



**City of Palm Coast**  
**Agenda**  
**PLANNING AND LAND**  
**DEVELOPMENT**  
**REGULATION BOARD**

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

***Chair James A. Jones***  
***Vice Chair Glenn Davis***  
***Board Member Sybil Dodson-Lucas***  
***Board Member Christopher Dolney***  
***Board Member Pete Lehnertz***  
***Board Member Jake Scully***  
***Board Member Clinton Smith***  
***School Board Rep David Freeman***

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**Wednesday, August 15, 2018**

**5:30 PM**

**COMMUNITY WING OF CITY HALL**

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**RULES OF CONDUCT:**

>Public comment will be allowed consistent with Senate Bill 50, codified at the laws of Florida, 2013 – 227, creating Section 286.0114, Fla. Stat. (with an effective date of October 1, 2013). The public will be given a reasonable opportunity to be heard on a proposition before the City's Planning & Land Development Regulation Board, subject to the exceptions provided in §286.0114(3), Fla. Stat.

>Public comment on issues on the agenda or public participation shall be limited to 3 minutes.

> All public comments shall be directed through the podium. All parties shall be respectful of other persons' ideas and opinions. Clapping, cheering, jeering, booing, catcalls, and other forms of disruptive behavior from the audience are not permitted.

>If any person decides to appeal a decision made by the Planning and Land Development Regulation Board with respect to any matter considered at such meeting or hearing, he/she may want a record of the proceedings, including all testimony and evidence upon which the appeal is to be based. To that end, such person will want to ensure that a verbatim record of the proceedings is made.

>If you wish to obtain more information regarding Planning and Land Development Regulation's Agenda, please contact the Community Development Department at 386-986-3736.

>In accordance with the Americans with Disabilities Act, persons needing assistance to participate in any of these proceedings should contact the City Clerk's Office at 386-986-3713 at least 48 hours prior to the meeting.

>The City of Palm Coast is not responsible for any mechanical failure of recording equipment

>All pagers and cell phones are to remain OFF while the Planning and Land Development Regulation Board is in session.

**Call to Order and Pledge of Allegiance**

**Roll Call and Determination of a Quorum**

**Approval of Meeting Minutes**

**1 MEETING MINUTES OF THE JULY 18, 2018 PLANNING AND LAND DEVELOPMENT  
REGULATIONS BOARD MEETING**

## **Public Hearings**

- 2 A REQUEST TO REZONE 6.3 ACRES FROM COMMERCIAL-1 (COM-1) AND ESTATE-1 (EST-1) TO MULTIFAMILY RESIDENTIAL-2 (MFR-2) GENERALLY DESCRIBED AS LOCATED EAST OF OLD KINGS ROAD AND NORTH OF OAK TRAIL.**
- 3 A REQUEST TO REZONE 116 ACRES GENERALLY LOCATED ON WHITEVIEW PARKWAY FROM COMMERCIAL-2 (COM-2) TO MASTER PLANNED DEVELOPMENT (MPD).**
- 4 REQUEST TO AMEND ORDINANCE 2003-32 AKA THE TOWNCENTER MPD TO ALLOW PARKING CANOPIES AS AN ALTERNATIVE TO THE GARAGE REQUIREMENT FOR MULTIFAMILY WITHIN THE URBAN CORE OF TOWN CENTER.**

## **Board Discussion and Staff Issues**

## **Adjournment**

## **ATTACHMENTS**



## City of Palm Coast, Florida Agenda Item

Agenda Date: August 15, 2018

<b>Department Item Key</b>	PLANNING 3995	<b>Amount Account #</b>
<b>Subject</b>	MEETING MINUTES OF THE JULY 18, 2018 PLANNING AND LAND DEVELOPMENT REGULATIONS BOARD MEETING	
<b>Background :</b>		
<b>Recommended Action :</b> Approve as presented.		



**City of Palm Coast  
Minutes  
PLANNING AND LAND  
DEVELOPMENT  
REGULATION BOARD**

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**Wednesday, July 18, 2018**

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**Call to Order and Pledge of Allegiance**

*Chair Jones called the July 18, 2018 meeting of the Planning and Land Development Regulations Board (PLDRB) to order @5:30PM.*

**Roll Call and Determination of a Quorum**

*Irene Schaefer, Recording Secretary, read the roll.*

*Present and responding to roll call:*

*Chair Jones  
Vice Chair Davis  
Mr. Scully  
Mr. Smith*

*Not Present:  
Mr. Freeman  
Mrs. Lucas  
Mr. Dolney  
Mr. Lehnertz*

### **Approval of Meeting Minutes**

**1 MEETING MINUTES OF THE MAY 16, 2018 PLANNING AND LAND DEVELOPMENT REGULATIONS BOARD MEETING**

**Pass**

**Motion made to approve as presented made by Vice Chair Davis and seconded by Board Member Smith**

**Approved - 4 - Vice Chair Glenn Davis, Chair James Jones, Board Member Jake Scully, Board Member Clinton Smith**

### **Public Hearings**

**2 A REZONING REQUEST FROM COMMERCIAL-1 AND ESTATE-1 TO MULTIFAMILY-2 ON A 6.3 ACRE PROPERTY GENERALLY LOCATED ON OLD KINGS ROAD N. NORTH OF OAK TRAIL BLVD., APPLICATION 3680, CONTINUED TO DATE CERTAIN: AUGUST 15, 2018**

**Pass**

**Motion made to Continued this item to a date certain of August 15, 2018, made by Vice Chair Davis and seconded by Board Member Smith**

**Approved - 4 - Vice Chair Glenn Davis, Chair James Jones, Board Member Jake Scully, Board Member Clinton Smith**

*Mr. Tyner, Planning Manager, clarified that this item will be readvertised in advance of the August 15th meeting.*

**3 A REQUEST BY WAYZER PROPERTIES LLC FOR A SPECIAL EXCEPTION FOR ANIMAL BOARDING AND DAYCARE WITHIN A VETERINARY CLINIC USE AT 5006 PALM COAST PARKWAY NW.**

*Mr. Ray Tyner, Planning Manager, introduced this item along with Ms. Ida Meehan, Senior Planner, who gave a presentation which is attached to these minutes.*

*Mr. Tyner also provided some history for a similiar special exception on Lupi Ct. that was approved by the PLDRB and in the past. The location of the Lupi Ct. facility was much closer to single family residential units and since that special exception was granted the City nor Mr. Tyner has received any complaints from the surrounding residents.*

*Dr. Kaser, owner/applicant, addressed the PLDRB members regarding the need for the additional space since the existing facility has been outgrown. She also clarified that the new facility will have additional services such as boarding.*

*Scott Learned, licensed Professional Engineer (PE) in FL & 45 other states and the primary designer for this project, addressed the PLDRB members regarding the design of the project including sound proofing that has been included to eliminate stress for the animals and minimize the noise that the neighbors could hear.*

*Dr. Kaser clarified that the facility will also be an animal hospital however at this time it will not be a 24 hour hospital, but that option will be looked into in the future.*

*Chair Jones opened this item to public commment @ 6:00PM.*

*Mr. Dan Wilcox, 204 N. Railroad Street, Bunnell, FL 32110, consultant on the project, addressed the PLDRB members regarding the placement of the six foot masonry wall on the property line which would disturb the existing natural buffer. Mr. Tyner indicated that City staff agreed with Mr. Wilcox's request to move the wall from the property line.*

*Chair Jones also requested that staff update the reference to the masonry wall is changed to reflect the wall is six feet in height.*

*Chair Jones closed this item to public comment @ 6:03PM.*

#### **Pass**

**Motion made to Approved as amended the special exception with all of staffs' recommendations and special conditions with the clarification that the masonry wall be six feet in height and its actual location and limits will be determined by staff made by Board Member Smith and seconded by Board Member Scully**

**Approved - 4 - Vice Chair Glenn Davis, Chair James Jones, Board Member Jake Scully, Board Member Clinton Smith**

#### **Board Discussion and Staff Issues**

*Mr. Tyner gave an update for the Land Development Code (LDC) review of the sign code chapter to the PLDRB members which will be coming up for stakeholder's review and then for a PLDRB workshop. Engineering and design chapter of the LDC is also under current review with stakeholders and the PLDRB workshop will be scheduled in the near future. Finally, the architectural chapter of the LDC is also currently under review by staff and workshops will start sometime soon.*

*Irene Schaefer, Recording Secretary, reminded the PLDRB members that the September PLDRB meeting has been moved from Wednesday, September 19th to Tuesday, September 18th.*

## **Adjournment**

*Motion made that the meeting be adjourned by Mr. Smith and the motion was seconded by Mr. Davis.*

*The meeting was adjourned at 6:08PM.*

*Respectfully Submitted by:  
Irene Schaefer, Recording Secretary*

## **ATTACHMENTS**

# City of Palm Coast, Florida

## Agenda Item

Agenda Date: August 15, 2018

<b>Department</b>	PLANNING	<b>Amount</b>
<b>Item Key</b>	3893	<b>Account</b>
		<b>#</b>
<b>Subject</b>	A REQUEST TO REZONE 6.3 ACRES FROM COMMERCIAL-1 (COM-1) AND ESTATE-1 (EST-1) TO MULTIFAMILY RESIDENTIAL-2 (MFR-2) GENERALLY DESCRIBED AS LOCATED EAST OF OLD KINGS ROAD AND NORTH OF OAK TRAIL.	
<b>Background :</b> The subject property consists of approximately 6.32 acres of vacant land owned, at the time of this staff report, by Palm Coast Holdings. The 6.32-acre subject tract consists of portions of two different parcels. Taken together, the application is within the Mixed Use FLUM since Old Kings Road N. is a mixed use transportation corridor for the City.  The Richmond Group is a multifamily developer. The property’s location on Old Kings Road N. in the central portion of the City make it readily accessible to all parts of the City. Further, the property fronts Interstate 95, and is within a mile of the Palm Coast Parkway IH 95 interchange, also adding to its accessibility attributes. In addition, the subject site is located within close proximity to services and other retail opportunities.  The Richmond Group recognizes the City’s need for multifamily capacity and diverse housing options. The analysis the Richmond Group conducted demonstrated that this location would score high as a candidate site for housing tax credits issued by the State of Florida once a year. The stated intention of the application is to develop multifamily units, 55 +. Other specifics of the application include 74 planned units, divided equally between one and two bedroom units.  The application is in effect an infill request. To the north of the subject site is Industrial FLUM and zoning. Immediately adjacent to the subject site is the City of Palm Coast’s Utility Office and a large outdoor storage facility. Other uses immediately nearby are a mix of office warehouse uses.  To the east of the subject site is ESTATE-1 and Greenbelt FLUM. This property offers buffering to the Woodland residents further east but given the residential nature of Oak Trail Blvd. the neighborhood has expressed a high level of concern about the project’s proximity and potential access to Oak Trail Blvd. See attached letters and comments pertaining to this agenda item.  To the west of the property, across from Old Kings Road N., is the frontage for Interstate 95. There is an FP&L easement at the front of the property. Generally the presence of a FP&L easement precludes buildings and ponds but allows parking. It should be noted; however, that currently there are no sidewalks along Old Kings Road N. in this vicinity.  The multifamily request, from a land use perspective, provides a reasonable transition from light industrial and retail uses to the north, to more residential uses east and south, provided the greenbelt buffer to the Woodlands Subdivision is maintained. In addition, the application is consistent with the Comprehensive Plan Goal 3.4: Diversity in Housing.		
<b>Recommended Action :</b>  Staff recommends that the Planning and Land Development Regulation Board (PLDRB) recommend to City Council approval of application number 3680 to rezone 6.32 +/- acres from COM-1 and EST-1 to Multifamily -2 (MFR-2).		




**COMMUNITY DEVELOPMENT DEPARTMENT  
STAFF REPORT FOR APPLICATION #3680  
August 15, 2018**

**OVERVIEW**

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**Application Number:** 3680

**Applicant:** Richmond Group of Florida

**Property Description:** 6.32 ± acre property located on the east side of Old Kings Road North, north of Oak Knoll Blvd.

<b>Property Owner:</b>	Palm Coast Holdings
<b>Parcel ID:</b>	Portion of 07-11-31-7081-RPO4A-0000 and a Portion of 18-11-31-0000-0201-0080
<b>Current FLUM designation:</b>	Mixed Use
<b>Current Zoning designation:</b>	General Commercial (COM-1) and Estate -1
<b>Current Use:</b>	Vacant
<b>Size of subject property:</b>	6.32 ± acres

**Requested Action:** Rezoning from General Commercial (COM-1) and Estate-1 (EST-1) to Multifamily – 2 (MFR-2)

**Recommendation:** Approval

**ANALYSIS**

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**REQUESTED ACTION**

The applicant, Richmond Group of Florida, is proposing to rezone approximately 6.32 +/- acres on the east side of Old Kings Road North from General Commercial (COM-1) and Estate -1 (EST-1) to Multifamily – 2 (MFR-2).

**BACKGROUND/SITE HISTORY**

The subject property consists of approximately 6.32 acres of vacant land owned, at the time of this staff report, by Palm Coast Holdings. The 6.32-acre subject tract consists of portions of two different parcels.

Parcel 18-11-31-0000-0201-0080 is the northern portion of the subject site and currently has COM-1 and EST-1 zoning. As part of this application, the Richmond Group of FL is proposing to rezone the COM-1 portion of this tract to MFR-2.

Parcel 07-11-31-7081-RPO4A-0000 is the southern portion of the subject site. This parcel also is currently zoned COM-1 and EST-1. This application seeks to rezone the COM-1 portion and a small portion of the EST-1 zoning to MFR-2 to establish the project boundary for the site.

Taken together, the application is within the Mixed Use FLUM; therefore, a FLUM comprehensive map change is not required for this rezoning request.



## **Project Details**

The Richmond Group is a multifamily developer. Based on discussions with the applicant, the Richmond Group is interested in this parcel because of its locational attributes, many of which are readily apparent. The property's location on Old Kings Road N. in the central portion of the City make it readily accessible to all parts of the City. Further, the property fronts Interstate 95, and is within a mile of the Palm Coast Parkway IH 95 interchange, also adding to its accessibility attributes. In addition, the subject site is located within close proximity to services and other retail opportunities.

The Richmond Group recognizes the City's need for multifamily capacity and diverse housing options. The analysis the Richmond Group conducted demonstrated that this location would score high as a candidate site for housing tax credits issued by the State of Florida once a year. The stated intention of the application is to develop multifamily units, 55 +. Other specifics of the application include 74 planned units, divided equally between one and two bedroom units.

In addition, details of the application include planned amenities such as a community center, pool, and business lab, multipurpose room with kitchenette, fitness center and laundry. The Richmond Group also conducts resident programs, activities, computer training, assistance with light housekeeping, and 24-hour support to onsite residents.

## **Locational Analysis**

The application is in effect an infill request. The subject site is unusual in that it is split -zoned between COM-1 and EST-1; however, the application is confined to the Mixed Use FLUM boundary which is 6.32 acres.

To the north of the subject site is Industrial FLUM and zoning. Immediately adjacent to the subject site is the City of Palm Coast's Utility Office and a large outdoor storage facility. Other uses immediately nearby are a mix of office warehouse uses.

To the east of the subject site is ESTATE-1 and Greenbelt FLUM. This property offers buffering to the Woodland residents further east but given the residential nature of Oak Trail Blvd. the neighborhood has expressed a high level of concern about the project's proximity and potential access to Oak Trail Blvd. See attached letters and comments pertaining to this agenda item.

To the west of the property, across from Old Kings Road N., is the frontage for Interstate 95. There is an FP&L easement at the front of the property. Generally the presence of a FP&L easement precludes buildings and ponds but allows parking. It should be noted; however, that currently there are no sidewalks along Old Kings Road N. in this vicinity.

The multifamily request, from a land use perspective, provides a reasonable transition from light industrial and retail uses to the north, to more residential uses east and south, provided the greenbelt buffer to the Woodlands Subdivision is maintained.

## **Comprehensive Plan**

From a Comprehensive Plan perspective, it should be noted that the application request is consistent with a number of Comprehensive Plan policies, particularly as it relates to housing. Goal 3.1 refers to the Provision of Affordable Housing; Objective 3.1.1 Adequate and Affordable Housing Opportunities and Policy 3.1.1.2 states that the City will provide local support for developers seeking tax credits administered by the Florida Housing Finance Corporation to construct affordable multifamily projects in appropriate locations.

It is also consistent with Policy 3.1.3.3 Public Roads and Utilities in that it will have access off Old Kings Road N., within a mile's proximity to IH 95. This general area also includes the redevelopment of Holland Park, the Community Center and Island Walk, medical, support and retail opportunities. Again the location benefits from its access to Old Kings Road N, access to Interstate 95 and nearby roadway corridors.

Comprehensive Policy 1.1.1.4 states “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 five acres should not be considered.
- C. Availability of central utilities.
- D. Proximity to existing or planned commercial and employment centers preferable.
- E. Proximity to existing or planned parks and recreation facilities is preferable.
- F. Proximity to existing or planned schools is 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.

The subject site is 6.32 acres with limited portions of the site constrained by easements. Policy 1.1.1.4 (B) establishes a preference for multifamily sites that are at least 15 acres of contiguous upland. However, this proposed project is 6.32 acres including the City’s drainage easement.

### **The Drainage Easement**

The City has rights to a drainage easement located on the survey provided by the applicant. The drainage easement is 1.01 acres in size and was executed in March 15, 2017. The drainage easement was granted to the City by the current property owners of the subject site at no cost to the City. The drainage easement was granted for the purpose of accommodating stormwater retention for the Old King’s Road widening, Phases 1 and II. Improvements for the drainage easement have been designed, permitted and funded.

Of utmost concern to the City is that the City’s permitting and funding approvals for this high-priority project not be delayed or jeopardized. If the rezoning is approved, City staff will work with the applicant to resolve any technical issues during the site plan application process.

### **Technical Site Plan Process**

If approved, this development will need to meet Technical Site Plan approval. The ULDC requires additional setbacks for multistory buildings. The ULDC states that “Additional setbacks for multistory buildings adjacent to a single family- zoning district shall be required for compatibility purposes. Any multistory building adjacent to a single family zoning district shall provide an additional setback minimum of ten feet for each story above the first story.” In addition, the project will need to accommodate its stormwater per code to receive Technical Site Plan approval. The retention pond issue, as well as the location of secondary access (if the site plan includes 50 or more units), are not settled at this time. . Also, the applicant has been informed that the City requires one third of all multifamily units to have garages. If the rezoning is approved, the technical site plan application process will require the site plan to comply with the City’s ULDC and the Comprehensive Plan.

## **LAND USE AND ZONING INFORMATION**

**USE SUMMARY TABLE:**

<b>CATEGORY:</b>	<b>EXISTING:</b>	<b>PROPOSED:</b>
Future Land Use Map (FLUM)	Mixed Use	No change proposed
Zoning District	General Commercial (COM-2 & Estate-1 (EST-1)	Multifamily -2
Overlay District	None	None

Use	Vacant	Multifamily Apartments
Acreage	6.32 +/- acres	6.32 +/- acres
Access	None	Old Kings Rd. N. (primary) * *If 50 or more units secondary access will have to be provided.

### **SURROUNDING LAND USES:**

NORTH:	FLUM: Zoning:	Mixed Use Public Semi Public
SOUTH:	FLUM: Zoning:	Greenbelt EST-1
EAST:	FLUM: Zoning:	Mixed Use and Greenbelt Industrial-1 & EST-1
WEST:	FLUM: Zoning:	ROW, Greenbelt ROW & EST-1

### **SITE DEVELOPMENT REQUIREMENTS Proposed in Comparison to Existing**

Criteria	EXISTING		PROPOSED
	COM-1	EST-1	MFR-2
Min. Lot Size	20,000 SF	1.0 Acre	2,500 SF
Min. Site Size		N/A	4 acres
Min. Lot Width	100'	100'	25'/100'
Max. Impervious area	70 percent	50 percent	70 percent
Min. Living Area	NA	1200 SF	650 SF
Max. Bldg. Height	50"	35 ft.	60 ft. - See Section 3.05
Min. Front Setback	25' (Arterial)	25 ft.	25 ft.
Min. Rear Setback	10'	25 ft.	20 ft.
Min. Interior Side Setback	10'	10 ft.	10 ft.
Min. Street Side Setback	NA	20 ft.	20 '
Max. Density (units/acre)	NA	Up to 1 du/ac	12 DU/AC

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

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

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

**Staff Finding:** The creation of additional diverse housing choices with good access to employment centers, retail opportunities and services is a positive community benefit. Infill development also benefits the community when surrounding uses are buffered. The Greenbelt FLUM to the east and south does provides a buffer to residential uses to the east and south.

The proposed development includes amenities and supportive activities that will assist those that live there.

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

**Staff Finding:** Overall, the request is generally consistent with the following objectives and policies of the Comprehensive Plan:

- Chapter 1: Future Land Use Element:
  - Policy 1.1.1.1 C. Mixed Use: This FLUM designation represents existing and future mixed-use corridors and employment centers throughout the City. A blending of residential and institutional uses are allowed.
  - Objective 1.1.4: Discourage Urban Sprawl
  - Policy 1.1.4.1: The Mixed Use land use designation is intended to provide opportunities for residents to work, shop, engage in recreational activities and attend school and religious services in reasonably close proximity to residential dwellings.
  - Goal 1.3. Adequate Public Facilities. Policy 1.3.1.3. The City shall encourage development to locate in areas where the facilities, infrastructure, and services are available.
  - Objective 1.2. Policy 1.8.2.1: New development shall be interconnected by a multi-purpose path system that can accommodate golf carts, bicycles, and pedestrians.
- Chapter 3: Housing Element:
  - Objective 3.1.1: Adequate and Affordable Housing
    - Policy 3.1.3.2: The City shall seek to disperse affordable housing throughout the City and avoid over concentration in any single area.
    - Policy 3.1.1.2: The City shall provide local support to developers seeking tax credits administered by the Florida Housing Finance Corporation to construct affordable multifamily projects at appropriate locations. This can be provided through a variety of mechanisms including but not limited to financial contributions, expedited plan review, permitting and density bonuses.
    - Policy 3.1.3.3: The City shall provide assistance to housing developers in identifying sites for affordable housing for very low, low and moderate income housing. Potential sites shall be evaluated based on the following criteria:
      - A. Availability of existing or planned roads and central utilities;
      - B. Proximity of existing or planned schools, parks, and other public facilities;
      - C. Proximity of existing or planned employment centers; and
      - D. Proximity to grocery stores and medical facilities.
  - Goal 3.3: Maintain the housing stock and protect residential areas.
    - Policy 3.3.1.3: To promote high quality housing, the City shall enforce architectural and aesthetic regulations.
    - Policy 3.3.2.4: The City shall encourage infill housing and cluster subdivisions in order to protect environmentally sensitive lands and promote energy conservation.
  - Goal 3.4 Diversity in Housing: There shall be a variety of lot sizes and housing types to meet the needs of the citizenry.

Objective 3.4.1.Diversity in Housing Opportunities: Policy 3.4.1.1: Through the FLUM and 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, multifamily dwellings and residential units in mixed use developments.

- Chapter 5: Infrastructure Element

Objective 5.1.3. Existing Facilities and Urban Sprawl. Maximize the use of existing facilities, discourage urban sprawl and coordinate future expansion plans consistent with projected needs to accommodate development in densities permitted by the Future Land Use Element of the Plan.

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

**Staff Findings:** The proposed development will be required to comply with all City requirements, subdivision and Technical Site Plan review. Further, it will be subject to all City Codes and Ordinances, including the City's Building Codes and Impact Fee requirements.

The only potential hardship to the City would be if the applicant's use of the City's drainage easement delayed or jeopardized the Old Kings Road N. widening project. The applicant has been advised that under the terms of the drainage easement, any risk in this regard is not acceptable to the City.

*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 Richmond Group is a very reputable multifamily developer which an established track record. There will be onsite management and amenities. The project will be age restricted to 55+.

Overall 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. Future development of the site must comply with the performance standards contained in Unified Land Development Code (ULDC).

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

**Staff Finding:** The future development of the property must comply with the City's Land Development Code, Comprehensive Plan and the requirements of all other applicable local, state and federal laws, statutes, ordinances, regulations and codes in order for the developer to successfully develop the property.

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

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

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

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

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

**Staff Finding:** If approved, the proposed development will include an Environmental Assessment for conformance with the City's code.

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

**Staff Finding:** The property is currently vacant. Code compliant development onsite, whether the current COM-1 zoning or MFR-3 are anticipated to be positive since the site is currently vacant. The Richmond Group has built quality multifamily projects at multiple locations. There will be onsite management and amenities and supportive services for the residents.

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

**Staff Finding:** The impact on the necessary governmental services including wastewater, potable water, drainage, fire protection, solid waste and transportation systems shall be evaluated at the time of permit application. Future permits must fall within the adopted Level of Service Standards for all categories of services per the requirements of the City's ULDC. The development will be "age restricted" so it will not have any impacts on schools.

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

**Staff Finding:** Phase I of this project terminates at the Kingswood Subdivision, approximately 1500 linear feet north of the subject site. The City's drainage easement will separate the multifamily portion of the property from Oak Trails Blvd. In addition, there is 140 feet of separation from the subject site to Oak Trails Blvd.

The City will be developing a retention pond on the subject site. The retention pond is to accommodate stormwater for the Old Kings Road Widening CIP project.

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

**Staff Finding:** The rezoning allows for MFR-2 development standards. The Comprehensive Plan has a maximum density of 12 DU/AC. By not utilizing the Greenbelt FLUM portion of the property, the applicant has in effect, created a buffer area and separation of uses with the single family residential area to the east and south.

MFR-2 zoning is a reasonable transition from the Industrial and retail uses found to the north and east along Utility Drive.

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

**Staff Finding:** Yes, the rezoning accomplishes a legitimate public purpose. The rezoning of the property and subsequent development into multifamily units will create more diverse housing opportunities in the City. The development project will include amenities, supportive activities and onsite management.

## **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 feet and hold a neighborhood meeting for Zoning Map Amendments.

To comply with this standard, the City notified the property owners via regular mail on June 2, 2018, for a neighborhood meeting held on July 9, 2018 at 6:00 pm at the Community Center. An issue summary of the meeting is attached. The applicant has taken the additional step of addressing issues raised at the Neighborhood Meeting in writing. Please see correspondence from the public attached to this agenda item.

The required legal advertisement for the public hearing for the Planning and Land Development Regulation Board meeting was placed in the July 4, 2018 paper of local circulation.

---

**SUMMARY OF FINDINGS**

Staff finds that the proposed development is consistent with the City's Comprehensive Plan.

**RECOMMENDATION**

Staff recommends that the Planning and Land Development Regulation Board (PLDRB) recommend to City Council approval of application number 3680 to rezone 6.32 +/- acres from COM-1 and EST-1 to Multifamily -2 (MFR-2).





## Location Map



Subject Area

0 200 400  
Feet

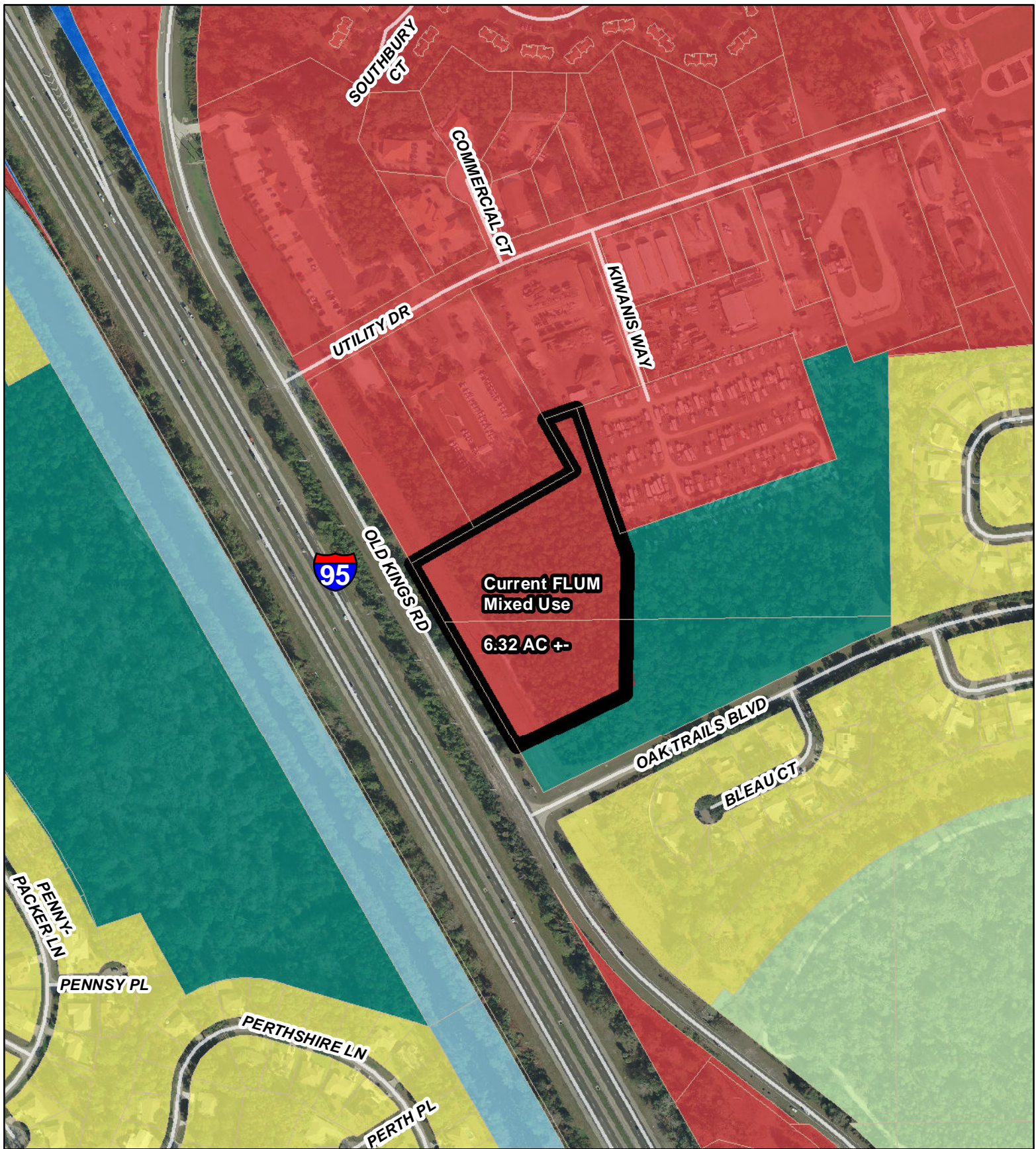


Map Provided by the GIS Division

Date: 7/3/2018

2017 FDOT Imagery







**Subject Area :**  
**Future Land Use Map**

**Current FLUM Classifications**

 Current FLUM Mixed Use

	Canals		Institutional
	Conservation		Mixed Use
	Greenbelt		Residential



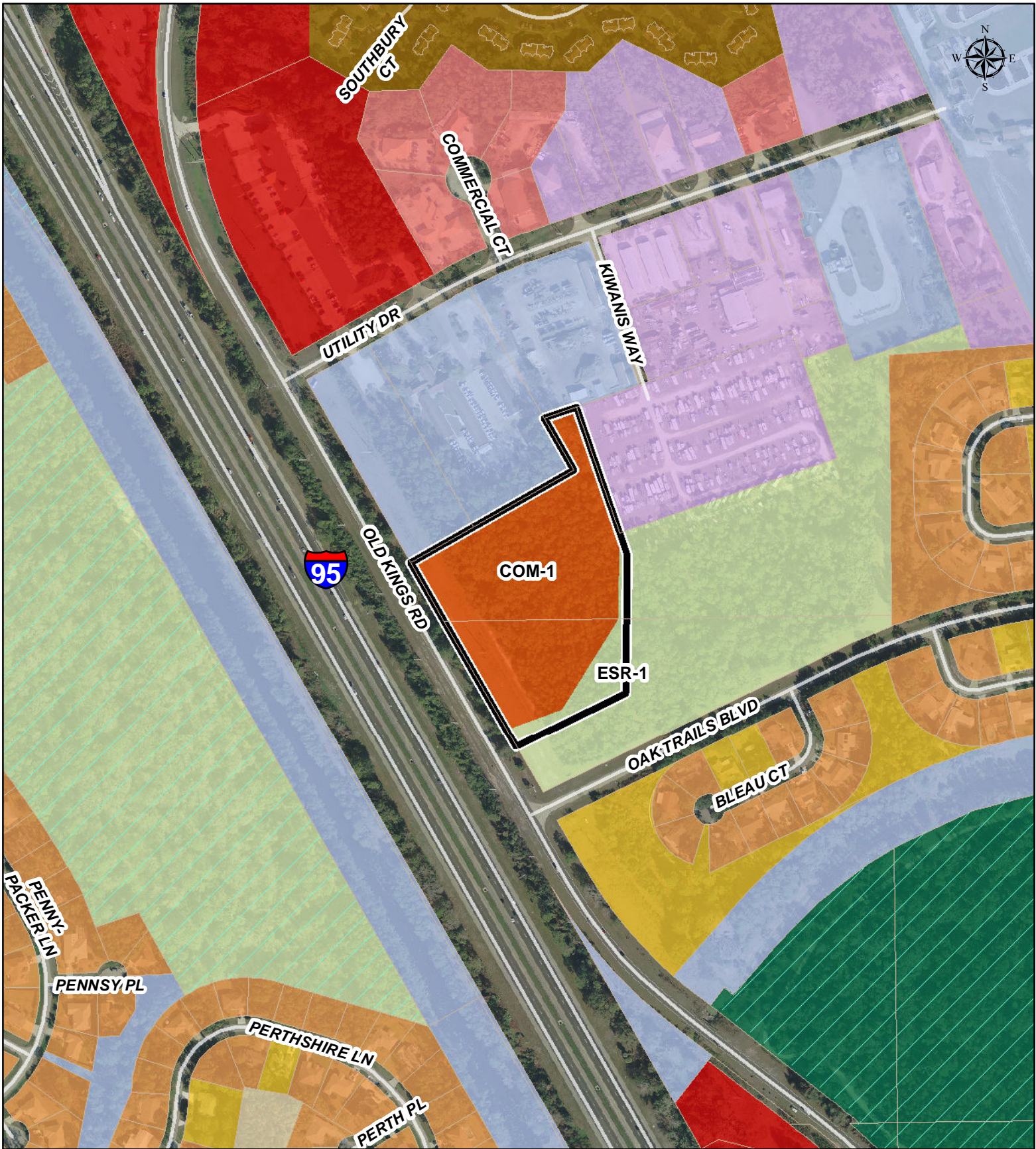
**Map Provided by the GIS Division**

**Date: 7/2/2018**

2017 FDOT Aerial Imagery

0 250 500  
19 Feet





## Subject Area

**6.32 AC +-**

Wetland Overlay Zones

2017 FDOT Aerial Imagery

## Current Palm Coast Zoning Districts

COM-1	MFR-1	SFR-2
COM-2	OFC-2	SFR-3
EST-1	PRS	SFR-5
IND-1	PSP	



Map Provided by the GIS Division

Date: 7/6/2018

0 250 500  
20 Feet





## LEGAL DESCRIPTION

A PARCEL OF LAND BEING A PORTION OF PARCEL 160, RECORDED IN OFFICIAL RECORDS BOOK 553, PAGES 1539 THROUGH 1840, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF PARCEL 1, OF THE PLAT OF UTILITY DRIVE, RECORDED IN MAP BOOK 27, PAGES 25 AND 26, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA; THENCE NORTH 70°54'15" EAST ALONG THE SOUTH LINE OF PARCEL 1 A DISTANCE OF 88.92 FEET; THENCE DEPARTING PARCEL 1 SOUTH 19°05'45" EAST 410.00 FEET; THENCE SOUTH 00°49'54" WEST A DISTANCE OF 362.38 FEET; THENCE SOUTH 64°00'00" WEST A DISTANCE OF 320.00 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF OLD KINGS ROAD (100' RIGHT-OF-WAY); THENCE NORTH 29°43'07" WEST ALONG SAID EASTERLY RIGHT-OF-WAY LINE A DISTANCE OF 555.01 FEET; THENCE NORTH 60°16'53" EAST A DISTANCE OF 491.71 FEET; THENCE NORTH 29°43'07" WEST A DISTANCE OF 155.68 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINING 6.32 ACRES OF LAND, MORE OR LESS.

## SURVEYOR'S NOTES

1. NOTICE: THERE MAY BE ADDITIONAL EASEMENTS, RESTRICTIONS AND/OR OTHER MATTERS THAT ARE NOT SHOWN ON THIS SKETCH OF DESCRIPTION THAT MAY BE FOUND IN THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA.

2. DIMENSIONS ARE SHOWN IN FEET AND DECIMALS THEREOF.

3. BEARINGS BASED ON THE RECORD PLAT OF UTILITY DRIVE AT PALM COAST, WITH THE EAST RIGHT-OF-WAY LINE OF OLD KINGS ROAD HAVING A BEARING OF NORTH 29°43'07" WEST.

4. THIS IS NOT A BOUNDARY SURVEY. ENCROACHMENTS, IF ANY, NOT SHOWN HEREON.

5. TREES, WETLANDS AND OTHER MATTERS RELATIVE TO A FIELD SURVEY NOT SHOWN.

6. THIS PROPERTY IS LOCATED IN FLOOD INSURANCE RATE MAP (F.I.R.M.) ZONE "X", MAP NUMBER 12035C0137E, EFFECTIVE DATE JUNE 6, 2018.

7. THIS SKETCH DONE WITH BENEFIT OF TITLE COMMITMENT, BY FIRST AMERICAN TITLE INSURANCE COMPANY, FILE NO. 2037-4036668, DATED JUNE 13, 2018.

8. DRAINAGE EASEMENTS FOUND IN ORB 2196, PG. 1389 AND THE UTILITY EASEMENT FOR REUSE WATER LINES FOUND IN ORB 1551, PG 897 WHICH WERE NOT CONTAINED IN THE TITLE COMMITMENT REFERENCED IN NOTE #7 ABOVE WERE FURNISHED BY THE CITY OF PALM COAST, FL. AND ARE SHOWN GRAPHICALLY ON SHEET 1 OF 2.

NOTE: NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

### ABBREVIATIONS

CL	CENTERLINE
MB	MAP BOOK
ORB	OFFICIAL RECORDS BOOK
PG	PAGE
REC	RECORD
(M)	MEASURED DATA
(DESC)	DESCRIPTION DATA
(P)	PLAT DATA
(C)	CALCULATED DATA
E'LY	EASTERLY
W'LY	WESTERLY
N'LY	NORTHERLY
S'LY	SOUTHERLY
R/W	RIGHT OF WAY
PSM	PROFESSIONAL SURVEYOR & MAPPER
LB	LICENSED BUSINESS

CERTIFIED TO:  
MAC ROSS

I HEREBY CERTIFY THAT THIS SKETCH MEETS THE STANDARDS OF PRACTICE AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS PER CHAPTER 5J-17.050 THRU 17.053, FLORIDA ADMINISTRATIVE CODE.

**Kenneth J  
Kuhar**

Digitally signed by  
Kenneth J Kuhar  
Date: 2018.07.02 14:01:13  
-04'00'

REVISED 07-02-18 TO SHOW  
EASEMENTS (SEE NOTE #8,  
THIS SHEET)

KENNETH J. KUHAR  
FLORIDA PROFESSIONAL SURVEYOR/MAPPER #6105



**KUHAR SURVEYING & MAPPING, LLC**

1501 RIDGEWOOD AVENUE, SUITE 205, HOLLY HILL, FLORIDA 32117  
Phone: 386-672-0002 386-295-8051 WWW.KUHARSURVEYING.COM

© 2018 KUHAR SURVEYING & MAPPING, LLC

### SKETCH AND DESCRIPTION

DATE: 06/25/2018

PROJECT: K18060

FILE: K18060-SD.DWG

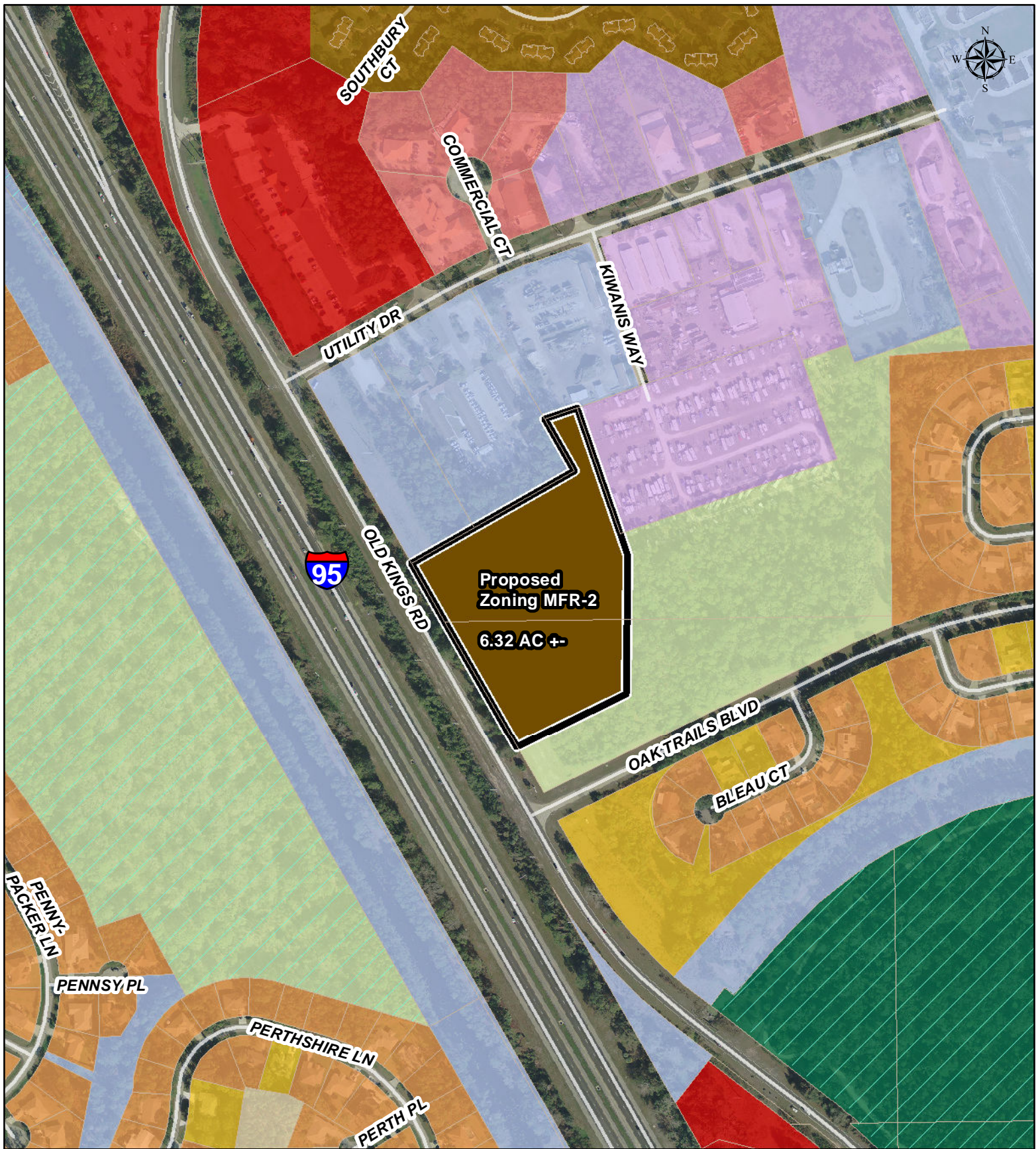
FIELD BOOK:

PAGE:

SHEET 2 OF 2

1" = 200'





## Subject Area : Zoning Map

## Current Palm Coast Zoning Districts



**Proposed Zoning MFR-2**

Wetland Overlay Zones

2017 FDOT Aerial Imagery

COM-1	MFR-1	SFR-2
COM-2	OFC-2	SFR-3
EST-1	PRS	SFR-5
IND-1	PSP	

Map Provided by the GIS Division

Date: 7/2/2018

0 250 500  
23 Feet

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.





**NOTIFICATION AFFIDAVIT FOR OFFICIAL ZONING MAP AMENDMENT (REZONING)**

COUNTY OF FLAGLER      **X**  
STATE OF FLORIDA      **X**

Before me this 3<sup>rd</sup> day of July, 2018 personally appeared  
MAC ROSS who after providing DRIVER'S licence as  
identification and who X did,        did not take an oath, and who being duly sworn, deposes  
and says as follows: "I have read and fully understand the provisions of this instrument".

N/A ~~Two (2) signs have been posted on the subject property subject to a rezoning as described with~~  
~~Application # \_\_\_\_\_~~

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

**OR**

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

X Notice was given to all neighbors w/in 300 feet  
of proposed development mailed out 7-2-18

[Signature]  
Signature of Responsible Party

MAC ROSS  
Printed Name

477 S. Rosemary Ave #301  
Wp 8 35401  
Mailing Address

[Signature: Leah N Stewart]  
Signature of Person Taking Acknowledgement

LEAH STEWART  
Name of Acknowledger (Typed, Printed or Stamped)



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



477 South Rosemary Avenue, Suite 301  
West Palm Beach, FL 33401  
P.561-832-1114/F.561-832-1104

July 24, 2018  
RE: Rezone Application

**Summary of Neighborhood Meeting Concerns**

**Neighborhood Meeting, Palm Coast 6pm 7-9-18, Palm Coast Community Center**

On July 9<sup>th</sup> 2018 I was able to meet with many of the property owners that neighbor our development site. The meeting started at approximately 6pm and ended at approximately 7:20pm. Responses to each of the below concerns are provided on a separate sheet.

After hearing from the neighbors I can categorize their concerns in the following way:

1. Quality of the proposed development and its residents – the neighbors seem particularly concerned that the proposed development may be occupied by residents that have criminal backgrounds, or residents that may be looking to “live off of the system” for lack of a better term.
2. Traffic – Some neighbors stressed their concern about traffic congestion on the corner of Old kings and oak trail.
3. Infrastructure, Drainage – The neighbors stressed concerns on how the new development would affect the current drainage issues that are plaguing the surrounding community.
4. Infrastructure, electric – Some neighbors mentioned the occurrence of brownouts suggesting that the electrical capacity was not sufficient.
5. Noise – Neighbors stressed their concerns about added noise that the development may bring.
6. Wildlife displacement – Neighbors are concerned about the possible displacement of wildlife if part of the wooded area is cleared for development
7. Home values – Neighbors were concerned that an affordable apartment community would reduce home values for the surrounding single family communities.



477 South Rosemary Avenue, Suite 301  
West Palm Beach, FL 33401  
P.561-832-1114/F.561-832-1104

July 24, 2018  
RE: Rezone Application

**Responses to Concerns Addressed at the Neighborhood Meeting**  
**Neighborhood Meeting, Palm Coast, 6pm 7-9-18, Palm Coast Community Center**

Response Numbers Correspond with the numbers of the Concerns in the Summary of Neighborhood Meeting concerns document.

1. The Richman Group strives to develop well-built and safe communities, after construction Richman Property Services will manage and maintain the property to ensure that only applicants that meet our strict criteria become residents of the community.
2. Without performing a traffic study, we cannot say with certainty what number of trips would be generated with a 74 unit multifamily development, however we are confident that it would be comparable to a commercial development allowable under the current zoning in the same location. The Richman Group would be committed to ensuring the traffic flow would not be negatively affected by the new development.
3. Further engineering would need to be done for complete accuracy, but the development plans on tying into existing drainage and improving upon it where necessary so that the surrounding areas are not impacted.
4. Florida Power & Light has provided us with an availability letter that ensures there is adequate electric capacity to support the proposed development.
5. There will be a natural buffer of conservation land between the proposed development and the single family homes to the south of the parcel that will mitigate any noise created by the development.
6. Although some displacement of wildlife is to be expected when land is cleared for development, The Richman Group will consider techniques and strategies to reduce the amount of wildlife displacement. We also feel that the surrounding conservation land can provide shelter for much of the wildlife and any displacement will be minimal.
7. The correlation between the emergence of affordable housing and the diminishing of surrounding home values is a subject that is frequently mentioned, however there has been no study that has proven that affordable housing has a negative impact on



surrounding home values. Furthermore the Richman Group is committed to providing a development in which the City and its residents can be proud of, not something that will be an eyesore.



**NOTIFICATION AFFIDAVIT FOR OFFICIAL ZONING MAP AMENDMENT (REZONING)**

COUNTY OF FLAGLER      **X**  
STATE OF FLORIDA      **X**

Before me this 3<sup>rd</sup> day of July, 2018 personally appeared  
MAC ROSS who after providing DRIVER'S licence as  
identification and who X did,        did not take an oath, and who being duly sworn, deposes  
and says as follows: "I have read and fully understand the provisions of this instrument".

N/A ~~Two (2) signs have been posted on the subject property subject to a rezoning as described with Application # \_\_\_\_\_~~

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

**OR**

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

X Notice was given to all neighbors w/in 300 feet of proposed development mailed out 7-2-18

[Signature]  
Signature of Responsible Party

MAC ROSS  
Printed Name

477 S. Rosemary Ave #301  
Wp 8 35401  
Mailing Address

[Signature: Leah N Stewart]  
Signature of Person Taking Acknowledgement

LEAH STEWART  
Name of Acknowledger (Typed, Printed or Stamped)



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

## Irene Schaefer

---

**From:** Cindi Lane  
**Sent:** Tuesday, July 24, 2018 2:09 PM  
**To:** Irene Schaefer; Ray Tyner; Jose Papa  
**Subject:** FW: Rezoning multifamily low income housing public meeting August 15 City Hall at 5:30. Obseure Signage. Not only are they far from Old King Road, one would have to stop on Old King road and walk over to see signs. Signs are in bushes and curled up fr...  
**Attachments:** 20180711\_122339.jpg

See below. This resident claims you can't read the signs now. He'd like to get the word out in their neighborhood and wonders if there's any info available on our website or elsewhere.

Can one of you assist him? Or provide me with the information so I can get back to him?

He is George Carofine – 386-302-8336

Thx, Cindi

Cindi Lane  
Communications and Marketing Manager  
City of Palm Coast  
160 Lake Avenue  
Palm Coast, FL 32164  
Tel: 386-986-3708  
[www.palmcoastgov.com](http://www.palmcoastgov.com)



**From:** George George <gcarofine123@gmail.com>  
**Sent:** Tuesday, July 24, 2018 1:39 PM  
**To:** Cindi Lane <CLane@palmcoastgov.com>

**Subject:** Fwd: Rezoning multifamily low income housing public meeting August 15 City Hall at 5:30. Obseure Signage. Not only are they far from Old King Road, one would have to stop on Old King road and walk over to see signs. Signs are in bushes and curled up fr...

Cindy please note these pictures I took of signage was about a month ago when they were visible on Oak Trail.

----- Forwarded message -----

From: George George <[gcarofine123@gmail.com](mailto:gcarofine123@gmail.com)>

Date: Tue, Jul 24, 2018, 1:35 PM

Subject: Rezoning multifamily low income housing public meeting August 15 City Hall at 5:30. Obseure Signage. Not only are they far from Old King Road, one would have to stop on Old King road and walk over to see signs. Signs are in bushes and curled up from rain. Not for public to see at all. Unfair to residents.

To: <[clane@palmcoastgov.com](mailto:clane@palmcoastgov.com)>

Thank you Cindy for your time.



DO NOT

Remove

# City of Palm Coast NOTICE OF PUBLIC HEARING

Application Number: 30680

The City of Palm Coast **Planning Board** will hold a public hearing on the application at  
5:30 P.M. on August 15, 2018.

The City of Palm Coast **City Council** will hold a public hearing on this application at  
6:00 P.M. on September 4 <sup>2018</sup> for the 1st Hearing  
9:00 A.M. on September 18 <sup>2018</sup> for the 2nd Hearing

NA City Council public hearing not required.

## Description of Request

☐ Special Exception ☐ Special Use  
☒ Rezoning ☐ Public Use  
☐ Future Land Use Amendment ☐ Semi Public Use

Rezoning of COM-1 and EST-1 to  
Multi Family - 2 (Multi Family)

Current Zoning: COM-1, EST-1 Property Size: 6.3 <sup>SQ. FT</sup>/Acres  
Applicant: Richmond Group of Florida

**Public Hearing to be held at**

Council Chambers in the Community Wing of City Hall  
160 Lake Avenue

For more information please call City of Palm Coast, Development Services Planning 386-986-3736  
Do not remove poster prior to the completion of public hearings



## Irene Schaefer

---

**From:** Ida Meehan  
**Sent:** Tuesday, July 24, 2018 3:49 PM  
**To:** gcarofine123@gmail.com  
**Cc:** Cindi Lane; Irene Schaefer; Jose Papa; Ray Tyner  
**Subject:** Information request related to rezoning application at Old Kings Road.  
**Attachments:** sr 10453 Location\_Utility Dr\_Old Kings Rd.pdf

Good afternoon:

Thank you for contacting the City of Palm Coast.

Signage is just one form of notification for a rezoning request. In addition, we place legal ads in the local newspaper ten days prior to public hearings. The required neighborhood meeting held JULY 9<sup>th</sup> was an additional means of notifying neighbors. In addition, we have responded to individual inquiries and worked with representatives of the neighborhood to assist with newsletter and public information needs. I understand that Facebook has also been used by the neighbors to keep individuals up to date.

I have included a map which delineates the application request. Due to the large amount of row on Old Kings Road, and the physical boundaries of the site, the signage appears smaller than it might at another site. It is very important legally that the signage remain on the Property and not be moved into the row or close to the intersection since this would create a visual obstruction or simply be offsite.

If the application is heard on August 15<sup>th</sup>, there will be a full staff report with attachments available to the public approximately five to six days prior via the link below.

<http://www.palmcoastgov.com/agendas/planning-land-development-regulation/2018>

In the meantime, there are likely opportunities to coordinate information with your neighbors and, of course, I am here as a resource also.

Please let me know if you do have specific questions.

Thank you

To who it may concern:

I own a home in the Woodlands and I wanted to make you aware of the concerns that we are experiencing here in our neighborhood.

1. The traffic exiting out on Colbert or Oak Trails is no fun and now with the medical center opening on Colbert the amount of cars cutting through our neighborhood are going to increase drastically. I live on Blare Drive and the amount of trucks and cars that use my street as cut through are increasing daily. My mailbox has been hit 3 times. The traffic already backs up on Old king and Palm Coast Parkway, adding another 74 families to this area is just unrealistic.

2. The flooding in our neighborhood is extreme. My understanding is that the city is suppose to clean out the swales every couple of years but since I have been living here that has not happened. My concern is if this Multi-Family complex is built, they will built up the low lying property and when we have a lot of rain this will cause more flooding into the Woodlands.

3. The Woodlands currently experience brown-outs on a weekly basis. I know FPL will not own up to it, but I work from home and the power is constantly flickering and or shutting off shortly. I have tried the only 2 internet providers in our area and I have frequent delays on internet speed. Our neighborhood needs to be updated with new wires and power grids. I know I am not an expert but working from home allows me to account for the outages and the issues with the internet.

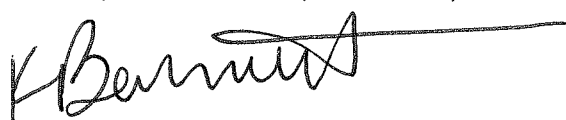
4. During the meeting at the Community Center, some of my neighbors spoke about concerns with sewer backing up on their streets when there is a lot of rain, this seems like a health issue and it needs to be addressed immediately.

5. I know this may not be a concern for the city but in the Woodlands we love our wildlife that wanders through our yards. However, we did not enjoy all the wild hogs that were displaced when the land was being cleared for the Medical Center. What drew me to this neighborhood was the wetlands are in front of my house and there would be no building there. I also purchased my home in the area because there are no Duplex's, which in my opinion has destroyed the P Section and the R Section. There should be limits on how many rental properties can be in any neighborhood. Excessive rental properties can destroy a neighborhood with crime, lower and property values.

6. As I said I live on Blare Drive and the speeding on my road to excessive, I have a 9 year old son and he is not allowed to ride his bike on our street. I am dreading when they complete the Medical Center as there will be more traffic added to my road.

I understand that Palm Coast is expanding but there is appropriate space for a Multi-Family complex in our areas in our county. Please do not allow they to destroy our neighborhood. Do not approve the rezoning request. We do not want them here!! Thank you for your time.

Kathy Barnett, 107 Blare Drive, Palm Coast, FL 32137 (954)465-5588

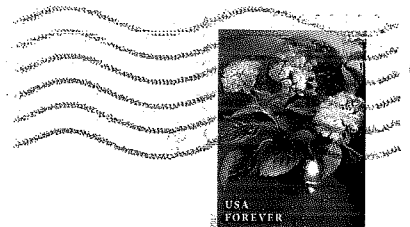
A handwritten signature in black ink, appearing to read 'K Barnett', with a long horizontal line extending to the right.

arnett

32137

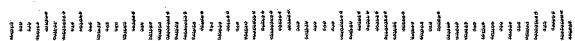
ORLANDO FL 328

25 JUL 2015 PM 7 L



Irene Schaefer  
Planning Clerk  
160 Lake Avenue  
Suite #134  
Palm Coast FL 32164

32164-241735





7/15/2018

Irene Schaefer  
Planning Clerk  
City of Palm Coast  
160 Lake Avenue  
Palm Coast, FL 32169

Dear Ms Schaefer:

I am writing in regard to the rezoning meeting for application #3680, which has been rescheduled for August 15, 2018. It has just come to my attention by one of the local neighbors in The Woodlands.

We purchased our retirement home in 2010 in The Woodlands because we were especially drawn to the beautiful trees and quiet neighborhood. We put up a wooden fence that has since rotted at the bottom due to standing water not draining properly.

Since purchasing our home, we have experienced flooding on our street. During the last two hurricanes the water rose so high a neighbor's car was totaled and the water came up into another neighbor's garage. This neighbor has since abandoned their home. Water was even bubbling up from the sewer system. Fortunately, the water didn't reach our garage as our house sits a little further back. However, we couldn't go out into our back yard for weeks due to standing water.


The swale system just doesn't work in this area and certainly isn't maintained. We have witnessed City of Palm Coast trucks emptying water from other areas into our drainage ditches that only builds up more dirt for things to grow.

The only time we get something done is when we complain, and even then we are put on a waiting list. The ground can absorb a few inches and water, but not for a lot of days of rain. The water in the swales usually remains there for weeks. We have brought in bags of dirt to build up the back yard, but it only diverts the water into the yard next door.

As we see new development around The Woodlands, this only makes our problem worsen as their property is raised higher so water will drain and it usually drains back into one of our neighborhoods. We still haven't felt the whole brunt of the retirement facility being build on Colbert. The present drainage system for this area needs to be evaluated before approving more housing development to move in around us.

Another problem with standing water is Old Kings Road going south. Everytime it rains hard, half of a two lane highway is flooded because of the poor drainage system. I understood Town Center was developed for housing this size. I would greatly appreciate your reconsidering the rezoning of this development and have someone look at our area and the drainage problem.

Very truly yours,



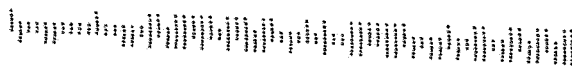
Susan Boettcher  
16 Blaketown Place  
Palm Coast, FL 32137

Ms Susan Boettcher  
16 Blaketown Pl  
Palm Coast, FL 32137



Irene Schaefer  
Planning Clerk  
City of Palm Coast  
160 Lake Avenue  
Palm Coast, FL 32169

32164-241777



## Irene Schaefer

---

**From:** Ida Meehan  
**Sent:** Friday, July 6, 2018 3:43 PM  
**To:** Ray Tyner; Damaris Ramirez  
**Cc:** Irene Schaefer  
**Subject:** FW: Rezoning of the woodlands

-----Original Message-----

From: tearopal86@gmail.com <tearopal86@gmail.com>  
Sent: Friday, July 6, 2018 3:42 PM  
To: Ida Meehan <IMeehan@palmcoastgov.com>  
Subject: Rezoning of the woodlands

Ida Meehan,

I've been giving this contact information to reach out about the rezoning of my beautiful and peaceful neighborhood. I, and pretty much the rest of the local community, am deeply angered and upset that this is even an issue we are facing. I have received no letter regarding the proposal, and the sign was hardly noticeable. We chose this area for its quiet and large areas of natural habitat. You've already butchered a huge chunk off of Colbert for an old people's home, and now you propose destroying another huge swath of forest for a bunch of low life, crime laden riff-raff apartments. I'm sorry but no more. We don't want the traffic. We don't want the crime. We don't want to see what little natural animal habitats left get bowled over for ugly concrete monsters. Palm coast is already starting to become a city like philly. I moved away from philly for a reason. Leave our nature alone. Let them build their building off of route one in those huge empty cow fields. Away from people who work hard for a living and would like to see their hard work not get destroyed. I'm all for helping folks out in a pinch, but you can not believe, nor convince me that it won't get abused by drug addicts, drunks, and criminals. I've been in the aid system before. It doesn't help the good folks out. It helps the low life stay in the system. Please, please, please do not approve or allow this. I'm begging you. If this goes through, we will be leaving palm coast for good. Nothing is safe here, not even the animal's homes.

Respectfully,

-Elizabeth T

## **Rezoning 6.5 acres – Old Kings Rd, Oak Trails Blvd & Utility Drive**

Rezoning of 6.3 acres from Commercial (Com-1) & Estate (Est-1) to Multifamily (MFR-2) will impact the surrounding single-family homes and the residence in the Woodlands negatively.

Currently there is manufacturing and commercial services (Multiple restaurants, hotels, gas station, CVS pharmacy, strip mall and the city utility services building).

This request for zoning will dramatically change the dynamic of the neighborhood. Documented issues within the Woodlands have included flooding and multiple power outages. Florida Power and Light is aware of the constant power outages, brownouts and has a suggestion a fix to improve the services, although the system has not been tested to ensure the power will be provided consistently as expected. Residents have been told in the past, that issues will be fixed with no results.

Pipes have broken, more than once, causing water to flood roads and yards, ruined a neighbor's roof, busted out a window (Blyth Court). The cause, a pipe broke twice in the same location. Infrastructure upgrades are at a critical point in the Woodlands.

Wild hogs have caused severe damage to yards and with no resolution from the builder on Colbert Lane. Why is this important? It should be in the agreement that the builder is responsible for the capture and removal of all wild animals in the Woodlands. It should not be at the expense of the homeowners to request monies from Woodland residence to pay for the services of a trapper to remove wild hogs.

The Graham Swamp is a refuge for wild animals and water retention. Continuing to push the animals and water to the Graham Swamp will result in uneven ratio of animal/water to land. In all fairness, the City is expecting the Graham Swamp to be the catch all for water and animals. It cannot sustain the continual pressure that is being put on it through building.

Adding possibly 50 rental units, will impact the city services, roads, safety and will cause significant stress on a system that is already overburdened. Old Kings Road has seen a major increase in traffic in the last few years. Multiple accidents resulting in a loss of life. Trying to exit onto Old Kings Road from Utility Drive, the Mall area and/or Oak Trails is almost impossible at times. Contact the Flagler County Sheriff's office for the multiple reports on accidents.

Woodlands has always been a neighborhood with a community atmosphere and helping each other. Safety is a big concern. Adding apartments to the current high-density housing and commercial property in the area, will only add unnecessary stress to the infrastructure, traffic, flooding, animals, Graham Swamp and potential for additional crime. Concerns about housing sale prices that would be impacted by changing the zoning, causing a down swing in house pricing and sales. The negatives outweigh the positives and the majority of the Woodlands community agree that this change should not occur. City Services cannot financially support this proposed change (as noted by a budget request for tax increases to support infrastructure upgrades).

It is not in the best interest of the Woodlands community, City of Palm Coast, financially or for safety, to rezone the 6.5 acres. The request for rezoning should be denied.

## Irene Schaefer

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**From:** Bloomfield, John W CIV FRCSE, JAX 68510 <john.bloomfield@navy.mil>  
**Sent:** Wednesday, August 15, 2018 1:03 PM  
**To:** Irene Schaefer  
**Subject:** RE: [Non-DoD Source] Tonight's PLDRB Agenda - August 15, 2018 @ 5:30PM

I'd like to enter the following observation into record. Please forgive me if this has already been discussed:

Concern 1:

REF: City of Palm Coast Agenda - Application # 3680, page 6, paragraph c " ...The proposed development must not impose a significant financial liability or hardship for the City;"

I think it is commendable of the City to propose fair and affordable Housing. However, if this is intended for 55+, doesn't the City have an overreach burden here when it comes to evacuating seniors during an emergency, i.e., a hurricane? Keeping in mind that many of these "families" may have limited means and may include vulnerable adults (as per Florida Statute 825.105), isn't there a likelihood our existing protocols mandating evacuation for anything east of I-95 during a CAT 4 or higher storm will put us all in a pickle in safe guarding our seniors?

We do have planners that consider these issues?

Hasn't the City has already amplified this latent hazard by approving a Senior Living facility on Colbert, across from the DSC campus?

If evacuating seniors is not a concern, then why is the abandoned development all the way down at the extreme end of Colbert and HWY 100 not considered for this purpose?

Concern 2:

Performance of existing electrical service in the neighborhood is in question. Our family experiences surges on a regular basis and work with FPL to mitigate against them. Expanding services further would exacerbate the problem.

John Bloomfield  
14 Blackwood court,  
Palm Coast, Fl 32137

-----Original Message-----

From: Irene Schaefer <ISchaefer@palmcoastgov.com>  
Sent: Wednesday, August 15, 2018 12:52 PM  
To: Bloomfield, John W CIV FRCSE, JAX 68510 <john.bloomfield@navy.mil>  
Subject: RE: [Non-DoD Source] Tonight's PLDRB Agenda - August 15, 2018 @ 5:30PM

You're welcome. I encourage you to submit a comment even if you don't get it in today you since this item will go to City Council if approved this evening. If you don't get the email into tonight you might want to check the website for the results tab to tonight's meeting and then if it passes submit an email to the attention of the City Council.

Thank you for participating in your City's government.

Sincerely,

Irene Schaefer  
Planning Clerk  
City of Palm Coast  
160 Lake Avenue  
Palm Coast, FL 32164  
Tel: 386-986-3749  
www.palmcoastgov.com

-----Original Message-----

From: Bloomfield, John W CIV FRCSE, JAX 68510 <john.bloomfield@navy.mil>  
Sent: Wednesday, August 15, 2018 12:07 PM  
To: Irene Schaefer <ISchaefer@palmcoastgov.com>; netafect <netafect@gmail.com>  
Subject: RE: [Non-DoD Source] Tonight's PLDRB Agenda - August 15, 2018 @ 5:30PM

Thank you for the link below:

[https://agendas.palmcoastgov.com/meetings/2018/8/268\\_A\\_planning-and-land-development-regulation-board\\_2018-08-15\\_Agenda.pdf](https://agendas.palmcoastgov.com/meetings/2018/8/268_A_planning-and-land-development-regulation-board_2018-08-15_Agenda.pdf)

I was able to pull up the packet. I appreciate the help. I may offer a comment in writing Irene. Let me see if I can get all the way through this and get back with you.

John Bloomfield  
USN FRCSE  
904-317-1571 Work

BLDG 6206 FL 1 RM A-20  
Jacksonville, FL 32215

-----Original Message-----

From: Irene Schaefer <ISchaefer@palmcoastgov.com>  
Sent: Wednesday, August 15, 2018 10:41 AM  
To: Bloomfield, John W CIV FRCSE, JAX 68510 <john.bloomfield@navy.mil>; ISchaefer@palmcoastgov.com  
Subject: [Non-DoD Source] Tonight's PLDRB Agenda - August 15, 2018 @ 5:30PM

<<http://www.palmcoastgov.com>>

City of Palm Coast

Files Sent

Irene Schaefer has sent the following files to you along with the following message:

Good Mornning Mr. Bloomfield:

I'm sorry you had issues you are in the correct location however below is the link to the agenda for tonight's business meeting starting @ 5:30PM. Thank you and please call me with any issues.

[https://agendas.palmcoastgov.com/meetings/2018/8/268\\_A\\_planning-and-land-development-regulation-board\\_2018-08-15\\_Agenda.pdf](https://agendas.palmcoastgov.com/meetings/2018/8/268_A_planning-and-land-development-regulation-board_2018-08-15_Agenda.pdf) <[https://agendas.palmcoastgov.com/meetings/2018/8/268\\_A\\_planning-and-land-development-regulation-board\\_2018-08-15\\_Agenda.pdf](https://agendas.palmcoastgov.com/meetings/2018/8/268_A_planning-and-land-development-regulation-board_2018-08-15_Agenda.pdf)> .

Just in case I'm attaching the file since you've tried a couple of times to access the business agenda.

Sincerely,

Irene Schaefer

Planning Clerk

City of Palm Coast

160 Lake Avenue  
Palm Coast, FL 32164

Tel: 386-986-3749

[www.palmcoastgov.com](http://www.palmcoastgov.com) <<http://www.palmcoastgov.com/>>

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<<http://www.youtube.com/watch?v=pYRP-NNzD3A>>

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## Files

\*      268\_A\_planning-and-land-development-regulation-board\_2018-08-15\_Agenda.pdf

Click here <<http://www.palmcoastgov.com/filesshare/sent/118cc7da-15a9-4151-af88-200da980d6d3>> to view and download these files, or visit: <http://www.palmcoastgov.com/filesshare/sent/118cc7da-15a9-4151-af88-200da980d6d3>

Please download these files by Wednesday, August 22 - they will be removed from our servers on this date.

<<http://www.palmcoastgov.com>>  
City of Palm Coast  
160 Lake Avenue  
Suite B-106



Palm Coast, FL 32164  
Tel: (386) 986-2360  
Office Hours : M-F 8a-5p

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<<http://youtube.palmcoastgov.com>>

PLEASE NOTE: Florida has a very broad public records law. Most written communications to or from City of Palm Coast officials and employees regarding public business are public records available to the public and media upon request. Your e-mail communications may be subject to public disclosure.

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Your e-mail communications may be subject to public disclosure.

# City of Palm Coast, Florida

## Agenda Item

Agenda Date: August 15, 2018

<b>Department</b>	PLANNING	<b>Amount</b>
<b>Item Key</b>	3892	<b>Account</b>
		<b>#</b>
<b>Subject</b>	A REQUEST TO REZONE 116 ACRES GENERALLY LOCATED ON WHITEVIEW PARKWAY FROM COMMERCIAL-2 (COM-2) TO MASTER PLANNED DEVELOPMENT (MPD).	
<b>Background :</b> The owner, the Miral Corporation, is proposing to rezone approximately 116 acres generally bound by Whiteview Parkway, White Mill Drive, Pine Lakes Parkway, and Woodbury and Woodborn lanes. The subject site is currently zoned General Commercial (COM-2). The proposed zoning is Master Planned Development (MPD) that includes a Master Concept Plan and Development Agreement.  The subject property is currently vacant, however, the property is now completely surrounded by single family development, with the exception of two churches. Single- family homes immediately about the subject site on the west. Two churches lie adjacent to the subject site on the south. White Mill Drive and Pine Lakes Parkway each serve as a boundary to the subject site on the east and north. Each of these roadways have a multiuse path as part of the subject site's roadway frontage.  Application 3420 includes a Master Concept Plan as well as a proposed Development Agreement. The Master Concept Plan proposes 210 single family homes, with 45' and 50' lot minimums. In addition, the Master Concept Plan includes a 9 acre area for a City Park. Two wetland areas are incorporated into the open space through the Master Concept Plan design, one in the southwest corner and one in the northeastern corner of the Master Concept Plan. Lastly, a multifamily site is designated the southeastern corner of the site, with the possibility of a small node of neighborhood commercial use. This project, in essence, is changing the entitlements from that of nonresidential project (COM-2), commercial project to a residential project that includes two distinct single family housing types and the proposed multifamily project and a park.  If approved by the City Council, the proposed Master Concept Plan will be the guiding document during the Subdivision process. In addition, the multifamily portion of the project will have to undergo Technical Site Plan review. The approval of the Master Planned Development rezoning, will allow the subdivision process to proceed.		
<b>Recommended Action :</b> Staff recommends that the Planning and Land Development Regulation Board (PLDRB) recommend to City Council approval of application number 3420 to rezone 116 +/- acres from COM-2 to Master Planned Development (MPD) subject to the Master Concept Plan and the Developer Agreement.		



**COMMUNITY DEVELOPMENT DEPARTMENT  
STAFF REPORT FOR APPLICATION #3420  
August 15, 2018**

**OVERVIEW**

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**Application Number:** 3420

**Applicant:** The Miral Corporation

**Property Description:** Generally located north of Whiteview Parkway, west of White Mill Drive, east of Woodbury Lane and Woodborn Lane, and south of Pine Lakes Parkway.

<b>Property Owner:</b>	The Miral Corporation
<b>Parcel ID:</b>	07-11-31-7027-RP015-0010
<b>Current FLUM designation:</b>	Mixed Use
<b>Current Zoning designation:</b>	General Commercial (COM-2)
<b>Current Use:</b>	Vacant
<b>Size of subject property:</b>	116 ± acres

**Requested Action:** Rezoning from General Commercial (COM-2) to Master Planned Development (MPD)

**Recommendation:** Approval

**ANALYSIS**

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**REQUESTED ACTION**

Approve the rezoning of 116 acre subject tract from Commercial-2 (COM-2) to Master Planned Development (MPD).

**BACKGROUND/SITE HISTORY**

The owner, the Miral Corporation, is proposing to rezone approximately 116 acres generally bound by Whiteview Parkway, White Mill Drive, Pine Lakes Parkway, and Woodbury and Woodborn lanes. The subject site is currently zoned Commercial-2. The proposed zoning is Master Planned Development (MPD) including a Master Concept Plan and Development Agreement.

The subject property is currently vacant, however, the property is now completely surrounded by single family development, with the exception of two churches. Single- family homes immediately abut the subject site on the west. Two churches lie adjacent to the subject site on the south. White Mill Drive and Pine Lakes Parkway each serve as a boundary to the subject site on the east and north. Each of these roadways have a multiuse path as part of the subject site's roadway frontage.

Whiteview Corridor is an east to west transportation corridor in the City, connecting Belle Terre Parkway with US 1. Whiteview Parkway is a major CIP project, with \$1,665,000 of roadway and safety improvements scheduled for 2020 implementation. The improvements will benefit the subject site, in that turning lanes will be added to and from White Mill Drive to Whiteview Parkway and to Woodbury Lane. In addition, pedestrian safety will be enhanced by connecting the multiuse path from White Mill Drive to US1.

Application 3420 includes a Master Concept Plan as well as a proposed Development Agreement. The Master Concept Plan proposes 206 single family homes, with 45' and 50' lot minimums. In addition, the Master Concept Plan includes a 9- acre area for a passive City Park. Two wetland areas are incorporated into the open space through the Master Concept Plan design, one in the southwest corner and one in the northeastern corner of the Master Concept Plan. Lastly, a multifamily site is designated the southeastern corner of the site. This project, in essence, is changing the entitlements from that of nonresidential project (COM-2), commercial project to a residential project that includes two distinct single family housing types and a proposed multifamily project.

If approved by the City Council, the proposed Master Concept Plan will be the guiding document during the Subdivision process. In addition, the multifamily portion of the project will have to undergo Technical Site Plan review. The approval of the Master Planned Development rezoning, will allow the subdivision process to proceed.

#### LAND USE AND ZONING INFORMATION

##### USE SUMMARY TABLE:

CATEGORY:	EXISTING:	PROPOSED:
Future Land Use Map (FLUM)	Mixed Use	No change proposed
Zoning District	General Commercial -2 (COM-2)	Master Planned Development
Overlay District	None	None
Use	Vacant	Multiple
Acreage	116 +/- acres	116 +/- acres
Access	None	TBD

##### SURROUNDING LAND USES:

NORTH:	FLUM:	Residential
	Zoning:	SFR-2 & SFR-3
SOUTH:	FLUM:	Residential
	Zoning:	PSP, ROW, SFR-2 & SFR-3
EAST:	FLUM:	Residential
	Zoning:	Duplex
WEST:	FLUM:	Residential
	Zoning:	SFR-3 & SFR-2

### CURRENT SITE DEVELOPMENT REQUIREMENTS

Criteria	Existing
<b>Zoning</b>	<b>COM-2</b>
Min. Lot Size	20,000 SF
Min. Site Size	
Min. Lot Width	100'
Max. Impervious area	70 percent
Minimum Floor Area Ratio	.40
Max. Bldg. Height	100"
Min. Front Setback	25' (Arterial)
Min. Rear Setback	10'
Min. Interior Side Setback	10'

Criteria	Small lots	SFR-1	MFR2
Minimum lot size	4,500	5,000	4 acres
Minimum lot width	45'	50'	25'/100'
Minimum corner lot width	50'	50'	
Minimum living area	1200 SF	1200 SF	650 SF
Minimum front setback	20'	20'	25'
Minimum rear setback	10'	10'	20'
Minimum rear street setback	15'	15'	10'
Minimum Interior side setback	5'	7.5'	10'
Minimum street side setback	15'	15'	20'
Max Impervious coverage	.7	.7	.7
Maximum building height	35'	35'	60

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

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

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

**Staff Finding:**

The proposed development is, in essence, a large infill site surrounded by residential development. Infill development discourages urban sprawl by utilizing existing infrastructure, especially roads and utilities. This characteristic of infill development creates a public benefit by maximizing the City's infrastructure and avoiding the premature commitment of natural land for development.

Also the project is a Master Planned Development. In general, Master Planned Developments offer superior land use design when compared to piecemeal development because MPDs can comprehensively address design issues as a whole, creating enhanced opportunities for development and open space.

For example, the wellhead protection area and wetlands in the northeastern corner of the site has been incorporated into the MPD's open space requirement.

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

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

- Chapter 1: Future Land Use Element:
  - Policy 1.1.1.1 C. Mixed Use: This FLUM designation represents existing and future mixed-use corridors and employment centers throughout the City. A blending of residential and institutional uses are allowed.
  - Objective 1.1.2.1: Permitted uses within a MPD shall generally follow those allowed within the corresponding zoning districts associated with the FLUM designation.
  - Objective 1.1.4: Discourage Urban Sprawl
  - Policy 1.1.4.1: The Mixed Use land use designation is intended to provide opportunities for residents to work, shop, engage in recreational activities and attend school and religious services in reasonably close proximity to residential dwellings.
  - Policy 1.1.4.2: Potential areas for MPD's are strategically located through the City to promote infill development and to maximize vehicle and pedestrian accessibility.
  - Goal 1.3. Adequate Public Facilities. Policy 1.3.1.3. The City shall encourage development to locate in areas where the facilities, infrastructure, and services are available.
  - Objective 1.2. Policy 1.8.2.1: New development shall be interconnected by a multi-purpose path system that can accommodate golf carts, bicycles, and pedestrians.
- Chapter 3: Housing Element:
  - Goal 3.3: Maintain the housing stock and protect residential areas.
  - Policy 3.3.1.3: To promote high quality housing, the City shall enforce architectural and aesthetic regulations.
  - Policy 3.3.2.4: The City shall encourage infill housing and cluster subdivisions in order to protect environmentally sensitive lands and promote energy conservation.
  - Goal 3.4 Diversity in Housing: There shall be a variety of lot sizes and housing types to meet the needs of the citizenry.
  - Objective 3.4.1.Diversity in Housing Opportunities: Policy 3.4.1.1: Through the FLUM and 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, multifamily dwellings and residential units in mixed use developments.
- Chapter 4: Public Recreation and Open Space

Goal 4.1: Provision of Adequate Public Recreation and Parks Facilities. Provide a system of public parks, open space, trails, and recreational facilities that contribute to a pleasing quality of life and healthy lifestyle for residents and visitors.

Objective 4.3.1 Neighborhood Parks. Plan for the adequate provision of neighborhoods parks by establishing minimum requirements for on-site acreage and for the provision of open space in new developments.

Objective 4.3.2 Open Space. Manage, preserve and protect the natural resources of the City in order to maintain a natural and healthy balance between the environment and development, ensuring that lands are set aside in new developments for open space and that environmentally sensitive lands are protected for inclusion in the City's system of resource based parks and trails.

- Chapter 5: Infrastructure Element

Objective 5.1.3. Existing Facilities and Urban Sprawl. Maximize the use of existing facilities, discourage urban sprawl and coordinate future expansion plans consistent with projected needs to accommodate development in densities permitted by the Future Land Use Element of the Plan.

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

**Staff Findings:** The proposed development will be required to comply with all City requirements, subdivision and Technical Site Plan review. Further, it will be subject to all City Codes and Ordinances, including the City's Building Codes and Impact Fee requirements.

*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. Future development of the site must comply with the performance standards contained in Unified Land Development Code (ULDC). Additionally, the approval of the rezoning will provide a new opportunity for single family homes and residential uses in this vicinity. The MPD design includes a Neighborhood Park as well as pedestrian connectivity.

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

**Staff Finding:** The future development of the property must comply with the City's Land Development Code, Comprehensive Plan and the requirements of all other applicable local, state and federal laws, statutes, ordinances, regulations and codes in order for the developer to successfully develop the property.

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

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

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

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

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

**Staff Finding:** The Master Concept plan protects two onsite wetland areas. In addition, the well-head protection zone is maintained through planned open space in the northeastern portion of the site. Forty percent of the site will remain as open space per Code requirements and the MPD Development Agreement.

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

**Staff Finding:** Impacts to the economy of the affected area are anticipated to be positive. The property is a vacant site that is reputed to be disturbed from past spoil dumping. Developing the property will create positive economic benefit to the City.

In addition, the Whiteview Corridor Safety improvements will benefit the area by creating turning lanes to White Mill Drive and Woodbury Lane, and extending the multiuse path from White Mill Drive to US 1.

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

**Staff Finding:** The impact on the necessary governmental services including wastewater, potable water, drainage, fire and police protection, solid waste and transportation systems shall be evaluated at the time of permit application. Future permits must fall within the adopted Level of Service Standards for all categories of services per the requirements of the City's ULDC.

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

**Staff Finding:** The site is located in an area with established residential uses. This application can be described as an infill request – that is the applicant is seeking to utilize land that is currently vacant (yet surrounded by City infrastructure) consistent with the Comprehensive Plan and the ULDC.

In addition, the Whiteview Corridor Safety improvements are a major CIP project that complements and enhances the area as well as this development proposal.

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

**Staff Finding:** The proposed rezoning is compatible with the surrounding uses and zoning districts and will not threaten the general health, welfare or safety of the surrounding residents.

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

**Staff Finding:** Yes, the rezoning accomplishes a legitimate public purpose. The rezoning of the property and subsequent development into single family and other residential uses will be compatible with the surrounding residential nature of the area. Further, the infill nature of this request maximizes use of the City's existing infrastructure, avoiding unnecessary costs for new infrastructure.

## **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 feet and hold a neighborhood meeting for Zoning Map Amendments.

To comply with this standard, the applicant notified the property owners via regular mail on June 2, 2018, for a neighborhood meeting held on July 16, 2018 at 6:00 pm at the Palm Coast Bible Church. The results letter is an attachment to this request.

The required legal advertisement for the public hearing for the Planning and Land Development Regulation Board meeting was placed in the August 1, 2018 paper of local circulation.



**RECOMMENDATION**

Approve the rezoning of 116 acre subject tract from Commercial-2 (COM-2) to Master Planned Development (MPD).

ORDINANCE 2018 - \_\_\_\_\_

REZONING APPLICATION NO. \_\_\_\_\_

WHITEVIEW LAND 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 OFFICIAL ZONING MAP FOR 116.41+/- ACRES OF CERTAIN REAL PROPERTY GENERALLY LOCATED ON PINELAKES PARKWAY, AND BEING MORE PARTICULARLY DESCRIBED IN THE ATTACHED EXHIBIT “A”, FROM COMMERCIAL TO MASTER PLANNED DEVELOPMENT DISTRICT (MPD) ZONING DISTRICT; PROVIDING FOR CONFLICTS. PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, Miral Corp., (“Owner”) is the fee simple title owner of certain real property located in Palm Coast, Florida, more particularly described in the legal description attached hereto as **Exhibit “A”**, and incorporated herein (the “Owner’s Property”); and

**WHEREAS**, Owner desires to develop the Subject Property as a Master Planned Development (“MPD”) as set forth in a MPD Development Agreement (“Development Agreement”) attached hereto as **Exhibit “D”**; and

**WHEREAS**, the Owner voluntarily agrees with the conditions, terms, and restrictions hereinafter recited, and has agreed voluntarily to their imposition as an incident to development of the Subject Property; 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 of Palm Coast City Charter; other controlling law; and the City's police powers; and

**WHEREAS**, additional conditions of approval may also be included within the minutes of relevant meetings of the Planning & Land Development Regulation Board and City Council. Furthermore, any representations or promises made by the Applicant during the zoning review and approval process for the Project (whether oral or in writing) shall also be additional conditions of approval if deemed appropriate by the City; and

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

**WHEREAS**, the Applicant's application for a Master Plan Development is approved subject to the Development Agreement's terms and conditions; 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 and recommended conditions of approval *consistent* with the City of Palm Coast Comprehensive Plan; and

**WHEREAS**, the City Council 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 the recommendation of the Planning and Land Development Board which voted \_\_\_\_\_ to approve at the regularly scheduled meeting conducted on \_\_\_\_\_, and after complete deliberation, the City Council 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, IT IS HEREBY ORDAINED BY 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. Zoning Map Amendment and MPD Agreement.**

(a) That the Official Zoning Map of the City of Palm Coast as described in City of Palm Coast Unified Land Development Code Section 3.01.02 is hereby amended to include a change of classification to City of Palm Coast Master Planned Development District (MPD) for the property legally described on Exhibit “A”, which is attached and incorporated herein by this reference. City staff is hereby directed to promptly amend the Official Zoning Map upon the effective date of this Ordinance.

(b) The MPD Development Agreement (“Development Agreement”) and its exhibits attached hereto, with all appropriate signatures and joinders, is hereby adopted and approved by the City Council of the City of Palm Coast and shall constitute the regulations for

the specific MPD District. The Development Agreement shall be recorded in the Official Records of Flagler County, Florida, by the City Clerk.

**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. 2018-\_\_\_\_\_ as adopted by the City Council of the City of Palm Coast, Florida, and pursuant to the City Charter. If Ordinance No. \_\_\_\_\_ does not become effective, then this ordinance shall become null and void.

THIS SECTION INTENTIONALLY LEFT BLANK



**APPROVED** on first reading the \_\_\_\_ day of \_\_\_\_\_. 2018.

**ADOPTED** on the second reading after due public notice and hearing this \_\_\_\_\_  
day of \_\_\_\_\_, 2018.

**CITY OF PALM COAST, FLORIDA**

---

Mayor

**ATTEST:**

---

Virginia A. Smith, City Clerk

Approved as to form and legality

---

William E. Reischmann, Jr.

City Attorney

## EXHIBIT "A"

### PARCEL 302

FOR A POINT OF REFERENCE COMMENCE AT THE SOUTHWEST CORNER OF SECTION 23, TOWNSHIP 11 SOUTH, RANGE 30 EAST, FLAGLER COUNTY, FLORIDA, THENCE N89°04'10"E ALONG THE SOUTH LINE OF SAID SECTION 23 A DISTANCE OF 600.01 FEET FOR A POINT OF BEGINNING ON THE EASTERLY LINE OF WYNNFIELD - SECTION 27, AS RECORDED IN MAP BOOK 9, PAGE 36, PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA, THENCE RUN N00°32'46"W ALONG SAID EASTERLY LINE 1004.68 FEET; THENCE CONTINUE ALONG SAID EASTERLY LINE N51°48'30"E 1227.22 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF BARTON PARKWAY, BEING A POINT ON CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 4579.61 FEET; THENCE FROM A CHORD BEARING OF S51°23'29"E RUN SOUTHEASTERLY ALONG THE ARC OF SAID CURVE 2110.09 FEET THROUGH A CENTRAL ANGLE OF 26°23'58" TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF WHITE MILL DRIVE; THENCE S24°54'30"W ALONG SAID WESTERLY RIGHT OF WAY LINE 261.18 FEET; THENCE N65°05'30"W 150 FEET; THENCE S24°54'30"W 100.00 FEET; THENCE S65°05'30"E 150.07 FEET TO THE AFOREMENTIONED WESTERLY RIGHT OF WAY LINE OF WHITE MILL DRIVE, BEING A POINT ON A CURVE CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 6040.00 FEET; THENCE FROM A CHORD BEARING OF S18°55'49"W, RUN SOUTHWESTERLY ALONG THE ARC OF SAID CURVE AND ALONG SAID WESTERLY RIGHT OF WAY LINE 1203.33 FEET THROUGH A CENTRAL ANGLE OF 11 °24'54" TO THE POINT OF TANGENCY; THENCE CONTINUE ALONG SAID WESTERLY RIGHT OF WAY LINE S13°13'22"W 351.34 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF WHITE VIEW PARKWAY; THENCE N77°00'42"W ALONG SAID NORTHERLY RIGHT OF WAY LINE 551.55 FEET; THENCE N12°59'20"E 11.22 FEET; THENCE N27°53'28"W 95.46 FEET; THENCE N58°55'37"W 235.10 FEET; THENCE N24°56'30"W 165.00 FEET; THENCE N77°00'42"W 578.00 FEET; THENCE S12°59'31"W 4.83 FEET; THENCE N77°00'42"W 85.66 FEET; THENCE N47°03'32"W 64.32 FEET; THENCE S56°05'27"W 259.93 FEET; THENCE S12°59'18" 124.00 FEET TO THE AFOREMENTIONED NORTHERLY RIGHT OF WAY LINE OF WHITE VIEW PARKWAY, BEING A POINT ON A CURVE CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 1624.00 FEET; THENCE FROM A CHORD BEARING OF N79°57'18"W RUN NORTHWESTERLY ALONG THE ARC OF SAID CURVE AND SAID RIGHT OF WAY LINE 172.20 FEET THROUGH A CENTRAL ANGLE OF 06°04'31" TO THE AFOREMENTIONED EASTERLY LINE OF WYNNFIELD - SECTION 27; THENCE N00°32'46"W ALONG SAID EASTERLY LINE 905.32 FEET TO THE POINT OF BEGINNING.

Ordinance No. 2018-\_\_\_\_\_

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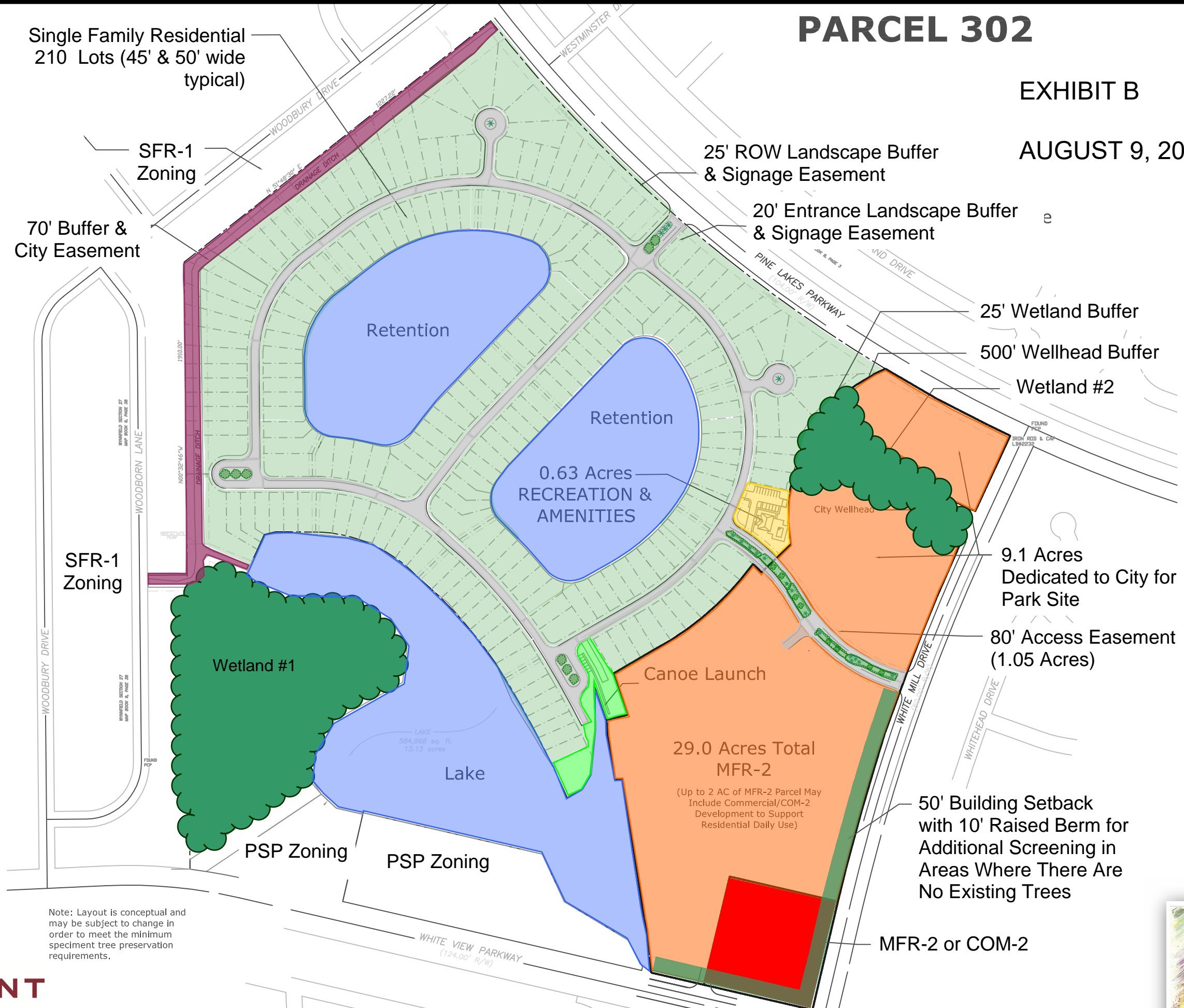
August 10, 2018 DRAFT

**EXHIBIT “B”**  
**CONCEPTUAL MASTER PLAN**


# PARCEL 302

EXHIBIT B

AUGUST 9, 2018



## WHITEVIEW CONCEPTUAL MASTER PLANNED DEVELOPMENT



**Andrew S. Dance & Associates, LLC**  
Landscape Architecture - LC26000351

**Andrew Dance, ASLA**  
Owner

13 Evansville Ln  
Palm Coast, FL 32164  
386.627.5600  
www.AndrewDance.com  
Andy@AndrewDance.com

Land Use & Planning  
Sustainable  
Landscape Designs  
Water Conserving  
Landscapes

**EXHIBIT “C”**

**TRACT MAP**

Ordinance No. 2018-\_\_\_\_\_

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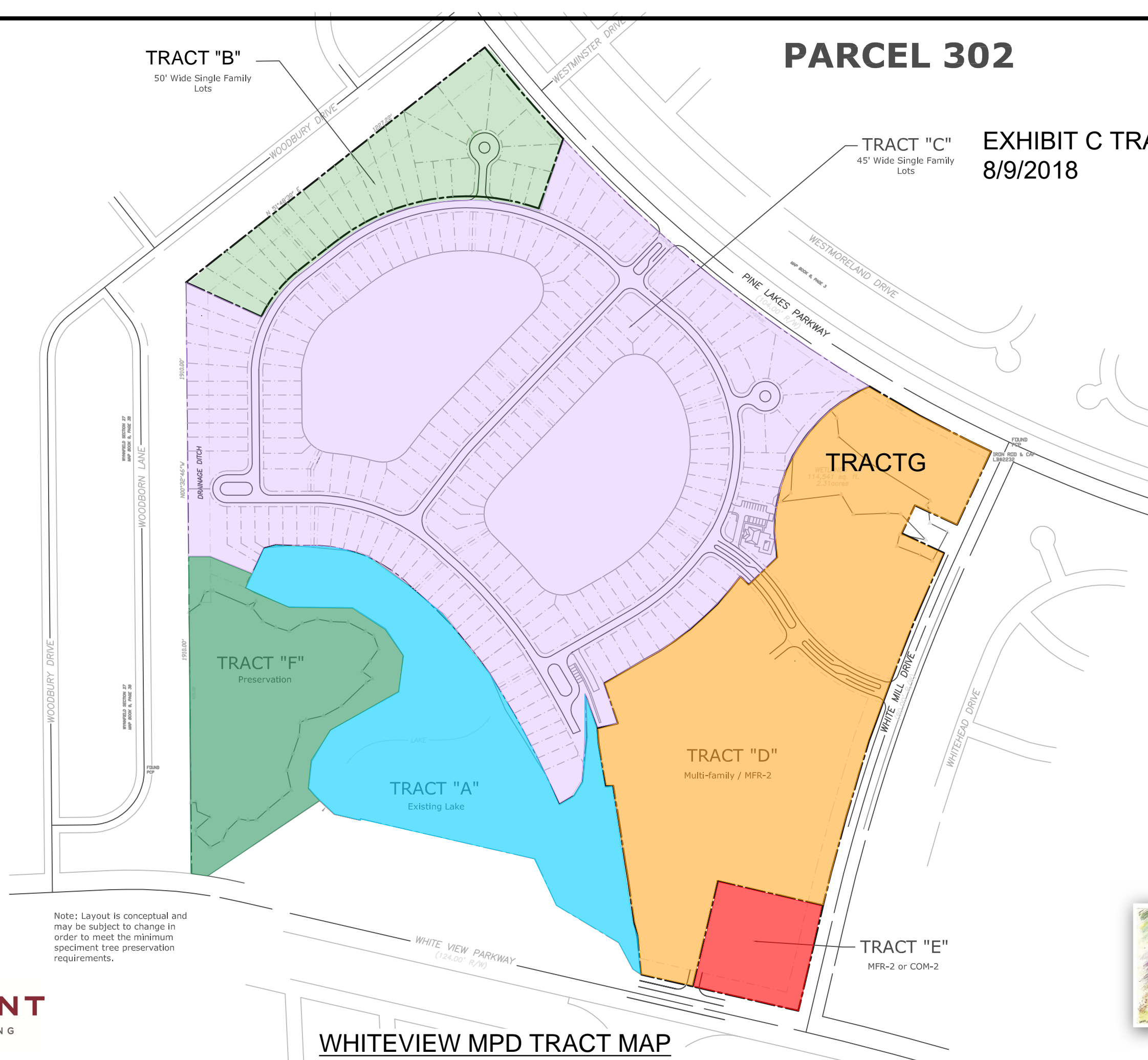
EXHIBIT C  
August 9, 2018

TRACT "B"  
50' Wide Single Family  
Lots

# PARCEL 302

TRACT "C"  
45' Wide Single Family  
Lots

EXHIBIT C TRACT MAP  
8/9/2018




Note: Layout is conceptual and  
may be subject to change in  
order to meet the minimum  
specimen tree preservation  
requirements.



**ALLIANT**  
ENGINEERING

**WHITEVIEW MPD TRACT MAP**



**Andrew S. Dance & Associates, LLC**  
Landscape Architecture - LC26000351

**Andrew Dance, ASLA**  
Owner

13 Evansville Ln  
Palm Coast, FL 32164  
386.627.5600

[www.AndrewDance.com](http://www.AndrewDance.com)  
[Andy@AndrewDance.com](mailto:Andy@AndrewDance.com)

Land Use & Planning  
Sustainable  
Landscape Designs  
Water Conserving  
Landscapes



**EXHIBIT “D”**

**WHITEVIEW MASTER PLANNED DEVELOPMENT AGREEMENT**

Ordinance No. 2018-\_\_\_\_\_

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August 10, 2018 DRAFT

Prepared by:

Michael D. Chiumento III, Esq.

Chiumento Dwyer Hertel Grant & Kistemaker, P.L.

145 City Place, Suite 301

Palm Coast, FL 32164

Return to:

City Clerk

City Hall

160 Lake Avenue

Palm Coast, FL 32164

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

**MASTER PLAN DEVELOPMENT AGREEMENT BETWEEN THE CITY OF PALM  
COAST AND MIRAL CORP.**

THIS MASTER PLAN DEVELOPMENT AGREEMENT, (herein referred to as the “Development Agreement”) is made and executed this \_\_\_\_ day of \_\_\_\_\_, 2018, by and between the CITY OF PALM COAST, a Florida municipal corporation (herein referred to as the “City”), whose address is 160 Lake Avenue, Palm Coast, Florida, 32164, and MIRAL CORP., a Florida corporation (herein referred to from time-to-time as the “Owner” regardless of whether singular or plural ownership status) whose address is 4370 La Jolla Village Drive, Suite 650, San Diego, CA 92122.

WITNESSETH:

Ordinance No. 2018-\_\_\_\_\_

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August 10, 2018 DRAFT

**WHEREAS**, the Owner is the fee simple title owner of certain real property consisting of 116.4 +/- acres located in the City of Palm Coast, Flagler County, Florida, more particularly described in the legal description attached hereto as **Exhibit “A”** and incorporated herein (“Owner’s Property”); and

**WHEREAS**, the Owner requests approval for a Master Planned Development (“MPD”) on the Subject Property, subject to the conditions set forth in this Development Agreement ; and

**WHEREAS**, the Owner voluntarily agrees with the conditions, terms, and restrictions hereinafter recited, and has agreed voluntarily to their imposition as an incident to development of the Subject Property; and

**WHEREAS**, the City of Palm Coast City Council (“City Council”) finds that this Development Agreement is consistent with the City’s Comprehensive Plan (2035) (the “Comprehensive Plan”) and LDC and that the conditions, terms, restrictions, and requirements set forth herein 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 of Palm Coast City Charter; other controlling law; and the City’s police powers; and

**WHEREAS**, additional conditions of approval may also be included within the minutes of relevant meetings of the PLDRB and City Council. Furthermore, any representations or promises made by the Owner during the zoning review and approval process

for the Project (whether oral or in writing) shall also be additional conditions of approval if deemed appropriate by the City; 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 Owner's application for a Master Planned Development is approved subject to the Development Agreement's following terms and conditions:

**SECTION 1. RECITALS.**

The above recitals are taken as true, 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 the Owner is the owner of the Owner's Property in accordance with the title opinion or title certification 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 said title opinion or certification 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) The Owner hereby represents to the City that all required joinders and consents have been obtained and set forth in a properly executed form on this Development Agreement. 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 and joinders must be executed by any mortgagees. It is the responsibility of the Owner to ensure that said subordinations and joinders occur in a form and substance acceptable to the City Attorney prior to the City's execution of this Development Agreement. If the Owner fails to attain the joinder and consent, then the Owner shall lose all rights and benefits deriving hereunder.

### **SECTION 3. PROJECT DESCRIPTION.**

(a) The Applicant may develop a Mixed residential development consisting of (i) up to 210 residential units; (ii) a +/- 27 acre parcel of land to be developed as multifamily development (MFR-2) (iii) a +/- 2 acre parcel (COM-2) or MFR-2 and; (iv) a Neighborhood Park (approximately 9 acres), as depicted on the Development Agreement's Conceptual Master Plan ("Project"). The Project shall be integrated internally and externally by a series of pedestrian pathways and developed in conformance with the City Code, the Development Agreement's Conceptual Master Plan, and this Development Agreement.

### **SECTION 4. FUTURE LAND USE MAP (FLUM).**

The future land use designation for the Subject Property is Mixed Use. This Development Agreement is consistent with the City's Comprehensive Plan (2035).

**SECTION 5. APPROVAL OF MASTER PLAN DEVELOPMENT, CONCEPTUAL MASTER PLAN APPROVAL, AND DEVELOPMENT REVIEW PROCESS.**

(a) The City Council, at its regular meeting on \_\_\_\_\_, 2018, adopted Ordinance 2018-\_\_\_\_\_for a Master Planned Development affecting the Subject Property subject to the terms and conditions of this Development Agreement.

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

(c) The provisions of the then current City of Palm Coast Unified Land Development Code ("LDC shall be applicable to the Subject Property unless otherwise specifically stated herein. Any City Code provision not specifically identified will not be affected by the terms of this Development Agreement, and will be subject to enforcement as if no Development Agreement were in effect.

(d) The Development Agreement' Conceptual Master Plan depicts the layout of the Project and delineates the approximate property boundaries, streets, easements, property lines, general location of lots and intended uses.

(e) The Development Agreement's Exhibit B:Conceptual Master Plan and Exhibit C: Tract Map contains a level of detail satisfactory to permit the Project to proceed directly to Preliminary Plat.

**SECTION 6. MODIFICATIONS TO THE DEVELOPMENT AGREEMENT CONCEPTUAL MASTER PLAN.**



Modifications to the exact location and number of lots, roadways, primary sidewalk/pathway system, and other improvements may be requested by the Owner and approved by the Land Use Administrator during review of construction documents, site plans, or Preliminary Plat for the Project or portions thereof, as long as the development standards contained in this Development Agreement are maintained. Moreover, the Land Use Administrator is authorized to approve those modifications to the Development Agreement Conceptual Master Plan as allowed by the LDC, and any construction documents, and Preliminary Plat for the Subject Property or portions thereof provided that: (1) The maximum building height and number of residential lots described herein are not exceeded, (2) Property setbacks are not modified and (3) the approved plans maintain the development standards in this Development Agreement.

#### **SECTION 7. PERMITTED USES.**

The Owner agrees to fully comply with the following Use Restrictions on the Subject Property. The Owner must develop the Subject Property consistent with the Development Agreement Conceptual Master Plan, except as otherwise provided in Section 7 of this Development Agreement.

##### **7.1 USE RESTRICTIONS.**

- (a) The Subject Property's use shall be limited to
- 210 single family residential units
  - 27 acre parcel (MFR2)
  - 2 acre parcel (MFR2 or COM-2)
  - Public Park & facilities (approximately 9 acres)

(b) Except as provided elsewhere in this Development Agreement, any modification to the Development Agreement that proposes a change of uses approved herein, increases the intensity or types of development, or decreases the size of any perimeter buffer within the Subject Property shall require the approval of the City Council, following the review and recommendation of the PLDRB.

**8.2 VEHICULAR/NON-VEHICULAR AND PEDESTRIAN ACCESS, PARKING AND INTERCONNECTIVITY.**

(a) The Development Agreement Conceptual Master Plan integrates pedestrian, bicycle, and vehicular traffic circulation systems within the Subject Property and with adjacent rights-of-ways. All uses shall have access to a roadway but are not required to front on a dedicated road. The City shall be granted access to all roadways to ensure that public safety is maintained.

(b) Project shall provide and maintain one access drive onto White Mill Drive and one main access onto Pine Lakes Parkway as shown on the Development Agreement Conceptual Master Plan and other access determined to be appropriate. A temporary construction access shall also be allowed along the southerly portion of the Project.

(c) School Bus Stop: The Owner shall construct a school bus stop, along Pine Lakes Parkway or Whiteview Parkway as determined by the Flagler County School District with both being conveyed to the City and/or the Flagler County School District, that meets locational and design standards of the Flagler County School District and City, unless otherwise agreed to by the parties or their designees.

**SECTION 8. LAND DEVELOPMENT CODE NON-APPLICABILITY.**

The development of the Project shall proceed in accordance with the terms of this Development Agreement. In the event of an inconsistency between the terms of this Development Agreement and the LDC, the terms of this Development Agreement shall prevail. Where specific requirements are not contained in this Development Agreement, the LDC shall apply to the extent that it does not conflict with the provisions of this Development Agreement or the general intent of the Development Agreement Conceptual Master Plan.

**SECTION 9. FACILITY COMMITMENTS.**

(a) Unless otherwise described elsewhere in this Development Agreement, the Owner agrees that the City is not responsible for the construction or creation of public facilities or capacity to facilitate the development of the Subject Property. No building permits or development permits shall be issued for the Subject Property unless adequate capacity of concurrency monitored facilities are available concurrent with the impact on said facilities by the Project.

(b) Private & Public Improvements: The Owner agrees to construct, at a minimum, the following on-site improvements, at the Owner's sole and exclusive expense, as a condition of this Development Agreement and in addition to the payment of all impact fees relating to the development of the Subject Property, unless otherwise provided for herein:

- i. Private: The parking areas; utilities; master stormwater system; sidewalks; lighting; recreational facilities, and perimeter buffer landscaping. The Owner shall grant any and all drainage and utility easements to the City which are deemed necessary to serve the public utilities.
- iii. The Owner agrees that the City has shown an essential nexus between a legitimate City interest and the conditions, if any, imposed herein. The Owner

further agrees that all proposed conditions are roughly proportional to the impact the development will have upon the public, based upon an individualized determination by the City that the required conditions are related in both nature and extent to the impacts of the proposed Project.

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

(c) SIDEWALKS AND PEDESTRIAN PATHS: The Owner shall provide an internal integrated system of sidewalks to ensure that pedestrians maintain an easy and safe access to all uses as depicted on the Development Agreement Conceptual Master Plan. The Owner shall provide community sidewalks a minimum of five (5) feet wide on only one side of the internal roadway system.

(d) ACCESS: Ingress and egress to the Project shall be provided, constructed and maintained as depicted on the Development Agreement Conceptual Master Plan.. At the sole discretion of the Owner, the development may be gated, however, must provide sufficient access for emergency services and access to public facilities.

(h) OWNER STORMWATER SYSTEM: The Owner shall be responsible for designing, permitting, constructing, and maintaining the means of conveyance of stormwater runoff from the Project to the Stormwater Facility including, but not limited to, all stormwater lines, ditches, culverts, and other stormwater facilities that are necessary to convey the stormwater runoff to the Stormwater Facility (the “Owner Stormwater System”).

(j) PARK AND RECREATION: The Owner shall dedicate approximately nine (9) acres of land for parks and recreation to the City of Palm Coast for the benefit of the public. Specifically, Tract “G” shall be developed as a Neighborhood Park with the adjacent

tract remaining in natural condition with open space to provide for wellfield protection and other amenities.

**Section 10. DEVELOPMENT STANDARDS.**

10.1 PARKING: Parking requirements shall be consistent with the LDC.

10.2 OPEN SPACE: Minimum open space shall be thirty percent (40%) of the Subject Property's gross area as required by Section 3.03.04.I of the ULDC. Open space is defined in the LDC and includes those permitted uses outlined in Section 3.03.04. As an alternative to meeting the open space percentage stated herein, the Owner may propose alternative solutions for Land Use Administrator approval, such as, but not be limited to, green building principles, land donation, or other mechanisms that would justify a lower percentage of open space. Open space shall be maintained by either the actual owner of the property, a property owners' association, or other method satisfactory to the Owner and the City.

10.3 WATER/WASTEWATER: The Project is located wholly within the City limits and is therefore within the City's water and wastewater service areas. All permanent uses within the Project will be served by central water and sewer services. The City shall be the potable water and wastewater service provider for the Project upon payment of applicable fees. The City is under no obligation to accept the dedication of any facility.

10.4 TRANSPORTATION: Presently the Property is zoned COM-1 pursuant to the City's LDC which generates 4,570 P.M. Peak Hour Trips. The proposed rezoning will exponentially reduce traffic on the City's roadway system with the Project generating only 625 similar trips. This is a reduction of 3,045 trips. Transportation concurrency shall be addressed during the Preliminary Plat or site plan process.

10.5 DRAINAGE:

(a) The Owner shall construct a stormwater management system that provides treatment and attenuation as required by St. Johns River Water Management District (SJRWMD) and the City's LDC. Best Management Practices (BMPs) shall be used during and after construction to minimize erosion and sedimentation and to properly manage runoff for both stormwater quantity and quality. BMPs shall be in accordance with the Florida Department of Environmental Protection (FDEP) and Florida Department of Transportation (FDOT) design standards and details.

(b) Stormwater piping, swales and ditches shall be designed to convey a ten (10)-year, twenty-four (24)-hour storm event. Stormwater detention facilities shall be designed to meet water quality and attenuation requirements by SJRWMD and the City's LDC.

(c) Existing drainage conveyance along the northern property line, as indicated on the Development Agreement Conceptual Master Plan, shall be maintained through the use of drainage swales and/or storm drainage piping.

10.6 LANDSCAPING: No potable water shall be used for irrigation once a stormwater or reclaimed water source is available. All landscaping and irrigation shall comply with the LDC except for perimeter buffers, which shall be provided as follows:

(a) A minimum twenty (20) foot wide natural vegetative buffer, meeting the standards of a Buffer "E" in Section 11.03.05 of the LDC, shall be provided along the western property line coinciding with the City's Drainage Easement.

(b) No landscape buffers are required along the southern property lines adjacent to the existing development adjacent to the proposed lake.

10.7 LIGHTING: All lighting shall be designed to minimize light pollution to off-site properties and to comply with the LDC.



10.8 FIRE PROTECTION: Fire protection requirements for the Project will be met through a system of fire hydrants installed on the Subject Property by the Owner in accordance with City standards. The locations of fire hydrants shall be shown on all construction documents, site plans, or preliminary plats. The water requirements for the fire system will be served by the City's Utility Department. The Project shall comply with the City's fire protection requirements. The City will provide fire protection services to the Project in accordance with established local response agreements.

10.9 UTILITIES: The Owner shall be responsible for any and all costs associated with the extension of existing City utilities to the Subject Property that may be required to serve this Project. All internal utility lines for the Project shall be placed underground.

10.10 INTERCONNECTIVITY AND ACCESS: All units within the Subject Property shall be interconnected by roadways and sidewalks as called for by the City's Comprehensive Plan. The Project shall provide and maintain at least one two access drives onto Pine Lakes Parkway and White Mill Dr., as depicted on the Development Agreement Conceptual Master Plan and other access determined to be appropriate.

10.11 RESOURCE PROTECTION:

(a) Except as depicted on the Development Agreement Conceptual Master Plan and in this Development Agreement, the Owner shall comply with the resource protection requirements of the LDC. Specifically Tract F and Tract G shall remain in their natural condition with minimal permissible development.

(b) Natural upland buffers may be required by Chapter 10 of the LDC.

10.12 WETLANDS: The Project shall be subject to all Federal, State and City of Palm Coast environmental and wetland regulations and ordinances. .

10.13 LOW IMPACT DEVELOPMENT PRACTICES: To further conservation practices identified in the LDC, the Project shall incorporate into the construction, operation, and maintenance of all facilities, conservation strategies to include but not be limited to:

(a) Water Conservation:

- i. Native, drought tolerant plant materials;
- ii. St. Johns River Water Management District Florida Water Star program for protection of water resources;
- iii. Turf grass – Irrigated area(s) shall not exceed 50% of landscape areas;
- iv. Separate irrigation zones shall be required for turf, non-turf areas; and
- v. Landscape areas shall not be irrigated using high-volume irrigation systems unless high pressure compensating spray heads are utilized.

All irrigation systems shall employ, at minimum, a rain shut-off device such as a soil moisture sensor or smart irrigation system capable of analyzing and ascertaining weather conditions and time of year. These restrictions shall be clearly stated in the Project's Covenants, Conditions and Restrictions ("CC&Rs").

10.14 PROHIBITION OF DISCHARGES: The Owner shall comply with the City of Palm Coast Code of Ordinances, Article VI, Prohibition of Discharges, and all applicable local, state, federal, and City water quality laws, rules, regulations, and ordinances.

10.15 STORMWATER POLLUTION PREVENTION: A stormwater pollution prevention plan shall be attached to and incorporated into the construction and permit documents pursuant to the requirements of applicable federal, state, and City regulations.

10.16 WILDLIFE PROTECTION: In the event that listed species have been determined to be residing on, or otherwise be significantly dependent on the Subject Property,

the Owner shall obtain the necessary permits from the Florida Fish and Wildlife Conservation Commission and other applicable agencies. Activities associated with listed flora and fauna and shall comply with the LDC. Bear Smart Community principles shall be integrated into design and operations. The intent is to minimize human-animal conflicts from black bear and other species that may be drawn to area attractants. The Owner and City shall cooperate on grant opportunities to supplement cost(s) that the Owner may incur to implement these principles. At no cost to the City, the Owner will allow Miral Corp's recreational facilities to be utilized to conduct Florida Black Bear protection educational events for the benefit of the Project residents.

10.17 SIGNAGE: The Owner may construct signage consistent with the LDC after receiving necessary permits.

10.18 MODEL HOMES: Up to five model homes can be constructed, occupied, and operated under Section 4.19.02 of the LDC. Sales and leasing activities shall be limited to properties located within the Project. Construction and Certificates of Occupancies shall be issued consistent with the City and state rules, regulations and codes. Moreover, model homes are subject to all phasing and construction plan approvals.

## **SECTION 11. PHASING OF DEVELOPMENT.**

(a) The Subject Property may be developed in multiple phases. Prior to the issuance of any permit for any phase of the Project (and prior to any construction of any improvement, building, or structure on the Subject Property), the Owner shall submit a Preliminary Plat for the relevant phase. A Subdivision Master Plan as provided in the LDC is not required. Each tract of the Project will include infrastructure to support the proposed uses, including water

and wastewater service, drainage, private roads, vehicular, and pedestrian access facilities. All infrastructure necessary to support each phase that is constructed on the Subject Property shall be constructed concurrently with, or prior to construction of that phase of the Project, as approved by the City, and prior to the issuance of building permits for that phase. Adequate emergency vehicle access and turnarounds shall be provided at all times. No clearing of land may occur until site plan approval is provided for that specific phase of development.

(b) Roadways shall be constructed concurrently with development of adjacent lots to insure that contiguous roadways are available at all times prior to the issuance of any building permits for that phase.

## **SECTION 12. LOT AND BUILDING STANDARDS.**

12.1A LOT DIMENSIONAL STANDARDS: Consistent with the Tract Map  
(Exhibit “C”)

Standard	Tract C	Tract B
Minimum Lot Size	4,500 sq. ft.	5,000 sq. ft.
Minimum Interior Lot Width	45'	50'
Minimum Corner Lot Width	50'	50'
Minimum Living Area (square feet)	1,200	1,200
Minimum Front Setback	20'	20'

Minimum Rear Setback	10'	10'
Minimum Rear Street Setback	15'	15'
Minimum Interior Side Setback	5'	7.5'
Minimum Street Side Setback	15'	15'
Maximum Impervious Surface Ratio	0.7	0.7
Maximum Building Height	35'	35'

12.1B TRACT D: +/- 27 acres to be developed consistent with City Zoning Classifications of MFR-2. As part of the Project's first preliminary plat Development Order, the Owner shall dedicate and convey to the City an area from Tract D for a public park of approximately nine (9) acres, as generally depicted on the Master Conceptual Plan with the tract's entitlements being transferred to the balance of the tract.

12.1C: As specifically required in Section 12.1.B, the Owner shall dedicate and deed by special warranty deed a nine (9) acre park as generally depicted on the Conceptual Master Plan to the City as part of the Project's first preliminary plat Development Order. The owner shall provide a survey of the land to be deeded , and a title opinion to the City for review and approval prior to execution of the special warranty deed. The owner shall not deed the property to the City until the City has completed its review of documents provided and approved the property for transfer to the City.

12.1C TRACT E: +/- 2 acre To be developed consistent with MFR2 or COM-2.

12.1D TRACT G: Uses allowed within Parks and Greenway zoning.

12.2 ARCHITECTURE: Prior to issuance of the Preliminary Plat Development order, the Owner shall submit to the LUA for approval an architectural program for the project which shall be consistent with the City's LDC.

**SECTION 13. LIST OF OUTSTANDING PERMITS/APPROVALS AND PROPER SEQUENCING.**

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

(b) All required City, County, State, or Federal permits shall be obtained prior to commencement of construction. This Development Agreement is not Preliminary Plat approval and the Owner remains responsible for complying with all provisions of the Land Development Code unless provide elsewhere in this Development Agreement.

**SECTION 14. DEVELOPMENT FEES.**

The Owner acknowledges and agrees that the City has enacted citywide impact fees, and may in the future increase the amount of those fees. Except as provided for herein regarding park system impact fees, the Owner acknowledges that the Subject Property shall be subject to all fees in effect at the time of permitting.

**SECTION 15. COMMON AREAS AND MAINTENANCE.**

For all common areas, to ensure the long-term ownership, maintenance, and control of those areas, prior to the issuance of any building permit and before recording the final plat, the Owner shall maintain or establish an association, in accordance with Florida law, comprised of the owners of lots or parcels with the development (the "Association"). The Association

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documentation shall be subject to the prior reasonable review of the City to ensure adequate provisions for the ongoing care and maintenance of the common areas. The documentation, whether contained in a deed restriction or otherwise, shall provide for the permanent maintenance of the Common Areas by the Association, minimum insurance requirements for the Association, adequate mechanisms to force financial participation by members of the Association, and restrictions on the ability to amend these requirements without the City's approval. The City shall not be required to accept ownership or maintenance of any of the Project's common elements including but not limited to roads, landscaping and buffers.

**SECTION 16. BREACH, ENFORCEMENT, ALTERNATIVE DISPUTE AND CONFLICT RESOLUTION.**

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

(b) In the event that a dispute arises under this Development Agreement, and the City and 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 Owner agree to engage in mediation before a certified Circuit Court mediator selected by the parties. In the event that the parties fail to agree to a mediator, a certified mediator will be selected solely by the City. The parties shall equally pay all costs of mediation.

(c) In the event of conflict between the terms of this Development Agreement and the Development Agreement Master Plan, the provisions of this Development Agreement shall prevail.



**SECTION 17. 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 be hereafter be designated in writing by such party).

(b) Any such notice must be personally delivered or sent by 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 three (3) days after such notice is deposited in the United States mail (if sent by 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, FL 32164

As to the Owner: Miral Corp.

4370 La Jolla Village Drive, Suite 650

San Diego, CA 92122

With copies to: Michael D. Chiumento III, Esq.

Chiumento Dwyer Hertel Grant & Kistemaker, PL

145 City Place, Suite 301

Palm Coast, FL 32164

**SECTION 18. 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 19. 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 20. GOVERNING LAW, VENUE AND 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 Code of Ordinances of the City of Palm Coast.

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

(f) This Development Agreement shall also not be construed to prohibit the City from adopting lawfully imposed impact fees applicable to the Owner and the development of the Development Agreement Conceptual Master Plan authorized hereunder.

**SECTION 21. TERM / EFFECTIVE DATE.**

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

(b) This Development Agreement provides an initial timeframe of ten (10) years to commence development from the Effective Date.

(c) Should development not commence within the initial established timeframe, the term of this Development Agreement may be modified by action of the City Council, at Council's discretion. Failure to obtain an extension shall cause the zoning of all lands encumbered to revert to the previous equivalent zoning designation.

**SECTION 22. RECORDATION.**

Upon approval 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 fourteen (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 23. 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 24. SPECIFIC PERFORMANCE / TIME IS OF THE ESSENCE.**

(a) Strict compliance shall be required with each and every provision of this Development Agreement. The parties agree that each has the remedy of specific performance of these obligations.

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

**SECTION 25. ATTORNEYS' 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 26. FORCE MAJEURE.**

The parties agree that in the event that the failure by either party to accomplish any action required hereunder within a specific time period ("Time Period") constitutes a default under 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 government 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 27. INDEMNIFICATION.**

The Owner shall indemnify for 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 in any way connected with the Owner’s development of the Subject Property as provided in this Development Agreement. 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 therefrom.

**SECTION 28. ENFORCEMENT; CITY’S RIGHT TO TERMINATE DEVELOPMENT AGREEMENT.**

(a) This Development Agreement shall continue to be enforceable, unless lawfully terminated, notwithstanding any subsequent changes in any applicable law.

(b) 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 said default. Upon receipt of said notice, the Owner shall be provided a thirty (30) day period in which to cure the default to the reasonable satisfaction of the City prior to the City filing an action or terminating this Development Agreement. If thirty (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 ninety (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 29. 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 30. 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 31. 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

(1) 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 32. FURTHER ASSURANCES.**

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

### **SECTION 33. 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 (1) and the same document.

### **SECTION 34. MODIFICATIONS, AMENDMENTS AND NON-WAIVER.**

(a) Unless provided for elsewhere in this Development Agreement, (1) Amendments to and waivers of the provisions herein shall be made by the parties only in writing by formal amendment, and (2) This Development Agreement shall not be modified or amended except by written agreement executed by all parties hereto and upon approval of the City Council of the City of Palm Coast.

(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.

### **SECTION 35. ENTIRE AGREEMENT AND EFFECT ON PRIOR AGREEMENTS.**

Ordinance No. 2018-\_\_\_\_\_

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This Development Agreement constitutes the entire agreement between the parties and supersedes all previous oral discussions, understandings, and agreements of any kind and nature, including the previous rezoning (Ordinance #2005-38), as between the parties relating to the subject matter of this Development Agreement.

IN WITNESS WHEREOF, the Parties have executed this Development Agreement on the dates set forth below.

CITY OF PALM COAST, FLORIDA

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

ATTEST:

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

APPROVED AS TO FORM AND LEGALITY:

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

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2018, by Milissa Holland, Mayor of the CITY OF PALM COAST, (check one) ☐ who is personally known to me or ☐ who produced \_\_\_\_\_ as identification.

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

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

My Commission expires: \_\_\_\_\_

Ordinance No. 2018-\_\_\_\_\_

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WITNESSES:

“OWNER”

Miral Corp., a Florida Corporation

\_\_\_\_\_

\_\_\_\_\_

(print)

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

Marc Mirbod, President

\_\_\_\_\_

\_\_\_\_\_

(print)

STATE OF FLORIDA

COUNTY OF FLAGLER

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2018, by Marc Mirbod, President of Miral Corp (check one) ☐ who is personally known to me or ☐ who produced \_\_\_\_\_ as identification.

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

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

My Commission expires:

Ordinance No. 2018-\_\_\_\_\_

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## EXHIBIT "1"

PARCEL 302

FOR A POINT OF REFERENCE COMMENCE AT THE SOUTHWEST CORNER OF SECTION 23, TOWNSHIP 11 SOUTH, RANGE 30 EAST, FLAGLER COUNTY, FLORIDA, THENCE N89°04'10"E ALONG THE SOUTH LINE OF SAID SECTION 23 A DISTANCE OF 600.01 FEET FOR A POINT OF BEGINNING ON THE EASTERLY LINE OF WYNNFIELD - SECTION 27, AS RECORDED IN MAP BOOK 9, PAGE 36, PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA, THENCE RUN N00°32'46"W ALONG SAID EASTERLY LINE 1004.68 FEET; THENCE CONTINUE ALONG SAID EASTERLY LINE N51°48'30"E 1227.22 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF BARTON PARKWAY, BEING A POINT ON CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 4579.61 FEET; THENCE FROM A CHORD BEARING OF S51°23'29"E RUN SOUTHEASTERLY ALONG THE ARC OF SAID CURVE 2110.09 FEET THROUGH A CENTRAL ANGLE OF 26°23'58" TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF WHITE MILL DRIVE; THENCE S24°54'30"W ALONG SAID WESTERLY RIGHT OF WAY LINE 261.18 FEET; THENCE N65°05'30"W 150 FEET; THENCE S24°54'30"W 100.00 FEET; THENCE S65°05'30"E 150.07 FEET TO THE AFOREMENTIONED WESTERLY RIGHT OF WAY LINE OF WHITE MILL DRIVE, BEING A POINT ON A CURVE CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 6040.00 FEET; THENCE FROM A CHORD BEARING OF S18°55'49"W, RUN SOUTHWESTERLY ALONG THE ARC OF SAID CURVE AND ALONG SAID WESTERLY RIGHT OF WAY LINE 1203.33 FEET THROUGH A CENTRAL ANGLE OF 11 °24'54" TO THE POINT OF TANGENCY; THENCE CONTINUE ALONG SAID WESTERLY RIGHT OF WAY LINE S13°13'22"W 351.34 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF WHITE VIEW PARKWAY; THENCE N77°00'42"W ALONG SAID NORTHERLY RIGHT OF WAY LINE 551.55 FEET; THENCE N12°59'20"E 11.22 FEET; THENCE N27°53'28"W 95.46 FEET; THENCE N58°55'37"W 235.10 FEET; THENCE N24°56'30"W 165.00 FEET; THENCE N77°00'42"W 578.00 FEET; THENCE S12°59'31"W 4.83 FEET; THENCE N77°00'42"W 85.66 FEET; THENCE N47°03'32"W 64.32 FEET; THENCE S56°05'27"W 259.93 FEET; THENCE S12°59'18" 124.00 FEET TO THE AFOREMENTIONED NORTHERLY RIGHT OF WAY LINE OF WHITE VIEW PARKWAY, BEING A POINT ON A CURVE CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 1624.00 FEET; THENCE FROM A CHORD BEARING OF N79°57'18"W RUN NORTHWESTERLY ALONG THE ARC OF SAID CURVE AND SAID RIGHT OF WAY LINE 172.20 FEET THROUGH A CENTRAL ANGLE OF 06°04'31" TO THE AFOREMENTIONED EASTERLY LINE OF WYNNFIELD - SECTION 27; THENCE N00°32'46"W ALONG SAID EASTERLY LINE 905.32 FEET TO THE POINT OF BEGINNING.

**EXHIBIT “B”**

**DEVELOPMENT AGREEMENT CONCEPTUAL MASTER PLAN**

Ordinance No. 2018-\_\_\_\_\_

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**EXHIBIT “C”**

**TRACT MAP**

Ordinance No. 2018-\_\_\_\_\_

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## Location Map (Close Aerial)



Subject Site



Palm Coast City Limits

Feet 0 600 1,200

Absolute Scale = 1:12,000



Creation Date:

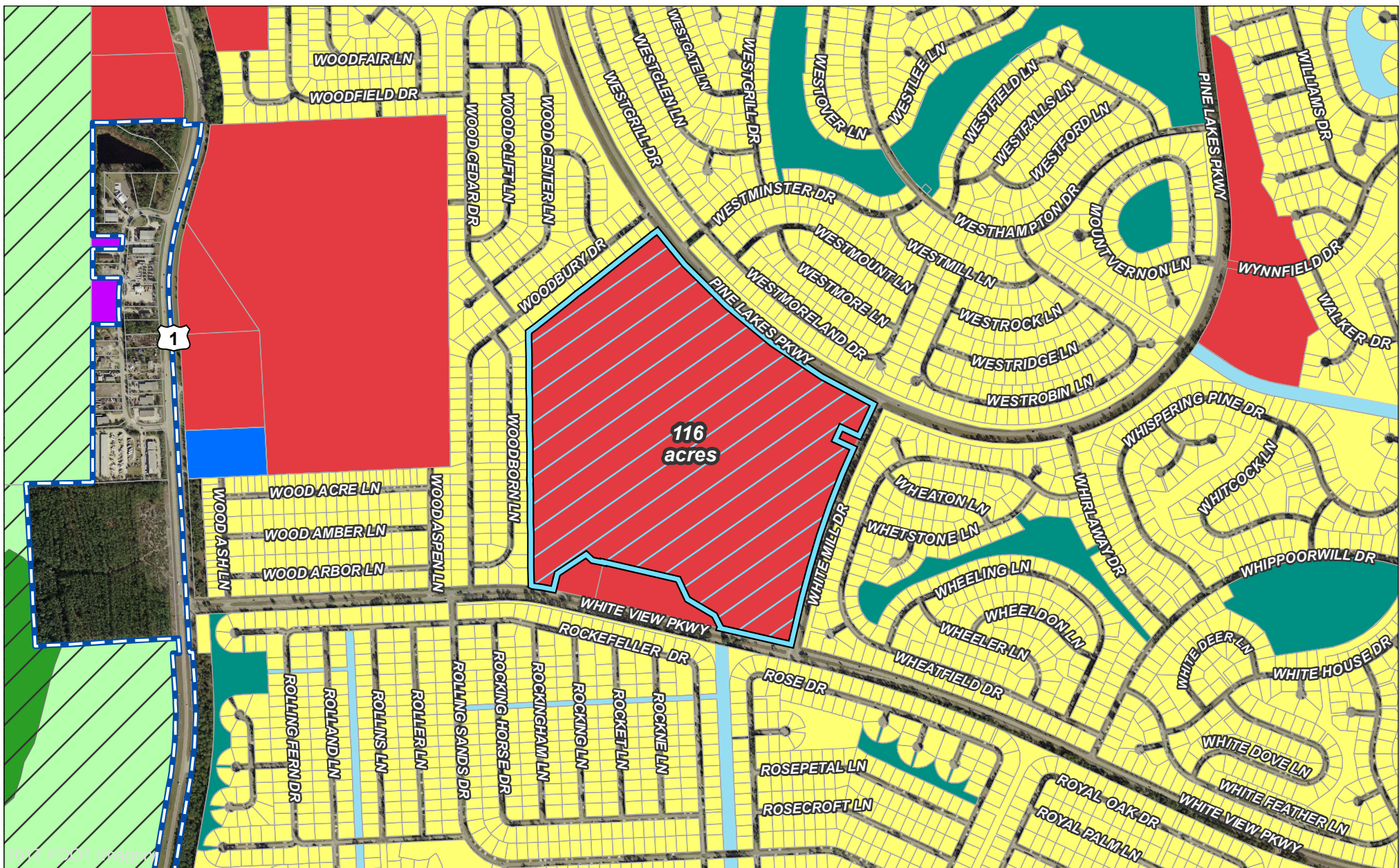
8/1/2018



Map Provided By:  
GIS Division

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.





## Future Land Use Map

- |   |   |
|---|---|
|  Canals     |  Institutional |
|  Industrial |  Mixed Use     |
|  Greenbelt  |  Residential   |



Subject Site



Palm Coast City Limits



CONSERVATION, Annexed Area,  
Flagler County FLUM adopted



AGRICULTURE & TIMBERLANDS,  
Annexed Area, Flagler County  
FLUM adopted

Feet 0 600 1,200

Absolute Scale = 1:12,000



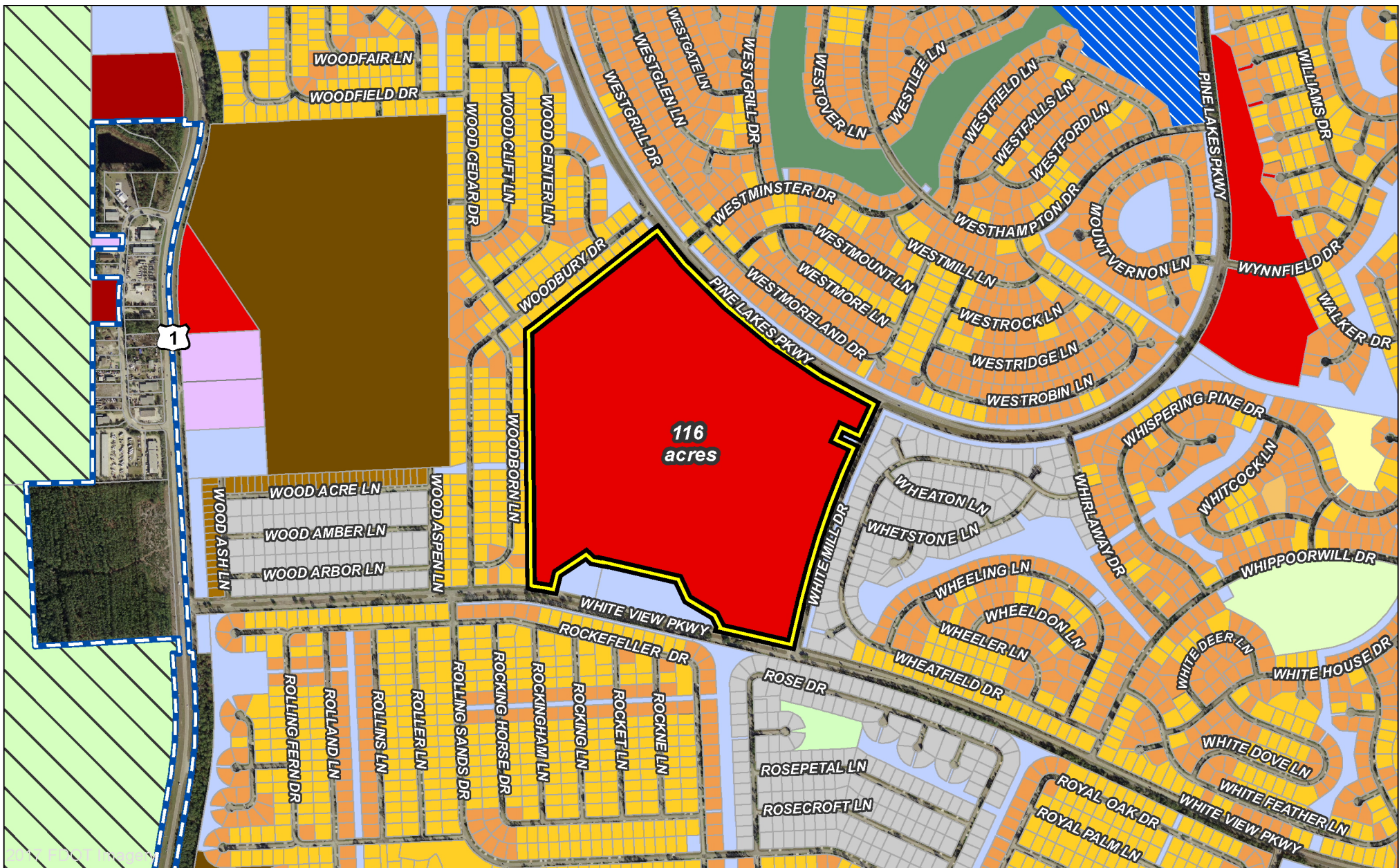
Creation Date:  
8/1/2018



Map Provided By:  
GIS Division

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## Existing Zoning Map



Subject Site



Palm Coast City Limits

COM-2	EST-2	P & G	SFR-3	MPD Pre 11-16-08 Designation
COM-3	IND-1	PSP	SFR-4	
DPX	MFR-1	SFR-1	AC : Annexed Area, Flagler County Zoning adopted	
EST-1	MFR-2	SFR-2		

Feet 0 600 1,200

Absolute Scale = 1:12,000



Creation Date:

8/1/2018



Map Provided By:  
GIS Division

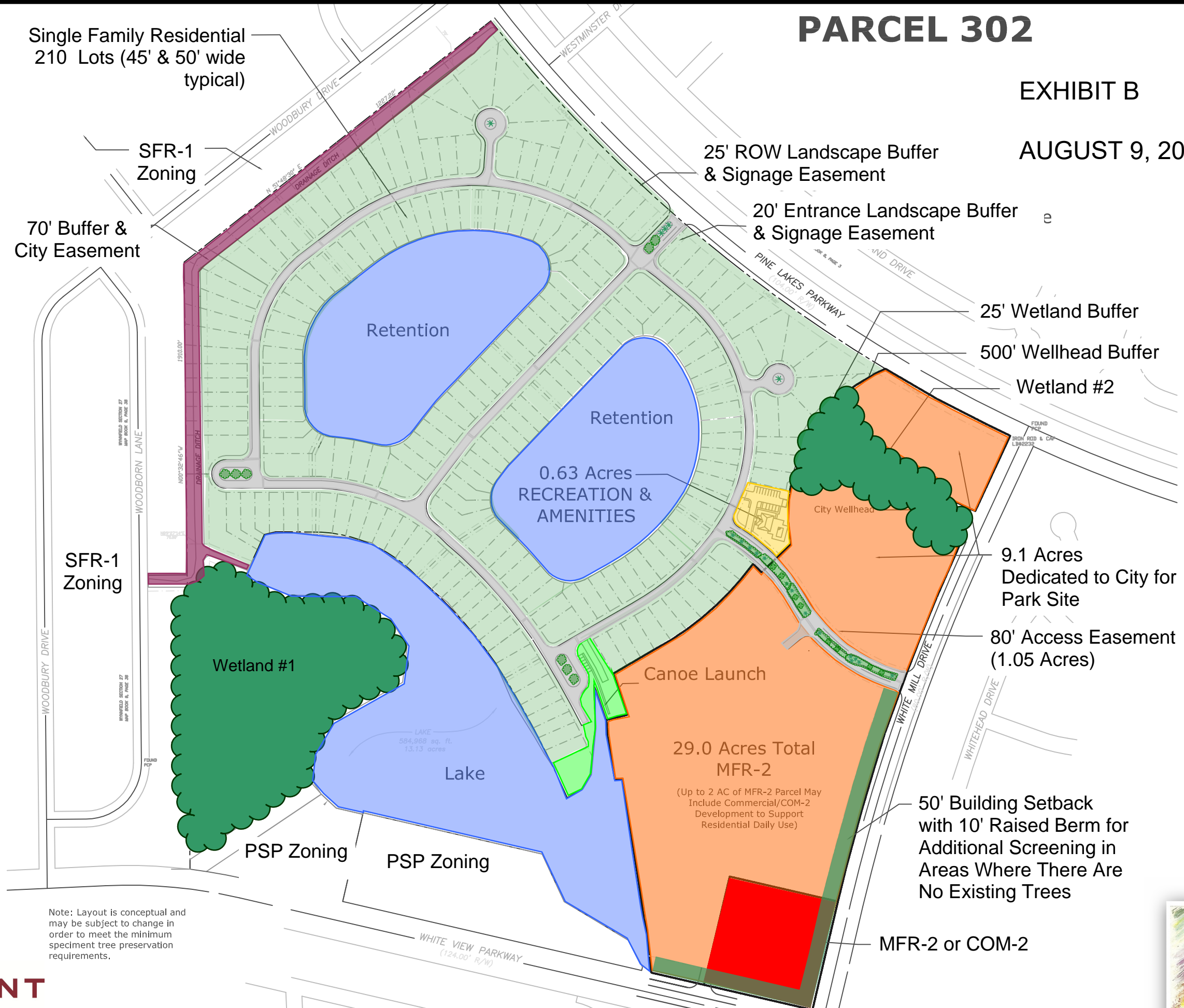
The City of Palm Coast prepares and uses this map/map data for its own purposes. This map/map data displays general boundaries and may not be appropriate for site specific uses. The City uses data believed to be accurate; however, a degree of error is inherent in all maps. This map/map data is distributed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



# PARCEL 302

EXHIBIT B

AUGUST 9, 2018




Note: Layout is conceptual and may be subject to change in order to meet the minimum specimen tree preservation requirements.



**ALLIANT**  
ENGINEERING

WHITEVIEW CONCEPTUAL MASTER PLANNED DEVELOPMENT



**Andrew S. Dance & Associates, LLC**  
Landscape Architecture - LC26000351

**Andrew Dance, ASLA**  
Owner

13 Evansville Ln  
Palm Coast, FL 32164  
386.627.5600  
www.AndrewDance.com  
Andy@AndrewDance.com

Land Use & Planning  
Sustainable  
Landscape Designs  
Water Conserving  
Landscapes



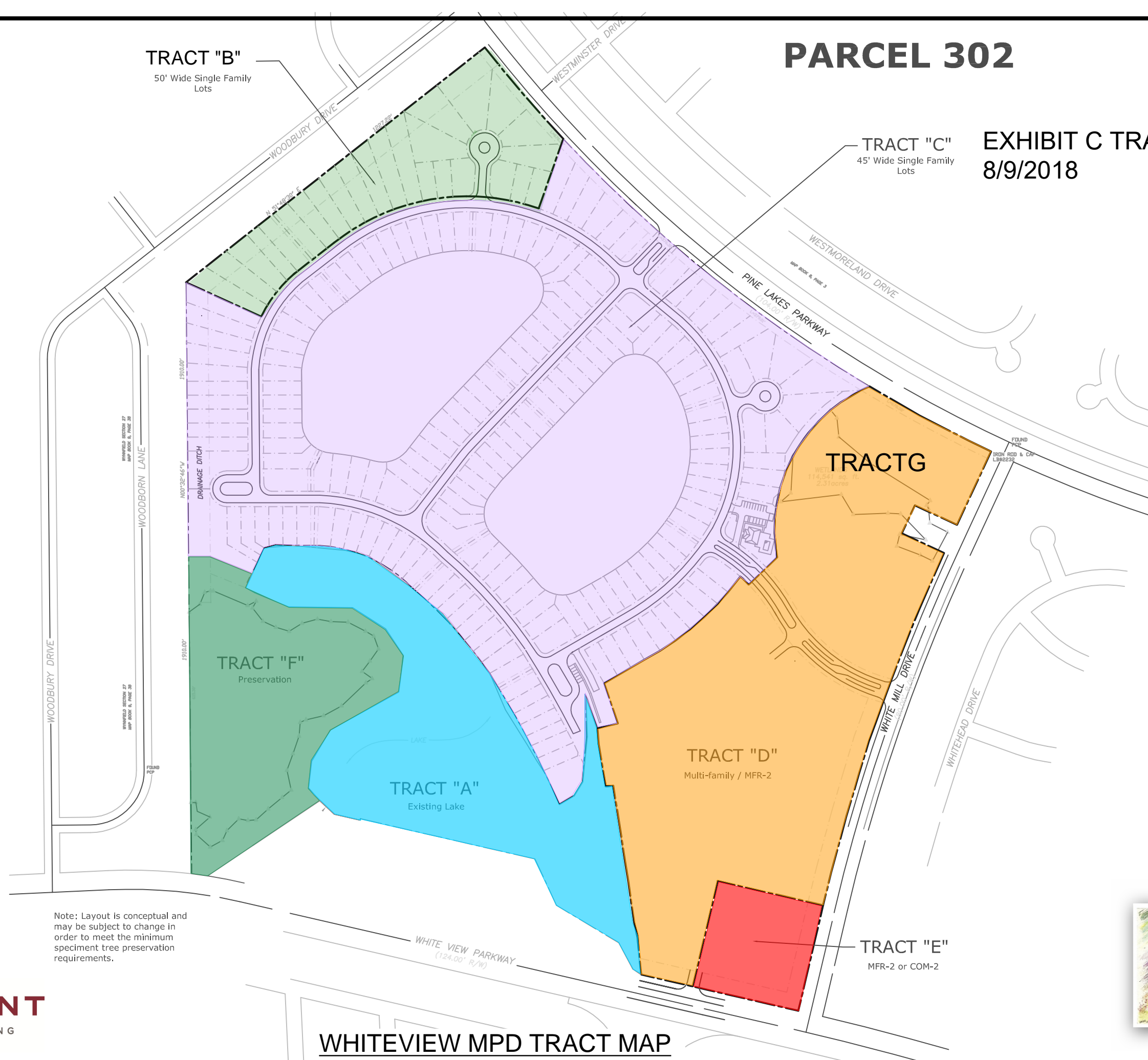
EXHIBIT C  
August 9, 2018

TRACT "B"  
50' Wide Single Family  
Lots

# PARCEL 302

TRACT "C"  
45' Wide Single Family  
Lots

EXHIBIT C TRACT MAP  
8/9/2018



Note: Layout is conceptual and  
may be subject to change in  
order to meet the minimum  
specimen tree preservation  
requirements.



**ALLIANT**  
ENGINEERING

**WHITEVIEW MPD TRACT MAP**

**Andrew S. Dance & Associates, LLC**  
Landscape Architecture - LC26000351

**Andrew Dance, ASLA**  
Owner

13 Evansville Ln  
Palm Coast, FL 32164  
386.627.5600

[www.AndrewDance.com](http://www.AndrewDance.com)  
[Andy@AndrewDance.com](mailto:Andy@AndrewDance.com)

Land Use & Planning  
Sustainable  
Landscape Designs  
Water Conserving  
Landscapes



**Reply to:**  
**Michael D. Chiumento III - Partner**  
[Michael3@LegalTeamForLife.com](mailto:Michael3@LegalTeamForLife.com)  
145 City Place, Suite 301  
Palm Coast, FL 32164  
Phone: (386) 445-8900  
Fax: (386) 445-6702

## MEMORANDUM

**TO: Ray Tyner**

**CC: File**

**FROM: Michael D. Chiumento III, Esq.**

**SUBJECT: Miral Corp. Neighborhood Meeting for Rezoning Parcel 302**

**DATE: July 25, 2018**

---

On Monday, July 16<sup>th</sup>, 2018, Miral Corp. held the required Neighborhood Information meeting. The meeting commenced at roughly 6:10 p.m. and concluded at roughly 7:45 p.m. Attached to this memorandum, please find the sign in sheet from the Neighborhood Information meeting. Below is a list of questions that were asked at the Neighborhood Information Meeting:

- How will the developer choose the use designation of the proposed park?
- Will there be swings and slides on the new park?
- When and where can the residents voice their opinion as to what type of park is constructed?
- Will the developer be installing speed bumps on Woodbury drive?
- What impact will the increased traffic flow have on the surrounding streets?
- How many letters were mailed out to inform residents of the Neighborhood Information meeting?
- How tall are the proposed condominium units?
- What are the height restrictions in the City of Palm Coast for residential dwellings?
- Is the only entrance to the proposed subdivision going to be located on Pine Lakes?
- Are there any plans to widen Woodbury drive?
- What size are the buffer setbacks?
- Will the community be gated?
- Has an impact study on the animals been performed?
- Who is responsible for cleaning the lake when development starts?

- Has a home builder been selected?
- What is the process for selecting a home builder?
- Who is the developer?
- Will the amended use allow for lots that are 45 feet by 125 feet?
- Won't those lots be small?
- Will mobile homes be allowed?
- Are there lots available for purchase in the Grand Landings subdivision?
- What is the anticipated start date for construction?
- What will be the setback requirements for the homes?
- Will the proposed canoe landing be available for public use?
- Where is the property line of the subdivision in relation to the drainage ditch?
- Is the developer responsible for maintenance of the retention ponds it creates on the property?
- How often will the developer clean the retention ponds?
- Will the ponds be allowed to overgrow, or will they be maintained and free from vegetation?
- Will there be a fountain in the retention pond?
- Who will be responsible for the canal maintained?
- Will there be alligators?
- How will the developer fix the traffic problem on Woodbury and surrounding streets?
- Will the new homes drive down the prices of the existing homes in the surrounding neighborhoods?

Let me know if you want to sit down and talk about this further,

Michael D. Chiumento, III

WHITEVIEW MPD REZONING APPLICATION  
Miral Corp

NEIGHBORHOOD MEETING

Monday, July 16, 2018  
6:00 p.m.

Name	Address	E-Mail Address	Phone Number
LOU REIS	78 WOODBURY DR PALM COAST	lou.reis1962@gmail.com	386-569-5884
Mari Accombs	65 Woodbury Dr.		
Danielle Carragher	81 Woodbury	daniellecarragher@yahoo.com	
Era Lynn	81 Woodbury	fullerlynn92@Outlook.com	
Greg & Diane Gibson	41 Woodborn Ln	diane.mediquick@gmail.com	
Kevin Hurd	20 Woodborn Ln	Kevinhurd65@yahoo.com	
MICHAEL COPPOLA	74 WOODBURY DR		
Arminde Pereira	62 Woodbury Dr	Palm Coast FL	203-339-2031
Elizabeth Eubank	54 woodbury Dr	bellrobertspsych.com	386-383-6699
Arminde Pereira	62 Woodbury	Palm Coast FL	armindep@ymail.com
Theresa Pereira	39 Rockefellers DR	"	
Arminde Pereira	62 woodbury Dr.	"	
Elisa Sampio	58 Woodbury Dr.	Palm Coast FL	armindep@ymail.com
LINDA KILIKU	46 WOODBORN	" "	



**NOTIFICATION AFFIDAVIT FOR OFFICIAL ZONING MAP AMENDMENT (REZONING)**

COUNTY OF FLAGLER      X  
STATE OF FLORIDA      X

Before me this 27 day of July, 2018 personally appeared  
Vincent L. Sullivan who after providing (personally known) as  
identification and who did, did not take an oath, and who being duly sworn, deposes  
and says as follows: "I have read and fully understand the provisions of this instrument".

Seven (7)  
Two (2) signs have been posted on the subject property subject to a rezoning as described with  
Application # 3420

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

OR

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

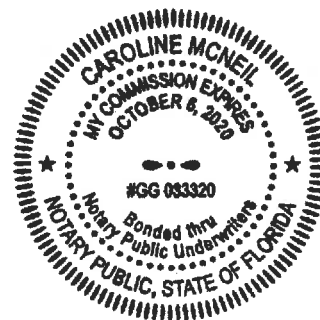
[Signature]  
Signature of Responsible Party

Vincent L. Sullivan  
Printed Name

145 City Pl Ste 301, PalmCoast  
Mailing Address

FL 32164  
[Signature]  
Signature of Person Taking Acknowledgement

Caroline McNeil  
Name of Acknowledger (Typed, Printed or Stamped)



SEAL

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



# City of Palm Coast, Florida

## Agenda Item

Agenda Date: August 15, 2018

<b>Department</b>	PLANNING	<b>Amount</b>
<b>Item Key</b>	3894	<b>Account</b>
		<b>#</b>
<b>Subject</b>	REQUEST TO AMEND ORDINANCE 2003-32 AKA THE TOWN CENTER MPD TO ALLOW PARKING CANOPIES AS AN ALTERNATIVE TO THE GARAGE REQUIREMENT FOR MULTIFAMILY DEVELOPMENT IN THE URBAN CORE OF TOWN CENTER.	

**Background :**

The Town Center Master Planned Development (MPD) is based on a core set of innovative planning principles. The Town Center Master Plan includes 30 Tracts divided into five Planning Areas. These planning areas are referred to as *Urban Core*, *Urban Center*, *Town Business Area*, *Town Residential Area*, and *Perimeter Commercial*. Each Planning Area has intent language, and its own site development requirements, and a Use Table, where applicable.

The Urban Core is Town Center’s downtown commercial center designed with onstreet parking and a strong mixed-use, pedestrian style environment. Its design is intended to be emphatically urban in nature. In essence, the Urban Core is planned as the central hub of the MPD, where development densities and intensities are appropriately allowed and encouraged. For example, the Town Center MPD allows an 80’ height maximum in the Urban Core and 95% impervious coverage.

Town Center was approved as a Development of Regional Impact (DRI) in 2003, with a long-term planning horizon. Over time, Town Center will continue to evolve and increasingly become the City’s virtual downtown area. Further, as businesses, civic uses and the synergies of urban life take shape, the 780 acres that make-up Town Center will assert its regional potential as well.

The Urban Core portion of Town Center is a unique and precious asset. The City’s newly created *Innovation District* includes all of the Urban Core. A major goal of Town Center, and the Innovation District, is to create opportunities for residential living, both single family and multifamily. Town Center is at the brink of this possibility and opportunity.

Section 4.01.03.A.3 states that “Garage units for multifamily projects shall be provided for a minimum of one-third of the proposed multifamily units. This has been a requirement in the City’s Land Development Code since 2008, when the City adopted its current code.

Staff has analyzed this requirement with respect to the Urban Core area of Town Center. Based on this review, staff has found that the suburban nature of requiring garages for one - third of multifamily units is inconsistent with the goals and principles embodied in the Town Center urban design planning process. Staff, however, recognizes the value and importance of multifamily development providing a form of shade and shelter that is aesthetically pleasing.

The proposed renderings by HTG, a prospective multifamily developer in the Urban Core in staff’s opinion, achieves this balance. The renderings are customized to the proposed development, incorporate key elements of the building, and include a pitched roof and varied

materials and design.

Therefore, staff is recommending approving an amendment to Ordinance #2003-32 allowing alternative compliance with Section 4.01.03A3 within the Urban Core of Town Center subject to similar standards and approval criteria. The Town Center proposed MPD Modification is as follows:

#### 7.0 Design Guidelines

(t) As an alternative to providing garages for 1/3 of multifamily units as specified in Section 4.01.03 A3 of the ULDC, the Urban Core Area of Town Center may provide for Parking Canopies in lieu of garages provided they meet the following criteria:

- Proposed parking canopies are uniquely designed for the individual multifamily project;
- Proposed parking canopies incorporate roof, materials and design elements of the multifamily project being proposed;
- Proposed parking canopies include a complementary roof pitch, and not be flat.
- Proposed parking canopies must be approved by the Town Center Architectural Review Board and the City of Palm Coast.

#### **Recommended Action :**

Recommend that the City Council approve Ordinance #2018-XX the MPD modification to Town Center allowing for Parking Canopies in lieu of garages in the Urban Core of Town Center.

**ORDINANCE NO. 2018-\_\_\_\_\_**  
**AMENDMENT TO THE TOWN CENTER MPD &**  
**DEVELOPMENT AGREEMENT**  
**APPLICATION -3722\_\_\_\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM COAST, FLORIDA, PROVIDING FOR AN AMENDMENT TO ORDINANCE NO. 2003-32, SECTION 7.0 DESIGN GUIDELINES;; PROVIDING FOR CONFLICTS; PROVIDING FOR LEGISLATIVE FINDINGS AND INTENT; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS, TOWN CENTER (MPD)** is a Master Planned Development (MPD) previously rezoned to MPD through Ordinance 2003-32;

**WHEREAS,** two public hearings on the proposed Amended Town Center Planned Development (MPD) Development Agreement (the “Development Agreement”) have been duly held in the City of Palm Coast, Florida, and at such hearings interested parties and citizens for and against the proposed amendment were heard; and

**WHEREAS,** JTL Palm Coast Holdings, Inc. a Liability Company (“Owner”) is the Owner of the property further described in “Attachment A” and has entered into the Development Agreement as recorded in Official Records Book XX, Pages XX, through XX of the public records of Flagler County, Florida; and

**WHEREAS,** the Owner has requested to amend the Development Agreement in order to  
1) Allow alternative compliance with Section 4.01.03.A.3 of the ULDC stating that a minimum of one-third of all multifamily units shall have garages;

**WHEREAS,** this Ordinance is to amend and restate the Town Center MPD and Development Agreement as recorded in OR Book XX, Page XX; 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; and

**WHEREAS,** the City Council of the City of Palm Coast, as the governing body of the City, pursuant to the authority vested in Chapter 163 and Chapter 125, Florida Statutes and the City of Palm Coast Unified Land Development Code, is authorized and empowered to consider applications relating to zoning; and



**WHEREAS**, additional conditions of approval may also be included within the minutes of relevant meetings of the Planning & Land Development Regulation Board and City Council. Furthermore, any representations or promises made by the Applicant during the zoning review and approval process for the Project (whether oral or in writing) shall also be additional conditions of approval if deemed appropriate by the City; 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 (Ordinance No. 2008-23) have been satisfied; and

**WHEREAS**, the City Council of the City of Palm Coast held duly noticed public hearings on the proposed amendment 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 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) which voted to recommend approval at the regularly scheduled meeting conducted on August 15, 2018, and after complete deliberation, the City Council hereby finds the requested change consistent with the City of Palm Coast Comprehensive Plan, and that sufficient, competent and substantial evidence supports the proposed amendment set forth hereunder; and

**WHEREAS**, the Owners have fully complied with the requirements of City of Palm Coast Land Development Code and the Town Center MPD Development Agreement for amending the Development Agreement to permit the requested changes; 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 OF PALM COAST, FLORIDA:**

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

**SECTION 2. MPD Amendment.** The Palm Coast City Council, pursuant to the Land Development Code of the City of Palm Coast hereby enacts this Ordinance modifying Ordinance #2003-32 for the property generally SR100, Bulldog Drive, Old Kings Road North, and Belle Terre Blvd. legally described in “Attachment A” attached hereto.

The Town Center Modification is as follows:

## 7.0 Design Guidelines

(t) As an alternative to providing garages for 1/3 of multifamily units as specified in Section 4.01.03 A3 of the ULDC, the Urban Core Area of Town Center may provide for Parking Canopies in lieu of garages provided they meet the following criteria:

- Proposed parking canopies are uniquely designed for the individual multifamily project;
- Proposed parking canopies incorporate roof, materials and design elements of the multifamily project being proposed;
- Proposed parking canopies include a complementary roof pitch, and not be flat.
- Solar collecting parking canopies may be allowed as a design exception if evaluated to be consistent with the City's green policies.
- Proposed parking canopies must be approved by the Town Center Architectural Review Board and the City of Palm Coast.

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

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

**SECTION 5. Effective Date.** This Ordinance shall become effective immediately upon its passage and adoption.

Approved on first reading this \_\_\_\_ day of \_\_\_\_\_, 2018.

Adopted on the second reading after due public notice and hearing City of Palm Coast this \_\_\_\_ day of \_\_\_\_\_ 2018.

**CITY OF PALM COAST, FLORIDA**

*ATTEST:*

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

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

Attachments:  
Attachment A – Legal Description,

**ATTACHMENT “A”  
LEGAL DESCRIPTION  
PARCEL IDs**

(This page intentionally left blank. Attachment begins next page.)





**TYPICAL RESIDENTIAL BUILDING**

CITY APPROVAL STAMP

ARCHITECT'S STAMP

**COLOR LEGEND**

-  WALL/TRIM  
SW 7598  
(SIERRA REDWOOD)
-  WALL/TRIM  
SW 7061  
(NIGHT OWL)
-  WALL/TRIM  
SW 7059  
(UNUSUAL GRAY)
-  WALL/TRIM  
SW 7035  
(AESTHETIC WHITE)
-  BRACKETS  
SW 7061  
(NIGHT OWL)
-  ROOF  
LANDMARK TL  
(COUNTRY GRAY)

**EXTERIOR LIGHT FIXTURE**



TROY LIGHTING  
MODEL #BL4603BZ  
BRONZE PARADOX  
LED 17.25" TALL  
OUTDOOR WALL  
SCONCE WITH  
OPAL WHITE SHADE



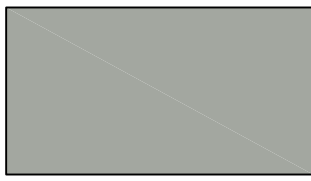


**TYPICAL RESIDENTIAL BUILDING**

CITY APPROVAL STAMP

ARCHITECT'S STAMP

**COLOR LEGEND**

- |   |   |
|---|---|
|    | WALL/TRIM<br>SW 7598<br>(SIERRA REDWOOD)  |
|    | WALL/TRIM<br>SW 7061<br>(NIGHT OWL)       |
|    | WALL/TRIM<br>SW 7059<br>(UNUSUAL GRAY)    |
|  | WALL/TRIM<br>SW 7035<br>(AESTHETIC WHITE) |
|  | BRACKETS<br>SW 7061<br>(NIGHT OWL)        |
|  | ROOF<br>LANDMARK TL<br>(COUNTRY GRAY)     |

**EXTERIOR LIGHT FIXTURE**



TROY LIGHTING  
MODEL #BL4603BZ  
BRONZE PARADOX  
LED 17.25" TALL  
OUTDOOR WALL  
SCONCE WITH  
OPAL WHITE SHADE



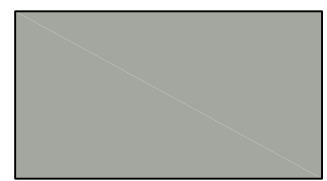


**TYPICAL CANOPY**

CITY APPROVAL STAMP

ARCHITECT'S STAMP

**COLOR LEGEND**



WALL/TRIM  
SW 7059  
(UNUSUAL GRAY)



WALL/TRIM  
SW 7035  
(AESTHETIC WHITE)



ROOF  
LANDMARK TL  
(COUNTRY GRAY)

**EXTERIOR LIGHT FIXTURE**



VALUE LIGHTING  
MODEL #LED5550  
WHITE LED 10"W x  
4.25" DEEP  
OUTDOOR CEILING  
MOUNTED FIXTURE



CITY APPROVAL STAMP

ARCHITECT'S STAMP



**COLOR LEGEND**

-  WALL/TRIM  
SW 7059  
(UNUSUAL GRAY)
-  WALL/TRIM  
SW 7035  
(AESTHETIC WHITE)
-  ROOF  
LANDMARK TL  
(COUNTRY GRAY)

**EXTERIOR LIGHT FIXTURE**



VALUE LIGHTING  
MODEL #LED5550  
WHITE LED 10"W x  
4.25" DEEP  
OUTDOOR CEILING  
MOUNTED FIXTURE

**TYPICAL CANOPY**



## City of Palm Coast, Florida Agenda Item

Agenda Date: August 15, 2018

<b>Department</b>	PLANNING	<b>Amount</b>
<b>Item Key</b>	4111	<b>Account</b>
		<b>#</b>
<b>Subject</b>	ATTACHMENTS	
<b>Background :</b>		
<b>Recommended Action :</b>		

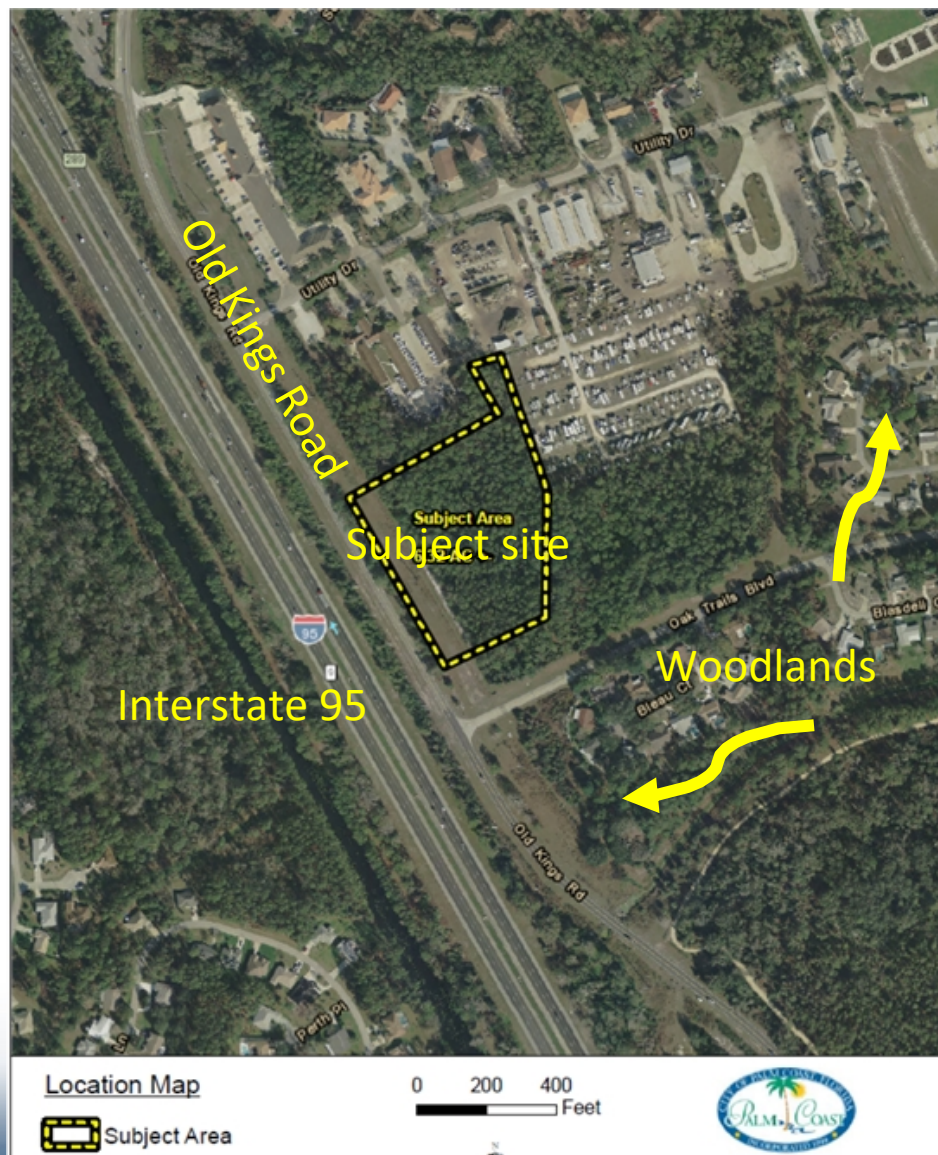


# **Application 3680**

## **PLDRB Rezoning Hearing**

**August 15, 2018**

# Location/Aerial Map



- Applicant is the Richmond Group of FL.
- Proposed as “age restricted” 55+.
- Access to IH 95 and Old Kings Rd. N.

# Location/Aerial Map



- South of Utility Drive.
- Old Kings Rd. N. is minor arterial.
- Nearby to a mix of retail and services.



# Future Land Use

- Designated “Mixed Use” on FLUM.
- Allows MFR-2 zoning.
- Old Kings Rd. N is a “mixed-use” corridor.





# Zoning Map

- Site is COM-1.
- Surveyed boundary includes a portion of EST-1.
- Bounded by PSP & Industrial to north, EST-1 and SF residential zoning east and south.



# Proposed Zoning

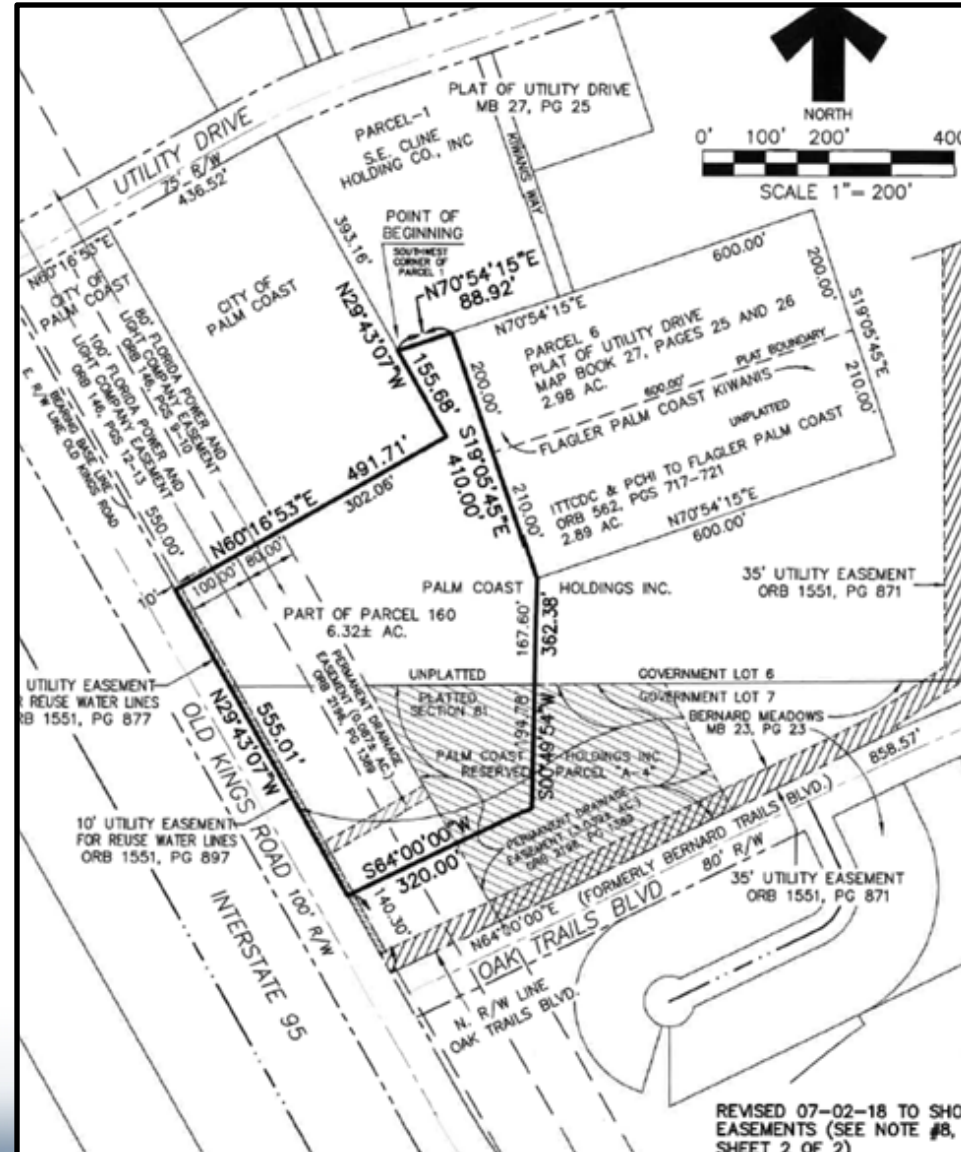


# Key Site Development Requirements

Criteria	(Current Standards for COM-1)	Proposed for MFR-2
Minimum Lot/ Dev. Size	20,000 sq. ft.	4 acres
Max. Impervious Surface Ratio	0.70	.70
Max. Building Height	100 ft.	60 ft.
Max. Density (units/acre)	NA	12 du/ac



# Survey



# Neighborhood Information Meeting (NIM)

- Applicant notified neighbors of the NIM beyond the 300 feet requirement by a mailing on July 2, 2018.
- NIM on July 9, 2018 at Community Center.
- Seventy five persons attended.
- Multiple concerns.

# Staff Analysis Based on LDC Chapter 2, Sec. 2.05.05

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

- The proposed MFR2 zoning maintains a buffer and is located on Old Kings Rd. N – a mixed use corridor and minor arterial. The Comprehensive plan promotes and supports diverse housing choices.



# Staff Analysis Based on LDC Chapter 2, Sec. 2.05.05

***B. The proposed development must be consistent with the provisions of the Land Development Code and the Comprehensive Plan;***

- Application will require subdivision review and Technical Site Plan review.

# Staff Analysis Based on LDC Chapter 2, Sec. 2.05.05

The application should also be considered with respect to Comprehensive Policy 1.1.1.4. The Policy states, “The following principles and locational criteria shall be used for siting the multi-family residential zoning district within the Residential FLUM designation:

- Availability of existing or planned roads or driveways, which provide accessibility to a collector or an arterial roadway.
- Sites with at least 15 acres of contiguous uplands are preferable; sites less than five acres should not be considered.
- Availability of central utilities.
- Proximity to existing or planned commercial and employment centers preferable.
- Proximity to existing or planned parks and recreation facilities is preferable.
- Proximity to existing or planned schools is preferable.
- 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.
- Ability to provide architectural design compatibility with proximate single family residential areas.

Note: The subject site is 6.32 acres with limited portions of the site constrained by easements.

# Staff Analysis Based on LDC Chapter 2, Sec. 2.05.05

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

The project is an infill project so services and facilities are nearby.

- The project could; however, impose a financial liability or hardship for the City -- *if the applicant's use of the drainage easement interfered with the City's timetable, permits and/or financial investment relative to the Old Kings Road widening project -- Phases I & II.*



# Staff Analysis Based on LDC Chapter 2, Sec. 2.05.05

***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;***

- The site is designated “Mixed Use” on the FLUM which allows and is suitable for a variety of higher uses and specifically allows the MFR-2 zoning.

# Staff Analysis Based on LDC Chapter 2, Sec. 2.05.05

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

- The project will have to comply with the City's LDC, Comprehensive Plan, and requirements of all other applicable agencies throughout the development process.

# Recommendation

Planning staff recommends the PLDRB recommend approval to City Council, to rezone 6.32 +/- acres from COM-1 to MFR-2 zoning, Application No. 3680.



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# Palm Coast Senior Apartments

A vertical column of white-outlined squares of various sizes on the left side of the slide.

The Richman Group

# About Us

## About The Richman Group

*The 7th Largest Owner\* of Multi-Family Rental Apartment Units in the United States*

*From its start in 1987, The Richman Group has grown into one of the nation's largest privately-owned residential real estate investment, development and asset management firms. The Richman Group has virtually every expertise in house, from architects to property managers. We are headquartered in Greenwich, CT with satellite offices in New York City, Southern California, Portland OR, Boston MA, Washington DC, West Palm Beach FL, Tampa FL, Boulder CO, St. Paul MN, Dallas TX, Chicago IL and Columbus OH.*

### DEVELOPMENT AND CONSTRUCTION

The Richman Group Development Corporation and its affiliates are active in the development of a wide range of luxury and affordable residential housing.

Richman affiliates have developed nearly 20,000 residential rental units mostly in the Northeast, Florida, and California.

Traditionally, the firm concentrated its development activities in mixed income and 100% affordable housing. However, its recent focus has been the development of 100% top of the market luxury rental residences in addition to its other product.

Through its affiliate, Citrus Construction, The Richman Group owns a 50% interest in First Florida Builders LLC, the construction company for its new developments in Florida and New Jersey.

### EQUITY FUNDS

Richman Real Estate Investments Inc. has raised over \$10 billion in equity for investment in almost 1,400 apartment projects located in 49 states, Puerto Rico, Guam and the U.S. Virgin Islands.

### ASSET MANAGEMENT

Richman Asset Management Inc. provides asset management services to nearly 100 public, private and institutional real estate investment funds which own approximately 115,000 housing units.

### MORTGAGE FINANCING

Richmac LLC is an approved FHA\MAP, GNMA and Fannie Mae mixed income and affordable originator\servicer.

### PROPERTY MANAGEMENT

Richman Property Services Inc. manages over 14,000 rental units and has experience in the Northeast, Florida, Texas, Colorado and California.

### TENANT SERVICES

Our affiliate Moonbeam Communications and Equipment LLC provides satellite TV, broadband, phone and equipment leasing services for many of our residents.



*The Richman Group's Headquarters, Greenwich CT*

\*Multi Family Executive 2015 Top 50 Owners list





## Benefits of additional density

- Residential Development is a catalyst for Economic Development “ripple effect”
- Increased tax-base to the City
- Payment of impact fees, utility connection fees, and building permit fees to the City
- JOB creation






## Increased Tax Base

- In 2017 the two parcels combined, paid a total of \$8281.20 in Property Tax ad assessments
- Our proposed project is projected to pay over \$214,085.55 our first year of stabilization, increases annually thereafter. A net increase to the tax base of \$205,804.35 the first year.
- Estimated using the Flagler County Tax Collector's estimator tool, using Tax District 072 - City of Palm Coast & OKR Special Assessment.




## Projected Impact, Connection, and Permit Fees to City

- Impact, Connection, And Permit Fees paid to City (estimated)
    - \$172,274.22 In combined Impact Fees, excluding School Impact Fees.
    - \$174,159.00 In Water Capacity Fees.
    - \$193,006.80 In Sewer Capacity Fees.
    - \$7732.00 In Meter Fees.
    - \$91,189.12 in Building Permit Fees.
- 

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# JOB Creation

- 
- A vertical column of white-outlined squares on the left side of the slide.
- Construction Jobs Created by Palm Coast Senior Project
    - 300 projected jobs to be created during construction
    - 4 full-time positions created once the project is constructed.



# FIRST FLORIDA

## Jobs Created

Trade	# Workers 72 Units New Construction
Reinforcing Steel, Concrete and Masonry	18
Site Development	5
Construction material testing and Threshold Inspection	2
Landscape	12
Swimming Pool	5
Milwork	2
Stucco/Siding	25
Tile	4
Paint	8
Flooring	3
Fire Sprinkler systems	7
Roofing Systems	10
Termite Fumigation	1
Demolition, Rough Carpentry, Framing and Drywall	150
MISC METALS	2
Electrical, Fire Alarm, Telephone, and CATV systems	17
HVAC Systems	5
Hardware/trim	3
Vinyl Windows and Storefront	3
Plumbing Systems	11
Management	3
<b>Total</b>	<b>296</b>

## Notes:

Total Development Project Cost	\$ 13,471,025.63
Hard Construction Cost Contract Price	\$ 10,536,275.22



## “Ripple Effect”

- Input-Output Models are created to estimate the entire impact of investing in an industry, including direct impacts like the jobs, taxes and fees associated with property construction; and ripple effects, also known as “indirect” and “induced” impacts:
- **Direct impacts** - related to the industry under study; for construction, this includes all spending by developers and those hired to build/rehabilitate a property, exclusive of property acquisition;



## “Ripple Effect” contd.

- **Indirect impacts** - spending by suppliers of materials/services and others to keep up with business, including overhead and jobs. For example, planning professionals, attorneys, and engineers, realtors, insurance agents, movers, truck rental companies..etc
- **Induced impacts** - spending of earnings from both direct and indirect activities that creates economic benefits including jobs; for example a construction worker's purchases of groceries.
- A recent study conducted by CBRE and consulting firm Applied Economics concluded that \$1 of direct spending generates an additional \$.25 in indirect and induced spending.

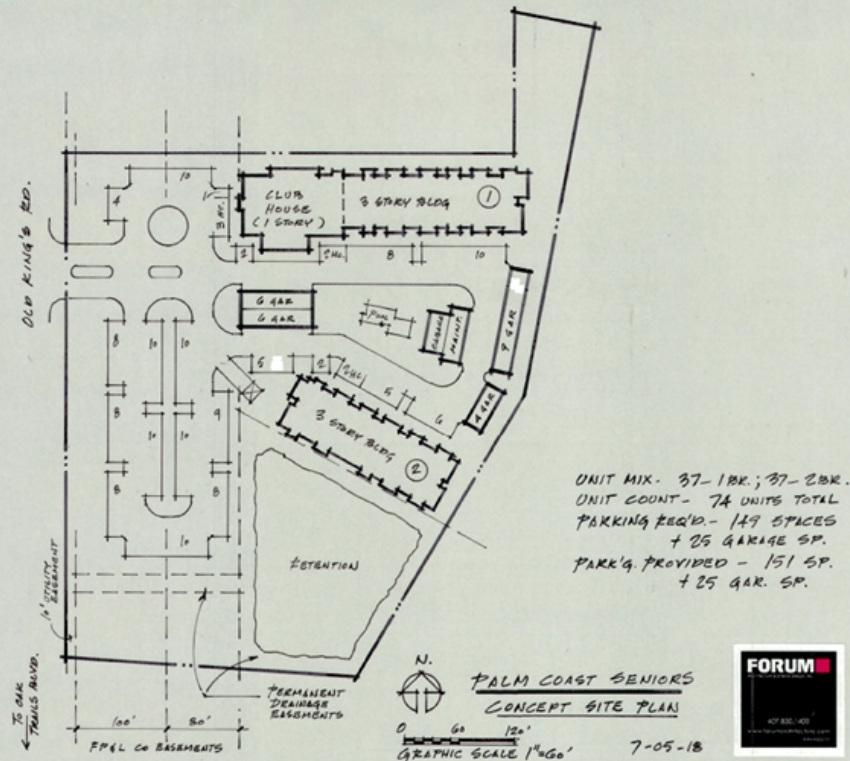


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# Palm Coast Senior Apartments

- 74 Units
  - 50% 1-bedroom Units
  - 50% 2-bedroom Units
  - Amenity space
    - Fitness Center
    - Library
    - Computer Room
    - Game Room


# Conceptual Site Plan





A decorative arrangement of squares in the top left corner: a 2x3 grid of squares, a single square to its right, a single square further right, a small square below the 2x3 grid, and a single square further right.




## What will the rents be?

- 1-Bedroom Units
    - \$663 maximum rent per month
  - 2-Bedroom Units
    - \$796 maximum rent per month
- 
- A decorative arrangement of squares in the bottom left corner: a single square, a small square to its right, a single square below the small square, a single square below that, and a single square at the bottom.





## Typical Services offered to our residents

- 
- Assistance with light housekeeping, grocery shopping, and laundry
  - Computer Training
  - Health and Wellness classes
  - Daily scheduled activities
  - Life Safety Training
- 
- 



## Project Team

- Developer- The Richman Group of Florida
- Architect - Forum Architecture Orlando FL
- Civil Engineer- Kimley-Horn Orlando FL
- General Contractor - First Florida Construction Miami, FL

\*\*Resumes of all parties available upon request

# Grand Reserve

- 160 Unit Senior Project
  - Zephyrhills, FL 97% Average Occupancy





## Interiors of similar completed projects

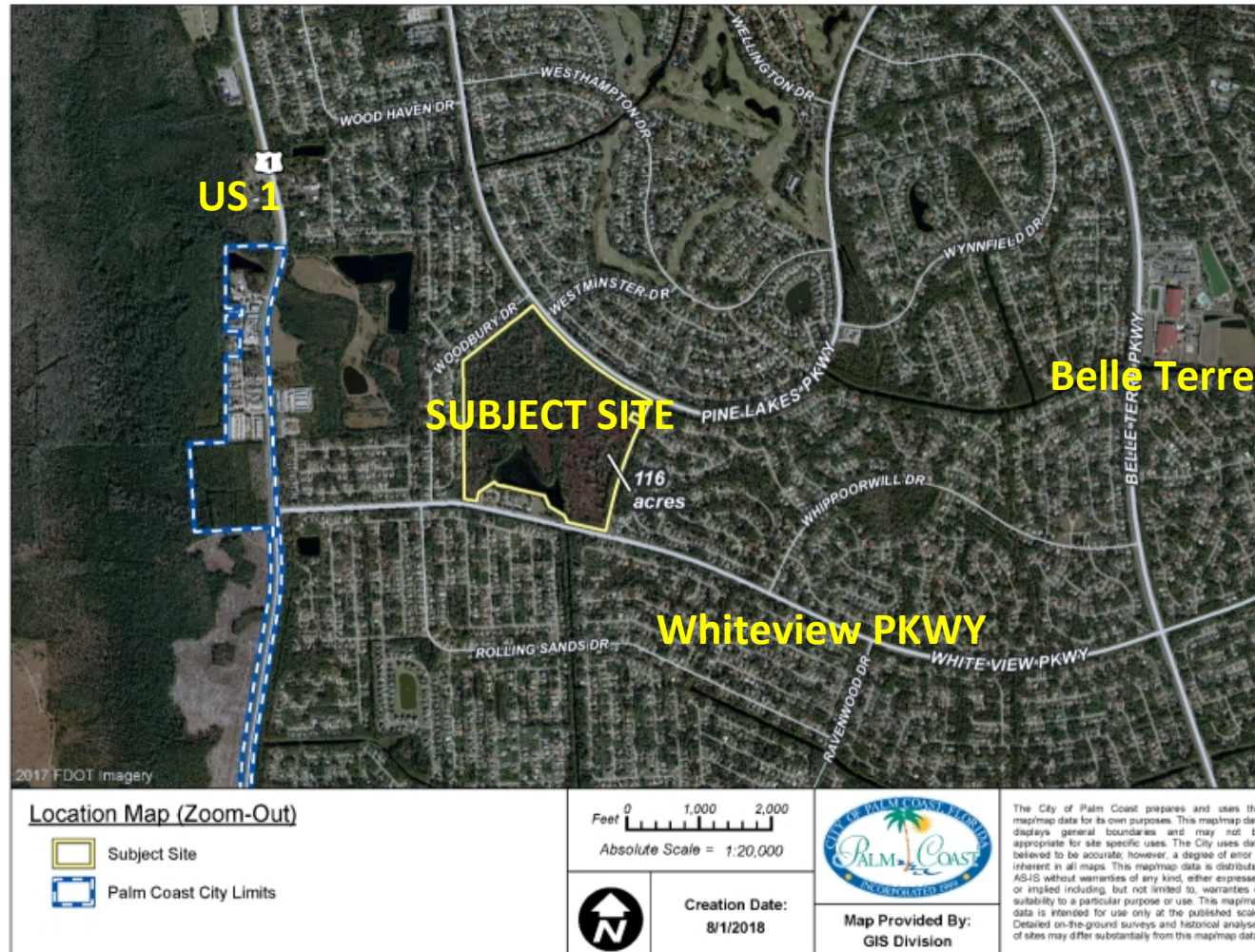


# **Whiteview MPD – Application 3420**

## **PLDRB Rezoning Hearing**

**August 15, 2018**

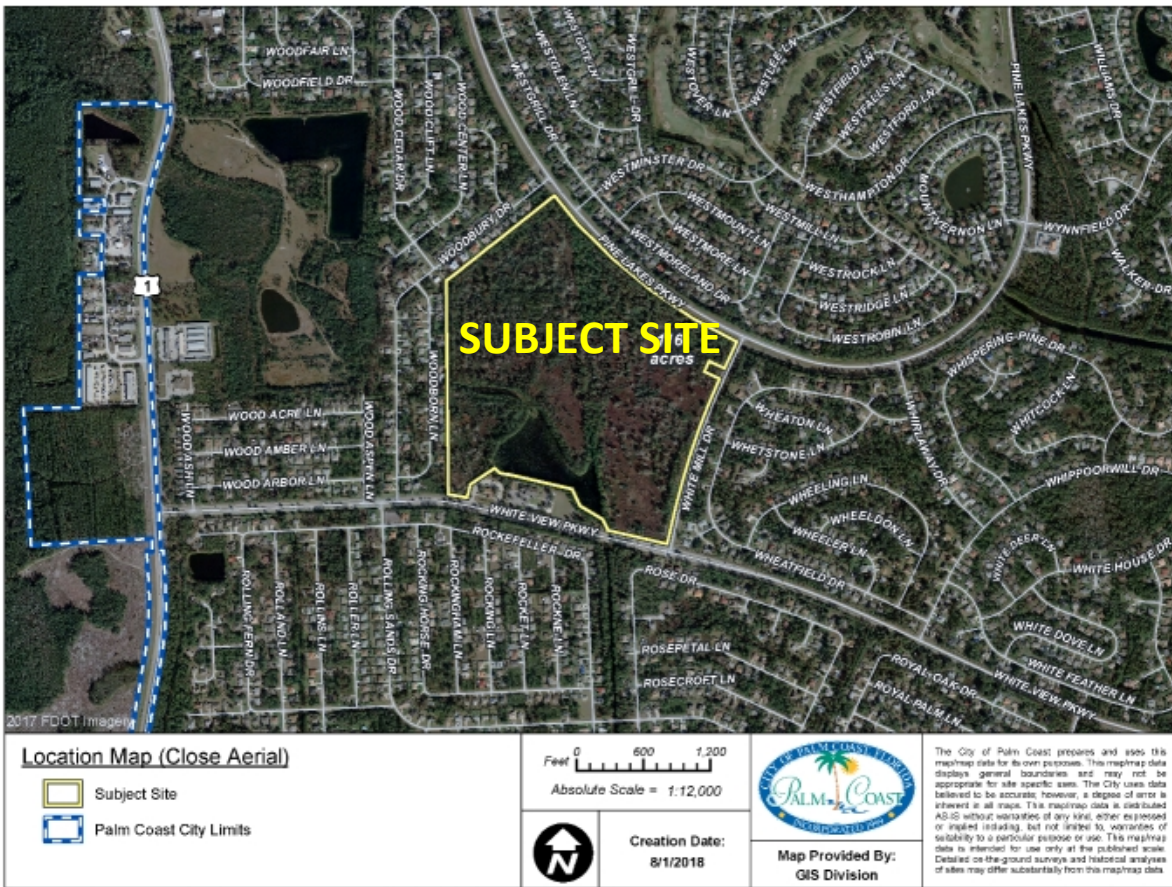
# Location/Aerial Map



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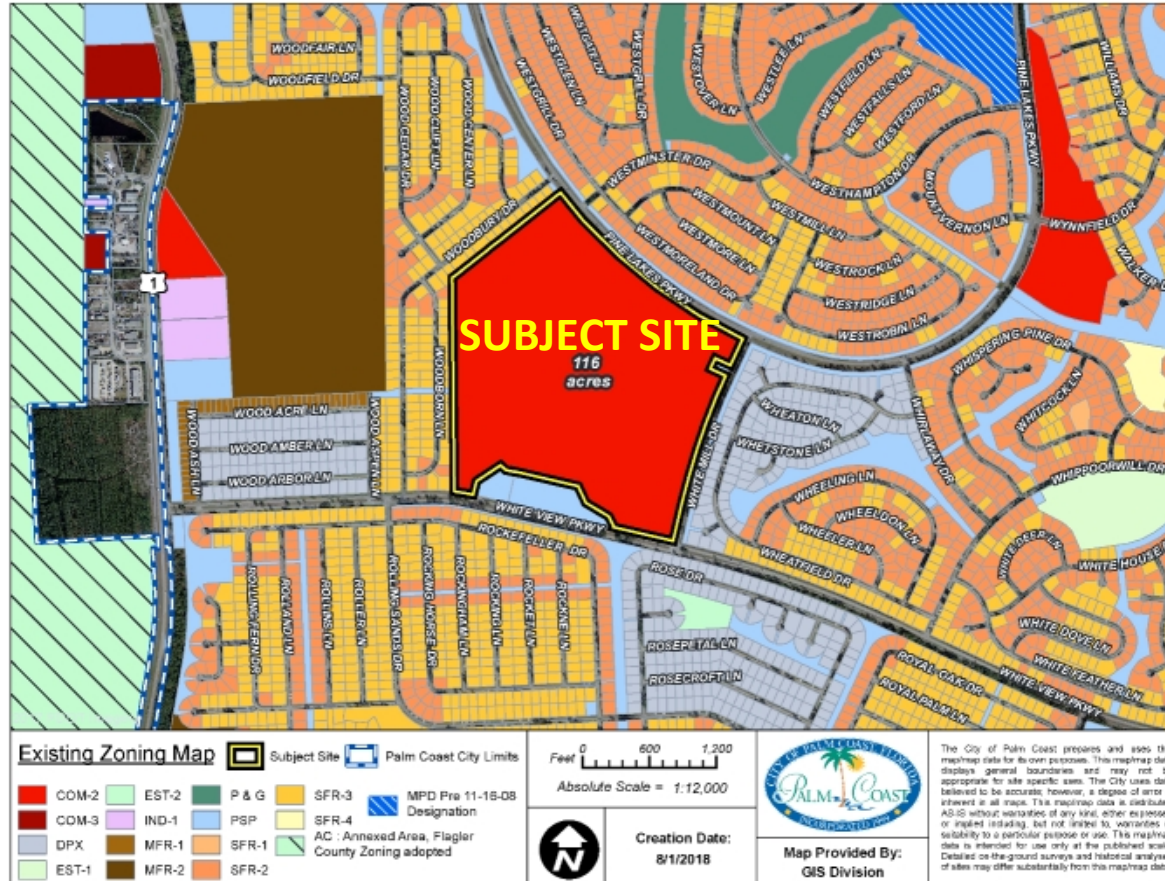


# Location/Aerial Map



- Site is 116 +/- acres and located on north of Whiteview Pkwy, south of Pine Lakes Pkwy, west of White Mill Dr., and east of Woodbury Ln.
- Proposed rezoning from COM-2 to MPD.

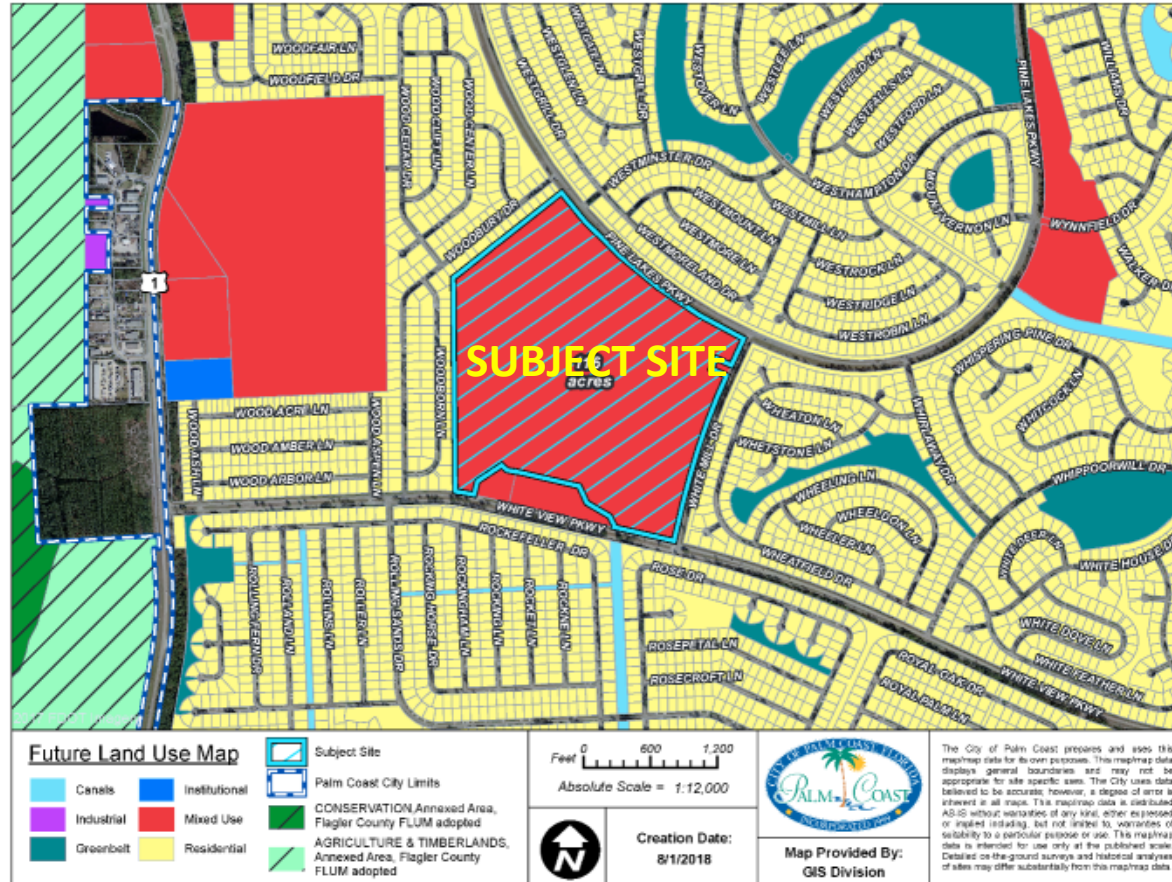
# Future Land Use Map



- Designated “Mixed Use” on FLUM.
- Allows both COM-2 Master Planned Development (MPD) zoning.



# Zoning Map



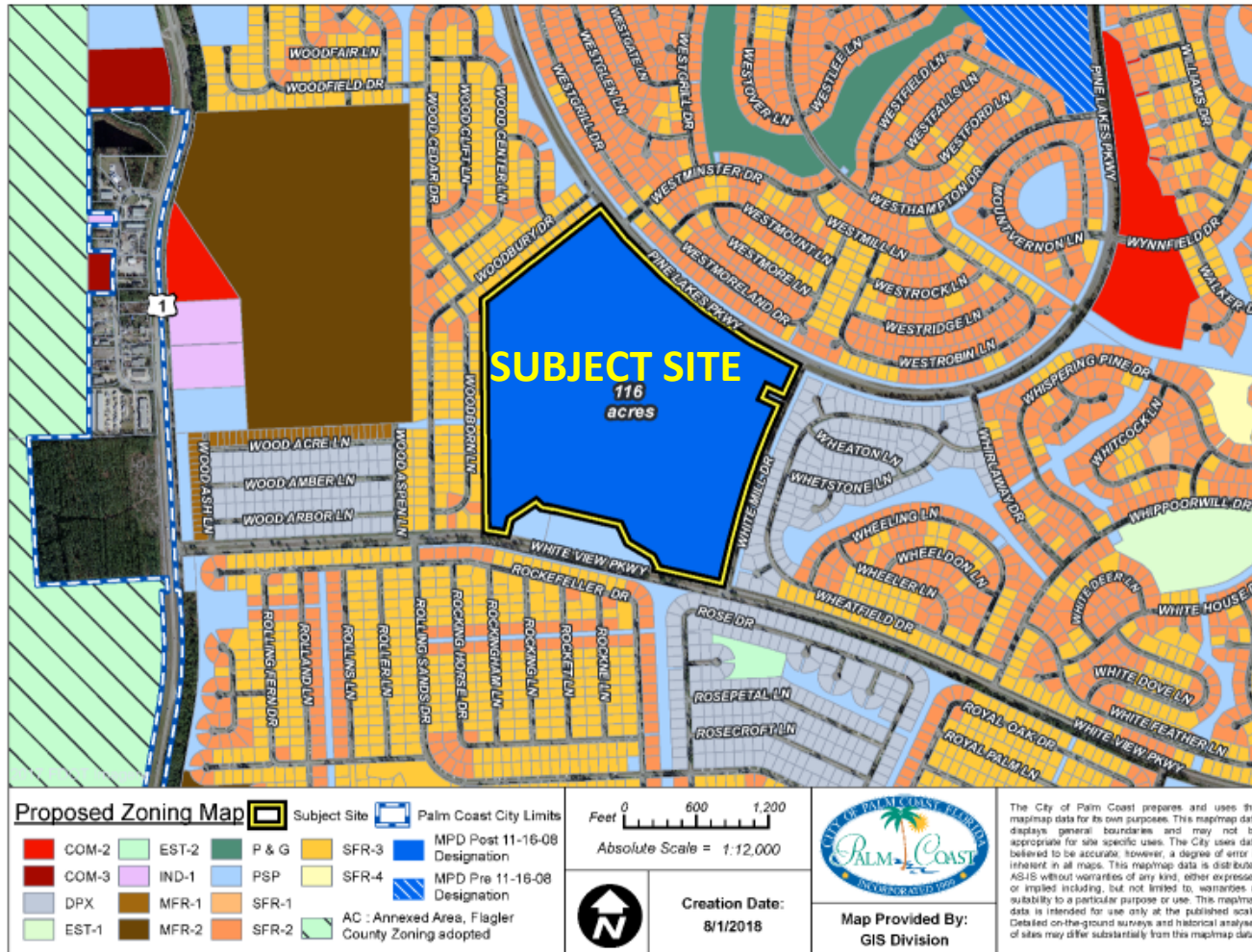
- Area in red (116 +/- acres) is currently COM-2.
- Surrounded by residential zoning and uses.
- Infill site -- in effect.



# Key Site Development Requirements

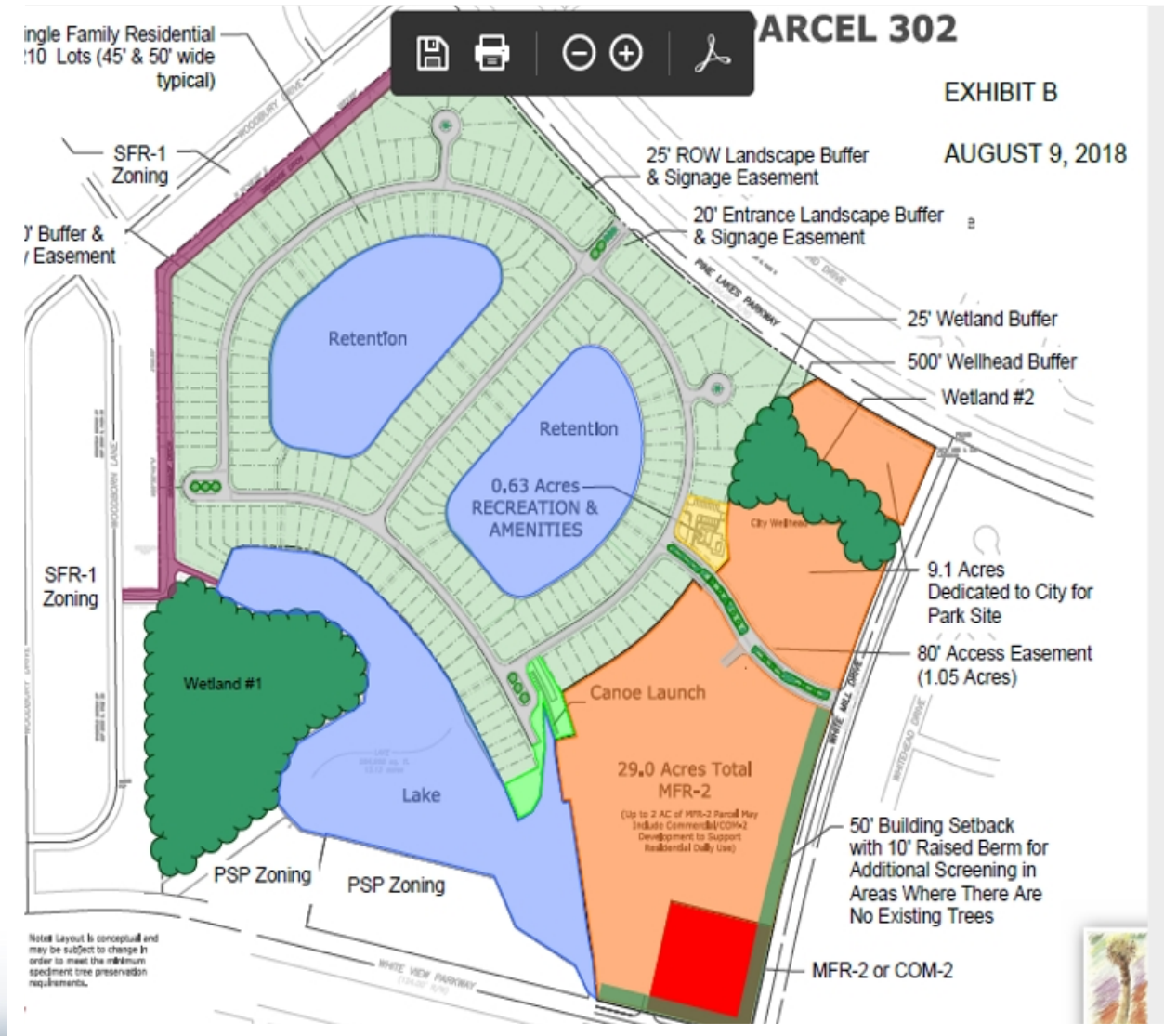
Criteria	(Current Standards for COM-2)
Minimum Lot/ Dev. Size	20,000 sq. ft.
Max. Impervious Surface Ratio	0.70
Max. Building Height	100 ft.
Max. Density (units/acre)	NA

# Proposed Zoning Map



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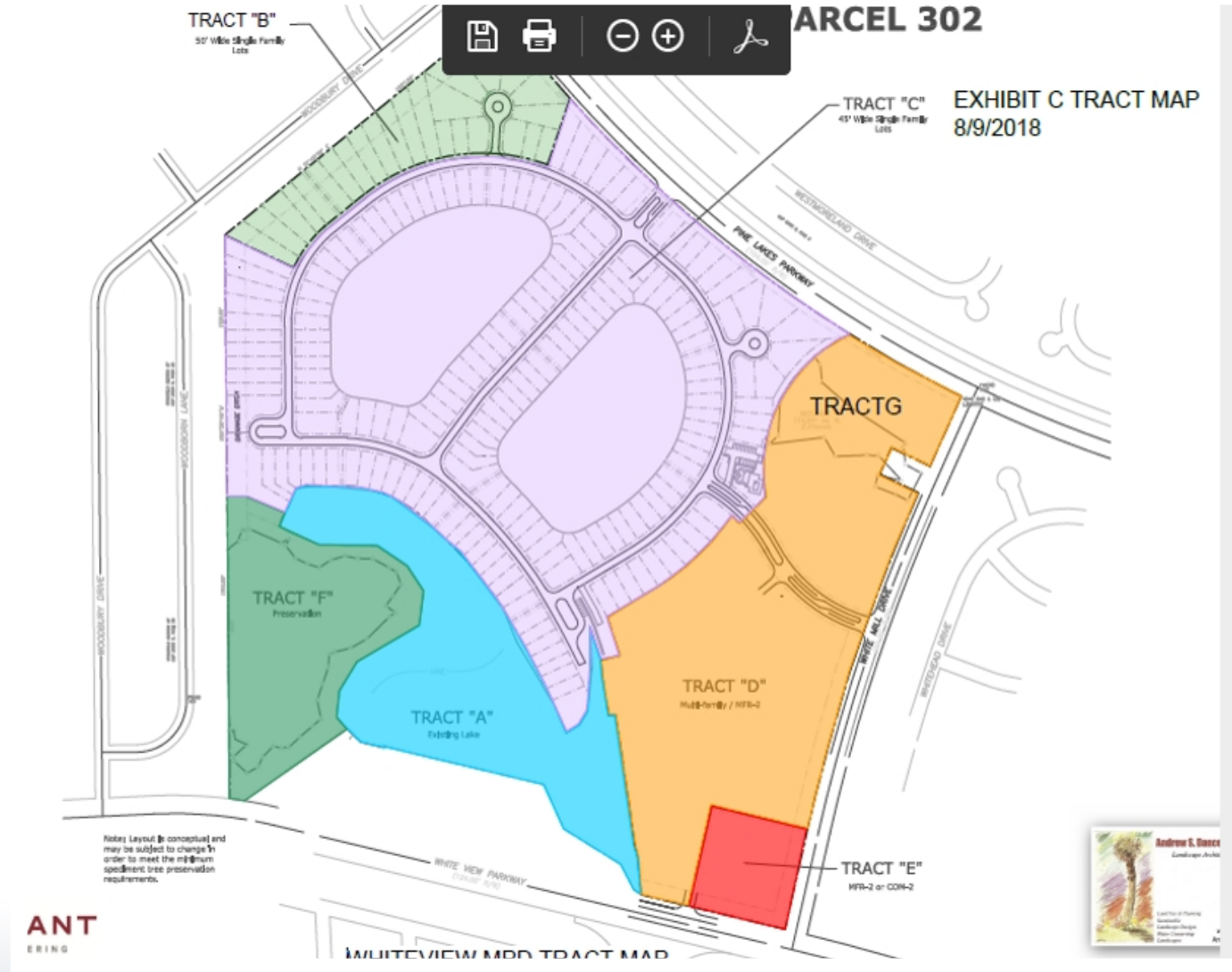
## Program



- 210 SF units.
- Includes 45' wide and 50' wide lot minimums.
- Includes a park.
- Includes a multifamily site and the possibility of a small commercial node.



# Tract Map



# Neighborhood Information Meeting (NIM)

- Applicant notified neighbors of the NIM beyond the 300 feet requirement by a mailing on July 5, 2018.
- NIM held on July 16, 2018 at Palm Coast Bible Church.
- Fifteen people attended.

# Staff Analysis Based on LDC Chapter 2, Sec. 2.05.05

***A. The proposed development must not be in conflict with or contrary to the public interest;*** The proposed MPD project will be compatible with the variety of residential uses as opposed to the existing COM-2. It includes a park and open space.

***B. The proposed development must be consistent with the provisions of the Land Development Code and the Comprehensive Plan;*** Application will require subdivision review and Technical Site Plan review. Forty- five foot wide lots are allowed per MPD and incorporated into the MPD design.



# Staff Analysis Based on LDC Chapter 2, Sec. 2.05.05

***C. The proposed development must not impose a significant financial liability or hardship for the City;*** The project is an infill project so existing services and facilities are nearby.

***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;*** The site is designated "Mixed-Use" on the FLUM which promotes a variety of land uses, when designed and planned with open space and environmental safeguards per the MPD requirements set forth.

# Staff Analysis Based on LDC Chapter 2, Sec. 2.05.05

***E. The proposed development must comply with all other applicable local, state and federal laws, statutes, ordinances, regulations, or codes;*** The project will have to comply with the City's LDC, Comprehensive Plan, and requirements of all other applicable agencies throughout the development process.

# RECOMMENDATION

Planning staff recommends the PLDRB recommend approval to City Council to rezone 116 +/- acres from COM-2 to Master Planned Development (MPD), Application No. 3420.



# Questions

# Modification to Town Center MPD

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Application #3722

*Community Development Department*



# Overview

- Town Center approved 2003.
- Ordinance 2003-32.
- 5 Planning Areas: Urban Center, Urban Core, Town Residential, Town Service Area, Town Business Area.
- Each Planning Area has its own zoning and site development regulations.
- 1610 acres.

## TOWN CENTER AT PALM COAST



### ARCHITECTURAL REVIEW CRITERIA & GUIDELINES

March 2006  
Revised: April 12, 2007  
Revised: October 13, 2014

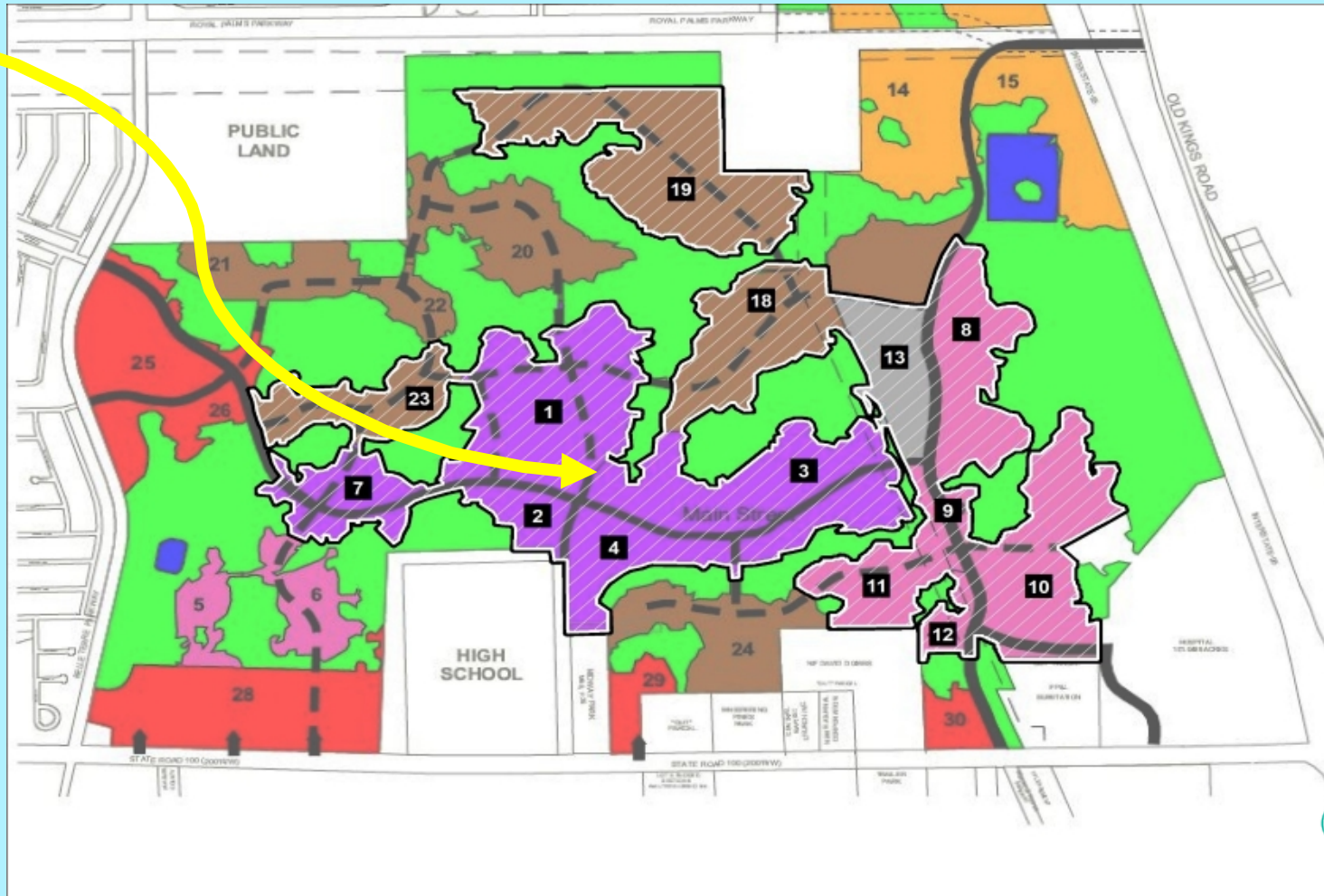


# Intent

- “Urban Core will contain the most intense urban areas.”
- It’s the “downtown of Town Center.”
- 80 feet height.
- 95% impervious coverage.
- On street diagonal parking.
- Urban-style building placement.

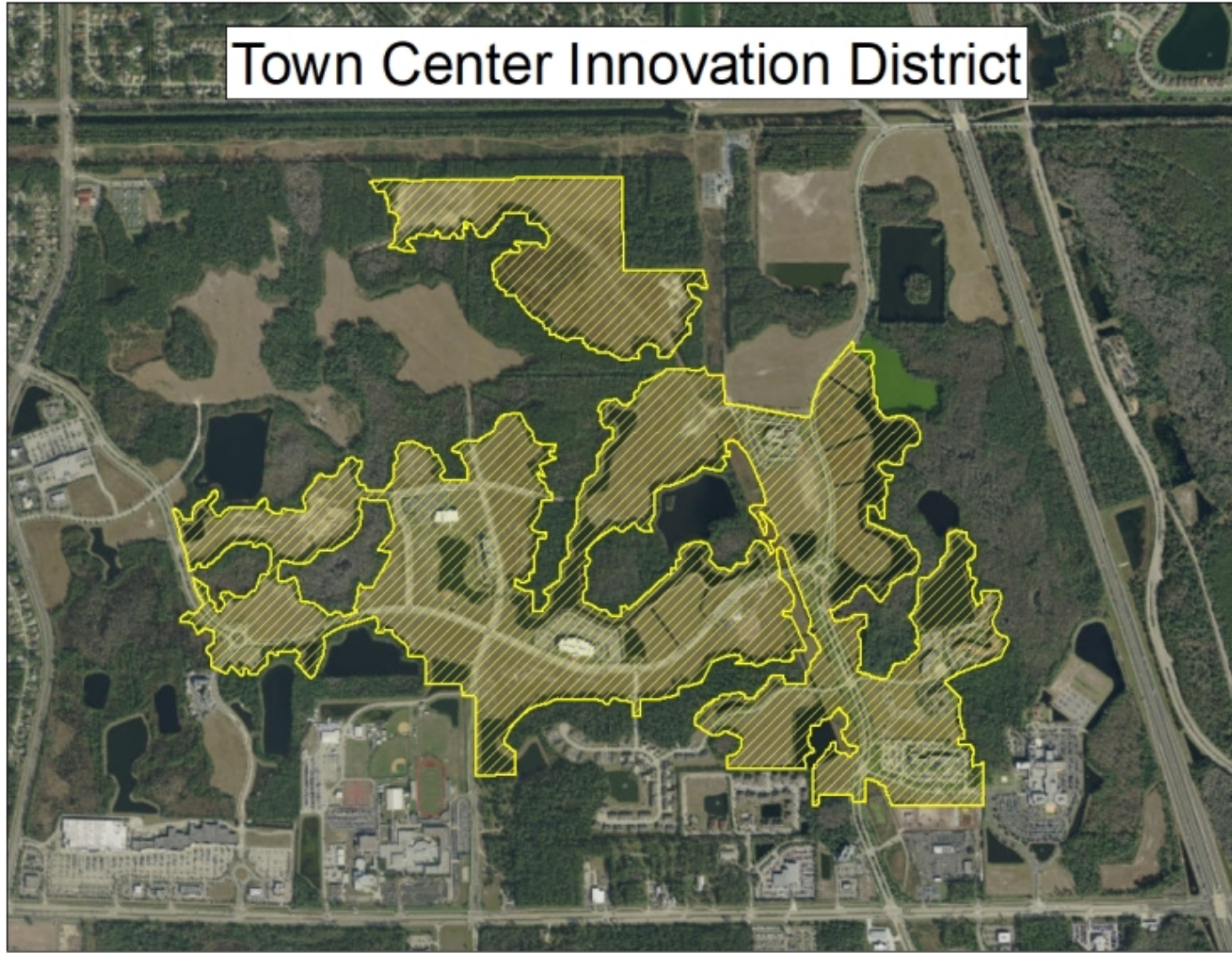


# LOCATION MAP





## Town Center Innovation District





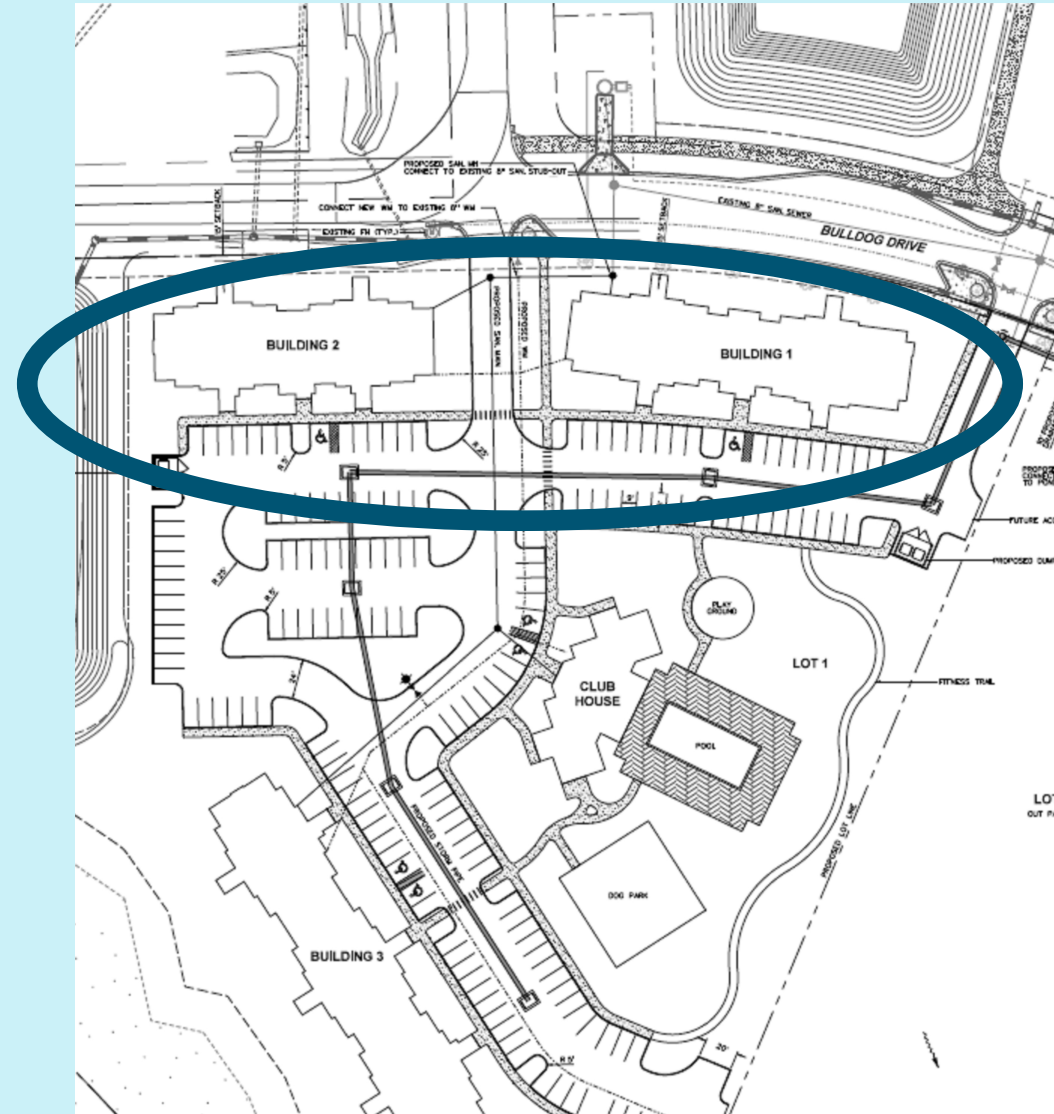
# ULDC Garage Requirement

- Section 4.01.03 garages units for multifamily projects shall provided for a minimum of one-third of the proposed multifamily units.
- Is the garage requirement consistent with the urban form envisioned for the Urban Core of Town Center?

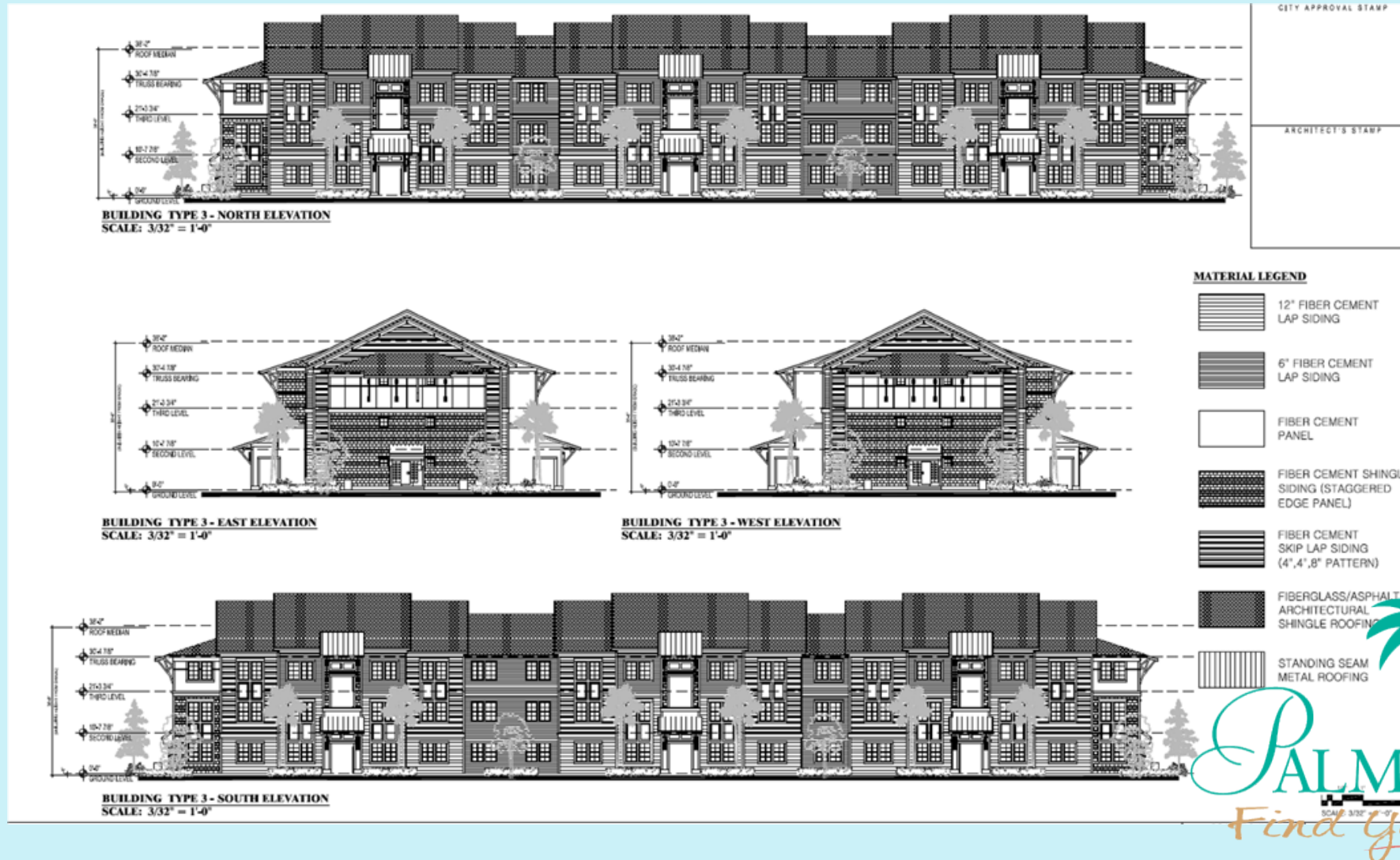


# Housing Trust Group

- Proposing 88 multifamily units at the corner of Bulldog Drive and Central.
- Buildings oriented to Bulldog.
- Project is the “kickstart” Innovation District
- Marketing to a broad demographic, young professionals, entrepreneurs, creative emphasis.



# HTG Multifamily Project





# MPD Modification



ARCHITECT'S STAMP

## **COLOR LEGEND**

 WALL/TRIM  
SW 7059  
(UNUSUAL GRAY)

 WALL/TRIM  
SW 7035  
(AESTHETIC WHITE)

 ROOF  
LANDMARK TL  
(COUNTRY GRAY)

## **EXTERIOR LIGHT FIXTURE**



VALUE LIGHTING  
MODEL #LED5550  
WHITE LED 10"W x  
4.25" DEEP  
OUTDOOR CEILING  
MOUNTED FIXTURE

# Rendering





# Designed to Complement Multifamily Units





# MPD Modification

Staff is recommending approving a modification to Ordinance #2003-32 allowing alternative compliance with Section 4.01.03A3 within the Urban Core of Town Center subject to similar standards and approval criteria as presented herein:

## 7.0 Design Guidelines

(t) In lieu of garages for 1/3 of multifamily units as specified in Section 4.01.03 A3 of the ULDC, the Urban Core Area of Town Center may provide for Parking Canopies in lieu of garages provided they meet the following criteria:



# RECOMMENDATION

- Proposed parking canopies are uniquely designed for the individual multifamily project;
- Proposed parking canopies incorporate roof, materials and design elements of the multifamily project being proposed;
- Proposed parking canopies include a complementary roof pitch, and not be flat.
- Proposed parking canopies must be approved by the Town Center Architectural Review Board and the City of Palm Coast.