BEACH, FLORIDA 32176
Phone: 386-295-8051 WWW.KUHARSURVEYING.COM
LB #7991

SKETCH & LEGAL
DATE: 05/05/16
SHEET 1 OF 3 | 1" = 800

SKETCH AND DESCRIPTION
NOT A BOUNDARY SURVEY

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°20'18", 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 COST; THENCE N89°29'02"W FOR A DISTANCE OF 1237.83 FEET TO THE AFOREMENTIONED POINT OF BEGINNING OF THIS DESCRIPTION.

THE ABOVE DESCRIBED PARCEL OF LAND CONTAINS 8003958.4 SQUARE FEET, OR 183.746 ACRES, MORE OR LESS.

K K
LB #7991

KUHAR SURVEYING & MAPPING, LLC

112 OCEAN GROVE DRIVE, ORMOND BEACH, FLORIDA 32176
Phone: 386-295-8051 WWW.KUHARSURVEYING.COM

SKETCH & LEGAL	
DATE: 05/05/16	
SHEET 2 OF 3	1" =N/A

SKETCH AND DESCRIPTION
NOT A BOUNDARY SURVEY

CURVE TABLE					
CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	2110.00'	1515.92'	1483.52'	N22°21'04"W	41°09'50"
C2	1910.00'	1704.51'	1648.51'	N17°22'02"W	51°07'54"
C3	7734.00'	394.96'	394.92'	N06°44'08"E	2°55'34"
C4	983.00'	1120.99'	1061.22'	S55°04'16"E	65°20'18"
C5	1539.73'	298.27'	297.80'	S27°57'05"E	11°05'57"

SURVEYOR'S NOTES

1. BEARINGS BASED ON THE PLAT OF BEACH VILLAGE AT PALM COAST, PER MAP BOOK 36, PAGE 92, PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA, WITH THE NORTH LINE OF SAID PLAT BEING N89°29'02"W.
2. THERE MAY BE ADDITIONAL EASEMENTS, RESTRICTIONS, AND/OR OTHER MATTERS NOT SHOWN ON THIS SKETCH WHICH MAY BE FOUND IN THE COUNTY PUBLIC RECORDS.
3. THIS IS NOT A BOUNDARY SURVEY.
4. THIS SKETCH IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR/MAPPER, UNLESS THE DOCUMENT IS A DIGITAL FILE AND HAS BEEN ELECTRONICALLY SIGNED.

LEGEND/ABBREVIATIONS

C=CURVE
D=DELTA
R=RADIUS
L=LENGTH
CH=CHORD
CB=CHORD BEARING
PC=POINT OF CURVE
PT=POINT OF TANGENCY
PI=POINT OF INTERSECTION
M.B.=MAP BOOK
P.B.=PLAT BOOK
PG.=PAGE
O.R.B.=OFFICIAL RECORD BOOK
S.F.=SQUARE FEET
AC.=ACRES

R/W=RIGHT-OF-WAY
℄=CENTER LINE
POB=POINT OF BEGINNING
POC=POINT OF COMMENCEMENT
PCP=PERMANENT CONTROL POINT
SECT.=SECTION
RNG.=RANGE
TWP.=TOWNSHIP
I.D=IDENTIFICATION
CONC=CONCRETE
(R)=RECORD
(F)=FIELD MEASURED
(NR)=NON-RADIAL
(RAD)=RADIAL

I HEREBY CERTIFY THAT THIS SKETCH MEETS MINIMUM TECHNICAL STANDARDS AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS PER CHAPTER 5J-17.050 THRU 17.052, FLORIDA ADMINISTRATIVE CODE.

KENNETH J. KUHAR
FLORIDA PROFESSIONAL SURVEYOR/MAPPER #6105

LB #7991

KUHAR SURVEYING & MAPPING, LLC

112 OCEAN GROVE DRIVE, ORMOND BEACH, FLORIDA 32176
Phone: 386-295-8051 WWW.KUHARSURVEYING.COM

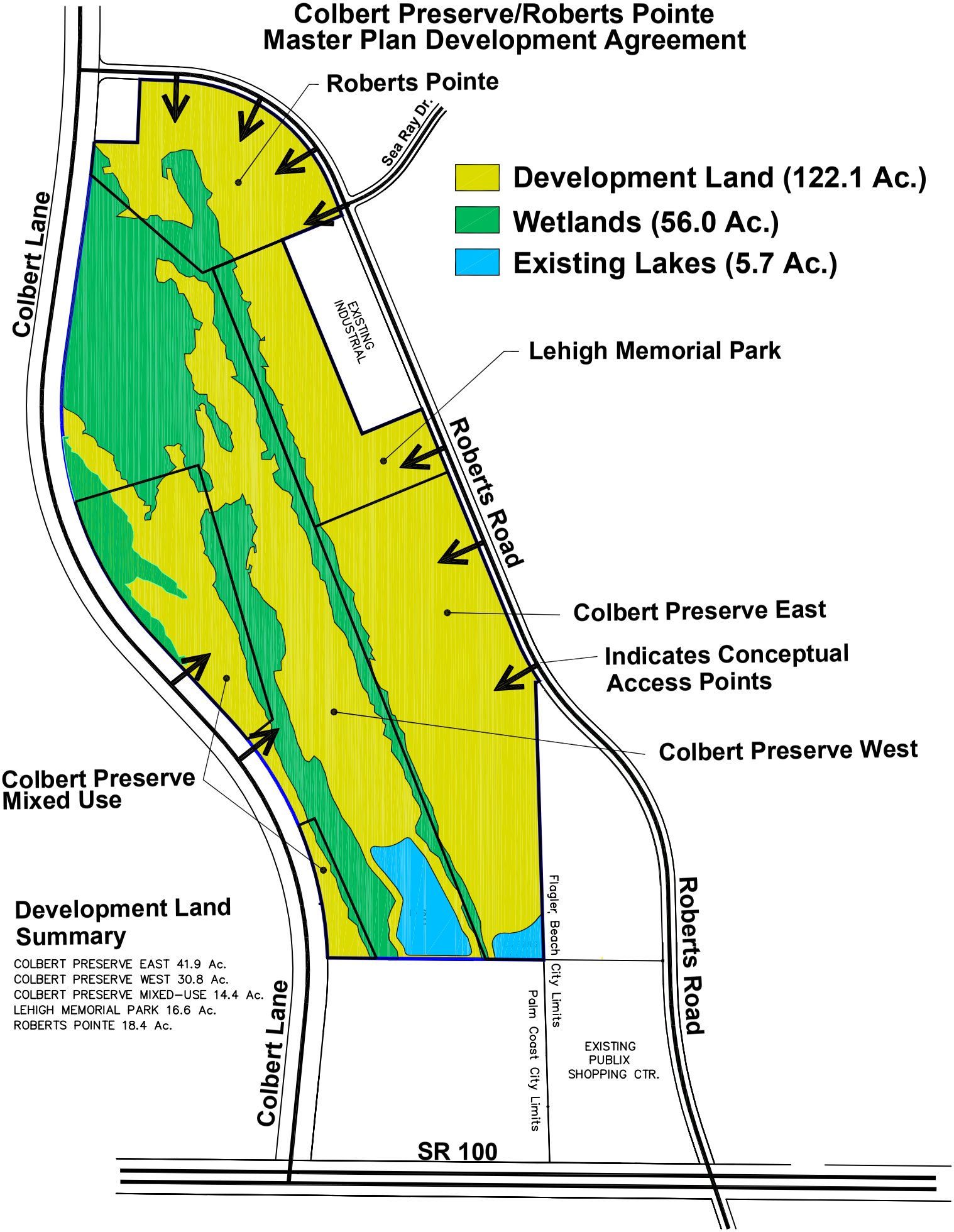
SKETCH & LEGAL

DATE: 05/05/16

SHEET 3 OF 3 | 1" =N/A

Exhibit "B"

Colbert Preserve/Roberts Pointe
Master Plan Development Agreement



Development Land Summary

COLBERT PRESERVE EAST 41.9 Ac.
COLBERT PRESERVE WEST 30.8 Ac.
COLBERT PRESERVE MIXED–USE 14.4 Ac.
LEHIGH MEMORIAL PARK 16.6 Ac.
ROBERTS POINTE 18.4 Ac.

Exhibit "C"

RESIDENTIAL - MPD

The following table contains a list of uses allowed in Residential areas of the Subject Property, and specifies if they are permitted by right (P), or if they require special exception approval (S), in accordance with Chapter 2 of the LDC. Uses permitted only as accessory to a principal use are noted with an (A). All uses marked with an (L) have additional limitations specific to that use listed in Chapter 4 of the LDC.

MPD USES	
Adult Family Care Home	P
Assisted Living Facilities	P
Community Residential Homes (1-6 persons) **(L)**	P
Community Residential Homes (7-14 persons) **(L)**	P
Duplex **(L)**	P
Family Child Day Care Home, Small	P
Family Child Day Care Home, Large	S
Multifamily Dwellings **(L)**	P
Neotraditional Development **(L)**	P
Nursing Homes	P
Single-Family Detached Dwelling Units	P
Townhouses **(L)**	P
Adult Day Care Centers	S
Bed and Breakfast Inns	S

MPD USES	
Cemeteries **(L)**	S
Child Day Care Centers	S
Home Occupations Class 1 **(L)**	A
Home Occupations Class 2 **(L)**	A
Home Occupations Class 3 **(L)**	S A
Public Parks and Recreational Facilities	P
Pump Stations and Well Sites	P
Schools, Elementary and Secondary (public and private, including charter schools) **(L)**	P
Wireless Communication Facilities **(L)**	P

Exhibit "D"

NON-RESIDENTIAL - MPD

The following table contains a list of uses allowed in Non-residential areas of the Subject Property, and specifies if they are permitted by right (P), or if they require special exception approval (S), in accordance with Chapter 2 of the LDC. Uses permitted only as accessory to a principal use are noted with an (A). All uses marked with an (L) have additional limitations specific to that use listed in Chapter 4 of the LDC.

MPD USES **(Colbert Preserve Mixed Use & Roberts Pointe)**	
Civic Uses: town hall, libraries, museums	P
Civic Uses: police, fire, postal service	P
Civic Clubs and Fraternal Organizations (L)	P
Hospice Services	P
Hospitals	P
Houses of Worship/Religious Institutions (L)	P
Nonprofit Organizations, (e.g., Humane Societies) (L)	P
Drinking Establishments (without outdoor entertainment) (L)	P
Drinking Establishments (with outdoor entertainment) (L)	P
Beer, Wine, and Liquor Stores (L)	P
Cafeterias, Coffee and Donut Shops, Snack Bars, Sandwich Shops, Delicatessens, Bakeries	P
Microbreweries (L)	P

MPD USES **(Colbert Preserve Mixed Use & Roberts Pointe)**	
Performing Arts Facilities (e.g. dinner theaters)	P
Pizza Delivery Establishments and Takeout Places	P
Restaurants, Fast Food (L)	P
Restaurants, Sit-Down	P
Elementary/Secondary Schools (public and private) (L)	P
Colleges/Universities	P
Medical and Diagnostic Laboratories	P
Dental Labs	P
Multiuse Building (L)	P
Banks and Credit Unions	P
Mail Order Facilities	P
Medical and Professional Offices	P
Outpatient Care Facilities	P
Scientific and Technical (e.g. architects, engineers, design, programming, and consulting)	P
Temporary Employment Agencies and Management Services	P
Veterinarians (without kennels/post-operative care only)	P

MPD USES **(Colbert Preserve Mixed Use & Roberts Pointe)**	
Bed and Breakfast Inns	P
Golf Courses, Driving Ranges, and Country Clubs	P
Hotels	P
Motels	P
Public Parks and Recreation Facilities	P
Recreation, Indoor	P
Recreation, Outdoor	P
Assisted Living Facilities, Nursing Homes	P
Dormitories	S
Art Dealers	P
Automotive Parts (e.g. accessories and tires)	P
Building Material Stores (paint, hardware)	P
Clothing and Accessory Stores (e.g. shoes and luggage)	P
Retail (L)	P
Florists	P
Food and Beverage Stores (supermarkets and specialty foods)	P
Furniture and Home Furnishings Stores	P

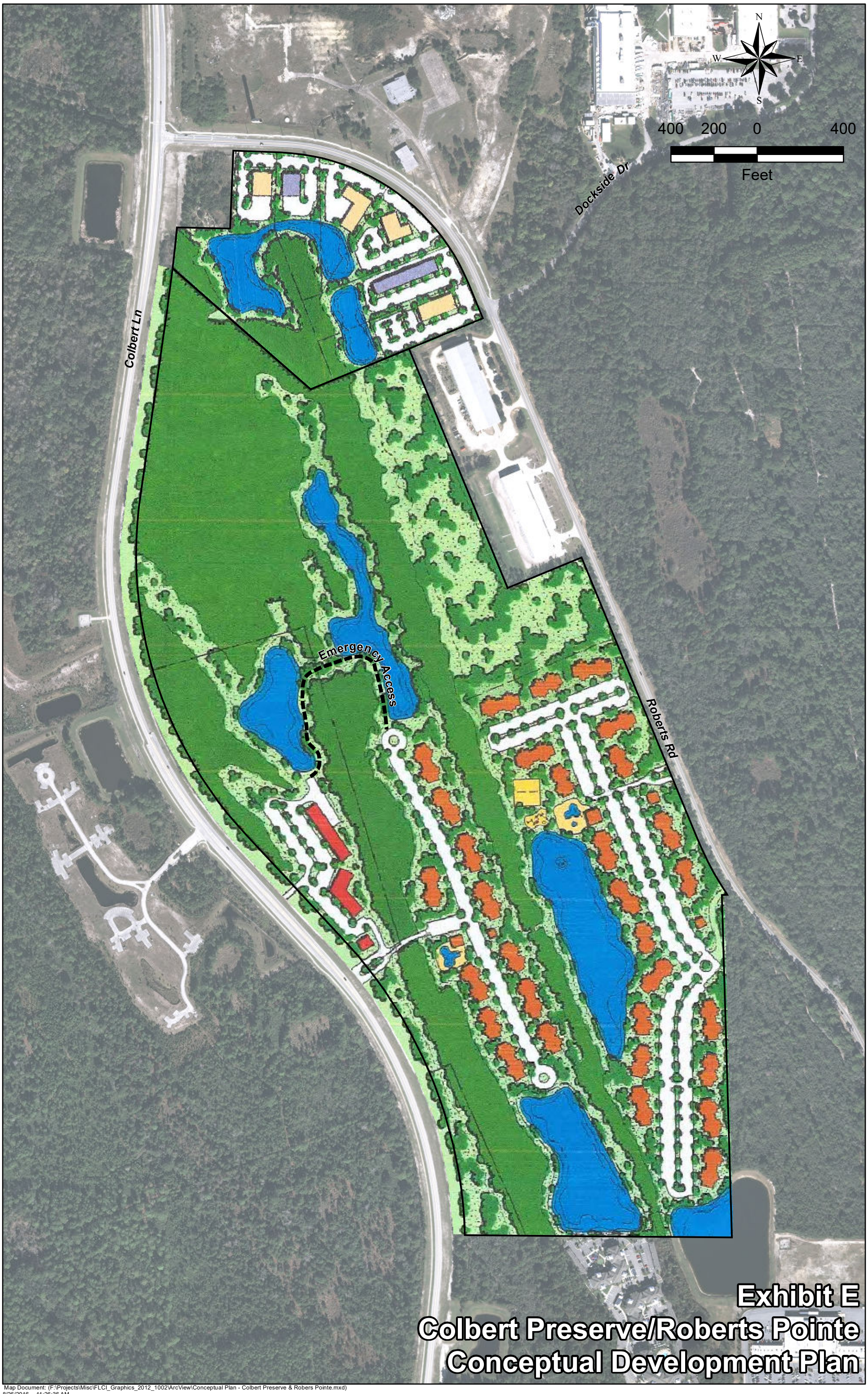
MPD USES **(Colbert Preserve Mixed Use & Roberts Pointe)**	
Home Improvement Centers	P
Lawn and Garden Equipment and Supplies Stores	P
Model Home Centers (L)	P
Pet (domestic) Stores	P
Plant Nurseries	P
Photo Finishing	P
Sporting Goods, Hobby, Book and Music Stores	P
Used Merchandise Stores	P
Printing and Publishing	P
All other business services	P
Adult Day Care Centers	P
Child Day Care Centers	P
Funeral Homes	P
All other personal service uses	P
Kennels and Animal Boarding	P
Landscaping Services	P
Automobile Driver Schools	P
Technical/Trade Schools	P

MPD USES (Colbert Preserve Mixed Use & Roberts Pointe)	
Municipal Pump Stations and Well Sites	P
Wireless Communication Facilities (L)	P
Car Washes	P(1)
Convenience Stores with Fueling Facilities (L)	P(1)
Service Stations	P

(1) If subject property is within 500 feet of any residential property, a special exception for the use is required in accordance with the LDC — Special Exceptions.

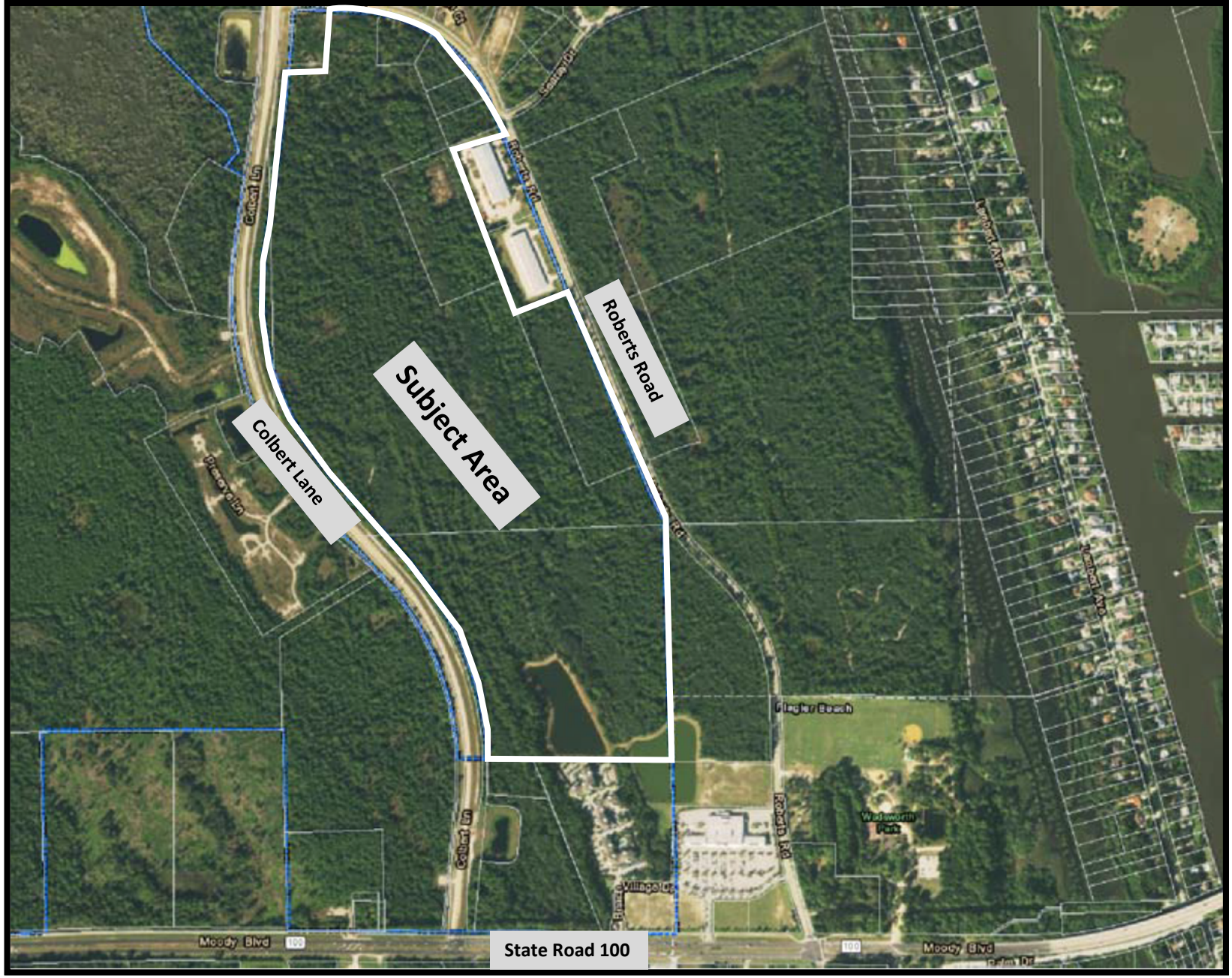
MPD USES (Roberts Pointe Only)	
Manufacturing, Light (L)	P
Building Contractors	P
Shooting and Target Ranges (indoor)	P
Stadiums and Athletic/Sports Arenas	P
Caretaker's Dwellings	S
On-site dwelling units for agents or employees of principal use.	S
Machine Shops and Tool and Die	P
Repair Services for Commercial and Industrial Machinery and Equipment	P
Truck Stops	S

MPD USES **(Roberts Pointe Only)**	
L P Gas Dealer and Bulk Storage	P
Automotive, Recreational Vehicle, and Boat Dealers	P
Commercial & Industrial Machinery & Equipment Rental and Leasing	P
Motor Vehicle Towing Services	P
Motorcycle Dealers	P
Taxi and Limousine Services	P
Vehicle Rental/Leasing	P
Vehicle Repair	P
Miniwarehouses, Office Warehouses and Self-Storage	P
Warehouse/Distribution Facilities (<50,000 sq ft)	P
Outdoor Storage, including RVs and boats (Subject to Screening Requirements of LDC Section 4.17.02)	P

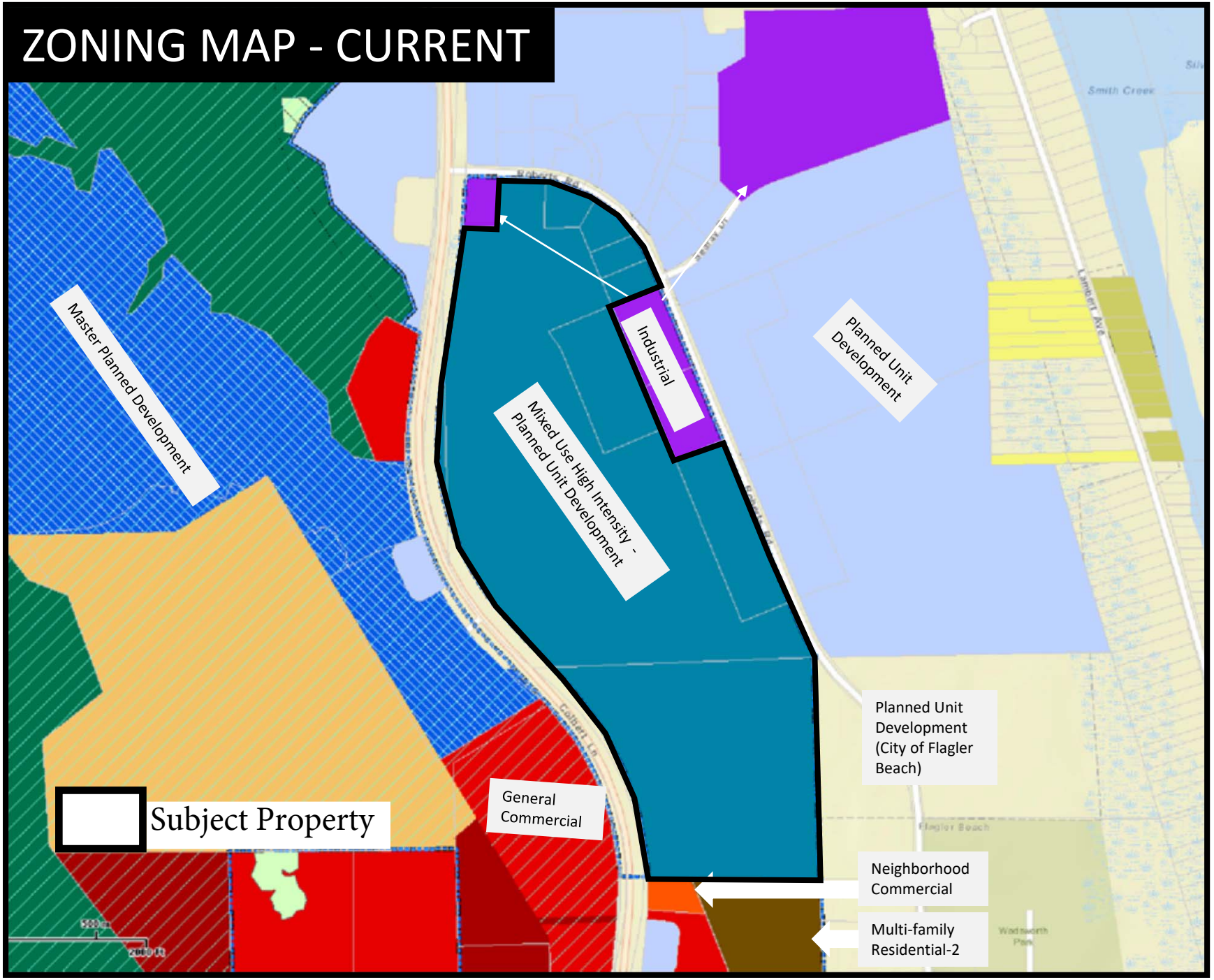


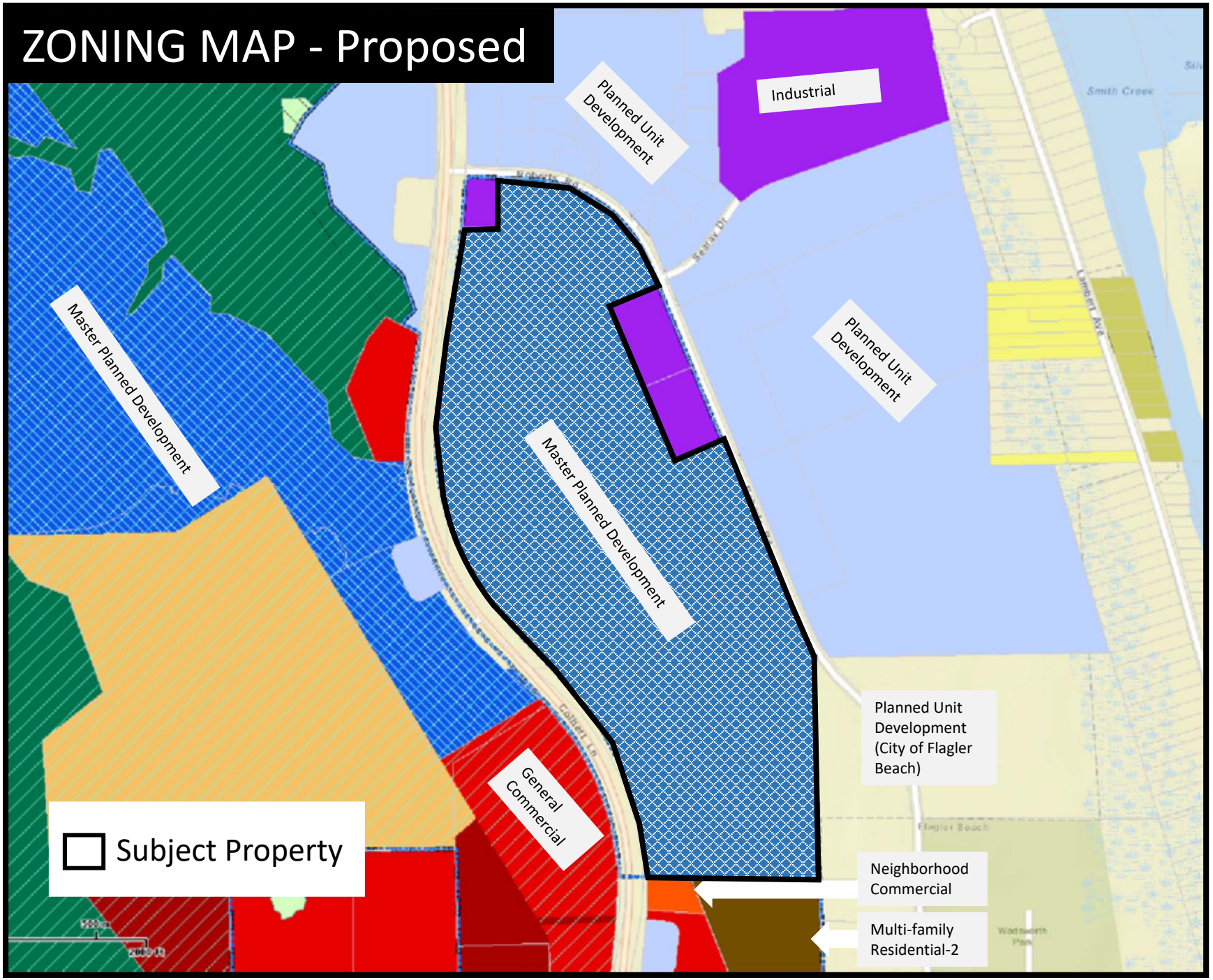
Map Document: (F:\Projects\Misc\FLCI_Graphics_2012_1002\ArcView\Conceptual Plan - Colbert Preserve & Robers Pointe.mxd)
8/26/2016 -- 11:26:36 AM

LOCATION MAP – Colbert Preserve/Roberts Pointe MPD



ZONING MAP - CURRENT




ZONING MAP - Proposed
Planned Unit Development
Industrial
Master Planned Development
Planned Unit Development
Master Planned Development
Planned Unit Development (City of Flagler Beach)
General Commercial
Subject Property
Neighborhood Commercial
Multi-family Residential-2

City of Palm Coast, Florida
Agenda Item

Agenda Date: 12/05/2017

Department	PUBLIC WORKS	**Amount**	$82,000
Item Key		**Account**	54225511-063000-55003

Subject RESOLUTION 2017-XX APPROVING A ONE-YEAR PRICE MASTER AGREEMENT WITH HARRIS CULVERT, INC. TO PURCHASE VARIOUS TYPES OF DRAINAGE PIPES

Background :

UPDATE FROM THE NOVEMBER 28, 2017 WORKSHOP.

This item was heard by City Council at their November 28, 2017 Workshop. There were no changes suggested to this item.

ORIGINAL BACKGROUND FROM THE NOVEMBER 28, 2017 WORKSHOP

Public Works Department/Streets and Drainage Division is responsible for replacing various types of drainage pipe throughout the City of Palm Coast as approved in the Fiscal Year 2018 Budget. City staff advertised and solicited bids for or the purchase of various types of drainage pipe needed throughout the year in accordance with the City's Purchasing Policy. Bid specifications required the vendor to deliver and unload pipe directly to the job location within a maximum of three business days from order placement.

City staff recommends that City Council approve a one-year master price agreement with Harris Culvert, Inc. Since this is a master price agreement, City staff will purchase items on an as-needed basis using budgeted funds appropriated by City Council. City staff estimate that the City will spend approximately $82,000.00 annually under this contract within the City Council approved budgets. The project bid overview and notice of intent to award are attached to this agenda item.

Recommended Action :

Adopt Resolution 2017-XX approving a one-year Master Price Agreement with Harris Culvert, Inc. to purchase various types of drainage pipe.

RESOLUTION 2017-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM COAST, FLORIDA, APPROVING THE PRICE AGREEMENT WITH HARRIS CULVERT, INC., TO PURCHASE VARIOUS TYPES OF DRAINAGE PIPE; AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE SAID AGREEMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR IMPLEMENTING ACTIONS AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Harris Culvert, Inc., has expressed a desire to provide various types of drainage pipes to the City of Palm Coast; and

WHEREAS, the City Council of the City of Palm Coast desires to enter into a price agreement with Harris Culvert, Inc., for the above referenced items.

NOW, THEREFORE, THE CITY OF PALM COAST, FLORIDA, HEREBY RESOLVES IT AS FOLLOWS:

SECTION 1. APPROVAL OF PRICE AGREEMENT. The City Council of the City of Palm Coast hereby approves the terms and conditions of the price agreement with Harris Culvert, Inc., which is attached hereto and incorporated herein by reference as Exhibit "A."

SECTION 2. AUTHORIZATION TO EXECUTE. The City Manager, or designee, is hereby authorized to execute the necessary documents.

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. 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 upon its passage and adoption.

DULY PASSED AND ADOPTED by the City Council of the City of Palm Coast, Florida, on this _ day of November 2017.

CITY OF PALM COAST, FLORIDA

ATTEST:

MILISSA HOLLAND, MAYOR

VIRGINIA A. SMITH, CITY CLERK

Attachment: Exhibit "A" – Price agreement with Harris Culvert, Inc., for Pipes

Approved as to form and legality

William E. Reischmann, Jr., Esq.
City Attorney

city of PALM COAST

Administrative Services & Economic Development
Central Services Division

160 Lake Avenue
Palm Coast, FL 32164
386-986-3730

NOTICE OF INTENT TO AWARD

Project: ITB-PW-SD-17-64 REBID- Culvert Pipes

Date: November 1, 2017

Appeal Deadline: Appeals must be Filed by 5:00 PM on November 3, 2017

Firm	Bid
Harris Culvert, Inc. Palm Coast, FL	**$121,427.00**
Metal Culverts, Inc. Clearwater, FL	**NON-RESPONSIVE**

The intent of the City of Palm Coast is to award ITB-PW-SD-17-64 to **Harris Culvert, Inc.**

Bid protests arising under City Bidding Documents or Procedures shall be resolved under the City of Palm Coast Central Service Division's Bid Protest procedures.

A proposer may protest matters involving the award of this Bid within three (3) business days from the posting of this recommendation to award. Failure to protest to the City's Administrative Services and Economic Development Director, Beau Falgout (bfalgout@palmcoastgov.com) shall constitute a waiver of the protest proceedings.

Any decision of the Administrative Services and Economic Development Director may be appealed to the City Manager by filing a written appeal to the City Manager within seven (7) days of the Administrative Services and Economic Development Director's decision. Any decision of the City Manager may be appealed to the City Council by filing a written appeal to the City Clerk within seven (7) days of the City Manager's decision. The same procedures as above shall apply to contest the award of the contract.

ITB-PW-SD-17-64 - REBID - Culvert Pipes

Project Overview

Project Details	
Reference ID	ITB-PW-SD-17-64
Project Name	REBID - Culvert Pipes
Project Owner	Jesse Scott
Project Type	ITB
Department	Procurement
Budget	$0.00 - $0.00
Project Description	This Invitation to Bid is issued for the purpose to solicit bid proposals for a one year contract with a vendor(s) capable of providing various Culvert Pipes for the City's Public Works Department.
Open Date	Sep 27, 2017 8:00 AM EDT
Close Date	Oct 26, 2017 2:00 PM EDT

Awarded Suppliers	Reason	Score
HARRIS CULVERT INC.		**100 pts**

Seal status

Requested Information	Unsealed on	Unsealed by
Pricing Form C.2	Oct 26, 2017 2:20 PM EDT	Jesse Scott
Forms A, B, C.1, D, 1 - 10	Oct 26, 2017 2:20 PM EDT	Jesse Scott

Conflict of Interest

Declaration of Conflict of Interest You have been chosen as a Committee member for this Evaluation. Please read the following information on conflict of interest to see if you have any problem or potential problem in serving on this committee. ## Code of Conduct All information related to submissions received from Suppliers or Service Providers must be kept confidential by Committee members. ## Conflict of Interest No member of a Committee shall participate in the evaluation if that Committee member or any member of his or her immediate family: * has direct or indirect financial interest in the award of the contract to any proponent; * is currently employed by, or is a consultant to or under contract to a proponent; * is negotiating or has an arrangement concerning future employment or contracting with any proponent; or, * has an ownership interest in, or is an officer or director of, any proponent. Please sign below acknowledging that you have received and read this information. If you have a conflict or potential conflict, please indicate your conflict on this acknowledgment form with information regarding the conflict. I have read and understood the provisions related to the conflict of interest when serving on the Evaluation Committee. If any such conflict of interest arises during the Committee's review of this project, I will immediately report it to the Purchasing Director.

Name	Date Signed	Has a Conflict of Interest?
Michael Marinelli	Oct 26, 2017 2:27 PM EDT	No
Rose Conceicao	Oct 30, 2017 4:20 PM EDT	No
Jesse Scott	Oct 26, 2017 2:21 PM EDT	No

Project Criteria

Criteria	Points	Description
Pricing (Form C.2)	100 pts	Pricing Evanluation
Forms	Pass/Fail	Forms A, B, C.1, C.2, D, 1 -10
Specifications	Pass/Fail	Does the items meet the required specifications
Total	**100 pts**	

Scoring Summary

Active Submissions

	Total	Pricing (Form C.2)	Forms	Specifications
Supplier	**/ 100 pts**	**/ 100 pts**	**Pass/Fail**	**Pass/Fail**
HARRIS CULVERT INC.	100 pts	100 pts ($121,427.00)	Pass	Pass
Metal Culverts, Inc	0 pts	0 pts ($9,999,999,999,999.00)	Pass	Pass

City of Palm Coast, Florida
Agenda Item

Agenda Date: 12/05/2017

Department	PUBLIC WORKS	**Amount/**	$120,000.00 from 10015015-052000
Item Key		**Account**	$110,000.00 from 10015011-052000

Subject RESOLUTION 2017-XX APPROVING PRICE AGREEMENT WITH HOWARD FERTILIZER & CHEMICAL FOR THE PURCHASE AND DELIVERY OF VARIOUS LANDSCAPE CHEMICALS AND FERTILIZERS FOR THE CITY MEDIANS AND PARK ATHLETIC FIELDS

Background :

UPDATE FROM THE NOVEMBER 28, 2017 WORKSHOP.

This item was heard by City Council at their November 28, 2017 Workshop. There were no changes suggested to this item.

ORIGINAL BACKGROUND FROM THE NOVEMBER 28, 2017 WORKSHOP

The Public Works Department – Parks and Medians Division is currently responsible for the maintenance of all the City's landscaped medians and park athletic fields. In order to maintain the level of service we provide, it is necessary to treat the various medians and parks with fertilizers, herbicides, pesticides and miscellaneous chemicals. In an effort to obtain the best pricing and facilitate timely deliveries, staff wishes to enter into agreements to secure the cost and availability of these products, which will be purchased on an as needed basis.

City staff advertised and solicited bids in accordance with the City's Purchasing Policy. City staff recommends that City Council approve a one-year master price agreement with Howard Fertilizer & Chemical. City staff estimate that the City will spend approximately $230,000.00 annually under this contract within the City Council approved budgets. The project bid overview and notice of intent to award are attached to this agenda item.

Recommended Action :

Adopt Resolution 2017-XX approving one-year master price agreement with Howard Fertilizer & Chemical to purchase various landscape chemicals and fertilizers.

RESOLUTION 2017-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM COAST, FLORIDA, APPROVING THE PRICE AGREEMENT WITH HOWARD FERTILIZER & CHEMICAL., TO PURCHASE VARIOUS TYPES OF LANDSCAPE CHEMICALS & FERTILIZERS; AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE SAID AGREEMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR IMPLEMENTING ACTIONS AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Howard Fertilizer & Chemical., has expressed a desire to provide various types of Landscape Chemicals & Fertilizers to the City of Palm Coast; and

WHEREAS, the City Council of the City of Palm Coast desires to enter into a price agreement with. Howard Fertilizer & Chemical, for the above referenced items.

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE CITY OF PALM COAST, FLORIDA, AS FOLLOWS:

SECTION 1. APPROVAL OF PRICE AGREEMENT. The City Council of the City of Palm Coast hereby approves the terms and conditions of the price agreement with Howard Fertilizer & Chemical., which is attached hereto and incorporated herein by reference as Exhibit "A."

SECTION 2. AUTHORIZATION TO EXECUTE. The City Manager, or designee, is hereby authorized to execute the necessary documents.

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. IMPLEMENTING ACTIONS. The City Manager or his designee 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 upon its passage and adoption.

DULY PASSED AND ADOPTED by the City Council of the City of Palm Coast, Florida, on this _ day of November 2017.

CITY OF PALM COAST, FLORIDA

ATTEST: MILISSA HOLLAND, MAYOR

VIRGINIA A. SMITH, CITY CLERK

Attachment: Exhibit "A" – Price agreement with Howard Fertilizer & Chemical., for Landscape chemicals and fertilizers

Approved as to form and legality

William E. Reischmann, Jr., Esq.
City Attorney

city of PALM COAST
Administrative Services & Economic Development
Central Services Division

160 Lake Avenue
Palm Coast, FL 32164
386-986-3730

NOTICE OF INTENT TO AWARD

Project: ITB-PW-PFM-18-01 Landscape Chemicals and Fertilizer

Date: November 6, 2017

Appeal Deadline: Appeals must be Filed by 5:00 PM on November 9, 2017

Please see below for the results by individual Category. As noted in the Bid documents, each line item in a Category grouping must have been bid for the Category grouping to be considered. In the event of a no-bid entry in an individual Category grouping, the Category Bid is considered Non-Responsive.

HERBICIDES:

Firm	Bid
Howard Fertilizer & Chemical Orlando, FL	**$7,183.96**
SiteOne Landscape Supply Cleveland, OH	**NON-RESPONSIVE**

FUNGICIDES:

Firm	Bid
Howard Fertilizer & Chemical Orlando, FL	**$5,304.37**
SiteOne Landscape Supply Cleveland, OH	**NON-RESPONSIVE**

INSECTICIDES:

Firm	Bid
Howard Fertilizer & Chemical Orlando, FL	**$1,131.97**
SiteOne Landscape Supply Cleveland, OH	**NON-RESPONSIVE**

ADJUVANT/SURFACANTS:

Firm	Bid
Howard Fertilizer & Chemical Orlando, FL	**$359.99**
SiteOne Landscape Supply Cleveland, OH	**NON-RESPONSIVE**

WETTING AGENTS:

Firm	Bid
Howard Fertilizer & Chemical Orlando, FL	**NON-RESPONSIVE**
SiteOne Landscape Supply Cleveland, OH	**NON-RESPONSIVE**

GROWTH REGULATORS:

Firm	Bid
Howard Fertilizer & Chemical Orlando, FL	**$410.00**
SiteOne Landscape Supply Cleveland, OH	**NON-RESPONSIVE**

FERTILIZERS:

Firm	Bid
Howard Fertilizer & Chemical Orlando, FL	**$42,794.00**
SiteOne Landscape Supply Cleveland, OH	**NON-RESPONSIVE**

NEMATICIDES:

Firm	Bid
SiteOne Landscape Supply Cleveland, OH	**$1,850.00**
Howard Fertilizer & Chemical Orlando, FL	**NON-RESPONSIVE**

The intent of the City of Palm Coast is to award these Categories of ITB-PW-PFM-18-01 to **Howard Fertilizer & Chemical:**

1. **Herbicides**
2. **Fungicides**
3. **Insecticides**
4. **Adjuvants/Surfacants**
5. **Growth Regulators**
6. **Fertilizers**

The intent of the City of Palm Coast is to award these Categories of ITB-PW-PFM-18-01 to **SiteOne Landscape Company:**

1. **Nematicides**

The intent of the City of Palm Coast is to **NOT** award the **Wetting Agents** Category of ITB-PW-PFM-18-01**.**

Bid protests arising under City Bidding Documents or Procedures shall be resolved under the City of Palm Coast Central Service Division's Bid Protest procedures.

A proposer may protest matters involving the award of this Bid within three (3) business days from the posting of this recommendation to award. Failure to protest to the City's Administrative Services and Economic Development Director, Beau Falgout (bfalgout@palmcoastgov.com) shall constitute a waiver of the protest proceedings.

Any decision of the Administrative Services and Economic Development Director may be appealed to the City Manager by filing a written appeal to the City Manager within seven (7) days of the Administrative Services and Economic Development Director's decision. Any decision of the City Manager may be appealed to the City Council by filing a written appeal to the City Clerk within seven (7) days of the City Manager's decision. The same procedures as above shall apply to contest the award of the contract.

ITB-PW-PFM-18-01 - Landscape Chemicals and Fertilizer

Project Overview

Project Details	
Reference ID	ITB-PW-PFM-18-01
Project Name	Landscape Chemicals and Fertilizer
Project Owner	Jesse Scott
Project Type	ITB
Department	Procurement
Budget	$0.00 - $0.00
Project Description	This Invitation to Bid is issued for the purpose of establishing a one-year contract with a vendor(s) capable of supplying Lawn Fertilizer, Herbicides, Pesticides and Miscellaneous Chemicals.
Open Date	Oct 04, 2017 8:00 AM EDT
Close Date	Oct 31, 2017 2:00 PM EDT

Awarded Suppliers	Reason	Score
Howard Fertilzer	Scored by category.	**98.71 pts**
Site One Landscape Supply	Scored by Category.	**20 pts**

Seal status

Requested Information	Unsealed on	Unsealed by
Forms A, B, D, 1-10	Oct 31, 2017 2:12 PM EDT	Jesse Scott
Pricing Form C	Oct 31, 2017 2:13 PM EDT	Jesse Scott

Conflict of Interest

Declaration of Conflict of Interest: You have been chosen as a Committee member for this Evaluation. Please read the following information on conflict of interest to see if you have any problem or potential problem in serving on this committee. ## Code of Conduct All information related to submissions received from Suppliers or Service Providers must be kept confidential by Committee members. ## Conflict of Interest No member of a Committee shall participate in the evaluation if that Committee member or any member of his or her immediate family: * has direct or indirect financial interest in the award of the contract to any proponent; * is currently employed by, or is a consultant to or under contract to a proponent; * is negotiating or has an arrangement concerning future employment or contracting with any proponent; or, * has an ownership interest in, or is an officer or director of, any proponent. Please sign below acknowledging that you have received and read this information. If you have a conflict or potential conflict, please indicate your conflict on this acknowledgment form with information regarding the conflict. I have read and understood the provisions related to the conflict of interest when serving on the Evaluation Committee. If any such conflict of interest arises during the Committee's review of this project, I will immediately report it to the Purchasing Director.

Name	Date Signed	Has a Conflict of Interest?
Fred Vitagliano	Nov 02, 2017 3:48 PM EDT	No
Rose Conceicao	Nov 08, 2017 4:31 PM EST	No
Jesse Scott	Oct 31, 2017 2:21 PM EDT	No

Project Criteria

Criteria	Points	Description
Forms	Pass/Fail	Forms A,B, D and 1-10
Herbicides	20 pts	Category Herbicide
Fungicides	10 pts	Category Fungicides
Insecticides	10 pts	Category Insecticides
Adjuvant/Sufacants	10 pts	Category Adjuvant/Sufacants
Wetting Agents	10 pts	Category Wetting Agents
Nemacides	10 pts	Category Nemacides
Growth Regulators	10 pts	Category Growth Regulators
Fertilizers	20 pts	Category Fertilizers
Total	**100 pts**	

Scoring Summary

Active Submissions

	Total	Forms	Herbicides	Fungicides	Insecticides
Supplier	**/ 100 pts**	**Pass/Fail**	**/ 20 pts**	**/ 10 pts**	**/ 10 pts**
Howard Fertilzer	98.71 pts	Pass	20 pts ($7,183.96)	10 pts ($5,304.37)	10 pts ($1,131.97)
SiteOne Landscape Supply	20 pts	Pass	0.00014 pts ($999,999,999.00)	0.00005 pts ($999,999,999.00)	0.00001 pts ($999,999,999.00)

	Adjuvant/Sufacants	Wetting Agents	Nemacides	Growth Regulators	Fertilizers
Supplier	**/ 10 pts**	**/ 10 pts**	**/ 10 pts**	**/ 10 pts**	**/ 20 pts**
Howard Fertilzer	10 pts ($359.99)	10 pts ($999,999,999.00)	8.705 pts ($2,125.20)	10 pts ($410)	20 pts ($42,794.00)

	Adjuvant/Sufacants	Wetting Agents	Nemacides	Growth Regulators	Fertilizers
Supplier	**/ 10 pts**	**/ 10 pts**	**/ 10 pts**	**/ 10 pts**	**/ 20 pts**
SiteOne Landscape Supply	0 pts ($999,999,999.00)	10 pts ($999,999,999.00)	10 pts ($1,850.00)	0 pts ($999,999,999.00)	0.00086 pts ($999,999,999.00)

City of Palm Coast, Florida
Agenda Item

Agenda Date : 12/05/2017

Department	CONSTRUCTION MANAGEMENT & ENGINEERING	**Amount**	
Item Key		**Account #**	FDOT-LAP

Subject RESOLUTION 2017-XX APPROVING AN EASEMENT WITH THE COLUMBIAN CLUB OF FLAGLER COUNTY, INC. FOR THE OLD KINGS ROAD WIDENING PROJECT

Background :

UPDATE FROM THE NOVEMBER 28, 2017 WORKSHOP.

This item was heard by City Council at their November 28, 2017 Workshop. There were no changes suggested to this item.

ORIGINAL BACKGROUND FROM THE NOVEMBER 28, 2017 WORKSHOP

The widening of Old Kings Road (OKR) from south of Kingswood Drive/Brighton Circle to approximately 1,700-ft. north of Flemingwood Ln. This project will consists of the widening existing two lanes to four lanes with divided median, turn lanes, and sidewalks on each side along with intersection improvements at OKR and Palm Coast Parkway.

In June 2015, City Council entered into a Local Agency Program (LAP) Agreement with FDOT. Federal funds available at that time were $60,000. Subsequent funds became available for this project in June 2016 and the City executed Supplemental 2 to the LAP Agreement increasing the total funds available to the City. The total amount of federal funds for this project is $1,130,000.00.

The City of Palm Coast is in the process of obtaining an easement required for the project from the Columbian Club of Flagler County. Additional right-of-way and easements will be brought to Council for consideration as the project moves along.

The Columbian Club of Flagler County accepted the City's initial appraised offer of $22,200 for obtaining an easement for approximately 4,103 square feet of property fronting OKR. Acquisition of this easement is necessary for the planned widening of the existing pavement to accommodate drainage improvements and driveway connection.

City staff recommends approval of this purchase to help facilitate the construction of the proposed improvements.

Recommended Action:

Adopt Resolution 2017-XX approving an easement for the Old Kings Road widening project from the Columbian Club of Flagler County, Inc.

RESOLUTION 2017-XX
COLUMBIAN CLUB OF
FLAGLER COUNTY, INC. EASEMENT

A RESOLUTION OF THE CITY OF PALM COAST, FLORIDA, APPROVING THE TERMS AND CONDITIONS OF THE EASEMENT WITH THE COLUMBIAN CLUB OF FLAGLER COUNTY, INC. FOR THE OLD KINGS ROAD WIDENING PROJECT; AUTHORIZING THE CITY MANAGER OR DESIGNEE, TO EXECUTE SAID CONTRACT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR IMPLEMENTATION AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the city of Palm Coast is in the process of obtaining easements and additional rights-of-way related to the Old Kings Road Widening Project; and

WHEREAS, the City desires to obtain an easement from the Columbian Club of Flagler County, Inc. for the Old Kings Road Widening Project; and

WHEREAS, the Columbian Club of Flagler County, Inc. has agreed for the City to obtain an easement for the Old Kings Road Widening Project.

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

SECTION 1. APPROVAL OF THE CONTRACT FOR PURCHASE AND SALE. The City Council hereby approves the terms and conditions of the easement from the Columbian Club of Flagler County, Inc., as attached hereto and incorporated herein by reference as Exhibit "A."

SECTION 2. AUTHORIZATION TO EXECUTE. The City Manager, or designee, is hereby authorized to execute the agreement 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, 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 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 5th day of December 2017.

CITY OF PALM COAST, FLORIDA

ATTEST:

MILISSA HOLLAND, MAYOR

VIRGINIA A. SMITH, CITY CLERK

Attachment: Exhibit A – Easement Columbian Club of Flagler County, Inc.

Approved as to form and legality

William E. Reischmann, Jr., Esq.
City Attorney

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION

REQUEST FOR TAXPAYER IDENTIFICATION NUMBER

575-030-27
RIGHT OF WAY
08/09

June 15
Columbian Club of Flagler County
51 Old Kings Road N
Palm Coast, FL 32137

ITEM/SEGMENT NO.: N/415964-1
MANAGING DISTRICT: 5
F.A.P. NO.:
STATE ROAD NO.: N/A
COUNTY: FLAGLER
PARCEL NO.: 812

Dear Property Owner(s):

The Florida Department of Transportation will be acquiring, or has acquired property owned by you for a transportation project or will be processing a payment to you related to the above referenced parcel. Federal regulations require that we report this transaction to the Internal Revenue Service (IRS), therefore we must obtain your correct Taxpayer Identification Number (TIN).

If you fail to furnish your correct TIN you may be subject to an IRS penalty. Willfully falsifying certifications or affirmations may subject you to criminal penalties including fines and/or imprisonment.

See the attached instruction for how to enter names and TINs. If you have any questions please let us know.

Name	Phone Number
COLUMBIAN CLUB OF FLAGLER COUNTY, INC	386 446-5632
Business Name, if different from above	Phone Number
Address (number, street, and apt. or suite no.)	**OWNERSHIP INTEREST**
51 OLD KINGS RD., NORTH	☒ Sole Owner
City, State, and ZIP Code	☐ Part Owner with ____ % interest
PALM COAST FL 32137	☐ Not Applicable (Vendor Only)

TAXPAYER IDENTIFICATION NUMBER (TIN)

For individuals, this is your social security number (SSN): ___-___-____

For other entities, it is your employer identification number (EIN): 59-3081983

If you do not have a TIN, see attached instructions for **How to get a TIN.**

Below, choose one number that accurately describes the business or the individual.

☒ **1 - CORPORATION, PROFESSIONAL ASSOCIATION OR PROFESSIONAL CORPORATION**
(A corporation formed under the laws of any state within the United states.)

☐ **2 - NOT FOR PROFIT CORPORATION** (Section 501(c)(3) Internal Revenue Code)

☐ **3 - PARTNERSHIP, JOINT VENTURE, ESTATE, TRUST OR MULTIPLE MEMBER LLC**

☐ **4 - INDIVIDUAL, SOLE PROPRIETOR, SELF EMPLOYED OR SINGLE MEMBER LLC**

☐ **5 - NONCORPORATE RENTAL AGENT**

☐ **6 - GOVERNMENTAL ENTITY** (City, County, State or U.S. Government)

☐ **7 - FOREIGN CORPORATION OR ENTITY** (A foreign entity formed under the laws of a country other than the United States.) If YES is marked below, complete and attach Form W-8ECI.
Is income effectively connected with business in the United States? ☐ YES ☐ NO

☐ **8 - NONRESIDENT ALIEN** (An individual temporarily in the U.S. who is not a U.S. citizen or resident.)

Certification.

Under penalties of perjury, I certify that the number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me).

Sign Here _____ Boo6ic69@GMAIL **Date** 10/17/17

Title PRESIDENT **Email (optional)** _____

Business Notice Questionnaire

Item/Segment #: 415964-1
Sec/Job No.:
Managing District: 05
FAP No.:
State Road #: N/A – Old Kings Rd.
County: Flagler
Parcel #: 812

Property Owner: COLUMBIAN CLUB OF FLAGLER COUNTY INC.

1. Name of Business: COLUMBIAN CLUB OF FLAGLER COUNTY, INC
2. Owner of Business: COLUMBIAN CLUB OF FLAGLER COUNTY, INC
3. How long have you been in business at this location? _____

   Please Check One: (✓) 5+ years ( ) Whole Take
4. Business street address: 51 OLD KINGS RD, NORTH

   City, State, Zip: PALM COAST FL 32137

   Telephone Number: 386 446 5632
5. Sole Proprietor ( ) Partnership ( ) Corporation (✓) Franchise ( ) Chain ( )
6. Do you have a lease? NO if yes, is it recorded? _____ if not, please provide a copy.
7. Additional Comments: _____

Business Owner's Signature

CARMEN BOUCHARD, President
Printed Name & Title

Survey Date

Date Notice Delivered

Agent Signature

Method of Delivery

Is corporation listed on the corporation screen (sunbiz.org) Yes____, NO ____ if available printout must be attached with questionnaire?
02/2009, Updated. cissy

NOTICE TO OWNER

June 15, 2017

Columbian Club of Flagler County
PO Box 350219
Palm Coast, FL 32135-0219

ITEM/SEGMENT #:	415964-1
STATE ROAD #:	N/A
COUNTY:	Flagler
PARCEL #:	812

Dear Property Owner,

The City of Palm Coast is planning the following improvement of the above referenced transportation facility:

Old Kings Road Widening

Our research shows you own property needed for this project. This letter, along with the enclosed brochure entitled **The Real Estate Acquisition Process**, explains your rights and options and the process we must follow by law in acquiring your property. The following enclosed documents identify the property that is needed:

Appraisal and/or Legal Description.

We recognize that a proposed transportation project, particularly one which requires the acquisition of private property, will usually result in many questions and concerns. Please be assured you will have sufficient time to have your questions answered, to consider and understand your rights, options and responsibilities, and make all necessary arrangements. Throughout this process we will do our best to ensure your questions are answered, that you are treated fairly and receive all of the rights you are guaranteed by law, and that you receive a fair price for your property.

Under Federal and State law, you are entitled to certain rights and protections when the State must acquire real estate from you. The following is a summary of your rights:

- You may obtain copies of the City's appraisal, right of way maps and construction plans.
- We will make a written offer to you to purchase your property and will negotiate with you, in good faith, to reach a mutually acceptable purchase price.
- If we cannot agree on a purchase price, we will not file a condemnation lawsuit until at least 30 days after you receive our initial written offer.
- You will receive no less than full compensation for the property acquired. Full compensation includes, the value of the real estate acquired together with damages, if any, to your remaining property.
- You may be eligible for relocation assistance benefits if you are required to move or move personal possessions from the property we acquire.
- You may receive reimbursement for reasonable attorney fees and other reasonable costs you incur for appraisal and other services associated with the City's acquisition.

Your rights and options are more fully explained in the enclosed brochure entitled **The Real Estate Acquisition Process**. We encourage you to read this brochure carefully and contact us if you have any questions.

You may be contacted by attorneys, appraisers or others requesting a commitment from you to use their services in dealing with the City. As previously mentioned, the City will pay for certain types of services. However, by law, there are limitations placed on what the City can pay. We encourage you to contact us and allow us to fully explain our reimbursement process. You will find a more thorough discussion of the reimbursement of fees and costs in the enclosed brochure.

We want to negotiate with you for the purchase of your property. If you have questions about any aspect of our acquisition process or if you have information that would help us to determine a fair market value for your property or help us provide services to you, please let us know. Regardless of whether we can reach an agreement on the purchase of your property, we will do our best to be sensitive and responsive to your needs.

If you experience any problems, please do not hesitate to contact:

R. Michael Peel, P.E.
City of Palm Coast
160 Lake Avenue, Suite 203
Palm Coast, FL 32164
(386) 986-4771

Sincerely,

Virginia Smith, MMC, CP
City Clerk/Paralegal

Enclosures:

Appraisal Report for Parcel 812
Legal Descriptions and Sketches
The Real Estate Acquisition Process Brochure

Received by: _____

Certified Mail Number:

Date: 10/27/17

NOTICE TO BUSINESS OWNER

June 15, 2017

Columbian Club of Flagler County
PO Box 350219
Palm Coast, FL 32135-0219

ITEM/SEGMENT #: 415964-1
STATE ROAD #: N/A
COUNTY: Flagler
PARCEL #: 812

Dear Business Owner

The City of Palm Coast is planning the following improvement of the above referenced transportation facility:

Old Kings Road Widening

Our research shows you own a business located on property needed for this project. The following enclosed documents identify the property that is needed:

Legal Description & Sketches

You may be eligible for compensation if your business is damaged as a result of this acquisition. However, there are several conditions your business must meet before you are eligible to receive a business damage payment. This letter, along with the enclosed brochure entitled **The Real Estate Acquisition Process**, explains the eligibility requirements, your rights and options, and the process you must follow in claiming business damages.

The City recognizes that a proposed transportation project, particularly one which requires acquisition of private property, will usually result in many questions and concerns. Please be assured you will have sufficient time to have your questions answered, to consider and understand your rights, options and responsibilities, and to make all necessary arrangements. Throughout this process we will do our best to ensure your questions are answered, that you are treated fairly and receive all of the rights you are guaranteed by law.

Your receipt of this notice does not entitle you to business damages. By law, in order to qualify for business damages, your business must meet the following conditions:

- You must hold a real property interest, in the form of a lease, deed, etc., in the portion of the property being acquired by the City.
- The acquisition must be a partial acquisition of the property on which your business is located. If the City acquires all of the real estate on which your business is located, your business will not qualify for payment of damages.
- Your business must have been in operation on the site for at least five years immediately prior to the City's acquisition.
- You must be able to show that any damages you are claiming result directly from the loss of property. The effects of construction activities or other effects incidental to construction are not compensable.

If your business qualifies as described above and you wish to claim business damages, you must submit a good faith written offer to settle your business damage claim to the City no later than 180 days after you receive this notice. Your written offer must be sent by certified mail, return receipt requested to the following address:

City of Palm Coast
160 Lake Avenue, Suite 213
Palm Coast, FL 32164

If you do not submit your offer to settle your business damage claim within the specified time your claim may not be allowed in future condemnation proceedings. If you share ownership of the business with others, you should coordinate with the other owners and provide only one business damage claim for the business.

Your business damage offer must include an explanation of the nature, extent and monetary amount of the damages you are claiming. The offer must be prepared by you as the business owner, a certified public accountant or a business damage expert familiar with the nature of the operations of your business. With your offer you must also provide copies of your business records substantiating your good faith offer.

Your rights and options are more fully explained in the enclosed brochure entitled **The Real Estate Acquisition Process**. We encourage you to read this brochure carefully and contact us if you have any questions.

You may be contacted by attorneys, accountants or others requesting a commitment from you to use their services in dealing with the City. The City will pay for certain types of services. However, by law there are limitations placed on what the City can pay. We encourage you to contact us and allow us to fully explain our reimbursement process. You will also find a more thorough discussion of the reimbursement of fees and costs in the attached brochure.

If you have questions about any aspect of our acquisition process, please give us an opportunity to answer them. Regardless of whether we can reach agreement on the amount of damages to your business, we will do our best to be sensitive and responsive to your needs.

I encourage you to fill out and return the enclosed questionnaire in the postage-paid envelope provided. This information will help us work with you if you decide to file a claim for business damages. If you experience any problems, please do not hesitate to contact:

R. Michael Peel, P.E.
City of Palm Coast
160 Lake Avenue, Suite 203
Palm Coast, FL 32164
(386) 986-4771

Sincerely,

Virginia Smith, MMC, CP
City Clerk/Paralegal

Enclosures:

Questionnaire
Return Envelope
Legal Description (and/or right of way map)
The Real Estate Acquisition Process Brochure

Received by: _____

Certified Mail Number:

Date: 10/27/17

OFFER AND PURCHASE AGREEMENT

ITEM/SEGMENT #: 415964-1
STATE ROAD #: N/A
COUNTY: Flagler
PARCEL #: 812

Seller: Columbian Club of Flagler County

Buyer: City of Palm Coast, Florida
Buyer and Seller herby agree that Seller shall sell and Buyer shall buy the following described property pursuant to the following terms and conditions:

I. Description of Property

(a) Real property described as: *Parcel No 812 (Sketch and Legal description Attached).*
(b) Real Estate Purchased: *4,103 sq ft Deed*

(c) Buildings, structures, fixtures, and other improvements: N/A
(d) Personal Property: N/A
(e) Outdoor advertising structure(s) permit number(s): N/A
Building, structures, fixtures and other improvements owned by others: N/A
These items are **NOT** included in this agreement. A separate offer is being, or has been made for these items.

II. Purchase Price

(a) Real Property		
Land	1. $	22,200.00
Improvements	2. $	0.00
Real Estate Damages (Severance/Cost-to-Cure)	3. $	0.00
Total Real Property	4. $	22,200.00
(b) Total Personal Property	5. $	0.00
(c) Fess and Costs		
Attorney Fees	6. $	0.00
Appraiser Fees	7. $	0.00
_____Fee(s)	8. $	0.00
Total Fees and Costs	9. $	0.00
(d) Total Business Damages	10. $	0.00
(e) Total of Other Costs	11. $	0.00
List: _____		
Total Purchase Price (Add Lines **4,5,9,10** and **11**)	$	22,200.00
(f) Portion of Total Purchase Price to be paid to Seller by Buyer at Closing	$	22,200.00
(g) Portion of Total Purchase Price to be paid to Seller by Buyer upon surrender of possession	$	0.00

III. Conditions and Limitations

(a) Seller is responsible for all taxes due on the property up to, but not including, the day of closing.
(b) Seller is responsible for delivering marketable title to Buyer. Marketable title shall be determined according to applicable title standards adopted by the Florida Bar in accordance with Florida Law subject only to those exceptions that are acceptable to Buyer. Seller shall be liable for any encumbrances not disclosed in the public records or arising after closing as a result of actions of the Seller.

(c) Seller shall maintain the property described in **Section I** of the agreement until the day of closing. The property shall be maintained in the same condition existing on the date of this agreement, except for reasonable wear and tear.
(d) Any occupancy of the property described in **Section I** of this agreement by Seller extending beyond the day of closing must be pursuant to a lease from Buyer to Seller.

(e) The property described in **Section I** of this agreement is being acquired by Buyer for transportation purposes under threat of condemnation pursuant to Section **337.25 Florida Statutes**.
(f) Seller agrees that the real property described in **Section I** of the agreement shall be conveyed to Buyer by conveyance instrument(s) acceptable to Buyer.
(g) Seller and Buyer agree that a real estate closing pursuant to the terms of the agreement shall be contingent upon delivery by Seller of an executed Public Disclosure affidavit in accordance with **Section 286.26, Florida Statutes**.
(h) Seller and Buyer agree that this agreement represents the full and final agreement for the herein described sale and purchase and no other agreements or representations, unless incorporated into this agreement, shall be binding on the parties.
(i) Other: N/A

IV. Closing Date

The closing will occur no later than 60 days after Final Agency Acceptance.

V. Typewritten or Handwritten Provisions

Any typewritten or handwritten provisions inserted into or attached to this agreement as addenda must be initialed by both Seller and Buyer.

___There is an addendum to this agreement. Page ___ is made a part of the agreement.

✓There is not an addendum to this agreement.

VI. Seller and Buyer hereby acknowledge and agree that their signatures as Seller and Buyer below constitute their acceptance of this agreement as a binding real estate contract.

It is mutually acknowledged that this Purchase Agreement is subject to Final Agency Acceptance by Buyer pursuant to **Section 119.0711(2), Florida Statutes**. A closing shall not be conducted prior to 30 days from the date this agreement is signed by Seller and Buyer to allow public review of the transaction. Final Agency Acceptance shall not be withheld by Buyer absent evidence of fraud, coercion, or undue influence involving this agreement. Final Agency Acceptance shall be evidenced by the signature of Buyer in **Section VII** of the agreement.

Seller(s)

_____ 10/27/17
Signature Date

CARMEN BONGIOVANNI
Type or Print name under signature Date

_____
Signature Date

_____
Type or Print name under signature Date

Buyer

City of Palm Coast, Florida

BY: _____
Signature Date

_____
Type or Print name under signature

VII. Final Agency Acceptance

The Buyer has granted Final Agency Acceptance this _____ day of _____, _____.

By: _____
Signature

_____
Type or Print name under signature

This document delivered by _____
Date

This document received by _____
Date

city of PALM COAST

Community Development Department
Construction Management & Engineering Division

160 Lake Avenue
Palm Coast, FL 32164
386-986-3794

Florida Statutes:
Chapter 517
Section 286.23

575-030-18
RIGHT OF WAY
OGC-02/06

Columbian Club of Flagler County
PO Box 350219
Palm Coast, FL 32135-0219

Item/Segment No:	415964-1
District:	5
F.A.P. No:	N/A
State Road No:	N/A
County:	FLAGLER
Parcel No:	812

Dear Property Owner,

Subject: Public Disclosure
Notice

Section 286.23, Florida Statutes, (F.S.) requires persons or entities holding real property in the form of a partnership, limited partnership, corporation, trust or any form of representative capacity for others to disclose in writing, under oath, and subject to the penalties prescribed for perjury, his/her name and address and the names and addresses of every person having a beneficial interest in such property. The City must receive disclosure at least 10 days prior to the real estate closing by which the City acquires the property or within 48 hours after the City deposits the required monies into the registry of the court pursuant to an Order of Taking in condemnation. To assist you complying with the disclosure requirement, we have enclosed a copy of ***Section 286.23, F.S.*** and an affidavit for you to complete and return to this office at:

City of Palm Coast, 160 Lake Avenue, Palm Coast, FL 32164

Please Note:

Are not required to disclose a beneficial interest in an entity registered with the Federal Securities Exchange Commission or the Florida Department of Financial Services pursuant to ***Chapter 517, Florida Statutes,*** Whose interest is for sale to the general public.

If beneficial interests in the property are exempt from disclosure, please so indicate on the enclosed affidavit.

If you have any questions please contact: Mike Peel, (386) 986-4771, mpeel@palmcoastgov.com.

Sincerely,

Virginia Smith, MMC, CP
City Clerk/Paralegal

Enclosures: Section 286.23, Florida Statutes, Public Disclosure Affidavit

Section 286.23, Florida Statutes

286.23 Real property conveyed to public agency; disclosure of beneficial interests; notice; exemptions.--

(1) Any person or entity holding real property in the form of a partnership, limited partnership, corporation, trust, or any form of representative capacity whatsoever for others, except as otherwise provided in this section, shall, before entering into any contract whereby such real property held in representative capacity is sold, leased, taken by eminent domain, or otherwise conveyed to the state or any local governmental unit, or an agency of either, make a public disclosure in writing, under oath and subject to the penalties prescribed for perjury, which shall state his or her name and address and the name and address of every person having a beneficial interest in the real property, however small or minimal. This written disclosure shall be made to the chief officer, or to his or her officially designated representative, of the state, local governmental unit, or agency of either, with which the transaction is made at least 10 days prior to the time of closing or, in the case of an eminent domain taking, within 48 hours after the time when the required sum is deposited in the registry of the court. Notice of the deposit shall be made to the person or entity by registered or certified mail before the 48-hour period begins.

(2) The state or local governmental unit, or an agency of either, shall send written notice by registered mail to the person required to make disclosures under this section, prior to the time when such disclosures are required to be made, which written request shall also inform the person required to make such disclosure that such disclosure must be made under oath, subject to the penalties prescribed for perjury.

(3)(a) The beneficial interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to chapter 517, whose interest is for sale to the general public, is hereby exempt from the provisions of this section. When disclosure of persons having beneficial interests in nonpublic entities is required, the entity or person shall not be required by the provisions of this section to disclose persons or entities holding less than 5 percent of the beneficial interest in the disclosing entity.

(b) In the case of an eminent domain taking, any entity or person other than a public officer or public employee, holding real property in the form of a trust which was created more than 3 years prior to the deposit of the required sum in the registry of the court, is hereby exempt from the provisions of this section. However, in order to qualify for the exemption set forth in this section, the trustee of such trust shall be required to certify within 48 hours after such deposit, under penalty of perjury, that no public officer or public employee has any beneficial interest whatsoever in such trust. Disclosure of any changes in the trust instrument or of persons having beneficial interest in the trust shall be made if such changes occurred during the 3 years prior to the deposit of said sum in the registry of the court.

(4) This section shall be liberally construed to accomplish the purpose of requiring the identification of the actual parties benefiting from any transaction with a governmental unit or agency involving the procurement of the ownership or use of property by such governmental unit or agency.

History.--ss. 1, 2, 3, 4, 5, ch. 74-174; s. 1, ch. 77-174; s. 72, ch. 86-186; s. 7, ch. 91-56; s. 212, ch. 95-148.

Florida Statutes:
Chapter 517
Section 286.23

575-030-18
RIGHT OF WAY
OGC-02/06

Item/Segment No.: 415964-1
District: 5
F.A.P. No.:
State Road No.:
County: FLAGLER
Parcel No.: 812

Public Disclosure Affidavit

I, the undersigned, under penalty of perjury, affirm that I hold the title for, or represent

COLUMBIAN CLUB OF FLAGLER COUNTY, INC. in the capacity of
Name of corporation, trust, partnership, etc.

PRESIDENT and; my full name
Affiant's Title (Pres., V.P., Trustee etc.)

and address is CARMEN BONGIOVANNI
18 PANCHACA LN. Palm Coast, FL 32164 ; and
Affiant's Name and Address

COLUMBIAN CLUB OF FLAGLER COUNTY, INC holds legal title
Name of corporation, trust, partnership, etc.

to the real estate described in ***Attachment "A"*** to this affidavit; and (select appropriate option)

☐ The names and addresses of all persons who hold a beneficial interest in the real estate are listed on ***Attachment "B"*** to this affidavit.

☐ All beneficial interests in the property are exempt from disclosure because the entity identified above as the owner of the real estate is an entity registered with the Federal Securities Exchange Commission or the Florida Department of Financial Services pursuant to ***Chapter 517, Florida Statutes***, whose interest is for sale to the general public.

Affiant's Signature

CARMEN BONGIOVANNI
Print or Type Name of Affiant

State of Florida
County of Flagler

Sworn to and subscribed before me this 27th day of October, 2017
by Carmen Bongiovanni who is personally known to me or who has produced
as identification.

Notary's Signature: Windy Chace Eyler
(Print, type or stamp name of notary public)

NOTARY PUBLIC STATE OF FLORIDA
WINDY CHACE-EYLER
Commission # FF 132739
Expires July 2, 2018
Bonded Thru Troy Fain Insurance 800-385-7019

Attachment A
Insert Legal Description

Attachment "B"

Prepared by:
R. Michael Peel, P.E.
City of Palm Coast
160 Lake Avenue
Palm Coast, FL 32164

Return to:
City Clerk
City of Palm Coast
160 Lake Avenue
Ste. 203
Palm Coast, FL 32164

LICENSE AGREEMENT

THIS LICENSE AGREEMENT is made and entered into this 27th day of October, 2017, by and between _Columbian Club of Flagler County_ whose address is _51 Old Kings Rd., N._ ("Licensor") and the CITY OF PALM COAST, FLORIDA, a municipal corporation of the State of Florida, ("Licensee") whose address is 160 Lake Avenue, Palm Coast, FL 32164.

WITNESSETH:

WHEREAS, Licensor is the owner of that certain real property located at 51 Old Kings Road, Palm Coast, Flagler County, Florida, Tax ID Number 12-11-30-0000-01010-0020 , and more particularly described in Map Book 6, Pages 20 and 21 and incorporated herein by reference (the "Licensor's Property"); and

WHEREAS, Licensee seeks a license to enter a portion of the Licensor's Property more particularly described as Parcel 812 in Exhibit "A" attached hereto and incorporated herein by reference (the "License Area"); and

WHEREAS, the parties desire to set forth the terms and conditions under which Licensee will be permitted to enter, occupy, and use the Licensor's Property.

NOW, THEREFORE, for and in consideration of the mutual covenants and agreements contained herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Licensor and Licensee hereby agree as follows:

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

Grant of License and Purpose. Licensee hereby grants to Licensee a non-exclusive license to occupy and use the License Area subject to the terms and conditions hereof. The License Area may be occupied and used by Licensee solely for sloping, grading, tying in, harmonizing and reconnecting existing features, including driveway connections, of the Licensor's Property with the roadway improvements which are to be constructed together with incidental purposes related thereto during the period beginning with the date of construction start, and continuing until completion of the transportation project, or December 31, 2021, whichever date shall occur first ("Term").

2. Construction and Maintenance. Licensee shall bear the entire cost and expense of any construction, repair, alteration, replacement or removal activities performed within the Area of the License Agreement. The Licensee shall also, at Licensee's cost and expense, restore, to the extent practical, areas within the License Agreement Area to the condition which existed prior to any such construction, repair, alteration, replacement or removal activities, including but not limited to, revegetation, resodding, repaving, or removal of debris or dirt caused by or resulting from such activities.

3. Use. Use of the License Agreement Area and entry upon the Property will at all times conform to and comply with the terms of this Agreement and all applicable governmental regulations now in existence or hereafter created.

4. Warranty of Title. Licensor hereby warrants that: (i) Licensor owns the fee simple title to the Property, (ii) Licensor has good right and lawful authority to convey the access granted herein, and (iii) the Property is not encumbered by any mortgages or other matters which would prohibit the use of the License Agreement Area for the purposes contemplated herein.

5. Litigation and Attorney's Fees. In the event it shall be necessary for Licensor or Licensee to bring suit for specific performance or damages or to enforce any provision hereof, the prevailing party in any such litigation and any appeals therefrom shall be entitled to recover from the other party, in addition to any damages or other relief granted as a result of such litigation, all costs or expenses of such litigation and its reasonable attorneys' fees and paralegals' fees as fixed by the Court.

6. Entire Agreement. The making, execution and delivery of this License Agreement by Licensor has not been induced by any representations, statements, warranties, or agreements other than those contained herein. This License Agreement embodies the entire understanding of the parties and there are no further or other agreements or understandings, written or oral, in effect between the parties relating to the subject matter hereof.

7. Governing Law. This Agreement shall be governed by and construed in accordance with the laws of the State of Florida.

IN WITNESS WHEREOF, Licensor and Licensee have caused this Agreement to be executed in manner and form sufficient to bind them as of the date and year first above written.

WITNESSES:

Windy Chace Eyler

Windy Chace Eyler
(print)

Ryan Ford
(print)

LICENSOR

By: _____

Print name: CARMEN BONGIOVANNI

Title: PRESIDENT

Address: 51 Old Kings Rd No.
Palm Coast, Fl 32137

STATE OF FLORIDA
COUNTY OF FLAGLER

The foregoing instrument was acknowledged before me this 27th day of October, 2017, by Carmen Bongiovanni the President
(check one) ☒ who is personally known to me or ☐ who produced _____ as identification.

WINDY CHACE-EYLER
Commission # FF 132739
Expires July 2, 2018
Bonded Thru Troy Fain Insurance 800-385-7019

Windy Chace Eyler
Notary Public - State of Florida
Print Name: Windy Chace Eyler
My Commission expires: 7/2/2018

WITNESSES:

_____

_____
(print)

_____

_____
(print)

LICENSEE

CITY OF PALM COAST

By:_____
Jim Landon, City Manager

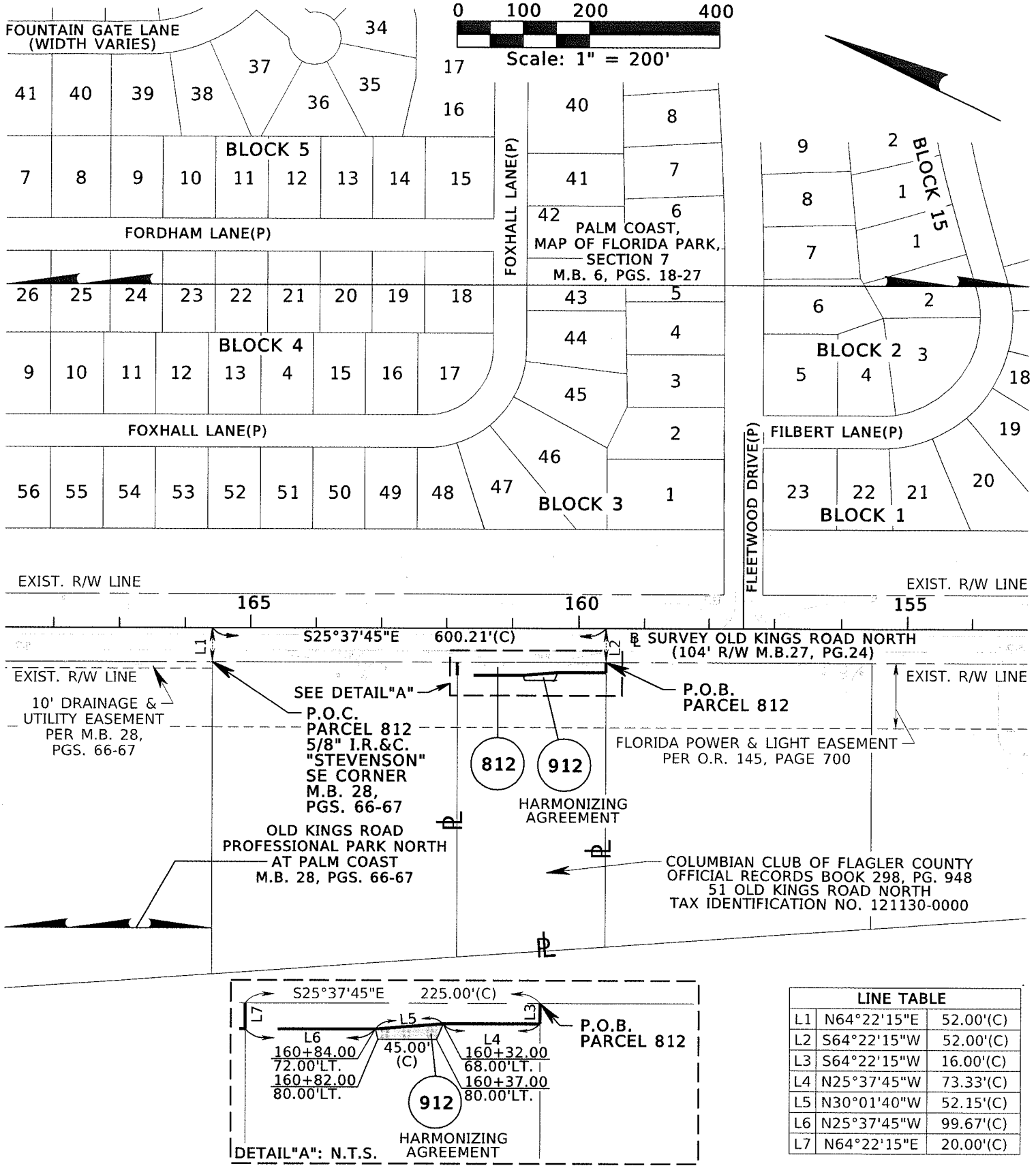
ATTEST:

_____
City Clerk

STATE OF FLORIDA
COUNTY OF FLAGLER

The foregoing instrument was acknowledged before me this _____ day of _____, 2017, by Jim Landon, City Manager of the City of Palm Coast, Florida, who is personally known to me.

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



LINE TABLE		
L1	N64°22'15"E	52.00'(C)
L2	S64°22'15"W	52.00'(C)
L3	S64°22'15"W	16.00'(C)
L4	N25°37'45"W	73.33'(C)
L5	N30°01'40"W	52.15'(C)
L6	N25°37'45"W	99.67'(C)
L7	N64°22'15"E	20.00'(C)

REVISION	BY	DATE

CITY OF PALM COAST, FLORIDA

SKETCH AND DESCRIPTION - NOT A FIELD SURVEY

OLD KINGS ROAD NORTH - PARCEL 812 & PARCEL 912 — FLAGLER COUNTY

	BY	DATE
DRAWN	K.SCHMISEK	04-17-17
CHECKED	C.FAUST	04-21-17

PREPARED BY: DRMP, INC.
8001 BELFORT PARKWAY, SUITE 200
JACKSONVILLE, FLORIDA 32256 LB#2648

DATA SOURCE: 13-0282.000
SCALE: 1"=200'

DRMP JOB NO. 13-0282.000 | SECTION N/A | SHEET 3 OF 5

Parcel 812
Perpetual Easement
Old Kings Road North
Palm Coast, Florida

A Part Of Section 7, Township 11 South, Range 31 East, Flagler County, Florida, Being More Particularly Described As Follows:

Commence At A 5/8" Iron Rod With Cap, "Stevenson", Marking The Southeast Corner Of Old Kings Road Professional Park North At Palm Coast, Map Book 28, Pages 66-67 Of The Public Records Of Flagler County, Florida; Being On The Southwesterly Existing Right Of Way Line Of Old Kings Road North (A 104 Foot Right Of Way, As Per Map Book 27, Page 24, Of Said Public Records); Thence North 64°22'15" East, A Distance Of 52.00 Feet To The Baseline Of Survey Of Said Old Kings Road North; Thence South 25°37'45" East, A Distance Of 600.21 Feet; Thence South 64°22'15" West, A Distance Of 52.00 Feet To A Point On Aforesaid Southwesterly Existing Right Of Way Line And The **Point Of Beginning**; Thence South 64°22'15" West, A Distance Of 16.00 Feet; Thence North 25°37'45" West, A Distance Of 73.33 Feet; Thence North 30°01'40" West, A Distance Of 52.15 Feet; Thence North 25°37'45" West, A Distance Of 99.67 Feet; Thence North 64°22'15" East, A Distance Of 20.00 Feet To The Said Southwesterly Existing Right Of Way Line Of Old Kings Road North; Thence South 25°37'45" East, Along Said Southwesterly Existing Right Of Way Line, A Distance Of 225.00 Feet To The **Point Of Beginning.**

Containing 4,103 Square Feet, More Or Less.

REVISION	BY	DATE

CITY OF PALM COAST, FLORIDA

SKETCH AND DESCRIPTION - NOT A FIELD SURVEY

OLD KINGS ROAD NORTH - PARCEL 812 & PARCEL 912 FLAGLER COUNTY

	BY	DATE
DRAWN	K.SCHMISEK	04-17-17
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PREPARED BY: DRMP, INC.
8001 BELFORT PARKWAY, SUITE 200
JACKSONVILLE, FLORIDA 32256 LB#2648

DATA SOURCE: 13-0282.000
SCALE: N/A

DRMP JOB NO. 13-0282.000 SECTION N/A SHEET 4 OF 5

Prepared by:
R. Michael Peel, P.E.
City of Palm Coast

Return to:
City Clerk
City of Palm Coast
160 Cypress Point Parkway, Ste. B-106
Palm Coast, FL 32164

INFRASTRUCTURE EASEMENT AGREEMENT

THIS INFRASTRUCTURE EASEMENT AGREEMENT is made and entered into this _____ day of _____, 2017, by and between _Columbian Club of Flagler County__ whose address is __51 Old Kings Rd., N.__ ("Grantor") and the **CITY OF PALM COAST,** ("Grantee") whose address is 160 Lake Avenue, Suite 213, Palm Coast, FL 32164.

W I T N E S S E T H:

WHEREAS, Grantor is the owner of that certain real property located in Palm Coast, Flagler County, Florida, more particularly described as set forth on Exhibit "A" attached hereto and incorporated herein by this reference (the "Property"); and

WHEREAS, Grantor desires to grant and convey unto Grantee a non-exclusive public infrastructure easement to, over, under, upon, across and through that certain portion of the Property which is described on Exhibit "B" attached hereto (hereinafter referred to as the "Easement Area"), for the construction, installation, operation, maintenance and repair, and all associated grading and earthwork, by Grantee, or its employees, agents or designees, of public infrastructure to include; roads, storm drainage, signalization, utility lines, mains, pipes, structures, electrical controls, cables and appurtenances (hereinafter referred to as the "Infrastructure"); and

WHEREAS, Grantor warrants that he has full authority to grant this easement.

NOW, THEREFORE, for and in consideration of the mutual covenants and agreements contained herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Grantor and Grantee hereby agree as follows:

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

2. Grant of Easement by Grantor. Grantor does hereby create, grant, convey and declare to exist a non-exclusive Easement to, over, under, upon, across and through the Easement Area for the purpose of construction, installation, operation, maintenance and repair of the Infrastructure.

3. Incidental Rights. The Easement hereby created and granted includes the creation of all incidental rights reasonably necessary for the use and enjoyment of the Easement Area for its intended purposes, including, specifically, the right of entry for purposes of construction, installation, operation, maintenance and repair of any Infrastructure located within the Easement Area.

4. Construction and Maintenance. Grantee shall bear the entire cost and expense of any construction, repair, alteration, replacement or removal activities performed within the Easement Area. The Grantee shall also, at Grantee's cost and expense, restore, to the extent practical, areas within the Property and Easement Area to the condition which existed prior to any such construction, repair, alteration, replacement or removal activities, including but not limited to, revegetation, resodding, repaving, or removal of debris or dirt caused by or resulting from such activities.

5. Use. Use of the Easement Area and entry upon the Property will at all times conform to and comply with the terms of this Easement and all applicable governmental regulations now in existence or hereafter created.

6. Duration. The Easement hereby granted and conveyed to, over, under, upon, across, and through the Easement Area shall be perpetual in duration.

7. Warranty of Title. Grantor hereby warrants that: (i) Grantor owns the fee simple title to the Property, (ii) Grantor has good right and lawful authority to convey the Easement granted herein, and (iii) the Property is not encumbered by any mortgages or other matters which would prohibit the use of the Easement Area for the purposes contemplated herein.

8. Litigation and Attorneys Fees. In the event it shall be necessary for Grantor or Grantee to bring suit for specific performance or damages or to enforce any provision hereof, the prevailing party in any such litigation and any appeals therefrom shall be entitled to recover from the other party, in addition to any damages or other relief granted as a result of such litigation, all costs or expenses of such litigation and its reasonable attorneys' fees and paralegals' fees as fixed by the Court.

9. Governing Law. The Easement shall be governed by and construed in accordance with the laws of the State of Florida.

10. Recordation. The original of this agreement shall be recorded in the Public Records of Flagler County, Florida, at the expense of the Grantee.

11. Binding Covenant. The covenant and rights set forth in this Agreement shall run with the title to the lands described in Exhibit "A" and the benefits and burdens hereof shall bind and inure to the benefit of all successors in interest to the parties hereto.

IN WITNESS WHEREOF, Grantor and Grantee have caused this Infrastructure Easement to be executed in manner and form sufficient to bind them as of the date and year first above written.

WITNESSES:

Daniel Lamperti
(print)

Windy Chace Eyler

Windy Chace Eyler
(print)

GRANTOR

By: _____

Print name: Carmen Bongiovanni

Title: President

Address:

STATE OF FLORIDA
COUNTY OF FLAGLER

The foregoing instrument was acknowledged before me this 31st day of October, 2017, by Carmen Bongiovanni the President (check one) ☑ who is personally known to me or ☐ who produced _____ as identification.

Windy Chace Eyler
Notary Public – State of Florida
Print Name: Windy Chace Eyler
My Commission expires: 7/2/2018

WINDY CHACE-EYLER
Commission # FF 132739
Expires July 2, 2018
Bonded Thru Troy Fain Insurance 800-385-7019

WITNESSES:

_____

_____
(print)

_____

_____
(print)

GRANTEE

CITY OF PALM COAST

By:_____
Jim Landon, City Manager

ATTEST:

_____
City Clerk

STATE OF FLORIDA
COUNTY OF FLAGLER

The foregoing instrument was acknowledged before me this _____ day of _____, 2017, by Jim Landon, City Manager of the City of Palm Coast, Florida, who is personally known to me.

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

AGSC Search Number: 27294-9

EXHIBIT "A"

A PARCEL OF LAND LYING IN GOVERNMENT SECTION 12, TOWNSHIP 11 SOUTH, RANGE 30 EAST, FLAGLER COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

AS A POINT OF REFERENCE BEING THE CENTERLINE INTERSECTION OF FLEETWOOD DRIVE (60' R/W) WITH OLD KINGS ROAD (104' R/W), ALL ACCORDING TO THE "SUBDIVISION MAP FLORIDA PARK - SECTION 7 AT PALM COAST" AS RECORDED IN MAP BOOK 6, PAGES 20 AND 21 OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA; THENCE NORTH 25°37'42" WEST ALONG SAID CENTERLINE OF OLD KINGS ROAD 210.71 FEET; THENCE LEAVING SAID CENTERLINE SOUTH 64°22'18" WEST 152.00 FEET TO A POINT ON THE WESTERLY BOUNDARY OF A 100.00 FOOT WIDE FLORIDA POWER AND LIGHT EASEMENT AS RECORDED IN OFFICIAL RECORDS BOOK 145, PAGE 0700 OF SAID PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA; THENCE LEAVING SAID EASEMENT CONTINUE SOUTH 64°22'18" WEST 336.94 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY OF INTERSTATE 95 (300' R/W); THENCE NORTH 29°43'07" WEST ALONG SAID RIGHT-OF WAY 225.57 FEET; THENCE LEAVING SAID RIGHT-OF-WAY NORTH 64°22'18" EAST 353.03 FEET TO A POINT ON THE WESTERLY BOUNDARY OF SAID FLORIDA POWER AND LIGHT EASEMENT; THENCE SOUTH 25°37'42" EAST 225.00 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION.

AND

A PARCEL OF LAND LYING IN GOVERNMENT SECTION 12, TOWNSHIP 11 SOUTH, RANGE 30 EAST, BEING A PORTION OF A 100.00 FOOT WIDE EASEMENT TO FLORIDA POWER AND LIGHT, RECORDED IN OFFICIAL RECORDS BOOK 145, PAGE 0700 OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

AS A POINT OF REFERENCE BEING THE CENTERLINE INTERSECTION OF FLEETWOOD DRIVE (60' R/W) WITH OLD KINGS ROAD (104' R/W), ALL ACCORDING TO THE "SUBDIVISION MAP FLORIDA PARK - SECTION 7 AT PALM COAST" AS RECORDED IN MAP BOOK 6, PAGES 20 AND 21 OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA; THENCE NORTH 25°37'42" WEST ALONG SAID CENTERLINE OF OLD KINGS ROAD 210.71 FEET; THENCE LEAVING SAID CENTERLINE SOUTH 64°22'18" WEST 52.00 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY OF SAID OLD KINGS ROAD, SAID POINT BEING THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE LEAVING SAID RIGHT-OF-WAY CONTINUE SOUTH 64°22'18" WEST 100.00 FEET TO A POINT ON THE WESTERLY BOUNDARY OF SAID FLORIDA POWER AND LIGHT EASEMENT; THENCE NORTH 25°37'42" WEST ALONG SAID WESTERLY BOUNDARY OF EASEMENT 225.00 FEET; THENCE LEAVING SAID WESTERLY BOUNDARY OF EASEMENT NORTH 64°22'18" EAST 100.00 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY OF SAID OLD KINGS ROAD; THENCE SOUTH 25°37'42" EAST 225.00 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION.

Parcel 812
Perpetual Easement
Old Kings Road North
Palm Coast, Florida

Exhibit B

A Part Of Section 7, Township 11 South, Range 31 East, Flagler County, Florida, Being More Particularly Described As Follows:

Commence At A 5/8" Iron Rod With Cap, "Stevenson", Marking The Southeast Corner Of Old Kings Road Professional Park North At Palm Coast, Map Book 28, Pages 66-67 Of The Public Records Of Flagler County, Florida; Being On The Southwesterly Existing Right Of Way Line Of Old Kings Road North (A 104 Foot Right Of Way, As Per Map Book 27, Page 24, Of Said Public Records); Thence North 64°22'15" East, A Distance Of 52.00 Feet To The Baseline Of Survey Of Said Old Kings Road North; Thence South 25°37'45" East, A Distance Of 600.21 Feet; Thence South 64°22'15" West, A Distance Of 52.00 Feet To A Point On Aforesaid Southwesterly Existing Right Of Way Line And The **Point Of Beginning**; Thence South 64°22'15" West, A Distance Of 16.00 Feet; Thence North 25°37'45" West, A Distance Of 73.33 Feet; Thence North 30°01'40" West, A Distance Of 52.15 Feet; Thence North 25°37'45" West, A Distance Of 99.67 Feet; Thence North 64°22'15" East, A Distance Of 20.00 Feet To The Said Southwesterly Existing Right Of Way Line Of Old Kings Road North; Thence South 25°37'45" East, Along Said Southwesterly Existing Right Of Way Line, A Distance Of 225.00 Feet To The **Point Of Beginning.**

Containing 4,103 Square Feet, More Or Less.

REVISION	BY	DATE

CITY OF PALM COAST, FLORIDA

SKETCH AND DESCRIPTION - NOT A FIELD SURVEY

OLD KINGS ROAD NORTH - PARCEL 812 & PARCEL 912 FLAGLER COUNTY

	BY	DATE
DRAWN	K.SCHMISEK	04-17-17
CHECKED	C.FAUST	04-21-17

PREPARED BY: DRMP, INC.
8001 BELFORT PARKWAY, SUITE 200
JACKSONVILLE, FLORIDA 32256 LB#2648

DATA SOURCE: 13-0282.000
SCALE: N/A

DRMP JOB NO. 13-0282.000 SECTION N/A SHEET 4 OF 5

Meeting Calendar for 12/6/2017 through 1/30/2018

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

12/20/2017 5:30 PM
Planning & Land Development Regulation Board
City Hall

1/9/2018 9:00 PM
City Council Workshop
City Hall

1/16/2018 9:00 AM
City Council
City Hall

1/17/2018 5:30 PM
Planning & Land Development Regulation Board
City Hall

#	File #	Item	Title	Staff
			Workshop 12/12/2017	
1		Resolution	Annual Fuel Purchase	Abreu
2		Resolution	Installation/Replacement Pep Tanks	Adams/Ashburn
3		Resolution	Purchase of Micro C for Wastewaster Treatment Plant #2	Adams/Ashburn
4		Resolution	Roadway Striping Services Agreement	Castello
5		Resolution	Design Signal Belle Terre/Market Ave	Castello/Cote
6		Resolution	LAP Agreement Lakeview Blvd	Cote
7		Discussion	City Manager RFP Summation	Council
8		Resolution	Annual Office Supplies	Falgout
9		Resolution	CDBG Annual Report	Papa
			Business 12/19/2017	
1		Resolution	Annual Fuel Purchase	Abreu
2		Resolution	Installation/Replacement Pep Tanks	Adams/Ashburn
3		Resolution	Purchase of Micro C for Wastewaster Treatment Plant #2	Adams/Ashburn
4		Presentation	2017 Annual Intracoastal Waterway Cleanup Event Results	Bevan
5		Resolution	Roadway Striping Services Agreement	Castello
6		Resolution	Design Signal Belle Terre/Market Ave	Castello/Cote
7		Resolution	LAP Agreement Lakeview Blvd	Cote
8		Resolution	Annual Office Supplies	Falgout
9		Resolution	CDBG Annual Report	Papa
			Workshop 12/26/2017-CANCELLED	
			Business 1/02/2018	
			Workshop 01/09/2018	
1		Presentation	Charter Review Summation	Crotty
2		Resolution	Belle Terre/US 1 and Wellfield/US 1 Intersection Improvements	Castello/Cote
			Business 1/16/2018	
1		Resolution	Belle Terre/US 1 and Wellfield/US 1 Intersection Improvements	Castello/Cote
			Future	
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 Califier Process Equipment WWTP #1	Adams/Ashburn
6		Resolution	Master Plan SCADA Telemetry Standarization	Adams/Hogan
7		Resolution	Permit compliance with NECGA (MOU and Conservation easement)	Bevan
8		Ordinance	Charter Amendment Draft Ordinance (if any)	Council
9		Resolution	Property Exchange NECGA	Falgout
10		Resolution	Purchase Fire Truck	Forte
11		Presentation	Health and Safety Calendar Contest	Mini
12		Ordinance 1st	Coastal Trace FLUM	Papa
13		Ordinance 1st	Coastal Trace Rezoning	Papa
14		Ordinance	Rezoning Roberts Rd - FL Landmark Communities Properties	Papa
15		Ordinance	Rezoning Roberts Rd - Tuesday Corporation Property	Papa
16		Ordinance	Rezoning Roberts Road - Smith Properties	Papa
17		Resolution	FiberNet	Streichsbier
18		Ordinance	Wireless Master Plan	Streichsbier