



**City of Palm Coast
Amended Agenda
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
Alternate Board Member Charles
Lemon
Alternate Board Thomas Oelsner
School Board Rep David Freeman***

Wednesday, October 16, 2019

5:30 PM

COMMUNITY WING OF CITY HALL

RULES OF CONDUCT:

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

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

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

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

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

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

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

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

Call to Order and Pledge of Allegiance

Roll Call and Determination of a Quorum

Approval of Meeting Minutes

1 MEETING MINUTES OF THE AUGUST 21, 2019 PLANNING AND LAND DEVELOPMENT

REGULATION BOARD MEEETING

Public Hearings

- 2 REQUEST FOR SPECIAL EXCEPTION TO ALLOW OFFICE WAREHOUSING AND SELF-STORAGE WITHIN GENERAL COMMERCIAL (COM-2) ZONING DISTRICT**
- 3 AN AMENDMENT TO THE OARE MASTER PLANNED DEVELOPMENT-DEVELOPMENT AGREEMENT (MPD-DA) TO EXTEND DEADLINE FOR SUBMITTAL OF PRELIMINARY PLAT, TO BRING CONSISTENCY WITH LDC AND OTHER HOUSEKEEPING ITEMS**
- 4 APPROVING A FINDING THAT THE PROPOSED USE OF STATE LANDS IS CONSISTENT WITH THE CITY OF PALM COAST COMPREHENSIVE PLAN**

Board Discussion and Staff Issues

Adjournment

City of Palm Coast, Florida Agenda Item

Agenda Date: SEPTEMBER 17, 2019

Department	PLANNING	Amount
Item Key	7039	Account
		#
Subject	MEETING MINUTES OF THE AUGUST 21, 2019 PLANNING AND LAND DEVELOPMENT REGULATION BOARD MEEETING	
Background :		
Recommended Action :		
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***

Wednesday, August 21, 2019

5:30 PM

COMMUNITY WING OF CITY HALL

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Call to Order and Pledge of Allegiance

Chair Davis called the August 21, 2019 Planning and Land Development Regulation Board (PLDRB) meeting to order @ 5:30PM.

Roll Call and Determination of a Quorum

Approval of Meeting Minutes

**1 MINUTES OF THE JULY 17, 2019 PLANNING AND LAND DEVELOPMENT
REGULATION BOARD MEETING**

Pass

**Motion made to approve as presented by Board Member Dolney and
seconded by Board Member Oelsner**

**Approved - 7 - Board Member Christopher Dolney, Board Member Pete
Lehnertz, Board Member Jake Scully, Vice Chair Clinton Smith, Board Member
Sybil Dodson-Lucas, Chair Glenn Davis, Board Member Thomas Oelsner**

Public Hearings

**2 AN AMENDMENT TO THE PALM COAST PARK DEVELOPMENT OF REGIONAL
IMPACT DEVELOPMENT ORDER TO AMEND THE USES ON TRACT 10B FROM
PUBLIC/SEMI-PUBLIC TO RESIDENTIAL AND TRACT 16 FROM
BUSINESS/INSTITUTIONAL TO RESIDENTIAL ALONG WITH HOUSEKEEPING
AMENDMENTS**

*Mr. Ray Tyner, Deputy Chief Development Officer, introduced this item and
explained that one presentation would be given for items #2 and #3, however
each item would require separate votes of the PLDRB members.*

*Mr. Tyner introduced Mr. Jose Papa, Senior Planner, who gave one presentation
for items #2 and #3, which is attached to these minutes.*

*Vice Chairman Smith, asked Mr. Freeman if the Flagler County School Board
was good with the wording of the proposed amendments. Mr. Freeman said that
the new site is better suited for a school, less wetlands. He further stated that
the proposal was brought to the school board and they approved the proposal.*

*Mr. Dolney asked Mr. Freeman what type of school would the new land be used
to accommodate. Mr. Freeman indicated that a final decision was not yet reached
but that it was sized for an elementary (school). Mr. Dolney asked for clarification
about the plans for the new homes being proposed in this development and Mr.
Freeman indicated that a plan to address these new residents has been created.*

*Chair Davis opened this item to public comment at 5:42PM and seeing no one
approach the podium, he closed this item to public comment at 5:43PM.*

Pass

**Motion made to approve as presented by Board Member Dolney and
seconded by Board Member Lehnertz**

**Approved - 7 - Board Member Christopher Dolney, Board Member Pete
Lehnertz, Board Member Jake Scully, Vice Chair Clinton Smith, Board Member
Sybil Dodson-Lucas, Chair Glenn Davis, Board Member Thomas Oelsner**

3 AN AMENDMENT TO THE PALM COAST PARK MASTER PLANNED DEVELOPMENT-DEVELOPMENT AGREEMENT AMENDING THE DESIGNATED USES ON TRACTS 10B, 10C, 19, 7A, 7B, 16, ALLOWING PUBLIC USES ON ALL TRACTS AND "HOUSEKEEPING" AMENDMENTS

This item's presentation was part of agenda item #2. Chair Davis opened this item to public comment at 5:43PM and seeing no one approach the podium, he closed this item to public comment at 5:44PM.

Pass

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

Approved - 7 - Board Member Christopher Dolney, Board Member Pete Lehnertz, Board Member Jake Scully, Vice Chair Clinton Smith, Board Member Sybil Dodson-Lucas, Chair Glenn Davis, Board Member Thomas Oelsner

Board Discussion and Staff Issues

Chair Davis reminded the PLDRB members that the September PLDRB meeting will occur on Tuesday, September 17, 2019 @ 5:30PM in the Community Wing of City Hall.

Adjournment

Motion made that the meeting be adjourned by Mr. Lehnertz and the motion was seconded by Mr. Scully. The meeting was adjourned at 5:45PM.

*Respectfully Submitted by:
Irene Schaefer, Recording Secretary*

ATTACHMENTS

City of Palm Coast, Florida

Agenda Item

Agenda Date: OCTOBER 16, 2019

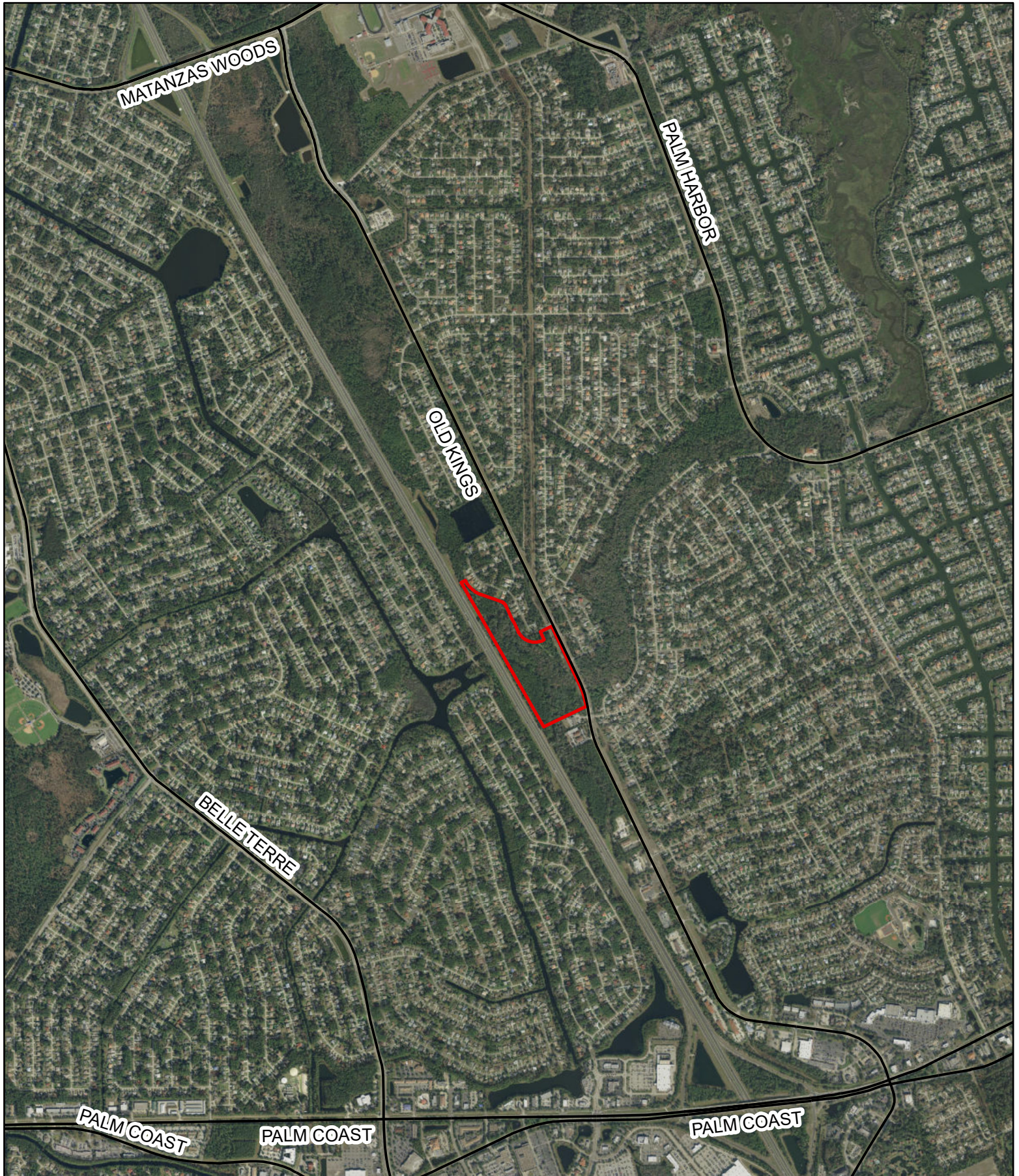
Department	PLANNING	Amount
Item Key	7270	Account
		#
Subject	REQUEST FOR SPECIAL EXCEPTION TO ALLOW OFFICE WAREHOUSING AND SELF-STORAGE WITHIN GENERAL COMMERCIAL (COM-2) ZONING DISTRICT	
Background: Applicant Victor Silva has filed a Special Exception request for an approximately 36 acre parcel located on the westside of Old Kings Rd. and approximately 1.5 miles north of Palm Coast Pkwy.		
The subject property is zoned General Commercial (COM-2). The proposed use for the subject property, Warehouses and Self-Storage are only allowable in COM-2 by Special Exception approval.		
Staff analysis indicates the following:		
<div><div>1.</div><div>The proposed Mini-warehouse, Office Warehouse, and Self-Storage use is not inconsistent with the surrounding office, retail, service related character of the Old Kings Rd. corridor.</div></div> <div><div>2.</div><div>The subject property is designated as Mixed Use on the Future Land Use Map (FLUM) and the proposed uses are consistent with the purpose of the FLUM.</div></div> <div><div>3.</div><div>The proposed use will not create a significant financial liability or hardship on the City since utilities (water and sewer) are available adjacent to the site.</div></div> <div><div>4.</div><div>If the Special Exception use is approved, technical site plan will have to be reviewed by the PLDRB.</div></div>		
As a condition of approval for the Special Exception, staff recommends the following:		
<div><div>1.</div><div>Hydraulic calculations will be needed for the wetland-crossing culverts at the time of site plan review.</div></div> <div><div>2.</div><div>It appears that the project will create encroachments onto existing floodplains. Floodplain compensation will be required and reviewed at the time of site plan review.</div></div> <div><div>3.</div><div>The COPC is currently in the process of developing a Citywide Stormwater Infrastructure Master Plan. Due to the preliminary results received to date, the floodway which this project will discharge into shall be classified as volume sensitive. As such, the stormwater system for the proposed development will need to be designed to retain the 25-yr 96-hr discharge volume for developed conditions such that the volume released from the project during the critical time period is not greater than the volume released during pre-developed conditions... see LDC 9.04.03.C.2.</div></div> <div><div>4.</div><div>The applicant shall utilize the data provided by city-wide stormwater modeling program to demonstrate a no-rise condition for up and down stream conditions.</div></div> <div><div>5.</div><div>Extent of floodplain fringe and associated floodway shall be evaluated based on survey elevation data collected from existing grade conditions.</div></div> <div><div>6.</div><div>Applicant shall maintain the interface between the crossing and natural wetland to ensure</div></div>		

reduction of vegetative and sedimentation congestion. Access by the City of Palm Coast shall be provided for routine inspection and to verify maintenance activities.

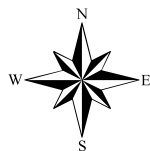
7. 50-foot averaged and 25-foot buffer upland is required. Calculations shall be provided at technical site plan to demonstrate compliance.
8. Cultural resource assessment will be required to verify if historical resources exist.
9. A full listed species assessment shall be provided a technical site plan. Protected species are known to inhabit the area.
10. FDOT Type D curb or 6" equivalent, whichever is greater, shall be utilized to reduce the possibility of pollution entering Big Mulberry Branch.
- 11 The bridge shall be built to support the weight of the heaviest fire truck.
12. Notate all finishes and colors on elevations. Provide LRV of color selections to ensure they meet code requirements in 13.02.06. Please note that finishes of corrugated metal are prohibited.
- 13 Provide massing techniques per 13.04.02.A.
14. Provide articulation techniques per 13.04.02.B.
15. Refer to 13.04.02.C for fenestration requirements.
16. Please note that a tree survey per LDC 11.02.02 will be required during the technical site plan review.
17. Per table 11-1 a minimum number of Specimen and Historic trees must be retained on site, which could affect the current conceptual plan.
18. Screening landscape will need to be planted to meet height specifications from finished parking lot grade, so if being planted on sloped areas material may need to be upsized.
19. Where boats or recreational vehicles are commercially stored outside, they shall only be stored on pavement located behind buildings or preserved wooded areas so they are generally hidden from the public rights-of-way, unless specifically permitted by code.
20. Proposed lot 3 will require utility infrastructure improvements to cross Lots 1 & 2. This site will require Utility Agreements.

Recommended Action: Planning Staff recommends that the Planning and Land Development Regulation Board (PLDRB) approve Application No. 3989 to allow a Special Exception for Warehouses and Self-Storage within General Commercial (COM-2) zoning district subject to the conditions set forth above in this agenda summary.

OKR Special Exception



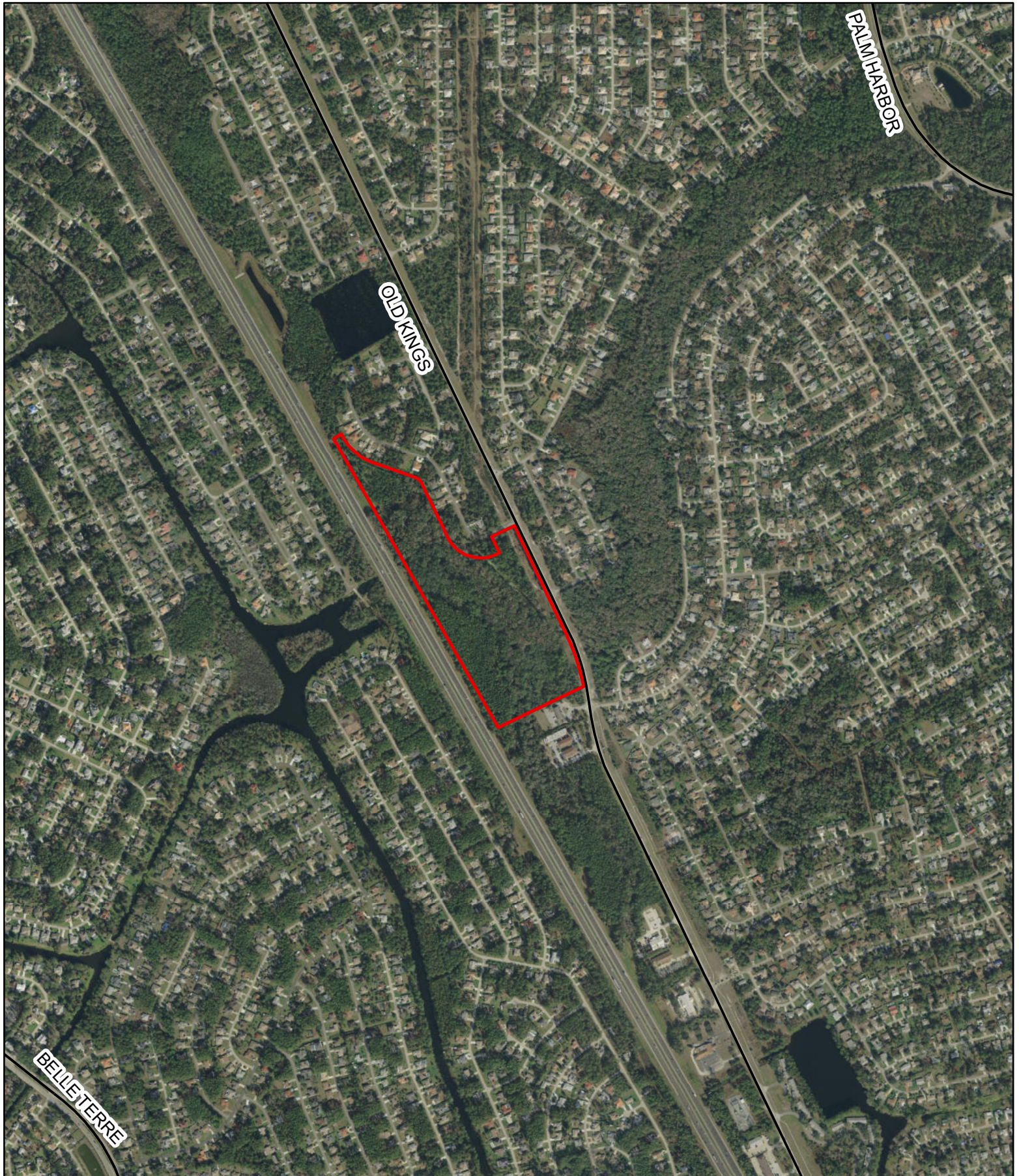
1 inch = 2,000 feet



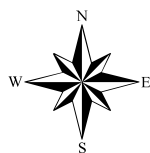
Map Provided By: Planning Division



OKR Special Exception



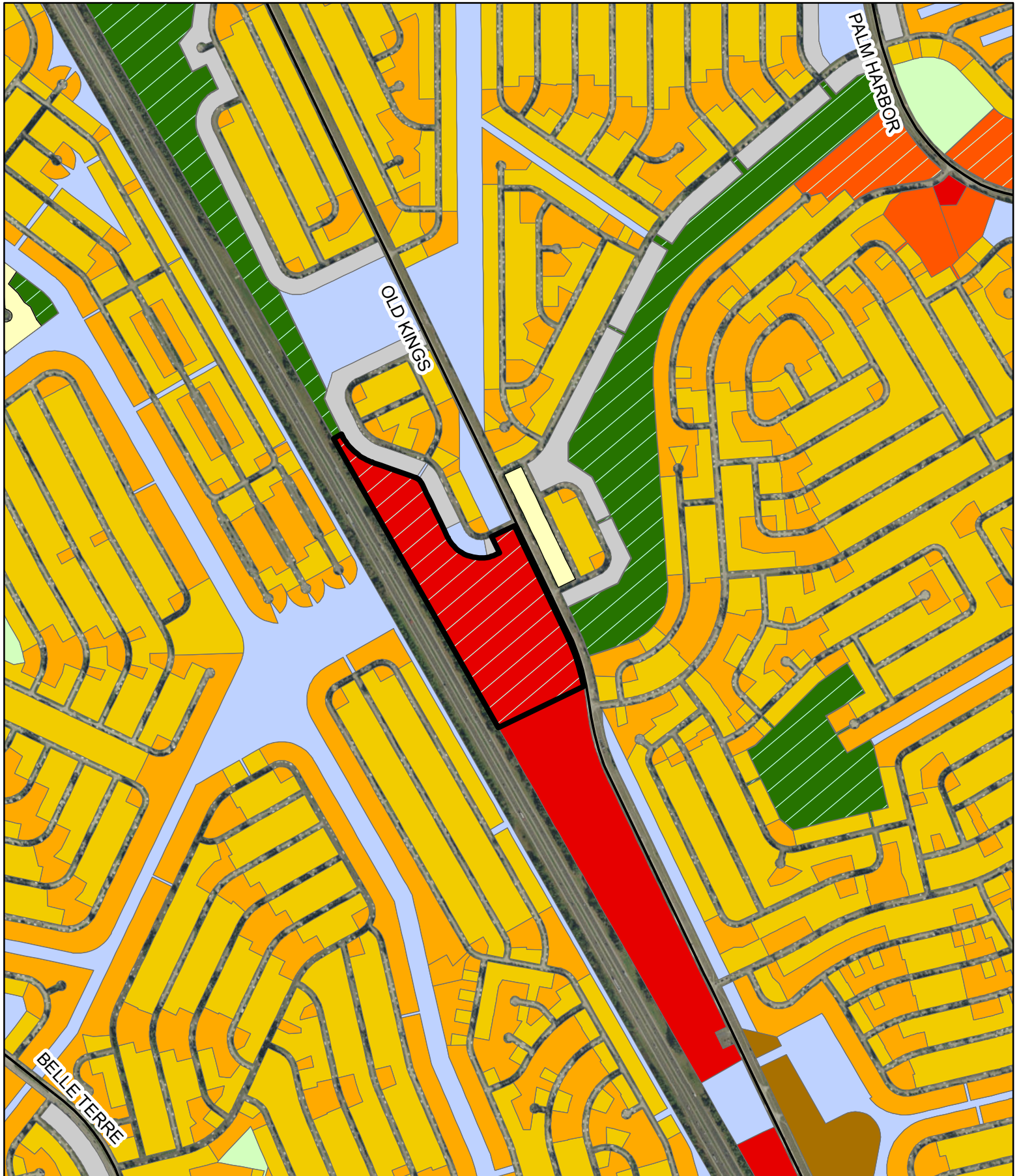
1 inch = 1,000 feet















Map Provided By: Planning Division



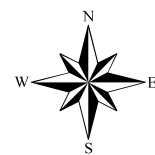
OKR Special Exception



Legend

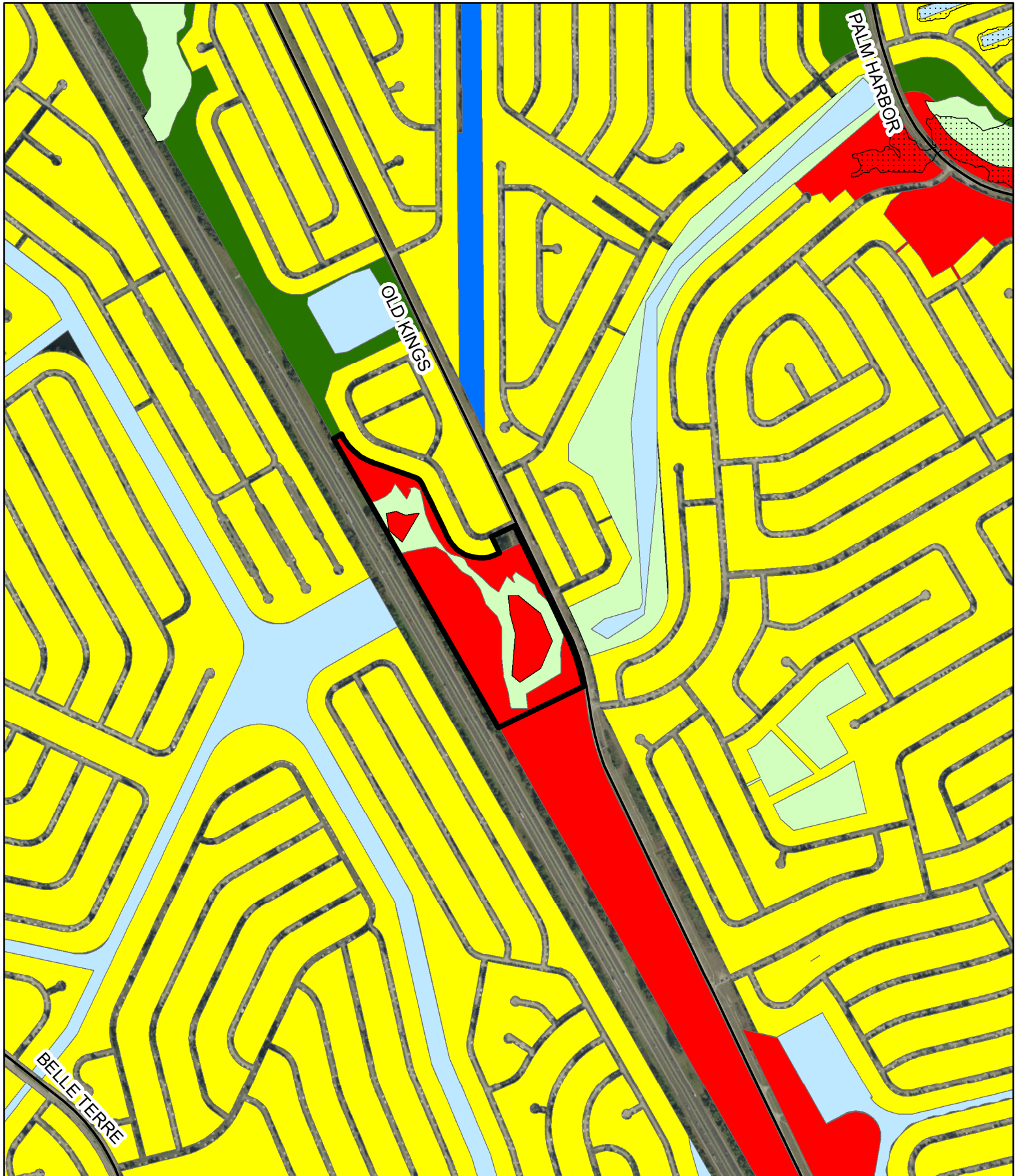
	OKR Special Exception		COM-2		PRS		SFR-3
	DPX		PSP		SFR-4		
	EST-1		SFR-1				
	COM-1		MFR-1		SFR-2		

1 inch = 1,000 feet



Map Provided By: Planning Division

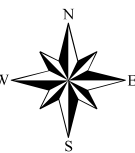
OKR Special Exception



Legend

OKR Special Exception	Coastal High Hazard Area	Institutional
FLUM	Conservation	Mixed Use
CATEGORY	Greenbelt	Residential
Canals		

1 inch = 1,000 feet w



Map Provided By: Planning Division



COMMUNITY DEVELOPMENT DEPARTMENT

STAFF REPORT FOR APPLICATION #3989

October 16, 2019

OVERVIEW

Project #	2019050102
Applicant:	Victor Silva
Property Description:	Lying west of Old Kings Rd (exc. part in Palm Coast subd & 11.67 ac in Old Kings Rd Professional Park North subd) OR 553 PG 1539 part #616 OR 1527 Pg. 81
Property Owner:	Old Kings Rd Vest LLC
FLUM designation:	Mixed Use and Conservation
Zoning designation:	General Commercial (COM-2)
Current Use:	Vacant
Property Tax ID:	01-11-30-0000-01010-0000
Property Location:	Interstate 95 and Old Kings Rd N
Requested Action:	Special Exception for a Warehouses and Self-Storage as required in General Commercial (COM-2) zoning
Recommendation:	Approval with Conditions

ANALYSIS

REQUESTED ACTION

Approve the Special Exception to allow Office Warehousing and Self-Storage within General Commercial (COM-2) zoning district situated between Interstate 95 and Old Kings Rd N, subject to the conditions set forth on the DO to include the following special conditions:

1. Hydraulic calculations will be needed for the wetland-crossing culverts at the time of site plan review.
2. It appears that the project will create encroachments onto existing floodplains. Floodplain compensation will be required and reviewed at the time of site plan review.
3. The COPC is currently in the process of developing a Citywide Stormwater Infrastructure Master Plan. Due to the preliminary results received to date, the floodway which this project will discharge into shall be classified as volume sensitive. As such, the stormwater system for the proposed development will need to be designed to retain the 25-yr 96-hr discharge volume for developed conditions such that the volume released from the project during the critical time

period is not greater than the volume released during pre-developed conditions... see LDC 9.04.03.C.2.

4. The applicant shall utilize the data provided by city-wide stormwater modeling program to demonstrate a no-rise condition for up and down stream conditions.
5. Extent of floodplain fringe and associated floodway shall be evaluated based on survey elevation data collected from existing grade conditions.
6. Applicant shall maintain the interface between the crossing and natural wetland to ensure reduction of vegetative and sedimentation congestion. Access by the City of Palm Coast shall be provided for routine inspection and to verify maintenance activities.
7. 50-foot averaged and 25-foot buffer upland is required. Calculations shall be provided at technical site plan to demonstrate compliance.
8. Cultural resource assessment will be required to verify if historical resources exist.
9. A full listed species assessment shall be provided a technical site plan. Protected species are known to inhabit the area.
10. FDOT Type D curb or 6" equivalent, whichever is greater, shall be utilized to reduce the possibility of pollution entering Big Mulberry Branch.
- 11 The bridge shall be built to support the weight of the heaviest fire truck.
12. Notate all finishes and colors on elevations. Provide LRV of color selections to ensure they meet code requirements in 13.02.06. Please note that finishes of corrugated metal are prohibited.
13. Provide massing techniques per 13.04.02.A.
14. Provide articulation techniques per 13.04.02.B.
15. Refer to 13.04.02.C for fenestration requirements.
16. Please note that a tree survey per LDC 11.02.02 will be required during the technical site plan review.
17. Per table 11-1 a minimum number of Specimen and Historic trees must be retained on site, which could affect the current conceptual plan.
18. Screening landscape will need to be planted to meet height specifications from finished parking lot grade, so if being planted on sloped areas material may need to be upsized.
19. Where boats or recreational vehicles are commercially stored outside, they shall only be stored on pavement located behind buildings or preserved wooded areas so they are generally hidden from the public rights-of-way, unless specifically permitted by code.
20. Proposed lot 3 will require utility infrastructure improvements to cross Lots 1& 2. This site will require Utility Agreements.

BACKGROUND/SITE HISTORY

Section 3.03.02 of the City Code identifies allowable uses within nonresidential and mixed use districts. Table 3-4 lists *Mini Warehouses, Office Warehouses and Self-Storage* as a specific use type within the warehousing category. Warehouses and Self-Storage is permitted with Special Exception approval within the General Commercial (COM-2) district. Warehouses and Self-Storage is permitted as a matter of right within the COM-3 district.

The subject property, measuring approximately 36.0 acres, is situated between I-95 and Old Kings Road. The onsite floodway and associated floodplain fringe (wetlands) is part of the Big Mulberry Branch name system and conveys significant amount of drainage from west of I-95 across the site, neighboring branch to the east and eventually into College Waterway, a saltwater canal. According to past staff site visits and provided environmental assessments, three (3) vegetative community types exist onsite and designated according to the Florida Land Use Cover and Forms Classification System (FLUCFCS).

- 1) Pine Flatwoods (FLUCFCS 411). The Pine Flatwoods habitat type has a canopy dominated by slash pine (*Pinus elliottii*). The understory is dominated by loblolly-bay (*Gordonia lasianthus*) saw palmetto (*Serenoa repens*), wax myrtle (*Myrica cerifera*) and bitter gallberry (*Ilex glabra*). The herbaceous layer is dominated by greenbriar *Smilax* spp.), grape (*Vitis* spp.) cinnamon fern (*Osmunda cinnamomea*) and bracken fern (*Pteridium aquilimum*).
- 2) Hardwood Conifer Mixed (FLUCFCS 434). The Hardwood Conifer Mixed habitat type can be found within the eastern and southern reaches of the parcel. The canopy is a mix of slash pine, sand pine (*Pinus clausa*), live oak (*Quercus virginiana*), and laurel oak (*Quercus hemisphaerica*). Subcanopy, understory and groundcover are a mix of saw palmetto, persimmon (*Diospyros virginiana*), winged sumac (*Rhus copallinum*), bracken fern, greenbriar, and grapevine.
- 3) Stream and Lake Swamps (FLUCFCS 615). The Stream and Lake Swamps community can be found in the central portions of the property and is associated with Big Mulberry Branch and associated tributaries. The canopy is dominated by slash pine, pond pine (*Pinus serotina*), bald cypress (*Taxodium distichum*), sweetgum (*Liquidambar styraciflua*) and red maple (*Acer rubrum*). The understory is dominated by swamp bay (*Persea palustris*), loblolly-bay, dahoon holly (*Ilex cassine*), fetterbush (*Lyonia lucida*), buttonbush (*Cephalanthus occidentalis*), along with saw palmetto in the transition areas. The herbaceous layer is dominated by Virginia chain fern (*Woodwardia virginica*), cinnamon fern (*Osmunda cinnamomea*) and maidencane (*Panicum hemitomon*). The vegetative composition mirrors the rest of the system to the east. Staff have determined the system to be a high-quality named wetland system.

According to a listed species assessment conducted by Environmental Services, Inc., two gopher tortoise burrows were observed during a site inspection. An updated assessment and proposed action will be required at Technical Site Plan per the Land Development Code.

According to the Division of Historical Resources Master Site File, cultural resources may exist on and/or within the vicinity of the subject property. Additional studies will be required at Technical Site Plan per the Land Development Code.

LAND USE AND ZONING INFORMATION

USE SUMMARY TABLE:

CATEGORY:	EXISTING:	PROPOSED:
Future Land Use Map (FLUM)	Mixed Use & Conservation	No change proposed
Zoning District	General Commercial (COM-2)	No change proposed
Overlay District	None	No change proposed
Use	Vacant	Warehouses and Self-Storage
Acreage	35.93 acres	No change proposed
Primary Access	Old Kings Road	No change proposed
Unit Size	Vacant	Office Building – 10,080 sf Storage Bldg. A – 33,150 sf Storage Bldg. B – 57,384 sf (84 spaces) Storage Bldg. C - 33,160 sf (57 spaces) Open Storage D – 24,395 sf (55 spaces)

SURROUNDING ZONING AND LAND USES:

LOCATION	FLUM	ZONING
NORTH	Residential	Duplex, Public-Semi Public, SFR-2 and 3
SOUTH	Mixed Use	General Commercial (COM-2)
EAST	Residential and Conservation	Duplex, SFR-2, 3 and 4, Preservation
WEST	Interstate 95	Interstate 95

ANALYSIS BASED ON UNIFIED LAND DEVELOPMENT CODE CHAPTER 2 SECTION 2.05.05

The Unified Land Development Code, Chapter 2, and 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 *Mini Warehouses, Office Warehouses and Self-Storage* is not inconsistent with the surrounding office, retail, service-related character of the Old Kings Road mixed use corridor.

If approved, the project must comply with all applicable requirements of the City's LDC, Comprehensive Plan Building and Fire Codes. In addition, the applicant will be required to secure a Technical Site Plan approval to proceed.

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

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

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

- 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.*

Staff Findings: The mixed of uses offers the residents and visitors to Palm Coast an array of retail, professional offices, and personal services opportunities and uses. The proposed use is consistent with this range of commercial development.

- Goal 1.4 – *Economic Development – Pursue an economic development program to expand (the City's) economic base and to provide adequate, diverse employment and business opportunities.*

- Objective 1.4.2 – *Create Employment Centers and Jobs*

- 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.*

Staff Findings: The site is located in Mixed Use FLUM designation that represents existing and future mixed use corridors and employment centers throughout the City. This designation is intended to provide general retail, professional services and offices. The mixed use designation also offers opportunities for residents to work, shop, and perform a range of daily activities near to home or work within reasonably close proximity to residential dwellings.

Small business, along with a mix of professional services and development, are an economic driver for local jobs and a favorable business climate.

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

Staff Findings: The applicant is responsible for complying with applicable land development and building codes related to improvements.

Should the applicant be granted a Special Exception, no significant financial liability or hardship will be created for the City.

- Chapter 2-Transportation Element:

Staff Findings: The proposed location is intended for office and storage use. All transportation impacts will be reviewed as part of a Technical Site Plan.

- Chapter 5-Infrastructure (Water, Sewer, Drainage, Aquifer Recharge, Waste Disposal) Element:

Staff Findings: Water and sewer is provided by the City of Palm Coast. The City does not anticipate providing any upgrades to its system in order to provide service for the Special Exception.

Stormwater and drainage will be addressed as part of a Technical Site Plan approval. The proposed conceptual plan depicts a stormwater and detention

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

Staff Finding: The proposed 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 ULDC, 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;

Staff Finding: Any business on-site must comply with the requirements of all other applicable local, state and federal laws, statutes, ordinances, regulations and codes.

ANALYSIS BASED ON UNIFIED LAND DEVELOPMENT CODE CHAPTER 2 SECTION 2.07.03

The Unified Land Development Code, Chapter 2, Part II, Sec. 2.07.03 states: "No application for a special exception use shall be approved unless the Planning and Land Development Regulation Board finds that the request meets the findings listed in Subsection 2.05.05 and the following: "

- A. *Is consistent with the specific requirements for that particular use as set forth in this LDC;*

Staff Finding: The proposed location is situated between Old Kings Road N and Interstate 95. Approval of this special exception will allow a new business to be constructed offering boats and RV/Storage.

Meets the concurrency requirements of this LDC;

Staff Finding: The property is currently vacant. Any concurrency requirements will be reviewed as part of a Technical Site Plan.

- B. *Is compatible with the surrounding neighborhoods and promotes the value of surrounding land, structures or buildings.*

Staff Finding: The proposed concept plan demonstrates a level of functionality with respect to meeting the City's Development Code. More details would be required and reviewed during the Technical Site Plan review. Development of this site is required to meet all applicable ULDC requirements.

- a. *Compatibility shall be further reviewed in light of the following components:*

<i>Architectural design;</i>	The proposed building will be reviewed at site plan for consistency with Chapter 13 of the ULDC and will return to PLDRB for Technical Site Plan approval.
<i>Fencing and screening, landscaping;</i>	The subject site will comply with the City's landscape requirements in Chapter 11 of the ULDC and will return to PLDRB for Technical Site Plan approval.
<i>Noise reduction, sign and light control;</i>	The subject site will comply with the City's landscape requirements in Chapter 11 of the LDC to minimize noise and control lighting. Signage will comply with Chapter 12 of the LDC. The site plan will return to PLDRB for approval.
<i>Storm drainage, sanitation collection;</i>	Storm drainage will be addressed during site plan review and will return to PLDRB for approval.
<i>Police and fire protection;</i>	The City does not provide police services so no review was made. Fire standards will be addressed as part of the Technical Site Plan review process and will return to PLDRB for Technical Site Plan approval.
<i>On and off-site traffic control</i>	This is an existing professional retail and office with ample parking spaces, no additional on and off-site transportation impacts are anticipated.
<i>Off-street parking and loading; and</i>	Primary access to the site is via Old Kings Rd. The onsite parking standards will meet the requirements of Chapter 5 of the ULDC and will return to PLDRB for Technical Site Plan approval.

Summary Finding: Old Kings Rd is a suitable location for businesses and warehousing. Old Kings Rd allows for the mix of uses as it continues to grow and develop concurrent with the City's growth. Old Kings Rd is a prime location for offices, retail, industrial and other similar uses. The proposed mixed of uses will allow employees, surrounding business, and residents to be served by this new business location.

PUBLIC PARTICIPATION

Unified Land Development Code Chapter 2, Part II, Section 2.07 requires only that the applicant notify adjacent property owners of the PLDRB meeting date 14 days in advance of the public hearing. The required letter notifications to the adjacent property owners were sent via Certified Mail on or before October 3, 2019. Neither the ULDC nor state law requires signs to be posted, or newspaper ads to be placed. Additionally, no Neighborhood Meeting is required for Special Exception applications.

To date, the Planning Division has receive several inquiries from adjacent members of the public regarding this application.

RECOMMENDATION

Planning Staff recommends that the Planning and Land Development Regulation Board (PLDRB) approve Application No. 3989 to allow a Special Exception for Warehouses and Self-Storage within General Commercial (COM-2) zoning district subject to the conditions set forth on the DO to include the following special conditions:

1. Hydraulic calculations will be needed for the wetland-crossing culverts at the time of site plan review.
2. It appears that the project will create encroachments onto existing floodplains. Floodplain compensation will be required and reviewed at the time of site plan review.
3. The COPC is currently in the process of developing a Citywide Stormwater Infrastructure Master Plan. Due to the preliminary results received to date, the floodway which this project will discharge into shall be classified as volume sensitive. As such, the stormwater system for the proposed development will need to be designed to retain the 25-yr 96-hr discharge volume for developed conditions such that the volume released from the project during the critical time period is not greater than the volume released during pre-developed conditions... see LDC 9.04.03.C.2.
4. The applicant shall utilize the data provided by city-wide stormwater modeling program to demonstrate a no-rise condition for up and down stream conditions.
5. Extent of floodplain fringe and associated floodway shall be evaluated based on survey elevation data collected from existing grade conditions.
6. Applicant shall maintain the interface between the crossing and natural wetland to ensure reduction of vegetative and sedimentation congestion. Access by the City of Palm Coast shall be provided for routine inspection and to verify maintenance activities.

7. 50-foot averaged and 25-foot buffer upland is required. Calculations shall be provided at technical site plan to demonstrate compliance.
8. Cultural resource assessment will be required to verify if historical resources exist.
9. A full listed species assessment shall be provided a technical site plan. Protected species are known to inhabit the area.
10. FDOT Type D curb or 6" equivalent, whichever is greater, shall be utilized to reduce the possibility of pollution entering Big Mulberry Branch.
- 11 The bridge shall be built to support the weight of the heaviest fire truck.
12. Notate all finishes and colors on elevations. Provide LRV of color selections to ensure they meet code requirements in 13.02.06. Please note that finishes of corrugated metal are prohibited.
- 13 Provide massing techniques per 13.04.02.A.
14. Provide articulation techniques per 13.04.02.B.
15. Refer to 13.04.02.C for fenestration requirements.
16. Please note that a tree survey per LDC 11.02.02 will be required during the technical site plan review.
17. Per table 11-1 a minimum number of Specimen and Historic trees must be retained on site, which could affect the current conceptual plan.
18. Screening landscape will need to be planted to meet height specifications from finished parking lot grade, so if being planted on sloped areas material may need to be upsized.
19. Where boats or recreational vehicles are commercially stored outside, they shall only be stored on pavement located behind buildings or preserved wooded areas so they are generally hidden from the public rights-of-way, unless specifically permitted by code.
20. Proposed lot 3 will require utility infrastructure improvements to cross Lots 1& 2. This site will require Utility Agreements.

Victor M. Silva
7 Whitehall Ct
Flagler Beach, FL 32136
victorandsofia@gmail.com
(386) 569-1918

May 22, 2019

Members of the Planning and Land Development Regulation Board
City of Palm Coast
160 Lake Avenue
Palm Coast, FL 32164

RE: Kings Crossing Special Exception Application, Parcel #: 01-11-30-0000-01010-0000

To whom it may concern,

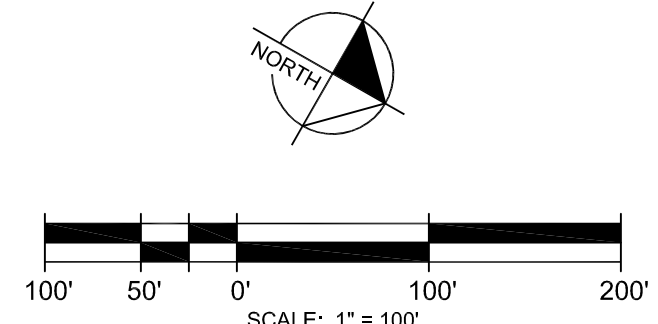
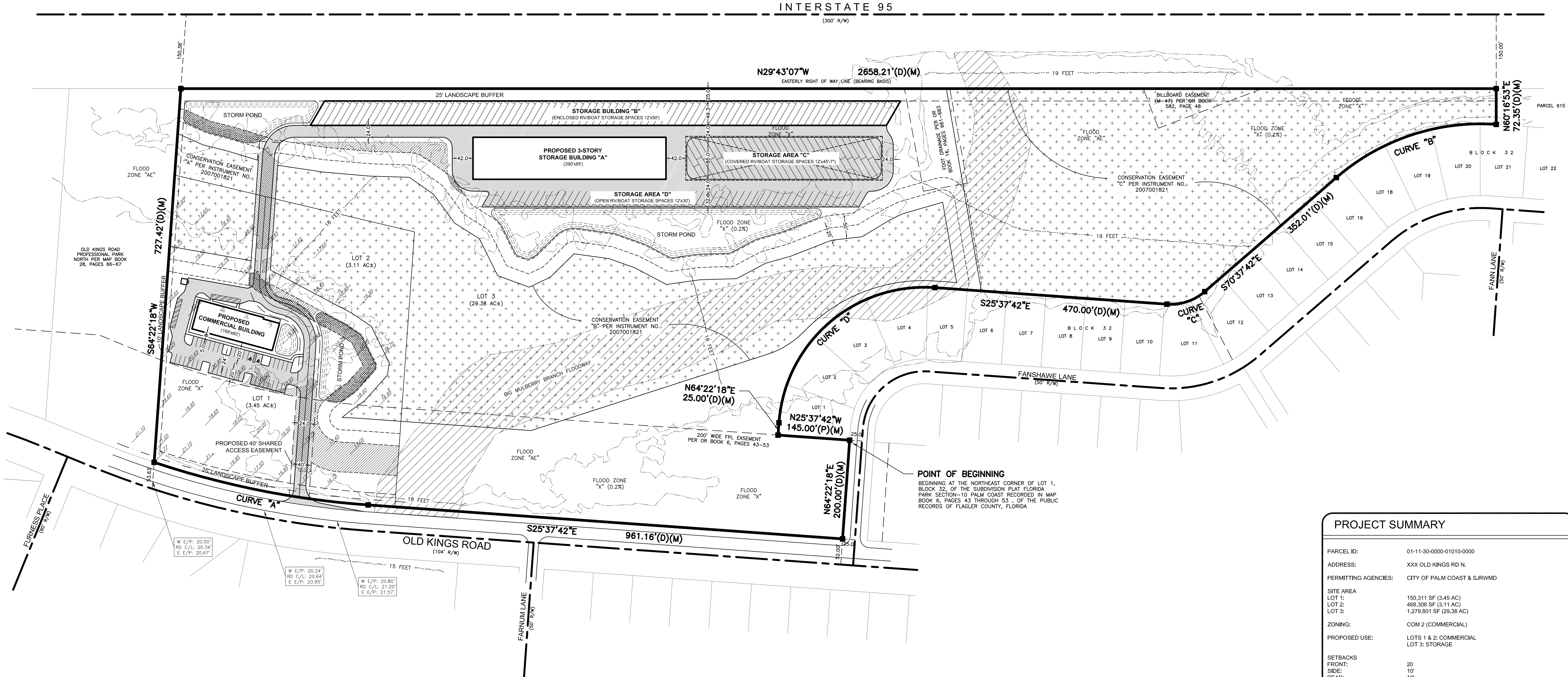
We are writing to inform you of our intent to develop a site between Old Kings Road N and Interstate 95, with a portion being self-storage and RV parking, and the other portion being commercial offices. The self-storage aspect of the development will require special exception approval. The market for self-storage and RV parking is ever-growing in demand, especially in the Palm Coast area.

The site is currently vacant and wooded with most of the property lying within a conservation easement to protect the wetlands and Big Mulberry Creek that lie on the property. The proposed development would maintain a 15 feet minimum and 25 feet average buffer along the conservation easement. In the self-storage portion of the site, we intend to have a 3-story 390'x85' self-storage building and 205 RV/trailer parking spaces with associated stormwater management areas. This area will all be buffered from Old Kings Road and the adjacent properties by the substantial amount of wooded area within the conservation easement and will be buffered from Interstate 95 by a wall along the westerly side of the property. In the offices portion, we intend to have a 1-story 168'x60' office building with associated parking and stormwater management areas.

We greatly appreciate your time in this manner and look forward to working with the City of Palm Coast on this development.

Sincerely,

Victor M. Silva



LEGEND	
	CONSERVATION EASEMENT PER INSTRUMENT NO. 2007001821
	BIG MULBERRY BRANCH FLOODWAY PER FEMA FIRM
	IMPROVEMENTS WITHIN 50' BUFFER: 13,137 SF
	ENLARGED BUFFER AREA FOR 25' AVERAGE: 18,596 SF
	IMPROVEMENTS WITHIN FLOOD PLAIN AREA: NOTE: STORMPONDS WILL BE DESIGNED TO INCLUDE COMPENSATORY AREAS WITHIN FLOOD PLAIN 16,628 SF

PROJECT SUMMARY	
PARCEL ID:	01-11-30-0000-01010-0000
ADDRESS:	XXX OLD KINGS RD N.
PERMITTING AGENCIES:	CITY OF PALM COAST & SJRWMD
SITE AREA	
LOT 1:	150,311 SF (3.45 AC)
LOT 2:	468,306 SF (3.11 AC)
LOT 3:	1,279,801 SF (29.38 AC)
ZONING:	COM 2 (COMMERCIAL)
PROPOSED USE:	LOTS 1 & 2: COMMERCIAL LOT 3: STORAGE
SETBACKS	
FRONT:	20
SIDE:	10'
REAR:	10'
MAX BUILDING HEIGHT:	100'
=====	
ROPOSED LOT IMPROVEMENT SUMMARY	
PROPOSED LOT 1	
OFFICE BUILDING:	9,975 SF
CONC WALK:	2,651 SF
DRIVE SURFACE:	21,464 SF
PARKING SPACES:	41 SPACES
STORMWATER POND:	2,164 SF
PROPOSED LOT 2	
STORMWATER POND:	13,934 SF
PROPOSED LOT 3	
STORAGE BUILDING "A":	33,150 SF
STORAGE BUILDING "B":	57,384 SF (84 SPACES)
COVERED STORAGE "C":	33,160 SF (57 SPACES)
OPEN STORAGE "D":	24,395 SF (55 SPACES)
TOTAL STORAGE SPACES:	196 SPACES
DRIVE SURFACE	
(LESS STORAGE SPACE):	57,952 SF
STORMWATER PONDS:	55,949 SF
PROPOSED SHARED ACCESS EASEMENT	
DRIVE SURFACE:	20,544 SF

FOR
VICTOR SILVA

STEPHENSON, WILCOX
& ASSOCIATES, INC. (CA#2726 / LB#7672)
CIVIL ENGINEERS - LAND SURVEYORS - CONSULTANTS - PLANNERS
204 N. RAILROAD ST. P.O. BOX 186 BUNNELL, FL 32110
PHONE: (386) 437-2363 FAX: (386) 437-0030 EMAIL: INFO.SWA@GMAIL.COM

REVISIONS

REVISED PER COPC	6/21

CONCEPTUAL SITE PLAN

KINGS CROSSING

DRAWN BY: JWP

DATE DRAWN: MAY 21, 2019

CHECKED BY: DAW

DATE CHECKED: MAY 21, 2019

SCALE: 1"=100'

Not valid without the signature and the original seal of the Professional Engineer.
DAN A. WILCOX, P.E.
P.E. No. 87633 STATE OF FLORIDA

SHEET NO.

CP-01

PRELIMINARY ECOLOGICAL ASSESSMENT

**KINGS CROSSING STORAGE (HK197163)
FLAGLER COUNTY, FLORIDA**

AUGUST 2019

For

The City of Palm Coast



Environmental Services, Inc., A Terracon Company
7220 Financial Way, Suite 100
Jacksonville, Florida 32256

I. Introduction

Per Section 3.0 of Section VII of the City of Palm Coast Technical Manual, Environmental Services, Inc. (ESI) has completed an Imperiled Species Study for Kings Crossing Storage, a proposed commercial development within the City of Palm Coast. The ±36-acre subject parcel is located between Old Kings Road and I-95, north of Palm Coast Parkway and south of Fanshawe Lane in Flagler County, Florida. More specifically, the subject parcel is located in Section 1, Township 11 South, Range 30 East at the approximate central coordinates of 29.5712° north latitude, 81.2286° west longitude, with the parcel ID 01-11-30-0000-01010-0000. After reviewing the U.S. Fish and Wildlife Service (FWS), Florida Natural Areas Inventory (FNAI) Biodiversity Matrix and the Florida Fish and Wildlife Conservation Commission (FWC) resources, Joe Brinson and ESI biologists inspected the parcel on 22 August 2019. Joe Brinson is the designated Qualified Environmental Professional leading this project.

II. Site Description

Four land use types occur on the project corridor and associated parcels; all communities have been categorized according to *Florida Land Use, Cover, and Forms Classification System* (FLUCFCS) (Florida Department of Transportation, State Topographic Bureau, Thematic Mapping Section 1999). A description of each community type can be found below:

- A) Pine Flatwoods (FLUCFCS 411). The Pine Flatwoods habitat type has a canopy dominated by slash pine (*Pinus elliottii*). The understory is dominated by loblolly-bay (*Gordonia lasianthus*) saw palmetto (*Serenoa repens*), wax myrtle (*Myrica cerifera*) and bitter gallberry (*Ilex glabra*). The herbaceous layer is dominated by greenbriar (*Smilax* spp.), grape (*Vitis* spp.) cinnamon fern (*Osmunda cinnamomea*) and bracken fern (*Pteridium aquilinum*).
- B) Hardwood Conifer Mixed (FLUCFCS 434). The Hardwood Conifer Mixed habitat type can be found within the eastern and southern reaches of the parcel. The canopy is a mix of slash pine, sand pine (*Pinus clausa*), live oak (*Quercus virginiana*), and laurel oak (*Quercus hemisphaerica*). Subcanopy, understory and groundcover are a mix of saw palmetto, persimmon (*Diospyros virginiana*), winged sumac (*Rhus copallinum*), bracken fern, greenbriar, and grapevine.
- C) Stream and Lake Swamps (FLUCFCS 615). The Stream and Lake Swamps community can be found in the central portions of the property and is associated with Big Mulberry Branch and associated tributaries. The canopy is dominated by slash pine, pond pine (*Pinus serotina*), bald cypress (*Taxodium distichum*), sweetgum (*Liquidambar styraciflua*) and red maple (*Acer rubrum*). The understory is dominated by swamp bay (*Persea palustris*), loblolly-bay, dahoon holly (*Ilex cassine*), fetterbush (*Lyonia lucida*), buttonbush (*Cephalanthus occidentalis*), along with saw palmetto in the transition areas. The herbaceous layer is dominated by Virginia chain fern (*Woodwardia virginica*), cinnamon fern (*Osmunda cinnamomea*) and maidencane (*Panicum hemitomon*).

- D) Electrical Power Transmission Lines (FLUCFCS 832). The eastern edge of the property adjacent to Old Kings Road is part of a maintained electrical power transmission line easement for Florida Power and Light. No canopy is present within the easement as it is maintained to not interfere with the overhead transmission lines. Understory and groundcover varies with species including dog fennel (*Eupatorium capillifolium*), prickly pear (*Opuntia humifusa*), and runner oak (*Quercus pumila*) in the more well drained upland portions of the easement, and maidencaine and cabbage palm (*Sabal palmetto*) in the more mesic sections.

The *Soil Survey of Flagler County, Florida*. (U.S. Department of Agriculture, Soil Conservation Service) and the USDA, NRCS web soil survey identifies six different soil types within the project boundaries (Figure 2). The soils map appears to be generally accurate based upon desktop review. A description of each soil type can be found below:

- 1) Myakka fine sand (11). Myakka fine sand is a nearly level, poorly drained soil that occurs in the flatwoods and formed in marine deposits of sandy material. The seasonal high water table is at a depth of less than 10 inches for one to four months in most years. It is at a depth of 40 inches during dry seasons. Typically, the surface layer is black and dark gray fine sand about eight inches thick. The subsurface layer is gray and light gray fine sand about 15 inches thick.
- 2) Immokalee fine sand (13). Immokalee fine sand is a poorly drained, nearly level soil on broad flats and low knolls in the flatwoods. The seasonal high water table is at a depth of less than 10 inches for about two months of the year. It is at a depth of 10 to 40 inches for more than eight months of the year, and it recedes to a depth of more than 40 inches during extended dry periods. Typically, the surface layer is very dark gray fine sand about eight inches thick. The subsurface layer, which is about 32 inches thick, is light gray and white sand.
- 3) Pomello fine sand, 0 to 5 percent slopes (15). Pomello fine sand, 0 to 5 percent slopes, is a moderately well drained, nearly level to gently sloping soil on long, broad to narrow, slightly higher ridges and knolls in the flatwoods. This soil has a seasonal high water table at a depth of 24 to 40 inches for one to four months during the normal wet seasons. During the drier seasons, the water table recedes to a depth of 40 to 60 inches. Typically, the surface layer is gray fine sand about four inches thick. The subsurface layer, to a depth of 40 inches, is gray, white, and light gray fine sand.
- 4) Samsula and Placid soils, frequently flooded (24). Samsula and Placid soils, frequently flooded, is a very deep, nearly level and poorly drained soil. This soil is typically located along narrow drainageways that are mainly within uplands. This soil is typically dark reddish brown in the upper 10 inches and is black muck in the lower 23 inches.

- 5) Cassia fine sand, 0 to 2 percent slopes (27). Cassia fine sand, 0 to 2 percent slopes, is a very deep, moderately poorly drained soil found along low ridges and knolls within flatwoods. The surface layer is typically very dark gray fine sand to about 5 inches and then a gray to white fine sand to a depth of 26 inches. The water table is typically shallow about 15 to 40 inches deep during the wet season.
- 6) Udarents, moderately wet (29). This map unit consists of heterogeneous soil material that was removed from other soils and used in land leveling operations, as fill material. The material is a mixture of fine sand or of sand fragments and other loamy subsoil material. Slopes are smooth and range from 0 to 2 percent. Udarents do not have an orderly sequence of soil layers.

III. Site Evaluation Methodology

A review of existing published information assisted in characterizing current conditions on the project site. These sources included the United States Geographical Survey (USGS) topographic map (Beverly Beach, Florida Quadrangle 2015), National Wetlands Inventory (NWI) map, the *Soil Survey of City of Flagler, County, Florida* (U.S. Department of Agriculture, Natural Resources Conservation Service) and recent (2019) aerial photographs. Additionally, a list of federally and state protected wildlife and plant species potentially occurring on the site was developed utilizing the U.S. Fish and Wildlife Service (FWS) data, Florida Fish, Wildlife Conservation Commission's (FWC) 2018 endangered and threatened species list, and the Florida Natural Areas Inventory (FNAI) data. The list was used to identify the habitats utilized by each species. Potential habitats were identified before the site visit by reviewing aerial photographs and consulting the soil survey for Flagler County.

In-house research was followed by an on-site field review of the upland and wetland areas, as well as potential threatened or endangered species' habitat within the boundaries of the property.

Summary Tables

Table 1. Observed Flora and Fauna Summary Table (22 August, 2019)					
Common Name	Scientific Name	Common - Listed	Occurance Type (Audible, Visual)	Habitat FNAI	Habitat FLUCFCS
Red-Eyed Vireo (Nest)	Vireo olivaceus	Common	Visual	Forest, Woodlands	420
Raccoon (Tracks)	Procyon lotor	Common	Visual	Statewide	630
Eastern Gray Squirrel	Sciurus carolinensis	Common	Visual, Audible	Woodland, Urban	420
Gopher Tortoise (Burrow)	Gopherus polyphemus	Listed	Visual	Dry, Sandy Uplands	420

Table 2. Palm Coast Federal and State Listed Species Table				
Common Name	Scientific Name	Designation (Federal, State)	Occurrence Potential	Date Observed
Red-cockaded Woodpecker	<i>Picoides borealis</i>	(Endangered, Federally Endangered)	Very Low	N/A
Wood Stork	<i>Mycteria americana</i>	(Endangered, Federally Endangered)	Low	N/A
Florida Scrub-jay	<i>Aphelocoma coerulescens</i>	(Threatened, Federally Threatened)	Very Low	N/A
Red knot	<i>Calidris canutus rufa</i>	(Threatened, Federally Threatened)	None	N/A
Shortnose Sturgeon	<i>Acipenser brevirostrum</i>	(Endangered, Federally Endangered)	None	N/A
Striped Newt	<i>Notophthalmus perstriatus</i>	(Candidate, N/A)	Low	N/A
Gopher Tortoise	<i>Gopherus polyphemus</i>	(Candidate, Threatened)	Moderate	22 August, 2019
Eastern Indigo Snake	<i>Drymarchon corais couperi</i>	(Threatened, Federally Threatened)	Low	N/A
American Alligator	<i>Alligator mississippiensis</i>	(Threatened by Similarity of Appearance (S/A), Federally Threatened (S/A))	Low	N/A
Green Sea Turtle	<i>Chelonia mydas</i>	(Threatened, Federally Threatened)	None	N/A
Hawksbill Sea Turtle	<i>Eretmochelys imbricata</i>	(Endangered, Federally Endangered)	None	N/A
Kemps Ridley Sea Turtle	<i>Lepidochelys kempii</i>	(Endangered, Federally Endangered)	None	N/A
Leatherback Sea Turtle	<i>Dermochelys coriacea</i>	(Endangered, Federally Endangered)	None	N/A
Loggerhead Sea Turtle	<i>Caretta caretta</i>	(Threatened, Federally Threatened)	None	N/A
West Indian Manatee	<i>Trichechus manatus</i>	(Endangered, Federally Endangered)	None	N/A
North Atlantic Right Whale	<i>Eubalaena glacialis</i>	(Endangered, Federally Endangered)	None	N/A
Southern Milkweed	<i>Asclepias viridula</i>	(N/A, Threatened)	Low	N/A
Coastal Vervain	<i>Glandularia maritima</i>	(N/A, Endangered)	None	N/A
Lake-side Sunflower	<i>Helianthus carnosus</i>	(N/A, Endangered)	Low	N/A
Atlantic Coast Florida Lantana	<i>Lantana depressa</i> var. <i>floridana</i>	(N/A, Endangered)	None	N/A
Nodding Pinweed	<i>Lechea cernua</i>	(N/A, Threatened)	Very Low	N/A
Celestial lily	<i>Nemastylis floridana</i>	(N/A, Endangered)	Low	N/A
Plume Polypody	<i>Pecluma plumula</i>	(N/A, Endangered)	Very Low	N/A
Terrestrial Peperomia	<i>Peperomia humilis</i>	(N/A, Endangered)	Very Low	N/A
Giant Orchid	<i>Pteroglossaspis ecristata</i>	(N/A, Threatened)	Low	N/A
Florida Mountain-mint	<i>Pycnanthemum floridanum</i>	(N/A, Threatened)	Very Low	N/A
Redmargin Zephyrlily	<i>Zephyranthes simpsonii</i>	(N/A, Threatened)	Very Low	N/A
Many-flowered Grass-pink	<i>Calopogon multiflorus</i> (Lindl.)	(N/A, Threatened)	Low	N/A
Sand Butterfly Pea	<i>Centrosema arenicola</i> (Small)	(N/A, Endangered)	Low	N/A
Large-flowered Rosemary	<i>Conradina grandiflora</i>	(N/A, Threatened)	Very Low	N/A
Pondspice	<i>Litsea aestivalis</i>	(N/A, Endangered)	Very Low	N/A
Florida Spiny-pod	<i>Matelea floridana</i>	(N/A, Endangered)	Very Low	N/A
Florida Beargrass	<i>Nolina atopocarpa</i>	(N/A, Threatened)	Very Low	N/A
*Definitions of above terms: T - Threatened, E - Endangered, FE - State Listed as Federally-designated Endangered, FT - State Listed as Federally-designated Threatened, ST - State Listed as Threatened, DL - Delisted, SSC - Species of Special Concern, C - Candidate				
**Table Sources: [FNAI] Florida Natural Areas Inventory, FNAI Tracking List. http://fnai.org/bioticsearch.cfm .				
[USFWS] United States Fish and Wildlife Service. Environmental Conservation Online System. http://ecos.fws.gov/tess_public/reports/species-by-current-range-county?fips=12031 .				
[FWC] Florida Fish and Wildlife Conservation Commission. Florida's Imperiled Species Management Plan, Oct 12, 2015 Draft. http://myfwc.com/media/3344480/draft-ism-p-october-2015.pdf				

IV. Listed Species Description

Listed below are the species who were classified as having a “Very Low” or higher Occurrence Potential as listed on Table 2. The species classified as having an Occurrence Potential of “None” will have a grouped explanation below.

- 1) Red Cockaded Woodpecker (*Picoides borealis*) – The red cockaded woodpecker is listed as endangered by both federal and state agencies. This species typically requires longleaf pine flatwoods habitats in the north and central Florida zones that have a variety of grass, forb, and shrub species in the ground cover strata. This species was not observed on site, and due to the lack of viable habitat within the property it was designated a “Very Low” Occurrence Potential, as stated in Table 2.
- 2) Wood Stork (*Mycteria americana*) – The wood stork is listed as endangered by both federal and state agencies. This species typically requires inundated forested wetlands for both nesting and foraging and has a typical range, or core foraging area (CFA) of 13 miles in the north Florida region. The nearest listed active wood stork colony is the Lake Disston colony which is located approximately 21 miles southwest from the property, which leaves the property 8 miles outside of the typical core foraging area for the species. According to section A of the North Florida Wood Stork Effect Determination Key, the continuation of this project will have “no effect” on the species due to the absence of suitable foraging habitat on property. The species was not observed on site and was designated as having a “Low” Occurrence Potential because the site falls outside of any CFA of the species, and the habitat types on site would only marginally meet the basic foraging habitat requirements for the species.
- 3) Florida Scrub-Jay (*Aphelocoma coerulescens*) – The Florida scrub-jay is listed as threatened by both federal and state agencies. This species requires fire-dominated scrub habitats with well drained sandy soils. The species is most commonly found in Brevard, Highlands, Polk, and Marion counties with Federal lands being their greatest refuge. At no point during the site visit were any Florida scrub-jay observed or heard, and no viable habitat was located on site. For these reasons the species was designated as having a “Very Low” Occurrence Potential, as stated in Table 2.
- 4) Striped Newt (*Notophthalmus perstriatus*) – The striped newt is listed as a candidate species by federal agencies and is not listed by state agencies. This species requires xeric upland communities, typically sandhill or scrub habitats though may also be found in upland pine flatwoods. At no point during the site visit was this species observed on site, and the viable habitat on site was marginal. Pine flatwoods are found on site within the western portion of the property, though no isolated depressional marshes were located. For this reason, this species was designated as having a “Low” Occurrence Potential, as stated in Table 2.
- 5) Gopher Tortoise (*Gopherus poluphemus*) – The gopher tortoise is listed as a candidate species by USFWS, and as a threatened species by FWC. This species typically requires dry upland communities including sandhill, dry pine flatwoods, xeric oak, and

scrub habitats. During the site investigation two potentially occupied gopher tortoise burrows were located on the eastern extent of the property between the tree-line and the maintained right-of-way of Old Kings Rd. A species specific survey should be conducted to determine the full extent of the species on the project site. Should the proposed project area affect areas within 25 feet of any potentially occupied burrow, a permit will be obtained from FWC prior to any land clearing activity. Due to the observance of two potentially occupied burrows on site in a confined area of marginal habitat, this species was designated as having a “High” Occurrence Potential, as listed in Table 2.

- 6) Eastern Indigo Snake (*Drymarchon corais couperi*) - The eastern indigo snake is federal and state listed threatened species. The species typically requires a large range of undisturbed lands to thrive and typically requires xeric habitat with gopher tortoise burrows that the species utilizes for denning. Two gopher tortoise burrows were noted on the tract, although the habitat is more marginal than a traditional xeric habitat. Fragmented development and large roadways surround the site, making indigo snake utilization of this property highly unlikely.

During ESI’s site visit, a review of potential gopher tortoise habitat was conducted, and no eastern indigo snakes were observed, though two potentially occupied gopher tortoise burrows were located. Based upon the Eastern Indigo Snake Programmatic Effect Determination Key, if the Army Corps of Engineers Permit is conditioned with FWS’s “*Standard Protection Measures For The Eastern Indigo Snake*”, will impact less than 25 acres of xeric habitat, and any gopher tortoise burrows affected by the project will be excavated, then the project is “Not Likely to Adversely Affect the species. For these reasons, this species was designated as having a “Low” Occurrence Potential, as listed in Table 2.

- 7) American Alligator (*Alligator mississippiensis*) – The American alligator is federally listed as threatened due to similarity of appearance (S/A) to the American crocodile, and state listed as threatened due to S/A. This species requires freshwater lakes, slow moving rivers, or brackish water communities throughout Florida. There is a ditch that bisects the property that could potentially harbor an alligator, though at no point during the site investigation were any American alligators observed. Due to the relatively poor quality of the ditch, and the absence of any American alligators, the species was designated as having a “low” Occurrence Potential, as listed in Table 2.

- 8) Southern Milkweed (*Asclepias viridula*) – The southern milkweed is listed by the state agencies as threatened and is not federally listed. This species requires communities like wet flatwoods, prairies, seepage slopes, or pitcher plant bogs. There are mesic flatwoods located on site in the western portion of the property, though the ground cover species and quality were not conducive for this species to be able to utilize. At no point during the site investigation were any southern milkweed plants observed. For these reasons, this species was designated as having a “Low” Occurrence Potential, as listed in Table 2.

- 9) Lake-side Sunflower (*Helianthus carnosus*) – The lake-side sunflower is designated as a threatened species on the state level and is not federally protected. This species generally requires wet flatwoods and/or prairie community types. This is a very rare species, and at no point was it observed during the site investigation. In addition to its absence on site, the flatwoods on site were generally within uplands, though some areas were mesic the habitat would not be satisfactory enough to harbor this species. For these reasons, this species was designated as having a “Low” Occurrence Potential, as listed in Table 2.
- 10) Nodding Pinweed (*Lechea cernua*) – The nodding pinweed is listed by state agencies as threatened and is not listed at the federal level. This species generally requires upland scrub habitats, which are not found within the property. For this reason, this species was designated as having a “Very Low” Occurrence Potential, as listed in Table 2.
- 11) Celestial lily (*Nemastylis floridana*) – The celestial lily is listed by state agencies as endangered and is not listed at the federal level. This species typically requires wet flatwoods-especially cabbage palm flatwoods, also prairies, and marshes. The flatwoods on property were dominated by pines in the canopy, saw palmetto (*Serenoa repens*) in the shrub layer, and generally was upland with some mesic areas. Due to the lack in viable habitat, this species was designated as having a “Low” Occurrence Potential, as listed in Table 2.
- 12) Plume Polypody (*Pecluma plumula*) – The plume polypody is listed by state agencies as endangered and is not listed at the federal level. This species is an epiphytic fern that is dominantly located on mature live oak (*Quercus virginiana*) within mesic and hydric hammocks. This habitat type, species, or the presence of live oak in mesic or hydric areas was not observed on property. For this reason, the species was designated as having a “Very Low” Occurrence Potential, as listed in Table 2.
- 13) Terrestrial Peperomia (*Peperomia humilis*) – The terrestrial peperomia is listed by state agencies as endangered and is not listed at the federal level. This species requires habitats including shell mounds and limestone outcrops in mesic hammocks, or cypress swamps. There was no cypress dominated swamps on site, though cypress were located within the wetland forested mixed habitat type on property. Due to the absence of suitable habitat on site, this species was designated as having a “Very Low” Occurrence Potential, as listed in Table 2.
- 14) Giant Orchid (*Pteroglossaspis ecristata*) – The giant orchid is listed by state agencies as threatened and is not listed at the federal level. This species is generally found within habitats including sandhill, pine flatwoods, scrub, and pine rocklands. There are pine flatwoods within the project boundary, though at no point were any giant orchid observed. The pine flatwoods on site are more mesic than this species would require, therefore the species was listed as having a “Low” Occurrence Potential, as listed in Table 2.

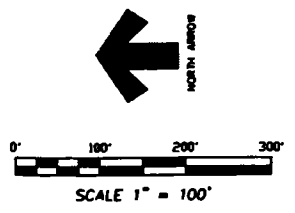
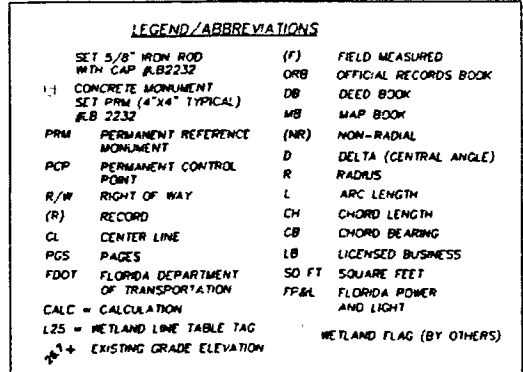
- 15) Florida Mountain-mint (*Pycnanthemum floridanum*) – The Florida mountain-mint is listed by state agencies as threatened and is not listed at the federal level. This species is typically observed along roadside ditches and in moist areas of sandhill communities. The roadside ditches along Old Kings Rd contained no Florida mountain-mint, and the area where the gopher tortoise burrows were located also had an absence of this species. The general absence of moist sandhill areas on property, and the fact that the species was not observed during the site investigation was the reason the species was designated as having a “Very Low” Occurrence Potential, as listed in Table 2.
- 16) Redmargin Zephyrlily (*Zephyranthes simpsonii*) – The redmargin zephyrlily is listed by state agencies as threatened and is not listed at the federal level. This species requires peaty-sandy soils and is dominantly found in the coastal plain communities. The absence of peaty-sandy soils was reasoning to designate this species as having a “Very Low” Occurrence Potential, as listed in Table 2.
- 17) Many-flowered Grass-pink (*Calopogon multiflorus* (Lindl.)) – The many-flowered grass-pink is listed as threatened on the state level and is not listed at the federal level. This species has a required habitat range in dry to moist flatwoods that have the presence of longleaf pine (*Pinus palustris*), wiregrass (*Aristida spp.*), and saw palmetto (*Serenoa repens*). This site does contain pine species, though no longleaf were observed within the flatwoods, and there is a presence of saw palmetto in the flatwoods though no wiregrass was observed. For this reason, this species was designated as having a “Low” Occurrence Potential, as listed in Table 2.
- 18) Sand Butterfly Pea (*Centrosema arenicola* (Small)) – The sand butterfly pea is listed as endangered on the state level and is not listed at the federal level. This species requires scrubby flatwoods, sandhill, or dry upland woods for maximum fitness. There is a presence of some dry upland woods on site within the flatwoods, though the majority of this area is mesic. At no point was this species observed on site and for these reasons the species was designated as having a “Low” Occurrence Potential, as listed in Table 2.
- 19) Large-flowered Rosemary (*Conradina grandiflora*) – The large-flowered rosemary is listed as threatened on the state level and is not listed at the federal level. This species is typically found within coastal scrub, coastal backdunes, maritime hammock, sand pine scrub, or sandhill areas mostly within Volusia and Broward counties. Neither this species, nor its required habitat types was observed during the site investigation, and for this reason the species was designated as having a “Very Low” Occurrence Potential, as listed in Table 2.
- 20) Pondspice (*Litsea aestivalis*) – Pondspice is listed as endangered on the state level and is not listed at the federal level. This species is typically found along the edges of cypress domes, flatwoods ponds, or baygalls and mostly requires peaty soils. Flatwoods communities are found on site, though there are no ponds or banks where this species would flourish. Due to the lack of habitable area on site this species was given a “Very Low” Occurrence Potential, as listed in Table 2.

- 21) Florida Spiny-pod (*Matelea floridana*) – The Florida spiny-pod is listed as endangered at the state level and is not listed at the federal level. This species generally requires open upland landscapes including open woodlands, sandhills, and old fields. These habitat types are not located within the project boundaries and for that reason this species was designated as having a “Very Low” Occurrence Potential, as stated in Table 2.
- 22) Florida Beargrass (*Nolina atopocarpa*) – Florida beargrass is listed as threatened at the state level and is not listed at the federal level. This species generally requires a sandy loam soil, occasionally with peat soils in pine flatwoods. While there are pine flatwoods on site, there are no required soils for this species to inhabit on site. At no point during the site investigation was this species, or its required habitat/soils communities observed. For this reason, this species was designated as having a “Very Low” Occurrence Potential, as listed in Table 2.
- 23) Species with an Occurrence Potential of “None”. – Species including the red knot (*Calidris canutus rufa*), shortnose sturgeon (*Acipenser brevirostrum*), green sea turtle (*Chelonia mydas*), hawksbill sea turtle (*Eretmochelys imbricate*), kemp’s ridley sea turtle (*Lepidochelys kempii*), leatherback sea turtle (*Dermochelys coriacea*), loggerhead sea turtle (*Caretta caretta*), west indian manatee (*Trichechus manatus*), coastal vervain (*Glandularia maritima*), and the atlantic coast Florida lantana (*Lantana depressa* var. *floridana*) all required community types which are absolutely not located on site. These are either oceanic species, or species who require intracoastal/sand dune habitats. For this reason, these species were designated as having a Occurrence Potential of “None,” as listed in Table 2.

Summary

In summary, ESI biologists and the Qualified Environmental Professional Joe Brinson conducted a site investigation to evaluate the occurrence and extent of any state or federally protected species. ESI conducted a desktop review of existing published information which assisted in characterizing current conditions on the project site. These sources included the United States Geographical Survey (USGS) topographic map (Beverly Beach, Florida Quadrangle 2015), National Wetlands Inventory (NWI) map, the *Soil Survey of City of Flagler, County, Florida* (U.S. Department of Agriculture, Natural Resources Conservation Service) and recent (2019) aerial photographs. Additionally, a list of federally and state protected wildlife and plant species potentially occurring on the site was developed utilizing the U.S. Fish and Wildlife Service (FWS) data, Florida Fish, Wildlife Conservation Commission’s (FWC) 2018 endangered and threatened species list, and the Florida Natural Areas Inventory (FNAI) data. The list was used to identify the habitats utilized by each species. Potential habitats were identified before the site visit by reviewing aerial photographs and consulting the soil survey for Flagler County. In-house research was followed by an on-site field review of the upland and wetland areas, as well as potential threatened or endangered species’ habitat within the boundaries of the property.

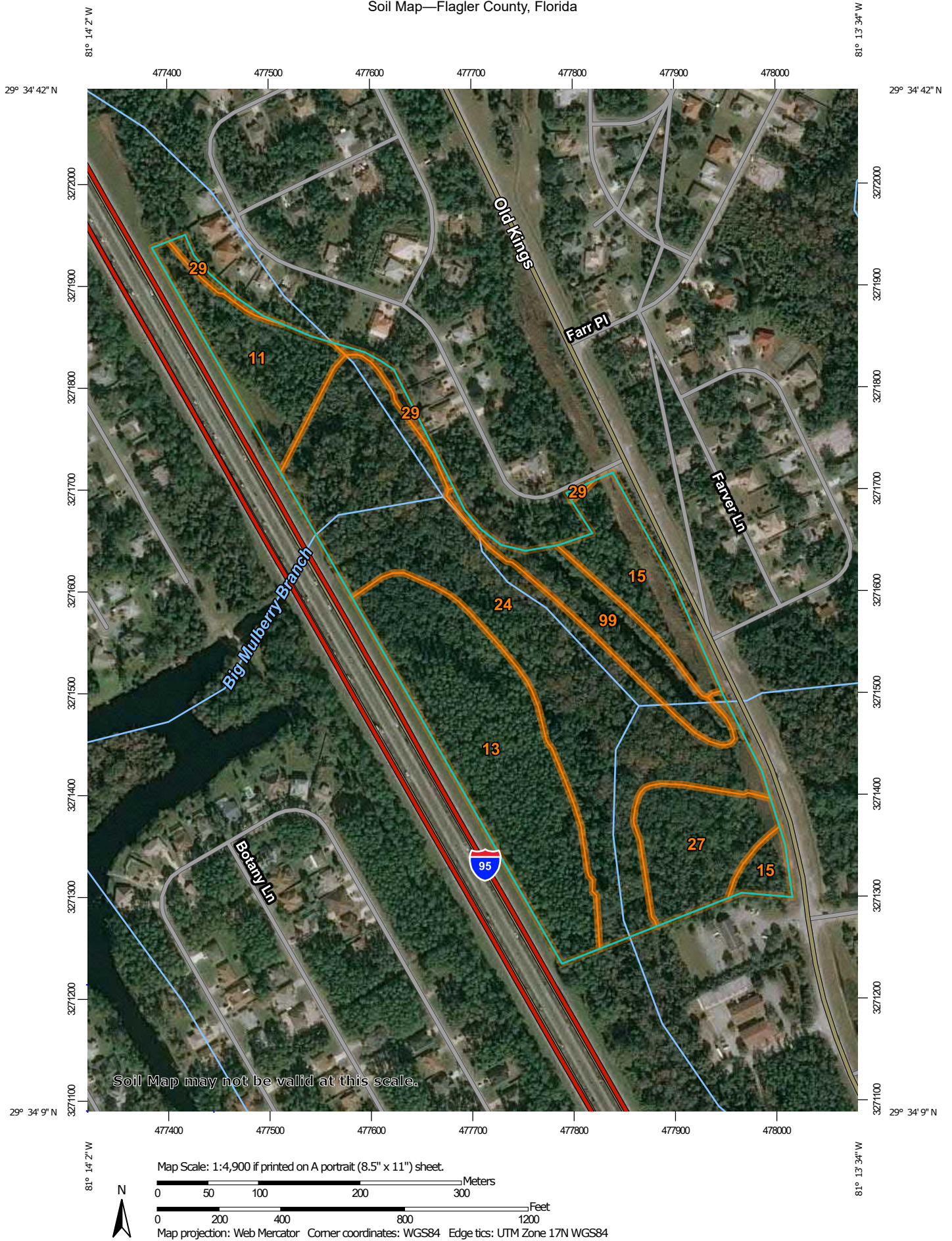
The on-site field investigation produced the observance of two potentially occupied gopher tortoise (*Gopherus polyphemus*) burrows in the southeast corner of the property, and the observance of common unlisted species described in Table 1. The gopher tortoise burrows will be addressed by the acquisition of a permit from FWC should the proposed development come within 25 feet of any active burrow identified on-site. No additional listed species, or their essential habitat communities were observed within the property boundaries. For these reasons, ESI prospects the continuation of the intended project will have no adverse effect on any listed species within Table 2.

[illegible]

PROJECT NO.
DRAWING REFERENCE NO.
REVISION NO./DATE
SEE REVISION TABLE
ORIGINAL ISSUE DATE
SHEET OF

CIVIL ENGINEERING & LAND SURVEYING SINCE 1976
DAYTONA BEACH
FLAGLER/PALM COAST

Soil Map—Flagler County, Florida



**Natural Resources
Conservation Service**

Web Soil Survey
National Cooperative Soil Survey

8/27/2030
Page 1 of 3

Map Unit Legend

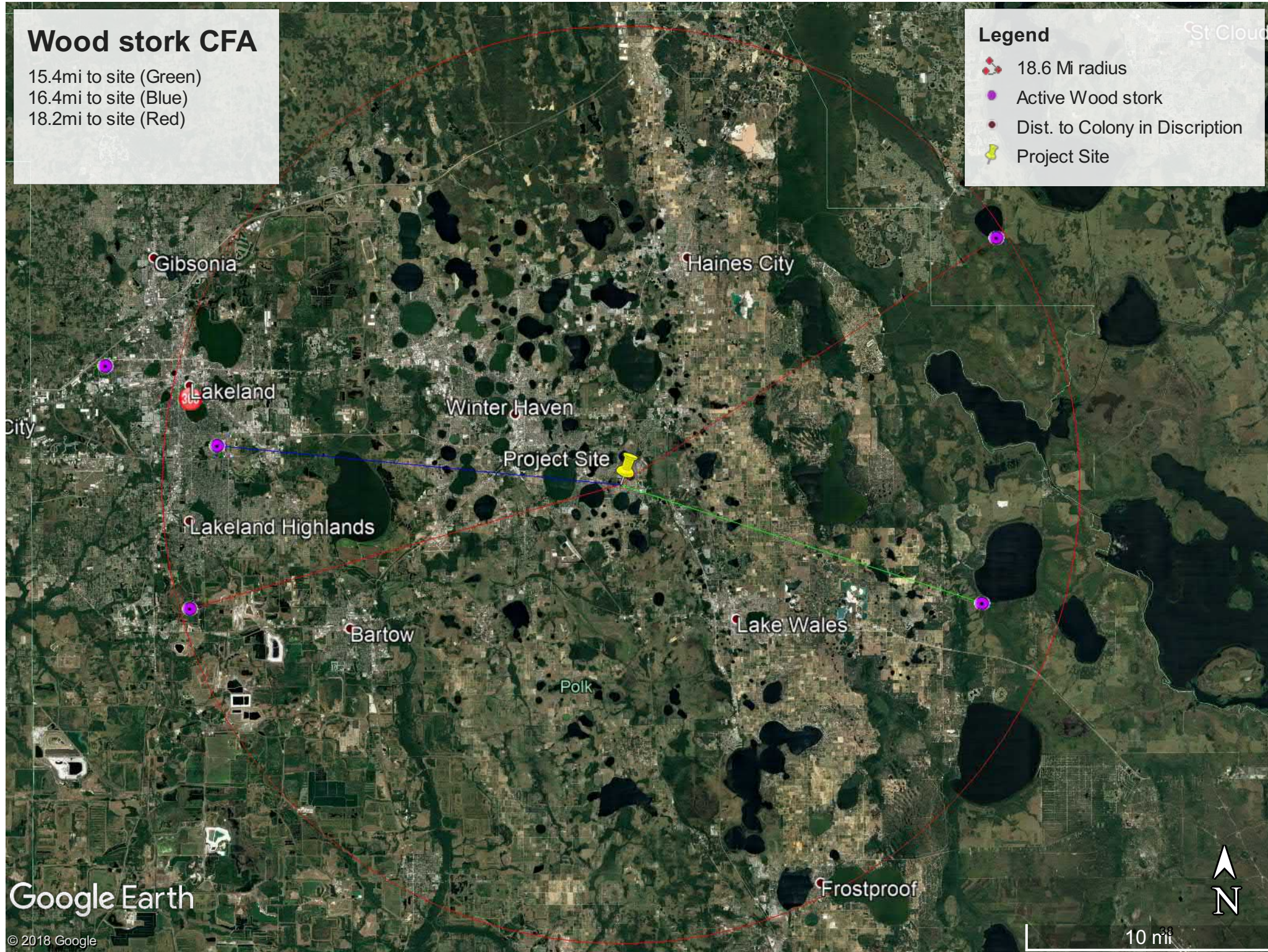
Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
11	Myakka-Myakka, wet, fine sands, 0 to 2 percent slopes	3.4	9.0%
13	Immokalee fine sand, 0 to 2 percent slopes	8.9	23.2%
15	Pomello fine sand, 0 to 5 percent slopes	3.4	9.0%
24	Samsula and Placid soils, frequently flooded	15.9	41.5%
27	Cassia fine sand, 0 to 2 percent slopes	3.3	8.6%
29	Udarents, moderately wet	0.6	1.6%
99	Water	2.7	7.1%
Totals for Area of Interest		38.3	100.0%

Wood stork CFA

15.4mi to site (Green)
16.4mi to site (Blue)
18.2mi to site (Red)

Legend

- 18.6 Mi radius
- Active Wood stork
- Dist. to Colony in Discription
- Project Site



WETLAND IMPACT ANALYSIS REPORT

**KINGS CROSSING STORAGE
FLAGLER COUNTY, FLORIDA**

AUGUST 2019

For

The City of Palm Coast



Environmental Services, Inc., A Terracon Company

7220 Financial Way, Suite 100

Jacksonville, Florida 32256

I. Introduction

Pursuant to Section VII of the City of Palm Coast Technical Manual (November 2008), Environmental Services, Inc., A Terracon Company (ESI), has prepared a Wetland Impact Analysis for Kings Crossing Storage, a proposed commercial development within the City of Palm Coast. The ±36-acre subject parcel is located between Old Kings Road and I-95, north of Palm Coast Parkway and south of Fanshawe Lane in Flagler County, Florida. More specifically, the subject parcel is located in Section 1, Township 11 South, Range 30 East at the approximate central coordinates of 29.5712° north latitude, 81.2286° west longitude.

To construct a proposed storage facility and associated infrastructure, the applicant proposes ±0.25 acre of wetland impacts associated with a culverted crossing over an unnamed tributary to Big Mulberry Branch. This Wetland Impact Analysis is being provided as part of the formal response to the City of Palm Coast's Planning Divisions Comment Letter for Application 3989. The site assessment was performed by Joe Brinson of ESI, who is in the process of being approved by the City of Palm Coast as a Qualified Environmental Professional.

II. Site Description

The site is currently undeveloped with a mix of distinct upland and wetland communities. Wetlands are associated with Big Mulberry Branch which cuts through the property. The wetlands on-site are also under a conservation easement deeded to the St. Johns River Water Management District. Specific details on the current site conditions can be found below.

A. Topography and Hydrology

The U.S. Geological Survey topographical maps for this parcel (Beverly Beach, 1992) indicate the parcel being relatively flat with water draining off-site to the east within Big Mulberry Branch. Elevation data from Google Earth indicate elevations between 15-25 feet NGVD, with the highest portions of the property found in the uplands in the west of the property adjacent to Interstate 95. Site specific topographic data was not available to ESI at the time of the preparation of this Wetland Impact Analysis.

B. Soils

The *Soil Survey of Flagler County, Florida*. (U.S. Department of Agriculture, Soil Conservation Service) identifies six different soil types within the project boundaries (Figure 2). The soils map appears to be generally accurate based upon desktop and limited field review. A description of each soil type can be found below:

Myakka fine sand (11). Myakka fine sand is a nearly level, poorly drained soil that occurs in the flatwoods and formed in marine deposits of sandy material. The seasonal high water table is at a depth of less than 10 inches for one to four months in most years. It is at a depth of 40 inches during dry seasons. Typically, the surface layer is black and dark gray fine sand about eight inches thick. The subsurface layer is gray and light gray fine sand about 15 inches thick.

Immokalee fine sand (13). Immokalee fine sand is a poorly drained, nearly level soil on broad flats and low knolls in the flatwoods. The seasonal high water table is at a depth of less than 10 inches for about two months of the year. It is at a depth of 10 to 40 inches for more than eight months of the year, and it recedes to a depth of more than 40 inches during extended dry periods. Typically, the surface layer is very dark gray fine sand about eight inches thick. The subsurface layer, which is about 32 inches thick, is light gray and white sand.

Pomello fine sand, 0 to 5 percent slopes (15). Pomello fine sand, 0 to 5 percent slopes, is a moderately well drained, nearly level to gently sloping soil on long, broad to narrow, slightly higher ridges and knolls in the flatwoods. This soil has a seasonal high water table at a depth of 24 to 40 inches for one to four months during the normal wet seasons. During the drier seasons, the water table recedes to a depth of 40 to 60 inches. Typically, the surface layer is gray fine sand about four inches thick. The subsurface layer, to a depth of 40 inches, is gray, white, and light gray fine sand.

Samsula and Placid Soils, Frequently Flooded (24). Samsula and Placid soils, frequently flooded, is a very deep, nearly level and poorly drained soil. This soil is typically located along narrow drainageways that are mainly within uplands. This soil is typically dark reddish brown in the upper 10 inches and is black muck in the lower 23 inches.

Cassia Fine Sand, 0 to 2 Percent Slopes (27). Cassia fine sand, 0 to 2 percent slopes, is a very deep, moderately poorly drained soil found along low ridges and knolls within flatwoods. The surface layer is typically very dark gray fine sand to about 5 inches and then a gray to white fine sand to a depth of 26 inches. The water table is typically shallow about 15 to 40 inches deep during the wet season.

Udarents, moderately wet (29). This map unit consists of heterogeneous soil material that was removed from other soils and used in land leveling operations, as fill material. The material is a mixture of fine sand or of sand fragments and other loamy subsoil material. Slopes are smooth and range from 0 to 2 percent. Udarents do not have an orderly sequence of soil layers.

C. Vegetation

Four land use types occur on the project corridor and associated parcels; all communities have been categorized according to *Florida Land Use, Cover, and Forms Classification System* (FLUCFCS) (Florida Department of Transportation, State Topographic Bureau, Thematic Mapping Section 1999). A description of each community type can be found below:

Pine Flatwoods (FLUCFCS 411). The Pine Flatwoods habitat type has a canopy dominated by slash pine (*Pinus elliottii*). The understory is dominated by loblolly-bay (*Gordonia lasianthus*) saw palmetto (*Serenoa repens*), wax myrtle (*Myrica cerifera*) and bitter gallberry (*Ilex glabra*). The herbaceous layer is dominated by greenbriar (*Smilax* spp.), grape (*Vitis* spp.) cinnamon fern (*Osmunda cinnamomea*) and bracken fern (*Pteridium aquilinum*).

Hardwood Conifer Mixed (FLUCFCS 434). The Hardwood Conifer Mixed habitat type can be found within the eastern and southern reaches of the parcel. The canopy is a mix of slash pine, sand pine (*Pinus clausa*), live oak (*Quercus virginiana*), and laurel oak (*Quercus hemisphaerica*). Subcanopy, understory and groundcover are a mix of saw palmetto, persimmon (*Diospyros virginiana*), winged sumac (*Rhus copallinum*), bracken fern, greenbriar, and grapevine.

Stream and Lake Swamps (FLUCFCS 615). The Stream and Lake Swamps community can be found in the central portions of the property and is associated with Big Mulberry Branch and associated tributaries. The canopy is dominated by slash pine, pond pine (*Pinus serotina*), bald cypress (*Taxodium distichum*), sweetgum (*Liquidambar styraciflua*) and red maple (*Acer rubrum*). The understory is dominated by swamp bay (*Persea palustris*), loblolly-bay, dahoon holly (*Ilex cassine*), fetterbush (*Lyonia lucida*), buttonbush (*Cephalanthus occidentalis*), along with saw palmetto in the transition areas. The herbaceous layer is dominated by Virginia chain fern (*Woodwardia virginica*), cinnamon fern (*Osmunda cinnamomea*) and maidencane (*Panicum hemitomom*).

Electrical Power Transmission Lines (FLUCFCS 832). The eastern edge of the property adjacent to Old Kings Road is part of a maintained electrical power transmission line easement for Florida Power and Light. No canopy is present within the easement as it is maintained to not interfere with the overhead transmission lines. Understory and groundcover varies with species including dog fennel (*Eupatorium capillifolium*), prickly pear (*Opuntia humifusa*), and runner oak (*Quercus pumila*) in the more well drained upland portions of the easement, and maidencane and cabbage palm (*Sabal palmetto*) in the more mesic sections.

III. Proposed Site Plan

Please refer to the site plan prepared by Stephenson, Wilcox & Associates, Inc. The applicant proposes to construct a commercial storage facility and associated infrastructure including access roads, parking, and stormwater retention areas. A significant portion of the uplands on-site are separated from the remainder of the property by the wetlands draining into Big Mulberry Branch. In order to access the developable uplands adjacent to Interstate 95, wetland impacts are necessary. Specifically, ± 0.25 acre of impact is proposed for a road crossing in the southwest corner of the property.

IV. Wetland Quality Assessment Methodology (WQAM)

Pursuant to Section 2.0 of Section VII of the City of Palm Coast Technical Manual, the proposed wetland impact associated with the project has been assessed using the Wetland Quality Assessment Methodology (WQAM). This assessment is required to determine the type of approval needed from the City of Palm Coast, along with an assessment of the functions provided by the wetlands and associated upland buffer located within a project boundary.

Based on the 12 August 2019 comment letter from the City of Palm Coast, it is indicated the City considers the wetland subject for impact an “optimal” wetland. Per Section 2.0, an optimal wetland requires “no net loss of wetland functions” for the wetland system located on the project site. For the purposes of this wetland impact analysis, ESI has treated the wetland as an optimal wetland, and the associated documentation for an optimal wetland impact is being provided.

However, please note that it is the opinion of ESI that the wetland could be scored as a moderate wetland as opposed to an optimal wetland. ESI has approached the City of Palm Coast to inquire about re-classifying the wetland to moderate, which would allow alternative mitigation options. The City stated in a 21 August 2019 email that it would ultimately be up to the St. Johns River Water Management District (SJRWMD) to determine the ecological value of the subject wetland impact. ESI will coordinate with SJRWMD staff to make a final determination on ecological value of the wetland impact. Should SJRWMD agree with ESI’s assessment that the wetland value classifies it as a moderate wetland per the City’s definition, ESI will coordinate with the City to provide alternative mitigation options.

A copy of the WQAM analysis for the proposed wetland impact is included as Appendix X of this assessment. ESI utilized the Uniform Mitigation Assessment Method (UMAM) sheets to perform this assessment as editable versions of the WQAM worksheets were not available. The WQAM score associated with this assessment is 0.73, which classifies it as an optimal

wetland per the City's assessment. As previously noted, ESI believes this wetland could be scored at a 0.70 or lower, which would classify it as a moderate wetland.

On August 22, 2019 ESI conducted a site-specific assessment to review the occurrence and extent of any protected species that may be located on site. No listed species were observed within the intended alteration areas. After the extensive desktop review and site investigation ESI prospects that the continuation of the intended project will have no adverse effect to the level of function provided to listed flora and fauna species. Please refer to the preliminary ecological assessment that was conducted and prepared pursuant to section 3.0 of section VII of the City of Palm Coast Technical Manual for any additional demonstration to the level of function on site.

V. Alternative Site Design

The applicant has gone through several iterations of the site plan in order to minimize wetland impacts while still meeting project goals. The majority of the uplands on-site are inaccessible without wetland impacts as they are surrounded by wetlands to the east, north, and south, and Interstate 95 to the west. Without utilizing these uplands, the project becomes financially infeasible and can not move forward.

In order to access these uplands, the applicant proposes a crossing at the narrowest point of the wetland. This location helps to minimize wetland impacts to the greatest extent practicable. The wetlands to the east and west of this crossing are under conservation easement, therefore relocating the crossing would result in greater wetland impacts and requires a conservation easement release and replacement process.

The width of the proposed crossing has been minimized to the greatest extent while still meeting local design standards for vehicular access including emergency vehicles. The crossing design has been evaluated as both a bridge crossing or a culverted crossing. Both designs allow for a constant connection between upstream and downstream waters. The bridged design results in less overall impact to the subject wetland area as limited wetland function would still be present under the span. However, the applicant has determined through a financial analysis that the costs associated with the design and construction of the bridged design to be financially infeasible. A culverted crossing accomplishes the same goal as the bridged design at a lower cost which will allow the project to move forward.

VI. Mitigation

The final mitigation plan will ultimately depend on the classification of the wetland impact as optimal or moderate. On the assumption that the wetland impact is considered optimal, no net loss of on-site wetland function will be necessary. Please refer to the UMAM sheets submitted with this impact analysis. Total functional loss associated with the impact is 0.183 functional units. To offset the proposed functional loss, ESI proposed a mix of various on-site mitigation efforts. Each option is detailed below. Upon tentative approval from the City of Palm Coast, a more detailed mitigation plan can be provided.

- Wetland and Upland Preservation – Approximately 14.65 acres of on-site wetlands and 1.45 acres of upland buffer have already been placed under a perpetual conservation easement to SJRWMD. The wetlands provide viable cover and forage habitat for a variety of wildlife species that may utilize the property, while the upland buffers provide additional protection to the subject wetlands from surrounding development. The conservation easement provides assurance the areas will be protected in perpetuity, providing long-term ecological benefit.
- Upland Buffer Planting – The site plan prepared by Stephenson, Wilcox & Associates, Inc. contains sufficient buffer acreages as required by local regulations. To provide additional ecological lift within the project boundaries, the applicant proposes to plant the upland buffer areas with appropriate upland species to provide additional habitat for nesting, denning, and foraging.
- Wetland Creation – Approximately 0.36 acre of on-site uplands are present that are not part of the development plan. This area lies south of the platted lots on Fanshaw Lane, east of the canal, and west of the Florida Power and Light Easement. The applicant proposes to grade this area down to an elevation consistent with the wetlands to the west, and then plant the area with appropriate wetland species.

Specifics on the ecological lift, design, implementation, and monitoring of these proposed mitigative activities can be provided by ESI upon 1) the determination that on-site mitigation will be required, and 2) approval of the approach from the City.

VII. Conclusion

The Wetland Impact Analysis is being provided to determine the ecological value of the wetland impact associated with the proposed Storage Facility on Old Kings Road. The City of Palm Coast has indicated the wetland proposed for impact would meet the definition of an

optimal wetland, but stated the ultimate determination can be made by SJRWMD. ESI believes the wetland can be classified as a moderate wetland and therefore be able to provide mitigation outside of on-site alternatives. ESI will coordinate with SJRWMD staff to get a determination on the ecological value of the wetland.

Should the wetland be determined to be optimal, a number of different mitigation alternatives exist on-site. ESI and the applicant will coordinate directly with the City of Palm Coast to provide a specific on-site mitigation plan that will involve some mix of on-site preservation, upland buffer enhancement, and wetland creation. A draft UMAM analysis of the potential functional lift of these mitigative activities has been provided with this submittal.

City of Palm Coast, Florida

Agenda Item

Agenda Date: October 16, 2019

Department PLANNING Item Key 7231	Amount Account #
Subject AN AMENDMENT TO THE OARE MASTER PLANNED DEVELOPMENT-DEVELOPMENT AGREEMENT (MPD-DA) TO EXTEND DEADLINE FOR SUBMITTAL OF PRELIMINARY PLAT, TO BRING CONSISTENCY WITH LDC AND OTHER HOUSEKEEPING ITEMS	
<p>Background: The owner, Oare Associates, LLC, through its agent, Charlie Faulkner, is requesting a Third Amendment to the Development Agreement for a 1,013.36 +/- acre existing Master Planned Development (MPD) known as the Oare MPD. The subject property is located south of State Road 100, north and west of Belle Terre Boulevard and east of US 1. The request is to extend the time limit to file preliminary plats as specified in Section 5.1 of the MPD Agreement. The amendment will also amend the landscape buffer requirement along Belle Terre Blvd. to be consistent with the Land Development Code (from 35' to 25'). Other amendments will update outdated references related to contact information for the owner, as well as reference to "Florida-Friendly" landscaping rather than "Xeriscaping".</p> <p>The Oare MPD was first rezoned in 2005 to PUD via Ordinance 2005-45, and was amended by Ordinance 2009-16. The Development Agreement allows for a 724-unit continuing care adult community consisting of single family and multifamily attached and detached dwellings, an Assisted Living Facility, an Extended Care Facility, single family estate lots, and supporting neighborhood commercial land uses. Of the tracts that were identified in the MPD, Tract 1 has been developed into the planned Assisted Living Facility (Princeton Village formerly Benton Village).</p> <p>Previous amendments in 2009 and 2014 extended the time to file preliminary plats and updated several of the development standards and requirements for conformance with the adopted Land Development Code (LDC).</p> <p><u>Analysis:</u></p> <p>The proposed amendments do not materially change the objectives of the project of creating a continuing care adult retirement community. There are no proposed changes to the number of units and development requirements will be consistent with the adopted Land Development Code.</p> <p>Staff finds that the amended MPD agreement remains consistent with the goals, objectives, and policies of the Comprehensive Plan as well as the Land Development Code.</p>	
<p>Recommended Action: Staff recommends that the Planning and Land Development Regulation Board (PLDRB) recommend that City Council approve the amended and restated Master Planned Development (MPD) Development Agreement for the Oare MPD, Application 4112</p>	

100

E MOODY BLVD

E HIGHWAY 100

BELLE TERRE BLVD

S STATE ST

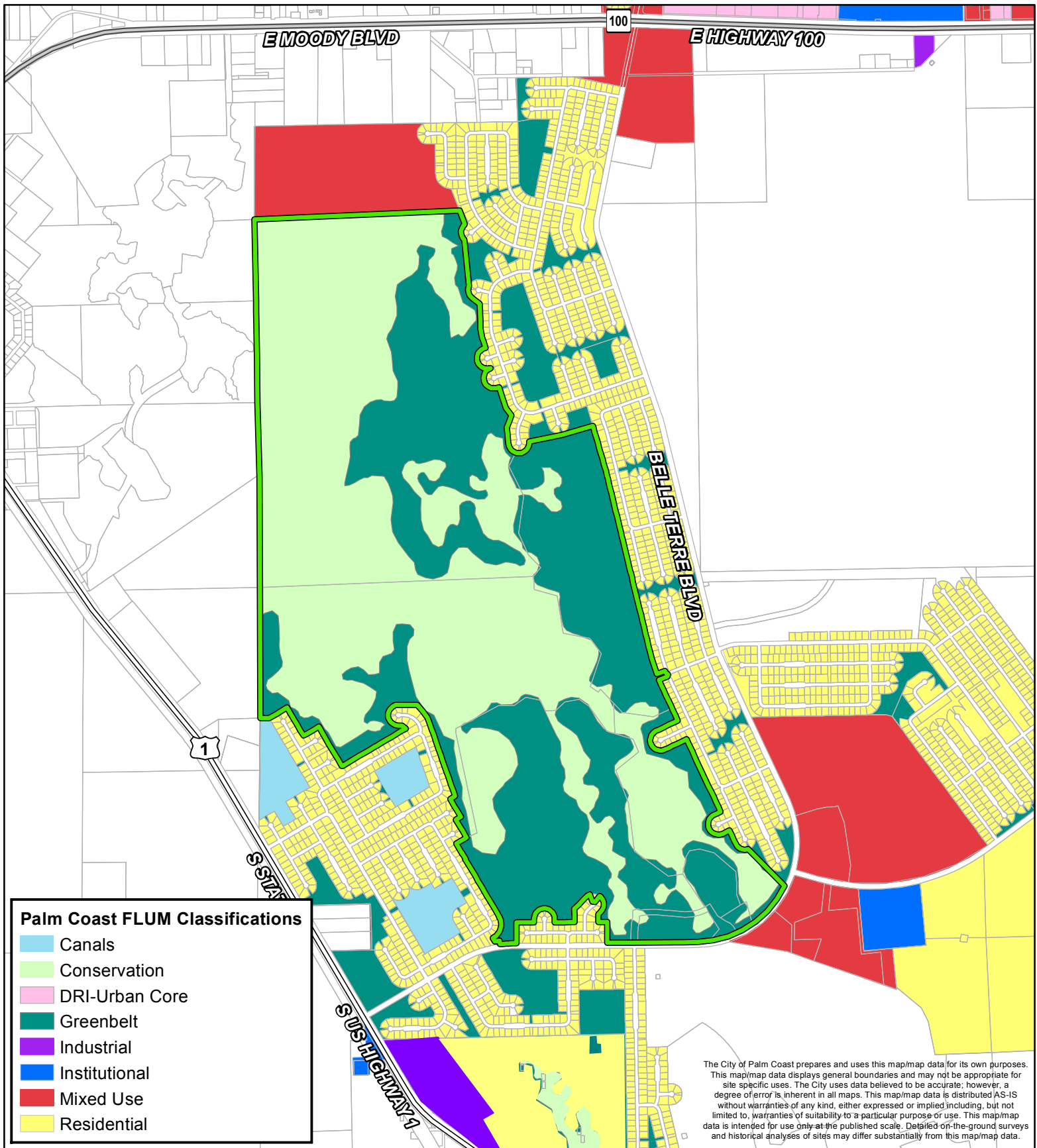
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Location Map
MPD Amendment - Application 4112

 Oare Master Planned Development





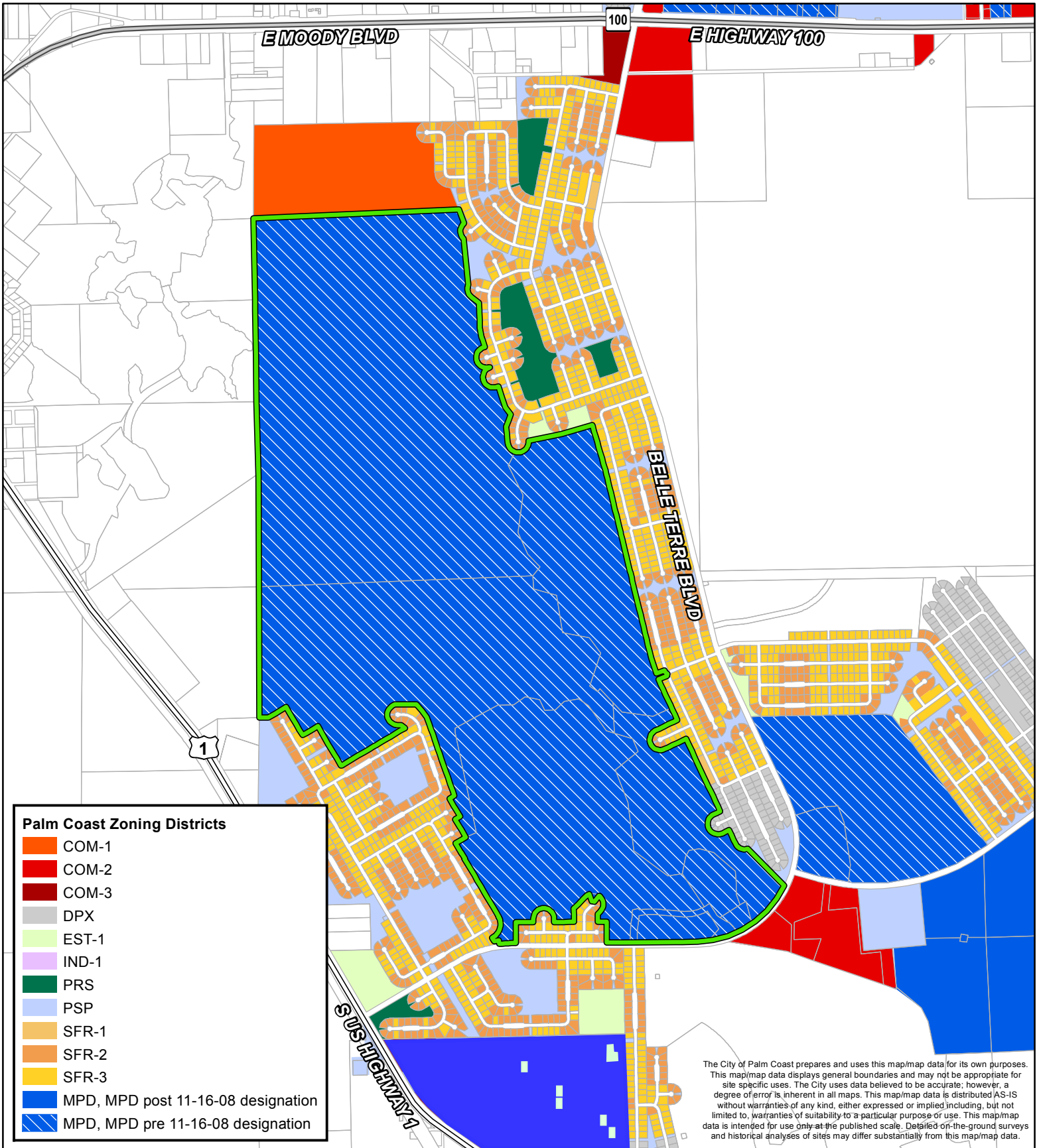
Future Land Use Map MPD Amendment - Application 4112



Oare Master Planned Development



Map Provided by the GIS Division



Zoning Map

MPD Amendment - Application 4112

Oare Master Planned Development



Map Provided by the GIS Division



**COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT FOR APPLICATION #4112
September 26, 2019**

OVERVIEW

Application Number: 4112

Applicant: Oare Associates, LLC

Agent/Attorney:

Property Description: 1,013.36 ± acre approved Master Planned Development consisting of an adult continuing care community south of SR 100, north and west of Belle Terre Boulevard, east of U.S. Hwy 1, and west of the Quail Hollow Subdivision

Property Owner:	Oare Associates, LLC
Current FLUM designation:	Conservation; Greenbelt
Current Zoning designation:	Master Planned Development (MPD)
Current Use:	20-acre Assisted Living Facility (ALF) wooded, undeveloped lands

Size of subject property: 1,013.36 ± acres

Requested Action: Third amendment to the Master Planned Development (MPD) Development Agreement (DA) to extend the time limit to file a Preliminary Plat along with housekeeping amendments for outdated language and consistency with the Land Development Code

Recommendation: Staff recommends that the Planning and Land Development Regulation Board (PLDRB) recommend to City Council approval of an amendment of the existing Oare MPD Development Agreement, Application# 4112.

ANALYSIS

REQUESTED ACTION

The owner, Oare Associates, LLC, through its agent, Charlie Faulkner, is requesting a Third Amendment to the Development Agreement for a 1,013.36 +/- acre existing Master Planned Development (MPD) known as the Oare MPD. The subject property is located south of State Road 100, north and west of Belle Terre Boulevard and east of US 1. The request is to extend the time limit to file preliminary plats as specified in Section 5.1 of the MPD Agreement. The amendment will also amend the landscape buffer requirement along Belle Terre Blvd. to be consistent with the Land Development Code (from 35' to 25'). Other amendments will update

outdated references related to contact information for the owner, as well as reference to “Florida-Friendly” landscaping rather than “Xeriscaping”.

BACKGROUND/SITE HISTORY

The Oare MPD is a Master Planned Development originally rezoned to PUD in 2005 via Ordinance 2005-45, as amended by Ordinance #s 2009-16 and 2014-18 into its current form. The previously approved Development Agreement allows for a continuing care adult community consisting of 724 total residential units that include single family and multifamily attached and detached dwellings, an Assisted Living Facility, an Extended Care Facility, single family estate lots, and supporting neighborhood commercial land uses. Of the tracts that were identified in the MPD, Tract 1 has been developed into the planned Assisted Living Facility (Princeton Village), and some roadway improvements identified in the Roadways section (4.F) of the existing Development Agreement were constructed. The previous amendments in 2009 and 2014 extended the time to file preliminary plats and updated several of the development standards and requirements for conformance with the newly adopted Land Development Code (LDC).

LAND USE AND ZONING INFORMATION

USE SUMMARY TABLE:

CATEGORY:	EXISTING:	PROPOSED:
Future Land Use Map (FLUM)	Greenbelt; Conservation	No change proposed
Zoning District	Master Planned Development (MPD) to allow 724 total residential units	No change proposed
Overlay District	Wetland Overlay	No change proposed
Use	Single family and multifamily attached and detached units, single family estate lots, ALF and ECF units	No change proposed
MPD Acreage	1,013.36 +/- acres	No change proposed
Major Access	Belle Terre	No change proposed

SURROUNDING ZONING AND LAND USES:

NORTH:	FLUM:	Mixed Use
	Zoning:	Neighborhood Commercial (COM-1); Estate-1 (EST-1)
SOUTH:	FLUM:	Residential; Mixed Use; Conservation and Agriculture (Flagler Co.) Single Family Residential 2 & 3 (SFR-2 & SFR-3); General Commercial (COM-2) and PUD (Flagler County)
	Zoning:	
EAST:	FLUM:	Residential; Greenbelt
	Zoning:	Single Family Residential 2 & 3 (SFR-2 & SFR-3), Duplex (DPX)

WEST: FLUM: Residential; Agriculture, Conservation, Timberland
(Flagler Co.) Industrial (City of Bunnell)
Zoning: Single Family Residential 2 & 3 (SFR-2 & SFR-3);
Agricultural (Flagler Co.); Industrial (City of Bunnell)

SITE DEVELOPMENT REQUIREMENTS

The previously granted PUD approval established the project land development standards. No changes are proposed to those standards. The standards include:

Regulations	Tract 1	Tract 2	Tract 3	Tract 4	Tract 4	Tract 5
Min. lot size	N/A	N/A	N/A	Condominium 1-4 Units	Condominium Multifamily	3 acres
Min. lot width	N/A	N/A	N/A	N/A	N/A	N/A
Min. Front Setback	20 ft.	35 ft. *	35 ft. *	Min. 20 ft. to edge of pavement or sidewalk	Min. 25 feet to edge of pavement or sidewalk	50 ft.
Min. Side St. Setback	20 ft.	20 ft.	20 ft.	Min. 12 ft. to edge of pavement or sidewalk***	Min. 12 ft. to edge of pavement* or sidewalk**	30 ft.
Min. Interior Side Yard Setback	10 ft. **	10 ft.	10 ft.	Min. of 10 ft. between bldgs.	Min. 12 ft. between bldgs. ****	30 ft.
Min. Rear Yard Setback	10 ft.	10 ft.	10 ft.	Minimum 24 ft. between bldgs.; 15 ft. to property line	Minimum 24 ft. between bldgs., 15 ft. to property line	30 ft.
Max. Bldg. Height	36 ft.	36 ft.	48 ft.	36 ft.	60 ft.	36 ft.
Unit Mix	N/A	Reserved Parcel	N/A	Single Family Duplex/Triplex/Quad	Varies	Single family w/ guest house

* Abutting residential required 35 foot landscape setback for Tracts 1 and 3

** 35 feet for non-residential side yards abutting residential

*** No driveways within the side yard setback

**** All distance dimensions must conform to the Florida Building Code Regulations

No development standards applicable to Tracts 6A and 6B due to Conservation and open space use.

ANALYSIS BASED ON UNIFIED LAND DEVELOPMENT CODE CHAPTER 2 SECTION 2.05.05

Please note that the analysis provided in the following sections is what was provided for the previous amendments to the MPD. The findings from staff's previous analysis is intended to provide evidence of the project's consistency with the City's Comprehensive Plan and Land Development Code.

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. No changes are proposed to the density and intensity of the project. An amendment to the landscape buffer requirement along Belle Terre Pkwy. is consistent with the current code. The request to further extend the time limits to file a preliminary plat is not in conflict with or contrary to the public interest. Extending the time limit to plat and construct the development furthers the public interest in that it provides a new time frame for the property owner in which to meet the intent of the overall project.

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

Staff Finding: The MPD Development Agreement was previously updated to be consistent with the adopted Land Development Code (LDC), and further the Agreement remains consistent with the provisions of the Comprehensive Plan. The request is consistent with the following objectives and policies of the Comprehensive Plan:

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

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

-Policy 1.1.4.2 – The Master Planned Development (MPD) zoning district shall allow residential housing types to be mixed with retail, service, office, commercial and other land uses. Potential areas for MPD's are strategically located throughout the City to promote infill development and to maximize vehicular and pedestrian accessibility.

The Oare MPD was conceptualized as an adult continuing care community, where residents could transition from one housing type to another as they aged, and is planned to be supported by a neighborhood commercial component within its boundaries. This creates a community where vehicular and pedestrian accessibility can be maximized. Additionally, the site is located approximately 2.5 miles driving distance to State Road 100 and the Palm Coast Landings retail development in Town Center. State Road 100 is an urbanizing corridor where a variety of retail and non-retail uses can be accessed easily, including churches, an airport, parks, restaurants, fuel service stations, a hospital, grocery stores and other specialty retailers. The Conceptual Master Plan for the MPD concentrates development closest to Belle Terre Boulevard, thereby promoting compact and contiguous development.

-Policy 1.1.4.3 – The Greenbelt land use designation shall be used to protect natural resources and prevent urban sprawl.

The property FLUM designations include Conservation and Greenbelt. More than 700 acres of the total 1013.36 +/- acres are wetlands. The Conceptual Master Plan attached to the MPD shows development being concentrated in upland areas, and clustered near Belle Terre Boulevard, as well as adjacent to existing residential uses to the east, with the overall residential density remaining at less than one unit per

acre in conformance with the Comprehensive Plan requirements related to Greenbelt densities. The MPD therefore protects natural resources and limits development to lands contiguous to existing developed areas, which prevents urban sprawl.

- **Chapter 2 Transportation Element:**

-Objective 2.2.1 – Continue to enforce standards for requiring commercial and residential connectivity.

-Policy 2.2.1.2 – Each new residential subdivision and all new residential developments of more than 50 dwelling units, or which use as access a street that is 2,500 feet or more in length shall provide a minimum of two external connections.

The overall MPD is proposed to include at least two (2) paths of ingress/egress.

-Objective 2.2.2 – Enforce standards that encourage and/or require establishment of sidewalk connections or multi-use paths between new residential and commercial development

-Policy 2.2.2.7 – The City shall continue to enforce requirements that all new subdivisions construct sidewalks and/or multi-use paths within the development and sidewalks on collector and arterial roads.

The MPD Development Agreement requires all internal roads to have sidewalks on both sides of the road, and requires internal collector roadways to provide bike lanes on both sides of the road, or a 10 foot wide multipurpose path on one side of the road and a 5 foot wide sidewalk on the other side of the road. These requirements provide sidewalk interconnectivity throughout the MPD, as well as provide the potential for bike lanes. The neighborhood commercial property will also be connected internally to the development via the internal loop road.

- **Chapter 3 Housing Element:**

-Objective 3.2.2 – Provide adequate and affordable housing opportunities to accommodate households with special housing needs with an emphasis on provisions for the elderly.

-Policy 3.2.2.2 – The City shall encourage the development of continuum care facilities, which would allow residents to age in place and transition from single-family residential structures to assisted living and then to a nursing home within the same development site. This can be provided through a variety of potential mechanisms including, but not limited to, the following:

A. Financial contributions; B. Expedited plan review and permitting; C. Density Bonuses; D. Specify continuum care facilities as an allowable use within a multi-family or the Village Center zoning district; E. Innovative development standards created as part of a PUD Agreement; and F. Other regulations intended to reduce building and development costs.

The future development of the property with its intended uses has been fashioned by an MPD Development Agreement that precisely encourages the type of community specified in the Comprehensive Plan Policy outlined above. The proposed amendment will allow the project to continue to move forward.

- **Chapter 4 Public Recreation and Open Space Element:**

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

-Policy 4.3.1.2 – The City shall encourage the development and operation of neighborhood parks and recreation facilities by non-profit groups and private interest groups to help meet local recreational needs.

The MPD Development Agreement contains provisions for internal recreation area to be provided in conformance with Land Development Code and Comprehensive Plan Level of Service standards. Specific minimum amenities are also outlined in the MPD DA for Tract 4, the Active Adult Community. Additionally, over 700 acres of the overall property is held out as open space, approximately 625 acres of which is classified as wetlands.

- **Chapter 6 Conservation and Coastal Management Element:**

-Objective 6.1.9 – Protect, conserve and enhance the natural functions of existing wetlands including, but not limited to estuarine systems.

-Policy 6.1.9.6 – Where appropriate, the City shall require proposed developments located on parcels which wetlands are located to retain and protect such wetland resources through clustering, setbacks and other innovative planning techniques.

The MPD Development Agreement contains provisions for the conservation of wetlands and preservation of open space, with over 700 acres of the overall property held out as open space, of which approximately 625 acres is classified as wetlands. The FLUM designations for the property include the Conservation FLUM, which does not allow for development in those areas. Additionally, the Conceptual Master Plan clusters the development to achieve the goals of this policy.

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

Staff Findings: No significant financial liability or hardship is created for the City by extending the time limit to plat and construct the project.

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: Extending the time limit to plat and construct the proposed community 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 within the Development Agreement, as well as with requirements of the Unified Land Development Code (ULDC) where applicable, and the Comprehensive Plan.

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

Staff Finding: Any proposed future development of the site must comply with the

requirements of all other applicable local, state and federal laws, statutes, ordinances, regulations and codes.

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 existing Development Agreement is in conformance with the Comprehensive Plan elements, and their goals, objectives and policies. The requested action is strictly to extend the time limits in which to plat and construct the project.

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

Staff Finding: The property currently remains largely undeveloped, with the exception of Tract 1, the Assisted Living Facility, also known as Princeton Village. Environmental, cultural and natural resources are addressed in the existing MPD DA, and any future environmental impacts, if any are proposed, are required to be addressed through the standards of the ULDC, as well as through regional and State regulatory agencies during the Preliminary Plat and/or Site Plan processes.

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

Staff Finding: Extending the time limit to plat and construct the project does not appear to have any impact on the economy of the affected area. Future impacts to the economy of the affected area are anticipated to be positive through the creation of jobs in the growing healthcare and senior/elder care market, additional commercial earnings due to the increased population, and the resulting additional city revenues generated by real estate and sales taxes.

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 existing Development Agreement includes provisions and conditions related to stormwater management and drainage, recreation, utilities, fire protection, roadways, solid waste and police protection. The impact on the necessary public facilities will be assessed at the time of Preliminary Plat and/or Site Plan Review of the proposed project, but in all cases, must remain within the adopted Level of Service standards per the requirements of the City’s ULDC.

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

Staff Finding: The area in which the parcel is located is within close proximity to the developing Palm Coast Town Center, a mixed use Development of Regional Impact (DRI). The subject property is a largely undeveloped site positioned for future build-out as this area continues to urbanize. As the population ages, demand for adult continuing care

communities will likely increase. This project will provide housing opportunities for those who benefit from locations near neighborhood serving retail and non-retail commercial uses. The applicant has indicated that they desire additional time to plat and construct the project to allow the real estate and financial markets to support such development.

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

Staff Finding: The requested amendment is strictly to extend the time limits to plat and construct the project. The surrounding uses include a mixture of residential and commercial uses, thus the proposed amendment is in harmony with the surrounding uses, and will not threaten the general health, welfare or safety of the surrounding residents.

G. Whether it accomplishes a legitimate public purpose:

Staff Finding: Yes, the rezoning accomplishes a legitimate public purpose. The subject property is planned to become a continuing care adult community that offers the opportunity for “aging in place” with a spectrum of care ranging from independent living to assisted living. The development has already constructed the Assisted Living Facility on Tract 1 and seeks additional time to plat and construct the overall development. Allowing additional time for platting and construction completion ensures that the project is given sufficient time to meet its intended purpose, which serves the legitimate public purpose of providing an aging population with residential opportunities that address their long-term housing needs.

PUBLIC PARTICIPATION

Unified Land Development Code Chapter 2, Part II, Section 2.05.02 typically 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 Master Planned Development (MPD) Amendments, unless the Land Use Administrator determines this requirement can be waived. Because the current application to amend the Development Agreement makes no change to project intensity, density, uses, or development standards as previously amended via Ordinance #s 2009-16 and Ordinance 2014-18, the Land Use Administrator waived this requirement.

RECOMMENDATION

Staff recommends that the Planning and Land Development Regulation Board (PLDRB) recommend to City Council approval of an amendment of the existing Oare MPD Development Agreement, Application # 4112.

OARE MASTER PLANNED DEVELOPMENT
~~SECOND-THIRD~~ AMENDED AND RESTATED DEVELOPMENT AGREEMENT

1.0 Introduction

This is the ~~second-third~~ amendment to a Master Planned Development Agreement (MPD Agreement) and is part of the process of administering the Master Planned Development ("MPD") in order to develop a mixed use Continuing Care Retirement Community (the "Project") located on approximately one thousand one hundred thirteen and thirty-six one hundredths (1,013.36±) acres of land generally north and west of Belle Terre Boulevard in the Quail Hollow Subdivision and South of State Road 100, in the City of Palm Coast, Florida, and more particularly described on attached Exhibit "A." The project site consists of approximately three hundred eighty-eight and one-half (388.5+) acres of uplands and six hundred and twenty five (625) acres of wetlands. These totals result in the allowance of three hundred and eighty-eight (388) credits in the upland area (one (1) credit per acre) and one hundred and fifty-six (156) credits in the wetlands area (one (1) credit per four (4) acres) for a total of five hundred and forty-four (544) development credits (excluding the Assisted Living Facilities and Nursing Home Facilities). The three hundred eighty-five (388) acres of uplands lie within the Greenbelt designation on the Future Land Use Map (FLUM) of the *City of Palm Coast Comprehensive Plan*. Pursuant to Policy 1.1.2.4 of the *City of Palm Coast Comprehensive Plan*, in order to allow for clustering of residential units to create a rural community and minimize the need for extensive infrastructure, the Greenbelt land use designation may include MPDs having lot sizes of less than one (1) acre with common open spaces provided that the development's overall density does not exceed one (1) unit per acre.

The Property is owned by Oare Associates, LLC, a Florida limited liability company (the

"Owner"). The Applicant is also Oare Associates, LLC (Applicant"). For purposes of this application, the Applicant's address is Shuffield, Lowman & Wilson, P.A., 203 E. Rich Avenue, DeLand, Florida 42724~~the Law Office of Katz & Green, 1 Florida Park Drive South, Atrium Suite, Palm Coast, Florida 32137~~. The City of Palm Coast Unified Land Development Code, ("LDC"), building codes, and other land development regulations of the City of Palm Coast ("City"), as may be amended from time to time, will be applicable to the Property unless otherwise stated herein.

2.0 Project Description

2.1 General: The Project shall be a mixed use, specifically a continuing care adult retirement community MPD developed in separate phases. The Project will consist of (a) a nineteen and thirty-two one hundredths (19.32) acre parcel with not more than eighty (80) units of Assisted Living and/or independent living residences (completed in 2008), (b) a two and two-tenths (2.2) acre Reserved Parcel, (c) a six and six-tenths (6.6) acre extended care facility parcel with no more than one hundred and twenty (120) units, (d) a one hundred and seventy-one (171) acre Active Adult Community comprising of five hundred and four (504) units with an Amenity Center and (e) one hundred and twelve (112) acres on which a twenty (20) Single Family Estate Lot development will be developed, consisting of three (3) to five (5) acre estate sized lots, with a minimum lot size of three (3) acres, as depicted on the Conceptual Site Plan attached hereto as **Attachment "A."** The Assisted Living Facility, the Reserved Parcel (Tract 2) and the extended care facility (Tract 3) shall be platted lots with private streets and the Owner shall create a property owners association to manage and maintain the private streets and other areas. The Active Adult Community shall consist of a mix of detached single-family, attached single-

family, multi-family building, or combination thereof sold as condominium units in accordance with the laws of the State of Florida relating to condominiums to include, but not be limited to, the establishment of a condominium association by the Owner. The Owner shall create a homeowners association for the estate lots which lots will be located on private streets. The development plan for the Project is outlined below, as depicted on the MPD Conceptual Site Plan, **Attachment "A"**. The Property will be subdivided into six (6) tracts, identified on **Attachment" A"** which shall correspond with the land uses identified in Section 3.0 of this MPD Agreement.

This Project is one that is encouraged under the *City of Palm Coast Comprehensive Plan*, as it provides an opportunity for "aging in place" developments for senior citizens. The Project provides several progressive forms of residential housing opportunities, based upon a continuum of care, from totally independent living, through assisted living. The appropriate amount of neighborhood commercial to support these uses will lessen the trips that would otherwise burden Belle Terre Boulevard. The Project is consistent with the City's planning objective in addressing the City's major need in providing additional housing for the elderly under the *City of Palm Coast Comprehensive Plan Housing Element Policy 3.2.2.2* which states:

"The City shall encourage the development of continuum care facilities, which would allow residents to age-in-place and transition from single family residential structures to assisted living and then to a nursing home within the same development site. This can be provided through a variety of potential mechanisms including, but not limited to, the following:

- A. Financial contributions;*
- B. Expedited Plan review and permitting;*
- C. Density Bonuses;*
- D. Specify continuing care facilities as an allowable use within a multi-family or the Village Center zoning district;*
- E. Innovative development standards created as part of a MPD Agreement; and*
- F. Other regulations intended to reduce building and development costs."*

Consistent with that Policy, contingent density bonuses are being granted, but the total density of seven hundred and fifty-four (754) units, consisting of both five hundred and forty-four (544) dwelling units, a maximum of (60) bed units on Tract 1 and 120 units on Tract 3, on a gross acreage of one thousand one hundred thirteen and thirty-six one hundredths (1013.36) +/- acres is still less than one (1) unit per gross acre, and less than four (4) units per acre, net of Tract 6A and 6B which are the Open Space parcels. Also, consistent with that Policy, and in consideration of the density bonuses granted by the City to the Owner/Applicant, the Owner agrees for itself and its successors and assigns, that the property owners within the MPD shall have a priority to reserve space within the next level of transitional continuum residence on a "first in time/first in place" basis over any prospective resident meeting the same criteria who is not a property owner in the MPD. Such priority shall be on the same terms and conditions as would be available to residents from outside the MPD.

3.0 Land Use Areas

3.1 General: The Project will be made up of the following land uses the locations of which are shown on the Conceptual site plan as Attachment "A".

A. Assisted Living Facility (ALF) Tract 1: The nineteen and thirty-two hundredths (19.32) ± acre ALF Tract, identified as Tract "1", shall contain a mix of sixty (60) Assisted Living Facility bed units with twenty (20) independent living residences, with the total combination not to exceed eighty (80) units. Said development shall follow the development guidelines identified in the Table of Site Development Requirements located in Section 5.3 of this MPD Agreement. The term "bed units" relating to Tract 1 means "an average of one and one-half (1.5) beds per bed unit", but not to exceed' ninety

(90) beds (completed in 2008).

B. Reserved Parcel Tract 2: The 2.2 acre Reserve Parcel is an integral part of the Project. The proposed use by the Owner at this time is neighborhood commercial.

C. Extended Care Facility (ECF): The ECF Tract, identified as Tract "3" shall contain six and six tenths (6.6) acres with a maximum of one hundred and twenty 120 units of extended care facility use. Said facility shall follow the development guidelines identified in the Table of Site Development Requirements located in Section 5 of this MPD Agreement.

D. Active Adult Community Tract 4 (Age 55 Restricted Community): The one hundred and seventy-one (171)+/-acre Active Adult Community Tract, identified as Tract "4" shall be permitted to contain a maximum of five hundred and four (504) dwelling units as described herein. There will be a unit mix on this tract, containing attached and detached single family, multi-family or a combination thereof. These units may be sold as condominiums in lieu of individual lots in accordance with the provisions of State law. There will be common maintenance and recreation operated by a condominium association for Tract "4". There may be sub-associations if individual condominium projects are developed as part of the unit mix, but no action in creating a sub-association will result in any successor of the Owner being relieved of any obligation set forth in this MPD Agreement. A condominium association shall be established by the Owner in accordance with the provisions of State law.

E. Single Family Estate Lots Tract 5: The one hundred and twelve (112)+/- acre Single Family Tract, identified as Tract 5, shall contain a maximum of twenty (20) single-family estate lots with a minimum lot size of three (3) acres. Said lots shall follow the development guidelines identified in the Table of Site Development Requirements cited in Section 5 of this MPD Agreement.

F. Wetland Mitigation/Open Space Tract 6A & 6B: Seven hundred and two (702) acres, more or less, and except for the twenty-five (25) acres proposed for use as a borrow pit in the general location shown on **Attachment "A"** and the use of which is described below, shall be held in open space and has been dedicated to the City or the St. Johns River Water Management District as a conservation easement ~~on a form acceptable to the City, but, at a minimum, to~~ restricting the uses of the subject conservation easement ~~are~~ in accordance with the provisions of Section 704.06, *Florida Statutes*. As a result of the open space designation, the tract density credits ~~made available to it which credits~~ that were created by the designation are hereby transferred to Tracts "I" thru "5". Tracts 6A and 6B are comprised of wetlands and associated uplands. Notwithstanding the dedication of the conservation easement to the City, Tract 6A and 6B shall be available for mitigation credit to the Owner or its assignees if permitted by the controlling provisions of State law and the appropriate permitting agency of agencies of government. Due to on-site wetlands associated with the *FLUM Conservation* designation, wetlands shall be fully delineated during the platting process. All jurisdictional wetland boundaries, including the upland buffer, shall be depicted on all plats prior to submittal. The Owner may apply for approval of an authorized Mitigation Bank for this site with the St. Johns River Water Management District (SJRWMD). The only non-wetland mitigation development activity that can occur within Tract 6A is a twenty-five (25) acre parcel proposed for use as a borrow pit in the general location shown on **Attachment "A"**, with associated and temporary ingress and egress to service the operation. At such time as the borrow pit operation has been completed, the temporary ingress and egress will be removed and all areas will be restored to their natural state. The borrow pit operation shall be permitted for sixty (60) months from the date of site plan approval by the City. The Owner or its assignees may request that the City permit an

extension of the operating permit if the permitted borrow pit has not been completed within the initial sixty (60) months. At the end of the operating permit or any extensions, the entire open space Tract 6A and 6B (with the exception of any storm water systems operated by the City) shall, at that time, be placed under a conservation easement to the SJRWMD and the City or to just the City if the SJRWMD declines acceptance of the conservation easement. Should the City initiate the creation of nature trails and/or passive recreation within the conservation easement area that does not interfere with the development or security of Tracts 1 through 5, and the City requests the Owner to authorize such improvements to be constructed within the conservation easement area, then the construction on such improvements shall not be unreasonably denied by the Owner and shall be permitted without cost to the Owner and the City shall be granted such easements as may be necessary to implement such usage without compensation to the Owner.

4.0 ULDC Applicability

The requirements of this Section supersede any inconsistent provisions of the *LDC* or other ordinances of the City to the extent of any inconsistency.

A. Wetlands. Minor incidental wetland impacts may occur as permitted by the SJRWMD and the U.S. Army Corps of Engineers (ACOE). Non-impacted wetlands shall be buffered consistent with SJRWMD and City regulations.

a) To reduce erosion, all swales, detention slopes and drainage ways constructed by the Owner shall be vegetated, or sodded. Only those areas needed for development may be cleared. Vegetative cover shall be restored immediately and maintained after construction on all disturbed areas not covered with an impervious surface.

b) Sedimentation of wetlands shall be prevented through adherence to the erosion and sediment control plan to be submitted to the City for its approval.

All jurisdictional wetland boundaries including, but not limited to, the upland buffer shall be depicted on all plats prior to submittal. Wetlands shall be fully delineated on a tract-by-tract basis as development is proposed prior to submittal of conceptual site plans for review by the City and prior to application for environmental permits for each development phase. All jurisdictional wetland areas that are not to be impacted, shall be platted as conservation easements which are dedicated to the City and such other agency(ies) of government as may be appropriate under the controlling provisions of law.

No wetland impacts shall occur without acquiring all necessary City, State and Federal permits.

The Owner shall record conservation easements in favor of the SJRWMD, if it determines to accept same, and the City covering the preserved wetlands. The conservation easements shall be recorded upon recordation of a plat containing the wetlands and/or upland buffer areas, or by instrument and shall be in a form acceptable to the City.

The Owner shall provide to the City a copy of all Federal and State environmental permits prior to any construction activities being undertaken. The Owner shall be required to comply with all terms and conditions of all such permits.

B. Stormwater. The Owner must adhere to the "ITT comprehensive drainage plan", as implemented by the City, which is based upon the pre and post flow to handle the one hundred (100) year storm event. Each tract is being developed with a privately maintained Master Drainage System that shall be constructed as each Tract is developed and approved by the City. Stormwater runoff from the Project, shall be conveyed to on- site stormwater detention systems by means of curb and gutter with an underground drainage pipe system or grassed swales. Pipe, structure materials and locations as well as pipe sizes shall be designed according to sound and

generally accepted engineering principles and practices as approved by the City. Design and construction materials and methods of any off-site improvements associated with the Project shall be subject to the approval of the City. All stormwater systems in the residential tracts (Tracts 4 and 5) shall be maintained by an appropriate association as required to be created by the Owner herein. The stormwater management system on Tracts 1, 2 and 3 shall be maintained by the owners of the respective tracts consistent with the provisions of this MPD Agreement.

A stormwater pollution prevention plan ("SWPPP") shall be attached to and incorporated into the construction and permit documents for all projects constructed within the Project. The SWPPP shall include preconstruction activities and maintenance/inspection procedures. The SWPPP shall be implemented by the Owner upon initiation of construction activities and continue until construction activities have been completed. As part of the SWPPP, Best Management Practices for turbidity and erosion control shall be implemented and maintained at all times during construction activities.

C. Landscaping Standards. General landscaping around parking lots, roadways, entrances, and other common areas shall be landscaped with ornamental and native plant material in accordance with the *LDC*. Flexibility within the Project allows for further refinement of site development, landscaping and preservation of existing vegetation. Within the perimeter buffer areas, trees shall be preserved to the maximum extent feasible for natural screening as determined by the City. Supplemental landscaping shall be required in areas lacking or void of natural vegetation, as specified below. Specific landscape plans will be submitted to the City at the time each tract is submitted for preliminary plat and/or construction plan approval. Street trees shall be planted along all roadways and common areas of the Project in conformance with the PCLDC and the City's Comprehensive Plan. Trees shall be selected from the list of Flagler County Shade Trees and planted approximately fifty feet (50') on center and be eight to ten feet (8-10') tall with a minimum

two inch (2") caliper within the single family portion of the development and twelve to fourteen feet (12-14') tall with a minimum three and one-half inch (3-1/2") caliper for all other tracts and common areas. Cul-de-sacs shall have at least one (1) shade tree in the landscaped center island portion of the street

a. South Buffer: An opaque landscape buffer with supplemental landscaping, at least six feet (6') in height, shall be installed where no natural buffer exists to separate the Project from the residential lots to the south.

b. Belle Terre: A landscape buffer ~~thirty-five (35')~~ twenty-five (25') feet in width shall be provided along the Belle Terre Boulevard boundary. Specimen trees shall be preserved to the maximum extent feasible for natural screening, as determined by the City's Landscape Architect.

Appropriate wildfire mitigation practices shall be employed during construction of the initial infrastructure improvements and shall be completed prior to City approval of the subdivision improvements. All landscape areas shall be regularly maintained by the appropriate association, as created by the Owner asset forth herein, according to standard landscape practices and in accordance with the LDC.

D. Signage

a. Project Signage The Project and its various components may be identified by one (1) double faced or two (2) single faced monument entrance signs located in a landscape and sign easement or tracts or future plats designated for signage at each entrance on Belle Terre Boulevard. Such signs maybe lighted (with lighting directed away from traffic), and, except as provided herein, shall comply with the LDC sign regulations. Directional, identity, and information signs for recreation and other

amenities may be permitted throughout the development. Signs that are external to the Project may not exceed twenty four (24) square feet in sign area and six (6) feet in height. All signage shall be internally consistent and uniform in design.

Tracts 1 through 5 shall each have one (1) double faced monument entrance sign located in a landscape and sign easement at each entrance. All entrance signage shall adhere to the required setbacks, any additional setbacks affected by parking areas, parallel and beyond established rights-of-way, as to to obstruct the line of sight for drivers and pedestrians. The recreation and amenities signage shall not exceed twenty-four (24) square feet in sign area and 6 feet (6') in height. The directional signs shall not exceed eight (8) square feet in sign area and 3 feet (3') in height. Real estate sales signs and construction signs shall be permitted in accordance with the LDC.

b. Signage for Neighborhood Commercial Area: *Fascia or wall signs for multi-use buildings.* One (1) fascia or wall sign per business for the building frontage shall be permitted. Signs in the commercial area shall meet the commercial sign requirements provided for in the LDC.

c. Signage for Belle Terre Boulevard Curve: The Owner shall pay for the installation of such safety signage as the City requires, consistent with the *Manual for Uniform Traffic Control Devices*, to address issues relating to the curve on Belle Terre Boulevard.

E. Site Development Requirements. The dimensional requirements within the Project shall be as set forth in the Table in Section 5.3.

F. Roadways. All roadways within the Project shall structurally comply with the LDC and the City's Comprehensive Plan and shall be curb and gutter urban roads. All internal roads shall be paved at a minimum width, not including bike lanes, of twenty- four feet (24') (including twenty

feet (20') of pavement and two feet (2') of Miami curb on each side). A sidewalk six and one-half feet (6.5') in width shall be built along the portion of Belle Terre Boulevard that abuts the Project. All internal roadways shall have a sidewalk five feet (5') in width on both sides of the roadways. Internal collector roadways shall have a foot bike lane four feet (4') in width on both sides of the roadways or, as an alternative a sidewalk five feet (5') in width on one side of the roadways and a multi- purpose path ten feet (10') in width on the other side of the roadways. All internal roadways shall meet the City's street tree requirements.

a. Tracts 1, 2, and 3 shall have an internal loop roadway. This roadway will remain private. Access easements shall be provided to Tract 2 and Tract 3 on the internal roadway system.

b. Tract 4 shall have private roads and a security gate at its entrance off of the loop road.

c. Tract 5 shall have private roads and may have a gated entrance permitted. For ingress and egress the Owner has acquired a vacant lot 16, Block 10, Section 63, "1 Zonal Court which provides direct access into the "Z" section from Belle Terre Boulevard, along Zonal Geranium Trail.

d. Any irrigation, lighting, and landscaping on any roadway or dedicated right-of-way shall be maintained by the respective association or owners of that tract.

e. Access for provision of utility services and emergency vehicles shall be provided to the City by plat dedication and/or by means of granting an easement as a condition of plat approval.

f. Cul-de-sacs shall have a radius of sixty feet (60'). Up to fifteen feet (15') of the radius may be stabilized with pavers and/or stamped asphalt, subject to construction plan

approval.

g. Tract 1 is proposed to have an access on the inside of the curve on Belle Terre Boulevard. Based upon the *Site Access Evaluation Report* submitted to the City in support of the Project and City staff field observations, sight distance problems currently exist. The Report cites the public safety need for an additional clearance beyond the existing right-of-way of Belle Terre Boulevard, which is eighty feet (80') feet in width, along the north and/or west side. Clearance is required to provide the necessary visibility. A minimum of additional right-of-way totaling six hundred feet (600') in length from both approaches to provide reasonable access into Tract I and additional right-of-way shall be dedicated to the City by the Owner for a combined total minimum length of one thousand two hundred feet (1200') along Belle Terre Boulevard. The Owner or the appropriate association(s) created by the Owner consistent herewith shall maintain the clearance of vegetation to a maximum height of two and one-half feet (2.5') within the additional right-of-way. Turn lanes shall be constructed at the Tract 1 access which shall include: southbound right turn deceleration lane and the northbound left turn center deceleration lane and shall be made part of the bonded improvements. All road improvements must be constructed in accordance with Florida Department of Transportation requirements. The City retains its authority to limit the access if deemed necessary due to safety concerns and/or at time of four-(4) laning of Belle Terre Boulevard.

With respect to the main access point in the balance of the Project the Owner shall include on Belle Terre Boulevard, a westbound right turn lane and an eastbound left turn lane as part of the bonded improvements. Subsequent to the issuance of a development order for Tract 1 and prior to any development orders issued for Tracts, 2, 3, 4 and 5, the Owner

shall deposit its cost of a traffic signal at the Karas Trail/Belle Terre Boulevard entrance and shall bond internal loop/spine roads. The appropriate amount of a traffic signal will be determined by the City. These improvements are not eligible for Transportation Impact Fee credit, since they are direct access improvements and not subject to credit.

G. Stormwater Management System Stormwater drainage systems to be designed as not to create an adverse impact on the existing ITT drainage system designed for the one hundred (100) year storm event. A surface water and stormwater detention system to be approved by the SJRWMD, the Florida Department of Environmental Protection (FDEP), the ACOE, and any other regulatory agencies, and meeting the requirements of the LDC shall be provided. The Owner shall coordinate with the City's Stormwater Management Department and the SJRWMD regarding the existing drainage systems and easements by facilitating and accomplishing restoration activities on the Property as required by the City on any ditches or portions of the Palm Coast community-wide drainage system into Tract 5.

This restoration shall include re-grading existing drainage ditches that drain stormwater runoff from platted sections of Palm Coast that are within the Oare MPD boundaries. Re-grading shall mean shaping the ditches to conform to the original design grades, profiles and include restoring an outfall point that is free of obstructions. Original design specifications shall be provided by the City.

At a minimum twenty per cent (20%) of wet detention ponds shall have a thirty per cent (30%) littoral zone measured relative to pond surface at normal water elevation.

H. Recreation. The Project will meet or exceed the Level of Service Requirements provided for in the Public Recreation and Open Space Element within the City's Comprehensive Plan. The active recreation requirement will be met by the construction of the following:

Tract 4. "The Active Adult Community", has an amenity (recreational) complex shown on the Conceptual Site Plan which will be a minimum of five (5) acres. Specific amenities to be provided may include shuffleboard courts, tennis courts, horseshoe pits, lawn bowling and other age-appropriate amenities including picnic areas and exercise trails. At a minimum, it shall include a swimming pool, tennis courts, no less than a five thousand (5,000) square foot club house with rest room facilities together with the above mentioned amenities.

Tract 5. may have a dedicated walking and/or horse trails along side and rear lot lines. The homeowners will have the ability to stable horses on their property at no more than one horse per acre of total land owned. The stables are solely an accessory use to the single family residence and are therefore not for commercial sale or rent.

Lighting. Decorative pole mounted lighting fixtures no more than thirty feet (30') in height shall be provided throughout the developable portions of the Project. Additional landscape lighting may include low level lighting and occasional accent lighting. Lighting in the commercial area shall be directional in nature so as to not disturb surrounding property owners. The locations of such fixtures shall be further addressed by the applicant upon submission of an application for either site plan or plat review.

I. Habitat: All applications for preliminary plat or site plan shall include a listed species study in accordance with the LDC. No construction shall commence within any gopher tortoise habitat until the Owner has obtained the necessary gopher tortoise permit from the Florida Fish and Wildlife Conservation Commission (FFWCC) and complies with all permit conditions. In the absence of a permit, development related activities shall not result in the harming, pursuit, or harassment of wildlife species classified as endangered, threatened, or a species of special concern by either the State or Federal governments in contravention of

applicable State and Federal laws, rules or regulations. The Owner shall provide proper protection to the satisfaction of all agencies with jurisdiction over the matter. The *Preliminary Environmental Assessment Report* is available for review in the City's Community Development Department.

J. Utilities: Available resources exist to supply potable water and provide central sanitary sewage treatment. Water and Sewer line extensions or connections to existing facilities within the right of way shall be made by the Owner in accordance with applicable City and State permit requirements. In addition, the Owner shall construct conduit for the City's fiber optic cables in the right-of-way consistent with standards set by the City. A utility easement ten feet (10') in width adjacent to the edge of the pavement, shall be granted by the Owner to the City and to private utilities crossing the site. Capacity shall be consistent with the City's Comprehensive Plan Levels of Service. The development of Tract 5 shall be concurrent with the provisions of an adequate central potable water and wastewater system, meeting the adopted level of service in the City's Comprehensive Plan. All utilities including conduit for the City's installation of fiber optic cable shall be dedicated to the City upon construction and acceptance by the City. All platted lots shall be served by central utilities. Electric utility facilities shall be constructed underground.

K. Fire Protection. Fire protection requirements for the Project will be met through a system of fire hydrants installed on the site by the Owner in accordance with City standards. The locations of fire hydrants shall be shown on all conceptual site plans. 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.

L. Solid Waste: Solid waste shall be picked up by the licensed residential franchisee in the area. Recycled materials shall be collected according to the format established by the franchisee. Solid waste container locations and sizes are subject to approval of the City.

M. Telephone/Electricity/Cable TV: All utility lines shall be installed underground by the Owner. BellSouth or other licensed provider will supply telephone service and Florida Power and Light will supply electricity. Cable service provided through ~~Bright House or another~~ a licensed provider. All utility cables within the development shall be underground. Meetings with individual utilities have indicated adequate capacity to serve this project.

N. Police Protection: The Flagler County Sheriff's Department or its successor, shall be the entity responsible for law enforcement in the Project and shall be provided with full access. This does not preclude the Owner from providing additional private security.

O. Aquifer Protection: Any abandoned wells discovered prior to or during development shall be properly plugged and abandoned in accordance with SJRWMD's rules and regulations. The Owner shall be responsible for all Floridan Aquifer and intermediate (confined surficial) wells that are discovered before and during development.

P. Water Supply. Water conservation strategies, including ~~Xeriscape-Florida~~ Friendly landscape techniques and low flow plumbing fixtures shall be incorporated into the construction, operation, and maintenance phases of the property, and shall be included in the Covenants and Deed Restrictions as approved by the City. The conservation strategies shall include the following conditions:

a. Within common areas, commercial areas and the continuing care areas, fifty percent (50%) of planted vegetation, by surface area, shall consist of native, drought-tolerant or ~~Xeriscape-Florida Friendly~~ vegetation in all landscaped areas. These plants shall be irrigated separately from the other non-native, higher water usage plantings and xeriscape plantings need not be irrigated, but will require supplemental irrigation to be established. Landscaped areas are defined as any pervious area that will be altered due to development. Wetlands, wetland buffers, vegetative buffers between land uses, stormwater systems and required preservation areas are not included as landscaped areas. Native or drought-tolerant plants. includes those in the SJRWMD's *Waterwise Florida Landscapes*, the Florida Native Plant Society's list of native landscape plants for Flagler County, *A Gardner's Guide to Florida's Native Plants* (Osorio 2001), or comparable guidelines prepared by the Florida Department of Agriculture and Consumer Services, SJRWMD, FFWCC, or FDEP. These plants shall be grouped and if irrigated, irrigated separately from the other non-native higher water usage plants.

b. The Owner shall include information on Xeriscape and/or native vegetation and/or drought-tolerant vegetation (SJRWMD Xeriscape Plant Guide), water conservation guides and Institute of Food and Agricultural Service's (IFAS) Xeriscape plant guides and IFAS Cooperative Extension Services' *"Florida Yards and Neighborhoods"* materials in design guidelines.

c. Irrigation wells are allowed to provide water to landscaped areas throughout the property. Additionally, Tract 5 is allowed to provide individual irrigation wells for landscape and pasture use.

Q. Cultural Resources. A cultural resource assessment was prepared focusing on one site, 8 FL 29, known as the Gore Lake Mound. Despite disturbances of this site, the study determined that the site may potentially be eligible for inclusion into the National Register of Historic Places and recommended its preservation. The Applicant has recognized this and shall preserve the site with the appropriate buffers in accordance with State Historical Preservation Officers recommendations. Any future work that may be recommended by the State shall be conducted under the supervision of a professional archeologist. This Report is available for review at the City's Community Development Department.

R. Floodplain Management. The Owner shall not be permitted to develop within the one hundred (100) year floodplain unless the structures use elevated lowest first floors or flood proofing, and provide compensating storage. Additionally, all acreage within the open space tracts (with the exception of any stormwater systems operated by the City) shall, be placed under a conservation easement to the SJRWMD, if accepted, and the City or the City in its own accord at the end of the borrow pit operations as defined in 3.1 (t). As for Tract 1, in light of the Owner's proceeding on this Tract prior to receipt of the Federal Emergency Management Agency (FEMA) Letter of Map Amendment, the City has agreed to the following protocol, the development of Tract 1 can proceed with site plan approval process, but the actual Development Order will not be forthcoming from the City until FEMA confirms that it has approved the Letter of Map Amendment prepared by the consultant, Watershed Concepts.

S. Construction Debris Disposal/Open Burning Prohibited. On site open burning shall not be permitted during construction activities. Mulching, removal from site or other appropriate alternatives shall be utilized during all construction activities.

5.0 Platting and Development Plan

5.1 Platting: The Applicant shall submit an application for Preliminary Plat according to the PCLDC, depicting each of the Tracts 2 through 6A and 6B Plan as depicted in the Conceptual Site Plan. Tract I (19.32 ac. Assisted Living Facility) shall not be a part of the plat as this Tract was previously subdivided through the subdivision exemption process.

Within sixty (60) months from the date of adoption of this modification to the MPD Agreement, an application for Preliminary Plat shall be submitted to the City. In the event an application for Preliminary Plat application is not submitted to the City with the aforementioned time periods, the applicant may apply for amendment to this MPD Agreement or extensions of time which all of which amendments and extensions shall be subject to review by the City's Planning and Land Development Regulation Board (PLDRB) and approval by the City Council.

5.2 Plan Overview: The Conceptual Site Plan depicts the general layout of Tracts 1 through 6, including the location of roads and the approximate location of structures. The location of lot lines, structures, internal landscape buffers, drainage facilities and the internal street system shall be depicted on plats and site plans or when portions of the Project are designed for development.

5.3 Site Development Requirements: The following table lists the site development requirements that are applicable within each tract of the Project. Minor deviations up to ten per cent (10%) of the site development requirements may be granted administratively in accordance with the standards contained in the LDC by the City's Planning Manager who may refer such applications to the appropriate Board or Council. Other applications for deviations may be granted by the PLDRB or the City Council upon referral by the City's Land Use Administrator.

Table of Site Development Requirements

Regulations	Tract 1	Tract 2	Tract 3	Tract 4	Tract 4	Tract 5
Min. lot size	N/A	N/A	N/A	Condominium 1-4 Units	Condominium Multifamily	3 acres
Min. lot width	N/A	N/A	N/A	N/A	N/A	N/A
Min. Front Setback	20 ft.	35ft*	35ft.*	Min. 20 ft. to edge of pavement or sidewalk	Min. 25 feet to edge of pavement or sidewalk	50 ft.
Min. Side St. Setback	20 ft.	20 ft.	20 ft.	Min. 12 ft. to edge of pavement or sidewalk***	Min. 12 ft. to edge of pavement* or sidewalk**	30 ft.
Min. Interior Side Yard Setback	10 ft.**	10 ft.	10 ft.	Min. of 10 ft. between bldgs.	Min. 12 ft. between bldgs. ****	30 ft.
Min. Rear Yard Setback	10 ft.	10 ft.	10 ft.	Minimum 24 ft. between bldgs; 15 ft. to property line	Minimum 24 ft. between bldgs., 15 ft. to property line	30 ft.
Max. Bldg. Height	36 ft	36 ft	48 ft	36 ft	60 ft	36 ft
Unit Mix	N/A	Reserved Parcel	N/A	Single Family Duplex Triplex/Quad	Varies	Single family w/ guest house

General Comments:

*Abutting residential required 35 foot landscape setback for Tracts 1 and 3

**35 feet for non-residential side yards abutting residential

***No driveways within the side yard setback

****All distance dimensions must conform to the *Florida Building Code Regulations*

No development standards applicable to Tracts 6A and 6B due to Conservation and open space use.

5.4 Open Space: The minimum pervious area for the Project, excluding Tracts 6A and 6B (Conservation and Open Space) and road rights of way shall be thirty percent (30%). For purposes of calculating pervious areas, the stormwater retention areas, buffers, yard area, landscaped areas, walking paths, wetlands, passive recreational areas, upland buffers and any other

areas defined as open space under the LDC will be considered pervious. Open space will be calculated for each tract as each tract is developed. The Owner shall provide periodic updates to the City, as requested, and shall be responsible for tracking the impervious space as each tract and sub-tract is submitted.

6.0 Amending this Agreement

Adjustments to the MPD Conceptual Site Plan are anticipated to occur during the Conceptual Site Plan and plat review processes. Revisions which meet the intent and purpose of the Project, the City's Comprehensive Plan, and the LDC can be approved by the Land Use Administrator, if the substantial integrity of the original MPD Conceptual Site Plan and the development standards contained herein are maintained. Any modification to the MPD Conceptual Site Plan that increases by more than ten percent (10%) the total number of dwelling units (but does not exceed the Development of Regional Impact Threshold for residential use), or (2) reduces the total amount of open space by more than ten percent (10%) or (3) decreases the size of any perimeter buffer within the Project shall be considered a major modification and require amendment of this agreement by the PLDRB.

7.0 Sales Trailers

One (1) temporary sales trailer may be permitted on each of the tracts allowing for residential development as depicted on the Conceptual Site Plan of this MPD Agreement (Attachment "A"). A permit is required to be obtained from the City's Building Department. Prior to submitting for a permit, a development plan shall be submitted to the Land Use Administrator, or designee, illustrating the location of the temporary sales trailer for each tract. The temporary sales trailer shall be located on a concrete slab or stem wall. Access to this office shall be provided. On-site parking shall be provided on a paved surface and shall be of sufficient size as to prevent

the need to back on to a street right-of-way or pedestrian right-of-way. A fence or similar barrier shall be provided to prevent visitors and customers from entering the construction area. Only one (1) identification sign per trailer shall be permitted. The sign area shall not exceed six (6) square feet. Each sales trailer may be used for a maximum period of two (2) years from the date the certificate of occupancy is issued for the trailer.

8.0 Construction Trailers

Up to two (2) construction trailers may be located within Tract 4 with one trailer for Tracts 1, 2, 3 and 5 shall be permitted one (1) construction trailer each. The Land Use Administrator, or designee, shall approve the location of each trailer. No trailer may be located along the right-of-way of Belle Terre Boulevard and said trailer shall be buffered from the roadway. These construction trailers shall be removed or when required by the Land Use Administrator, within one (1) week of the issuance of the certificate of occupancy. All necessary permits will be acquired for temporary on site wastewater treatment facilities (septic) and temporary irrigation wells prior to the commencement of construction activities.

9.0 Concurrency

Concurrency shall be determined at plat review by the City.

10.0 MPD Approval

10.1 The aforementioned application for development approval is GRANTED.

10.2 All development of the property shall fully comply with all of the codes and ordinances in effect in the City at the time of issuance of a development order and/or development permit.

10.3 The conditions upon this development approval and the commitments made as to this development approval, set forth above and as set forth in this MPD Agreement, have been

accepted by and agreed to by the Owner and the Applicant.

10.4 This MPD Agreement touches and concerns the Property. The Owner has expressly covenanted and agreed to this provision and all other terms and provision of this MPD Agreement shall run with and burden the Property and all successors, assigns, and transferees of the Owner shall be likewise burdened by the conditions of this MPD Agreement.

10.5 If any provision of this MPD Agreement is or becomes or is deemed invalid, illegal or unenforceable under the applicable laws or regulations of any jurisdiction, either such provision will be deemed amended to conform to such laws or regulations without materially altering the intention of the parties or harming the public interest or it shall be stricken and the remainder of this MPD Agreement shall remain in full force and effect provided that the public rights and benefits herein inuring to the public are maintained.

OWNER’S/APPLICANT’S CONSENT AND COVENANT:

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

OARE ASSOCIATES, LLC

By: _____
Austin Brockenbrough IV, Its Manager

STATE OF _____

COUNTY OF _____

The foregoing instrument was acknowledged before me this ____ day of _____, 2019, by Austin Brockenbrough IV, the Manager of Oare Associates, LLC, on behalf of the company. He/She is personally known to me or has produced _____ (type of identification) and did/did not take an oath.

Notary Public, State of _____

My Commission Expires:

ATTEST:

CITY OF PALM COAST, FLORIDA

By: _____
City Clerk

By: _____
Milissa Holland, Mayor

Dated: _____

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

/s/ _____
William Reischmann, City Attorney

EXHIBIT "A" – Legal Description

Legal description:

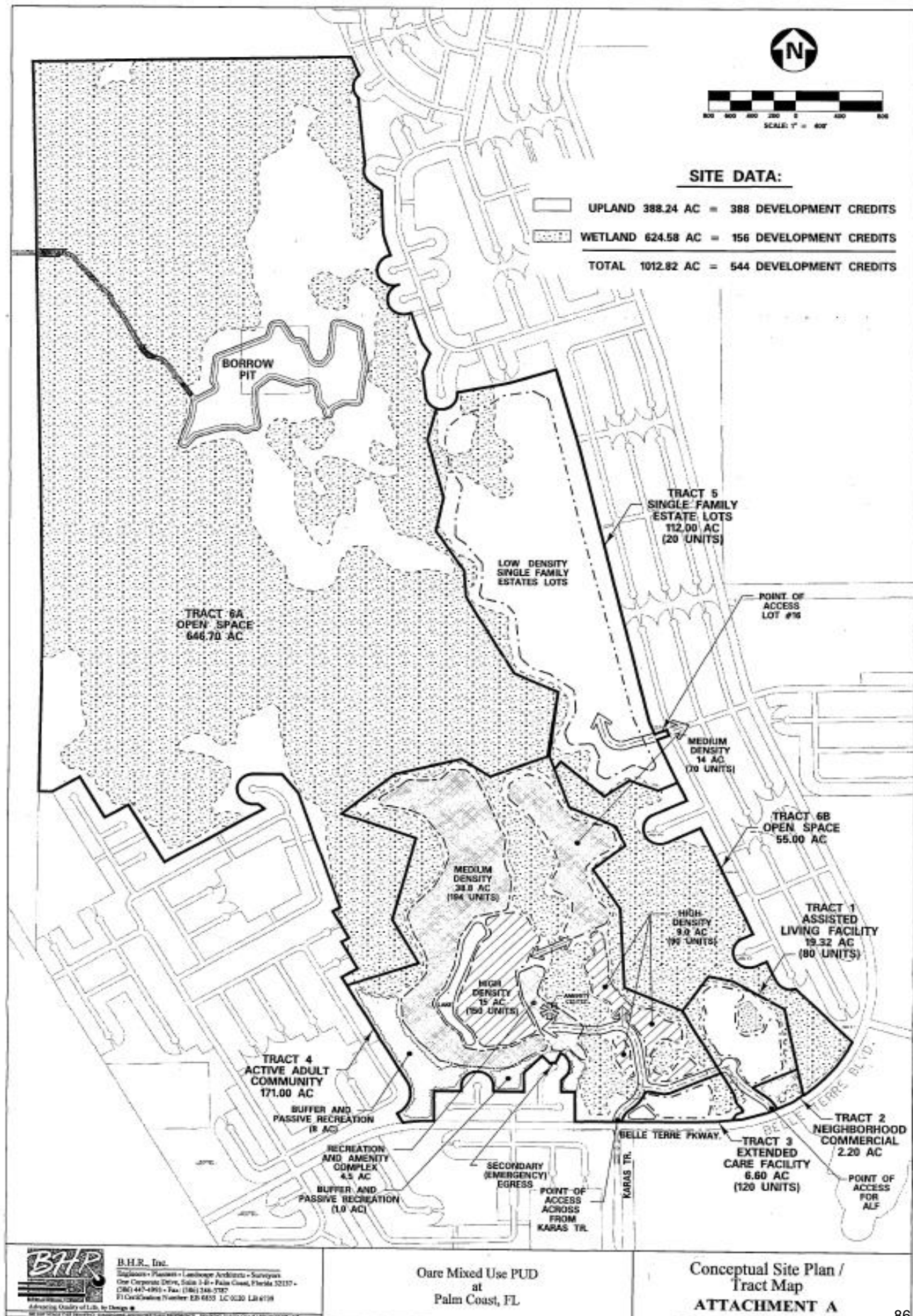
A PARCEL OF LAND LYING SOUTH OF STATE ROAD 100 IN GOVERNMENT SECTIONS 12, 13 AND 24, TOWNSHIP 12 SOUTH, RANGE 30 EAST, AND WITHIN GOVERNMENT SECTIONS 18 AND 19, TOWNSHIP 12 SOUTH, RANGE 31 EAST, FLAGLER COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SECTION 12, TOWNSHIP 12 SOUTH, RANGE 30 EAST, THENCE NORTH 87°27'17" EAST A DISTANCE OF 2981.05 FEET; THENCE SOUTH 20°55'15" EAST, A DISTANCE OF 212.49' TO A POINT IN A NON-TANGENT CURVE, CONCAVE EASTERLY, THENCE SOUTHWESTERLY A DISTANCE OF 257.48 FEET ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 95°21'12", A RADIUS OF 150.00 FEET, A CHORD BEARING OF SOUTH 01°53'26" WEST AND A CHORD DISTANCE OF 227.02 FEET TO THE POINT OF INTERSECTION WITH A NON-TANGENT LINE, THENCE SOUTH 05°31'08" EAST A DISTANCE OF 888.87 FEET TO A POINT ON A NON-TANGENT CURVE, CONCAVE EASTERLY, THENCE SOUTHERLY A DISTANCE OF 192.28 FEET ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 73°26'22", A RADIUS OF 150.00 FEET, A CHORD BEARING OF SOUTH 15°27'45" EAST AND A CHORD DISTANCE OF 179.37 FEET TO A POINT OF TANGENCY, THENCE SOUTH 52°10'58" EAST A DISTANCE OF 138.97 FEET, THENCE SOUTH 02°05'46" EAST A DISTANCE OF 348.48 FEET TO A POINT OF CURVATURE, CONCAVE EASTERLY, THENCE SOUTHERLY A DISTANCE OF 159.98 FEET ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 16°39'39" A RADIUS OF 550.00 FEET, A CHORD BEARING OF SOUTH 10°25'45" EAST AND A CHORD DISTANCE OF 159.42 FEET TO A POINT OF TANGENCY, THENCE SOUTH 18°45'45" EAST A DISTANCE OF 138.41 FEET, THENCE SOUTH 71°14'15" WEST A DISTANCE OF 25.00 FEET TO A POINT OF CURVATURE, CONCAVE EASTERLY, THENCE WESTERLY A DISTANCE OF 471.23 FEET ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 180°00'00", A RADIUS OF 150.00 FEET, A CHORD BEARING OF SOUTH 18°45'45" EAST AND A CHORD DISTANCE OF 300.00 FEET TO A POINT OF CUSP WITH A CURVE, CONCAVE EASTERLY, THENCE WESTERLY A DISTANCE OF 471.24 FEET ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 180°00'00", A RADIUS OF 150.00 FEET, A CHORD BEARING OF SOUTH 18°45'45" EAST AND A CHORD DISTANCE OF 300.00 FEET TO A POINT OF TANGENCY, THENCE NORTH 71°14'15" EAST A DISTANCE OF 25.00 FEET, THENCE SOUTH 18°45'45" EAST A DISTANCE OF 315.63 FEET, THENCE SOUTH 38°19'32" EAST A DISTANCE OF 128.97 FEET, THENCE SOUTH 20°50'54" WEST A DISTANCE OF 193.05 FEET, THENCE SOUTH 08°47'20" EAST A DISTANCE OF 236.49 FEET TO A POINT OF CURVATURE, CONCAVE NORTHERLY, THENCE SOUTHERLY A DISTANCE OF 471.24 FEET ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 180°00'00", A RADIUS OF 150.00 FEET, A CHORD BEARING OF NORTH 83°12'40" EAST AND A CHORD DISTANCE OF 300.00 FEET TO THE POINT OF INTERSECTION WITH A NON-TANGENT LINE, THENCE NORTH 78°46'17" EAST A DISTANCE OF 488.98 FEET, THENCE NORTH 73°04'52" EAST A DISTANCE OF 456.48 FEET, THENCE SOUTH 16°08'08" EAST A DISTANCE OF 679.40 FEET, THENCE SOUTH 13°42'47" EAST A DISTANCE OF 2883.68 FEET TO A POINT OF CURVATURE, CONCAVE EASTERLY, THENCE SOUTHERLY A DISTANCE OF 556.39 FEET ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 11°25'40", A RADIUS OF 2940.00 FEET, A CHORD BEARING OF SOUTH 19°25'37" EAST AND A CHORD DISTANCE OF 585.42 FEET TO A POINT OF TANGENCY, THENCE SOUTH 25°08'27" EAST A DISTANCE OF 483.89 FEET, THENCE SOUTH 64°51'33" WEST A DISTANCE OF 345.00 FEET TO A POINT OF CURVATURE, CONCAVE NORTHEASTERLY, THENCE SOUTHWESTERLY A DISTANCE OF 471.24 FEET ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 180°00'00", A RADIUS OF 150.00 FEET, A CHORD BEARING OF SOUTH 25°08'27" EAST AND A CHORD DISTANCE OF 300.00 FEET TO A POINT OF TANGENCY, THENCE NORTH 64°51'33" EAST A DISTANCE OF 345.00 FEET, THENCE SOUTH 25°08'27" EAST A DISTANCE OF 1150.00 FEET, THENCE SOUTH 64°51'33" WEST A DISTANCE OF 105.00 FEET TO A POINT OF CURVATURE, CONCAVE NORTHEASTERLY, THENCE SOUTHWESTERLY A DISTANCE OF 471.24 FEET ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 180°00'00", A RADIUS OF 150.00 FEET, A CHORD BEARING OF SOUTH 25°08'28" EAST AND A CHORD DISTANCE OF 300.00 FEET TO A POINT OF TANGENCY, THENCE NORTH 64°51'33" EAST A DISTANCE OF 105.00 FEET, THENCE SOUTH 25°08'27" EAST A DISTANCE OF 210.00 FEET TO A POINT OF CURVATURE, CONCAVE NORTHEASTERLY, THENCE SOUTHEASTERLY A DISTANCE OF 213.75 FEET ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 81°35'48", A RADIUS OF 150.00 FEET, A CHORD BEARING OF SOUTH 65°57'51" EAST AND A CHORD DISTANCE OF 198.12 FEET TO THE POINT OF INTERSECTION WITH A NON-TANGENT LINE, THENCE SOUTH 45°00'12" EAST A DISTANCE OF 744.80 FEET TO A POINT ON A NON-TANGENT CURVE, CONCAVE NORTHEASTERLY, THENCE SOUTHWESTERLY A DISTANCE OF 1588.32 FEET ALONG THE ARC OF SAID CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 63°11'59", A RADIUS OF 1420.00 FEET, A CHORD BEARING OF SOUTH 57°03'42" WEST AND A CHORD DISTANCE OF 1488.12 FEET TO A POINT OF TANGENCY, THENCE DEPARTING SAID BOUNDARY OF THE PLAT ZEBULAH'S TRAIL, SOUTH 88°39'42" WEST A DISTANCE OF 211.08 FEET TO A POINT OF CURVATURE, CONCAVE NORTHERLY, THENCE ALONG THE BOUNDARY OF THE PLAT KANKAKEE RUN SECTION-65 RECORDED IN MAP BOOK 17, PAGES 58 THROUGH 67, THE FOLLOWING COURSES, WESTERLY A DISTANCE OF 99.30 FEET ALONG THE ARC OF SAID CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 01°00'00", A RADIUS OF 5889.12 FEET, A CHORD BEARING OF SOUTH 89°09'42" WEST AND A CHORD DISTANCE OF 99.30 FEET TO A POINT OF TANGENCY, THENCE SOUTH 89°39'42" WEST A DISTANCE OF 994.09 FEET, THENCE NORTH 00°20'18" WEST A DISTANCE OF 300.00 FEET, THENCE SOUTH 89°39'42" WEST A DISTANCE OF 127.70 FEET, THENCE NORTH 00°20'18" WEST A DISTANCE OF 113.58 FEET, THENCE NORTH 44°39'42" EAST A DISTANCE OF 50.00 FEET TO A POINT OF CURVATURE, CONCAVE SOUTHWESTERLY, THENCE NORTHEASTERLY A DISTANCE OF 471.24 FEET ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 180°00'00", A RADIUS OF 150.00 FEET, A CHORD BEARING OF NORTH 45°20'18" WEST AND A CHORD DISTANCE OF 300.00 FEET TO A POINT OF TANGENCY, THENCE SOUTH 44°39'42" WEST A DISTANCE OF 238.91 FEET, THENCE SOUTH 00°20'18" EAST A DISTANCE OF 192.13 FEET, THENCE SOUTH 89°39'42" WEST A DISTANCE OF 282.47 FEET, THENCE NORTH 00°20'18" WEST A DISTANCE OF 50.00 FEET TO A POINT OF CURVATURE, CONCAVE SOUTHERLY, THENCE NORTHERLY A DISTANCE OF 471.24 FEET ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 180°00'00", A RADIUS OF 150.00 FEET, A CHORD BEARING OF SOUTH 89°39'42" WEST AND A CHORD DISTANCE OF 300.00 FEET TO A POINT OF TANGENCY, THENCE SOUTH 00°20'18" EAST A DISTANCE OF 50.00 FEET, THENCE SOUTH 89°39'42" WEST A DISTANCE OF 253.41 FEET, THENCE SOUTH 00°20'18" EAST A DISTANCE OF 300.00 FEET, THENCE SOUTH 89°39'42" WEST A DISTANCE OF 63.24 FEET TO A POINT OF CURVATURE, CONCAVE SOUTHERLY, THENCE WESTERLY A DISTANCE OF 227.80 FEET ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 08°34'47", A RADIUS OF 1521.28 FEET, A CHORD BEARING OF SOUTH 85°22'19" WEST AND A CHORD DISTANCE OF 227.59 FEET TO THE POINT OF INTERSECTION WITH A NON-TANGENT LINE, THENCE NORTH 30°31'02" WEST A DISTANCE OF 106.82 FEET, THENCE NORTH 59°28'58" EAST A DISTANCE OF 15.00 FEET TO A POINT OF CURVATURE, CONCAVE WESTERLY, THENCE NORTHEASTERLY A DISTANCE OF 353.43 FEET ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 90°00'00", A RADIUS OF 225.00 FEET, A CHORD BEARING OF NORTH 14°28'57" EAST AND A CHORD DISTANCE OF 318.20 FEET TO A POINT OF TANGENCY, THENCE NORTH 30°31'02" WEST A DISTANCE OF 958.00 FEET TO THE SOUTHWEST CORNER OF LAND RECORDED IN OFFICIAL RECORDS BOOK 494, PAGE 1063 AND 1064, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA, THENCE NORTH 59°28'58" EAST A DISTANCE OF 5.00 FEET, THENCE NORTH 30°31'02" WEST A DISTANCE OF 93.00 FEET, THENCE SOUTH 59°28'58" WEST A DISTANCE OF 5.00 FEET TO THE NORTHWEST CORNER OF SAID LAND RECORDED IN BOOK 494, PAGE 1063 AND 1064, THENCE DEPARTING SAID LAND RECORDED IN BOOK 494, PAGE 1063 AND 1064 NORTH 30°31'02" WEST A DISTANCE OF 184.00 FEET, THENCE NORTH 59°28'58" EAST A DISTANCE OF 173.41 FEET, THENCE NORTH 30°31'02" WEST A DISTANCE OF 300.00 FEET, THENCE NORTH 59°28'58" EAST A DISTANCE OF 80.00 FEET, THENCE NORTH 30°31'02" WEST A DISTANCE OF 300.00 FEET, THENCE NORTH 59°28'58" EAST A DISTANCE OF 79.68 FEET, THENCE NORTH 19°12'27" WEST A DISTANCE OF 1199.35 FEET, THENCE NORTH 39°07'38" WEST A DISTANCE OF 238.04 FEET, THENCE WEST A DISTANCE OF 270.01 FEET TO A POINT OF CURVATURE, CONCAVE EASTERLY, THENCE WESTERLY A DISTANCE OF 471.24 FEET ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 180°00'00", A RADIUS OF 150.00 FEET, A CHORD BEARING OF SOUTH AND A CHORD DISTANCE OF 300.00 FEET TO A POINT OF TANGENCY, THENCE EAST A DISTANCE OF 50.00 FEET, THENCE SOUTH 53°08'47" EAST A DISTANCE OF 63.20 FEET, THENCE SOUTH 30°31'02" EAST A DISTANCE OF 6.35 FEET, THENCE SOUTH 59°28'58" WEST A DISTANCE OF 1086.59 FEET, THENCE NORTH 30°31'02" WEST A DISTANCE OF 660.00 FEET, THENCE SOUTH 59°28'58" WEST A DISTANCE OF 253.41 FEET, THENCE NORTH 30°31'02" WEST A DISTANCE OF 468.41 FEET, THENCE SOUTH 59°28'58" WEST A DISTANCE OF 300.00 FEET, THENCE NORTH 89°14'27" WEST A DISTANCE OF 123.45 FEET TO THE NORTHWEST CORNER OF SAID PLAT KANKAKEE RUN SECTION 65, THENCE DEPARTING SAID BOUNDARY OF KANKAKEE RUN, CONTINUE NORTH 89°14'27" WEST A DISTANCE OF 0.36 FEET TO A POINT ON THE WEST LINE OF GOVERNMENT SECTION 24, THENCE NORTH 00°46'12" EAST ALONG THE WEST LINE OF SECTION 24 A DISTANCE OF 1907.73 FEET TO THE NORTHWEST CORNER OF SECTION 24, THENCE NORTH 01°13'03" WEST ALONG THE WEST LINE OF SECTION 13 A DISTANCE OF 5279.10 FEET TO THE POINT OF BEGINNING, CONTAINING 1012.86 ACRES MORE OR LESS.

TOGETHER WITH LOT 16, BLOCK 10, MAP OF ZEBULAH'S TRAIL, SECTION 63, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 18, PAGE(S) 24 THROUGH 35, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA.

ALSO INCLUDING LOT 13, BLOCK 45, MAP OF KANKAKEE RUN, SECTION 65, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 18, PAGE(S) 24 THROUGH 35, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA.

ATTACHMENT "A" - Conceptual Site Plan



City of Palm Coast, Florida

Agenda Item

Agenda Date: October 16, 2019

Department	PLANNING	Amount
Item Key	7238	Account
		#
Subject	APPROVING A FINDING THAT THE PROPOSED USE OF STATE LANDS IS CONSISTENT WITH THE CITY OF PALM COAST COMPREHENSIVE PLAN	
<p>Background: The City is currently designing a trailhead that will provide paved parking and restroom facilities for users of the Lehigh Trail. The trailhead will be located adjacent to the Lehigh Trail along Belle Terre Parkway. The site adjacent to the trail (which is owned by the City) is encumbered by Florida Power & Light (FP&L) Easement which severely limits vertical development on the property (i.e. buildings), the surface parking for the trailhead will be located within the easement.</p> <p>Due to the limitations on vertical development, it becomes necessary to locate the restroom building on property owned by the State of Florida. The City intends to request an easement from the State of Florida for the construction and maintenance of the restroom facility. As part of the easement application, the City must provide a finding from the Local Planning Agency that the proposed use of state lands is consistent with the Comprehensive Plan.</p> <p>Analysis: The Future Land Use Map Designation of the subject parcel is Institutional with a zoning designation of Public/Semipublic. Both designations will permit the construction of a restroom facility as part of a recreational use (the Lehigh Trail). Additionally, staff finds that a restroom facility to serve users of the Lehigh Trail is consistent with the following policies of the Comprehensive Plan:</p> <p>Future Land Use Element Goal 1.2, Quality of Life: <i>"Maintain the community's quality of life through preservation and enhancement of environmental and community resources".</i></p> <p>Transportation Element Goal 2.3: <i>"Develop and Maintain a Citywide System of Greenway Trails that Combine Pedestrian and Bicycle Opportunities".</i></p> <p>Recreation and Parks Element Goal 4.1: <i>Provision of Adequate Public Recreation and Parks Facilities. "Provide a system of public parks, open space, trails, greenways and recreational facilities that contribute to a pleasing quality of life and healthy lifestyle for residents and visitors".</i></p> <p>Recreation and Parks Element Goal 4.4: <i>Promote Economic Growth - "Recognizing the link between a high quality of life and the presence of outstanding recreational opportunities, it is the goal of the City to promote economic growth through increased recreation and park development".</i></p> <p>Future Land Use Element Policy 1.2.1.2: <i>"The City shall support greenway and trail linkages between public and private open space resources, schools, parks, residential, and commercial developments, as appropriate".</i></p>		

Recreation and Parks Element Policy 2.3.1.4: *"The City shall continue to expand and develop the City's trail system utilizing the trail concepts identified in Map 2.10 so that together with the City's sidewalk system it provides a pedestrian/bicycle route that rings the City and connects all neighborhoods, parks, and public facilities".*

Recreation and Parks Element Policy 4.4.1.3: *"The City shall encourage the development of eco-tourism and heritage tourism recreation programs within the City".*

Recommended Action: Staff recommends that the Planning and Land Development Regulation Board approve the finding of consistency with the Comprehensive Plan for the proposed use of State Lands as a restroom facility for the Lehigh Trail Trailhead.



city of PALM COAST

Community Development Department
Planning Division

160 Lake Avenue
Palm Coast, FL 32164
386-986-3736

October 16, 2019

Department of Environmental Protection
Division of State Lands
Bureau of Public Land Administration
3800 Commonwealth Boulevard, MS 130
Tallahassee, Florida 32399-3000

RE: Statement of Consistency between the Proposed Use of State Lands and the Comprehensive Plan

Dear Sir or Madam:

Please find attached a statement of consistency that the proposed use of state lands adjacent to the Lehigh Trail to provide a restroom facility for users of the Lehigh Trail is consistent with the City of Palm Coast's Comprehensive Plan.

The Planning and Land Development Regulation Board (PLDRB) sitting as the Local Planning Agency for the City of Palm Coast reviewed the findings at a regularly scheduled meeting on October 16, 2019 and voted in agreement with the statement.

If the Department should need additional information or have additional questions, please do not hesitate to contact the Planning Department at the number listed above.

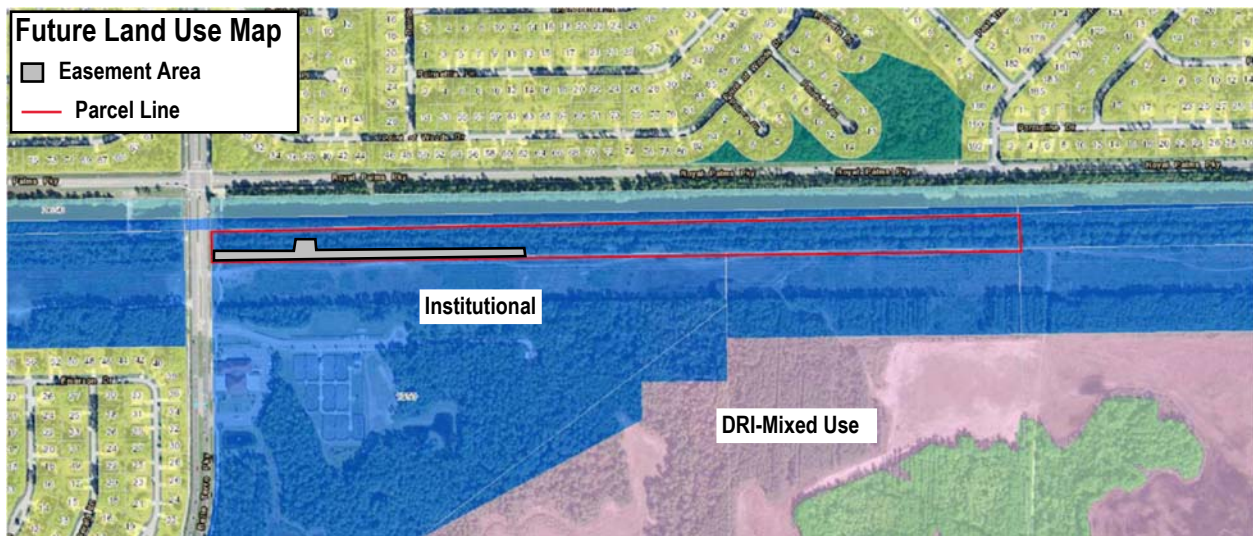
Respectfully,

Glenn Davis, Chairperson
City of Palm Coast Planning and Land Development Regulation Board (Local Planning Agency)

Statement of State Land's Use Consistency (Lehigh Trail Restroom Facility) with the City of Palm Coast Comprehensive Plan

The proposed use of state land is to construct a restroom facility for users of the Lehigh Trail. The proposed use of state land is consistent with the City of Palm Coast Comprehensive Plan as follows:

Future Land Use Designation of Proposed Site: Institutional – *“This FLUM designation identifies areas for public and private educational uses, public buildings, offices limited to supporting institutional uses, hospitals, civic uses, churches and religious venues, public safety, service and social clubs, **public** and private **recreational uses**, **open space**, **greenways**, and transportation and utilities including, but not limited to, water and sewer plants”.*



Zoning Designation of Proposed Site: Public/Semi-public – Public Parks and Recreational Facilities are listed as a Permitted Use under the Public/Semi-public zoning designation.



In addition to consistency with the Future Land Use Map designation of the proposed site, the proposed project is consistent with the following Goals, Objectives, and Policies of the City of Palm Coast Comprehensive Plan:

Future Land Use Element Goal 1.2, Quality of Life: *"Maintain the community's quality of life through preservation and enhancement of environmental and community resources".*

Transportation Element Goal 2.3: *"Develop and Maintain a Citywide System of Greenway Trails that Combine Pedestrian and Bicycle Opportunities".*

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

Recreation and Parks Element Goal 4.4: *Promote Economic Growth - "Recognizing the link between a high quality of life and the presence of outstanding recreational opportunities, it is the goal of the City to promote economic growth through increased recreation and park development".*

Future Land Use Element Policy 1.2.1.2: *"The City shall support greenway and trail linkages between public and private open space resources, schools, parks, residential, and commercial developments, as appropriate".*

Recreation and Parks Element Policy 2.3.1.4: *"The City shall continue to expand and develop the City's trail system utilizing the trail concepts identified in Map 2.10 so that together with the City's sidewalk system it provides a pedestrian/bicycle route that rings the City and connects all neighborhoods, parks and public facilities".*

Recreation and Parks Element Policy 4.4.1.3: *"The City shall encourage the development of eco-tourism and heritage tourism recreation programs within the City".*