



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

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**Wednesday, January 16, 2019**

**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.

**A Call to Order and Pledge of Allegiance**

**B Roll Call and Determination of a Quorum**

**C Approval of Meeting Minutes**

**1 MEETING MINUTES OF THE DECEMBER 19, 2018 PLANNING AND LAND DEVELOPMENT  
REGULATIONS BOARD MEETING**

**D Public Hearings**

- 2 REQUESTED TO BE POSTPONED-AN ORDINANCE TO REZONE 23.1 ACRES LOCATED AT 27 SEWARD TRAIL EAST FROM SINGLE FAMILY RESIDENTIAL-ONE TO MULTIFAMILY RESIDENTIAL- ONE, AS PROPOSED IN APPLICATION #3821**
- 3 STORQUEST EXPRESS A TIER 2, TECHNICAL SITE PLAN FOR A SELF-STORAGE FACILITY, APPLICATION NO. 3832.**
- 4 A COMPREHENSIVE PLAN AMENDMENT TO CHANGE THE FUTURE LAND USE MAP DESIGNATION OF 89+/- ACRE PARCEL FROM FLAGLER COUNTY DESIGNATIONS OF MIXED USE: HIGH INTENSITY & MIXED USE: LOW INTENSITY TO CITY OF PALM COAST DESIGNATION OF MIXED USE**
- 5 A ZONING MAP AMENDMENT FROM PLANNED UNIT DEVELOPMENT (FLAGLER COUNTY DESIGNATION) TO MASTER PLANNED DEVELOPMENT (CITY OF PALM COAST DESIGNATION) FOR AN 89+/- ACRE PARCEL LOCATED 1.3 MILES NORTH OF STATE ROAD 100**
- 6 RESOLUTION 2019-XX, AN AMENDMENT TO THE PALM COAST PARK DEVELOPMENT OF REGIONAL IMPACT DEVELOPMENT ORDER TO DELETE AN APPROXIMATELY 6 ACRE SITE FROM THE BOUNDARIES OF THE DRI**
- 7 A COMPREHENSIVE PLAN AMENDMENT TO CHANGE THE FUTURE LAND USE MAP DESIGNATION OF A 6.1 +/- ACRE PARCEL LOCATED .5 MILES NORTH OF PALM COAST PARKWAY ON THE WESTSIDE OF US-1 FROM DEVELOPMENT OF REGIONAL IMPACT-MIXED USE (DRI-MU) TO INSTITUTIONAL**
- 8 A ZONING MAP AMENDMENT FROM MASTER PLANNED DEVELOPMENT (MPD) TO PUBLIC/SEMIPUBLIC (PSP) FOR A 6+/- ACRE PARCEL LOCATED .50 MILES NORTH OF PALM COAST PARKWAY ON THE WESTSIDE OF US-1**
- 9 A ZONING MAP AMENDMENT FROM PUBLIC/SEMIPUBLIC (PSP) TO GENERAL COMMERCIAL (COM-2) FOR A 5+/- ACRE PARCEL LOCATED NORTH OF WELLFIELD GRADE AND WEST OF US-1**

**E Board Discussion and Staff Issues**

**F Adjournment**

## City of Palm Coast, Florida Agenda Item

Agenda Date: January 16, 2019

<b>Department</b>	PLANNING	<b>Amount</b>
<b>Item Key</b>	5810	<b>Account</b>
		<b>#</b>
<b>Subject</b>	MEETING MINUTES OF THE DECEMBER 19, 2018 PLANNING AND LAND DEVELOPMENT REGULATIONS BOARD MEETING	
<b>Background :</b>		
<b>Recommended Action :</b> Approve the minutes as presented.		



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

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

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

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**Wednesday, December 19, 2018**

**3:00 PM**

**CITY HALL**

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**RULES OF CONDUCT:**

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**Call to Order and Pledge of Allegiance**

*Chair Davis called the December 19, 2018 meeting of the Planning and Land Development Regulations Board(PLDRB) to order @ 3:15PM.*

**Roll Call and Determination of a Quorum**

*Irene Schaefer, Recording Secretary, called the roll. Present and responding to the roll call were:*



Chair Davis  
Vice Chair Smith  
Mr. Dolney  
Mrs. Lucas

Absent;

Mr. Scully  
Mr. Lehnertz  
Mr. DeMaria  
Mr. Freeman

## 1. Approval of Meeting Minutes

### MEETING MINUTES OF THE NOVEMBER 14, 2018 PLANNING AND LAND DEVELOPMENT REGULATIONS BOARD MEETING

**Pass**

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

**Approved - 4 - Chair Glenn Davis, Board Member Christopher Dolney, Vice  
Chair Clinton Smith, Board Member Sybil Dodson-Lucas**

## 2. Public Hearings

### REQUEST FOR MASTER SITE PLAN APPROVAL FOR THE VENUE AT TOWNCENTER A PROPOSED 233-UNIT MULTIFAMILY PROJECT, APPLICATION 3774.

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

*Mr. Marc Gauthier, Southern Investments, who was representing the direct  
purchaser, addressed the PLDRB members.*

*Mr. Matt Lahti, Gulfstream Design Group, applicant, addressed the PLDRB  
members.*

*Mrs. Lucas asked Mr. Gauthier to explain the apartment density for this  
development. Mr. Tyner explained the history of the site with regard to the  
entitlements involved in the Town Center Development of Regional Impact (DRI).  
Mr. Tyner also explained that the infrastructure is already in place for this  
development.*

*Mr. Dolney asked Mr. Gauthier to explain the number of age restricted units that would be made available to the public.*

*Chair Davis clarified that in the building higher than 3 floors there would be an elevator, which is required by Florida Building Code. Mr. Tyner also clarified that all the utilities will be underground and that the streetlights are already in place.*

*Chair Davis opened the meeting to public comment @ 3:45PM and seeing no one approach the podium closed the meeting to public comment at 3:46PM.*

**Pass**

**Motion made to approve as presented made by Board Member Dolney and seconded by Board Member Dodson-Lucas**

**Approved - 4 - Chair Glenn Davis, Board Member Christopher Dolney, Vice Chair Clinton Smith, Board Member Sybil Dodson-Lucas**

**3. Board Discussion and Staff Issues**

**Adjournment**

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

*The meeting was adjourned at 3:47PM.*

*Respectfully Submitted by:  
Irene Schaefer, Recording Secretary*

**ATTACHMENTS**

## City of Palm Coast, Florida Agenda Item

Agenda Date: January 16, 2019

<b>Department</b>	PLANNING	<b>Amount</b>
<b>Item Key</b>	5844	<b>Account</b>
		<b>#</b>
<b>Subject</b>	REQUESTED TO BE POSTPONED-AN ORDINANCE TO REZONE 23.1 ACRES LOCATED AT 27 SEWARD TRAIL EAST FROM SINGLE FAMILY RESIDENTIAL- ONE TO MULTIFAMILY RESIDENTIAL- ONE, AS PROPOSED IN APPLICATION #3821,	
<b>Background :</b>	The applicant has requested this item be postponed at this time via the attached letter.	
<b>Recommended Action :</b>	Based on the applicant's request, staff recommends that this item be postponed to a date to be determined.	



January 10, 2019

Ray Tyner, Planning Manager  
City of Palm Coast  
160 Lake Avenue  
Palm Coast, FL 32164

**RE: 27 SEWARD TRAIL E  
REZONING APPLICATION**

Dear Mr. Tyner:

On behalf of the property owners of the above referenced property, I am requesting that the rezoning application scheduled for the Planning Board on January 16, 2019 be tabled indefinitely while we begin addressing some the concerns voiced by area residents at our most recent Neighborhood Meeting.

Our goal is to work with the City and the community over the next few weeks to come up with alternative solutions that we can share at a future Planning Board meeting. Thank you in advance for your assistance with this issue.

Sincerely,

**BEEBE & ASSOCIATES, INC.**

Michael Beebe, ASGCA  
President

cc: Alina & Edward Pekarsky - AAE Holdings, LLC

# City of Palm Coast, Florida

## Agenda Item

Agenda Date: January 16, 2019

<b>Department</b>	PLANNING	<b>Amount</b>
<b>Item Key</b>	5876	<b>Account</b>
		<b>#</b>
<b>Subject</b>	STORQUEST EXPRESS A TIER 2, TECHNICAL SITE PLAN FOR A SELF-STORAGE FACILITY, APPLICATION NO. 3832.	
<b>Background :</b> StorQuest Express is a Tier 2, Technical Site Plan for a self-storage facility on a vacant 5.00+/- acres site at 3895 Old Kings Road North, located on the west side of Old Kings Road North about 1,000 feet north of Matanzas Woods Parkway. The project is comprised of four self-storage buildings totaling 57,303 square feet plus 51 exterior storage spaces for recreational vehicles and boats.		
<u>Background:</u> Since the site is located in the General Commercial (COM-2) Zoning District a Special Exception is required for self-storage uses with review and determination by the Planning and Land Development Regulation Board (PLDRB). The applicant's Special Exception application included a well-designed site plan that demonstrated the intensity of the self-storage facility would be located internally within the project and very well buffered by attractive buildings, finished masonry walls, and landscaping. Planning staff determined the proposed self-storage facility would be compatible with the neighboring properties as long as reasonable conditions were imposed on the facility. The Special Exception was reviewed and conditionally approved as presented by the PLDRB on October 17, 2018, by a 6 – 0 vote. The approval was subject to the following conditions:		
<div><div>1.</div><div>Outdoor vehicle storage services are limited to operable boats, automobiles, pickups, vans, trailers, and recreational vehicles. Storage services shall not be provided for any heavy duty trucks, semi-tractor trailers, dump trucks, full-size buses, shipping containers, or large construction equipment.</div></div> <div><div>2.</div><div>Onsite manufacture, assembly or disassembly of materials, and vehicle repair and maintenance are prohibited. Storage units shall not be used for workshops, offices or any recreational or residential use.</div></div> <div><div>3.</div><div>An onsite business for the sale, leasing or rental of boats, recreational vehicles, trucks, trailers, or construction related equipment is prohibited.</div></div> <div><div>4.</div><div>All vehicles and boats being stored shall be limited to the designated boat/recreational storage spaces and shall not extend into or occur within driving lanes or other non-designated storage areas.</div></div> <div><div>5.</div><div>A business shall not use storage units for retail display and/or sale of merchandise.</div></div> <div><div>6.</div><div>No individual business signage shall be visible from the exterior of any storage unit except for the storage business itself.</div></div> <div><div>7.</div><div>Approval of a Technical Site Plan, Site Development Permit, building permits, and all</div></div>		

other developmental permits required by the Land Development Code.

Analysis:

The City review staff has reviewed the Technical Site Plan and found it to meet the conditions of the Special Exception and the Land Development Code once the applicant makes a few minor modifications to the submitted plans.

**Recommended Action :**

Planning staff recommends the PLDRB approve the StorQuest Express Tier 2, Technical Site Plan for a self-storage facility in the COM-2 Zoning District, Application No. 3832, subject to the applicant finalizing the engineering plans, landscaping plan, and architectural building elevations as described on Exhibit A.



**COMMUNITY DEVELOPMENT DEPARTMENT  
STAFF REPORT FOR JANUARY 16, 2018  
PLANNING AND LAND DEVELOPMENT REGULATION BOARD**

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**OVERVIEW**

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Project Name:	StorQuest Express
Application Number:	3832
Property Owner:	Giovanni and Nicola Caruso, Bethlehem, PA
Applicant:	The William Warren Group, Attention: Kendall Jones, Tampa, FL
Agent:	Harry Newkirk, PE, Newkirk Engineering Inc., Ormond Beach, FL
Size of subject property:	5.00 +/- acres
Location:	3895 Old Kings Road N. (1,000' north of Matanzas Woods Pkwy.)
Current FLUM designation:	Mixed Use
Current Zoning designation:	General Commercial (COM-2)
Current Use:	Vacant commercial land
Parcel ID #:	25-10-30-4626-00000-00A0

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**REQUESTED ACTION**

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The applicant has submitted a Technical Site Plan application for a self-storage facility that includes exterior storage of boats and recreational vehicles. The StorQuest self-storage facility is proposed on a vacant 5.00+/- acres at 3895 Old Kings Road North, which is located on the west side of Old Kings Road North about 1,000 feet north of Matanzas Woods Parkway. The project's Technical Site Plan shows it to be comprised of four self-storage buildings totaling 57,303 square feet plus 51 exterior storage spaces for recreational vehicles and boats. The project is considered a "Moderate" (Tier 2) development, based on the project's total floor area of 57,303 square feet, which requires review and approval by the Planning and Land Development Regulation Board (PLDRB).

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**BACKGROUND/SITE HISTORY**

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The William Warren Group has a purchase contract for the subject property conditioned that the appropriate development approvals can be obtained to construct a self-storage facility including boat and recreational vehicle exterior storage spaces on this parcel. The site is currently vacant and primarily covered with pine trees.

Table 3-4 of the Land Development Code only allows a self-storage facility in the General Commercial (COM-2) District via approval of a Special Exception. The PLDRB reviewed and conditionally approved a Special Exception for this self-storage facility at its October 17, 2018 public hearing. These conditions, which are primarily relating to its operation, are intended for the self-storage facility to minimize negative impacts on its neighborhood and are shown below:

1. Outdoor vehicle storage services are limited to operable boats, automobiles, pickups, vans, trailers, and recreational vehicles. Storage services shall not be provided for any heavy duty trucks, semi-tractor trailers, dump trucks, full-size buses, shipping containers, or large construction equipment.
2. Onsite manufacture, assembly or disassembly of materials, and vehicle repair and maintenance are prohibited. Storage units shall not be used for workshops, offices or any recreational or residential use.
3. An onsite business for the sale, leasing or rental of boats, recreational vehicles, trucks, trailers, or construction related equipment is prohibited.
4. All vehicles and boats being stored shall be limited to the designated boat/recreational storage spaces and shall not extend into or occur within driving lanes or other non-designated storage areas.
5. A business shall not use storage units for retail display and/or sale of merchandise.
6. No individual business signage shall be visible from the exterior of any storage unit except for the storage business itself.
7. Approval of a Technical Site Plan, Site Development Permit, building permits, and all other developmental permits required by the Land Development Code.

#### **LAND USE AND ZONING INFORMATION**

The subject site is designated "Mixed Use" on the Future Land Use Map. A fundamental principle of a mixed use area is to ensure the compatibility between residential and non-residential land uses within close proximity of each other, thereby creating a more sustainable and self-supporting neighborhood. The following tables summarize the general land use and zoning information:

#### **SURROUNDING ZONING AND FLUM CATEGORIES**

<b>Direction</b>	<b>FLUM Category</b>	<b>Zoning District</b>
North	Mixed Use	COM-2
East	Greenbelt	PSP
South	Mixed Use	COM-2
West	Mixed Use	COM-2

#### **SITE DEVELOPMENT REQUIREMENTS**

Site development for the property must be in accordance with the requirements of the City of Palm Coast Land Development Code (including the COM-2 Zoning District and the conditions of in the Special Exception approval) and must also comply with the City's Comprehensive Plan. The following tables summarize the basic development standards and how the proposed development project complies with these standards.



### SITE DEVELOPMENT REQUIREMENTS

Criteria (per COM-2 unless noted)	Required	Provided
Minimum Development Site Area	20,000 sq. ft.	217,800 sq. ft.
Maximum Impervious Surface Ratio	0.70	0.61
Maximum Floor Area Ratio	0.40	0.26
Maximum Building Height	100 feet	26 feet
Minimum Building Setbacks	Front (East): 25 feet Side (South): 10 feet Rear (West): 10 feet Street Side (North): 25 feet Interior Side (North): 10 feet	25 feet 25 feet 393 feet 25 feet 25 feet
Minimum Parking: 2 spaces per 100 storage units	$478 / 100 = 4.78 \times 2 = 9.56$ rounded to 10 spaces	10 spaces including 1 for disabled persons
Minimum Landscape Buffers	Front (East): 25 feet Side (South): 10 feet Rear (West): 10 feet Street Side (North): 25 feet Interior Side (North): 10 feet	25 feet 10 feet 10 feet 25 feet 10 feet

### TECHNICAL SITE PLAN PROCESS

The Technical Site Plan review application process is specified in Chapter 2, Section 2.11 of the Unified Land Development Code (LDC). This review process is intended to ensure that site development takes place in an orderly and efficient manner through a process that provides adequate review based on the size and complexity of the proposed development. The purpose of detailed site plan review is to ensure compliance with all development regulations; therefore, the level of detail shall be that of construction plans and technical specifications. The review is based not only on conformance to Code, but also conformance with any applicable approved master plan. Approval of the construction plans and technical specifications represents the final development order. Therefore, approval of a Technical Site Plan Development Order authorizes an applicant to apply for a building permit.

The application incorporates a review/approval process coordinated by and through City staff, the Planning and Land Development Review Board (PLDRB) and City Council based upon the scale of development. As provided in Table 2-1 of Sec. 2.04 of the LDC, warehouse projects with 40,001 to 100,000 square feet of gross floor area are classified as Moderate or Tier 2 projects, thus the scale of this development requires approval from the PLDRB.

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

Prior to approval of a Development Order for a Technical Site Plan, the proposed project must be evaluated for conformance with the requirements of LDC Chapter 2, Section 2.05.05, which provides criteria that must be met to issue approval. The proposed project has been evaluated against the review criteria as directed by the LDC, which 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;***

**Planning Staff Finding:** The proposed development is not in conflict with or contrary to the public interest, as the site's specified land use is consistent with the Mixed Use designation on the Future Land Use Map and the site's conditions of approval in its Special Exception for the self-storage facility in the COM-2 Zoning District will ensure it remains a good neighbor.

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

**Planning Staff Finding:** The request will be consistent with all applicable portions of the LDC and the Comprehensive Plan. The following are a selection of goals, policies and objectives from the Comprehensive Plan that the project supports:

- **Chapter 1, Future Land Use Element: Goal 1.1** – Preserve the character of residential communities, prevent urban sprawl and protect open space and environmental resources, while providing a mix of land uses, housing types, services, and job opportunities in mixed use centers and corridors.
- **Chapter 1, Future Land Use Element: Objective 1.1.4 Discourage Urban Sprawl** – Promote compact and contiguous development, a mixture of land uses, and discourage urban sprawl.
- **Chapter 1, Future Land Use Element: Policy 1.1.4.5**  
Land use patterns will be required to be efficient and not disproportionately increase the cost of providing and maintaining public facilities, as well as providing housing and transportation strategies that will foster energy conservation.

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

**Planning Staff Findings:** The public infrastructure needed to support the project is already in place or close to the site and any extensions of utilities will be provided by the developer at the developer's expense. Any potential liabilities associated with public improvements will be ensured via a Performance/Maintenance Bond. The project's traffic will only generate 10 AM Peak Hour trips, 10 PM Peak Hour trips and 120 Daily trips.

***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;***

**Planning Staff Finding:** The proposed development poses no unreasonable hazard, nuisance, nor does it constitute a threat to the general health, welfare, or safety of the City's inhabitants. All improvements will be newly constructed and/or developed in compliance with the relevant LDC, Building Code and other review agency requirements.

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

**Planning Staff Finding:** The applicant has submitted plans and permit applications as required to the various agencies having jurisdiction, and shall meet all requirements of other applicable local, state and federal laws, statutes, ordinances, regulations and codes. The applicant's

environmental assessment indicates no threatened or endangered species are present on the site.

### **SUMMARY OF FINDINGS**

After review and evaluation of the proposed project for conformance with the requirements of the City of Palm Coast LDC and Comprehensive Plan, staff finds that the proposed development complies with all such requirements once the plan modifications have been completed.

### **RECOMMENDATION**

Staff recommends the PLDRB approve StorQuest Express, Technical Site Plan Tier 2, Application No. 3832, subject to the conditions below prior to the issuance of the Development Order:

1. Finishing up the final modifications to the engineering plans, landscape plan and building elevation plans as described on Exhibit A.

## Exhibit A

# **Staff Comments 2nd Submittal**

## **Reviewing Department Comments**

### **ENGIN1 - CITY ENGINEERING**

#### **Comments:**

1. Storm Water Management Facility (Smf) has a slope of 2:1 approximately 2.0' below normal water.

Per SJRWMD rules that Smf should be restricted from Public Access.

In this case, public access could be deemed as restricted due to site fencing or not.

I suppose the SJRWMD has issued a permit, which means they deem the Smf to be restricted.

Generally, I believe that is a good rule to have at least 4' of slope at 4:1 below normal water level.

Keeping in mind that during drought situations it is easy to lose 2' of water.

2. Consider making Parallel Parking Spaces 22' wide and / or placing bollard close to door to protect door

And forcing driver to avoid blocking door etc.

The parking space number 6 is very close to the door

3. Add a connection between the retaining wall and perimeter fence on the south side (similar to what they did on the north side).

### **PLENV- PLANNING ENVIRONMENTAL**

#### **Comments:**

Staff recognizes that the permit from SJRWMD and the SHPO Letter will be submitted at a later date. However, they must be submitted prior to Development Order.

### **PLLA - PLANNING LANDSCAPE ARCHITECT**

#### **Comments:**

- Provide updated STORQUEST\_NORTH ELEVATION.pdf that addresses prior round of comments.

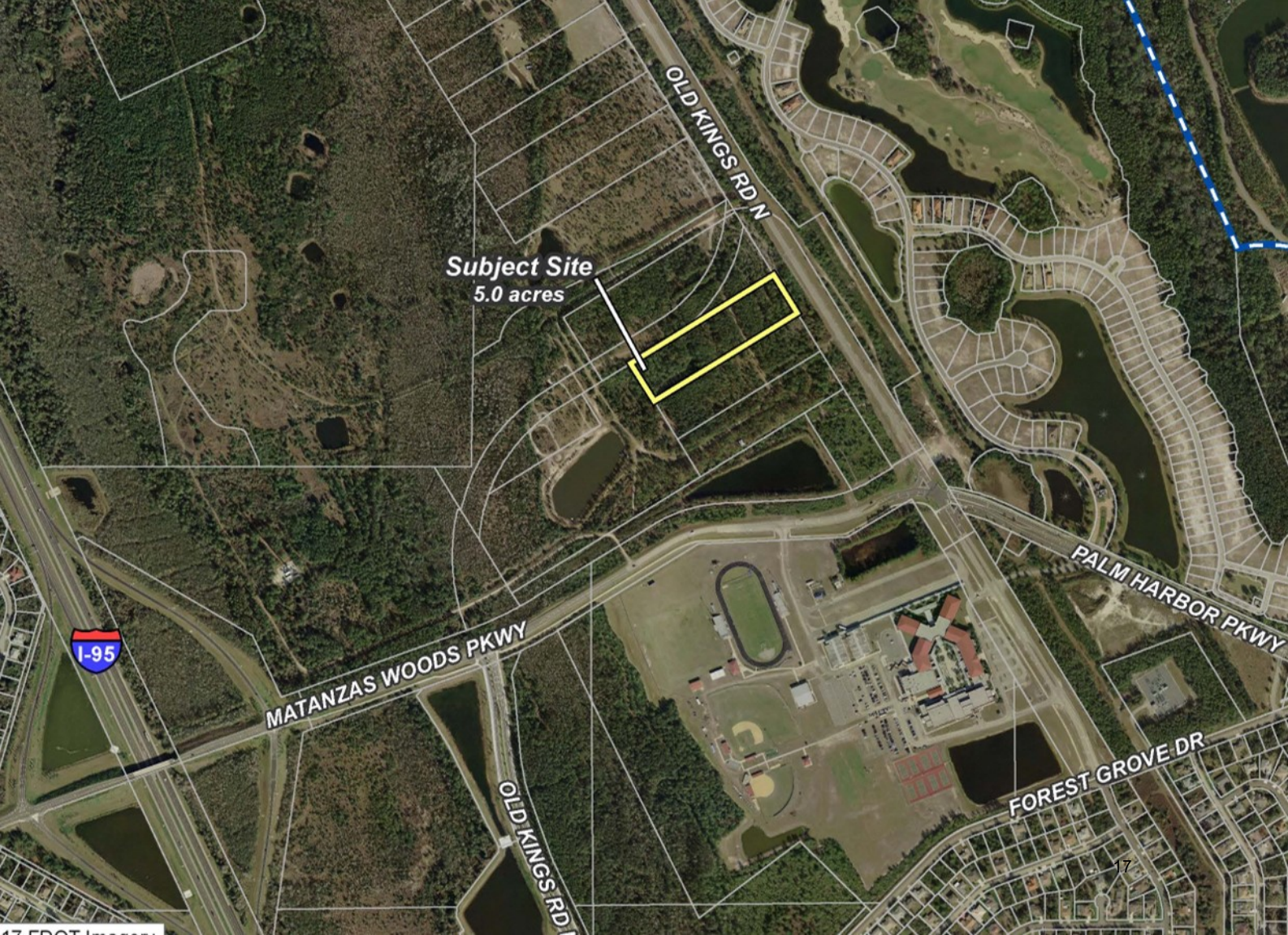
- Per Land Use Administrator no survey of individual trees required as site must be filled to such an extent, in order for permitted development to occur, that there is no feasible means to save protected trees.

- Refer to sheet 20 Landscape for comments.

### **UD1 - UTILITY DEPARTMENT**

#### **Informational Comment:**

Fees, agreements and FDEP permits shall be complete prior to issuance of the site development permit. Contact Irma Velez for required documents 386-986-2355



**Subject Site**  
5.0 acres

OLD KINGS RD N

I-95

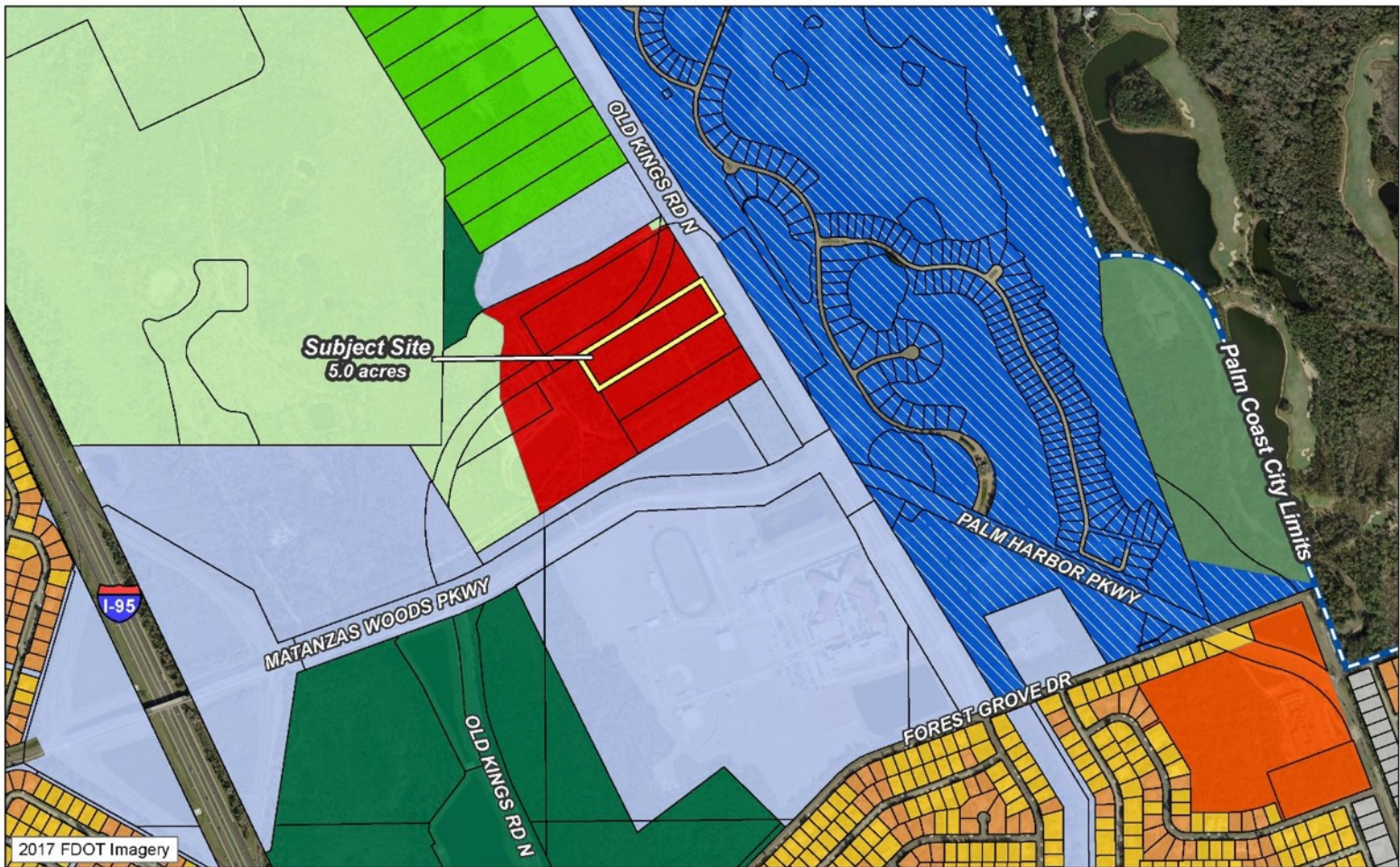
MATANZAS WOODS PKWY

OLD KINGS RD J

PALM HARBOR PKWY

FOREST GROVE DR





## Existing Zoning Map

	AGR		EST-2		PRS		SFR-3
	COM-1		PSP		MPD Pre 11-16-08 Designation		SFR-2
	COM-2		P & G				

Subject Site

Feet 0 600 1,200



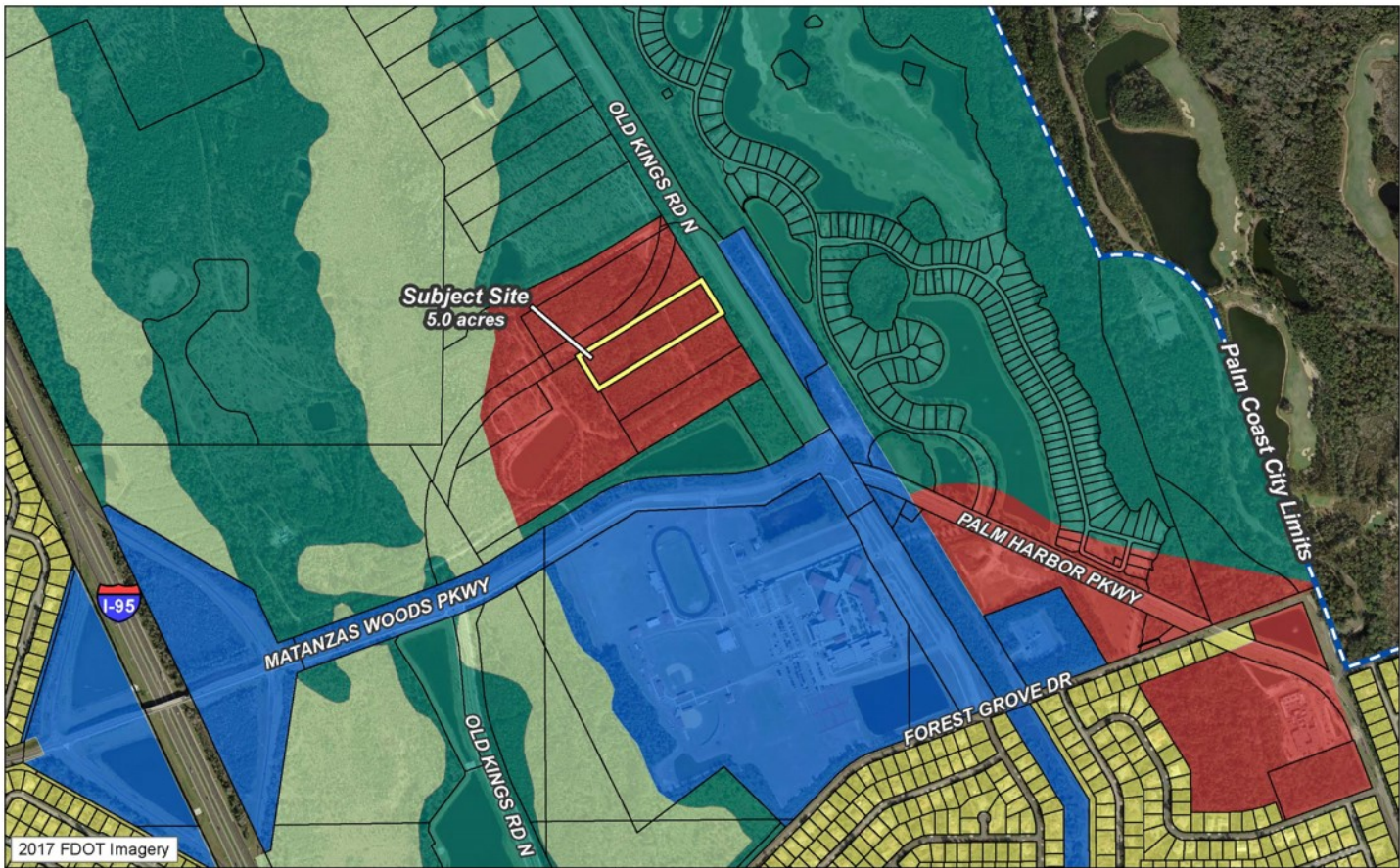
Creation Date:  
10/10/2018



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

- |  |  |   |
|--|--|---|
|  Conservation   |  Mixed Use                 |  Subject Site |
|  Greenbelt     |  Residential              |   |
|  Institutional |  Coastal High Hazard Area |   |

Feet 0 600 1,200



Creation Date:  
10/10/2018



Map Provided By:  
GIS Division

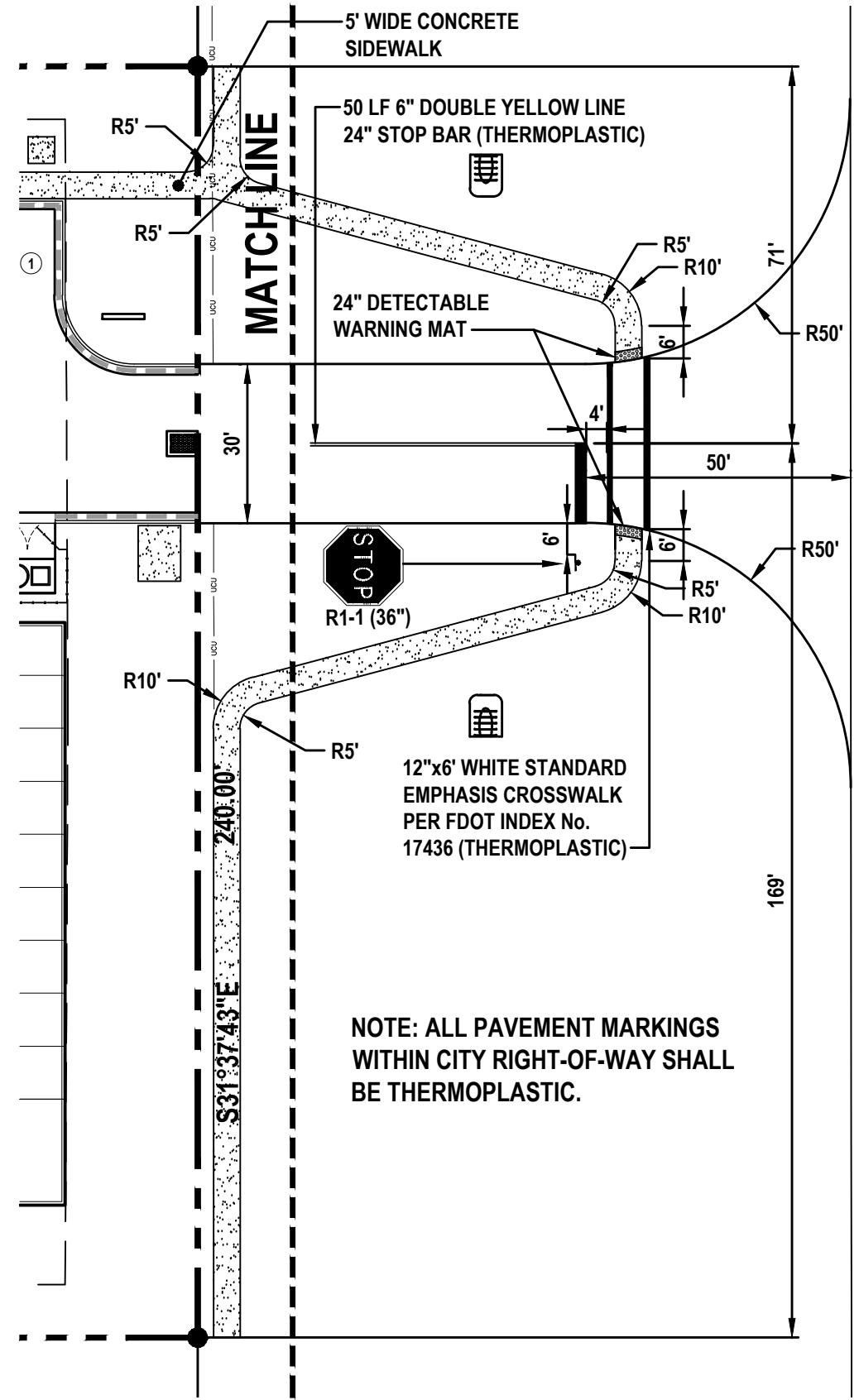
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SITE ANALYSIS		
SITE AREA	5.0 ACRES	
±	217,800 SF	
ZONE		
BUILDING SF	57,303	
PARKING SPACES		
REQUIRED	PROVIDED	
REGULAR	-	4
ADA	-	1
RV	-	64
SETBACKS (FT)		
BUILDING	LANDSCAPE	
FRONT	25	25
SIDE	25	10, 25
REAR	393	10
SIDE STREET		
	FAR	26%
MAX BLDG HEIGHT		
SF	% OF SITE	
LOT COVERAGE	57,303	26%
PAVED AREA	76,357	35%
LANDSCAPED AREA	62,107	29%
POND	22,033	10%

UNIT COUNT				
SIZE		QUANTITY	RENTABLE (SF)	
5	X	5	76	1,900
5	X	10	159	7,950
10	X	10	76	7,600
10	X	15	81	12,150
10	X	20	46	9,200
10	X	30	40	12,000
TOTAL		478		50,800

## LEGEND

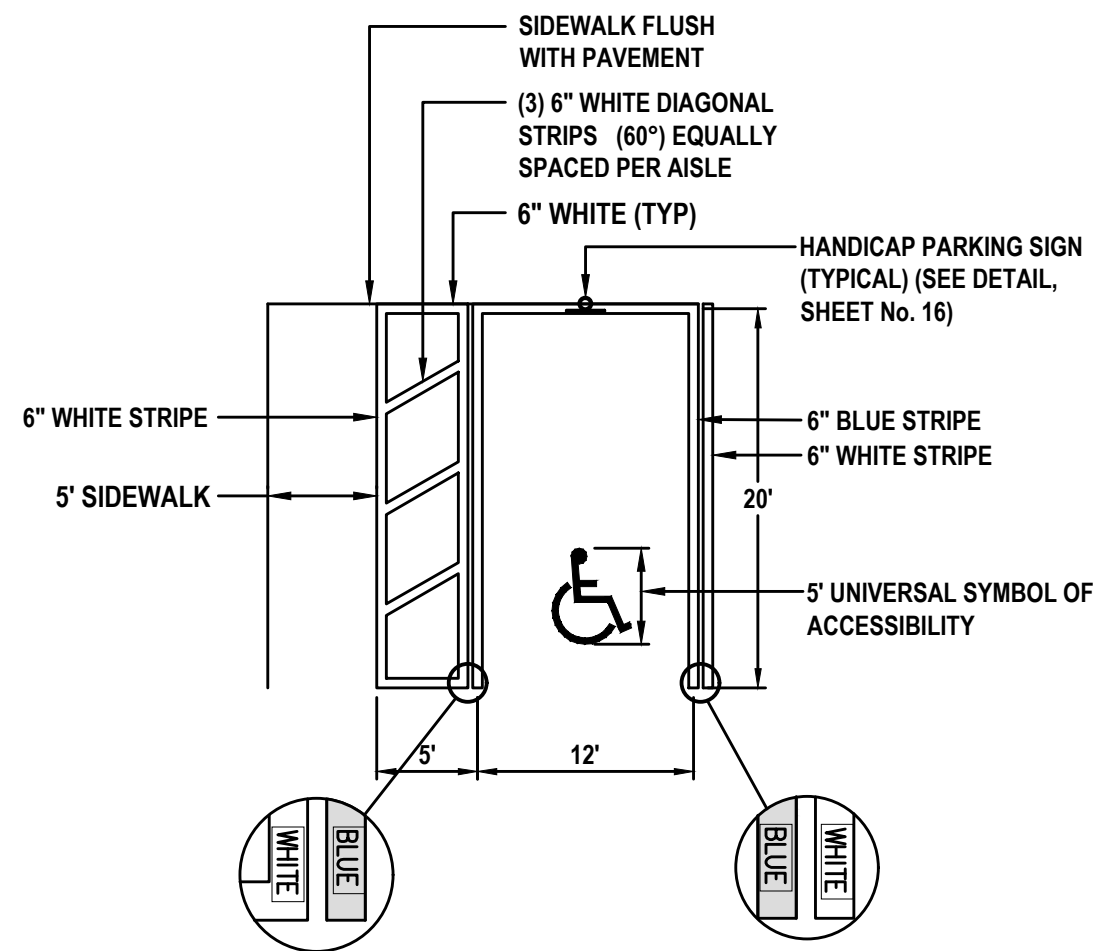
- TYPE 'F' CURB
- TYPE 'F' SPILLOUT CURB
- 24" DETECTABLE WARNING MAT
- PARKING SPACE COUNT
- TYPE 'F' CATCH / SPILLOUT CURB TO FLUSH
- TRANSITION LOCATION FROM TYPE 'F' CATCH CURB TO TYPE 'F' SPILLOUT CURB



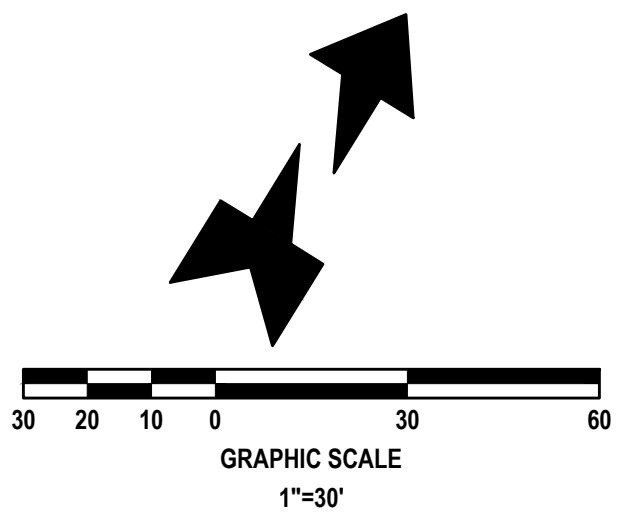
## PAVING LEGEND

- ASPHALT PAVEMENT: 1.5" SP-9.5 WITH TACK COAT PER FDOT SPECIFICATIONS; 6" LIMEROCK BASE (LBR=100) MIN OF 98% MODIFIED PROCTOR MAX DENSITY PER AASHTO T-180 (4" LIFTS); 12" STABILIZED SUBBASE (LBR 40) MIN OF 98% MODIFIED PROCTOR MAX DENSITY PER AASHTO T-180 (TYPE B STABILIZATION)
- \*ALTERNATE LIMEROCK BASE COURSE: 6" CRUSHED CONCRETE (LBR=130) MIN OF 98% MODIFIED PROCTOR MAX DENSITY PER AASHTO T-180 (4" LIFTS)
- \*ALTERNATE 12" STABILIZED SUBBASE: 6" LIMEROCK (LBR=100) MIN OF 98% MODIFIED PROCTOR MAX DENSITY PER AASHTO T-180 OR 6" CRUSHED CONCRETE (LBR=130) MIN OF 98% MODIFIED PROCTOR MAX DENSITY PER AASHTO T-180.
- \*ALTERNATE PAVEMENT TO ASPHALT IS CONCRETE PAVEMENT

- CONCRETE PAVEMENT: 6" CONCRETE (3,000 P.S.I. @ 28 DAYS) (APPROVED FDOT MIX DESIGN); 12" COMPACTED SUBGRADE (LBR 40) MIN OF 98% MODIFIED PROCTOR MAX DRY DENSITY PER ASTM D1557, AASHTO T-180 (6" LIFTS); CONTROL JOINT SPACING PER FDOT INDEX 350-001; SEE DETAILS, SHEET No. 16
- CONCRETE SIDEWALK: 4" THICK CONCRETE (MIN.) 3,000 PSI CONCRETE; PER FDOT INDEX No. 522-001; SEE SIDEWALK DETAIL, SHEET No. 16



NOTE: HANDICAP SPACE TO BE STRIPED PER FDOT STANDARD INDEX 711-001.  
**HANDICAP PARKING STRIPING**  
SCALE: 1" = 10'

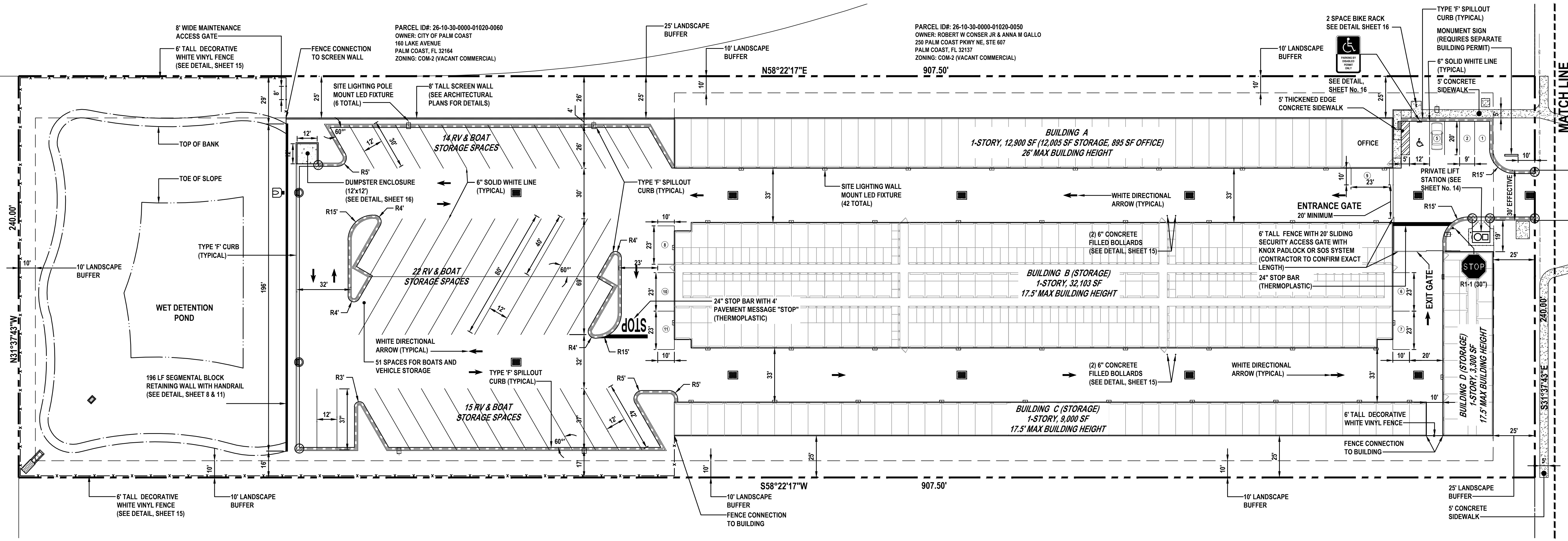


## GENERAL NOTES:

- CITY OF PALM COAST BUILDING PERMITS ARE REQUIRED FOR BUILDING, DUMPSTER ENCLOSURE, LIGHT POLES, SCREEN WALLS AND MONUMENT SIGNS. CONTRACTOR SHALL BE RESPONSIBLE FOR SUBMITTING APPROPRIATE INFORMATION (ENGINEERING, SPECIFICATIONS, SHOP DRAWINGS, ETC.).
- ALL DIMENSIONS AND TIES ARE TO THE EDGE OF PAVEMENT AND OUTSIDE FACE OF BUILDING.
- ALL IMPROVEMENTS SHALL BE STAKED FOR CONSTRUCTION BY MEANS OF DIGITAL COORDINATES BY SURVEYOR UTILIZING GEODETIC TOTAL STATION OR GPS. SCALING OF DRAWINGS FOR PURPOSES OF STAKING ARE AT THE SURVEYOR'S RISK.
- THE CONTRACTOR SHALL COORDINATE WITH THE EXISTING ADJACENT BUSINESSES TO ENSURE THERE IS NO DISRUPTION TO THEIR RESPECTIVE OPERATIONS.
- THE CONTRACTOR AT ITS OWN DISCRETION SHALL MAINTAIN THE CONSTRUCTION SITE SECURE FROM TRESPASS.
- SOD ALL DISTURBED AREAS IN RIGHT-OF-WAY WITH BAHIA SOD.

## PAVEMENT MARKING NOTES:

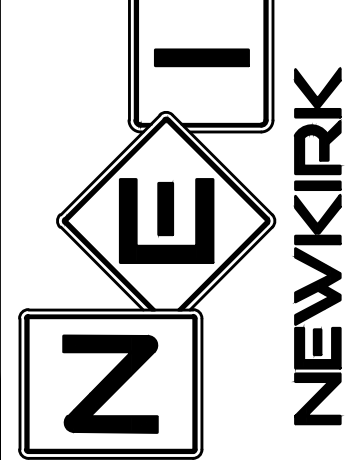
- PAINTED PAVEMENT MARKINGS SHALL BE APPLIED AFTER PAVEMENT SURFACE HAS CURED. SURFACE SHALL BE FREE OF FINE SAND AND DEBRIS PRIOR TO APPLICATIONS.
- ALL PAVEMENT MARKINGS WITHIN THE CITY RIGHT-OF-WAY SHALL BE THERMOPLASTIC.
- APPLY PAINTED PAVEMENT MARKINGS AT LAST STAGE OF CONSTRUCTION AFTER LANDSCAPE PLANTINGS ARE INSTALLED.
- PAINT SHALL BE SHERWIN WILLIAMS LOW-VOC ACRYLIC PRO GRAF PAINT, APPLY PER MANUFACTURER'S RECOMMENDATIONS. REFER TO DRAWINGS FOR LOCATIONS OF SPECIFIC COLORS.
- ALL REFLECTIVE PAVEMENT MARKERS ARE TO BE PLACED IN ACCORDANCE WITH FDOT STANDARD INDEX NO. 706-001.
- ALL SIGNS SHALL BE PLACED IN ACCORDANCE WITH SECTION 2A.06 OF THE "MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES FOR STREETS AND HIGHWAYS".
- LOCATION OF SIGNS IS APPROXIMATE ONLY AND IS SUBJECT TO CHANGE AS DIRECTED BY THE ENGINEER.
- FOR ADDITIONAL DETAILS SEE INDEX NO. 700-010, 700-101, AND 711-002.
- ALL TRAFFIC CONTROL SIGNS SHALL BE FABRICATED USING 3M BRAND "SCOTCHLITE" SHEETING (ENGINEER GRADE) ON MINIMUM .08 GA ALUMINUM BLANKS. ALL 36"x48" SIGNS SHALL BE .100 GA MINIMUM AND SHALL BE INSTALLED USING 3"x12" ROUND ALUMINUM POST. ALL STOP SIGNS SHALL BE 36" OCTAGON INSTALLED ON 12.3 LBS/FT "U" CHANNEL POST RAIL STEEL ONLY OR 3"x12" ROUND ALUMINUM POSTS. "U" CHANNEL POSTS MAY BE USED FOR SIGNS SMALLER THAN 36"x36". ALL SPEED LIMIT SIGNS SHALL BE 24"x30".



## REVISIONS

DATE	DESCRIPTION
12/17/18	COMMENTS

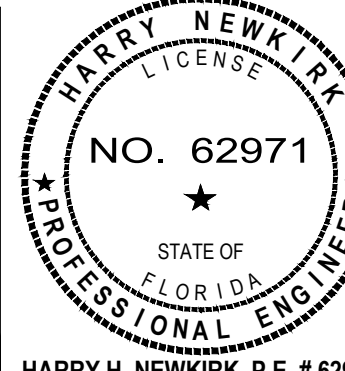
1230 North US1, Suite 3  
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Phone (385) 872-7794  
www.newkirk-engineering.com  
C.A. # 30209  
L.C. # 86000584  
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Transportation, CEI &  
Landscape Architecture



**StorQuest Express**  
SELF SERVICE STORAGE

**SITE LAYOUT PLAN**  
**STORQUEST EXPRESS**  
3895 OLD KINGS ROAD NORTH  
PALM COAST, FL 32137

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PROJECT No: 2018-173  
DATE: DECEMBER 2018  
DESIGN BY: HHN  
DRAWN BY: STS  
CHECKED BY: HHN  
SCALE: 1" = 30'  
DRAWING NUMBER

6





# City of Palm Coast, Florida

## Agenda Item

Agenda Date: January 16, 2019

<b>Department</b>	PLANNING	<b>Amount</b>
<b>Item Key</b>	5843	<b>Account</b>
		<b>#</b>
<b>Subject</b>	A COMPREHENSIVE PLAN AMENDMENT TO CHANGE THE FUTURE LAND USE MAP DESIGNATION OF 89+/- ACRE PARCEL FROM FLAGLER COUNTY DESIGNATIONS OF MIXED USE: HIGH INTENSITY & MIXED USE: LOW INTENSITY TO CITY OF PALM COAST DESIGNATION OF MIXED USE	
<b>Background:</b> The proposed comprehensive plan amendment is for 89+/- acre parcel to be annexed into the City on February 5, 2019. The application is for a large-scale Future Land Use Map (FLUM) amendment that will designate the subject parcels with the most equivalent City of Palm Coast designation. As specified in a Pre-annexation agreement with the land owner, the proposed amendment will recognize and protect the existing entitlements granted to the subject property. Currently, the subject area has Flagler County FLUM designations of Mixed Use: High Intensity (66.9+/- acres), and Mixed Use: Low Intensity (22.3+/- acres). The amendment will change the designations to the most equivalent City of Palm Coast designation of Mixed Use. There is a companion zoning map amendment that will provide the parcel with a City of Palm Coast designation which recognizes the existing entitlements and development standards previously approved for the parcel. An analysis of the proposed amendment's impacts on public facilities and infrastructure indicates no significant increase in demand.  Additionally, the proposed amendment will not cause more impact on the environmental conditions on the subject property since the development area will not be expanded compared to the existing land use designation.  Finally, the proposed amendment is consistent with comprehensive plan policies regarding: <ul style="list-style-type: none"><li>• Directing development where existing infrastructure is available,</li><li>• Providing opportunities to diversify the housing stock in the City, and</li><li>• Designating urban densities (1 d.u./acre) only in areas that have sufficient capacity for central sewer and water services.</li></ul>		
<b>Recommended Action:</b> Planning Staff recommends that the Planning and Land Development Regulation Board (PLDRB) recommend that the City Council approve the transmittal of the Future Land Use Map Amendment.		



**COMMUNITY DEVELOPMENT DEPARTMENT  
STAFF REPORT  
January 16, 2019**

**OVERVIEW**

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**Case Number:** 3823

**Applicant:** Lighthouse Harbor, LLC

**Size of subject property:** 89+/- acres

**Property Description/Location:** An approximately 89 acre area located 1.3 miles north of State Road 100 on the eastside and westside of Colbert Lane

**Property Owner(s):** Lighthouse Harbor, LLC

**Real Estate ID #:** 02-12-31-0000-01010-0040, 02-12-31-0000-01010-0043, 02-12-31-0000-01010-0044, 02-12-31-0000-01010-0060, 02-12-31-0000-01010-0080, 02-12-31-0000-01010-0100, 02-12-31-0000-01010-0170, 02-12-31-4938-00000-0002, 02-12-31-4938-00000-0003, 02-12-31-4938-00000-0010, 02-12-31-4938-00000-0020, 02-12-31-4938-00000-0030, 02-12-31-4938-00000-0040, 02-12-31-4938-00000-0050, 02-12-31-4938-00000-0060, 02-12-31-4938-00000-0110, 02-12-31-4938-00000-0120, 02-12-31-4938-00000-0130, 02-12-31-4938-00000-0170, 03-12-31-0000-01010-0031

**Current FLUM Designation:** Mixed Use High Intensity (66.9+/- acres), Mixed Use Low Intensity (22.3 +/- acres) – Flagler County designations

**Current Zoning Designation:** Planned Unit Development (PUD) – Flagler County designation

**Current Use:** Vacant

**Requested Action:** Large-scale Future Land Use Map (FLUM) amendment for an approximately 89 acre parcel from current Flagler County designations to City of Palm Coast designations.

There is a companion zoning map amendment that will designate the zoning on the parcels to an equivalent City of Palm Coast Master Planned Development Agreement.

**Recommendation:** Staff recommends that the Planning and Land Development Regulation Board (PLDRB) recommend Transmittal of the FLUM amendment to the State Land Planning Agency.

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**ANALYSIS**

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**BACKGROUND**

The application is for an 89+/- acre parcel which is in the process of being annexed into the City. The proposed large-scale Future Land Use Map (FLUM) amendment will designate the subject parcels with the equivalent City of Palm Coast designation. As specified in a Pre-annexation agreement with the land owner, the proposed amendment will recognize the existing entitlements granted to the subject property.

Currently, the subject area has Flagler County FLUM designations of Mixed Use High Intensity (66.9+/- acres), and Mixed Use Low Intensity (22.3 +/- acres). The proposed amendment will amend the Flagler County designations to the most equivalent City of Palm Coast designations of Mixed Use. There is a companion zoning map amendment that will provide the parcel with a City of Palm Coast designation and a Master Planned Development Agreement which recognizes the existing entitlements and development standards previously approved for the parcel.

**DENSITY/INTENSITY AND POPULATION**

**Note: The analysis for comprehensive plan map amendments take into consideration the maximum development potential including any policy limiting development under the current and proposed land use category and represent the theoretical maximum development potential within the land use category. The analysis for the proposed amendment assumes that under the proposed City of Palm Coast designation 50% of development potential will be used for residential use and the remaining 50% of development potential for non-residential use.**

Currently, the 89+/- acre subject area currently has Flagler County FLUM designations of Mixed Use High Intensity (66.9+/- acres), and Mixed Use Low Intensity (22.3 +/- acres). The proposed amendment will amend the Flagler County designations to City of Palm Coast designations of Mixed Use.

As shown in Table 1, the proposed amendment will have a potential net decrease of 156 dwelling units and 291,416 sq. ft. of non-residential uses. The decrease in development potential is due to City LDC which does not allow the use of the same acreage for the calculation of residential and non-residential use (i.e. if a parcel proposes to develop 50% of the maximum density, then, only 50% of the maximum allowable sq. ft. may be developed). Therefore, the calculation provided shows an assumed split of 50/50 between the maximum density/intensity allowed for the proposed FLUM designation (Mixed Use). This is in contrast to the current FLUM which allows **both** the maximum density/intensity.

TABLE 1 - FLUM DESIGNATION MAXIMUM DENSITY/INTENSITY ALLOWED (RESIDENTIAL USE)					
		# of Acres	Maximum Density (DU/Acre)	Maximum # of units <sup>(1)</sup> , (2)	Population (2.4 persons/dwelling unit)
Proposed FLUM:	Mixed Use	89.2	15.00	669	1,606
Current FLUM:	Mixed Use: High Intensity	66.9	10.00	669	1,606
Flagler County Designation	Mixed Use: Low Intensity	22.3	7.00	156	375
		Subtotal		825	1,980
NET CHANGE				-156	-375
Footnotes:					
<sup>(1)</sup> Max. # of units = # of Acres X Maximum Density					
<sup>(2)</sup> Development is assumed to be a 50/50 split between maximum residential and maximum non-residential use.					

TABLE 1A - FLUM DESIGNATION MAXIMUM DENSITY/INTENSITY ALLOWED (NON-RESIDENTIAL USE)				
		# of Acres	Maximum FAR <sup>(1)</sup>	Maximum Sq. Ft. <sup>(1), (2)</sup>
Proposed FLUM:	Mixed Use	89.2	0.55	1068527
Current FLUM: Flagler County Designation	Mixed Use: High Intensity	66.9	0.40	1165666
	Mixed Use: Low Intensity	22.3	0.20	194278
		Subtotal		1359943
NET CHANGE				-291416
Footnotes:				
<sup>(1)</sup> Max Sq. Ft. = # of Acres X Max. FAR X 43560 sq.ft/acre				
<sup>(2)</sup> Development is assumed to be a 50/50 split between maximum residential and maximum non-residential use.				

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

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

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

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

- A. Existing and future capacity of roadways based on functional classifications and best available data for traffic modeling. For the purposes of evaluating capacity, roadway improvements programmed in the FDOT 5-year Work Plan or listed in either the City or the County 5-year Capital Improvement Program shall be considered.

- B. Large-scale, high-intensity commercial projects shall be concentrated at intersections of the following arterials*
- C. Existing and future availability and capacity of central utility systems.*
- D. Availability and capacity of receiving watercourses and drainage systems to convey design storm events.*

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

As previously stated the intent of the comprehensive plan amendment is to provide a City of Palm Coast designation for the subject property while recognizing the existing entitlements. Based on an analysis of the development potential under the existing and proposed FLUM. The analysis shows a decrease in the demand on public facilities and services. The analysis provided in this section is a capacity analysis. At the time of site plan review or during the platting process, a more in-depth analysis of the public infrastructure needed to serve the proposed project is conducted. It should be noted that preliminary review of the proposed development has been conducted by the City of Palm Coast Utilities Department.

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

#### **Transportation**

The proposed FLUM amendment will result in a net decrease of 919 peak hour trips.

#### **Potable Water**

The proposed FLUM amendment will result in a net decrease in demand for potable water of 96,371 gallons/day.

#### **Wastewater**

The proposed FLUM amendment will result in a net decrease in demand for sanitary sewer treatment of 59,862 gallons/day.

#### **Solid Waste**

The proposed FLUM amendment will result in a net decrease of 3,226 lbs./day of solid waste. This calculation is based on residential use only. Non-residential uses independently contract with individual providers for solid waste service.

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

The proposed FLUM amendment will result in a net decrease in demand of 3.0 acres of park facilities.

#### **Public Schools**

The proposed FLUM amendment will result in a net decrease in demand of 38 student stations.

#### **Stormwater**

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

Table 2 Public Facilities Impact Analysis

Density/Intensity <sup>(1)</sup>	# of Units or Sq. ft.	Transportation (PHT) <sup>(2)</sup>	Potable Water (GPD) <sup>(3)</sup>	Sanitary Sewer (GPD) <sup>(4)</sup>	Solid Waste (lbs./capita/day) <sup>(5)</sup>	Recreation and Parks (8 acres/1000 pop.) <sup>(6)</sup>	Public Education (students) <sup>(7)</sup>	Stormwater Drainage <sup>(8)</sup>
<b>Proposed FLUM designation*</b>								
Mixed Use 89.2 acres (15 d.u./acre) = 1330 dwelling units/2	669	676	200,700.0	131,659.2	13,824.2	12.8	163	N/A
Mixed Use (89.2 acres @ .55 FAR) = 2,125,074 sq. ft./2 =	1,068,527	4,231	181,649.6	106,852.7	0.0	0.0	0	N/A
(minus) 34% pass-by trips for shopping center		1,439						
<b>Total</b>		3468	382350	238512	13824	13	163	N/A
<b>Current FLUM designation</b>								
Mixed Use-High Intensity (66.9 ac.)								
66.9 acres @ 10 units/acre = 664 d.u.	669	676	200,700.0	131,659.2	13,824.2	12.8	163	N/A
66.9 acres @ .4 FAR = 1,156,953 sq. ft.	1165665.6	4,616	198,163.2	116,566.6	0.0	0.0	0	N/A
(minus) 34% pass-by trips for shopping center		1,569						
<b>Sub-total</b>		3,722	398,863	248,226	13,824	13	163	
Mixed Use-Low Intensity (22.34 acres)								
22.3 acres @ 7 units/acre = 156	156	158	46,830.0	30,720.5	3,225.7	3.0	38	N/A
22.3 acres @ .2 FAR = 578,476.8	194277.6	769	33,027.2	19,427.8	0.0	0.0	0	N/A
(minus) 34% pass-by trips for shopping center		262						
<b>Sub-total</b>		665	79,857	50,148	3,226	3	38	
<b>Total</b>		4388	478720	298374	17050	16	201	
<b>Net Change</b>		<b>-919</b>	<b>-96,371</b>	<b>-59,862</b>	<b>-3,226</b>	<b>-3</b>	<b>-38</b>	<b>N/A</b>

\*Maximum Development assumes a 50/50 split between maximum residential and maximum non-residential development.

**Footnotes:**

<sup>(1)</sup> Calculation of Density: Lot Size (acre)\*# of units/acre.

<sup>(1)</sup> Calculation of Intensity: Lot Size (acre)\*FAR\*43560.

<sup>(2)</sup> Transportation: Residential PM Peak Hour Trips (PHT), Residential Development: = # of units\*1.01 PM-PHT

<sup>(2)</sup> Transportation: Non-residential PM Peak Hour Trips (PHT), Industrial Use = ITE Code 820: Shopping Center = 3.96/1000 sq. ft. based on equation in ITE Manual, 9th Edition (minus 34% for pass-by trips)

<sup>(3)</sup> Potable Water: Residential = # of units\*2.4\*125 gallons/capita/day

<sup>(3)</sup> Potable Water: Commercial = 17 gpd/100 sq. ft.

<sup>(4)</sup> Wastewater: Residential = # of units\*2.4\*82 gallons/capita/day

<sup>(4)</sup> Wastewater: Commercial = 10 gpd/100 sq. ft.

<sup>(5)</sup> Solid Waste: Residential Demand = # of units\*2.40\*8.61 lbs/capita/day

<sup>(5)</sup> Solid Waste: No Level of Service Requirement for Non-residential

<sup>(6)</sup> Recreation and Parks: Residential Demand = # of units \* 2.40 \*8 acres/1000 persons

<sup>(6)</sup> Recreation and Parks = No LOS Requirement for Non-residential

<sup>(7)</sup> Public Education Residential: = Based on multiplier provided by Flagler County School District. See Table 3.

<sup>(7)</sup> Public Education Non-Residential = No LOS Requirement for Non-residential

<sup>(8)</sup> Stormwater/Drainage: Stormwater Treatment will be reviewed for consistency with adopted LOS, during site plan approval process.

## ENVIRONMENTAL/CULTURAL RESOURCES ANALYSIS

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

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

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

- Topography and soil conditions including the presence of hydric soils.
- Location and extent of floodplains and the Coastal Planning Area, including areas subject to seasonal or periodic flooding.
- Location and extent of wetlands, certain vegetative communities, and protected wildlife species.
- Location and extent of other environmentally sensitive features.

- E. Proximity to wellfields and aquifer recharge areas.
- F. Impacts to potable water supply.

**Analysis:** The proposed comprehensive plan amendment does not cause additional environmental/cultural impacts on the subject property. The proposed amendment does not change the developable areas already identified by the existing FLUM designations.

#### LAND USE COMPATIBILITY ANALYSIS

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

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

#### Surrounding Future Land Use Map Designation:

North: Mixed Use

South: Mixed Use

East: Industrial (Flagler County)

West: Conservation (City of Palm Coast) – Graham Swamp Preservation Area

#### Surrounding Zoning Designation:

North: Master Planned Development

South: Master Planned Development

East: Industrial (Flagler County)

West: Preservation (City of Palm Coast)

#### Surrounding Property Existing Uses:

North: Vacant – Marina Del Palma MPD (Mixed Use Development)

South: Vacant – Colbert Preserve/Roberts Pointe MPD (Mixed Use development)

East: former Sea Ray boat factory

West: Preservation area – Graham Swamp Preservation Area

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

#### CONSISTENCY WITH COMPREHENSIVE PLAN

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

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



**Analysis:** The proposed amendments are consistent with Policy 1.3.1.1, the public facilities impacts can be accommodated by the existing infrastructure capacity. Additionally, the proposed FLUM designation does not add to the demand for services compared to the current FLUM designation. The need to extend water or wastewater mains to the facility will be the responsibility of the developer/property owner.

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

**Analysis:** The proposed amendment is consistent with Policy 1.4.2.1. The proposed FLUM designation of Mixed Use will allow a range of uses on the subject parcel. In addition to potential residential uses on the property, the subject parcel may also accommodate services for future residents.

*Objective 3.4.1 – Diversity in Housing Opportunities*

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

**Analysis:** The proposed amendment is consistent with Comprehensive Plan Objective and Policy to provide opportunities to diversify housing opportunities in the City. The proposed Mixed Use land use designation provides an opportunity to have a zoning designation that would allow a greater variety of density, size, or housing types.

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

**Analysis:** The proposed amendment to Mixed Use designation is consistent with Comprehensive Plan policy to create urban densities or intensities in areas that have sufficient existing or planned capacity for potable water and wastewater facilities.

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

**Analysis:** The proposed amendment to Mixed Use is consistent with Comprehensive Plan policy above to designate urban densities or intensities in areas that have sufficient existing or planned capacity for sanitary sewer facilities.

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## RECOMMENDATION

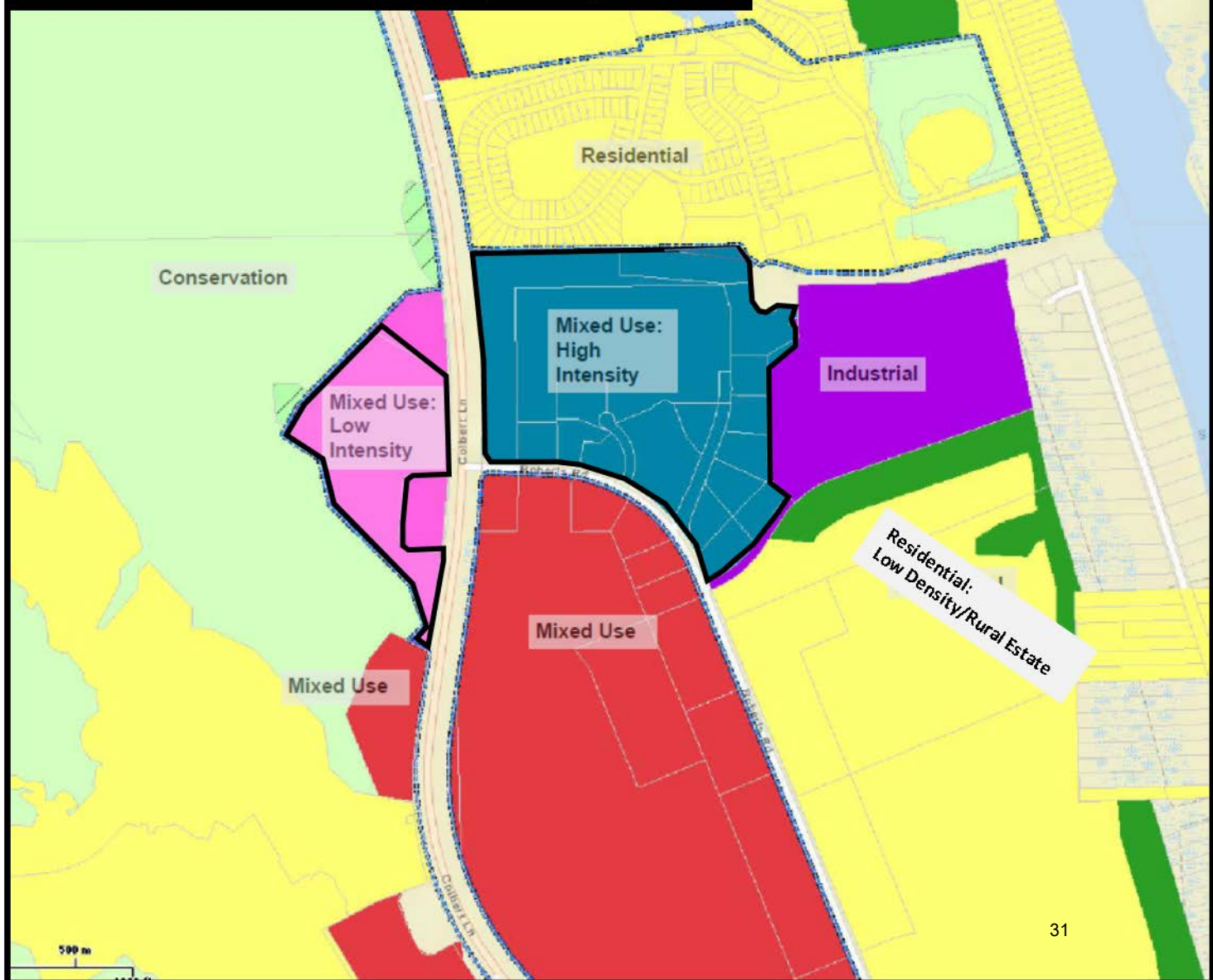
Staff recommends that the Planning and Land Development Regulation Board (PLDRB) recommend Transmittal of the FLUM amendment to the State Land Planning Agency.

Subject Property

Colbert Lane

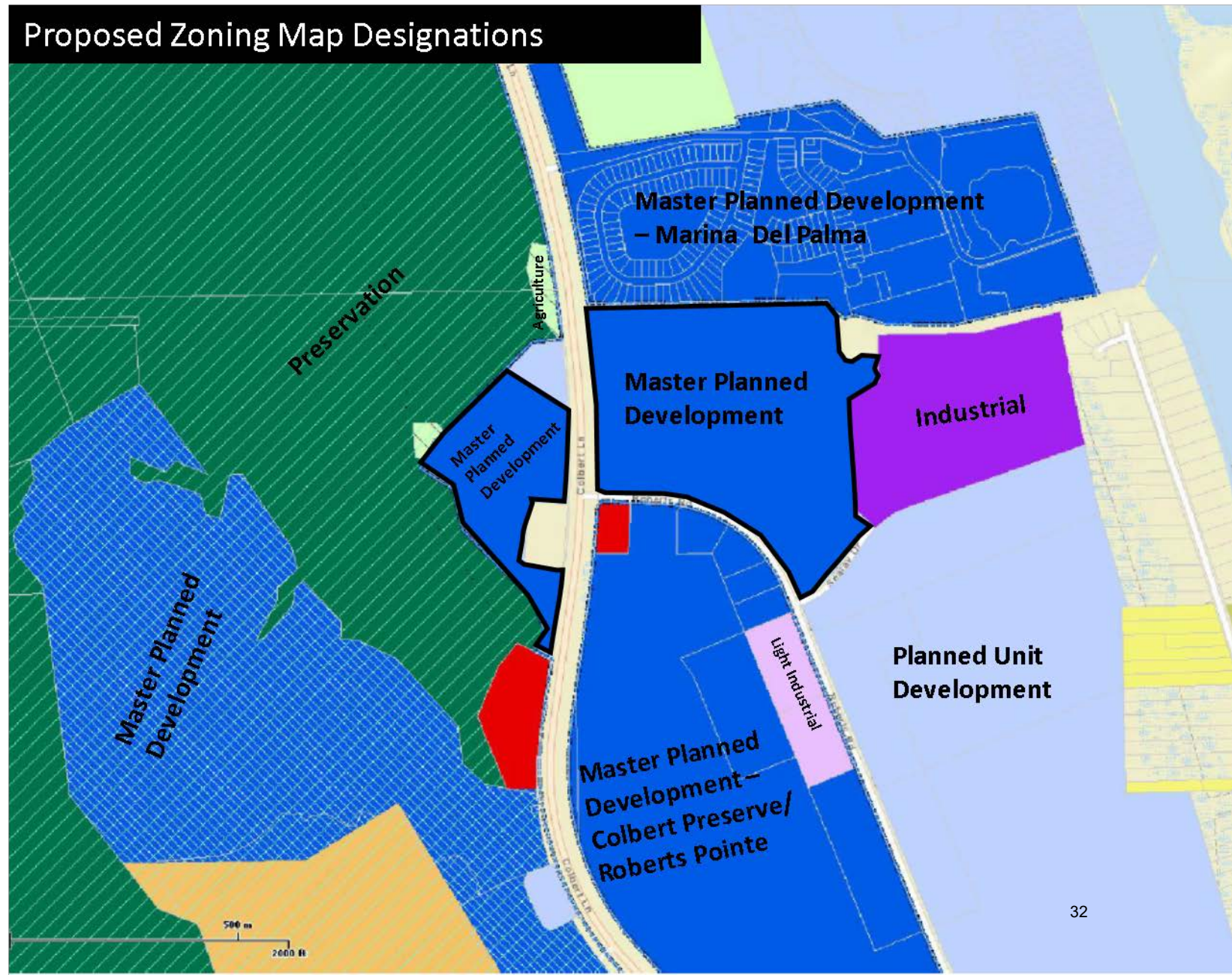
Roberts Road

# Current Future Land Use Map Designations





# Proposed Zoning Map Designations



# City of Palm Coast, Florida

## Agenda Item

Agenda Date: January 16, 2019

<b>Department</b>	PLANNING	<b>Amount</b>
<b>Item Key</b>	5858	<b>Account</b>
		<b>#</b>
<b>Subject</b>	A ZONING MAP AMENDMENT FROM PLANNED UNIT DEVELOPMENT (FLAGLER COUNTY DESIGNATION) TO MASTER PLANNED DEVELOPMENT (CITY OF PALM COAST DESIGNATION) FOR AN 89+/- ACRE PARCEL LOCATED 1.3 MILES NORTH OF STATE ROAD 100 ON THE EASTSIDE AND WESTSIDE OF COLBERT LAN	
<b>Background:</b>	<p>The proposed rezoning of the subject property is a companion application to a proposed Future Land Use Map amendment for the 89+/- acre subject property which is scheduled for annexation on Feb. 5, 2019. The subject property is generally located 1.3 miles north of State Road 100 on the westside and eastside of Colbert Lane. The proposed action will amend the zoning designation for the subject property from Flagler County designation of Planned Unit Development to City of Palm Coast designation of Master Planned Development. The accompanying development agreement will recognize the existing entitlements and development standards established for the subject property.</p> <p>The following is a summary of the differences between the existing and proposed development agreement:</p> <ol style="list-style-type: none"><li>1. Increase in maximum number of units from 511 to 740. No change in non-residential development potential (160,000 sq. ft.)</li><li>2. Reduction of minimum lot sizes for single-family units (proposed minimum of 30'X 100' from current minimum of 40'X120'), this reduction introduces the need to also reduce the minimum living area to 1,000 sq. ft. within the MPD.</li><li>3. Deletion of specific language requiring buffer from Sea-Ray property (50' wide with a landscaped berm up to 20' high). The proposed conceptual plan will meet requirements of PUD by proposing to locate non-residential uses adjacent to Sea-Ray site. Additionally, if Tract 6, is developed for multi-family, the City of Palm Coast LDC buffer requirements will need to be installed. (C buffer - 10' wide with shade tree every 50')</li><li>4. Deletion of requirement for establishment of Blue Heron Rookery. The deletion of the Blue Heron Rookery requirement comes with approval of the St. Johns River Water Management District (SJRWMD) as stated in their analysis for the minor modification to SJRWMD Permit 80418-7. <i>"The proposed modification consists of deletion of permit conditions related to a previously active but now abandoned rookery. District staff coordinated with the Florida Fish and Wildlife Conservation Commission (FWC), who concurred and had no objections to the elimination of the rookery buffer and associated permit conditions. There are no wetland impacts or impacts to upland nesting habitat of wetland dependent listed species associated with this minor modification".</i></li><li>5. Colbert Lane Vegetative Buffer. Current PUD requires 50' vegetative buffer on eastside and 30' on westside of Colbert Lane. The proposed MPD will require 25-foot "G" type buffer, which will require 1-shade tree per 50', 1 understory tree per 50', short screen, and accent planting 30 per 100'.</li><li>6. Changes references from Flagler County Code to City of Palm Coast Land Development</li></ol>	

Code.

7. Addition of low-impact development standards for water conservation purposes.

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

- the proposed MPD agreement is consistent with the objectives and policies of the Comprehensive Plan,
- the proposed MPD agreement is consistent with the surrounding land uses,
- the proposed MPD Agreement does not negatively impact the existing public facilities, and
- the proposed MPD Agreement will not negatively impact the health, safety, and welfare of the surrounding community.

**Recommended Action :** Planning Staff recommends that the Planning and Land Development Regulation Board (PLDRB) recommend that City Council, approve application number 3824 to rezone 89 +/- acres from Planned Unit Development (Flagler County designation) to Master Planned Development (City of Palm Coast designation) along with the accompanying Development Agreement.



**COMMUNITY DEVELOPMENT DEPARTMENT  
Zoning Map Amendment Staff Report  
January 16, 2019**

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**OVERVIEW**

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<b>Case Number:</b>	3824
<b>Applicant:</b>	Lighthouse Harbor, LLC
<b>Property Owner:</b>	Lighthouse Harbor, LLC
<b>Property Description:</b>	89+/- acres approximately 1.3 miles north of State Road 100 on the westside and eastside of Colbert Lane
<b>Real Estate ID #:</b>	02-12-31-0000-01010-0040, 02-12-31-0000-01010-0043, 02-12-31-0000-01010-0044, 02-12-31-0000-01010-0060, 02-12-31-0000-01010-0080, 02-12-31-0000-01010-0100, 02-12-31-0000-01010-0170, 02-12-31-4938-00000-0002, 02-12-31-4938-00000-0003, 02-12-31-4938-00000-0010, 02-12-31-4938-00000-0020, 02-12-31-4938-00000-0030, 02-12-31-4938-00000-0040, 02-12-31-4938-00000-0050, 02-12-31-4938-00000-0060, 02-12-31-4938-00000-0110, 02-12-31-4938-00000-0120, 02-12-31-4938-00000-0130, 02-12-31-4938-00000-0170, 03-12-31-0000-01010-0031
<b>Current FLUM designation:</b>	Mixed Use: High Intensity & Mixed Use: Low Intensity (There is an application to designate the parcels as City of Palm Coast designation – Mixed Use).
<b>Current Zoning designation:</b>	Planned Unit Development
<b>Current Use:</b>	Vacant
<b>Requested Action:</b>	Rezoning from Planned Unit Development (Flagler County Designation) to Master Planned Development (MPD) – City of Palm Coast Designation.
<b>Recommendation:</b>	Staff recommends that the Planning and Land Development Regulation Board (PLDRB) recommend that the City Council APPROVE the proposed zoning map amendment and Development Agreement.

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**ANALYSIS**

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**REQUESTED ACTION**

The proposed action is to designate the subject property with a City of Palm Coast zoning designation of Master Planned Development. The request includes approval of a Development Agreement to establish development standards for the property. There is a companion Future Land Use Map (FLUM) amendment to change the FLUM designation from Flagler County designations of Mixed Use: High Intensity & Mixed Use: Low Intensity to City of Palm Coast designation, Mixed Use.

The following is a summary of the differences between the existing and proposed development agreement:

1. Increase in maximum number of units from 511 to 740. No change in non-residential development potential (160,000 sq. ft.). The conceptual development plan includes a marina with 80 wet slips and up to 200 dry slips.
2. Smaller minimum lot sizes for single-family units (proposed minimum of 30'X 100' from current minimum of 40'X120'), this reduction introduces the need to have a minimum living area of 1,000 sq. ft. within the MPD.
3. Adjust buffer from Sea-Ray property (50' wide with a landscaped berm up to 20' high). The proposed conceptual plan will meet requirements of PUD by proposing to locate non-residential uses adjacent to Sea-Ray site. If Tract 6, is developed for multi-family, the City of Palm Coast LDC buffer requirements will need to be installed. (C buffer - 10' wide with shade tree every 50')
4. Deletion of requirement for establishment of Blue Heron Rookery. The deletion of the Blue Heron Rookery requirement comes with approval of the St. Johns River Water Management District (SJRWMD) as stated in their analysis for the minor modification to SJRWMD Permit 80418-7. *"The proposed modification consists of deletion of permit conditions related to a previously active but now abandoned rookery. District staff coordinated with the Florida Fish and Wildlife Conservation Commission (FWC), who concurred and had no objections to the elimination of the rookery buffer and associated permit conditions. There are no wetland impacts or impacts to upland nesting habitat of wetland dependent listed species associated with this minor modification".*
5. Colbert Lane Vegetative Buffer. Current PUD requires 50' vegetative buffer on eastside and 30' on westside of Colbert Lane. The proposed MPD will require 25-foot "G" type buffer, which will require 1-shade tree per 50', 1 understory tree per 50', short screen, and accent planting 30 per 100'.
6. Changes references from Flagler County Code to City of Palm Coast Land Development Code
7. Addition of low-impact development standards for water conservation, including:
  - 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.

#### **BACKGROUND/SITE HISTORY**

The application is for an 89+/- acre parcel which is in the process of being annexed into the City. The proposed zoning map amendment will designate the subject parcels with the most comparable City of Palm Coast zoning designation compared to the existing zoning designation.

Currently, the subject property has a Flagler County zoning designation of Planned Unit Development (PUD) known as Marina Village PUD. The proposed action will designate the subject property as Master Planned Development (MPD) – to be known as Marina Village or Lighthouse Harbor MPD.

Marina Village PUD was approved by the Flagler County Board of County Commissioners (BOCC) by Ordinance # 2006-19 and amended by Ordinance #2008-35. In 2013, the BOCC granted the PUD a time extension for completion by Dec. 15, 2022.

#### **LAND USE AND ZONING INFORMATION**

##### **Surrounding Future Land Use Map Designation:**

North: Mixed Use

South: Mixed Use

East: Industrial (Flagler County)



West: Conservation (City of Palm Coast) – Graham Swamp Preservation Area

**Surrounding Zoning Designation:**

North: Master Planned Development

South: Master Planned Development

East: Industrial (Flagler County)

West: Preservation (City of Palm Coast)

**Surrounding Property Existing Uses:**

North: Vacant – Marina Del Palma MPD (Mixed Use Development)

South: Vacant – Colbert Preserve/Roberts Pointe MPD (Mixed Use development)

East: former Sea Ray boat factory

West: Preservation area – Graham Swamp Preservation Area

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

The proposed zoning designation of Master Planned Development which includes residential and non-residential development is generally consistent with the surrounding uses. The subject parcel on the eastside of Colbert Lane is adjacent to Master Planned Development (MPD) zoning to the north and south and Industrial to the east. The subject properties on the westside of Colbert Lane abut General Commercial to the south and Preservation to the west (the areas zoned Preservation are part of the Graham Swamp Conservation Area). The buffer requirements will provide an appropriate transition between the subject parcel and the preservation areas. There are small parcels with remnant designation of Flagler County Agriculture.

Overall, the proposed designation is generally consistent with other similarly situated parcels in the area and will not provide for uses that are not already allowable in the vicinity.

**COMPARISON OF SITE DEVELOPMENT REQUIREMENTS:**

The following section provides a summary comparison of site development standards between the existing zoning and proposed zoning.

**Residential Development Standards**

The proposed MPD Development Agreement will reduce the minimum lot size and setback requirements for SFR-M development areas within the MPD. The reduced lot size provides an opportunity to offer a housing product which is atypical from the usual 1200 sq. ft. minimum home found through most of Palm Coast. The opportunity for a smaller home size is consistent with Comprehensive Plan Policy 3.4.1.1 which reads:

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

**SFR-M Site Development Requirements**

<b><u>Type</u></b>	<b><u>Single-Family (Proposed)</u></b>	<b><u>Single-Family (Current -PUD)</u></b>
<b>Min. Lot Width</b>	<b>30'</b>	<b>40'</b>
<b>Min. Lot Depth</b>	<b>100'</b>	<b>120'</b>
<b>Min. Lot Size (SF)</b>	<b>3,000</b>	<b>4,800</b>

<b>Min. Side Setback</b>	<b>5'</b>	<b>5'</b>
<b>Min. Street-Side Setback</b>	<b>15'</b>	<b>20'</b>
<b>Min. Front Setback</b>	<b>20'</b>	<b>35'</b>
<b>Max. Bldg. Height</b>	<b>35'</b>	<b>35'</b>
<b>Min. Rear Setback</b>	<b>10'</b>	<b>20'</b>
<b>Max. Impervious Surface Ratio</b>	<b>80%</b>	<b>70%</b>
<b>Minimum Living Area (sq.ft.)</b>	<b>1,000</b>	<b>1,200</b>

The development standards for MFR-M will remain the same as in the approved PUD. (Standards provided below)

**MFR-M Site Development Requirements – Marina**

<b><u>Type</u></b>	<b><u>Multi-Family</u></b>	<b><u>Townhome</u></b>	<b><u>Multi-Family Yacht Club</u></b>
<b>Min. Distance Between Buildings</b>	<b>40'</b>	<b>16'</b>	<b>20'</b>
<b>Min. Setback to Water</b>	<b>25'</b>	<b>20'</b>	<b>10'</b>
<b>Max. Bldg. Height</b>	<b>95'</b>	<b>35'</b>	<b>95'</b>
<b>Min. Setback to Property Line</b>	<b>50'</b>	<b>5'</b>	<b>10'</b>
<b>Min. Lot Size (SF)</b>	<b>N/A</b>	<b>2,500 sf</b>	<b>N/A</b>
<b>Max. Impervious Surface Ratio</b>	<b>80%</b>	<b>80%</b>	<b>80%</b>

**Non-Residential Standards**

The proposed MPD Development Agreement will amend the development standards for non-residential uses as provided below. The proposed MPD will use regulations for the City of Palm Coast, General Commercial (COM-2) zoning district. The total sq. ft. of non-residential development in the MPD will remain at 160,000 sq. ft.

<b><u>Criteria</u></b>	<b><u>COM-2 (Proposed)</u></b>	<b><u>PUD (Current)</u></b>
<b>Distance b/t Buildings</b>	N/A	40'
<b>Min. Dist. To Water</b>	N/A	20'
<b>Min. Bldg. Height</b>	N/A	See Section 4.7
<b>Max. Bld. Height</b>	100'	75'/35'
<b>Min. Distance to Property Line</b>	10' to 25' (depending on road classification)	3'
<b>Lot Size Min. (SF)</b>	20,000	N/A

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

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

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

**Staff Finding:** The proposed development is not in conflict with, or contrary to, the public interest. The subject property has existing entitlements governed by the Marina Village PUD. The proposed Development Agreement has the potential to increase the number of residential units (from 511 to 740) as represented in the Conceptual Master Plan Overlay Map. As graphically presented in the Overlay Map, an increase in the number of units on the eastside parcel will result in decrease in boat storage area and other non-residential uses. Additional impacts to public facilities and infrastructure will be further reviewed as part of a site plan or plat approval.

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

**Staff Finding:** The proposed amendment to the MPD agreement is consistent with the Comprehensive Plan objectives and policies identified below. Additionally, the proposed increase in density 8.2 dwelling units/acre (740 d.u./89.5 acres) is consistent with the maximum density for properties designated as Mixed Use (15 d.u./acre).

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

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

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

*Objective 3.4.1 – Diversity in Housing Opportunities*

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

Consistent with Objective 3.4.1 and Policy 3.4.1.1, the subject MPD provides an opportunity to diversify the housing opportunities in the City of Palm Coast.

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

**Staff Findings:** The development of the site does not impose a significant financial liability or hardship for the City. The proximity of existing infrastructure provides an opportunity to extend water or wastewater lines to the subject property.

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

**Staff Finding:** The rezoning will generally not create an unreasonable hazard, or nuisance, or constitute a threat to the general health, welfare, or safety of the City's inhabitants. The proposed change to expand commercial uses and residential uses on a parcel along Colbert Lane is appropriate.

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

**Staff Finding:** The rezoning request would not affect any requirements imposed by Federal, State or local government. Any proposed project on the subject properties would still be subject to review by the appropriate Federal, State, or local agencies and compliance with all applicable federal, state or local government laws, rules, statutes, ordinances, regulations or codes. Additionally, the companion Future Land Use Map (FLUM) amendment for the subject properties will be transmitted to the state land planning agency for review and comment by the applicable review agencies (Flagler County, Northeast Florida Regional Council, Dept. of Economic Opportunity, Florida Dept. of Transportation, Florida Dept. of State, St. Johns River Water Management District, & Dept. of Environmental Protection).

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

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

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

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

**Staff Finding:** The proposed rezoning will not increase the development area of the subject property. Therefore, there will be no additional impact on the environment and natural resources as a result of the rezoning.

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

**Staff Finding:** The proposed rezoning of the property does not negatively impact the economy of the surrounding area. The MPD agreement protects the existing entitlements on the site to provide single-family, multi-family residential along with a marina and commercial uses. The marina component of the development may provide opportunities not typically available with development with no waterfront component.

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

**Staff Finding:** The subject property is currently within the existing service area of the City of Palm Coast (water and sewer service). The project developer will need to coordinate with utility providers (City of Palm Coast) to determine the availability of capacity (water and sewer) to serve the project during the site plan/plat approval phase.

Furthermore, as the project moves forward, the applicant for development will be required to provide a traffic study to identify impacts on the roadway network as well as identify any transportation improvement that may be necessary to maintain the appropriate roadway level of service.

Finally, the project developer will also need to coordinate with the Flagler County School District to ensure adequate school capacity to accommodate the impacts of the proposed development.

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

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

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

**Staff Finding:** The proposed amendment to the Development Agreement will not create an incompatibility with uses and development patterns in the proximate area. Therefore, the amendment will not cause a potential threat to the health, safety, and welfare of the surrounding residents.

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

**Staff Finding:** Yes, the development is in an underutilized property which was the site of an abandoned cement plant. The proposed rezoning will provide the landowner to move forward with development of the site under the development standards and conditions established by the proposed MPD development agreement.

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

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

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

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

**Staff Finding:** The application is generally consistent with the intent of the LDC. The development standards proposed in the MPD are generally consistent with the standards established for development of a similar nature in the vicinity (i.e. Marina Del Palma MPD-to the north and Colbert Preserve/Roberts Pointe MPD-to the south).

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

**Staff Finding:** The application is generally consistent with the intent of the LDC. The development standards proposed in the MPD are generally consistent with the standards established for development of a similar nature in the vicinity (i.e. Marina Del Palma MPD and Colbert Preserve/Roberts Pointe MPD).

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

**Staff Finding:** See previous finding.

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

**Staff Finding:** The subject project will be analyzed in further detail to determine that there is adequate public infrastructure capacity to serve the development. Other infrastructure or public service needs such as schools will be reviewed in more detail as development progresses. Finally, the development plan has identified locations to accommodate stormwater ponds.

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

**Staff Finding:** The application does not propose to have development phases. Although, based on the development of a “Tract” map, the project may be implemented in phases.

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

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

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

**Staff Finding:** The proposed MPD zoning and agreement are necessitated by the annexation of the property into the City of Palm Coast. The presence of waterfront access makes the parcel different from other lands in Palm Coast. The MPD zoning provides the flexibility to develop a mixed use project that takes advantage of the available waterfront access. The standard development requirements from the use of conventional zoning districts (SFR-2, MFR-2, COM-2, etc.) would have hindered the flexibility to create a mixed use project.

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

**Staff Finding:** The proposed development site is in a newly annexed area of the City of Palm Coast. The City recognizes the uses and development patterns established by the approved PUD agreement for the subject parcel. Staff further reviewed the consistency of the proposed MPD agreement with the City’s Comprehensive Plan and LDC.

*J. Impact upon the environment or natural resources.*

**Staff Finding:** The proposed rezoning will not increase the development area of the subject property. Therefore, there will be no additional impact on the environment and natural resources as a result of the rezoning.

*K. Impact on the economy of any affected area.*

**Staff Finding:** As previously stated, the proposed rezoning of the property does not negatively impact the economy of the surrounding area. The MPD agreement protects the existing entitlements on the site to provide single-family, multi-family residential along with a marina and commercial uses. The marina component of the development may provide opportunities not typically available with development with no waterfront component.

**PUBLIC PARTICIPATION**

Unified Land Development Code Chapter 2, Part II, Section 2.05.02 requires developers (defined as property owners or persons who are improving property within the City) to notify owners within 300' and hold a neighborhood meeting for Zoning Map Amendments.

A neighborhood meeting was held on January 8, 2019 to provide an opportunity for neighboring property owners to receive information about the project.

**RECOMMENDATION**

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

ORDINANCE 2019 - \_\_\_\_\_

**REZONING APPLICATION NO. 3824  
MARINA VILLAGE MASTER PLANNED DEVELOPMENT (A/K/A  
“LIGHTHOUSE HARBOR”)**

**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 +/- 89 ACRES OF CERTAIN REAL PROPERTY GENERALLY LOCATED AT COLBERT LANE AND ROBERTS ROAD, AND BEING MORE PARTICULARLY DESCRIBED IN THE ATTACHED EXHIBIT “A”, FROM FLAGLER COUNTY PLANNED UNIT DEVELOPMENT (PUD) TO CITY MASTER PLANNED DEVELOPMENT DISTRICT (MPD) ZONING DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Lighthouse Harbor, LLC, a Florida limited liability company, (“Owner”) is the fee simple title owner of certain real property located in Palm Coast, Florida, consisting of approximately +/- 89 acres generally located at Colbert Lane and Roberts Road, 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 “B”**; 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 \_\_\_\_\_, 2019 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. LEGISLATIVE AND ADMINISTRATIVE FINDINGS.** 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 the 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 are hereby directed to promptly amend the Official Zoning Map upon the effective date of this Ordinance.

(b) The Marina Village 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. 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 the effective date of Ordinance No. 2019-\_\_\_\_\_ 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 \_\_\_\_\_. 2019.

**ADOPTED** on the second reading after due public notice and hearing this \_\_\_\_\_  
day of \_\_\_\_\_, 2019.

**CITY OF PALM COAST, FLORIDA**

---

Milissa Holland, Mayor

**ATTEST:**

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Virginia A. Smith, City Clerk

Approved as to form and legality

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William E. Reischmann, Jr.

City Attorney

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

A PARCEL OF LAND BEING A PORTION OF PARCEL 518 RECORDED IN OFFICIAL RECORDS BOOK 553, PAGES 1 539, THROUGH 18 40, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA, SAID PARCEL LYING WITHIN GOVERNMENT SECTION 3, TOWNSHIP 12 SOUTH, RANGE 31 EAST, FLAGLER COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A POINT OF REFERENCE BEING THE SOUTHEAST CORNER OF SAID GOVERNMENT SECTION 3; THENCE NORTH 01°13'06" WEST ALONG THE EAST LINE OF SECTION 3 A DISTANCE OF 2432.11 FEET; THENCE DEPARTING SAID EAST LINE OF SECTION 3 SOUTH 88°46'54" WEST A DISTANCE OF 179.48 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE NORTH 62°22'17" WEST A DISTANCE OF 143.71 FEET; THENCE NORTH 44°03'30" EAST A DISTANCE OF 145.36 FEET; THENCE NORTH 19°26'24" WEST A DISTANCE OF 261.31 FEET; THENCE NORTH 45°29'28" WEST A DISTANCE OF 718.28 FEET; THENCE NORTH 12°43'31" WEST A DISTANCE OF 300.18 FEET; THENCE NORTH 57°42'47" WEST A DISTANCE OF 283.53 FEET; THENCE NORTH 29°15'12" EAST A DISTANCE OF 219.88 FEET; THENCE NORTH 44°29'22" EAST ALONG THE BOUNDARY LINE OF PARCEL 518 A DISTANCE OF 660.73 FEET; THENCE DEPARTING SAID BOUNDARY LINE SOUTH 59°50'46" EAST A DISTANCE OF 566.40 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF COLBERT LANE SAID POINT BEING ON A CURVE; THENCE SOUTHERLY 633.16 FEET, ALONG THE ARC OF SAID CURVE TO THE RIGHT (CONCAVE WESTERLY) HAVING A CENTRAL ANGLE OF 04°49'29", A RADIUS OF 7519.00 FEET, A CHORD BEARING OF SOUTH 00°20'37" WEST AND A CHORD DISTANCE OF 632.97 FEET; THENCE NORTH 86°56'05" WEST ALONG THE BOUNDARY OF A STORM WATER RETENTION SITE FOR COLBERT LANE, A DISTANCE OF 193.44 FEET TO A POINT OF CURVATURE, CONCAVE SOUTH EASTERLY; THENCE WESTERLY A DISTANCE OF 119.32 FEET ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 89°43'16", A RADIUS OF 76.20 FEET, A CHORD BEARING OF SOUTH 48°12'17" WEST AND A CHORD DISTANCE OF 107.50 FEET TO A POINT OF REVERSE CURVATURE, CONCAVE WESTERLY; THENCE SOUTHERLY A DISTANCE OF 322.05 FEET ALONG THE ARC OF SAID CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 02°32'58", A RADIUS OF 7237.80 FEET, A CHORD BEARING OF SOUTH 04°37'08" WEST AND A CHORD DISTANCE OF 322.02 FEET TO A POINT OF REVERSE CURVATURE, CONCAVE NORTHEASTERLY; THENCE SOUTHERLY A DISTANCE OF 119.32 FEET ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 89°43'16", A RADIUS OF 76.20 FEET, A CHORD BEARING OF SOUTH 38°58'01" EAST AND A CHORD DISTANCE OF 107.50 FEET TO A POINT OF TANGENCY, THENCE SOUTH 83°49'39" EAST A DISTANCE OF 204.98 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY OF COLBERT LANE, SAID POINT BEING ON A CURVE, CONCAVE WESTERLY; THENCE SOUTHERLY A DISTANCE OF 122.07 FEET ALONG THE ARC OF SAID CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 00°55'49", A RADIUS OF 7519.00 FEET, A CHORD BEARING OF SOUTH 06°56'49" WEST AND A CHORD DISTANCE OF 122.07 FEET TO A POINT OF TANGENCY; THENCE SOUTH 08°11'55" WEST ALONG THE WEST RIGHT-OF-WAY LINE OF SAID COLBERT LANE A DISTANCE OF 508.26 FEET TO THE POINT OF BEGINNING.

AND

LOTS 1, 2, 3, 4, 5, 11, 12, 13, 14, 15, 16 AND 17, TOGETHER WITH PART OF LOT 6 AND VACATED DOCKSIDE DRIVE, PALM COAST INTRACOASTAL INDUSTRIAL PARK, PHASE 1, AS RECORDED IN MAP BOOK 29, PAGES 33 AND 34, AS PARTIALLY VACATED BY OFFICIAL RECORDS BOOK 12 03 PAGE 1 70, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA, TOGETHER WITH A PART OF SECTION 2, TOWNSHIP 12 SOUTH, RANGE 31, EAST OF SAID COUNTY, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FOR A POINT OF REFERENCE, COMMENCE AT THE SOUTHWEST CORNER OF PALM COAST PLANTATION PUD UNIT 2, AS RECORDED IN MAP BOOK 33, PAGES 54-61 OF SAID PUBLIC RECORDS SAID POINT LYING ON THE EASTERLY RIGHT-OF-WAY LINE OF COLBERT LANE (A 200.00 FOOT RIGHT- OF- WAY AS NOW ESTABLISHED); THENCE SOUTH 18°24'09" EAST, ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 1,040.94 FEET TO THE POINT OF CURVE OF A CURVE, CONCAVE WESTERLY, HAVING A RADIUS OF 7,734.00 FEET; THENCE SOUTHERLY, ALONG SAID RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE, AN ARC DISTANCE OF 1,415.84 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING OF SOUTH 13°09'29" EAST AND A CHORD DISTANCE 1,413.86 FEET TO THE POINT OF BEGINNING; THENCE DEPARTING SAID RIGHT-OF-WAY LINE NORTH 89°10'59" EAST, A DISTANCE OF 1,717.09 FEET; THENCE SOUTH 25°14'03" EAST, A DISTANCE OF 156.53 FEET; THENCE SOUTH 00°16'47" EAST, A DISTANCE OF 98.64 FEET TO A POINT ON THE MEAN HIGH WATER LINE OF THE LEHIGH CANAL; THENCE SOUTH 00°16'47" EAST, ALONG SAID MEAN HIGH WATER LINE, A DISTANCE OF 82.17 FEET; THENCE SOUTH 20°18'43" EAST, CONTINUING ALONG SAID MEAN HIGH WATER LINE, A DISTANCE OF 105.38 FEET; THENCE NORTH 89°59'40" EAST, CONTINUING ALONG SAID MEAN HIGH WATER LINE, A DISTANCE OF 77.21 FEET; THENCE NORTH 78°58'54" EAST, CONTINUING ALONG SAID MEAN HIGH WATER LINE, A DISTANCE OF 46.21 FEET; THENCE NORTH 00°32'52" EAST, CONTINUING ALONG SAID MEAN HIGH WATER LINE, A DISTANCE OF 30.02 FEET; THENCE NORTH 89°11'31" EAST, CONTINUING ALONG SAID MEAN HIGH WATER LINE, A DISTANCE OF 135.05 FEET; THENCE DEPARTING SAID MEAN HIGH WATER LINE SOUTH 00°24'21" EAST, A DISTANCE OF 198.17 FEET; THENCE SOUTH 59°02'59" WEST, A DISTANCE 227.35 FEET TO THE NORTHEAST CORNER OF SAID LOT 1, PALM COAST INTRACOASTAL INDUSTRIAL PARK, PHASE 1; THENCE SOUTH 00°46'14" EAST, ALONG THE EASTERLY LINE OF SAID LOTS 1, 2 AND 3, A DISTANCE OF 776.70 FEET; THENCE SOUTH 46°38'27" EAST A DISTANCE OF 161.39 FEET TO A POINT ON THE NORTHERLY LINE OF THE SEARAY INDUSTRIES ENTRANCE DRIVE, ALSO BEING A POINT ON A CURVE, CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 630.00 FEET; THENCE SOUTHWESTERLY, ALONG SAID DRIVE AND ALONG THE ARC OF SAID CURVE, AN ARC DISTANCE OF 107.30 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING OF SOUTH 38°28'46" WEST AND A CHORD DISTANCE OF 107.17 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE SOUTH 33°35'53" WEST, CONTINUING ALONG SAID DRIVE, A DISTANCE OF 256.96 FEET TO THE POINT OF CURVE OF A CURVE, CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 620.00 FEET; THENCE SOUTHWESTERLY, CONTINUING ALONG SAID DRIVE AND ALONG THE ARC OF SAID CURVE, AN ARC DISTANCE OF 364.83 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING OF SOUTH 50°21'19" WEST AND A CHORD DISTANCE OF 359.59 FEET TO THE POINT OF COMPOUND CURVATURE OF A CURVE, CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 25.00 FEET; THENCE NORTHWESTERLY, ALONG THE ARC OF SAID CURVE, AN ARC DISTANCE OF 39.43 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING OF NORTH 67°35'40" WEST AND A CHORD DISTANCE OF 35.47 FEET TO THE POINT OF TANGENCY OF SAID CURVE AND A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF ROBERTS ROAD, A VARIABLE RIGHT-OF-WAY AS NOW ESTABLISHED; THENCE NORTH 22°24'07" WEST, ALONG SAID RIGHT- OF- WAY LINE, A DISTANCE OF 76.08 FEET TO THE POINT OF CURVE, CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 1063.00 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC DISTANCE OF 1209.125 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING OF NORTH 55°09'16" WEST, AND A CHORD DISTANCE OF 1144.99 FEET; THENCE NORTH 87°44'26" WEST, A DISTANCE OF 407.63 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHEASTERLY, SAID CURVE HAVING A RADIUS OF 50.00 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC DISTANCE OF 77.96 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING OF NORTH 43°04'18" WEST, AND A CHORD DISTANCE OF 70.30 FEET TO A POINT OF REVERSE CURVATURE SAID CURVE HAVING A RADIUS OF 7734.00 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC DISTANCE OF 1283.80 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING OF NORTH 03°09'30" WEST, AND A CHORD DISTANCE OF 1282.32 FEET TO THE POINT OF BEGINNING

TOGETHER WITH TERMS, CONDITIONS AND EASEMENT SET FORTH IN EASEMENT AGREEMENT (ACCESS) BY AND BETWEEN FLORIDA LANDMARK COMMUNITIES, INC., A FLORIDA CORPORATION AND FLAGLER MARINE CENTER, L.L.C., A FLORIDA LIMITED LIABILITY COMPANY RECORDED IN BOOK 770, PAGE 1495 .

TOGETHER WITH TERMS AND CONDITIONS SET FORTH IN THE NON- EXCLUSIVE ACCESS EASEMENT AGREEMENT BY THE SCHOOL BOARD OF FLAGLER COUNTY FOR THE BENEFIT OF FLAGLER MARINE CENTER, LLC, A FLORIDA LIMITED LIABILITY COMPANY RECORDED IN BOOK 1166, PAGE 1002, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA

AND

TOGETHER WITH AN EASEMENT RESERVED IN THAT CERTAIN WARRANTY DEED RECORDED IN BOOK 1646, PAGE 89 OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA.

**EXHIBIT “B”**  
**MASTER PLANNED DEVELOPMENT AGREEMENT**



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 LIGHTHOUSE HARBOR, LLC.**

THIS MASTER PLAN DEVELOPMENT AGREEMENT, (herein referred to as the  
“Development Agreement”) is made and executed this \_\_\_\_ day of \_\_\_\_\_, 2019,  
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  
LIGHTHOUSE HARBOR, LLC, a Florida limited liability company (herein referred to from  
time-to-time as the “Owner” regardless of whether singular or plural ownership status) whose  
address is 2298 Colbert Lane, Palm Coast, FL, 32137.

**WITNESSETH:**

**WHEREAS**, the Owner is the fee simple title owner of certain real property consisting  
of +/- 89 acres located in the City of Palm Coast, Flagler County, Florida, more particularly  
described in the legal description attached hereto as **Exhibit “1”** and incorporated herein  
(“Owner’s Property” or “Subject Property”);

**WHEREAS**, on July 24, 2006, the Flagler County Board of County Commissioners  
(the “County”) originally adopted the Marina Village Planned Unit Development (PUD)

Agreement by Ordinance No. 2006-19;

**WHEREAS**, on December 15, 2008, the County amended the PUD by Ordinance 2008-35 (recorded at Official Records Book 1967, Page 1108, et seq., Public Records of Flagler County, Florida);

**WHEREAS**, on November 4, 2013, the County approved an extension for the completion of Phase I of the PUD to December 16, 2017 and an extension of the completion of the final phase of development to December 15, 2022, recorded at Official Records Book 1975, Page 714, et seq., Public Records of Flagler County, Florida;

**WHEREAS**, the Owner has annexed into the City, and requests an amendment to and restatement of the previously approved Development Agreement with the County on the Subject Property, subject to the conditions set forth in this Development Agreement (the “MPD”);

**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;

**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 Unified Land Development Code (“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;

**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;

**WHEREAS**, the City Council deems the development of the Owner's Property to be a proper public purpose, and that said development will achieve important City objectives, such as stimulating economic development in the City, improving stormwater capacity and flood prevention, and increasing property values;

**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;

**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 use development consistent with the Conceptual Master Plan(s) attached hereto as **Exhibit "2"** and as further described as follows:

- a. Conceptual Master Plan “2A”: (i) up to 511 residential units; (ii) a maximum of 160,500 square feet of office, retail and commercial uses; (iii) a marina including 80 wet slips and (iv) a 200 dry slip storage facility; or
- b. Conceptual Master Plans “2B”: (i) up to 740 residential units; (ii) a maximum of 160,500 square feet of office, retail and commercial uses; (iii) a marina including 80 wet slips.

**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 \_\_\_\_\_, 2019, adopted Ordinance 2019-\_\_\_\_\_ for a Master Planned Development affecting the Owner’s 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 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 Conceptual Master Plans generally 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 Conceptual Master Plans 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 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 and Conceptual Master Plan and any construction documents, and Preliminary Plat for the Subject Property or portions thereof as allowed by Code, provided that: (1) the maximum building height and number of residential lots described herein are not exceeded; (2) the Subject Property setbacks from adjacent properties 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 uses and restrictions on the Subject Property. The Owner must develop the Subject Property consistent with the Conceptual Master Plan with the uses of each Tract being limited to those provided on the Tract Map attached hereto as **Exhibit “3”** and the table provided below. The design standards

for the permitted use on each Tract shall comply with the LDC or design standards provided in Section 12.1, Lot Dimensional Standards, below

<b>TRACT</b>	<b>PERMITTED USE*</b>
1	SFR-1, MFR-2 and/or COM-2
2	SFR-M or MFR-M
3	COM-2 and/or MFR-M
4	COM-2
5	SFR-M or MFR-M
6	COM-2 and/or MFR-M
7	MFR-M
8	Marina Basin (COM-2)

\*The following Special Exceptions in COM-2 are permitted by right within this MPD: Drinking establishments with outdoor entertainment, micro-breweries, building contractors' offices, and automotive part stores without service bays.

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

(a) The 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 at all times to all roadways to ensure that public safety is maintained.

(b) Project's East Parcel shall provide and maintain at least one access drive onto Colbert Lane and one access drive onto Roberts Road as shown on the Conceptual Master Plan.

(c) School Bus Stop: The Owner shall construct a school bus stop, 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 PARTIAL 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 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 Improvements: The parking areas; utilities; master stormwater system; sidewalks; lighting; recreational facilities, and perimeter buffer landscaping.
- ii. The Owner shall grant any and all drainage and utility easements to the City which are deemed necessary by the City 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 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 Conceptual Master Plan. At the sole discretion of the Owner, the development or portions of it may be gated.

(e) OWNER STORMWATER SYSTEM: The Owner shall be responsible for designing, permitting, constructing, and maintaining the means of conveyance of stormwater runoff from the Project 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”).

(f) PARK AND RECREATION: As generally depicted on the Conceptual Master Plan, the Owner shall provide parks and recreation for the benefit of the Project. The actual location and design of all parks and recreation facilities will be provided at a later date but shall include the Marina Basin. Location of parks and recreation facilities may include site(s) currently not within the boundaries of the MPD.

#### **SECTION 10. DEVELOPMENT STANDARDS.**

10.1 PARKING: Parking requirements for each tract shall be consistent with the LDC unless provided for in this MPD.

10.2 OPEN SPACE: Minimum open space shall be thirty percent (30%) of the Subject Property’s gross area. Open space is defined in the LDC and includes on-site stormwater ponds, the marina basin and all open space within the Property. Flexibility to the minimum open space requirements shall be as provided by the LDC, which may include, but not be limited to, green building principles, land donation, or other mechanisms that would justify a lower percentage of open space, if approved by the Land Use Administrator. 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: Transportation concurrency shall be addressed during the Preliminary Plat or technical site plan process.

10.5 DRAINAGE:

(a) The Owner shall construct and maintain 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 the water quality and attenuation requirements of SJRWMD and the City's LDC.

(c) Existing drainage conveyance along the northern property line, as indicated on the 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 governed by section 10.20, below.

10.7 LIGHTING: All lighting including but not limited to all pole mounted 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, technical 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 the minimum number of access drives onto Roberts Road and Colbert Lane as depicted on the Conceptual Master Plan.

10.11 RESOURCE PROTECTION:

(a) Except as depicted on the Conceptual Master Plan and in this Development Agreement, the Owner shall comply with the resource protection requirements of the LDC.

(b) Natural upland buffers must be provided if required by Chapter 10 of the LDC.

(c) The Owner shall address any issues concerning cement kiln dust ("CKD") pursuant to permits or other requirements imposed by the Florida Department of Environmental Protection.

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 shall comply with the LDC. If applicable, 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.

10.17 SIGNAGE: The Marina Village development may be identified by up to two double-faced or two single-faced monument entrance signs to be located at the primary Project entrances on Colbert Lane and may be identified with either one double-faced or two single-faced monument entrance signs to be located:

- (i) At the secondary Project entrance at Roberts Road; and
- (ii) At the approximate corner of the Property located near the intersection of Roberts Road and Colbert Lane.

Such monument signs may be lighted (with lighting directed away from traffic as required by the LDC), and shall be a maximum of seven feet (7') tall, with a sign area no greater than forty-eight (48) square feet in size. Directional, and ingress and egress signs for the individual residential and commercial projects within the Project, and for recreational and other amenities, will be provided throughout the Project, provided that none of these signs exceed six (6) square feet in size and four (4) feet in height, including for sale or for lease signs. Neighborhood, amenity and commercial project directory signs may be located along the internal road circulation system and shall be no taller than six feet (6') in height, with no more than thirty-two (32) square feet of sign area. The approximately one hundred sixty (160) foot tall existing stack on site shall be maintained by Owner and may be enhanced aesthetically by Owner with the intent that it may be utilized as part of the Project's aesthetic features but shall not be used for signage purposes. All signage will be generally consistent and uniform in design and a master sign plan shall be approved at the time of the Project's first preliminary plat or site plan approval

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.

10.19 RENTAL PROGRAM: Developer reserves the right to place all or any portion of the Project's residential units in a rental program operated by Developer, Developer's affiliates or any third party rental program operators approved by the Developer.

10.20 PROJECT BUFFERS: The Developer agrees to provide and maintain:

(i) A City Type "G" 25' wide buffer along both sides of Colbert Lane, as identified on the Site Plan; and

(ii) A City 15' wide buffer with Type "G" plantings along Roberts Road, as identified on the Site Plan.

The stated buffers shall not be required at the Project entrances. Project signage, irrigation, drainage, utilities and related improvements shall be allowed in the landscape buffer(s), as outlined in Section 11.03.05.C.6 of the LDC.

10.21 MARINA: Pursuant, the permits issued by the Army Corps of Engineers, St. Johns River Water Management District, & Flagler County, the development of the Marina shall (i) be consistent with the existing approved Conceptual Plan, (ii) participate in the FDEP Clean Marina program, and (iii) remain exempt from Section 4.16, Marinas, of the LDC.

## **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 or

Site Plan 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.

(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. To avoid unnecessary construction and repair costs, internal sidewalks shall be constructed adjacent to each lot at the time the home is constructed and prior to the Certificate of Occupancy, and each home's building permit shall be conditioned on this requirement.

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

12.1 LOT DIMENSIONAL STANDARDS: Dimensional standards for each tract, except for those developed for Mixed Uses, as shown on **Exhibit 3** and for each permissible use shall comply with the LDC except as follows:

### **SFR-M Site Development Requirements**

<b><u>Type</u></b>	<b><u>Single-Family</u></b>
<b>Min. Lot Width*</b>	<b>30'</b>
<b>Min. Lot Depth</b>	<b>100'</b>
<b>Min. Lot Size (SF)</b>	<b>3,000 sf</b>
<b>Min. Side Setback</b>	<b>5'</b>



<b>Min. Street-Side Setback</b>	<b>15'</b>
<b>Min. Front Setback</b>	<b>20'</b>
<b>Max. Bldg. Height</b>	<b>35'</b>
<b>Min. Rear Setback</b>	<b>10'</b>
<b>Max. Impervious Surface Ratio</b>	<b>80%**</b>
<b>Minimum Living Area</b>	<b>1,000 sq. ft.</b>

\*Single Family detached lots on cul-de-sacs and curves may have a minimum 25' width on the road frontage so long as the average lot width equals the minimum for the lot type. (Note – All lot sizes, setbacks and dimensions are minimum unless otherwise indicated and may be increased.)

\*\*Minimum open space shall be thirty percent (30%) of the entire MPD gross area.

### **MFR-M Site Development Requirements – Marina**

<b><u>Type</u></b>	<b><u>Multi-Family Tract 2, 3, 5, &amp; 7</u></b>	<b><u>Townhome Tract 3</u></b>	<b><u>Multi-Family Yacht Club Tract 6</u></b>
<b>Min. Distance Between Buildings</b>	<b>40'</b>	<b>16'</b>	<b>20'</b>
<b>Min. Setback to Water</b>	<b>25'</b>	<b>20'</b>	<b>10'</b>
<b>Max. Bldg. Height</b>	<b>95'</b>	<b>35'</b>	<b>95'</b>
<b>Min. Setback to Property Line</b>	<b>50'</b>	<b>5'</b>	<b>10'</b>
<b>Min. Lot Size (SF)</b>	<b>N/A</b>	<b>2,500 sf</b>	<b>N/A</b>
<b>Max. Impervious Surface Ratio</b>	<b>80%**</b>	<b>80%**</b>	<b>80%**</b>

\*\*Minimum open space shall be thirty percent (30%) of the entire MPD gross area.

12.2 **MIXED-USE TRACTS DIMENSIONAL STANDARDS:** If Tract 1, Tract 3 or Tract 6 is being developed for both residential and commercial uses on the same lot then the dimensional standards for the dominant use shall be utilized (residential or commercial uses having the most building gross floor area).

12.3 ARCHITECTURE: Prior to issuance of the Preliminary Plat Development order, the Owner shall submit to the Land Use Administrator, an architectural program for the Project which shall be consistent with Chapter 13 of the City's LDC. Such program shall include signage and lighting for the Project.

**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 a Preliminary Plat approval and the Owner remains responsible for complying with all provisions of the Land Development Code unless provided 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. The Owner acknowledges that the Subject Property shall be subject to all fees in effect at the time of permitting. Notwithstanding the above, the Owner shall not be charged impact fees for marina or dry storage slips that are appurtenant to residential units.

**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 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 Conceptual 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, or telecopy.

(c) Any such notice will be deemed effective when received (if sent by hand delivery, overnight courier, or telecopy) 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:       Lighthouse Harbor, LLC  
  
                                  James T. Cullis, Manager  
  
                                  2298 Colbert Lane  
  
                                  Palm Coast, FL 32137

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 remain valid and binding on the parties.

**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, or the Middle District if in federal court.

(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 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.

#### **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.**

This Development Agreement constitutes the entire agreement between the parties and supersedes all previous oral discussions, understandings, and agreements of any kind and nature, 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 \_\_\_\_\_, 2019, 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:

WITNESSES:

“OWNER”

Lighthouse Harbor, LLC, a Florida limited liability company

\_\_\_\_\_  
\_\_\_\_\_  
(print)

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

James T. Cullis, Manager

\_\_\_\_\_  
\_\_\_\_\_  
(print)

STATE OF FLORIDA

COUNTY OF FLAGLER

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2019, by James T. Cullis, Manager Lighthouse Harbor, LLC (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. 2019-\_\_\_\_\_  
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**EXHIBIT "1"**  
**LEGAL DESCRIPTION**

A PARCEL OF LAND BEING A PORTION OF PARCEL 518 RECORDED IN OFFICIAL RECORDS BOOK 553, PAGES 1 539, THROUGH 18 40, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA, SAID PARCEL LYING WITHIN GOVERNMENT SECTION 3, TOWN SHIP 1 2 SOUTH, RANGE 31 EAST, FLAGLER COUNTY, FLORIDA, BE ING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A POINT OF REFERENCE BEING THE SOUTHEAST CORNER OF SAID GOVERNMENT SECTION 3; THENCE NORTH 01' 13 '06" WEST ALONG THE EAST LINE OF SECTION 3 A DISTANCE OF 2432.11 FEET; THENCE DEPARTING SAID EAST LINE OF SECTION 3 SOUTH 88'46'54" WEST A DISTANCE OF 179.48 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE NORTH 62'22'17" WEST A DISTANCE OF 143.71 FEET; THENCE NORTH 44'03'30" EAST A DISTANCE OF 1 45.36 FEET; THENCE NORTH 19'26'24" WEST A DISTANCE OF 261.31 FEET; THENCE NORTH 45'29'28" WEST A DISTANCE OF 718.28 FEET; THENCE NORTH 12'43'31" WEST A DISTANCE OF 300.18 FEET; THENCE NORTH 57'42'47" WEST A DISTANCE OF 283.53 FEET; THENCE NORTH 29'15'12" EAST A DISTANCE OF 219.88 FEET; THENCE NORTH 44'29'22" EAST ALONG THE BOUNDARY LINE OF PARCEL 518 A DISTANCE OF 660.73 FEET; THENCE DEPARTING SAID BOUNDARY LINE SOUTH 59'50'46" EAST A DISTANCE OF 566.40 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF COLBERT LANE SAID POINT BEING ON A CURVE; THENCE SOUTHERLY 633.16 FEET, ALONG THE ARC OF SAID CURVE TO THE RIGHT (CONCAVE WESTERLY) HAVING A CENTRAL ANGLE OF 04'49'29", A RADIUS OF 7519.00 FEET, A CHORD BEARING OF SOUTH 00'20'37" WEST AND A CHORD DISTANCE OF 632.97 FEET; THENCE NORTH 86'56'05" WEST ALONG THE BOUNDARY OF A STORM WATER RETENTION SITE FOR COLBERT LANE, A DISTANCE OF 193.44 FEET TO A POINT OF CURVATURE, CONCAVE SOUTH EASTERLY; THENCE WESTERLY A DISTANCE OF 119.32 FEET ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 89'43'16", A RADIUS OF 76.20 FEET, A CHORD BEARING OF SOUTH 48'12'17" WEST AND A CHORD DISTANCE OF 107.50 FEET TO A POINT OF REVERSE CURVATURE, CONCAVE WESTERLY; THENCE SOUTHERLY A DISTANCE OF 322.05 FEET ALONG THE ARC OF SAID CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 02'32'58", A RADIUS OF 7237.80 FEET, A CHORD BEARING OF SOUTH 04'37'08" WEST AND A CHORD DISTANCE OF 322.02 FEET TO A POINT OF REVERSE CURVATURE, CONCAVE NORTHEASTERLY; THENCE SOUTHERLY A DISTANCE OF 119.32, FEET ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 89'43'16", A RADIUS OF 76.20 FEET, A CHORD BEARING OF SOUTH 38'58'01" EAST AND A CHORD DISTANCE OF 107.50 FEET TO A POINT OF TANGENCY, THENCE SOUTH 83'49'39" EAST A DISTANCE OF 204.98 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY OF COLBERT LANE, SAID POINT BEING ON A CURVE, CONCAVE WESTERLY; THENCE SOUTHERLY A DISTANCE OF 122.07 FEET ALONG THE ARC OF SAID CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 00'55'49", A RADIUS OF 7519.00 FEET, A CHORD BEARING OF SOUTH 06'56'49" WEST AND A CHORD DISTANCE OF 122.07 FEET TO A POINT OF TANGENCY; THENCE SOUTH 08'11'55" WEST ALONG THE WEST RIGHT-OF-WAY LINE OF SAID COLBERT LANE A DISTANCE OF 508.26 FEET TO THE POINT OF BEGINNING.

AND

LOTS 1 , 2, 3, 4, 5, 11 , 12 , 13, 14, 15, 16 AND 17, TOGETHER WITH PART OF LOT 6 AND VACATED DOCKSIDE DRIVE, PALM COAST INTRACOASTAL INDUSTRIAL PARK, PHASE 1, AS RECORDED IN MAP BOOK 29, PAGES 33 AND 34, AS PARTIALLY VACATED BY OFFICIAL RECORDS BOOK 12 03 PAGE 1 70 , OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA, TOGETHER WITH A PART OF SECTION 2, TOWNSHIP 12 SOUTH, RANGE 31, EAST OF SAID COUNTY, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FOR A POINT OF REFERENCE, COMMENCE AT THE SOUTHWEST CORNER OF PALM COAST PLANTATION PUD UNIT 2, AS RECORDED IN MAP BOOK 3 3, PAGES 5 4- 6 1 OF SAID PUBLIC RECORDS SAID POINT LYING ON THE EASTERLY RIGHT-OF-WAY

LINE OF COLBERT LANE (A 200.00 FOOT RIGHT- OF- WAY AS NOW ESTABLISHED); THENCE SOUTH 18°24'09" EAST, ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 1,040.94 FEET TO THE POINT OF CURVE OF A CURVE, CONCAVE WESTERLY, HAVING A RADIUS OF 7,734.00 FEET; THENCE SOUTHERLY, ALONG SAID RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE, AN ARC DISTANCE OF 1,415.84 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING OF SOUTH 13°09'29" EAST AND A CHORD DISTANCE 1,413.86 FEET TO THE POINT OF BEGINNING; THENCE DEPARTING SAID RIGHT-OF-WAY LINE NORTH 89°10'59" EAST, A DISTANCE OF 1,717.09 FEET; THENCE SOUTH 25°14'03" EAST, A DISTANCE OF 156.53 FEET; THENCE SOUTH 00°16'47" EAST, A DISTANCE OF 98.64 FEET TO A POINT ON THE MEAN HIGH WATER LINE OF THE LEHIGH CANAL; THENCE SOUTH 00°16'47" EAST, ALONG SAID MEAN HIGH WATER LINE, A DISTANCE OF 82.17 FEET; THENCE SOUTH 20°18'43" EAST, CONTINUING ALONG SAID MEAN HIGH WATER LINE, A DISTANCE OF 105.38 FEET; THENCE NORTH 89°59'40" EAST, CONTINUING ALONG SAID MEAN HIGH WATER LINE, A DISTANCE OF 77.21 FEET; THENCE NORTH 78°58'54" EAST, CONTINUING ALONG SAID MEAN HIGH WATER LINE, A DISTANCE OF 46.21 FEET; THENCE NORTH 00°32'52" EAST, CONTINUING ALONG SAID MEAN HIGH WATER LINE, A DISTANCE OF 30.02 FEET; THENCE NORTH 89°11'31" EAST, CONTINUING ALONG SAID MEAN HIGH WATER LINE, A DISTANCE OF 135.05 FEET; THENCE DEPARTING SAID MEAN HIGH WATER LINE SOUTH 00°24'21" EAST, A DISTANCE OF 198.17 FEET; THENCE SOUTH 59°02'59" WEST, A DISTANCE 227.35 FEET TO THE NORTHEAST CORNER OF SAID LOT 1, PALM COAST INTRACOASTAL INDUSTRIAL PARK, PHASE 1; THENCE SOUTH 00°46'14" EAST, ALONG THE EASTERLY LINE OF SAID LOTS 1, 2 AND 3, A DISTANCE OF 776.70 FEET; THENCE SOUTH 46°38'27" EAST A DISTANCE OF 161.39 FEET TO A POINT ON THE NORTHERLY LINE OF THE SEARAY INDUSTRIES ENTRANCE DRIVE, ALSO BEING A POINT ON A CURVE, CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 630.00 FEET; THENCE SOUTHWESTERLY, ALONG SAID DRIVE AND ALONG THE ARC OF SAID CURVE, AN ARC DISTANCE OF 107.30 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING OF SOUTH 38°28'46" WEST AND A CHORD DISTANCE OF 107.17 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE SOUTH 33°35'53" WEST, CONTINUING ALONG SAID DRIVE, A DISTANCE OF 256.96 FEET TO THE POINT OF CURVE OF A CURVE, CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 620.00 FEET; THENCE SOUTHWESTERLY, CONTINUING ALONG SAID DRIVE AND ALONG THE ARC OF SAID CURVE, AN ARC DISTANCE OF 364.83 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING OF SOUTH 50°21'19" WEST AND A CHORD DISTANCE OF 359.59 FEET TO THE POINT OF COMPOUND CURVATURE OF A CURVE, CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 25.00 FEET; THENCE NORTHWESTERLY, ALONG THE ARC OF SAID CURVE, AN ARC DISTANCE OF 39.43 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING OF NORTH 67°35'40" WEST AND A CHORD DISTANCE OF 35.47 FEET TO THE POINT OF TANGENCY OF SAID CURVE AND A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF ROBERTS ROAD, A VARIABLE RIGHT-OF-WAY AS NOW ESTABLISHED; THENCE NORTH 22°24'07" WEST, ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 76.08 FEET TO THE POINT OF CURVE, CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 1063.00 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC DISTANCE OF 1209.125 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING OF NORTH 55°09'16" WEST, AND A CHORD DISTANCE OF 1144.99 FEET; THENCE NORTH 87°44'26" WEST, A DISTANCE OF 407.63 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHEASTERLY, SAID CURVE HAVING A RADIUS OF 50.00 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC DISTANCE OF 77.96 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING OF NORTH 43°04'18" WEST, AND A CHORD DISTANCE OF 70.30 FEET TO A POINT OF REVERSE CURVATURE SAID CURVE HAVING A RADIUS OF 7734.00 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC DISTANCE OF 1283.80 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING OF NORTH 03°09'30" WEST, AND A CHORD DISTANCE OF 1282.32 FEET TO THE POINT OF BEGINNING

TOGETHER WITH TERMS, CONDITIONS AND EASEMENT SET FORTH IN EASEMENT AGREEMENT (ACCESS) BY AND BETWEEN FLORIDA LANDMARK COMMUNITIES, INC., A FLORIDA CORPORATION AND FLAGLER MARINE CENTER, L.L.C., A FLORIDA LIMITED

LIABILITY COMPANY RECORDED IN BOOK 770, PAGE 1 495 .

TOGETHER WITH TERMS AND CONDITIONS SET FORTH IN THE NON- EXCLUSIV E  
ACCESS EASEMENT AGREEMENT BY THE SCHOOL BOARD OF FLAGLER COUNTY FOR  
THE BENEFIT OF FLAGLER MARINE CENTER, LLC, A FL ORIDA LIMITED LIABILITY  
COMPANY RECORDED IN BOOK 1166, PAGE 1002, OF THE PUBLIC RECORDS OF FLAGLER  
COUNTY, FLORIDA

AND

TOGETHER WITH AN EASEMENT RESERVED IN THAT CERTAIN WARRANTY DEED  
RECORDED IN BOOK 1646, PAGE 89 OF THE PUBLIC RECORDS OF FLAGLER COUNTY,  
FLORIDA.

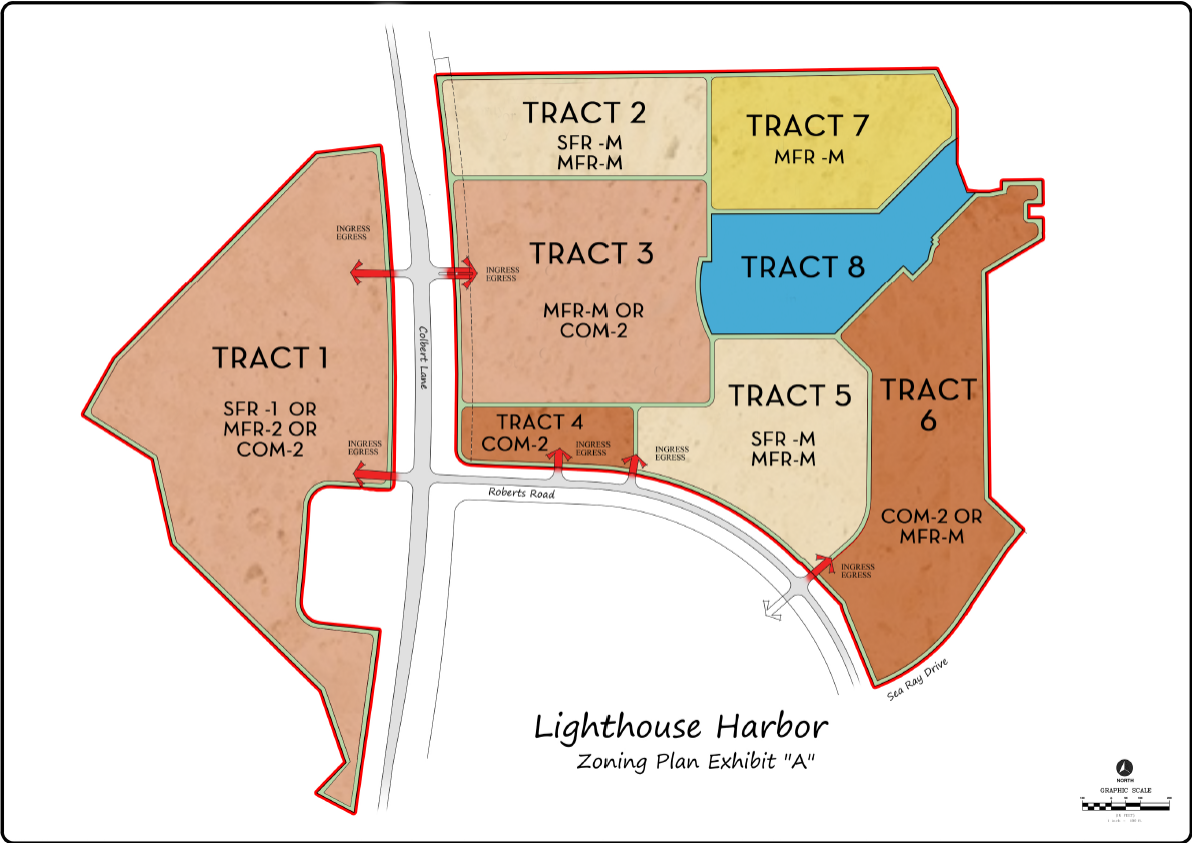


[illegible]





EXHIBIT “3”  
TRACT MAP



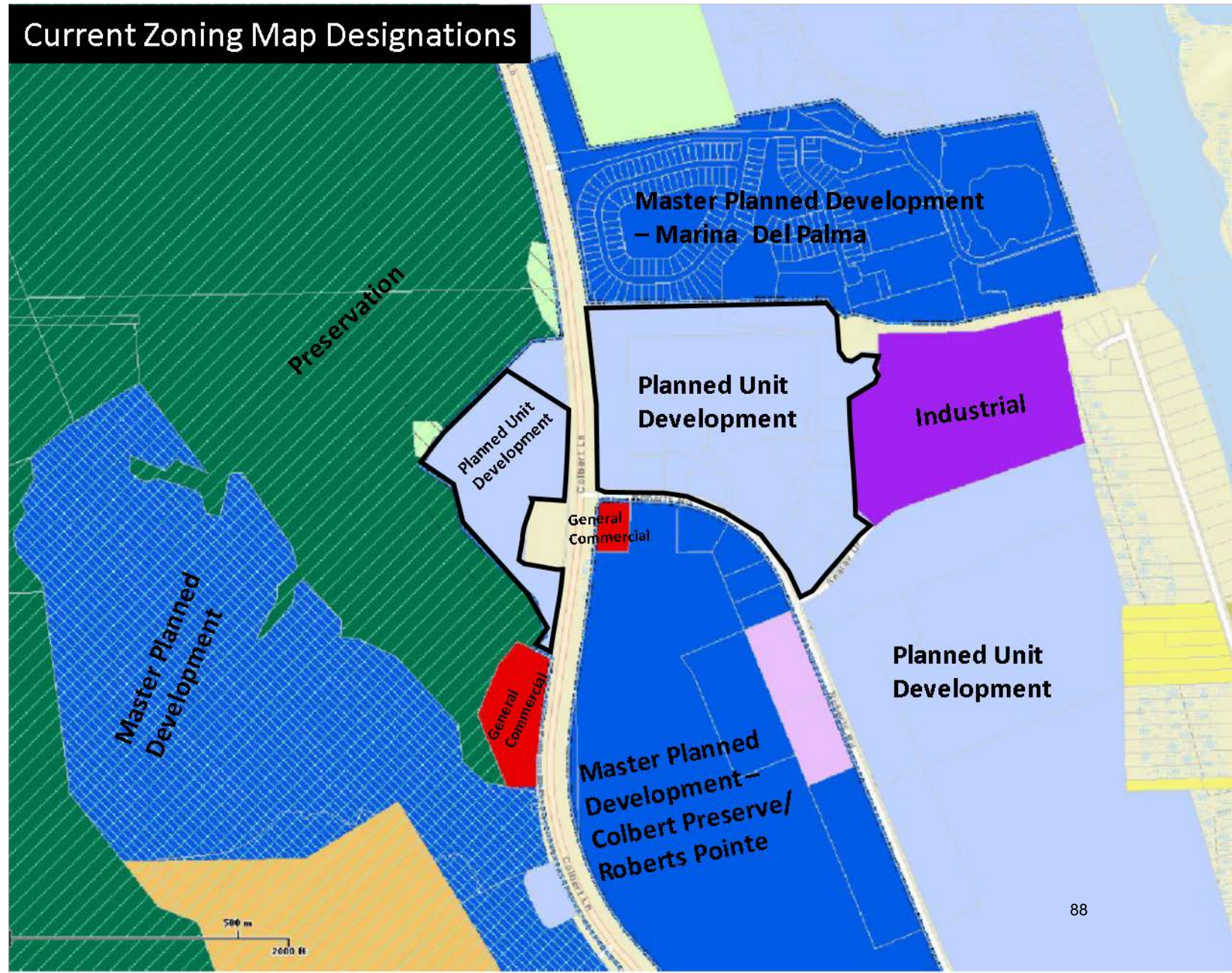


Subject Property

Colbert Lane

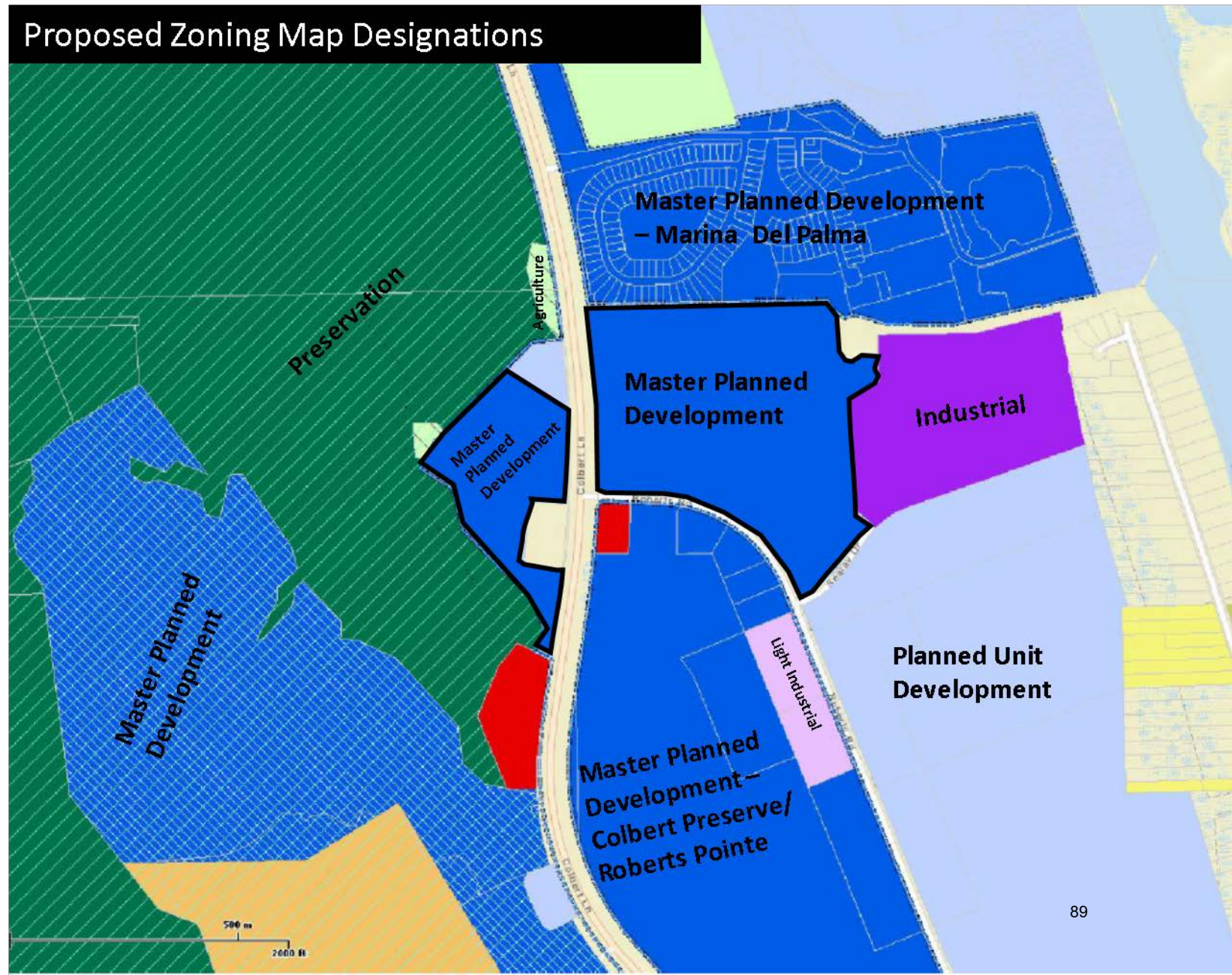
Roberts Road

# Current Zoning Map Designations





# Proposed Zoning Map Designations



## City of Palm Coast, Florida Agenda Item

Agenda Date: January 16, 2019

<b>Department</b>	PLANNING	<b>Amount</b>
<b>Item Key</b>	5824	<b>Account</b>
		<b>#</b>
<b>Subject</b>	RESOLUTION 2019-XX, AN AMENDMENT TO THE PALM COAST PARK DEVELOPMENT OF REGIONAL IMPACT DEVELOPMENT ORDER TO DELETE AN APPROXIMATELY 6 ACRE SITE FROM THE BOUNDARIES OF THE DRI	
<b>Background :</b>	<p>Palm Coast Park Development of Regional Impact (DRI) is a 4,677+/- acre Development of Regional Impact originally approved in Dec. 2004. The DRI is approved for 4,960 dwelling units and over 3 million sq. ft. of non-residential uses.</p> <p>This proposed amendment will remove an approximately 6.1 acre parcel from the DRI boundaries. The proposed amendment will not alter or affect other conditions of the DRI-DO.</p>	
<b>Recommended Action:</b>	Staff recommends that the Planning and Land Development Regulation Board (PLDRB) recommend that City Council Approve the amendment to the Palm Coast Park DRI Development Order.	

**RESOLUTION NO. 2019-\_\_\_\_\_**  
**SIXTH AMENDMENT TO THE PALM COAST PARK**  
**DEVELOPMENT OF REGIONAL IMPACT DEVELOPMENT ORDER**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM COAST, FLORIDA, APPROVING THE SIXTH AMENDMENT TO THE PALM COAST PARK DEVELOPMENT OF REGIONAL IMPACT DEVELOPMENT ORDER TO DELETE AN APPROXIMATELY 6 ACRE PARCEL FROM THE DRI; AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO RECORD THE SIXTH AMENDMENT TO THE PALM COAST PARK DRI DO IN AN APPROVED FORM; PROVIDING FOR EXECUTION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR IMPLEMENTING ACTIONS AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, on December 7, 2004 the City Council of the City of Palm Coast approved the Palm Coast Park Development of Regional Impact Development Order (DRI DO) by means of the adoption of Resolution Number 2004-48, which Resolution and DRI DO were recorded at Official Records Book 1177, Page 1796 of the Public Records of Flagler County, Florida; and

**WHEREAS**, on February 15, 2005 the City Council of the City of Palm Coast approved the Notice of Clarification to provide notice to the effect that City Council was in agreement that the term “Mitigation Pipeline Amount” contained on lines 20 and 21 or Page 39 of the DRI DO means the same thing as, and is synonymous with, the term “Developer’s Proportionate Share Contribution” to ensure that the DRI DO fully conforms with the requirements of State Law said action being taken by means of the adoption of Resolution Number 2005-03 as recorded at Official Records Book 1215, Page 1424 of the Public Records of Flagler County, Florida; and

**WHEREAS**, On July 17, 2007, the City Council adopted an Amended and Restated DRI DO (Resolution # 2007-05), to clarify that certain public uses are permitted in the DRI (fire stations, public schools), also clarifying that public schools are allowed anywhere in the DRI, and clarifying conditions for recreational facilities, the Amended and Restated DRI DO being duly recorded on July 23, 2007, in Official Records Book 1600, Page 49, of the Public Records of Flagler County Florida; and

**WHEREAS**, on October 4, 2011, the City Council adopted the 2nd Amended and Restated DRI DO (Resolution # 2011-93), an amendment incorporating changes to phasing dates, acreage of total development, acreage of common area, updating map exhibits, and certain conditions related to recreation, the 2<sup>nd</sup> Amended and Restated DRI DO being duly recorded on October 20, 2011, in Official Records Book 1838, Page 834, of the Public Records of Flagler County, Florida; and

**WHEREAS**, on September 5, 2017, City Council approved Resolution # 2017-100, the 3rd DRI Amendment to allow conversion of 94 acres of land designated for Business/Institutional uses to Residential use, the DRI-DO being duly recorded on January 16, 2018, in Official Records Book 2253, and Page 339; of the Public Records of Flagler County, Florida; and

**WHEREAS**, on January 16, 2018, City Council approved Resolution # 2018-07, an update to the 3rd DRI amendment (the fourth amendment) to relocate borrow/soil extraction activities to more appropriate locations within the DRI; and

**WHEREAS**, on October 16, 2018, City Council approved Resolution # 2018-140, the Fifth amendment to the Palm Coast Park DRI-DO to allow 1,000 additional residential units and add conditions related to impacts of the additional units, and amend the permitted land uses on certain tracts, and

**WHEREAS**, on \_\_\_\_\_, 2019 the City Council authorized the Mayor to execute the Sixth amendment to the Palm Coast Park DRI DO, which deletes an approximately 6 acre parcel from the DRI, and authorized the City Manager, or designee, to take other implementing actions relative to the implementation of this Resolution.

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



### **SECTION 1. FINDINGS OF THE CITY COUNCIL.**

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

(b). The City Council of the City of Palm Coast hereby adopts and incorporates into this Resolution the City staff report and City Council agenda memorandum and packet relating to the application relating to the proposed 6<sup>th</sup> Amendment to the DRI DO. The exhibits to this Resolution are incorporated herein as if fully set forth herein verbatim.

(c). The City of Palm Coast has complied with all requirements and procedures of Florida law in processing and advertising this Resolution and the associated 6<sup>th</sup> Amendment to the DRI DO.

(d). This Resolution and the approval of the 6<sup>th</sup> Amendment to the Palm Coast Park DRI DO are consistent with the goals, objectives and policies of the *Comprehensive Plan of the City of Palm Coast*.

**SECTION 2. APPROVAL OF 6TH AMENDMENT TO THE PALM COAST PARK DRI DO.** The City Council of the City of Palm Coast hereby approves the 6<sup>th</sup> Amendment to the Palm Coast Park DRI, which deletes an approximately 6 acre parcel from the DRI as set forth in Exhibit “A” to this Resolution.

**SECTION 3. AUTHORIZATION TO EXECUTE.** The 6<sup>th</sup> Amendment to the DRI DO shall be executed by the Mayor and the City Clerk, subsequent to execution by the DRI property owner(s) and subsequent to the document having been finalized and revised into a clear and recordable form. Upon full execution, the City Manager, or designee, shall cause the document to be recorded in the Official Records of Flagler County (Land Records) in accordance with the provisions of State Law at the expense of the DRI property owner(s).

**SECTION 4. CONFLICTS.** All resolutions or parts of resolutions in conflict with any of the provisions of this Resolution are hereby repealed.

**SECTION 5. SEVERABILITY.** If any section, sentence, phrase, word or portion of this Resolution is determined to be invalid, unlawful or unconstitutional, said determination shall not be held to invalidate or impair the validity, force or effect of any other section, sentence phrase, word or portion of this Resolution not otherwise determined to be invalid, unlawful or unconstitutional.

**SECTION 6. IMPLEMENTING ACTIONS.** The City Manager or designee is hereby authorized to take any actions necessary to implement the action taken in this Resolution including the incorporation of the amendment into the existing Palm Coast Park DRI-DO.

**SECTION 7. EFFECTIVE DATE.** This Resolution shall become effective immediately upon adoption.

**DULY PASSED AND ADOPTED** by the City Council of the City of Palm Coast, Florida, on this the \_\_\_\_ day of \_\_\_\_\_, 2019.

**CITY OF PALM COAST, FLORIDA**

*ATTEST:*

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

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

Approved as to form and legality

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

Attachment: Exhibit "A" – 6<sup>th</sup> Amendment to the DRI-DO

Resolution 2019-\_\_\_\_\_  
Page 4 of 5

Fourth Revised Exhibit '96'

**PCL**  
PLANNING AND DESIGN

1500 WEST WASHINGTON AVENUE, SUITE 100, PALM BEACH, FL 33411  
TEL: 561-833-1111 FAX: 561-833-1112

# Palm Coast Park

## MASTER DEVELOPMENT PLAN

2000 1000 0 2000 4000  
Feet

Scale: 1" = 4000'

North Arrow

**Legend**

- 30 Urban
- 2000 Medium Density Residential
- 96 Medium Density Residential
- 112 Medium Density Residential
- 1467 Medium Density Residential
- 500 Business/Professional
- 2001 Medium Density Residential

Notes:  
1. All land use designations are subject to the final decision of the Palm Beach County Board of County Commissioners.  
2. All land use designations are subject to the final decision of the Palm Beach County Board of County Commissioners.  
3. All land use designations are subject to the final decision of the Palm Beach County Board of County Commissioners.

Tract A, Tract B, Tract C, Tract D, Tract E, Tract F, Tract G, Tract H, Tract I, Tract J, Tract K, Tract L, Tract M, Tract N, Tract O, Tract P, Tract Q, Tract R, Tract S, Tract T, Tract U, Tract V, Tract W, Tract X, Tract Y, Tract Z, Tract AA, Tract AB, Tract AC, Tract AD, Tract AE, Tract AF, Tract AG, Tract AH, Tract AI, Tract AJ, Tract AK, Tract AL, Tract AM, Tract AN, Tract AO, Tract AP, Tract AQ, Tract AR, Tract AS, Tract AT, Tract AU, Tract AV, Tract AW, Tract AX, Tract AY, Tract AZ, Tract BA, Tract BB, Tract BC, Tract BD, Tract BE, Tract BF, Tract BG, Tract BH, Tract BI, Tract BJ, Tract BK, Tract BL, Tract BM, Tract BN, Tract BO, Tract BP, Tract BQ, Tract BR, Tract BS, Tract BT, Tract BU, Tract BV, Tract BW, Tract BX, Tract BY, Tract BZ, Tract CA, Tract CB, Tract CC, Tract CD, Tract CE, Tract CF, Tract CG, Tract CH, Tract CI, Tract CJ, Tract CK, Tract CL, Tract CM, Tract CN, Tract CO, Tract CP, Tract CQ, Tract CR, Tract CS, Tract CT, Tract CU, Tract CV, Tract CW, Tract CX, Tract CY, Tract CZ, Tract DA, Tract DB, Tract DC, Tract DD, Tract DE, Tract DF, Tract DG, Tract DH, Tract DI, Tract DJ, Tract DK, Tract DL, Tract DM, Tract DN, Tract DO, Tract DP, Tract DQ, Tract DR, Tract DS, Tract DT, Tract DU, Tract DV, Tract DW, Tract DX, Tract DY, Tract DZ, Tract EA, Tract EB, Tract EC, Tract ED, Tract EE, Tract EF, Tract EG, Tract EH, Tract EI, Tract EJ, Tract EK, Tract EL, Tract EM, Tract EN, Tract EO, Tract EP, Tract EQ, Tract ER, Tract ES, Tract ET, Tract EU, Tract EV, Tract EW, Tract EX, Tract EY, Tract EZ, Tract FA, Tract FB, Tract FC, Tract FD, Tract FE, Tract FF, Tract FG, Tract FH, Tract FI, Tract FJ, Tract FK, Tract FL, Tract FM, Tract FN, Tract FO, Tract FP, Tract FQ, Tract FR, Tract FS, Tract FT, Tract FU, Tract FV, Tract FW, Tract FX, Tract FY, Tract FZ, Tract GA, Tract GB, Tract GC, Tract GD, Tract GE, Tract GF, Tract GG, Tract GH, Tract GI, Tract GJ, Tract GK, Tract GL, Tract GM, Tract GN, Tract GO, Tract GP, Tract GQ, Tract GR, Tract GS, Tract GT, Tract 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OM, Tract ON, Tract OO, Tract OP, Tract OQ, Tract OR, Tract OS, Tract OT, Tract OU, Tract OV, Tract OW, Tract OX, Tract OY, Tract OZ, Tract PA, Tract PB, Tract PC, Tract PD, Tract PE, Tract PF, Tract PG, Tract PH, Tract PI, Tract PJ, Tract PK, Tract PL, Tract PM, Tract PN, Tract PO, Tract PP, Tract PQ, Tract PR, Tract PS, Tract PT, Tract PU, Tract PV, Tract PW, Tract PX, Tract PY, Tract PZ, Tract QA, Tract QB, Tract QC, Tract QD, Tract QE, Tract QF, Tract QG, Tract QH, Tract QI, Tract QJ, Tract QK, Tract QL, Tract QM, Tract QN, Tract QO, Tract QP, Tract QQ, Tract QR, Tract QS, Tract QT, Tract QU, Tract QV, Tract QW, Tract QX, Tract QY, Tract QZ, Tract RA, Tract RB, Tract RC, Tract RD, Tract RE, Tract RF, Tract RG, Tract RH, Tract RI, Tract RJ, Tract RK, Tract RL, Tract RM, Tract RN, Tract RO, Tract RP, Tract RQ, Tract RR, Tract RS, Tract RT, Tract RU, Tract RV, Tract RW, Tract RX, Tract RY, Tract RZ, Tract SA, Tract SB, Tract SC, Tract SD, Tract SE, Tract SF, Tract SG, Tract SH, Tract SI, Tract SJ, Tract SK, Tract SL, Tract SM, Tract SN, Tract SO, Tract SP, Tract SQ, Tract SR, Tract SS, Tract ST, Tract SU, Tract SV, Tract SW, Tract SX, Tract SY, Tract SZ, Tract TA, Tract TB, Tract TC, Tract TD, Tract TE, Tract TF, Tract TG, Tract TH, Tract TI, Tract TJ, Tract TK, Tract TL, Tract TM, Tract TN, Tract TO, Tract TP, Tract TQ, Tract TR, Tract TS, Tract TT, Tract TU, Tract TV, Tract TW, Tract TX, Tract TY, Tract TZ, Tract UA, Tract UB, Tract UC, Tract UD, Tract UE, Tract UF, Tract UG, Tract UH, Tract UI, Tract UJ, Tract UK, Tract UL, Tract UM, Tract UN, Tract UO, Tract UP, Tract UQ, Tract UR, Tract US, Tract UT, Tract UY, Tract UZ, Tract VA, Tract VB, Tract VC, Tract VD, Tract VE, Tract VF, Tract VG, Tract VH, Tract VI, Tract VJ, Tract VK, Tract VL, Tract VM, Tract VN, Tract VO, Tract VP, Tract VQ, Tract VR, Tract VS, Tract VT, Tract VY, Tract VZ, Tract WA, Tract WB, Tract WC, Tract WD, Tract WE, Tract WF, Tract WG, Tract WH, Tract WI, Tract WJ, Tract WK, Tract WL, Tract WM, Tract WN, Tract WO, Tract WP, Tract WQ, Tract WR, Tract WS, Tract WT, Tract WY, Tract WZ, Tract XA, Tract XB, Tract XC, Tract XD, Tract XE, Tract XF, Tract XG, Tract XH, Tract XI, Tract XJ, Tract XK, Tract XL, Tract XM, Tract XN, Tract XO, Tract XP, Tract XQ, Tract XR, Tract XS, Tract XT, Tract XU, Tract XV, Tract XW, Tract XX, Tract XY, Tract XZ, Tract YA, Tract YB, Tract YC, Tract YD, Tract YE, Tract YF, Tract YG, Tract YH, Tract YI, Tract YJ, Tract YK, Tract YL, Tract YM, Tract YN, Tract YO, Tract YP, Tract YQ, Tract YR, Tract YS, Tract YT, Tract YU, Tract YV, Tract YW, Tract YX, Tract YY, Tract YZ, Tract ZA, Tract ZB, Tract ZC, Tract ZD, Tract ZE, Tract ZF, Tract ZG, Tract ZH, Tract ZI, Tract ZJ, Tract ZK, Tract ZL, Tract ZM, Tract ZN, Tract ZO, Tract ZP, Tract ZQ, Tract ZR, Tract ZS, Tract ZT, Tract ZU, Tract ZV, Tract ZW, Tract ZX, Tract ZY, Tract ZZ.

# City of Palm Coast, Florida

## Agenda Item

Agenda Date: January 16, 2019

<b>Department</b>	PLANNING	<b>Amount</b>
<b>Item Key</b>	5825	<b>Account</b>
		<b>#</b>
<b>Subject</b> A COMPREHENSIVE PLAN AMENDMENT TO CHANGE THE FUTURE LAND USE MAP DESIGNATION OF A 6.1 +/- ACRE PARCEL LOCATED .5 MILES NORTH OF PALM COAST PARKWAY ON THE WESTSIDE OF US-1 FROM DEVELOPMENT OF REGIONAL IMPACT- MIXED USE (DRI-MU) TO INSTITUTIONAL		
<p><b>Background:</b> The proposed comprehensive plan amendment is for a 6.1+/- acre parcel located approximately .50 mile north of Palm Coast Pkwy. on the westside of US-1. The proposed amendment will change the FLUM designation of the subject parcel from Development of Regional Impact –Mixed Use (DRI-MU) to Institutional.</p> <p>In addition to the FLUM amendment, there is a companion application to change the zoning of the parcel from Master Planned Development (MPD) to Public/Semipublic.</p> <p>The subject property was acquired by the City of Palm Coast in 2018 from a land swap with an adjacent owner. The property was previously analyzed as part of the Palm Coast Park Development of Regional Impact (DRI) and identified for residential use in the DRI Master Plan.</p> <p>An analysis of the proposed amendment's impacts on public facilities and infrastructure indicates a reduction of impacts based on the maximum net development potential between the proposed and current Future Land Use Map (FLUM) designation.</p> <p>Additionally, the proposed amendment was reviewed for consistency with goals, objectives, and policies of the City's Comprehensive Plan. The amendment was found consistent with the following comprehensive plan policies:</p> <ul style="list-style-type: none"> <li>• <i>Objective 1.1.4 - Promote compact and contiguous development, a mixture of land uses, and discourage urban sprawl</i></li> <li>• <i>Policy 1.1.4.5 - Land use patterns will be required to be efficient and not disproportionately increase the cost of providing and maintaining public facilities, as well as providing housing and transportation strategies that will foster energy conservation.</i></li> </ul> <p>Consistent with Objective 1.1.4 and Policy 1.1.4.5, the subject parcel is contiguous to the developing areas of the City and does not promote urban sprawl. Utility lines (water and sewer) are available adjacent to the site and additionally, the proposed development on the parcel will appropriately occur on a parcel with access to a major arterial (US-1).</p> <p><b>Neighborhood Meeting</b> Consistent with the requirements of the Land Development Code, a neighborhood meeting was held on December 17, 2018.</p>		

**Recommended Action:** Planning Staff recommends that the Planning and Land Development Regulation Board (PLDRB) recommend that the City Council approve Application # 3845, an amendment to the Future Land Use Map (FLUM) for 6.1 +/- acres from Development of Regional Impact – Mixed Use (DRI-MU) to Institutional.



**COMMUNITY DEVELOPMENT DEPARTMENT  
PLANNING AND LAND DEVELOPMENT REGULATION BOARD  
January 16, 2019**

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**OVERVIEW**

**Application #:** 3845

**Applicant:** City of Palm Coast

**Property Description:**

<b>Property Owner:</b>	City of Palm Coast
<b>Location:</b>	.50 miles north of Palm Coast Pkwy. on the westside of US-1
<b>Real Estate ID #:</b>	10-11-30-0000-01010-0011
<b>Current FLUM designation:</b>	Development of Regional Impact – Mixed Use
<b>Current Zoning designation:</b>	Master Planned Development
<b>Current Use:</b>	Vacant
<b>Size of subject property:</b>	Approximately 6+/- acres

**Requested Action:** Small-scale FLUM amendment for 6.0+/- acre parcel from Development of Regional Impact (DRI) – Mixed Use to Institutional

**Recommendation:** Approval

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

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**ANALYSIS**

**Background**

In August 2017, the previous owner of the subject property and the City agreed to a land swap to enable a more ideal expansion of the City of Palm Coast Public Works facility. The subject property is part of the Palm Coast Park DRI and is slated for development as a residential parcel. The City (new owner) intends to use the subject parcel to expand the Public Works maintenance facility.

**DENSITY/INTENSITY AND POPULATION**

The proposed FLUM of Institutional permits a maximum FAR intensity of .30. The current FLUM of Development of Regional Impact – Mixed Use (DRI-MU) permits a maximum density of 15 units/acre and a maximum Floor to Area Ratio (FAR) of .55. The proposed FLUM will result in a net decrease of 66,320 sq. ft. of non-residential development or a net decrease of 91 dwelling units (See Table 1 and 1a).

TABLE 1 - FLUM DESIGNATION MAXIMUM DENSITY/INTENSITY ALLOWED (NON-RESIDENTIAL USE)			
	# of Acres	Maximum FAR	Maximum Sq. Ft. <sup>(1)</sup>
<b>Proposed FLUM: Institutional</b>	6.09	0.30	79584
<b>Current FLUM: DRI-MU</b>	6.09	0.55	145904
<b>NET CHANGE</b>		Decrease	-66320
<b>Footnotes:</b>			
<sup>(1)</sup> Max Sq. Ft. = # of Acres X Max. FAR X 43560 sq.ft/acre			

TABLE 1a - FLUM DESIGNATION MAXIMUM DENSITY/INTENSITY ALLOWED (RESIDENTIAL USE)			
	# of Acres	Maximum Density	Maximum # of units <sup>(1)</sup>
<b>Proposed FLUM: Institutional</b>	6.09	0 (Residential not permitted)	0
<b>Current FLUM: DRI-MU</b>	6.09	15 units/acre	91
<b>NET CHANGE</b>		Decrease	-91
<b>Footnotes:</b>			
<sup>(1)</sup> Max. # of units = # of Acres X Maximum Density			

#### PUBLIC FACILITIES AVAILABILITY/IMPACT ANALYSIS (MAXIMUM DEVELOPMENT POTENTIAL)

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

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

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

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

The existing DRI-Mixed Use FLUM designation permits a maximum residential density of 15 dwelling units/acre and a maximum FAR of .55 of General Commercial Uses. In comparison, the Institutional FLUM designation allows a maximum .30 FAR of Office use.

The public impact analysis based on the maximum non-residential and residential development potential is provided in Table 2.

Table 2 Public Facilities Impact Analysis

Density <sup>(1)</sup>	# of units or square feet of development	Transportation (PHT) <sup>(2)</sup>	Potable Water (GPD) <sup>(3)</sup>	Sanitary Sewer (GPD) <sup>(4)</sup>	Solid Waste (lbs./capita/day) <sup>(5)</sup>	Recreation and Parks (8 acres/ 1000 pop.) <sup>(6)</sup>	Public Education (students) <sup>(7)</sup>	Stormwater Drainage <sup>(8)</sup>
<b>Proposed FLUM designation</b>								
Institutional (6.09 ac.) .30 FAR Business Park	79,584	103	13,529	7,958	--	--	--	N/A
	<b>Total</b>	103	13529	7958	--	--	--	N/A
<b>Current FLUM designation</b>								
DRI-Mixed Use (6.09 ac) .55 FAR	145,904	578	24,804	14,590	--	--	--	N/A
DRI-Mixed Use (6.09 ac) Residential Use - 15du/acre	91				1,888	2	30	
<b>(minus) 34% pass-by trips for shopping center</b>		<b>196</b>						
	<b>Total</b>	381	24804	14590	1888	2	30	
<b>Net Change</b>		<b>-279</b>	<b>-11,274</b>	<b>-6,632</b>	<b>-1,888</b>	<b>-2</b>	<b>-30</b>	<b>N/A</b>

**Footnotes:**<sup>(1)</sup> Calculation of Density: Lot Size (acre)\*# of units/acre<sup>(1)</sup> Calculation of Intensity: Lot Size (acre)\*43560\*FAR<sup>(2)</sup> Transportation: Residential PM Peak Hour Trips (PHT), Residential Development: = # of units\*1.0 PM-PHT (Average Rate), ITE Trip Generation Manual, 9th Edition<sup>(2)</sup> Transportation: Non-residential PM Peak Hour Trips (PHT), DRI-Mixed Use = ITE Code 820: Shopping Center = 3.96/1000 sq. ft. based on equation in ITE Manual, 9th Edition<sup>(2)</sup> Transportation: Non-residential PM Peak Hour Trips (PHT), Institutional Use = ITE Code 770: Business Park = 1.29/1000 sq. ft. based on average rate in ITE Trip<sup>(3)</sup> Potable Water: Residential = # of units\*2.4\*125 gallons/capita/day<sup>(3)</sup> Potable Water: Commercial = 17 gpd/100 sq. ft.<sup>(4)</sup> Wastewater: Residential = # of units\*2.4\*82 gallons/capita/day<sup>(4)</sup> Wastewater: Commercial = 10 gpd/100 sq. ft.<sup>(5)</sup> Solid Waste: Residential Demand = # of units\*2.40\*8.61 lbs/capita/day<sup>(5)</sup> Solid Waste: No Level of Service Requirement for Non-residential<sup>(6)</sup> Recreation and Parks: Residential Demand = # of units \* 2.40 \*8 acres/1000 persons<sup>(6)</sup> Recreation and Parks = No LOS Requirement for Non-residential<sup>(7)</sup> Public Education Residential: = Based on multiplier provided by Flagler County School District. See Table 3.<sup>(7)</sup> Public Education Non-Residential = No LOS Requirement for Non-residential<sup>(8)</sup> Stormwater/Drainage: Stormwater Treatment will be reviewed for consistency with adopted LOS, during site plan approval process.**Public Facilities Impact Analysis****Transportation**

The proposed FLUM amendment will have a maximum potential net decrease of 279 peak hour trips.

**Potable Water**

The proposed FLUM amendment will have a maximum potential net decrease in demand for potable water of .011 MGD.

**Wastewater**

The proposed FLUM amendment will have a maximum potential net decrease in demand for sanitary sewer treatment of .006 MGD.

**Solid Waste**

The proposed FLUM amendment will have a maximum potential net decrease of 1,888 lbs. of solid waste/day. This is due to residential uses not being allowed under the proposed FLUM designation.

**Public Recreation and Open Space**

The proposed FLUM amendment will have a maximum potential net decrease in demand of 1.8 acres of park facilities.

**Public Schools**

The proposed FLUM amendment will have a potential net increase in demand for 30 student stations.



**Stormwater**

Stormwater systems are reviewed for consistency with LOS during site plan review.

**ENVIRONMENTAL/CULTURAL RESOURCES ANALYSIS****Objective 1.1.3-Evaluation of Amendments to the FLUM**

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

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

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

The environmental factors listed above were previously analyzed during the approval process for the Development of Regional Impact (DRI)-Development Order. The analysis identified the appropriate areas for development.

**Wetlands: See attached preliminary assessment.**

**A. TOPOGRAPHY AND SOIL CONDITIONS**

The site was previously analyzed as part of the Palm Coast Park Development of Regional Impact (DRI). There are no changes in conditions on site and there are no special soil conditions that would affect development of the site.

**B. FLOODPLAIN**

Flood designation: "A" zone, a Special Flood Hazard Area (SFHA), measuring approximately 2.4 acres is located onsite. The remaining acreage is outside the SFHA and consists of a "X" zone.

**C. VEGETATIVE COMMUNITIES**

The existing FLUM for the subject parcel is DRI-MU. The proposed City FLUM change to Mixed Use (MU) will not significantly elevate the current level of development potential; any proposed improvements to the parcel area will require a technical site plan review to determine final compliance with the Unified Land Development Code.

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

Listed species: The site was inspected on October 24, 2018. The site has limited potential of supporting listed species.

**E. ENVIRONMENTAL SENSITIVE FEATURES**

The site includes two pockets of medium quality wetlands.

**F. GROUNDWATER RESOURCE PROTECTION**

Impacts to groundwater resource protection were previously analyzed as part of the Development of Regional Impact (DRI) analysis. Impacts resulting from proposed uses on site will be further analyzed at the time of site plan review.

#### **G. HISTORICAL RESOURCES**

Cultural/Historical analysis was completed as part of DRI. There are no identified historical or cultural resources on site.

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

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

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

#### Surrounding Future Land Use Map Designation:

North: Institutional  
South: Industrial  
East: DRI-Mixed Use  
West: DRI-Mixed Use

#### Surrounding Zoning Designation:

North: Public/Semi-Public  
South: Industrial - Light and Warehousing (IND-1)  
East: (US-1) Master Planned Development  
West: Master Planned Development

#### Surrounding Property Existing Uses:

North: City of Palm Coast Public Works Facility  
South: Industrial building  
East: Vacant  
West: Vacant

The proposal to designate the subject property as Institutional is consistent with and compatible with the FLUM designation of the surrounding properties.

#### **CONSISTENCY WITH COMPREHENSIVE PLAN**

The proposed amendment was evaluated for consistency with the following relevant goals, objectives, and policies from the City's Comprehensive Plan.

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

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

Consistent with Objective 1.1.4 and Policy 1.1.4.5, the subject parcel is contiguous to the developing areas of the City and does not promote urban sprawl. Utility lines (water and sewer) are available adjacent to the site and additionally, the proposed development on the parcel will appropriately occur on a parcel with access to a major arterial (US-1).

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**RECOMMENDATION**

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Planning Staff recommends that the Planning and Land Development Regulation Board (PLDRB) recommend approval to the City Council for Application # 3845, to amend the Future Land Use Map (FLUM) for 6.1 +/- acres from DRI-Mixed Use to Institutional

Hulst  
Swamp

W. Hwy SR-5  
Wellfleet Dr  
Palm Coast

Subject Property



US-1

Sheldon Dr

W. Hwy SR-5

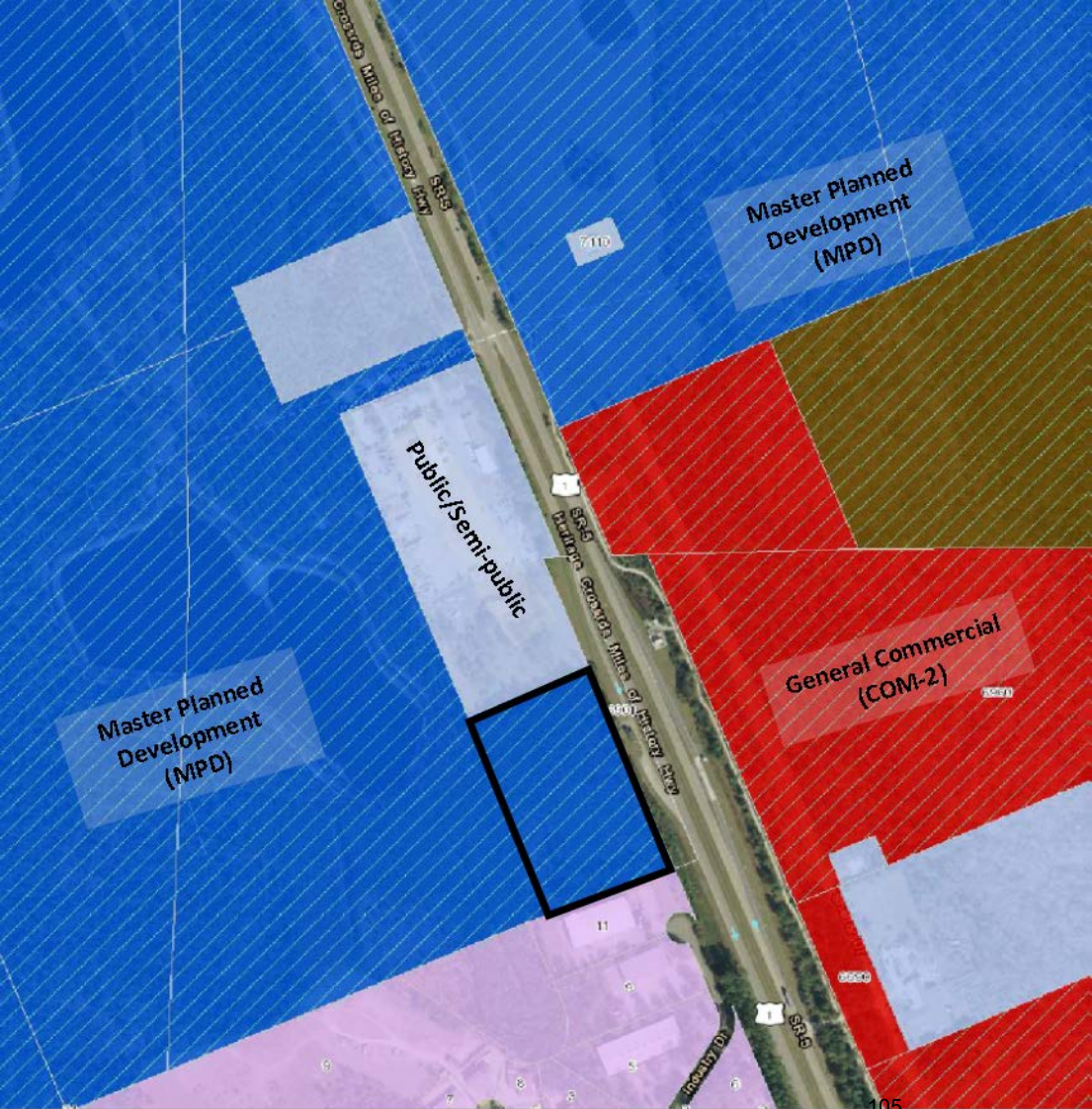
Hargrove Grade

W. Hwy SR-5

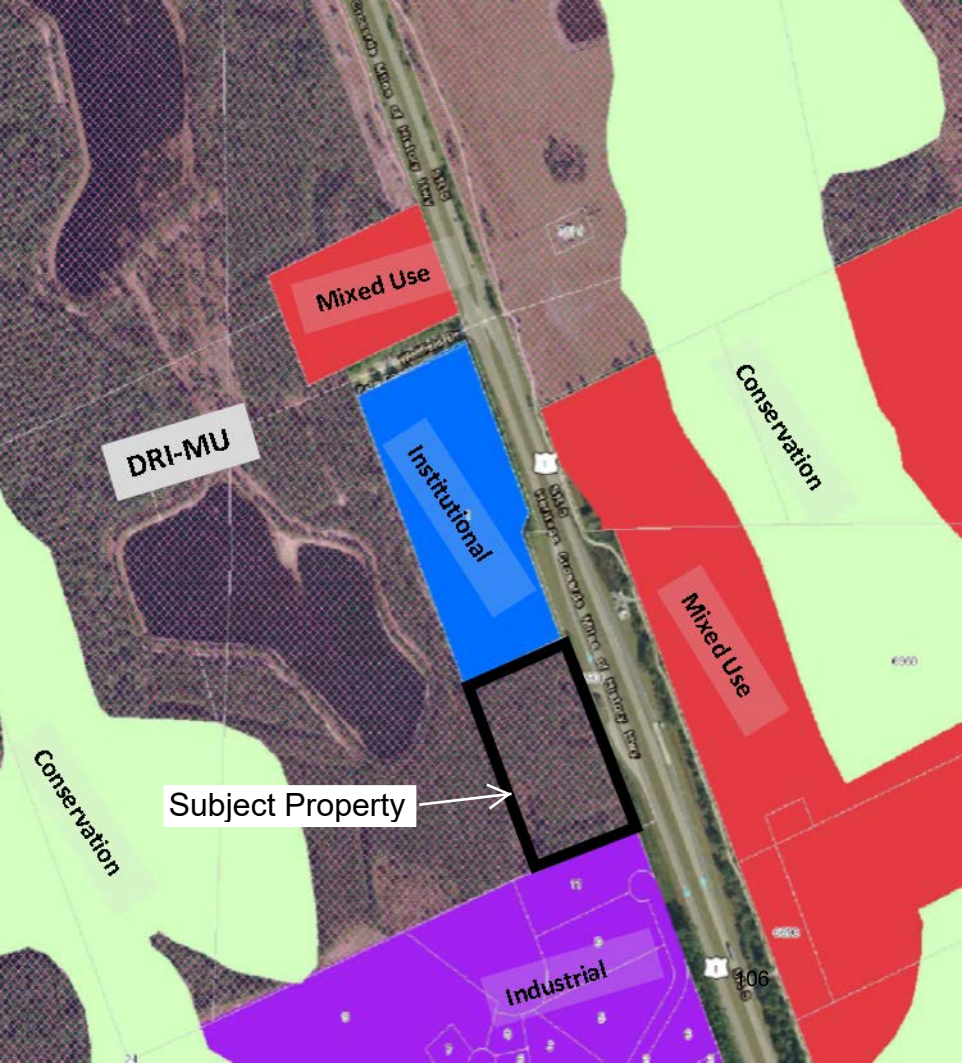
Palm Coast Pkwy. NW

Pkwy NW





Subject Property





**Subject Property**

Mixed Use

DRI-MU

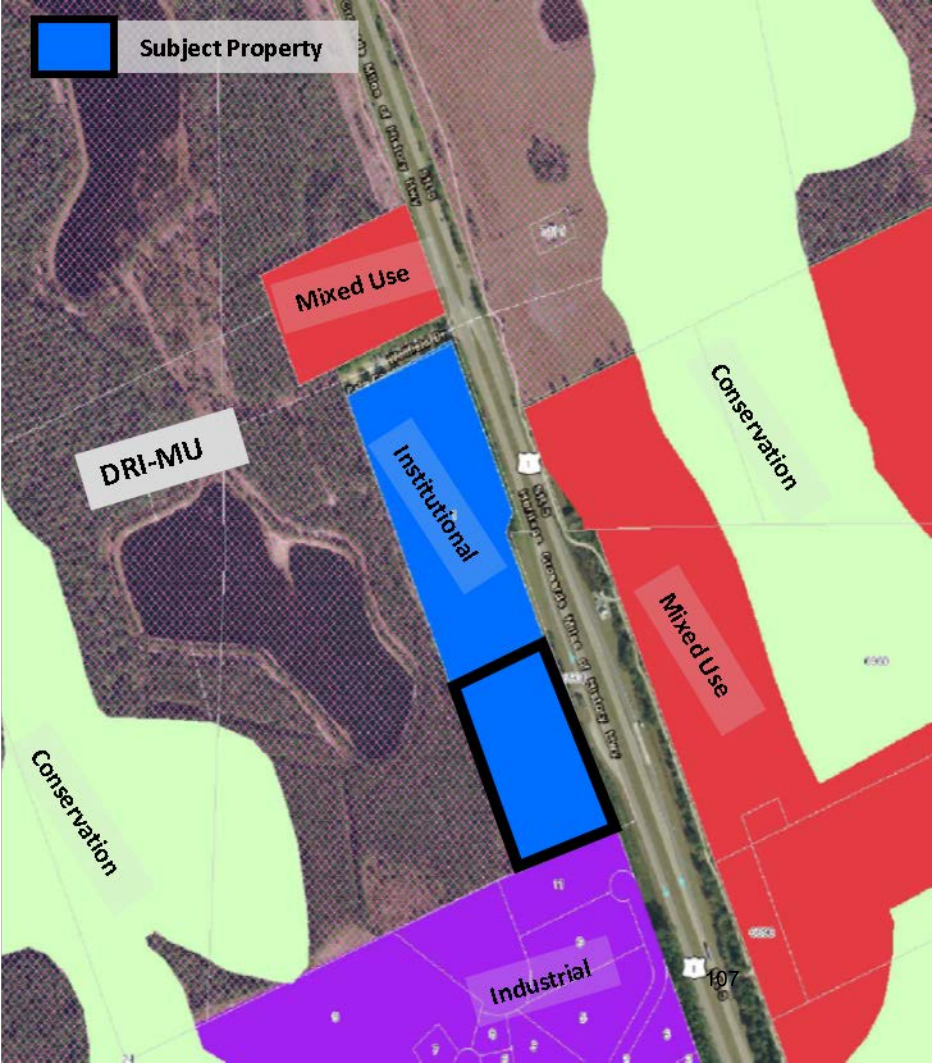
Institutional

Conservation

Mixed Use

Conservation

Industrial



# City of Palm Coast, Florida

## Agenda Item

Agenda Date: January 16, 2019

<b>Department</b>	PLANNING	<b>Amount</b>
<b>Item Key</b>	5826	<b>Account</b>
		<b>#</b>
<b>Subject</b>	A ZONING MAP AMENDMENT FROM MASTER PLANNED DEVELOPMENT (MPD) TO PUBLIC/SEMIPUBLIC (PSP) FOR A 6+/- ACRE PARCEL LOCATED .50 MILES NORTH OF PALM COAST PARKWAY ON THE WESTSIDE OF US-1	
<b>Background :</b> The proposed rezoning of the subject property is a companion application to a proposed Future Land Use Map amendment for the subject property. The subject property is 6 ± acres and generally located .50 miles north of Palm Coast Pkwy. on the westside of US-1. The proposed rezoning will amend the zoning designation for the subject property from Master Planned Development (MPD) to Public/Semipublic (PSP). The intent of the proposed rezoning is to eventually accommodate the proposed expansion of the City of Palm Coast Public Works facility. Staff analyzed the proposed rezoning based on the criteria established in the City of Palm Coast Land Development Code. In summary, staff makes the following findings: <ul style="list-style-type: none"><li>- the proposed rezoning is consistent with the Comprehensive Plan,</li><li>- the proposed rezoning does not negatively impact the existing public facilities, and</li><li>- the proposed rezoning is consistent with the surrounding land uses and is in an area appropriate for expansion of non-residential uses and does not cause a nuisance or threat to the general welfare and safety of the public.</li></ul>		
<b>Recommended Action :</b> Planning Staff recommends that the Planning and Land Development Regulation Board (PLDRB) recommend to the City Council, approval of application number 3844 to rezone 6+/- acres from Master Planned Development (MPD) to Public/Semipublic (PSP).		





**COMMUNITY DEVELOPMENT DEPARTMENT  
STAFF REPORT FOR APPLICATION #3844  
January 16, 2019**

## OVERVIEW

**Application Number:** 3844

**Applicant:** City of Palm Coast

**Property Description:**

<b>Property Owner:</b>	City of Palm Coast
<b>Parcel ID:</b>	10-11-30-0000-01010-0011
<b>Current FLUM designation:</b>	Development of Regional Impact - Mixed Use (There is a companion application to amend FLUM designation to Institutional)
<b>Current Zoning designation:</b>	Master Planned Development
<b>Current Use:</b>	Vacant
<b>Size of subject property:</b>	6.0 ± acres

**Requested Action:** Zoning Map Amendment for a 6+/- acre parcel from Master Planned Development (MPD) to Public/Semipublic (PSP)

**Recommendation:** Approval

## ANALYSIS

### REQUESTED ACTION

Zoning Map Amendment for a 6+/- acre parcel from Master Planned Development (MPD) to Public/Semipublic (PSP).

### BACKGROUND/SITE HISTORY

The subject parcel was acquired by the City of Palm Coast in August 2018 as part of a land swap. The land swap will enable a more ideal expansion of the City's Public Works facility. The subject property consists of approximately 6 acres of vacant land.

### LAND USE AND ZONING INFORMATION

#### USE SUMMARY TABLE:

CATEGORY:	EXISTING:	PROPOSED:
Future Land Use Map (FLUM)	Development of Regional Impact Mixed Use	Institutional (Companion amendment)
Zoning District	Master Planned Development	Public/Semipublic
Overlay District	None	None
Use	Vacant	Vacant

**SURROUNDING LAND USES:**

NORTH:	FLUM:	Institutional
	Zoning:	Public/Semipublic
	Use:	City of Palm Coast Public Works Maintenance Facility
SOUTH:	FLUM:	Industrial
	Zoning:	Light Industrial (IND-1)
	Use:	Industrial
EAST (US-1):	FLUM:	Mixed Use
	Zoning:	General Commercial (COM-2)
	Use:	Vacant
WEST:	FLUM:	DRI-Mixed Use (Palm Coast Park)
	Zoning:	Master Planned Development
	Use:	Vacant

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

Criteria	Master Planned Development (Current) – Residential High Density (MFR-2)	Public/Semipublic (Proposed)
Min. Lot Size	2,000 sq. ft.	20,000 sq. ft.
Min. Lot Width	18'	100'
Max. Impervious area	.80	.70
Max. Bldg. Height	80'	100'
Min. Front Setback	10'	25'
Min. Rear Setback	10'	10'
Min. Interior Side Setback	10'	10'
Min. Street Side Setback	10'	25'

**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 not in conflict with, or contrary to, the public interest. The subject site is abutted to the north by the existing City of Palm Coast Public Works facility and to the south by Hargrove Grade industrial Park. The parcel's location is appropriate for the expansion of the City's Public Works Facility and is not contrary to the public interest since it provides for an efficient expansion of the public works facility. Additionally, the parcel's location between US-1 and potential residential uses to the west provides can provide a reasonable transition between a major arterial roadway and low-density residential.

*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:

- *Objective 1.1.4 - Promote compact and contiguous development, a mixture of land uses, and discourage urban sprawl*
- *Policy 1.1.4.5 - Land use patterns will be required to be efficient and not disproportionately increase the cost of providing and maintaining public facilities, as well as providing housing and transportation strategies that will foster energy conservation.*

The proposed amendment is consistent with Objective 1.1.4 and Policy 1.1.4.5, the subject parcel is contiguous to the developing areas of the City and does not promote urban sprawl. Utility lines (water and sewer) are available adjacent to the site and additionally, the proposed rezoning is for a parcel abutting a major arterial (US-1).

Finally, any development on the subject parcel will be further reviewed for compliance with the Land Development Code (LDC).

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

**Staff Findings:** Rezoning the subject property will not impose a significant financial liability or hardship for the City. The property is located along a major arterial (US-1) and in an area with available public utilities (water and sewer) and therefore would not need a significant expansion of water or sewer facilities.

*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 development standards contained in the LDC (setbacks, landscape buffers, etc.). Additionally, the approval of the rezoning will provide an opportunity to expand the public works facility in a location adjacent to US-1 and the Hargrove Grade Industrial Park.

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

**Staff Finding:** Approval of the zoning map amendment does not exempt the property from compliance with other local, state and federal laws, statutes, ordinances, regulations, or codes including the LDC and the Comprehensive Plan.

#### **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 subject parcel was analyzed as part of the Palm Coast Park DRI application and was identified as appropriate for development. There were no significant environmental or natural resources identified on the site

(high quality wetlands rookeries, archaeological sites, etc.). At the time of development, a further review of the natural and environmental resources will be prepared for the site.

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

**Staff Finding:** Rezoning of the subject parcel is not anticipated to have a detrimental effect on the economy of the affected area. The proposed rezoning will expand an established use (Public works facility) that does not negatively impact the area. The rezoning will not impact the function of the industrial areas to the south nor will the industrial areas impact the proposed subject parcel. Finally, the standards of the land development code will assist in mitigating impacts of the subject parcel on the residential areas to the west.

*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:** As demonstrated in the analysis for the Future Land Use Map (FLUM) amendment, the proposed rezoning will not have a significant impact on the governmental services including wastewater, potable water, drainage, fire and police protection, solid waste and transportation systems. Additionally, at the time of site plan approval and building permit application, a proposed development's impact on governmental services will be further analyzed to ensure the site receives the appropriate services (i.e. water, sewer, drainage, etc.).

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

**Staff Finding:** The subject parcel was acquired by the City through a land swap with the property owner to the west. The land exchange was facilitated after an analysis of the potential expansion of the public works facility identified that a land exchange (between the subject parcel and a parcel that is separated by Wellfield Grade from the current public works facility) would provide the opportunity for a more efficient expansion of the public works facility while also mitigating the impact of the expansion of the public works facility on the future residential development to the west (Wellfield Grade will be the main access to residential areas to the west).

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

**Staff Finding:** The proposed zoning designation of Public/Semipublic (PSP) is compatible with the surrounding uses and zoning districts. The subject site is abutted to the north by the existing City of Palm Coast Public Works facility (zoned PSP) and to the south by Hargrove Grade industrial Park (zoned Industrial). This proposed change does not threaten the general health, welfare or safety of the surrounding residents. Future development of the site must comply with the development standards contained in the LDC (setbacks, landscape buffers, etc.). These standards will provide the appropriate protection for the future residential development to the west.

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

**Staff Finding:** Yes, the rezoning accomplishes a legitimate public purpose. As previously stated, the parcel's location between US-1 and potential residential uses to the west provides a transition between a major arterial roadway and the future residential area. Additionally, the zoning map amendment will also allow a more cohesive expansion of the Public Works facility adjacent to Hargrove Grade industrial Park.

## **PUBLIC PARTICIPATION**

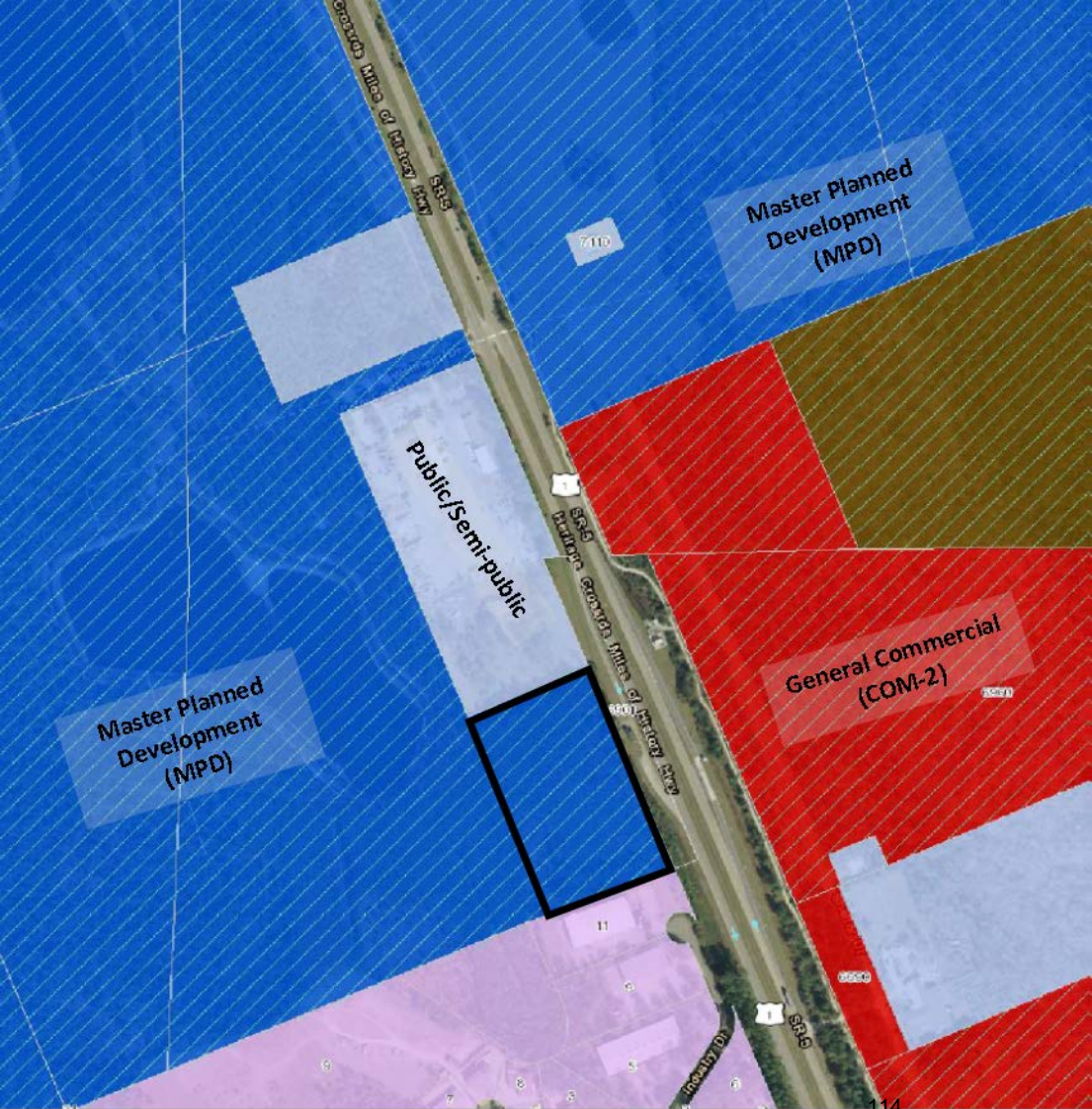
Unified Land Development Code Chapter 2, Part II, Section 2.05.02 requires a neighborhood meeting and notification of property owners within 300 feet of any proposed parcel of the neighborhood meeting.

To comply with this requirement, the City notified the property owners via regular mail on December 4, 2018 of a neighborhood meeting held on December 17, 2018 at 5:30 p.m. at City Hall.

## **RECOMMENDATION**

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Planning Staff recommends that the Planning and Land Development Regulation Board recommend approval to the City Council for application #3844 to rezone 6 +/- acres from Master Planned Development (MPD) to Public/Semipublic.



Master Planned  
Development  
(MPD)

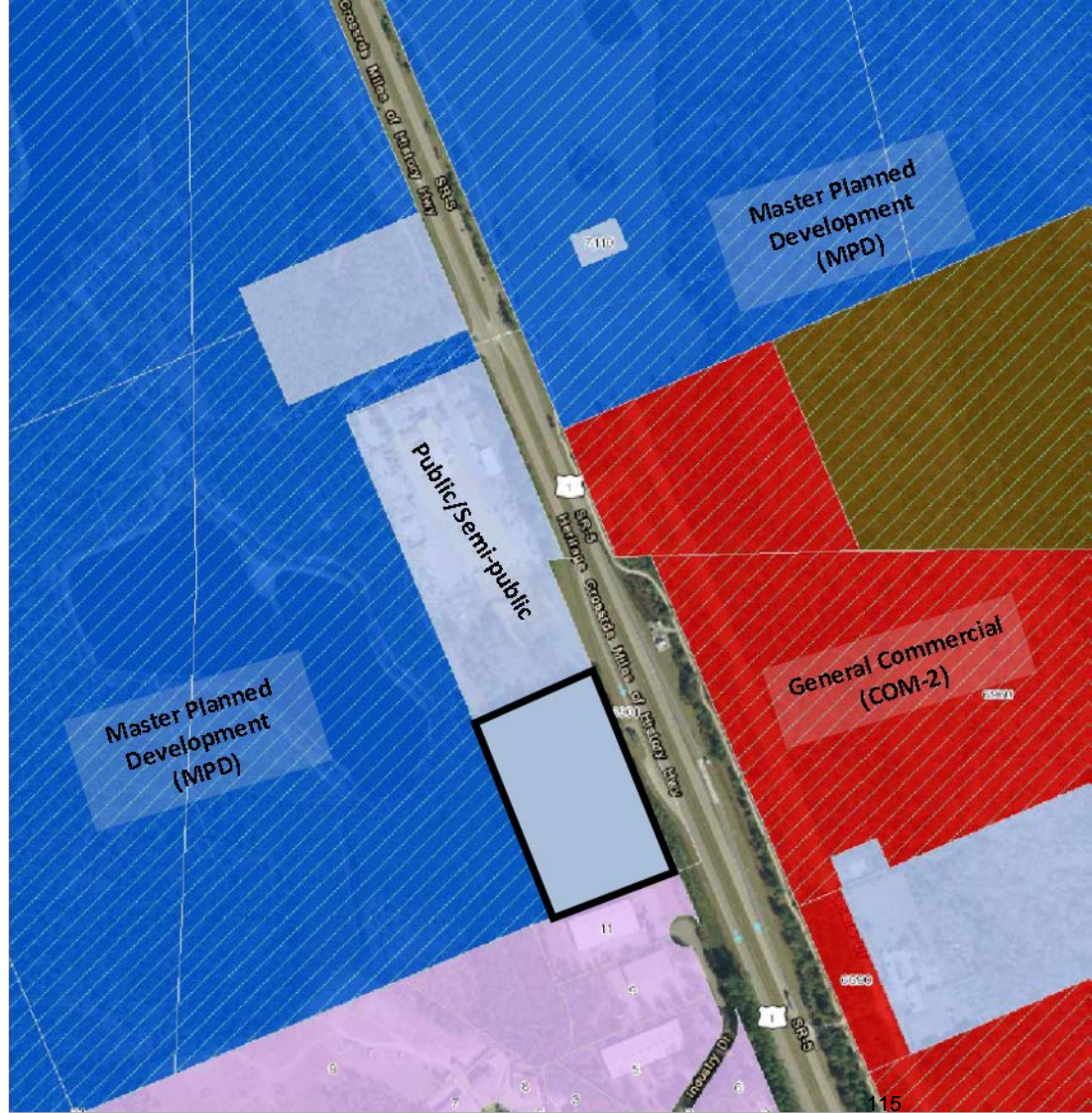
Public/Semi-public

Master Planned  
Development  
(MPD)

General Commercial  
(COM-2)

Subject Property





 Subject Property

# City of Palm Coast, Florida

## Agenda Item

Agenda Date: January 16, 2019

<b>Department</b>	PLANNING	<b>Amount</b>
<b>Item Key</b>	5827	<b>Account</b>
		<b>#</b>
<b>Subject</b>	A ZONING MAP AMENDMENT FROM PUBLIC/SEMIPUBLIC (PSP) TO GENERAL COMMERCIAL (COM-2) FOR A 5+/- ACRE PARCEL LOCATED NORTH OF WELLFIELD GRADE AND WEST OF US-1	
<b>Background:</b> The subject property is 5 ± acres and generally located north of Wellfield Grade and west of US-1. The proposed rezoning will amend the zoning designation of the subject property from Public/Semipublic (PSP) to General Commercial (COM-2).  Staff analyzed the proposed rezoning based on the criteria established in the City of Palm Coast Land Development Code. In summary, staff makes the following findings: <ul style="list-style-type: none"><li>- the proposed rezoning is consistent with the Comprehensive Plan,</li><li>- the proposed rezoning does not negatively impact the existing public facilities, and</li><li>- the proposed rezoning is consistent with the surrounding land uses and is in an area appropriate for expansion of commercial/industrial uses and does not cause a nuisance or threat to the general welfare and safety of the public.</li></ul>		
<b>Recommended Action:</b> Planning Staff recommends that the Planning and Land Development Regulation Board (PLDRB) recommend to the City Council, approval of application number 3842 to rezone 5+/- acres from Public/Semipublic to General Commercial (COM-2).		





**COMMUNITY DEVELOPMENT DEPARTMENT  
STAFF REPORT FOR APPLICATION #3842  
January 16, 2019**

**OVERVIEW**

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**Application Number:** 3842

**Applicant:** City of Palm Coast

**Property Description:** 5.0 ± acre property located north of Wellfield Grade and west of US-1

<b>Property Owner:</b>	Sunbelt Palm Coast, LLC
<b>Parcel ID:</b>	10-11-30-0000-01010-0050
<b>Current FLUM designation:</b>	Mixed Use
<b>Current Zoning designation:</b>	Public/Semipublic
<b>Current Use:</b>	Vacant
<b>Size of subject property:</b>	5.0 ± acres

**Requested Action:** Rezoning from Public/Semi-Public (PSP) to General Commercial (COM-2)

**Recommendation:** Approval

**ANALYSIS**

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**REQUESTED ACTION**

This is a proposed rezoning for an approximately 5+/- acre parcel from Public/Semipublic to General Commercial (COM-2)

**BACKGROUND/SITE HISTORY**

The subject parcel was previously owned by the City of Palm Coast. In August 2017, the City and an adjacent landowner agreed to a land swap to enable a more ideal expansion of the Public Works facility. The subject property consists of approximately 5.3 acres of vacant land with approximately 390 feet of US-1 frontage.

**LAND USE AND ZONING INFORMATION**

**USE SUMMARY TABLE:**

CATEGORY:	EXISTING:	PROPOSED:
Future Land Use Map (FLUM)	Mixed Use	Mixed Use (No change)
Zoning District	Public/Semi-Public	General Commercial (COM-2)
Overlay District	None	None

Use	Vacant	Retail/Office
Acreage (includes ROW area)	5 +/- acres	5 +/- acres

**SURROUNDING LAND USES:**

NORTH:	FLUM:	DRI-Mixed Use (Palm Coast Park)
	Zoning:	Master Planned Development
	Use:	Vacant – Residential (Future)
SOUTH:	FLUM:	Institutional
	Zoning:	Public/Semi-Public
	Use:	Public Works Facility
EAST (US-1):	FLUM:	DRI-Mixed Use (Palm Coast Park)
	Zoning:	Master Planned Development
	Use:	Vacant
WEST:	FLUM:	DRI-Mixed Use (Palm Coast Park)
	Zoning:	Master Planned Development
	Use:	Vacant – Residential (Future)

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

Criteria	COM-2 (Proposed)	Public/Semipublic (Existing)
Min. Lot Size (sq. ft.)	20,000	20,000
Min. Lot Width	100'	100'
Max. Impervious area	.70	.70
Max. FAR Ratio	.40	.30
Max. Bldg. Height	100'	100'
Min. Interior Side & Rear Setback	10'	10'
Min. Street Side Setback	25' (Arterial/Collector) or 20' (Local)	25' (Arterial/Collector) or 20' (Local)

**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 rezoning of the subject property is not in conflict with, or contrary to, the public interest. The subject site is abutted to the north and to the west by land with potential residential uses in the future. The property to the south is the existing City of Palm Coast Public Works Facility. A zoning of General Commercial (COM-2) provides an appropriate transition from the activities at the public works facility to the future residential uses to the north and west. The non-residential uses allowed in COM-2 provides an opportunity to develop services (retail or office) to serve the future residential uses in the adjacent area. Additionally, the site is located at the corner of

US-1 and Wellfield Grade which will likely become more heavily travelled roadway as the areas along US-1 are developed.

*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:

- Objective 1.1.4 - Promote compact and contiguous development, a mixture of land uses, and discourage urban sprawl
- Policy 1.1.4.5 - Land use patterns will be required to be efficient and not disproportionately increase the cost of providing and maintaining public facilities, as well as providing housing and transportation strategies that will foster energy conservation.

Consistent with Objective 1.1.4 and Policy 1.1.4.5, the subject parcel is contiguous to the developing areas of the City and does not promote urban sprawl. Utility lines (water and sewer) are available adjacent to the site and additionally, the proposed rezoning to COM-2 for a parcel abutting a major arterial (US-1) is appropriate.

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

**Staff Findings:** Rezoning the subject property to COM-2 will not impose a significant financial liability or hardship for the City. The property is located along a major arterial (US-1) and is in an area that in the future will be developed for a variety of uses (residential/commercial/industrial uses). Additionally, water and wastewater infrastructure are immediately available to the site and therefore, will not require a major expansion of water or sewer mains.

*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 an opportunity to expand the commercial services along a segment of US-1, which is already designated for non-residential uses.

*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:** At the time of development, a current wetland assessment that examines both the quantity and quality of this wetland will be required. Additionally, the subject property is still subject to all requirements of the Land Development Code regarding protection of environmental and natural resources (listed species report, wetlands assessment).

*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 proposed rezoning will expand the area available for commercial along this segment of US-1. This commercial area will also serve the eventual residential development in the surrounding area.

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

**Staff Finding:** The 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 subject parcel was previously owned by the City of Palm Coast and was the potential site for the expansion of the Public Works Facility. An analysis of the potential expansion of the public works facility identified that a land exchange with an adjacent owner would provide the opportunity for a more efficient expansion of the public works facility while also mitigating the impact of the expansion of the public works facility on the surrounding area.

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

**Staff Finding:** The proposed zoning designation of General Commercial (COM-2) is compatible with the surrounding uses and zoning districts. This proposed change does not threaten the general health, welfare or safety of the surrounding residents. The proposed zoning will provide opportunities for retail space and services to the adjacent areas which are slated for residential uses.

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

**Staff Finding:** Yes, the rezoning accomplishes a legitimate public purpose. A zoning of General Commercial (COM-2) provides an appropriate transition from the activities at the public works facility to the future residential uses to the north and west. Additionally, the site is located at the corner of US-1 and Wellfield Grade which will likely become more heavily travelled roadway as the areas along US-1 are developed.

#### **PUBLIC PARTICIPATION**

Unified Land Development Code Chapter 2, Part II, Section 2.05.02 requires a neighborhood meeting and notification of property owners within 300 feet of any proposed parcel of the neighborhood meeting.

To comply with this requirement, the City notified the property owners via regular mail on December 4, 2018 for a neighborhood meeting held on December 17, 2018 at 5:30 p.m. at City Hall.

#### **RECOMMENDATION**

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Planning Staff recommends that the Planning and Land Development Regulation Board (PLDRB), recommend, approval to the City Council for Application # 3842 to rezone 5 +/- acres from Public/Semipublic (PSP) to General Commercial (COM-2).

Subject Property

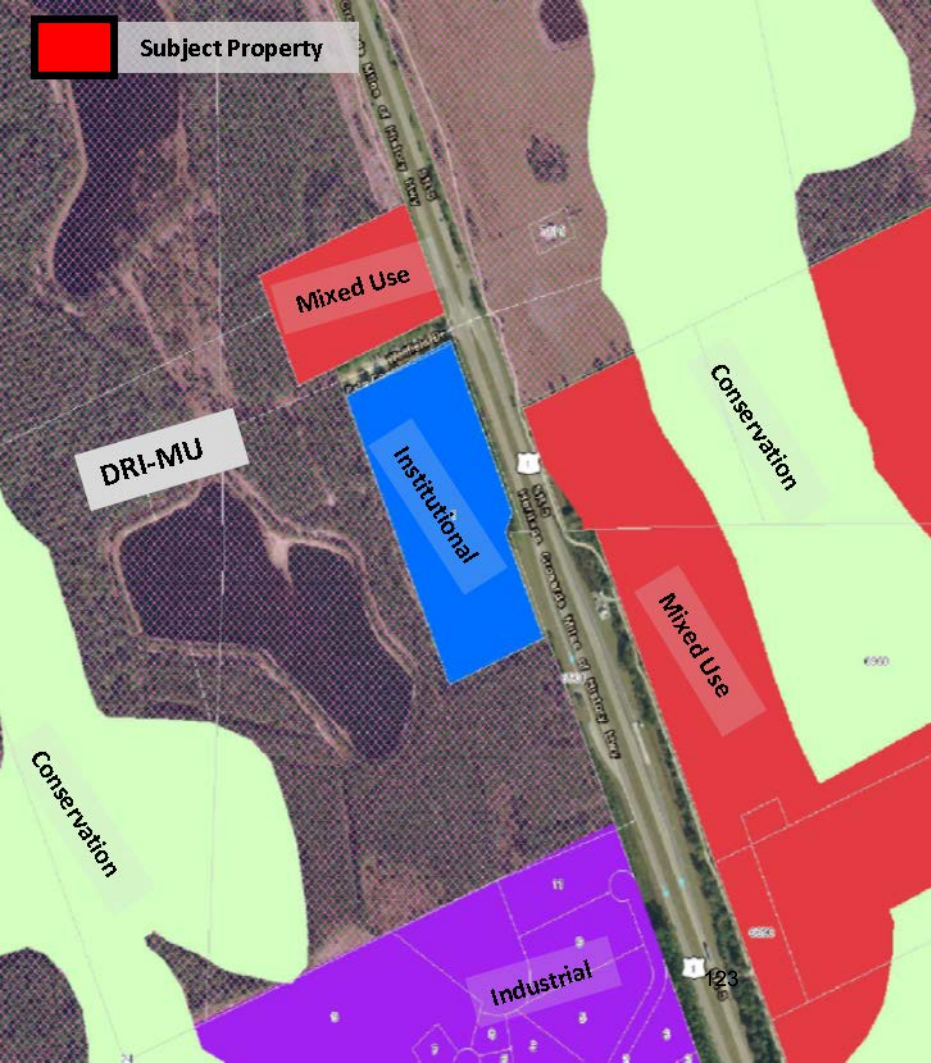


US-1

Hargrove Grade

Palm Coast Pkwy. NW

122



**Subject Property**

**Mixed Use**

**DRI-MU**

**Institutional**

**Conservation**

**Mixed Use**

**Conservation**

**Industrial**

123





 Subject Property





### Subject Property