



City of Palm Coast

Agenda

CITY COUNCIL

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

Mayor Milissa Holland
Vice Mayor Nick Klufas
Council Member Eddie Branquinho
Council Member Robert G. Cuff
Council Member Jack D. Howell, II

Tuesday, March 5, 2019

6:00 PM

CITY H ALL

City Staff

Beau Falgout, Interim City Manager

William Reischmann, City Attorney

Virginia A. Smith, City Clerk

- > Public Participation shall be in accordance with Section 286.0114 Florida Statutes.
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A. CALL TO ORDER

B. PLEDGE OF ALLEGIANCE TO THE FLAG

C. ROLL CALL

D. PUBLIC PARTICIPATION

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

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

E. MINUTES

- 1. MINUTES**
FEBRUARY 19, 2019 BUSINESS MEETING
FEBRUARY 19, 2019 SPECIAL MEETING
FEBRUARY 26, 2019 SPECIAL MEETING
FEBRUARY 26, 2019 WORKSHOP

F. PROCLAMATIONS

- 2. PROCLAMATION RECOGNIZING MARCH AS MULTIPLE MYELOMA AWARENESS MONTH**

G. ORDINANCES SECOND READ

- 3. ORDINANCE 2019-XX ANNEXATION OF 92+/- ACRE AREA GENERALLY LOCATED 1.3 MILES NORTH OF STATE ROAD 100 ON THE WESTSIDE AND EASTSIDE OF COLBERT LANE**

H. ORDINANCES FIRST READ

- 4. ORDINANCE 2019-XX A FUTURE LAND USE MAP DESIGNATION FOR 89+/- ACRES FROM FLAGLER COUNTY DESIGNATIONS OF MIXED USE: HIGH INTENSITY & MIXED USE: LOW INTENSITY TO CITY OF PALM COAST DESIGNATION OF MIXED USE**
- 5. ORDINANCE 2019-XX A ZONING MAP AMENDMENT FROM PLANNED UNIT DEVELOPMENT (FLAGLER COUNTY DESIGNATION) TO MASTER PLANNED DEVELOPMENT (CITY OF PALM COAST DESIGNATION) FOR AN 89+/- ACRE PARCEL LOCATED 1.3 MILES NORTH OF STATE ROAD 100**
- 6. ORDINANCE 2019-XX FUTURE LAND USE MAP AMENDMENT FOR A 6.1 +/- ACRE PARCEL LOCATED .5 MILES NORTH OF PALM COAST PARKWAY ON THE WESTSIDE OF US-1 FROM DEVELOPMENT OF REGIONAL IMPACT- MIXED USE (DRI-MU) TO INSTITUTIONAL**
- 7. ORDINANCE 2019-XX ZONING MAP AMENDMENT FROM MASTER PLANNED DEVELOPMENT (MPD) TO PUBLIC/SEMIPUBLIC (PSP) FOR A 6+/- ACRE PARCEL LOCATED .50 MILES NORTH OF PALM COAST PARKWAY ON THE WESTSIDE OF US-1**
- 8. ORDINANCE 2019-XX ZONING MAP AMENDMENT FROM PUBLIC/SEMIPUBLIC (PSP) TO GENERAL COMMERCIAL (COM-2) FOR A 5+/- ACRE PARCEL LOCATED NORTH OF**

WELLFIELD GRADE AND WEST OF US-1

I. RESOLUTIONS

- 9. RESOLUTION 2019-XX AMENDMENT TO THE PALM COAST PARK DEVELOPMENT OF REGIONAL IMPACT DEVELOPMENT ORDER TO DELETE AN APPROXIMATE SIX (6) ACRE PARCEL FROM THE BOUNDARIES OF THE DRI**
- 10. RESOLUTION 2019-XX APPROVING SUPPLEMENTAL AMENDMENT #1 TO THE FDOT AGREEMENT, RELATING TO ADDITIONAL FUNDS FOR ROW ACQUISITION FOR OLD KINGS ROAD EXTENSION PHASE II PROJECT**

J. CONSENT

- 11. RESOLUTION 2019-XX APPROVING MASTER SERVICES AGREEMENT WITH PRO LIME CORPORATION**
- 12. RESOLUTION 2019-XX APPROVING A WORK ORDER WITH DRMP FOR ADDITIONAL DESIGN SERVICES FOR THE BELLE TERRE SAFETY IMPROVEMENT PROJECT**

K. OTHER BUSINESS

- 13. APPOINTMENT TO FILL A VACANCY ON THE BEAUTIFICATION AND ENVIRONMENTAL ADVISORY COMMITTEE (BEAC)**
- 14. PRESENTATION OF CERTIFICATES TO THE GRADUATING STUDENTS OF THE CITY OF PALM COAST'S 45TH CITIZENS ACADEMY CLASS**

L. PUBLIC PARTICIPATION

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

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

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

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

P. ADJOURNMENT

- 15. CALENDAR/WORKSHEET**
- 16. ATTACHMENTS TO MINUTES**

City of Palm Coast, Florida Agenda Item

Agenda Date :03/05/2019

Department	CITY CLERK	Amount
Item Key		Account
Subject	MINUTES FEBRUARY 19, 2019 BUSINESS MEETING FEBRUARY 19, 2019 SPECIAL MEETING FEBRUARY 26, 2019 SPECIAL MEETING FEBRUARY 26, 2019 WORKSHOP	
Background :		
Recommended Action : Approve the minutes of February 19, 2019 Business Meeting, February 19, 2019 Special Meeting and the February 26, 2019 Special Meeting and the February 26, 2019 Workshop Meeting		



City of Palm Coast Minutes CITY COUNCIL

City Hall
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Mayor Milissa Holland
Vice Mayor Nick Klufas
Council Member Eddie Branquinho
Council Member Robert G. Cuff
Council Member Jack D. Howell, II

Tuesday, February 19, 2019

9:00 AM

CITY HALL

City Staff

Beau Falgout, Interim City Manager

William Reischmann, City Attorney

Virginia A. Smith, City Clerk

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A. CALL TO ORDER

Mayor Holland called the meeting to order at 9:00 a.m.

B. PLEDGE OF ALLEGIANCE TO THE FLAG

C. ROLL CALL

City Clerk Virginia Smith called the roll. All members were present.

D. PUBLIC PARTICIPATION

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

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E. MINUTES

- 1. MINUTES OF THE CITY COUNCIL:**
 - A. FEBRUARY 5, 2019 BUSINESS MEETING**
 - B. FEBRUARY 12, 2019 WORKSHOP**

Pass

Motion made to approve by Council Member Howell, II and seconded by Vice Mayor Klufas

Approved - 5 - Council Member Robert Cuff, Vice Mayor Nick Klufas, Mayor Milissa Holland, Council Member Eddie Branquinho, Council Member Jack Howell, II

F. PRESENTATIONS AND PROCLAMATIONS

- 2. PRESENTATION- PINK ARMY RESULTS AND BEST TEAM PARTICIPATION TO PALM COAST DATA AT THE PINK ARMY 5K**

Ms. Lauren Johnston presented an overview to the Pink Army event. Representatives from Advent Health Foundation presented an award to Palm Coast Data for the "Best Team Participation" award. Mr. Rory from Palm Coast Data accepted the award on behalf of their employees. Proceeds reached \$16,694. for the event.

G. ORDINANCES SECOND READ

- 3. ORDINANCE 2019-XX ANNEXATION OF 92+/- ACRE AREA GENERALLY LOCATED 1.3 MILES NORTH OF STATE ROAD 100 ON THE WESTSIDE AND EASTSIDE OF COLBERT LANE**

Attorney Reischmann read the title into the record. Mr. Falgout reported the applicant has requested this item be continued.

Public Comments: There were no comments.

Pass

Motion made to continue by Council Member Cuff and seconded by Vice Mayor Klufas

Approved - 5 - Council Member Robert Cuff, Vice Mayor Nick Klufas, Mayor Milissa Holland, Council Member Eddie Branquinho, Council Member Jack Howell, II

**4. ORDINANCE 2019-XX AMENDING CHAPTER 2 ADMINISTRATION, ARTICLE 4
PLANNING AND LAND DEVELOPMENT REGULATION BOARD, SECTION 2-296,
CREATION**

O20190001

Attorney Reischmann read the title into the record. Mr. Falgout presented a brief overview to this item.

Public Comments:

Jack Carall needed clarification on why the alternates were necessary.

Pass

**Motion made to adopt on second reading made by Vice Mayor Klufas and
seconded by Council Member Cuff**

**Approved - 5 - Council Member Robert Cuff, Vice Mayor Nick Klufas, Mayor
Milissa Holland, Council Member Eddie Branquinho, Council Member Jack
Howell, II**

H. CONSENT

Mr. Jack Carrall had comments for items 5 and 7.

5. RESOLUTION 2019-XX APPROVING THE STATEWIDE MUTUAL AID AGREEMENT

R20190019

Pass

**Motion made to adopt on consent by Council Member Branquinho and
seconded by Vice Mayor Klufas**

**Approved - 5 - Council Member Robert Cuff, Vice Mayor Nick Klufas, Mayor
Milissa Holland, Council Member Eddie Branquinho, Council Member Jack
Howell, II**

**6. RESOLUTION 2019-XX APPROVAL OF THE STATE HOUSING INITIATIVES
PARTNERSHIP (SHIP) PROGRAM - LOCAL HOUSING ASSISTANCE PLAN FOR
FY 2020 TO 2022**

R20190016

Pass

**Motion made to adopt on consent by Council Member Branquinho and
seconded by Vice Mayor Klufas**

Approved - 5 - Council Member Robert Cuff, Vice Mayor Nick Klufas, Mayor Milissa Holland, Council Member Eddie Branquinho, Council Member Jack Howell, II

7. RESOLUTION 2019-XX APPROVING A CONTRACT WITH WELCH TENNIS COURTS, INC., FOR THE RESURFACING OF THE TENNIS CENTER COURTS

R20190017

Pass

Motion made to adopt on consent by Council Member Branquinho and seconded by Vice Mayor Klufas

Approved - 5 - Council Member Robert Cuff, Vice Mayor Nick Klufas, Mayor Milissa Holland, Council Member Eddie Branquinho, Council Member Jack Howell, II

8. RESOLUTION 2019-XX APPROVING A RIGHT-OF-WAY ACQUISITION WITH PALM COAST RE LLC FOR THE OLD KINGS ROAD N WIDENING PROJECT

R20190018

Pass

Motion made to adopt on consent by Council Member Branquinho and seconded by Vice Mayor Klufas

Approved - 5 - Council Member Robert Cuff, Vice Mayor Nick Klufas, Mayor Milissa Holland, Council Member Eddie Branquinho, Council Member Jack Howell, II

I. PUBLIC PARTICIPATION

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

The following citizens gave their concerns, opinions and suggestions: George Mayo, Steve Carr, Jack Carrall and Larisa Bolotnikov.

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

*CM Branquinho thanked everyone involved with the Pink Army event.
CM Howell spoke about Florida Park Drive and suggested prohibiting trucks. It could have a significant impact on Florida Park Drive.*

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

No report.

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

Mr. Falgout reported that the meeting on Animal Control was very well attended last Wednesday. There will be one more public workshop before we bring a draft ordinance to Council.

He had sent an email to Council regarding the installation of the full-size regulation backboards for the basketball hoops at the Community Center. City Council approved the installation of the backboards.

M. ADJOURNMENT

The meeting was adjourned at 9:37 A.M.

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



City of Palm Coast Minutes City Council Business- Special

City Hall
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Vice Mayor Nick Klufas
Council Member Eddie Branquinho
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Council Member Jack D. Howell, II

Tuesday, February 19, 2019

6:00 PM

CITY HALL

City Staff

Beau Falgout, Interim City Manager

William Reischmann, City Attorney

Virginia A. Smith, City Clerk

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A. CALL TO ORDER

Mayor Holland called the meeting to order at 6:00 p.m.

B. PLEDGE OF ALLEGIANCE TO THE FLAG

C. ROLL CALL

City Clerk Virginia Smith called the roll. All members were present.

D. DISCUSSION

1. SELECT SEMI-FINALISTS TO INTERVIEW FOR THE CITY MANAGER POSITION

Mr. Thomas of SGR presented the next steps in the search process. It was the consensus of Council at the meeting to interview only those candidates who received interest from three Council Members. Each Council member gave their top five or six candidates. Mr. Thomas announced the top candidates: Beau Falgout, Donald Kewley, Ken Kelly, Matt Morton, Jim Drumm and Robin Hayes.

Topics discussed included: to narrow the number to five candidates, the criteria to reduce the number of candidates; 90 minutes presentations x 6 candidates; extending the interview process to a Saturday; scheduling a Special Meeting for the following Tuesday.

Public Comment:

The following members of the public gave their concerns, opinions and suggestions: Vadim Zaitsev, Jack Carrall, Tom Olsner, Viviane Lindeolsson, Lewis McCarthy, Mr. Shelly, Dottie Benton.

Motion by VM Klufas, seconded by CM Branquinho to invite Beau Falgout, Donald Kewley, Ken Kelly, Matt Morton, Jim Drumm and Robin Hayes to our next round of our City Manager search. The motion carried unanimously.

E. ADJOURNMENT

The meeting was adjourned at 7:15 p.m.

Respectfully submitted by:

Virginia A. Smith, MMC

City Clerk



City of Palm Coast Minutes COUNCIL SPECIAL MEETING

City Hall
160 Lake Avenue
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Mayor Milissa Holland
Vice Mayor Nick Klufas
Council Member Eddie Branquinho
Council Member Robert G. Cuff
Council Member Jack D. Howell, II

Tuesday, February 26, 2019

9:00 AM

CITY HALL

City Staff

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William Reischmann, City Attorney

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A. CALL TO ORDER

VM Klufas called the meeting to order at 9:00 a.m.

B. PLEDGE OF ALLEGIANCE TO THE FLAG

C. ROLL CALL

City Clerk Smith called the roll. Mayor Holland was absent.

D. DISCUSSION

**1. RECONSIDERATION OF THE DECISION, FROM THE SPECIAL MEETING OF
FEBRUARY 19, 2019, OF THE SHORT LIST OF CANDIDATES FOR CITY
MANAGER**

*Motion to reconsider by CM Howell, seconded by CM Branquinho. The motion
carried unanimously.*

Clerk Smith reported Mr. Drumm has dropped out of the process. The four remaining candidates are: Mr. Falgout, Mr. Kewley, Mr. Morton and Ms. Hayes

Public Comments:

The following citizens gave their concerns, suggestions and opinions: Mr. Shelley and Mr. Neilebach.

Motion by CM Cuff, seconded by CM Branquinho, to continue with the remaining candidates and remove Mr. Kelly from the list. The motion carried unanimously.

VM Klufas reported Interviews will be held on Thursday, March 7 and Friday, March 8. A Special Meeting will be held on March 12 to consider the appointment of a new City Manager.

E. ADJOURNMENT

Motion to adjourn by CM Howell. The meeting adjourned at 9:13 p.m.

Respectfully submitted,

*Virginia Smith, CMC
City Clerk*



City of Palm Coast Minutes COUNCIL WORKSHOP

City Hall
160 Lake Avenue
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Mayor Milissa Holland
Vice Mayor Nick Klufas
Council Member Eddie Branquinho
Council Member Robert G. Cuff
Council Member Jack D. Howell, II

Tuesday, February 26, 2019

9:00 AM

CITY HALL

City Staff

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A CALL TO ORDER

Vice Mayor Klufas called the meeting to order at 9:14 a.m.

B PLEDGE OF ALLEGIANCE TO THE FLAG

C ROLL CALL

Ms. Smith called the roll. Mayor Holland was absent.

D PUBLIC PARTICIPATION

The following members of the public gave their concerns, opinions and suggestions: Michael Cochioli.

E PRESENTATIONS

1 PRESENTATION - CITIZEN'S SURVEY

*Cindi Lane provided a presentation to Council summarizing the Citizen's Survey.
Topics discussed included: senior programs; children programs; pickle ball; the*

trails systems; Waste Pro; employment; code enforcement; street lights; stormwater drainage and entrepreneurs.

F WRITTEN ITEMS

2 RESOLUTION 2019-XX APPROVING MASTER SERVICES AGREEMENT WITH PRO LIME CORPORATION

Mr. Falgout gave a brief overview of the item. This item will be continued at the next Business Meeting.

3 RESOLUTION 2019-XX APPROVING A WORK ORDER WITH DRMP FOR ADDITIONAL DESIGN SERVICES FOR THE BELLE TERRE SAFETY IMPROVEMENT PROJECT

Mr. Falgout gave a brief overview of the item. This item will be continued at the next Business Meeting.

G PUBLIC PARTICIPATION

The following members of the public gave their concerns, opinions and suggestions: Lewis McCarthy, Mr. Neilebach, and Jack Carrall, Steve Carr, and Louis Shelly.

H DISCUSSION BY CITY COUNCIL OF MATTERS NOT ON THE AGENDA

CM Howell is working with the Economic Development staff to bring in aviation industry.

CM Cuff appreciated the Shakespeare in the Park event.

CM Branquinho asked about the Public Works Facility. Mr. Falgout reported a Temporary Improvement Plan is being worked on.

VM Klufas asked if the old basketball backboards could be donated to another entity. Mr. Falgout has reached out to the School District.

I DISCUSSION BY CITY ATTORNEY OF MATTERS NOT ON THE AGENDA

No report.

J DISCUSSION BY CITY MANAGER OF MATTERS NOT ON THE AGENDA

Mr. Falgout announced he had an important organizational change to brief you on. When reviewing Council priorities with staff, one was succession planning. Several members of Council had expressed concern in regard to the top management in the Utility Department and what if the top managers retired and that experience and institutional knowledge walking out the door. Mr. Adams and Mr. Falgout discussed the situation. Mr. Adams requested to re-classify an open manager position to Deputy Utility Director, which was granted by Mr. Falgout. The Deputy Utility Director will be Steve Flanagan. He reported to Council Mr. Flanagan's background with ITT and the City. He will remain as the Community Development Director until the next City Manager makes that hire.

K ADJOURNMENT

Motion by CM Branquinho to adjourn the meeting. The meeting adjourned at 10:20 p.m.

Respectfully submitted,

*Virginia Smith, MMC
City Clerk*

City of Palm Coast, Florida Agenda Item

Agenda Date : 03-05-2019

Department	CITY CLERK	Amount
Item Key	6142	Account
		#
Subject	PROCLAMATION RECOGNIZING MARCH AS MULTIPLE MYELOMA AWARENESS MONTH	
Background :	The International Myeloma Foundation is requesting the City proclaim the month of March as “Multiple Myeloma Awareness Month.”	
Recommended Action :	Proclaim March as Multiple Myeloma Awareness Month.	



WHEREAS, Multiple Myeloma (or myeloma), the second most common blood cancer worldwide and the fastest rising hematologic cancer, is a cancer of plasma cells in the bone marrow. It is called “multiple” because the cancer can occur at multiple sites; and

WHEREAS, In the United States, the lifetime risk of getting Multiple Myeloma is 1 in 143 (0.7 percent), with an estimated 30,000 cases expected to be diagnosed in 2019, and 12,770 losing their battle this year; and

WHEREAS, Once a disease of the elderly, it is now found increasingly in people in their 40’s; and

WHEREAS, Because myeloma is a rare disease there can be delayed diagnosis, leading to delayed treatment. For this reason, an increased awareness of myeloma for clinicians and the general public will lead to earlier diagnosis allowing people to live longer; and

WHEREAS, Continued investment and innovation is critical to achieve early diagnosis and implement the most effective and safest treatments for myeloma patients; and

WHEREAS, Although we have seen important advances in the last decade, there is still no cure for myeloma; and

WHEREAS, the City of Palm Coast is committed to increasing awareness of myeloma and encouraging private efforts to enhance research funding and education programs;

NOW, THEREFORE, BE IT PROCLAIMED, by the City Council of the City of Palm Coast, Florida, that the month of March 2019 be officially designated as

MULTIPLE MYELOMA AWARENESS MONTH

in the City of Palm Coast.

Signed this 5th day of March 2019.

City of Palm Coast, Florida

Milissa Holland, Mayor

Attested by:

Virginia A. Smith, City Clerk

City of Palm Coast, Florida

Agenda Item

Agenda Date: 03/05/2019

Department	PLANNING	Amount
Item Key	5802	Account
		#
Subject	ORDINANCE 2019-XX ANNEXATION OF 92+/- ACRE AREA GENERALLY LOCATED 1.3 MILES NORTH OF STATE ROAD 100 ON THE WESTSIDE AND EASTSIDE OF COLBERT LANE	
Background: <u>UPDATE FROM THE FEBRUARY 19, 2019 BUSINESS MEETING</u> This item was supposed to be heard at the February 19, 2019 Business Meeting. The applicant requested a continuance to a date certain of March 5, 2019.		
<u>UPDATE FROM THE FEBRUARY 5, 2019 BUSINESS MEETING</u> This item was heard by City Council at their February 5, 2019 Business Meeting. There were no changes suggested to this item.		
<u>UPDATE FROM THE JANUARY 15, 2019 BUSINESS MEETING</u> This item was to be heard at the Business Meeting on January 15, 2019. The January 15, 2019 Meeting was cancelled due to lack of a quorum.		
<u>UPDATE FROM THE JANUARY 8, 2019 WORKSHOP.</u> This item was heard by City Council at their January 8, 2019 Workshop. There were no changes suggested to this item.		
<u>ORIGINAL BACKGROUND FROM THE JANUARY 8, 2019 WORKSHOP</u> The property owners, Lighthouse Harbor, LLC, and Palm Coast Holdings, LLC have provided signed petitions for the annexation of an approximately 92+/- acres of vacant developable land generally located 1.3 miles north of State Road 100 on the westside and eastside of Colbert Lane.		
The annexation of the subject area is being accomplished in accordance with Florida Statutes, Chapter 171. Consistent with F.S. Chapter 171, the character of the area to be annexed is:		
<ul style="list-style-type: none">• The property is reasonably compact, is not part of another incorporated municipality and will be used for urban purposes.• The proposed annexation will not create an enclave.• At least 60% of the property's boundaries are contiguous to the City's existing boundary.		
Recommended Action: Adopt Ordinance 2019-XX approving the annexation of 92+/- acres owned by Lighthouse Harbor, LLC and Palm Coast Holdings, LLC.		

ORDINANCE 2019-____
VOLUNTARY ANNEXATION
LIGHTHOUSE HARBOR LLC

AN ORDINANCE OF THE CITY OF PALM COAST, FLORIDA, ANNEXING BY VOLUNTARY PETITION PROPERTY LOCATED CONTIGUOUS TO THE CITY OF PALM COAST IN ACCORDANCE WITH THE VOLUNTARY ANNEXATION PROVISIONS OF SECTION 171.044, FLORIDA STATUTES; REDEFINING THE BOUNDARIES OF THE CITY OF PALM COAST TO INCLUDE A PORTION OF THE PROPERTIES OWNED BY LIGHTHOUSE HARBOR LLC AND PALM COAST HOLDINGS, INC. LOCATED GENERALLY 1.3 MILES NORTH OF STATE ROAD 100 ON THE WESTSIDE AND EASTSIDE OF COLBERT LANE; GENERALLY CONSISTING OF APPROXIMATELY 92 ACRES, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR FINDINGS; REDEFINING THE CORPORATE LIMITS OF THE CITY OF PALM COAST, FLORIDA; PROVIDING FOR THE TAKING OF ADMINISTRATIVE ACTIONS; PROVIDING FOR SEVERABILITY, NON-CODIFICATION AND AN EFFECTIVE DATE.

WHEREAS, there has been filed with the City of Palm Coast, Florida, a petition containing the names of all of the property owners in the area described hereinafter requesting annexation to the corporate limits of the City of Palm Coast, Florida and requesting to be included therein; and

WHEREAS, the Property Appraiser of Flagler County, Florida, has certified that there are two property owners in the area to be annexed, and the City Council of the City of Palm Coast has determined that said property owners have signed a Petition for Annexation either directly or through their agents; and

WHEREAS, it has been determined that the property described hereinafter is reasonably compact and contiguous to the corporate areas of the City of Palm Coast, Florida, and it has further been determined that the annexation of said property will not result in the creation of any enclaves, and it is further determined that the property otherwise fully complies with the requirements of State law; and

WHEREAS, the City of Palm Coast, Florida, is in a position to provide municipal services for and to the property described herein, and the City Council of the City of Palm Coast, Florida, deems it in the best interest of the City to accept said petition and to annex said property; and

WHEREAS, the City Council of the City of Palm Coast, Florida, has taken all actions in accordance with the requirements and procedures mandated by State law; and

WHEREAS, the legal description and map included in this Ordinance as Exhibits “A” & “B” shows, describes and depicts the properties which are hereby annexed into the City of Palm Coast.

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

SECTION 1. LEGISLATIVE AND ADMINISTRATIVE FINDINGS - ANNEXATION OF PROPERTY. The recitals set forth above in the “whereas clauses” are hereby adopted as legislative findings of the City Council of the City of Palm Coast. The property as described and depicted in Exhibit “A” & “B” attached hereto, situated in Flagler County, Florida, be and the same is hereby annexed to and made a part of the City of Palm Coast, Florida, pursuant to the voluntary annexation provisions of Section 171.044, Florida Statutes.

SECTION 2. EFFECT OF ANNEXATION. Upon this Ordinance becoming effective, the property owners and any and all residents on the property described herein shall be entitled to all the rights and privileges and immunities as are from time-to-time granted to residents and property owners of the City of Palm Coast, Florida, as further provided in Chapter 171, Florida Statutes, and shall further be subject to the responsibilities of residence or ownership as may from time to time be determined by the governing authority of the City of Palm Coast, Florida, and the provisions of said Chapter 171, Florida Statutes.

SECTION 3. ADMINISTRATIVE ACTIONS. This Ordinance shall be filed with the Clerk of Circuit Court (Land Records/Recording), the chief administrative officer of Flagler County (the County Manager) and with the Florida Department of State within seven (7) days after the adoption of this Ordinance.

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

SECTION 5. NON-CODIFICATION. The provisions of this Ordinance shall not be codified, but the annexed property shall be incorporated and included in all appropriate maps of the City Limits of the City of Palm Coast.

SECTION 6. EFFECTIVE DATE. This Ordinance shall become effective immediately upon its passage and adoption.

APPROVED on first reading the 5th day of February 2019 at a public hearing.

ADOPTED on second reading after due public notice and hearing this 5th day of March 2019.

CITY OF PALM COAST, FLORIDA

MILISSA HOLLAND, MAYOR

ATTEST:

VIRGINIA A. SMITH, CITY CLERK

Approved as to form and legality

William Reischmann Jr. Esq.
City Attorney

Exhibit A
ANNEXATION AREA - METES AND BOUNDS DESCRIPTION

PARCEL 518 (WEST OF COLBERT)

A PARCEL OF LAND LYING WITHIN GOVERNMENT SECTION 3, TOWNSHIP 12 SOUTH, RANGE 31 EAST, FLAGLER COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

A POINT OF REFERENCE BEING THE SOUTHEAST CORNER OF SAID GOVERNMENT SECTION 3, THENCE NORTH 01° 13'06" WEST ALONG THE EAST LINE OF SECTION 3 A DISTANCE OF 2431.75 FEET, THENCE DEPARTING SAID EAST LINE OF SECTION 3 SOUTH 88° 46' 54" WEST A DISTANCE OF 178.83 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION, THENCE NORTH 62°22'17" WEST A DISTANCE OF 144.46 FEET, THENCE NORTH 44° 03'30" EAST A DISTANCE OF 145.36 FEET, THENCE NORTH 19°06'24" WEST A DISTANCE OF 261.31 FEET, THENCE NORTH 45°29'28" WEST A DISTANCE OF 718.28 FEET, THENCE NORTH 12°43'31" WEST A DISTANCE OF 300. 18 FEET, THENCE NORTH 57°42'47" WEST A DISTANCE OF 283.53 FEET, THENCE NORTH 29° 15'12" EAST A DISTANCE OF 219.88 FEET, THENCE NORTH 44°29'22" EAST A DISTANCE OF 990.73 FEET, THENCE NORTH 83°27'24" EAST A DISTANCE OF 220.37 FEET TO A POINT ON THE WEST LINE OF A PROPOSED 15' WIDE BIKE PATH RIGHT-OF-WAY SAID POINT BEING ON A CURVE, THENCE 1179. 75 FEET ALONG THE ARC OF A CURVE TO THE RIGHT (CONCAVE WESTERLY) HAVING A CENTRAL ANGLE OF 08°59'24", A RADIUS OF 7519.00 FEET, A CHORD BEARING OF SOUTH 01°44'21" EAST AND A CHORD DISTANCE OF 1178.54 FEET, THENCE DEPARTING SAID 15' RIGHT-OF-WAY NORTH 86°56'05" WEST ALONG THE BOUNDARY OF A STORM WATER RETENTION SITE FOR COLBERT LANE A DISTANCE OF 204.98 FEET TO A POINT OF CURVATURE, CONCAVE SOUTHEASTERLY, THENCE WESTERLY A DISTANCE OF 119.32 FEET ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 89°43'16", A RADIUS OF 76.20 FEET, A CHORD BEARING OF SOUTH 48°12'17" WEST AND A CHORD DISTANCE OF 107. 50 FEET TO A POINT OF REVERSE CURVATURE, CONCAVE WESTERLY, THENCE SOUTHERLY A DISTANCE OF 322.05 FEET ALONG THE ARC OF SAID CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 02°32'58", A RADIUS OF 7237.80 FEET, A CHORD BEARING OF SOUTH 04°37'08" WEST AND A CHORD DISTANCE OF 322.02 FEET TO A POINT OF REVERSE CURVATURE, CONCAVE NORTHEASTERLY, THENCE SOUTHEASTERLY A DISTANCE OF 119.32 FEET ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 89°43'16", A RADIUS OF 76.20 FEET, A CHORD BEARING OF SOUTH 38°58'01" EAST AND A CHORD DISTANCE OF 107.50 FEET TO A POINT OF TANGENCY, THENCE SOUTH 83°49'39" EAST A DISTANCE OF 204.98 FEET TO A POINT ON A NON-TANGENT CURVE, CONCAVE WESTERLY, THENCE SOUTHERLY A DISTANCE OF 225.28 FEET ALONG THE ARC OF SAID CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 01°43'00", A RADIUS OF 7519.00 FEET, A CHORD BEARING OF SOUTH 07°20'24" WEST AND A CHORD DISTANCE OF 225.28 FEET TO A POINT OF TANGENCY, THENCE SOUTH 08° 11'55" WEST ALONG THE WEST RIGHT-OF-WAY LINE OF SAID 15' WIDE BIKE PATH A DISTANCE OF 405.30 FEET TO THE POINT OF BEGINNING.

EXCEPT 15' BIKE PATH RIGHT-OF-WAY RECORDED IN OFFICIAL RECORDS BOOK 474, PAGES 820 THROUGH 823, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA,

PARCEL CONTAINING 25.9199 ACRES MORE OR LESS.

BEARINGS REFER TO THE MERCATOR GRID SYSTEM OF THE EAST ZONE OF FLORIDA AND LOCALLY REFERENCED TO THE EAST LINE OF THE SOUTHEAST QUARTER (1/4) OF GOVERNMENT SECTION 3, TOWNSHIP 12 SOUTH, RANGE 31 EAST, BEING NORTH 01° 13'06" WEST.

AND

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

FOR A POINT OF REFERENCE, COMMENCE AT THE SOUTHWEST CORNER OF PALM COAST PLANTATION PUD UNIT 2, AS RECORDED IN MAP BOOK 33, PAGES 54-61 OF SAID PUBLIC RECORDS SAID POINT LYING ON THE EASTERLY RIGHT-OF-WAY LINE OF COLBERT LANE (A 200.00 FOOT RIGHT- OF- WAY AS NOW ESTABLISHED); THENCE SOUTH 18°24'09" EAST, ALONG SAID RIGHT- OF- WAY LINE, A DISTANCE OF 1,040.94 FEET TO THE POINT OF CURVE OF A CURVE, CONCAVE WESTERLY, HAVING A RADIUS OF 7,734.00 FEET; THENCE SOUTHERLY, ALONG SAID RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE, AN ARC DISTANCE OF 1,415.84 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING OF SOUTH 13°09'29" EAST AND A CHORD DISTANCE 1,413.86 FEET TO THE POINT OF BEGINNING; THENCE DEPARTING SAID RIGHT-OF-WAY LINE NORTH 89°10'59" EAST, A DISTANCE OF 1,717.09 FEET; THENCE SOUTH 25°14'03" EAST, A DISTANCE OF 156.53 FEET; THENCE SOUTH 00°16'47" EAST, A DISTANCE OF 98.64 FEET TO A POINT ON THE MEAN HIGH WATER LINE OF THE LEHIGH CANAL; THENCE SOUTH 00°16'47" EAST, ALONG SAID MEAN HIGH WATER LINE, A DISTANCE OF 82.17 FEET; THENCE SOUTH 20°18'43" EAST, CONTINUING ALONG SAID MEAN HIGH WATER LINE, A DISTANCE OF 105.38 FEET; THENCE NORTH 89°59'40" EAST, CONTINUING ALONG SAID MEAN HIGH WATER LINE, A DISTANCE OF 77.21 FEET; THENCE NORTH 78°58'54" EAST. CONTINUING ALONG SAID MEAN HIGH WATER LINE, A DISTANCE OF 46.21 FEET; THENCE NORTH 00°32'52" EAST, CONTINUING ALONG SAID MEAN HIGH WATER LINE, A DISTANCE OF 30.02 FEET; THENCE NORTH 89°11'31" EAST, CONTINUING ALONG SAID MEAN HIGH WATER LINE. A DISTANCE OF 135.05 FEET; THENCE DEPARTING SAID MEAN HIGH WATER LINE SOUTH 00°24'21" EAST, A DISTANCE OF 198.17 FEET; THENCE SOUTH 59°02'59" WEST, A DISTANCE 227.35 FEET TO THE NORTHEAST CORNER OF SAID LOT 1, PALM COAST INTRACOASTAL INDUSTRIAL PARK, PHASE 1; THENCE SOUTH 00°46'14" EAST, ALONG THE EASTERLY LINE OF SAID LOTS 1, 2 AND 3, A DISTANCE OF 776.70 FEET; THENCE SOUTH 46°38'27" EAST A DISTANCE OF 161.39 FEET TO A POINT ON THE NORTHERLY LINE OF THE SEA RAY INDUSTRIES ENTRANCE DRIVE, ALSO BEING A POINT ON A CURVE, CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 630.00 FEET; THENCE SOUTHWESTERLY, ALONG SAID DRIVE AND ALONG THE ARC OF SAID CURVE, AN ARC DISTANCE OF 107.30 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING OF SOUTH 38°28'46" WEST AND A CHORD DISTANCE OF 107.17 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE SOUTH 33°35'53" WEST, CONTINUING ALONG SAID DRIVE, A DISTANCE OF 256.96 FEET TO THE POINT OF CURVE OF A CURVE, CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 620.00 FEET; THENCE SOUTHWESTERLY, CONTINUING ALONG SAID DRIVE AND ALONG THE ARC OF SAID CURVE, AN ARC DISTANCE OF 364.83 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING OF SOUTH 50°21'19" WEST AND A CHORD DISTANCE OF 359.59 FEET TO THE POINT OF COMPOUND CURVATURE OF A CURVE, CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 25.00 FEET; THENCE NORTHWESTERLY, ALONG THE ARC OF SAID CURVE, AN ARC DISTANCE OF 39.43 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING OF NORTH 67°35'40" WEST AND A CHORD DISTANCE OF 35.47 FEET TO THE POINT OF TANGENCY OF SAID CURVE AND A POINT ON THE EASTERLY RIGHT- OF- WAY LINE OF ROBERTS ROAD, A VARIABLE RIGHT-OF-WAY AS NOW ESTABLISHED; THENCE NORTH 22°24'07" WEST, ALONG SAID RIGHT- OF- WAY LINE, A DISTANCE OF 76.08 FEET TO THE POINT OF CURVE, CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 1063.00 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC DISTANCE OF 1209.125 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING OF NORTH 55°09'16" WEST, AND A CHORD DISTANCE OF 1144.99 FEET; THENCE NORTH 8°44'26" WEST, A DISTANCE OF 407.63 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHEASTERLY, SAID CURVE HAVING A RADIUS OF 50.00 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC DISTANCE OF 77.96 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING OF NORTH 43°04'18" WEST, AND A CHORD DISTANCE OF 70.30 FEET TO A POINT OF REVERSE CURVATURE SAID CURVE HAVING A RADIUS OF 7734.00 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC DISTANCE OF 1283.80 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING OF NORTH 03°09'30" WEST, AND A CHORD DISTANCE OF 1282.32 FEET TO THE POINT OF BEGINNING

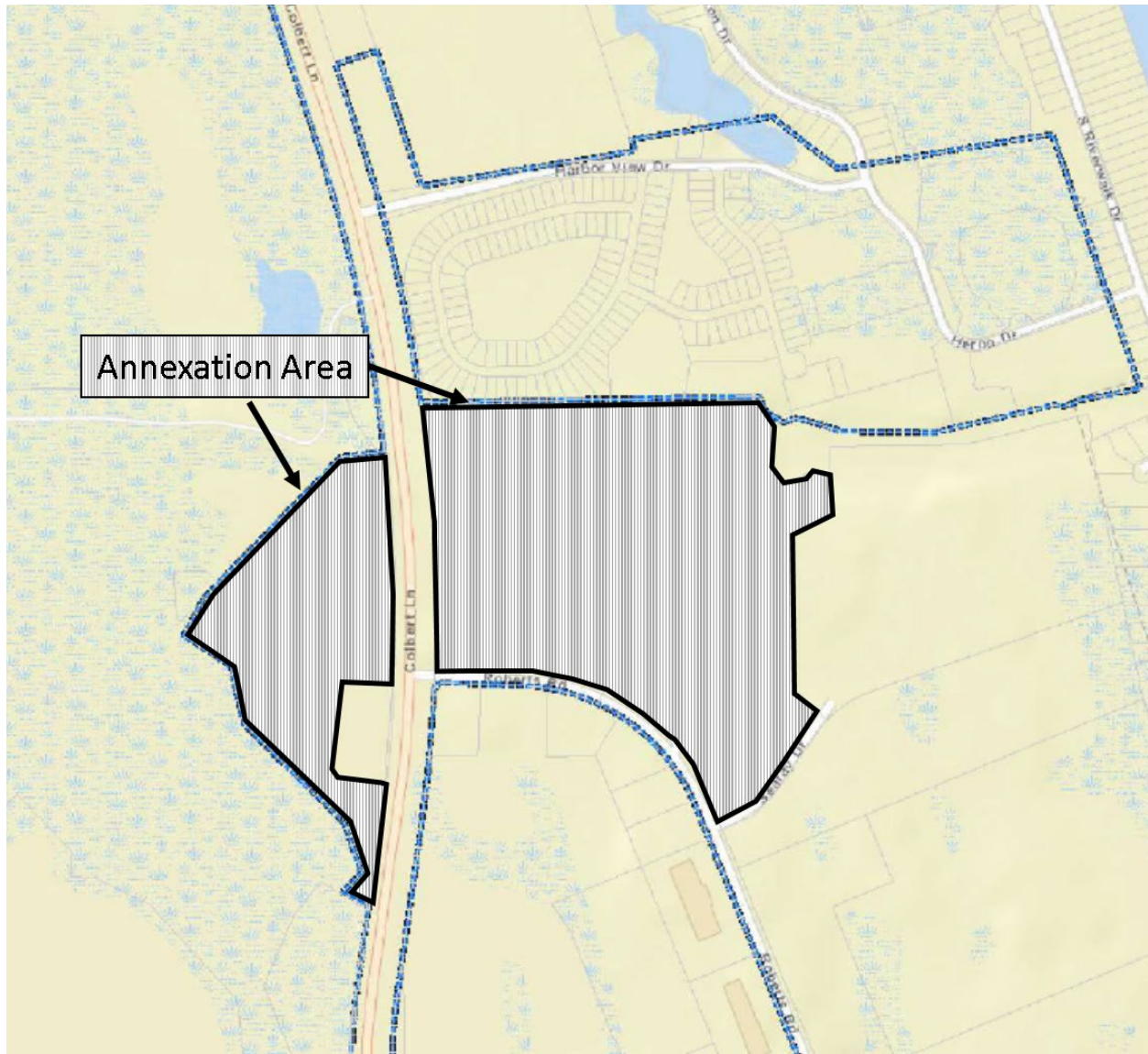
TOGETHER WITH TERMS, CONDITIONS AND EASEMENT SET FORTH IN EASEMENT AGREEMENT (ACCESS) BY AND BETWEEN FLORIDA LANDMARK COMMUNITIES, INC., A FLORIDA CORPORATION AND FLAGLER MARINE CENTER, L.L.C., A FLORIDA LIMITED LIABILITY COMPANY RECORDED IN BOOK 770, PAGE 1495 .

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

AND

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

EXHIBIT “B”
DEPICTION OF ANNEXATION AREA



City of Palm Coast, Florida

Agenda Item

Agenda Date: 03/05/2019

Department	PLANNING	Amount
Item Key	6076	Account
Subject	ORDINANCE 2019-XX A FUTURE LAND USE MAP DESIGNATION FOR 89+/- ACRES FROM FLAGLER COUNTY DESIGNATIONS OF MIXED USE: HIGH INTENSITY & MIXED USE: LOW INTENSITY TO CITY OF PALM COAST DESIGNATION OF MIXED USE	
<p>Background: The proposed comprehensive plan amendment is for 89+/- acre area relates to the proposed annexation for Lighthouse Harbor LLC and PC Holdings. The application is for a large-scale Future Land Use Map (FLUM) amendment that will designate the subject property with the most equivalent City of Palm Coast designation. As specified in a Pre-annexation agreement with the land owner, the proposed amendment will recognize and protect the existing entitlements granted to the subject property.</p> <p>Currently, the subject property has a Flagler County FLUM designations of Mixed Use: High Intensity (66.9+/- acres), and Mixed Use: Low Intensity (22.3+/- acres). The amendment will change the designations to the most equivalent City of Palm Coast designation of Mixed Use. There is a companion zoning map amendment that will provide the parcel with a City of Palm Coast designation which recognizes the existing entitlements and development standards previously approved for the parcel.</p> <p>An analysis of the proposed amendment's impacts on public facilities and infrastructure indicates no significant increase in demand.</p> <p>Additionally, the proposed amendment will not cause more impact on the environmental conditions on the subject property since the development area will not be expanded compared to the existing land use designation.</p> <p>Finally, the proposed amendment is consistent with comprehensive plan policies regarding:</p> <ul style="list-style-type: none">• Directing development where existing infrastructure is available,• Providing opportunities to diversify the housing stock in the City, and• Designating urban densities (1 d.u./acre) only in areas that have sufficient capacity for central sewer and water services. <p>Neighborhood Meeting A neighborhood meeting was held on January 8, 2019 to provide an opportunity for neighboring property owners to receive information about the project. There were no comments provided.</p> <p>Planning and Land Development Regulation Board Action The Planning and Land Development Regulation Board held a public hearing on January 16, 2019 and recommended approval of the proposed amendment. There were no comments from the public.</p>		
<p>Recommended Action: Planning Staff recommends that the Planning and Land Development</p>		

Regulation Board (PLDRB) recommend the transmittal of the Future Land Use Map Amendment to the State Land Planning Agency.

ORDINANCE 2019-_____
MARINA VILLAGE COMPREHENSIVE PLAN AMENDMENT

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM COAST, FLORIDA, PROVIDING FOR THE AMENDMENT OF THE CITY OF PALM COAST 2035 COMPREHENSIVE PLAN, AS PREVIOUSLY AMENDED, PURSUANT TO SECTION 163, FLORIDA STATUTES; AMENDING THE FUTURE LAND USE MAP (FLUM) DESIGNATION FOR 89+/- ACRES OF CERTAIN REAL PROPERTY FROM FLAGLER COUNTY FUTURE LAND USE MAP DESIGNATIONS OF MIXED USE: HIGH INTENSITY, AND MIXED USE: LOW-INTENSITY TO CITY OF PALM COAST DESIGNATIONS OF MIXED USE, AS DESCRIBED IN MORE DETAIL IN THE LEGAL DESCRIPTION WHICH IS AN EXHIBIT TO THIS ORDINANCE; PROVIDING FOR CONFLICTS, RATIFICATION OF PRIOR ACTS, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE

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

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

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

WHEREAS, the City of Palm Coast is desirous of amending the future land use designation of property located within the City from Flagler County Designations OF Mixed Use: High Intensity, and Mixed Use: Low Intensity to City of Palm Coast designation of Mixed Use; and

WHEREAS, the City of Palm Coast Planning and Land Development Regulation Board (PLDRB) acting as the City's Local Planning Agency, considered the proposed comprehensive plan amendment at a public hearing on January 16, 2019 and voted to recommend approval of the proposed Comprehensive Plan Amendment; and

WHEREAS, on _____ and _____, 2019, the City of Palm Coast City Council held public hearings on this Comprehensive Plan amendment after due public notice and upon thorough and complete consideration and deliberation, adopted the proposed Comprehensive Plan amendment; and

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

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

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

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

SECTION 1. LEGISLATIVE AND ADMINISTRATIVE FINDINGS.

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

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

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

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

SECTION 2. FUTURE LAND USE MAP AMENDED.

The 89+/- acres subject area, generally located 1.3 miles north of State Road 100 on the westside and eastside of Colbert Lane, as depicted and legally described in "Exhibit A", attached hereto, is hereby amended from Flagler County Designations of Mixed Use: High Intensity, and Mixed Use: Low Intensity to City of Palm Coast designation of Mixed Use, as depicted in "Exhibit B".

SECTION 3. CONFLICTS.

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

SECTION 4. CODIFICATION/INSTRUCTIONS TO CODE CODIFIER.

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

SECTION 5. SEVERABILITY.

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

SECTION 6. EFFECTIVE DATE.

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

APPROVED on first reading after due public notice and hearing the 5th day of March 2019.

ADOPTED on second reading after due public notice and hearing the ____ day of _____, 2019.

ATTEST:

CITY OF PALM COAST, FLORIDA

Virginia Smith, City Clerk

Milissa Holland, Mayor

EXHIBIT A
LEGAL DESCRIPTION

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

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

OF 7519.00 FEET, A CHORD BEARING OF SOUTH 06°56'49" WEST AND A CHORD DISTANCE OF 122.07 FEET TO A POINT OF TANGENCY; THENCE SOUTH 08°11'55" WEST ALONG THE WEST RIGHT-OF-WAY LINE OF SAID COLBERT LANE A DISTANCE OF 508.26 FEET TO THE POINT OF BEGINNING.

ALSO

LOTS 1, 2, 3, 4, 5, 11, 12, 13, 14, 15, 16 AND 17, TOGETHER WITH PART OF LOT 6 AND VACATED DOCKSIDE DRIVE, PALM COAST INTRACOASTAL INDUSTRIAL PARK, PHASE 1, AS RECORDED IN MAP BOOK 29, PAGES 33 AND 34, AS PARTIALLY VACATED BY OFFICIAL RECORDS BOOK 12 03 PAGE 170, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA, TOGETHER WITH A PART OF SECTION 2, TOWNSHIP 12 SOUTH, RANGE 31, EAST OF SAID COUNTY, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FOR A POINT OF REFERENCE, COMMENCE AT THE SOUTHWEST CORNER OF PALM COAST PLANTATION PUD UNIT 2, AS RECORDED IN MAP BOOK 33, PAGES 54-61 OF SAID PUBLIC RECORDS SAID POINT LYING ON THE EASTERLY RIGHT-OF-WAY LINE OF COLBERT LANE (A 200.00 FOOT RIGHT-OF-WAY AS NOW ESTABLISHED); THENCE SOUTH 18°24'09" EAST, ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 1,040.94 FEET TO THE POINT OF CURVE OF A CURVE, CONCAVE WESTERLY, HAVING A RADIUS OF 7,734.00 FEET; THENCE SOUTHERLY, ALONG SAID RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE, AN ARC DISTANCE OF 1,415.84 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING OF SOUTH 13°09'29" EAST AND A CHORD DISTANCE 1,413.86 FEET TO THE POINT OF BEGINNING; THENCE DEPARTING SAID RIGHT-OF-WAY LINE NORTH 89°10'59" EAST, A DISTANCE OF 1,717.09 FEET; THENCE SOUTH 25°14'03" EAST, A DISTANCE OF 156.53 FEET; THENCE SOUTH 00°16'47" EAST, A DISTANCE OF 98.64 FEET TO A POINT ON THE MEAN HIGH WATER LINE OF THE LEHIGH CANAL; THENCE SOUTH 00°16'47" EAST, ALONG SAID MEAN HIGH WATER LINE, A DISTANCE OF 82.17 FEET; THENCE SOUTH 20°18'43" EAST, CONTINUING ALONG SAID MEAN HIGH WATER LINE, A DISTANCE OF 105.38 FEET; THENCE NORTH 89°59'40" EAST, CONTINUING ALONG SAID MEAN HIGH WATER LINE, A DISTANCE OF 77.21 FEET; THENCE NORTH 78°58'54" EAST, CONTINUING ALONG SAID MEAN HIGH WATER LINE, A DISTANCE OF 46.21 FEET; THENCE NORTH 00°32'52" EAST, CONTINUING ALONG SAID MEAN HIGH WATER LINE, A DISTANCE OF 30.02 FEET; THENCE NORTH 89°11'31" EAST, CONTINUING ALONG SAID MEAN HIGH WATER LINE, A DISTANCE OF 135.05 FEET; THENCE DEPARTING SAID MEAN HIGH WATER LINE SOUTH 00°24'21" EAST, A DISTANCE OF 198.17 FEET; THENCE SOUTH 59°02'59" WEST, A DISTANCE 227.35 FEET TO THE NORTHEAST CORNER OF SAID LOT 1, PALM COAST INTRACOASTAL INDUSTRIAL PARK, PHASE 1; THENCE SOUTH 00°46'14" EAST, ALONG THE EASTERLY LINE OF SAID LOTS 1, 2 AND 3, A DISTANCE OF 776.70

FEET; THENCE SOUTH 46°38'27"EAST A DISTANCE OF 161.39 FEET TO A POINT ON THE NORTHERLY LINE OF THE SEA RAY INDUSTRIES ENTRANCE DRIVE, ALSO BEING A POINT ON A CURVE, CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 630.00 FEET; THENCE SOUTHWESTERLY, ALONG SAID DRIVE AND ALONG THE ARC OF SAID CURVE, AN ARC DISTANCE OF 107.30 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING OF SOUTH 38°28'46" WEST AND A CHORD DISTANCE OF 107.17 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE SOUTH 33°35'53" WEST, CONTINUING ALONG SAID DRIVE, A DISTANCE OF 256.96 FEET TO THE POINT OF CURVE OF A CURVE, CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 620.00 FEET; THENCE SOUTHWESTERLY, CONTINUING ALONG SAID DRIVE AND ALONG THE ARC OF SAID CURVE, AN ARC DISTANCE OF 364.83 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING OF SOUTH 50°21'19" WEST AND A CHORD DISTANCE OF 359.59 FEET TO THE POINT OF COMPOUND CURVATURE OF A CURVE, CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 25.00 FEET; THENCE NORTHWESTERLY, ALONG THE ARC OF SAID CURVE, AN ARC DISTANCE OF 39.43 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING OF NORTH 67°35'40" WEST AND A CHORD DISTANCE OF 35.47 FEET TO THE POINT OF TANGENCY OF SAID CURVE AND A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF ROBERTS ROAD, A VARIABLE RIGHT-OF-WAY AS NOW ESTABLISHED; THENCE NORTH 22°24'07" WEST, ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 76.08 FEET TO THE POINT OF CURVE, CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 1063.00 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC DISTANCE OF 1209.125 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING OF NORTH 55°09'16" WEST, AND A CHORD DISTANCE OF 1144.99 FEET; THENCE NORTH 87°44'26" WEST, A DISTANCE OF 407.63 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHEASTERLY, SAID CURVE HAVING A RADIUS OF 50.00 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC DISTANCE OF 77.96 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING OF NORTH 43°04'18" WEST, AND A CHORD DISTANCE OF 70.30 FEET TO A POINT OF REVERSE CURVATURE SAID CURVE HAVING A RADIUS OF 7734.00 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC DISTANCE OF 1283.80 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING OF NORTH 03°09'30" WEST, AND A CHORD DISTANCE OF 1282.32 FEET TO THE POINT OF BEGINNING.

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

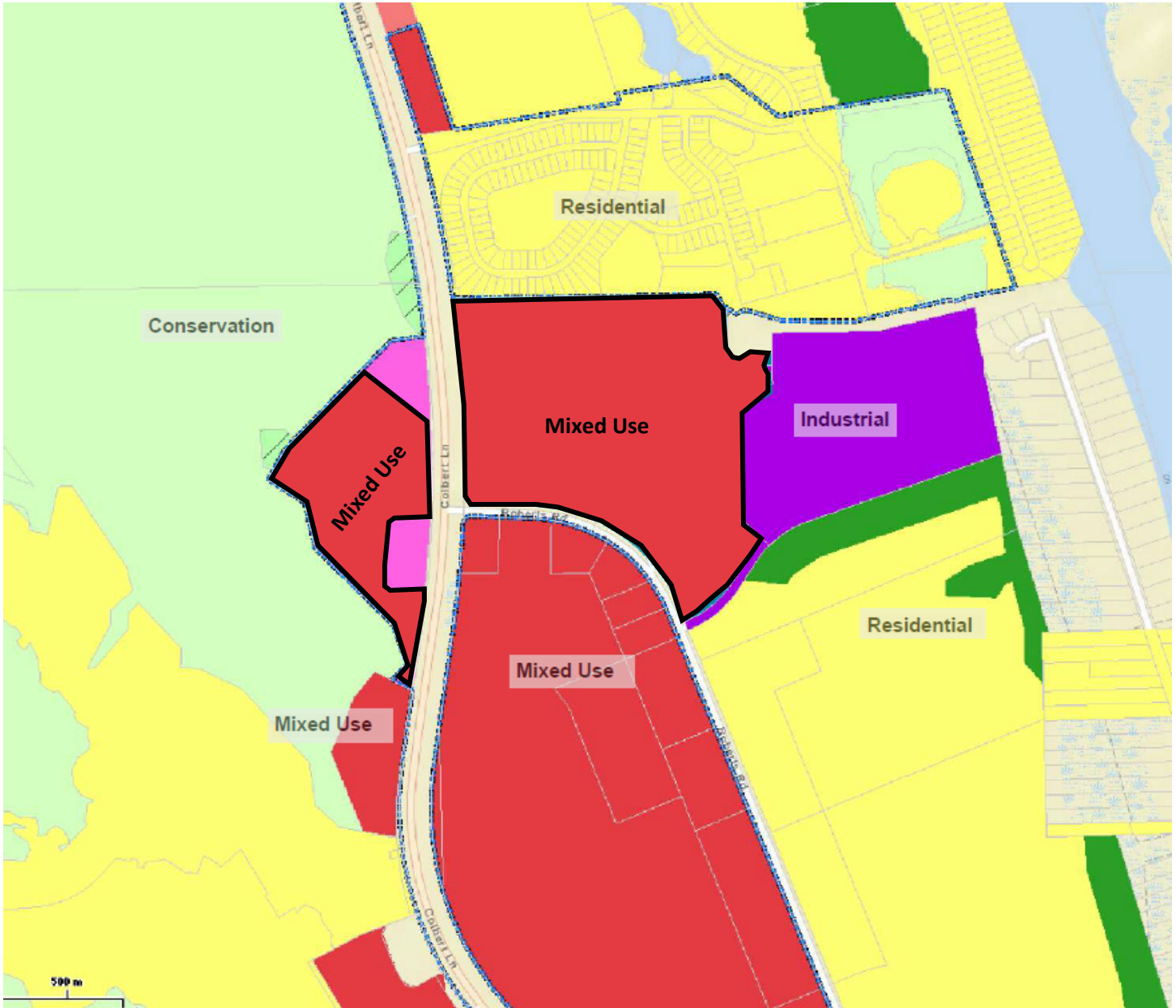
TOGETHER WITH TERMS AND CONDITIONS SET FORTH IN THE NON-EXCLUSIVE ACCESS EASEMENT AGREEMENT BY THE SCHOOL BOARD OF FLAGLER COUNTY FOR THE BENEFIT OF FLAGLER MARINE

CENTER, LLC, A FLORIDA LIMITED LIABILITY COMPANY RECORDED IN
BOOK 1166, PAGE 1002, OF THE PUBLIC RECORDS OF FLAGLER COUNTY,
FLORIDA

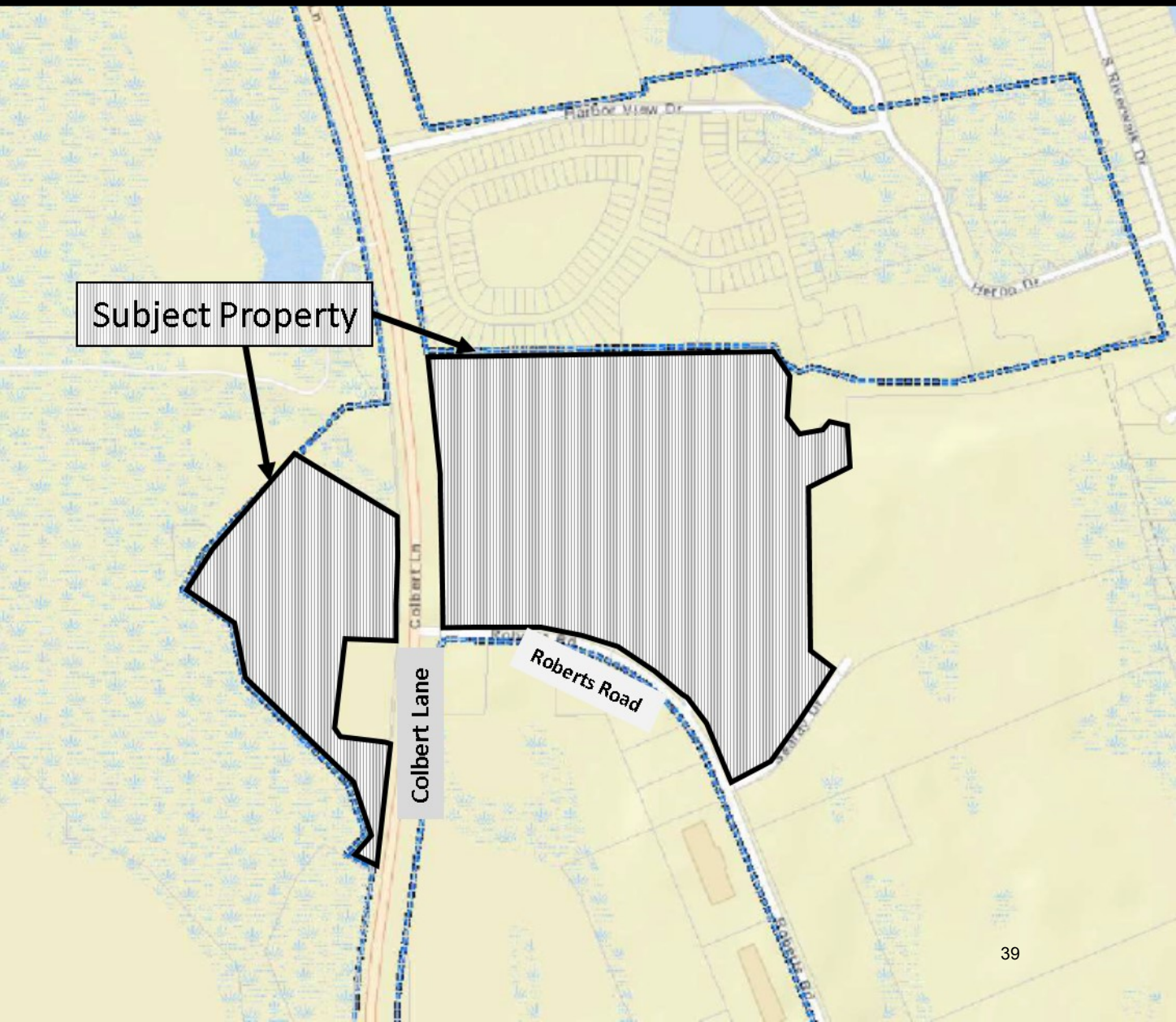
AND

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

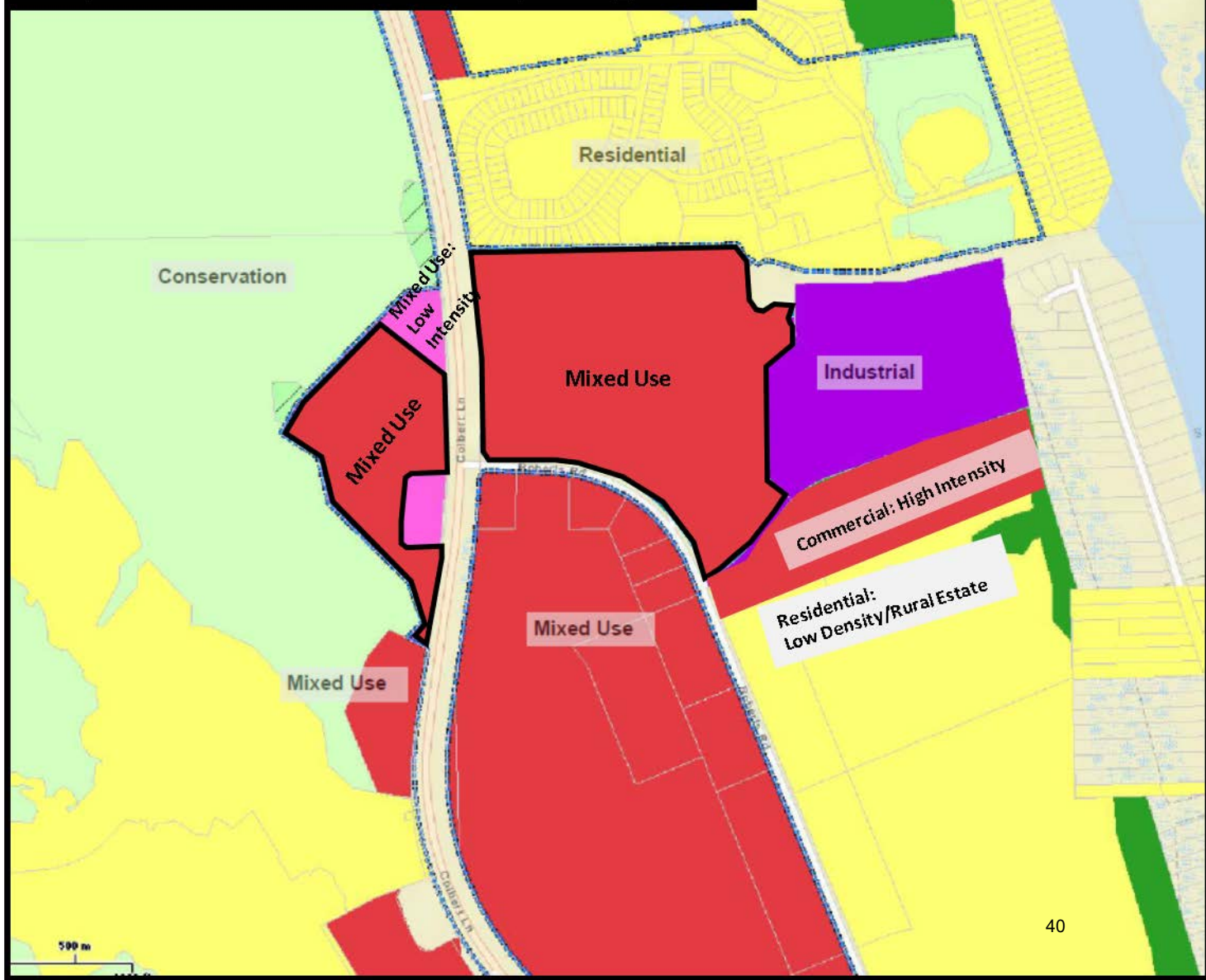
EXHIBIT B
Proposed Future Land Use Map Designation



Location Map



Proposed Future Land Use Map Designation





**COMMUNITY DEVELOPMENT DEPARTMENT
CITY COUNCIL STAFF REPORT
February 6, 2019**

OVERVIEW

Case Number: 3823

Applicant: Lighthouse Harbor, LLC

Size of subject property: 89+/- acres

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

Property Owner(s): Lighthouse Harbor, LLC

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

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

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

Current Use: Vacant

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

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

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

ANALYSIS

BACKGROUND

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

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

Neighborhood Meeting

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

Planning and Land Development Regulation Board Meeting

The Planning and Land Development Regulation Board held a public hearing on January 16, 2019 and recommended approval of the proposed amendment. There were no comments from the public.

DENSITY/INTENSITY AND POPULATION

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

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

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

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

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

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

Objective 1.1.3-Evaluation of Amendments to the FLUM

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

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

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

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

PUBLIC FACILITIES CAPACITY/IMPACT ANALYSIS

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

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

Transportation

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

Potable Water

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

Wastewater

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

Solid Waste

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

Public Recreation and Open Space

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

Public Schools

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

Stormwater

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

Table 2 Public Facilities Impact Analysis

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

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

Footnotes:

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

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

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

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

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

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

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

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

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

⁽⁵⁾ Solid Waste: No Level of Service Requirement for Non-residential

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

⁽⁶⁾ Recreation and Parks = No LOS Requirement for Non-residential

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

⁽⁷⁾ Public Education Non-Residential = No LOS Requirement for Non-residential

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

ENVIRONMENTAL/CULTURAL RESOURCES ANALYSIS

Objective 1.1.3-Evaluation of Amendments to the FLUM

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

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

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

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

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

LAND USE COMPATIBILITY ANALYSIS

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

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

Surrounding Future Land Use Map Designation:

North: Mixed Use

South: Mixed Use

East: Industrial (Flagler County)

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

Surrounding Zoning Designation:

North: Master Planned Development

South: Master Planned Development

East: Industrial (Flagler County)

West: Preservation (City of Palm Coast)

Surrounding Property Existing Uses:

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

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

East: former Sea Ray boat factory

West: Preservation area – Graham Swamp Preservation Area

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

CONSISTENCY WITH COMPREHENSIVE PLAN

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

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

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

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

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

Objective 3.4.1 – Diversity in Housing Opportunities

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

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

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

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

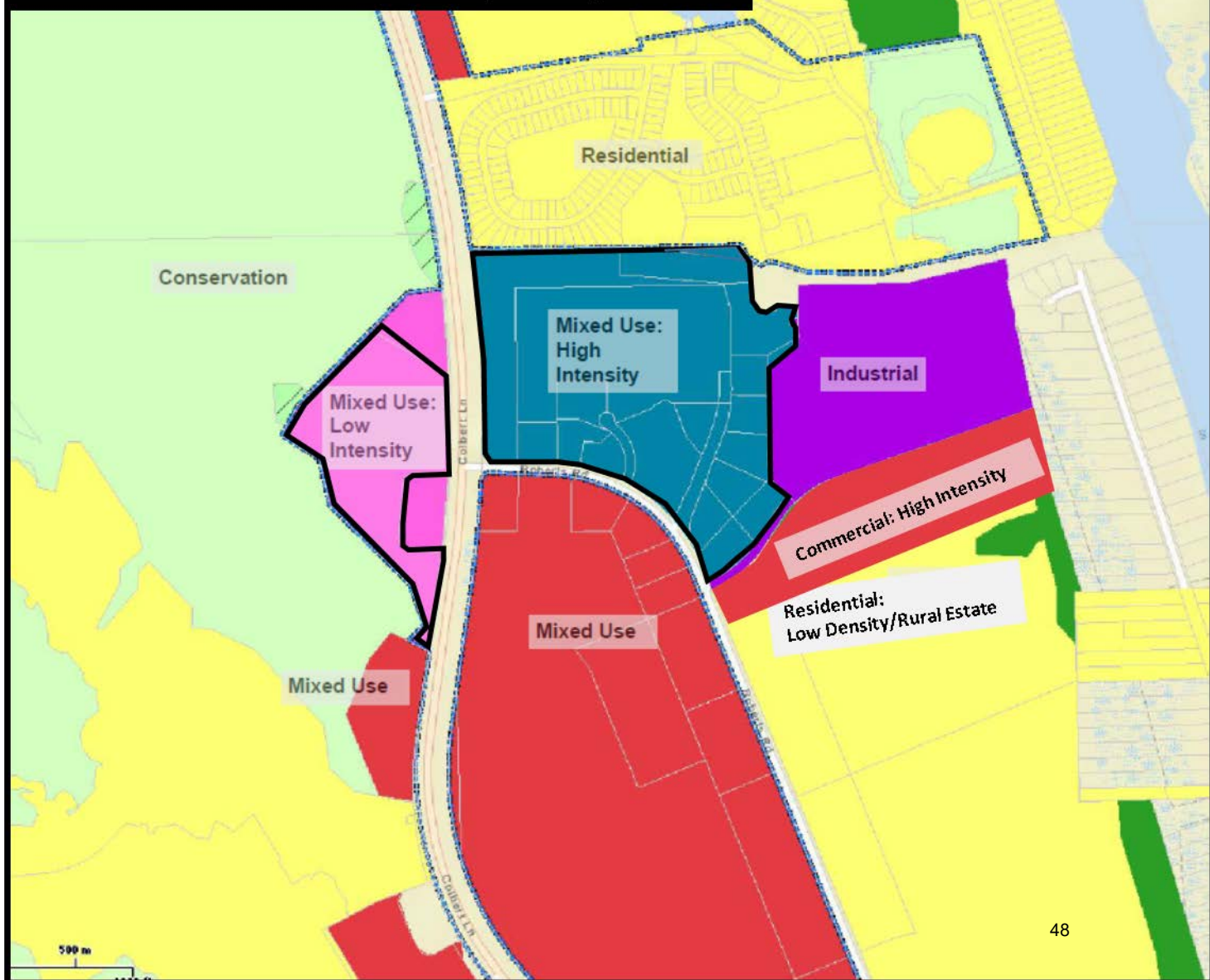
Policy 5.2.2.3 – The City shall designate urban densities or intensities on the Future Land Use Map only in areas that have sufficient existing or planned capacity for sanitary sewer facilities and where connection is available as set forth in State law and City regulations. The City shall minimize the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

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

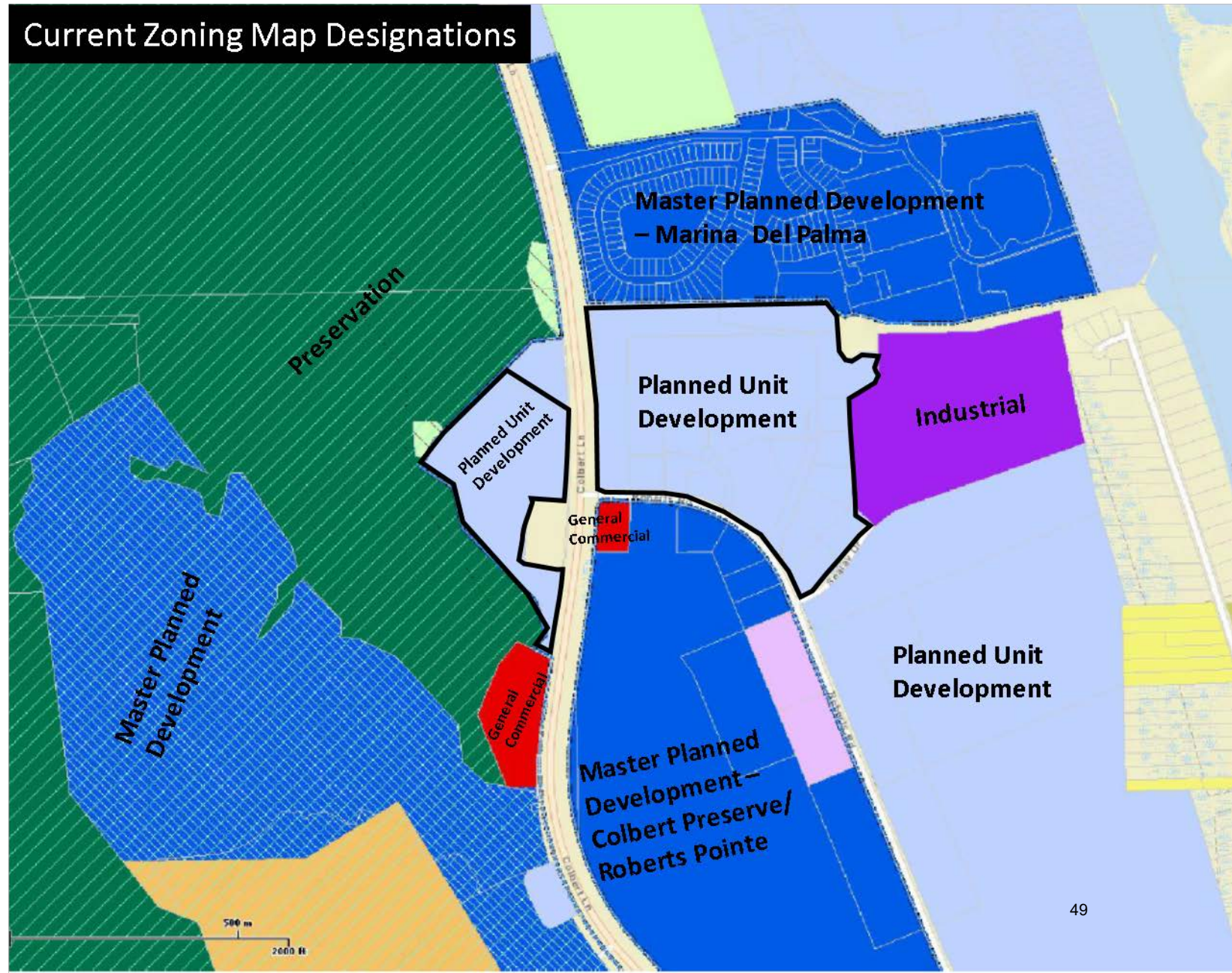
RECOMMENDATION

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

Current Future Land Use Map Designations



Current Zoning Map Designations



City of Palm Coast, Florida

Agenda Item

Agenda Date: 03/05/2019

Department	PLANNING	Amount
Item Key	6079	Account
Subject	ORDINANCE 2019-XX A ZONING MAP AMENDMENT FROM PLANNED UNIT DEVELOPMENT (FLAGLER COUNTY DESIGNATION) TO MASTER PLANNED DEVELOPMENT (CITY OF PALM COAST DESIGNATION) FOR AN 89+/- ACRE PARCEL LOCATED 1.3 MILES NORTH OF STATE ROAD 100	
Background:	<p>The proposed rezoning of the subject property is a companion application to a proposed Future Land Use Map amendment for the 89+/- acre subject property which is scheduled for annexation on Feb. 5, 2019. The subject property is generally located 1.3 miles north of State Road 100 on the westside and eastside of Colbert Lane. The proposed action will amend the zoning designation for the subject property from Flagler County designation of Planned Unit Development to City of Palm Coast designation of Master Planned Development. The accompanying development agreement will recognize the existing entitlements and development standards established for the subject property.</p> <p>The following is a summary of the differences between the existing and proposed development agreement:</p> <ol style="list-style-type: none">1. Increase in maximum number of units from 511 to 740. No change in non-residential development potential (160,000 sq. ft.)2. Reduction of minimum lot sizes for single-family units (proposed minimum of 30'X 100' from current minimum of 40'X120'), this reduction introduces the need to also reduce the minimum living area to 1,000 sq. ft. within the MPD.3. Deletion of specific language requiring buffer from Sea-Ray property (50' wide with a landscaped berm up to 20' high). The proposed conceptual plan will meet requirements of PUD by proposing to locate non-residential uses adjacent to Sea-Ray site. Additionally, if Tract 6, is developed for multi-family, the City of Palm Coast LDC buffer requirements will need to be installed. (C buffer - 10' wide with shade tree every 50')4. Deletion of requirement for establishment of Blue Heron Rookery. The deletion of the Blue Heron Rookery requirement comes with approval of the St. Johns River Water Management District (SJRWMD) as stated in their analysis for the minor modification to SJRWMD Permit 80418-7. <i>"The proposed modification consists of deletion of permit conditions related to a previously active but now abandoned rookery. District staff coordinated with the Florida Fish and Wildlife Conservation Commission (FWC), who concurred and had no objections to the elimination of the rookery buffer and associated permit conditions. There are no wetland impacts or impacts to upland nesting habitat of wetland dependent listed species associated with this minor modification".</i>5. Colbert Lane Vegetative Buffer. Current PUD requires 50' vegetative buffer on eastside and 30' on westside of Colbert Lane. The proposed MPD will require 25-foot "G" type buffer, which will require 1-shade tree per 50', 1 understory tree per 50', short screen, and accent planting 30 per 100'.6. Changes references from Flagler County Code to City of Palm Coast Land Development Code.7. Addition of low-impact development standards for water conservation purposes.	

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

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

Neighborhood Meeting

A neighborhood meeting was held on January 8, 2019 to provide an opportunity for neighboring property owners to receive information about the project. There were no comments provided.

Planning and Land Development Regulation Board Meeting.

The Planning and Land Development Regulation Board held a public hearing on January 16, 2019 and recommended approval of the proposed amendment. There were no comments from the public.

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

ORDINANCE 2019 - _____
REZONING APPLICATION NO. 3824
MARINA VILLAGE MASTER PLANNED DEVELOPMENT (A/K/A
“LIGHTHOUSE HARBOR”)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM COAST, FLORIDA, PROVIDING FOR THE AMENDMENT OF THE OFFICIAL ZONING MAP AS ESTABLISHED IN SECTION 2.06 OF THE CITY OF PALM COAST UNIFIED LAND DEVELOPMENT CODE; AMENDING THE OFFICIAL ZONING MAP FOR +/- 89 ACRES OF CERTAIN REAL PROPERTY GENERALLY LOCATED AT COLBERT LANE AND ROBERTS ROAD, AND BEING MORE PARTICULARLY DESCRIBED IN THE ATTACHED EXHIBIT “A”, FROM FLAGLER COUNTY PLANNED UNIT DEVELOPMENT (PUD) TO CITY MASTER PLANNED DEVELOPMENT DISTRICT (MPD) ZONING DISTRICT WITH A DEVELOPMENT AGREEMENT ATTACHED AS EXHIBIT “B”; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Lighthouse Harbor, LLC, a Florida limited liability company, (“Owner”) is the fee simple title owner of certain real property located in Palm Coast, Florida, consisting of approximately +/- 89 acres generally located at Colbert Lane and Roberts Road, more particularly described in the legal description attached hereto as **Exhibit “A”**, and incorporated herein (the “Owner’s Property”); and

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

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

WHEREAS, the City Council further finds that this Development Agreement is consistent with and an exercise of the City’s powers under the Municipal Home Rule Powers

Act; Article VIII, Section 2(b) of the Constitution of the State of Florida; Chapter 166, Florida Statutes; the City of Palm Coast City Charter; other controlling law; and the City's police powers; and

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

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

WHEREAS, the Applicant's application for a Master Plan Development is approved subject to the Development Agreement's terms and conditions; and

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

WHEREAS, the City Council held duly noticed public hearings on the proposed zoning change set forth hereunder and considered findings and advice of staff, citizens, and all interested parties submitting written and oral comments and supporting data and analysis, and the recommendation of the Planning and Land Development Board which voted _____ to approve at the regularly scheduled meeting conducted on _____, 2019 and after complete deliberation, the City Council hereby finds the requested change consistent with the City of Palm Coast Comprehensive Plan and that sufficient, competent, and substantial evidence supports the zoning change set forth hereunder; and

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

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

SECTION 1. LEGISLATIVE AND ADMINISTRATIVE FINDINGS. The foregoing recitals are true and correct and are fully incorporated herein by this reference.

SECTION 2. ZONING MAP AMENDMENT AND MPD AGREEMENT.

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

(b) The Marina Village MPD Development Agreement (“Development Agreement”) and its exhibits attached hereto, with all appropriate signatures and joinders, is hereby adopted and approved by the City Council of the City of Palm Coast and shall constitute the regulations for the specific MPD District. The Development Agreement shall be recorded in the Official Records of Flagler County, Florida, by the City Clerk.

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

paragraphs and sections of this Code.

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

SECTION 5. EFFECTIVE DATE. This Ordinance shall become effective immediately upon the effective date of Ordinance 2019-_____ as adopted by the City Council of the City of Palm Coast, Florida, and pursuant to the City Charter. If Ordinance No. _____ does not become effective, then this ordinance shall become null and void.

APPROVED on first reading the 5th day of March 2019.

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

CITY OF PALM COAST, FLORIDA

Milissa Holland, Mayor

ATTEST:

Virginia A. Smith, City Clerk

Approved as to form and legality

William E. Reischmann, Jr.
City Attorney

EXHIBIT "A"
LEGAL DESCRIPTION

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

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

AND

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

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

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

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

LIABILITY COMPANY RECORDED IN BOOK 770, PAGE 1 495 .

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

AND

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

EXHIBIT “B”
MASTER PLANNED DEVELOPMENT AGREEMENT

Prepared by:
Michael D. Chiumento III, Esq.
Chiumento Dwyer Hertel Grant & Kistemaker, P.L.
145 City Place, Suite 301
Palm Coast, FL 32164

Return to:
City Clerk
City Hall
160 Lake Avenue
Palm Coast, FL 32164

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

**MASTER PLAN DEVELOPMENT AGREEMENT BETWEEN THE CITY OF PALM
COAST AND LIGHTHOUSE HARBOR, LLC.**

THIS MASTER PLAN DEVELOPMENT AGREEMENT, (herein referred to as the “Development Agreement”) is made and executed this ____ day of _____, 2019, by and between the CITY OF PALM COAST, a Florida municipal corporation (herein referred to as the “City”), whose address is 160 Lake Avenue, Palm Coast, Florida, 32164, and LIGHTHOUSE HARBOR, LLC, a Florida limited liability company (herein referred to from time-to-time as the “Owner” regardless of whether singular or plural ownership status) whose address is 2298 Colbert Lane, Palm Coast, FL, 32137.

WITNESSETH:

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

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

Agreement by Ordinance No. 2006-19;

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

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

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

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

WHEREAS, the City of Palm Coast City Council (“City Council”) finds that this Development Agreement is consistent with the City’s Comprehensive Plan (2035) (the “Comprehensive Plan”) and Unified Land Development Code (“LDC”) and that the conditions, terms, restrictions, and requirements set forth herein are necessary for the protection of the public health, safety, and welfare of the citizens of the City;

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

Statutes; the City of Palm Coast City Charter; other controlling law; and the City's police powers;

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

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

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

NOW, THEREFORE, it is hereby resolved and agreed by and between the City and the Owner that the Owner's application for a Master Planned Development is approved subject to the Development Agreement's following terms and conditions:

SECTION 1. RECITALS.

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

SECTION 2. REPRESENTATIONS OF OWNER.

(a) The Owner hereby represents and warrants to the City that the Owner is the owner of the Owner's Property in accordance with the title opinion or title certification provided by the Owner to the City issued by an attorney or title insurance company licensed

to provide services in the State of Florida with said title opinion or certification showing all liens, mortgages, and other encumbrances not satisfied or released of record relative to the Subject Property.

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

(c) The Owner hereby represents to the City that all required joinders and consents have been obtained and set forth in a properly executed form on this Development Agreement. Unless otherwise agreed to by the City, all liens, mortgages, and encumbrances not satisfied or released of record must be subordinated to the terms of this Development Agreement and joinders must be executed by any mortgagees. It is the responsibility of the Owner to ensure that said subordinations and joinders occur in a form and substance acceptable to the City Attorney prior to the City's execution of this Development Agreement. If the Owner fails to attain the joinder and consent, then the Owner shall lose all rights and benefits deriving hereunder.

SECTION 3. PROJECT DESCRIPTION.

(a) The Applicant may develop a mixed use development consistent with the Conceptual Master Plan(s) attached hereto as Composite **Exhibit "2"** and as further described as follows:

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

SECTION 4. FUTURE LAND USE MAP (FLUM).

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

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

(a) The City Council, at its regular meeting on _____, 2019, adopted Ordinance 2019-_____ for a Master Planned Development affecting the Owner’s Property subject to the terms and conditions of this Development Agreement.

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

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

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

(e) The Conceptual Master Plans contains a level of detail satisfactory to permit the Project to proceed directly to Preliminary Plat.

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

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

SECTION 7. PERMITTED USES.

The Owner agrees to fully comply with the following uses and restrictions on the Subject Property. The Owner must develop the Subject Property consistent with the Conceptual Master Plan with the uses of each Tract being limited to those provided on the Tract Map attached hereto as **Exhibit “3”** and the table provided below. The design standards

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

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

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

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

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

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

(c) School Bus Stop: The Owner shall construct a school bus stop, that meets locational and design standards of the Flagler County School District and City, unless otherwise agreed to by the parties or their designees.

SECTION 8. LAND DEVELOPMENT CODE PARTIAL NON-APPLICABILITY.

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

SECTION 9. FACILITY COMMITMENTS.

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

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

- i. Private Improvements: The parking areas; utilities; master stormwater system; sidewalks; lighting; recreational facilities, and perimeter buffer landscaping.
- ii. The Owner shall grant any and all drainage and utility easements to the City which are deemed necessary by the City to serve the public utilities.
- iii. The Owner agrees that the City has shown an essential nexus between a legitimate City interest and the conditions, if any, imposed herein. The Owner further agrees that all proposed conditions are roughly proportional to the impact the development will have upon the public, based upon an individualized determination by the City that the required conditions are related in both nature and extent to the impacts of the proposed Project.
- iv. Nothing herein shall be deemed a prohibited exaction under Fla. Stat. 70.45, and Owner agrees it has not suffered any damages under that statute.

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

(d) ACCESS: Ingress and egress to the Project shall be provided, constructed and maintained as depicted on the Conceptual Master Plan. At the sole discretion of the Owner, the development or portions of it may be gated.

(e) OWNER STORMWATER SYSTEM: The Owner shall be responsible for designing, permitting, constructing, and maintaining the means of conveyance of stormwater runoff from the Project including, but not limited to, all stormwater lines, ditches, culverts, and

other stormwater facilities that are necessary to convey the stormwater runoff to the Stormwater Facility (the “Owner Stormwater System”).

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

SECTION 10. DEVELOPMENT STANDARDS.

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

10.2 OPEN SPACE: Minimum open space shall be thirty percent (30%) of the Subject Property’s gross area. Open space is defined in the LDC and includes on-site stormwater ponds, the marina basin and all open space within the Property. Flexibility to the minimum open space requirements shall be as provided by the LDC, which may include, but not be limited to, green building principles, land donation, or other mechanisms that would justify a lower percentage of open space, if approved by the Land Use Administrator. Open space shall be maintained by either the actual owner of the property, a property owners’ association, or other method satisfactory to the Owner and the City.

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

10.4 TRANSPORTATION: Transportation concurrency shall be addressed during the Preliminary Plat or technical site plan process.

10.5 DRAINAGE:

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

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

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

10.6 LANDSCAPING: No potable water shall be used for irrigation once a stormwater or reclaimed water source is available. All landscaping and irrigation shall comply with the LDC except for perimeter buffers, which shall be governed by section 10.20, below.

10.7 LIGHTING: All lighting including but not limited to all pole mounted lighting shall be designed to minimize light pollution to off-site properties and to comply with the LDC.

10.8 FIRE PROTECTION: Fire protection requirements for the Project will be met through a system of fire hydrants installed on the Subject Property by the Owner in accordance with City standards. The locations of fire hydrants shall be shown on all construction

documents, technical site plans, or preliminary plats. The water requirements for the fire system will be served by the City's Utility Department. The Project shall comply with the City's fire protection requirements. The City will provide fire protection services to the Project in accordance with established local response agreements.

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

10.10 INTERCONNECTIVITY AND ACCESS: All units within the Subject Property shall be interconnected by roadways and sidewalks as called for by the City's Comprehensive Plan. The Project shall provide and maintain the minimum number of access drives onto Roberts Road and Colbert Lane as depicted on the Conceptual Master Plan.

10.11 RESOURCE PROTECTION:

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

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

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

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

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

(a) Water Conservation.

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

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

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

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

10.16 WILDLIFE PROTECTION: In the event that listed species have been determined to be residing on, or otherwise be significantly dependent on the Subject Property, the Owner shall obtain the necessary permits from the Florida Fish and Wildlife Conservation Commission and other applicable agencies. Activities associated with listed flora and fauna shall comply with the LDC. If applicable, Bear Smart Community principles shall be integrated into design and operations. The intent is to minimize human-animal conflicts from black bear and other species that may be drawn to area attractants. The Owner and City shall

cooperate on grant opportunities to supplement cost(s) that the Owner may incur to implement these principles.

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

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

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

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

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

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

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

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

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

10.21 MARINA: In recognition of the permits issued by the Army Corps of Engineers, St. Johns River Water Management District, & Flagler County, the development of the Marina shall: (i) be consistent with the existing approved Conceptual Plan, (ii) participate in the FDEP Clean Marina program, (iii) remain exempt from Section 4.16, Marinas, of the LDC, (iv) apply for a city building permit to install 2,425 linear feet of precast concrete sheetpile bulkhead with concrete cap (consistent with approved Flagler County Building Permit #2018110187), the building permit fee shall be capped at \$10,000.

SECTION 11. PHASING OF DEVELOPMENT.

(a) The Subject Property may be developed in multiple phases. Prior to the issuance of any permit for any phase of the Project (and prior to any construction of any improvement, building, or structure on the Subject Property), the Owner shall submit a Preliminary Plat or Site Plan for the relevant phase. A Subdivision Master Plan as provided in the LDC is not required. Each tract of the Project will include infrastructure to support the proposed uses, including water and wastewater service, drainage, private roads, vehicular, and pedestrian access facilities. All infrastructure necessary to support each phase that is constructed on the Subject Property shall be constructed concurrently with, or prior to construction of that phase of the Project, as approved by the City, and prior to the issuance of building permits for that phase. Adequate emergency vehicle access and turnarounds shall be provided at all times.

(b) Roadways shall be constructed concurrently with development of adjacent lots to insure that contiguous roadways are available at all times prior to the issuance of any building permits for that phase. To avoid unnecessary construction and repair costs, internal sidewalks shall be constructed adjacent to each lot at the time the home is constructed and prior to the Certificate of Occupancy, and each home's building permit shall be conditioned on this requirement.

SECTION 12. LOT AND BUILDING STANDARDS.

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

SFR-M Site Development Requirements

<u>Type</u>	<u>Single-Family</u>
Min. Lot Width*	30'

Min. Lot Depth	100'
Min. Lot Size (SF)	3,000 sf
Min. Side Setback	5'
Min. Street-Side Setback	15'
Min. Front Setback	20'
Max. Bldg. Height	35'
Min. Rear Setback	10'
Max. Impervious Surface Ratio	80%**
Minimum Living Area	1,000 sq. ft.

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

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

MFR-M Site Development Requirements – Marina

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

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

12.2 MIXED-USE TRACTS DIMENSIONAL STANDARDS: If Tract 1, Tract 3

or Tract 6 is being developed for both residential and commercial uses on the same lot then the dimensional standards for the dominant use shall be utilized (residential or commercial uses having the most building gross floor area).

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

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

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

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

SECTION 14. DEVELOPMENT FEES.

The Owner acknowledges and agrees that the City has enacted citywide impact fees, and may in the future increase the amount of those fees. The Owner acknowledges that the Subject Property shall be subject to all fees in effect at the time of permitting. Notwithstanding the above, the Owner shall not be charged impact fees for marina or dry storage slips that are appurtenant to residential units.

SECTION 15. COMMON AREAS AND MAINTENANCE.

For all common areas, to ensure the long-term ownership, maintenance, and control of those areas, prior to the issuance of any building permit and before recording the final plat, the Owner shall maintain or establish an association, in accordance with Florida law, comprised of the owners of lots or parcels with the development (the “Association”). The Association documentation shall be subject to the prior reasonable review of the City to ensure adequate provisions for the ongoing care and maintenance of the common areas. The documentation, whether contained in a deed restriction or otherwise, shall provide for the permanent maintenance of the Common Areas by the Association, minimum insurance requirements for the Association, adequate mechanisms to force financial participation by members of the Association, and restrictions on the ability to amend these requirements without the City’s approval. The City shall not be required to accept ownership or maintenance of any of the Project’s common elements including but not limited to roads, landscaping and buffers.

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

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

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

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

SECTION 17. NOTICES.

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

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

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

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

As to the City: City Manager
 160 Lake Avenue
 Palm Coast, FL 32164

As to the Owner: Lighthouse Harbor, LLC
 James T. Cullis, Manager
 2298 Colbert Lane
 Palm Coast, FL 32137

With copies to: Michael D. Chiumento III, Esq.
 Chiumento Dwyer Hertel Grant & Kistemaker, PL
 145 City Place, Suite 301
 Palm Coast, FL 32164

SECTION 18. SEVERABILITY.

The terms and provisions of this Development Agreement are not severable and in the event any portion of this Development Agreement shall be found to be invalid or illegal, then the entire Development Agreement shall remain valid and binding on the parties.

SECTION 19. SUCCESSORS AND ASSIGNS.

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

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

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

SECTION 20. GOVERNING LAW, VENUE AND COMPLIANCE WITH LAW.

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

(b) Venue for any dispute shall be in the Seventh Judicial Circuit Court in and for Flagler County, Florida, or the Middle District if in federal court.

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

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

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

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

SECTION 21. TERM / EFFECTIVE DATE.

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

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

SECTION 22. RECORDATION.

Upon approval by the City Council and execution of this Development Agreement by all parties, this Development Agreement and any and all amendments hereto shall be recorded by the City with the Clerk of the Circuit Court of Flagler County within fourteen (14) days

after its execution by the City, and the Development Agreement shall run with the land. The Owner shall pay the costs to record this Development Agreement.

SECTION 23. THIRD PARTY RIGHTS.

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

SECTION 24. SPECIFIC PERFORMANCE / TIME IS OF THE ESSENCE.

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

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

SECTION 25. ATTORNEYS' FEES.

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

SECTION 26. FORCE MAJEURE.

The parties agree that in the event that the failure by either party to accomplish any action required hereunder within a specific time period ("Time Period") constitutes a default under terms of this Development Agreement, and if any such failure is due to any unforeseeable or unpredictable event or condition beyond the control of such party, including, but not limited to: acts of God, acts of government authority (other than the City's own acts), acts of public enemy or war, terrorism, riots, civil disturbances, power failure, shortages of labor or materials,

injunction or other court proceedings beyond the control of such party, or severe adverse weather conditions (“Uncontrollable Event”); then notwithstanding any provision of this Development Agreement to the contrary, that failure shall not constitute a default under this Development Agreement and any Time Period prescribed hereunder shall be extended by the amount of time that such party was unable to perform solely due to the Uncontrollable Event.

SECTION 27. INDEMNIFICATION.

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

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

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

(b) The failure by the Owner to perform each and every one of its obligations hereunder shall constitute a default, entitling the City to pursue whatever remedies are available to it under Florida law or equity, including, without limitation, an action for specific performance and/or injunctive relief, or alternatively, the termination of this Development Agreement. Prior to the City filing any action or terminating this Development Agreement as

a result of a default under this Development Agreement, the City shall first provide the Owner written notice of said default. Upon receipt of said notice, the Owner shall be provided a thirty (30) day period in which to cure the default to the reasonable satisfaction of the City prior to the City filing an action or terminating this Development Agreement. If thirty (30) days is not considered by the parties to be a reasonable period in which to cure the default, the cure period shall be extended to such cure period acceptable to the City, but in no case shall that cure period exceed ninety (90) days from initial notification of default. Upon termination of the Development Agreement, the Owner shall immediately be divested of all rights and privileges granted hereunder.

SECTION 29. CAPTIONS.

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

SECTION 30. EXHIBITS.

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

SECTION 31. INTERPRETATION.

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

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

SECTION 32. FURTHER ASSURANCES.

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

SECTION 33. COUNTERPARTS.

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

SECTION 34. MODIFICATIONS, AMENDMENTS AND NON-WAIVER.

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

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

SECTION 35. ENTIRE AGREEMENT AND EFFECT ON PRIOR AGREEMENTS.

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

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

CITY OF PALM COAST, FLORIDA

Milissa Holland, Mayor

ATTEST:

Virginia A. Smith, City Clerk

APPROVED AS TO FORM AND LEGALITY:

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

The foregoing instrument was acknowledged before me this _____ day of _____, 2019, by Milissa Holland, Mayor of the CITY OF PALM COAST, (check one) ☐ who is personally known to me or ☐ who produced _____ as identification.

Notary Public – State of Florida

Print Name: _____

My Commission expires:

WITNESSES:

“OWNER”

Lighthouse Harbor, LLC, a Florida limited liability company

By: _____

James T. Cullis, Manager

(print)

(print)

STATE OF FLORIDA

COUNTY OF FLAGLER

The foregoing instrument was acknowledged before me this _____ day of _____, 2019, by James T. Cullis, Manager Lighthouse Harbor, LLC (check one) ☐ who is personally known to me or ☐ who produced _____ as identification.

Notary Public – State of Florida

Print Name: _____

My Commission expires:

EXHIBIT “1”

Ordinance 2019-_____

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LEGAL DESCRIPTION

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

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

AND

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

FOR A POINT OF REFERENCE, COMMENCE AT THE SOUTHWEST CORNER OF PALM COAST PLANTATION PUD UNIT 2, AS RECORDED IN MAP BOOK 33, PAGES 54-61 OF SAID PUBLIC RECORDS SAID POINT LYING ON THE EASTERLY RIGHT-OF-WAY LINE OF COLBERT LANE (A 200.00 FOOT RIGHT-OF-WAY AS NOW ESTABLISHED); THENCE SOUTH 18° 24' 09" EAST, ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 1,0

Ordinance 2019-_____

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40.9 4 FEET TO THE POINT OF CURVE OF A CURV E, CONCAVE WESTERLY, HAVING A RADIUS OF 7,734.00 FEET; THENCE SOUTHERLY, ALONG SAID RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE, AN ARC DISTANCE OF 1,4 15.8 4 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING OF SOUTH 13' 09' 29" EAST AND A CHORD DISTANCE 1,413.86 FEET TO THE POINT OF BEGINNING; THENCE DEPARTING SAID RIGHT-OF-WAY LINE NORTH 89'10'59" EAST, A DISTANCE OF 1,717.09 FEET; THENCE SOUTH 2 5'14'03" EAST, A DISTANCE OF 15 6.53 FEET; THENCE SOUTH 00'16'47" EAST, A DISTANCE OF 9 8.64 FEET TO A POINT ON THE MEAN HIGH WATER LINE OF THE LEHIGH CANAL; THENCE SOUTH 00'16'47" EAST, ALONG SAID MEAN HIGH WATER LINE, A DISTANCE OF 82.17 FEET; THENCE SOUTH 20' 18' 43 " EAST, CONTINUING ALONG SAID MEAN HIGH WATER LINE, A DISTANCE OF 105.38 FEET; THENCE NORTH 89'59'40" EAST, CONTINUING ALONG SAID MEAN HIGH WATER LINE, A DISTANCE OF 77.21 FEET; THENCE NORTH 78' 58 '54" EAST. CONTINUING ALONG SAID MEAN HIGH WATER LINE, A DISTANCE OF 46.21 FEET; THENCE NORTH 00'32'52" EAST, CONTINUING ALONG SAID MEAN HIGH WATER LINE, A DISTANCE OF 30.02 FEET; THENCE NORTH 89'11'31" EAST, CONTINUING ALONG SAI MEAN HIGH WATER LINE. A DISTANCE OF 135.05 FEET; THENCE DEPARTING SAID MEAN HIGH WATER LINE SOUTH 00'24' 21" EAST, A DISTANCE OF 198.17 FEET; THENCE SOUTH 59' 02'59" WEST, A DISTANCE 227.35 FEET TO THE NORTHEAST CORNER OF SAID LOT 1, PALM COAST INTRACOASTAL INDUSTRIAL PARK, PHASE 1; THENCE SOUTH 00'46'14" EAST, ALONG THE EASTERLY LI NE OF SAID LOTS 1 , 2 AND 3, A DISTANCE OF 776.70 FEET; THENCE SOUTH 46'38'27" EAST A DISTANCE OF 161.39 FEET TO A POINT ON THE NORTHERLY LINE OF THE SEA RAY INDUSTRIES ENTRANCE DRIVE, ALSO BEING A POINT ON A CURVE, CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 630.00 FEET; THENCE SOUTHWESTERLY, ALONG SAID DRIVE AND ALONG THE ARC OF SAID CURVE, AN ARC DISTANCE OF 10 7.30 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING OF SOUTH 38'28'46" WEST AND A CHORD DISTANCE OF 107. 17 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE SOUTH 33'35'53" WEST, CONTINUING ALONG SAID DRIVE, A DISTANCE OF 25 6.9 6 FEET TO THE POINT OF CURVE OF A CURVE, CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 620.00 FEET; THENCE SOUTHWESTERLY, CONTINUING ALONG SAID DRIVE AND ALONG THE ARC OF SAID CURVE, AN ARC DISTANCE OF 364.83 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING OF SOUTH 50'21'19" WEST AND A CHORD DISTANCE OF 359.59 FEET TO THE POINT OF COMPOUND CURVATURE OF A CURVE, CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 25.00 FEET; THENCE NORTHWESTERLY, ALONG THE ARC OF SAID CURVE, AN ARC DISTANCE OF 39.43 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING OF NORTH 67'35'40" WEST AND A CHORD DISTANCE OF 3 5.47 FEET TO THE POINT OF TANGENCY OF SAID CURVE AND A POINT ON THE EASTERLY RIGHT-OF- WAY LINE OF ROBERTS ROAD, A VARIABLE RIGHT-OF-WAY AS NOW ESTABLISHED; THENCE NORTH 22'24'07" WEST, ALONG SAID RIGHT- OF- WAY LINE, A DISTANCE OF 76.08 FEET TO THE POINT OF CURVE, CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 1063.00 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC DISTANCE OF 1209.125 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING OF NORTH 55'09'16 " WEST, AND A CHORD DISTANCE OF 1144.99 FEET; THENCE NORTH 8 7'44'26" WEST, A DISTANCE OF 407.63 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHEASTERLY, SAID CURVE HAVING A RADIUS OF 50.00 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC DISTANCE OF 77.96 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING OF NORTH 43'04'18" WEST, AND A CHORD DISTANCE OF 70.30 FEET TO A POINT OF REVERSE CURVATURE SAID CURVE HAVING A RADIUS OF 7734.00 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC DISTANCE OF 1283.80 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING OF NORTH 03'09'30" WEST, AND A CHORD DISTANCE OF 1282.32 FEET TO THE POINT OF BEGINNING

TOGETHER WITH TERMS, CONDITIONS AND EASEMENT SET FORTH IN EASEMENT AGREEMENT (ACC ESS) BY AND BETWEEN FLORIDA LANDMARK COMMUNITIES, INC., A FLORIDA CORPORATION AND FLAGLER MARINE CENTER, L.L.C., A FLORIDA LIMITED LIABILITY COMPANY RECORDED IN BOOK 770, PAGE 1 495 .

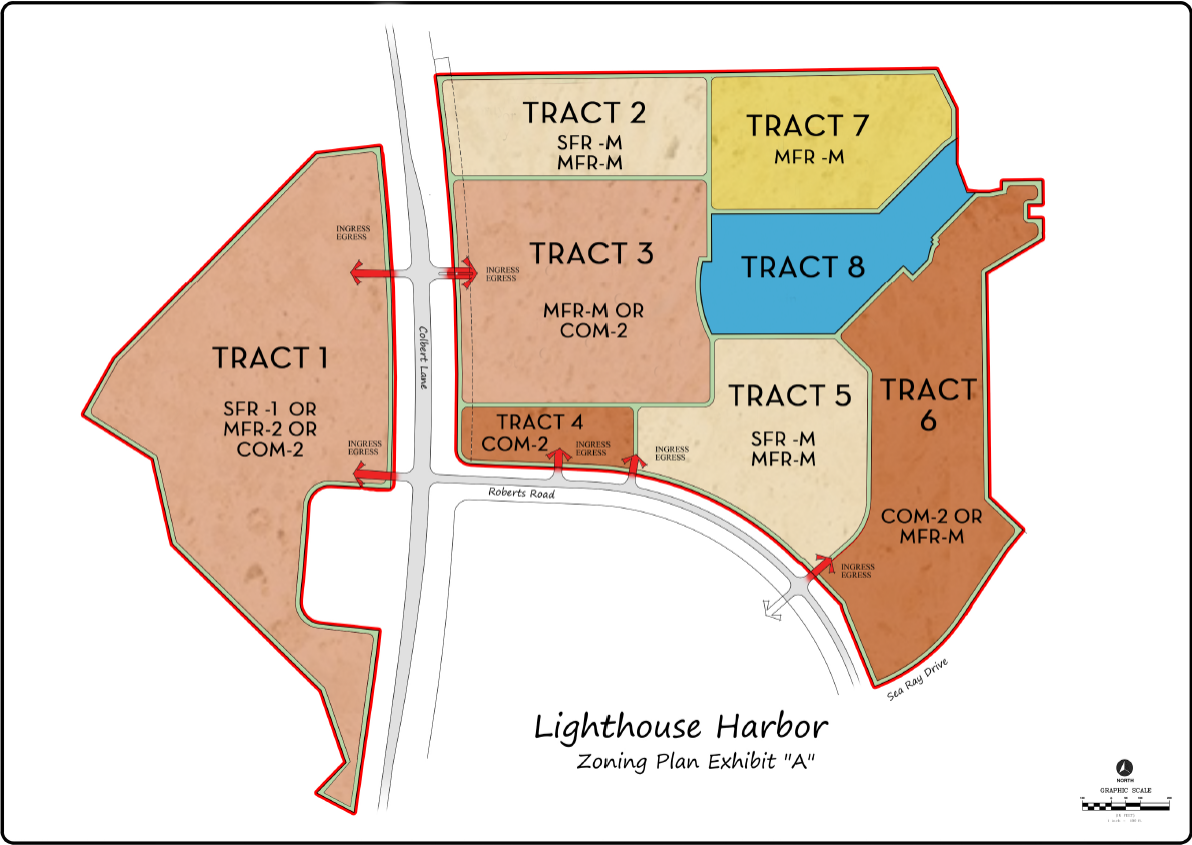
TOGETHER WITH TERMS AND CONDITIONS SET FORTH IN THE NON- EXCLUSIV E
ACCESS EASEMENT AGREEMENT BY THE SCHOOL BOARD OF FLAGLER COUNTY FOR
THE BENEFIT OF FLAGLER MARINE CENTER, LLC, A FL ORIDA LIMITED LIABILITY
COMPANY RECORDED IN BOOK 1166, PAGE 1002, OF THE PUBLIC RECORDS OF FLAGLER
COUNTY, FLORIDA

AND

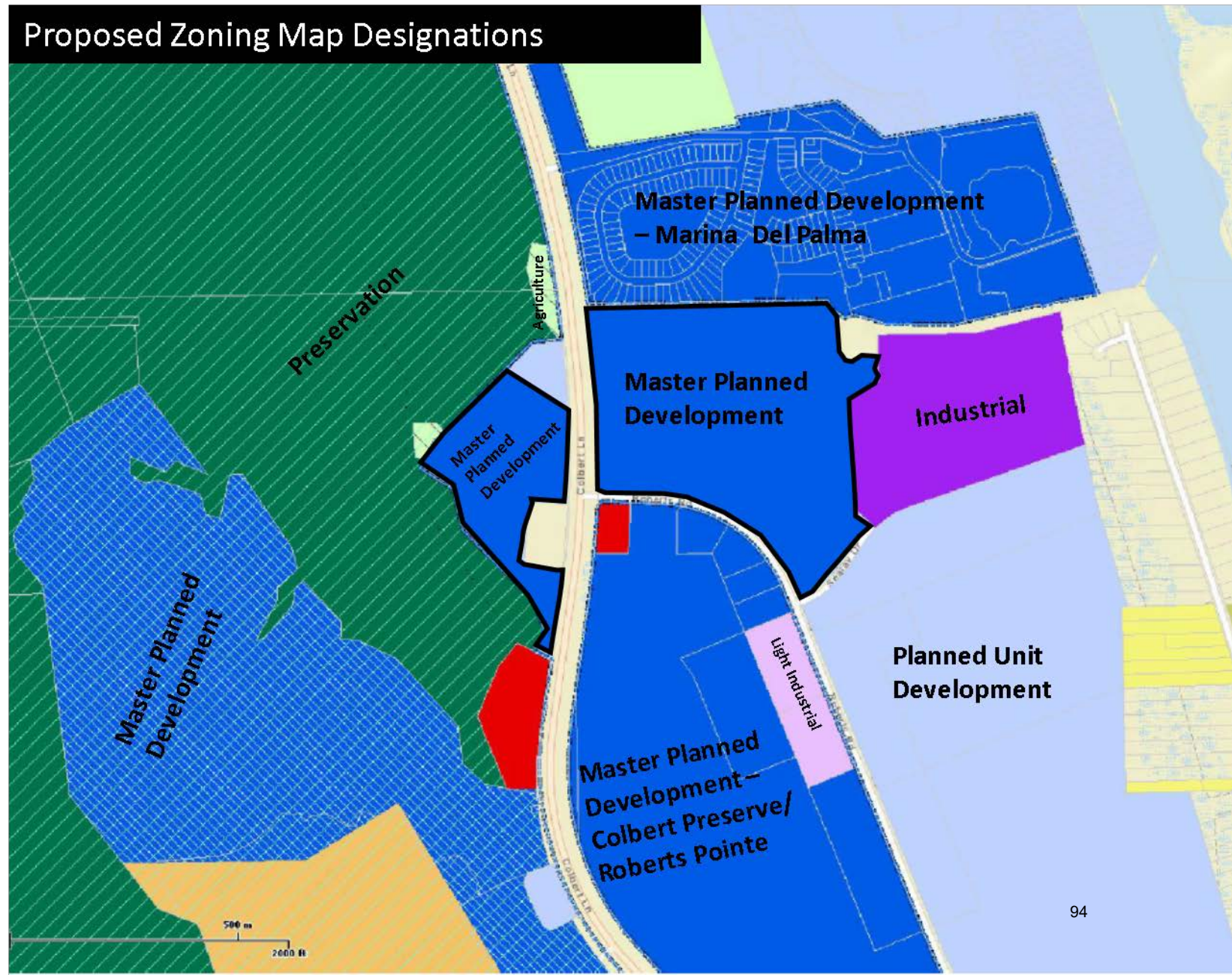
TOGETHER WITH AN EASEMENT RESERVED IN THAT CERTAIN WARRANTY DEED
RECORDED IN BOOK 1646, PAGE 89 OF THE PUBLIC RECORDS OF FLAGLER COUNTY,
FLORIDA.

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EXHIBIT “3”
TRACT MAP



Proposed Zoning Map Designations





**COMMUNITY DEVELOPMENT DEPARTMENT
Zoning Map Amendment Staff Report
February 6, 2019**

OVERVIEW

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

ANALYSIS

REQUESTED ACTION

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

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

1. Increase in maximum number of units from 511 to 740. No change in non-residential development potential (160,000 sq. ft.). The conceptual development plan includes a marina with 80 wet slips and up to 200 dry slips.
2. Smaller minimum lot sizes for single-family units (proposed minimum of 30'X 100' from current minimum of 40'X120'), this reduction introduces the need to have a minimum living area of 1,000 sq. ft. within the MPD.
3. Adjust buffer from Sea-Ray property (50' wide with a landscaped berm up to 20' high). The proposed conceptual plan will meet requirements of PUD by proposing to locate non-residential uses adjacent to Sea-Ray site. If Tract 6, is developed for multi-family, the City of Palm Coast LDC buffer requirements will need to be installed. (C buffer - 10' wide with shade tree every 50')
4. Deletion of requirement for establishment of Blue Heron Rookery. The deletion of the Blue Heron Rookery requirement comes with approval of the St. Johns River Water Management District (SJRWMD) as stated in their analysis for the minor modification to SJRWMD Permit 80418-7. *"The proposed modification consists of deletion of permit conditions related to a previously active but now abandoned rookery. District staff coordinated with the Florida Fish and Wildlife Conservation Commission (FWC), who concurred and had no objections to the elimination of the rookery buffer and associated permit conditions. There are no wetland impacts or impacts to upland nesting habitat of wetland dependent listed species associated with this minor modification".*
5. Colbert Lane Vegetative Buffer. Current PUD requires 50' vegetative buffer on eastside and 30' on westside of Colbert Lane. The proposed MPD will require 25-foot "G" type buffer, which will require 1-shade tree per 50', 1 understory tree per 50', short screen, and accent planting 30 per 100'.
6. Changes references from Flagler County Code to City of Palm Coast Land Development Code
7. Addition of low-impact development standards for water conservation, including:
 - i. Native, drought tolerant plant materials;
 - ii. St. Johns River Water Management District Florida Water Star program for protection of water resources;
 - iii. Turf grass – Irrigated area(s) shall not exceed 50% of landscape areas;
 - iv. Separate irrigation zones shall be required for turf, non-turf areas; and
 - v. Landscape areas shall not be irrigated using high-volume irrigation systems unless high pressure compensating spray heads are utilized.

BACKGROUND/SITE HISTORY

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

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

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

Planning and Land Development Regulation Board Meeting.

The Planning and Land Development Regulation Board held a public hearing on January 16, 2019 and recommended approval of the proposed amendment. There were no comments from the public.

LAND USE AND ZONING INFORMATION**Surrounding Future Land Use Map Designation:**

North: Mixed Use

South: Mixed Use

East: Industrial (Flagler County)

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

Surrounding Zoning Designation:

North: Master Planned Development

South: Master Planned Development

East: Industrial (Flagler County)

West: Preservation (City of Palm Coast)

Surrounding Property Existing Uses:

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

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

East: former Sea Ray boat factory

West: Preservation area – Graham Swamp Preservation Area

Consistency of Proposed Zoning Designation with Surrounding Properties

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

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

COMPARISON OF SITE DEVELOPMENT REQUIREMENTS:

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

Residential Development Standards

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

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

SFR-M Site Development Requirements

<u>Type</u>	<u>Single-Family (Proposed)</u>	<u>Single-Family (Current -PUD)</u>
Min. Lot Width	30'	40'
Min. Lot Depth	100'	120'
Min. Lot Size (SF)	3,000	4,800
Min. Side Setback	5'	5'
Min. Street-Side Setback	15'	20'
Min. Front Setback	20'	35'
Max. Bldg. Height	35'	35'
Min. Rear Setback	10'	20'
Max. Impervious Surface Ratio	80%	70%
Minimum Living Area (sq.ft.)	1,000	1,200

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

MFR-M Site Development Requirements – Marina

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

Non-Residential Standards

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

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

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

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

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

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

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

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

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

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

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

Objective 3.4.1 – Diversity in Housing Opportunities

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

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

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

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

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

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

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

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

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

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

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

B. Its impact upon the environment and natural resources;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Staff Finding: See previous finding.

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

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

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

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

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

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

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

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

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

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

J. Impact upon the environment or natural resources.

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

K. Impact on the economy of any affected area.

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

PUBLIC PARTICIPATION

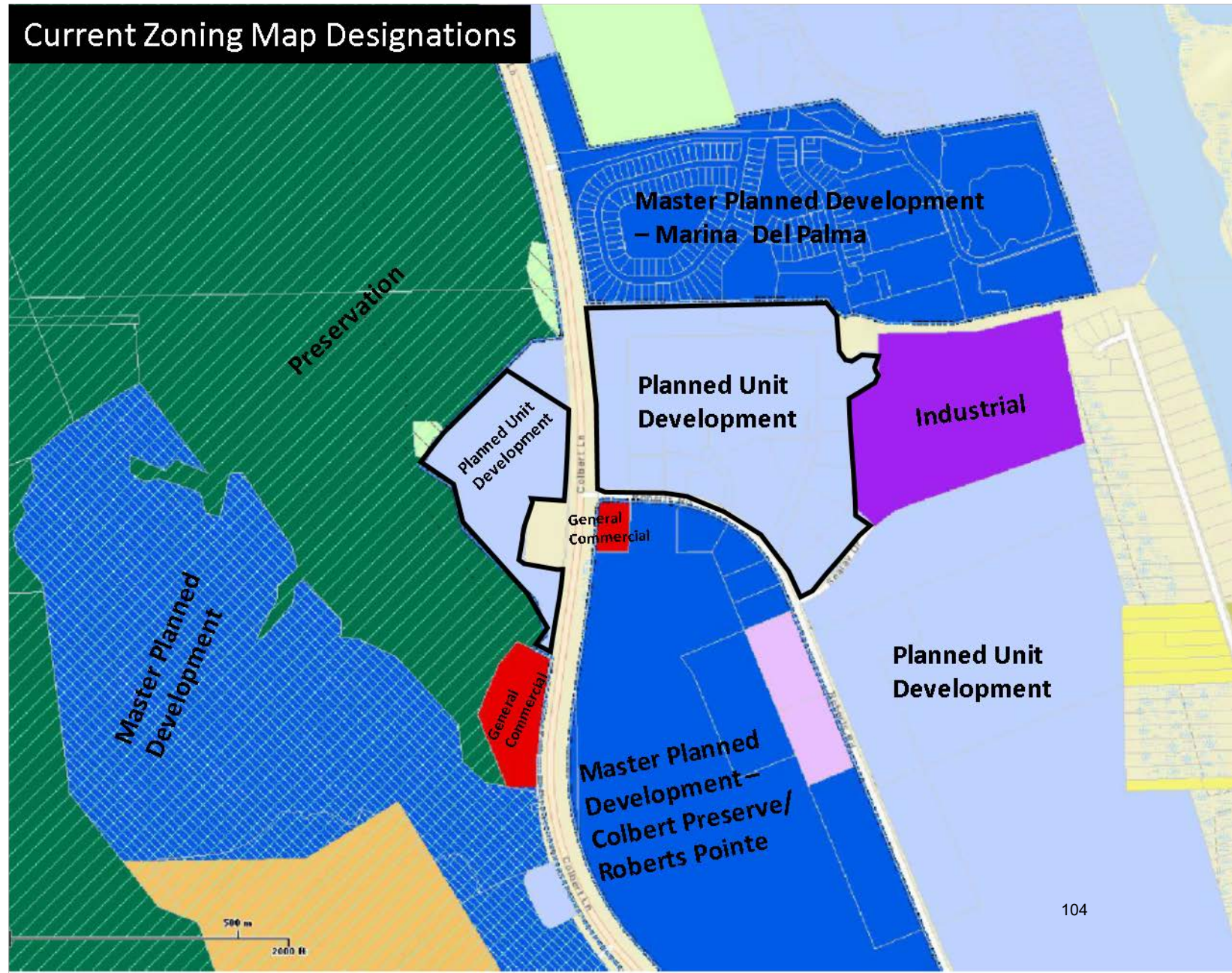
Unified Land Development Code Chapter 2, Part II, Section 2.05.02 requires developers (defined as property owners or persons who are improving property within the City) to notify owners within 300' and hold a neighborhood meeting for Zoning Map Amendments.

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

RECOMMENDATION

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

Current Zoning Map Designations



City of Palm Coast, Florida

Agenda Item

Agenda Date: 03/05/2019

Department	PLANNING	Amount
Item Key	6073	Account
Subject	ORDINANCE 2019-XX FUTURE LAND USE MAP AMENDMENT FOR A 6.1 +/- ACRE PARCEL LOCATED .5 MILES NORTH OF PALM COAST PARKWAY ON THE WESTSIDE OF US-1 FROM DEVELOPMENT OF REGIONAL IMPACT-MIXED USE (DRI-MU) TO INSTITUTIONAL	
<p>Background: The proposed comprehensive plan amendment is for a 6.1+/- acre parcel located approximately .50 mile north of Palm Coast Pkwy. on the westside of US-1. The proposed amendment will change the FLUM designation of the subject parcel from Development of Regional Impact –Mixed Use (DRI-MU) to Institutional.</p> <p>In addition to the FLUM amendment, there is a companion application to change the zoning of the parcel from Master Planned Development (MPD) to Public/Semipublic.</p> <p>The subject property was acquired by the City of Palm Coast in 2018 from a land swap with an adjacent owner. The property was previously analyzed as part of the Palm Coast Park Development of Regional Impact (DRI) and identified for residential use in the DRI Master Plan.</p> <p>An analysis of the proposed amendment’s impacts on public facilities and infrastructure indicates a reduction of impacts based on the maximum net development potential between the proposed and current Future Land Use Map (FLUM) designation.</p> <p>Additionally, the proposed amendment was reviewed for consistency with goals, objectives, and policies of the City’s Comprehensive Plan. The amendment was found consistent with the following comprehensive plan policies:</p> <ul style="list-style-type: none">• <i>Objective 1.1.4 - Promote compact and contiguous development, a mixture of land uses, and discourage urban sprawl</i>• <i>Policy 1.1.4.5 - Land use patterns will be required to be efficient and not disproportionately increase the cost of providing and maintaining public facilities, as well as providing housing and transportation strategies that will foster energy conservation.</i> <p>Consistent with Objective 1.1.4 and Policy 1.1.4.5, the subject parcel is contiguous to the developing areas of the City and does not promote urban sprawl. Utility lines (water and sewer) are available adjacent to the site and additionally, the proposed development on the parcel will appropriately occur on a parcel with access to a major arterial (US-1).</p> <p>Neighborhood Meeting A neighborhood meeting was held on December 17, 2018 to provide an opportunity for neighboring property owners to receive information about the project. There were no comments provided.</p> <p>Planning and Land Development Regulation Board Action</p>		

The Planning and Land Development Regulation Board held a public hearing on January 16, 2019 and recommended approval of the proposed amendment. There were no comments from the public.

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

ORDINANCE NO. 2019-____
PUBLIC WORKS SITE COMPREHENSIVE PLAN AMENDMENT

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM COAST, FLORIDA, PROVIDING FOR THE AMENDMENT OF THE CITY OF PALM COAST 2035 COMPREHENSIVE PLAN, AS PREVIOUSLY AMENDED, PURSUANT TO SECTION 163.3184, FLORIDA STATUTES; AMENDING THE FUTURE LAND USE MAP (FLUM) DESIGNATION FOR A 6.0+/- ACRE PARCEL OF LAND LOCATED .50 MILES NORTH OF PALM COAST PARKWAY AND WEST OF US-1 AS MORE PARTICULARLY DESCRIBED IN EXHIBIT “A”, FROM DEVELOPMENT OF REGIONAL IMPACT – MIXED USE TO INSTITUTIONAL PROVIDING FOR CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE

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

WHEREAS, this future land use amendment is a small scale amendment, and Section 163.3187, *Florida Statutes*, relates to the amendment of adopted local government comprehensive plans and sets forth certain requirements relating to small scale amendments, and this Future Land Use Map Amendment meets the defined criteria of a small scale amendment as defined by Section 163.3187(1), *Florida Statutes*; and

WHEREAS, the Palm Coast Planning and Land Development Regulation Board (PLDRB) considered findings and recommendation of staff, citizens, and all interested parties submitting written and oral comments regarding amending the Future Land Use Map (FLUM) for a 6+/- acre parcel of land identified as Flagler County Tax Parcel Identification Number 10-11-30-0000-01010-0011 described in Exhibit “A” from Future Land Use Map designation Development of Regional Impact – Mixed Use (DRI-MU) to Institutional at a public hearing on January 16, 2019; and

WHEREAS, the City Council of the City of Palm Coast held a duly noticed public hearing on the proposed amendment and considered findings and advice of staff, citizens, and all interested parties submitting written and oral comments and supporting data and analysis, and after complete deliberation, hereby approves and adopts the Comprehensive Plan Amendment; and

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

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

SECTION 1. LEGISLATIVE AND ADMINISTRATIVE FINDINGS.

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

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

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

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

SECTION 2. FUTURE LAND USE MAP AMENDED. The 6+/- acre parcel of land, identified as Flagler County Tax Parcel Identification Number 10-11-30-0000-01010-0011, generally located .50 miles north of Palm Coast Parkway on the westside of US-1, as legally described and shown in "Exhibit A", attached hereto, is hereby amended from the Future Land Use Map designation DRI-MU to Institutional.

SECTION 3. CODIFICATION/INSTRUCTIONS TO CODE CODIFIER.

Upon the effective date of the Comprehensive Plan Amendment adopted by this Ordinance, said Amendment shall be incorporated into the City of Palm Coast Comprehensive Plan and any section or paragraph number or letter and any heading may be changed or modified as necessary to effectuate the foregoing.

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

SECTION 5. EFFECTIVE DATE. This Ordinance shall become effective thirty-one (31) days after enactment by the City Council. If challenged under the controlling provisions of State law within thirty (30) days after enactment, this small scale development amendment shall not become effective until the State land planning agency (the Florida Department of Economic Opportunity) or the Administration Commission, respectively, issues a final order determining this small scale development amendment is in compliance.

APPROVED on first reading after due public notice and public hearing the 5th day of March 5, 2019.

ADOPTED on second reading after due public notice and public hearing the _____ day of _____ 2019.

ATTEST:

CITY OF PALM COAST, FLORIDA

Virginia A. Smith, City Clerk

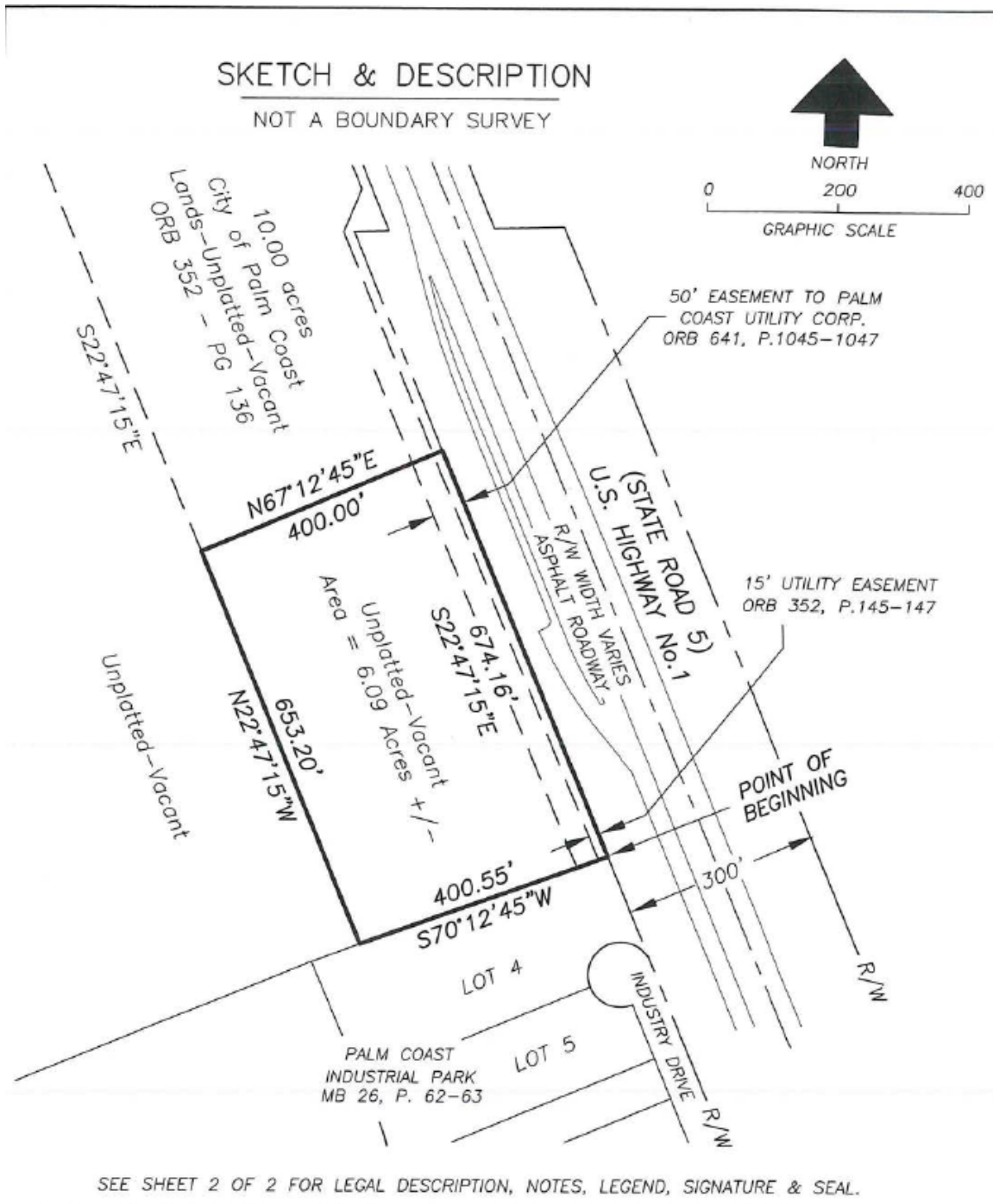
Milissa Holland, Mayor

Attachments:

Exhibit “A” – Legal Description of property subject to FLUM amendment.

Exhibit “B” – Revised FLUM.

EXHIBIT "A" LEGAL DESCRIPTION



**EXHIBIT "A" – cont'd.
LEGAL DESCRIPTION**

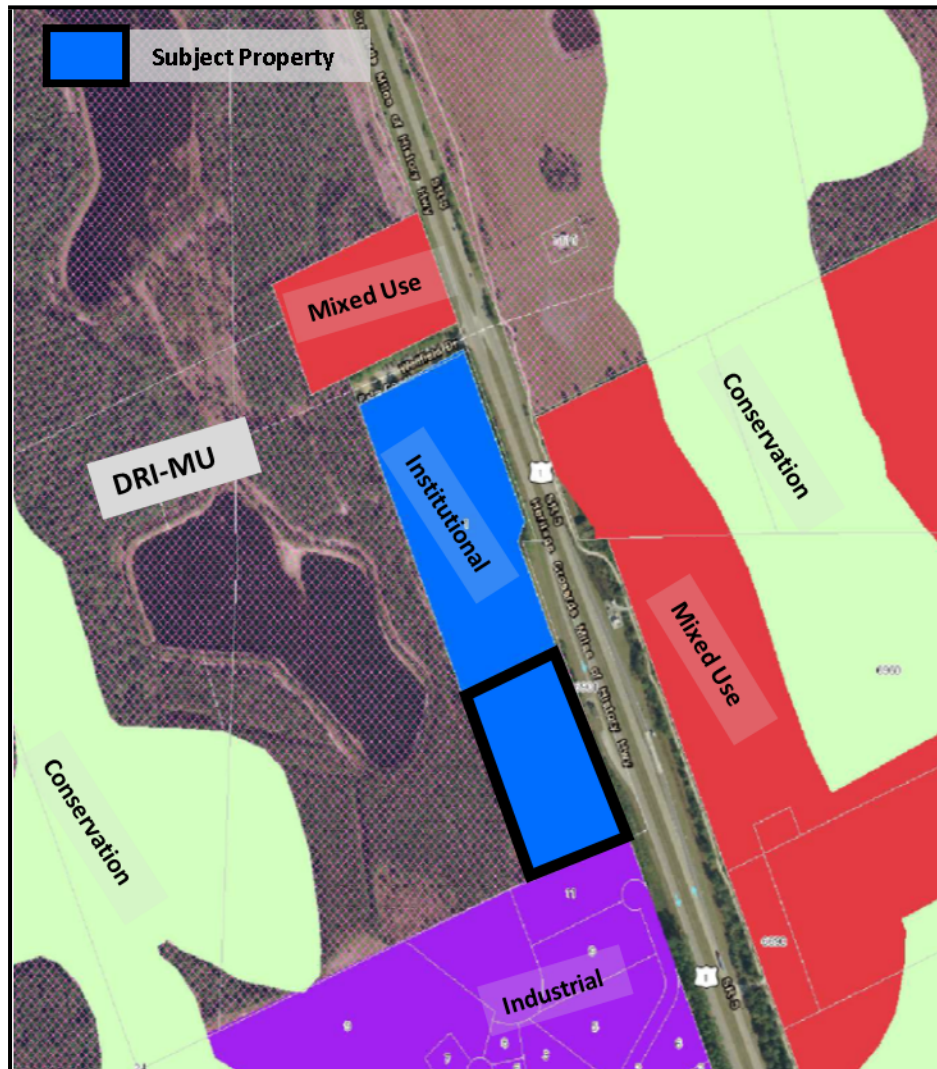
LEGAL DESCRIPTION

A PARCEL OF LAND LOCATED WEST OF U.S. HIGHWAY NO. 1 (STATE ROAD NO. 5) A VARIABLE WIDTH RIGHT-OF-WAY, IN GOVERNMENT SECTION 10, TOWNSHIP 11 SOUTH, RANGE 30 EAST, FLAGLER COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHERLY-MOST CORNER OF PALM COAST INDUSTRIAL PARK AS RECORDED IN MAP BOOK 26, PAGES 62-63 OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA, SAID POINT BEING LOCATED ON THE WESTERLY RIGHT-OF-WAY LINE OF SAID U.S. HIGHWAY NO. 1; THENCE DEPARTING SAID RIGHT-OF-WAY LINE ALONG THE NORTHERLY LINE OF SAID PALM COAST INDUSTRIAL PARK S70°12'45"W FOR A DISTANCE OF 400.55 FEET; THENCE DEPARTING SAID NORTHERLY LINE N22°47'15"W FOR A DISTANCE OF 653.20 FEET TO THE SOUTHERLY LINE OF CITY OF PALM COAST LANDS PER OFFICIAL RECORDS BOOK 352, PAGE 136 OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA; THENCE ALONG SAID SOUTHERLY LINE N67°12'45"E FOR A DISTANCE OF 400.00 FEET TO THE AFOREMENTIONED RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 1; THENCE DEPARTING SAID SOUTHERLY LINE, ALONG SAID RIGHT-OF-WAY LINE, S22°47'15"E FOR A DISTANCE OF 674.16 FEET TO THE AFOREMENTIONED POINT OF BEGINNING OF THIS DESCRIPTION.

THE ABOVE DESCRIBED PARCEL OF LAND CONTAINS 6.09 ACRES, MORE OR LESS.

EXHIBIT "B"
ORDINANCE No. 2019-_____



Location Map





**COMMUNITY DEVELOPMENT DEPARTMENT
CITY COUNCIL STAFF REPORT
February 6, 2019**

OVERVIEW

Application #: 3845

Applicant: City of Palm Coast

Property Description:

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

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

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

Project Planner: José Papa, AICP, Senior Planner

ANALYSIS

Background

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

Neighborhood Meeting

A neighborhood meeting was held on December 17, 2018 to provide an opportunity for neighboring property owners to receive information about the project. There were no comments provided.

Planning and Land Development Regulation Board Action

The Planning and Land Development Regulation Board held a public hearing on January 16, 2019 and recommended approval of the proposed amendment. There were no comments from the public.

DENSITY/INTENSITY AND POPULATION

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

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

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

PUBLIC FACILITIES AVAILABILITY/IMPACT ANALYSIS (MAXIMUM DEVELOPMENT POTENTIAL)

Objective 1.1.3-Evaluation of Amendments to the FLUM

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

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

- A. *Existing and future capacity of roadways based on functional classifications and best available data for traffic modeling. For the purposes of evaluating capacity, roadway improvements programmed in the FDOT 5-year Work Plan or listed in either the City of the County 5-year Capital Improvement Program shall be considered.*
- B. *Large-scale, high-intensity commercial projects shall be concentrated at intersections of the following arterials...*

- C. Existing and future availability and capacity of central utility systems.
- D. Availability and capacity of receiving watercourses and drainage systems to convey design storm events.

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

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

Table 2 Public Facilities Impact Analysis

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

Footnotes:

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

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

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

⁽²⁾ Transportation: Non-residential PM Peak Hour Trips (PHT), DRI-Mixed Use = ITE Code 820: Shopping Center = 3.96/1000 sq. ft. based on equation in ITE Manual, 9th Edition

⁽²⁾ Transportation: Non-residential PM Peak Hour Trips (PHT), Institutional Use = ITE Code 770: Business Park = 1.29/1000 sq. ft. based on average rate in ITETrip

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

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

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

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

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

⁽⁵⁾ Solid Waste: No Level of Service Requirement for Non-residential

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

⁽⁶⁾ Recreation and Parks = No LOS Requirement for Non-residential

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

⁽⁷⁾ Public Education Non-Residential = No LOS Requirement for Non-residential

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

Public Facilities Impact Analysis

Transportation

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

Potable Water

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

Wastewater

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

Solid Waste

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

Public Recreation and Open Space

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

Public Schools

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

Stormwater

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

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

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

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

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

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

Wetlands: See attached preliminary assessment.

A. TOPOGRAPHY AND SOIL CONDITIONS

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

B. FLOODPLAIN

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

C. VEGETATIVE COMMUNITIES

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

D. PROTECTED SPECIES DISTRIBUTION/ WILDLIFE UTILIZATION

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

E. ENVIRONMENTAL SENSITIVE FEATURES

The site includes two pockets of medium quality wetlands.

F. GROUNDWATER RESOURCE PROTECTION

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

G. HISTORICAL RESOURCES

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

LAND USE COMPATIBILITY ANALYSIS

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

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

Surrounding Future Land Use Map Designation:

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

Surrounding Zoning Designation:

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

Surrounding Property Existing Uses:

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

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

CONSISTENCY WITH COMPREHENSIVE PLAN

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

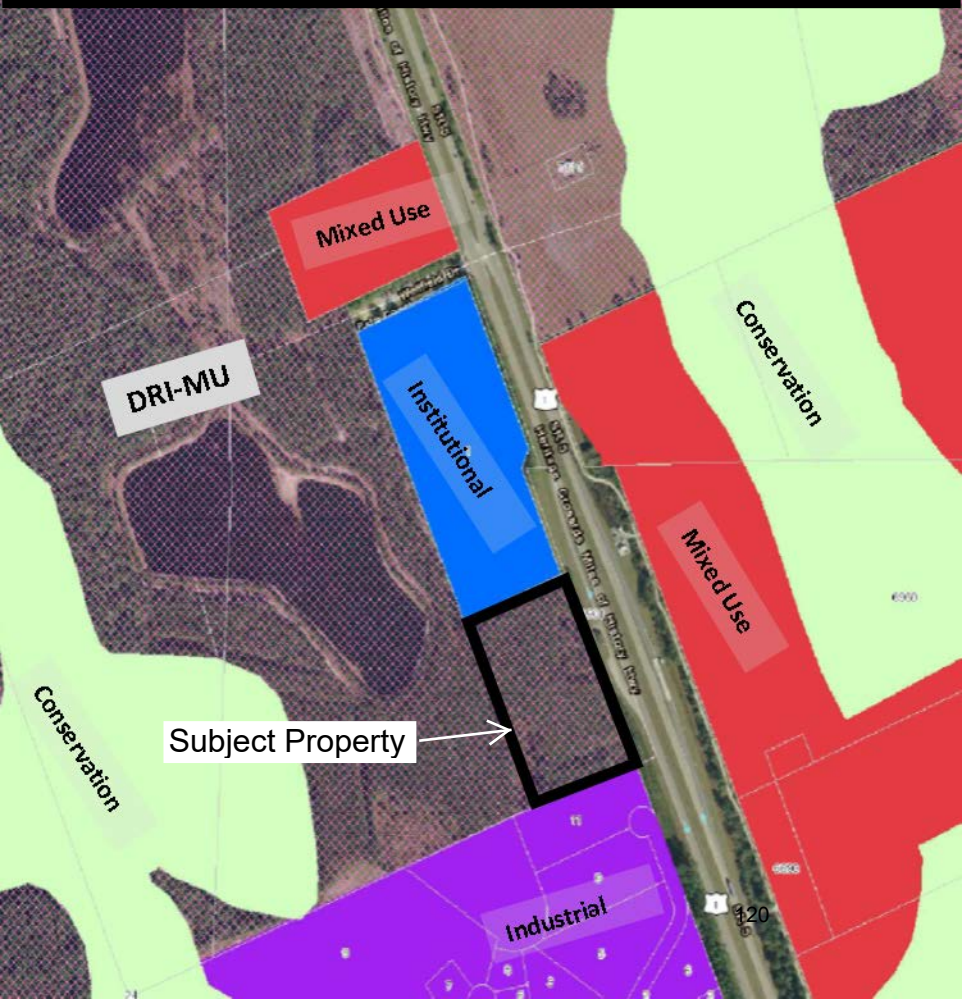
- *Objective 1.1.4 - Promote compact and contiguous development, a mixture of land uses, and discourage urban sprawl*
- *Policy 1.1.4.5 - Land use patterns will be required to be efficient and not disproportionately increase the cost of providing and maintaining public facilities, as well as providing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

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

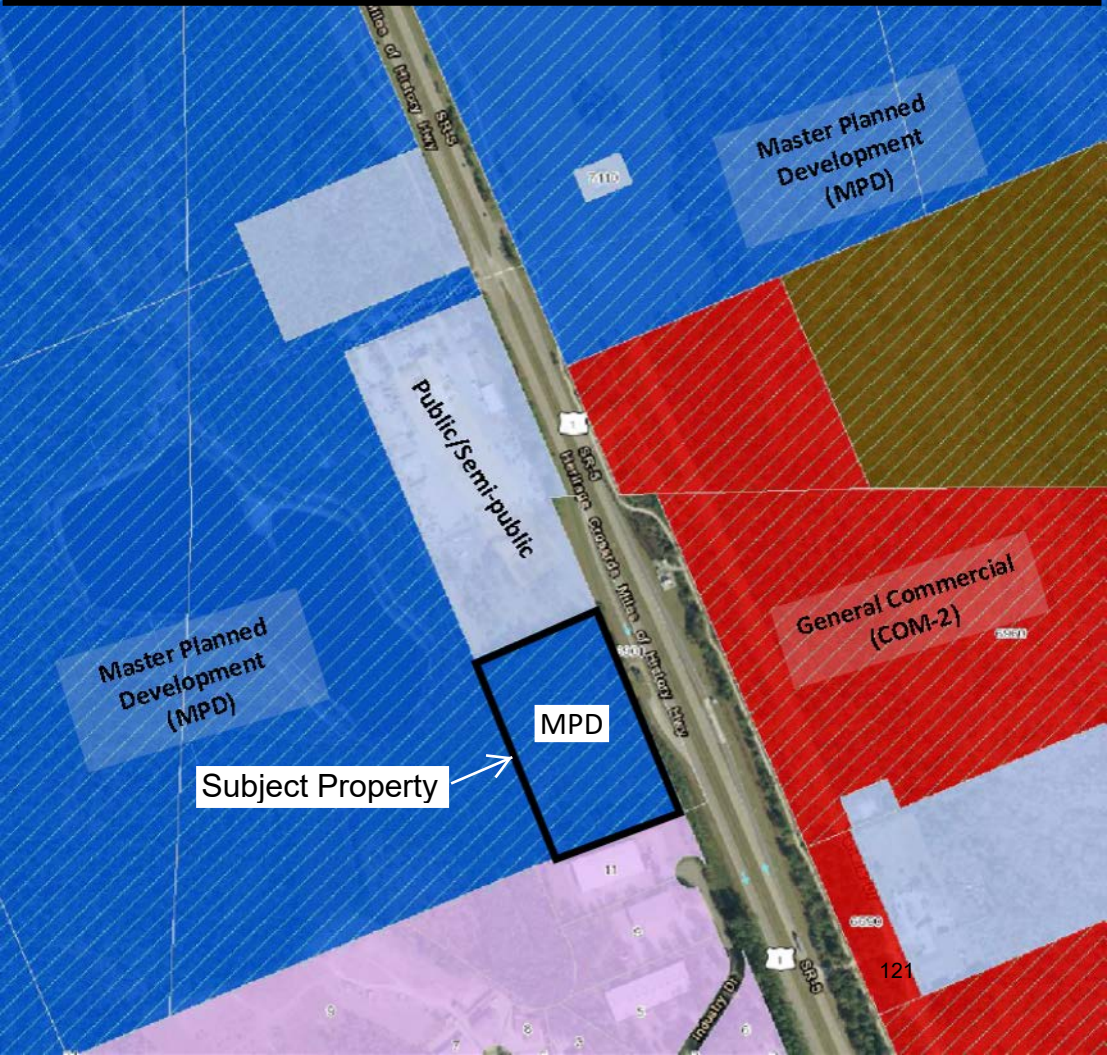
RECOMMENDATION

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

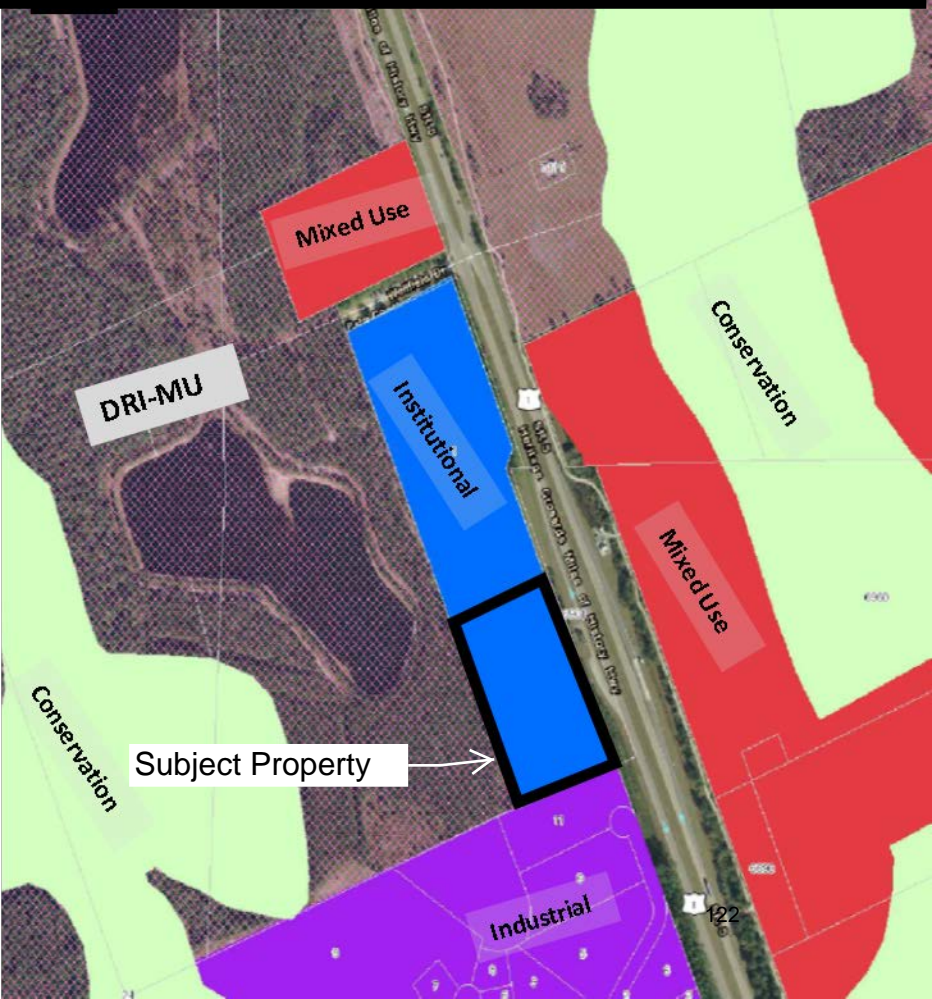
Current Future Land Use Map



Current Zoning Map



Proposed Future Land Use Map



City of Palm Coast, Florida

Agenda Item

Agenda Date: 03/05/2019

Department	PLANNING	Amount
Item Key	6074	Account
		#
Subject	ORDINANCE 2019-XX ZONING MAP AMENDMENT FROM MASTER PLANNED DEVELOPMENT (MPD) TO PUBLIC/SEMIPUBLIC (PSP) FOR A 6+/- ACRE PARCEL LOCATED .50 MILES NORTH OF PALM COAST PARKWAY ON THE WESTSIDE OF US-1	
Background:	<p>The proposed rezoning of the subject property is a companion application to a proposed Future Land Use Map amendment for the subject property. The subject property is 6 ± acres and generally located .50 miles north of Palm Coast Pkwy. on the westside of US-1. The proposed rezoning will amend the zoning designation for the subject property from Master Planned Development (MPD) to Public/Semipublic (PSP).</p> <p>The intent of the proposed rezoning is to eventually accommodate the proposed expansion of the City of Palm Coast Public Works facility.</p> <p>Staff analyzed the proposed rezoning based on the criteria established in the City of Palm Coast Land Development Code. In summary, staff makes the following findings:</p> <ul style="list-style-type: none">- the proposed rezoning is consistent with the Comprehensive Plan,- the proposed rezoning does not negatively impact the existing public facilities, and- the proposed rezoning is consistent with the surrounding land uses and is in an area appropriate for expansion of non-residential uses and does not cause a nuisance or threat to the general welfare and safety of the public. <p>Neighborhood Meeting</p> <p>A neighborhood meeting was held on December 17, 2018 to provide an opportunity for neighboring property owners to receive information about the project. There were no comments provided.</p> <p>Planning and Land Development Regulation Board Action</p> <p>The Planning and Land Development Regulation Board held a public hearing on January 16, 2019 and recommended approval of the proposed amendment. There were no comments from the public.</p> <p>Recommended Action: Planning Staff and the Planning and Land Development Regulation Board (PLDRB) recommend that the City Council approve application number 3844 to rezone 6+/- acres from Master Planned Development (MPD) to Public/Semipublic (PSP).</p>	

ORDINANCE 2019-____
PUBLIC WORKS SITE REZONING

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM COAST, FLORIDA, PROVIDING FOR THE AMENDMENT OF THE OFFICIAL ZONING MAP AS ESTABLISHED IN SECTION 2.06 OF THE CITY OF PALM COAST UNIFIED LAND DEVELOPMENT CODE; AMENDING THE OFFICIAL ZONING MAP FOR 6.0± ACRES OF CERTAIN REAL PROPERTY GENERALLY LOCATED APPROXIMATELY .50 MILES NORTH OF PALM COAST PKWY. ON THE WESTSIDE OF US-1, BEING MORE PARTICULARLY DESCRIBED IN THE ATTACHED EXHIBIT A, FROM MASTER PLANNED DEVELOPMENT(MPD) TO PUBLIC/SEMIPUBLIC (PSP) ZONING DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

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

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

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

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

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

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

Ordinance 2019-____
Page 1 of 5

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

SECTION 2. Official Zoning Map Amended. The 6.0 ± acres of land, located approximately .50 miles north of Palm Coast Pkwy. on the westside of US-1, as depicted and legally described in “Exhibit A”, attached hereto, is hereby amended from Master Planned Development (MPD) to Public/Semipublic (PSP) zoning district.

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

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

SECTION 5. Effective Date. This Ordinance shall become effective immediately upon the effective date of Ordinance No. 2019-XX as adopted by the City Council of the City of Palm Coast, Florida, and pursuant to the City Charter. If Ordinance No. 2019-XX does not become effective, then this Ordinance shall become null and void.

Approved on first reading this 5th day of March 2019.

Adopted on the second reading after due public notice and hearing City of Palm Coast this ____ day of _____ 2019.

CITY OF PALM COAST, FLORIDA

ATTEST:

MILISSA HOLLAND, MAYOR

VIRGINIA SMITH, CITY CLERK

Approved as to form and legality

William E. Reischmann, Jr. Esq.

EXHIBIT "A"
SUBJECT PROPERTY LEGAL DESCRIPTION

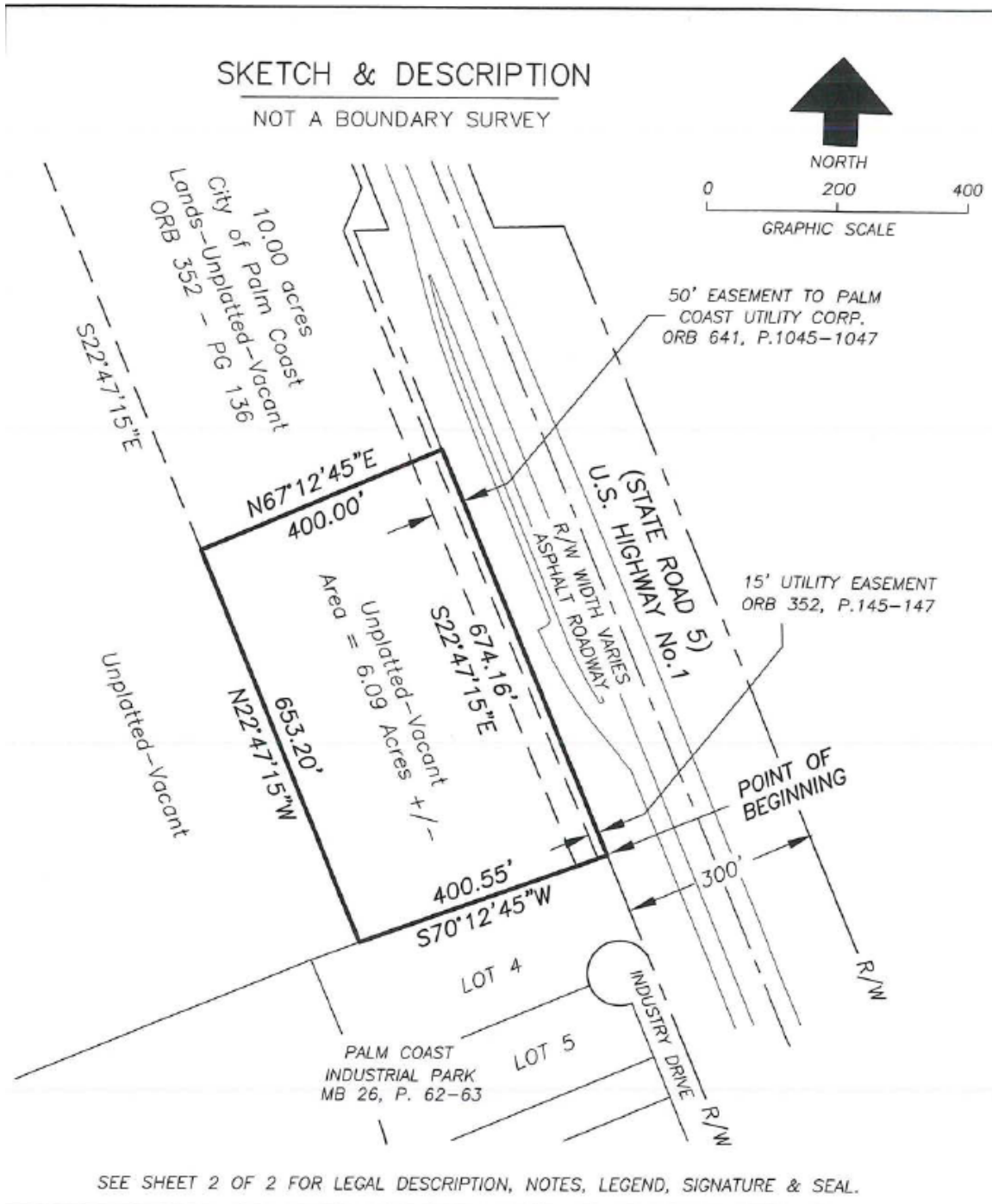


EXHIBIT "A" – cont'd.
LEGAL DESCRIPTION

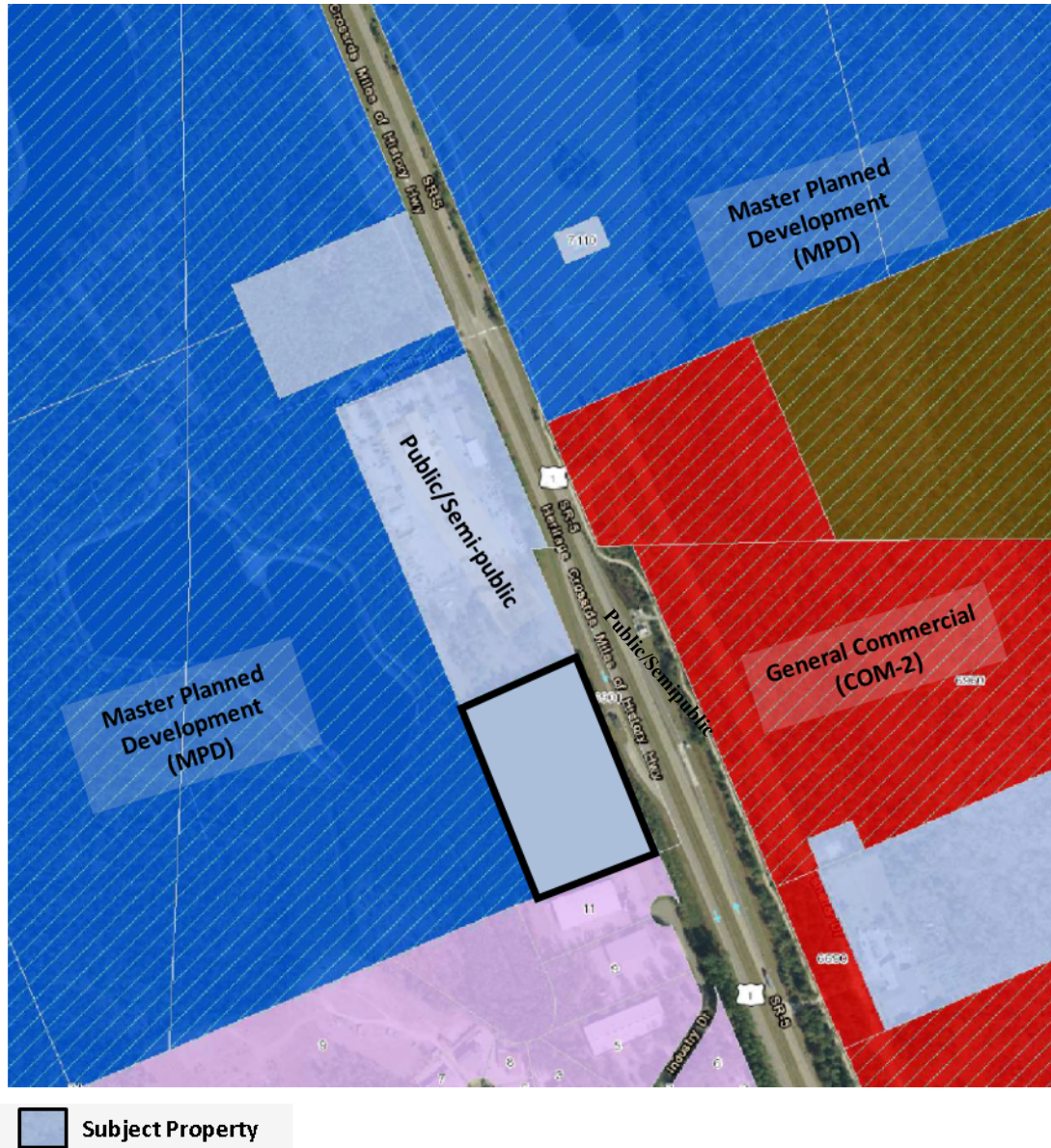
LEGAL DESCRIPTION

A PARCEL OF LAND LOCATED WEST OF U.S. HIGHWAY NO. 1 (STATE ROAD NO. 5) A VARIABLE WIDTH RIGHT-OF-WAY, IN GOVERNMENT SECTION 10, TOWNSHIP 11 SOUTH, RANGE 30 EAST, FLAGLER COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHERLY-MOST CORNER OF PALM COAST INDUSTRIAL PARK AS RECORDED IN MAP BOOK 26, PAGES 62-63 OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA, SAID POINT BEING LOCATED ON THE WESTERLY RIGHT-OF-WAY LINE OF SAID U.S. HIGHWAY NO. 1; THENCE DEPARTING SAID RIGHT-OF-WAY LINE ALONG THE NORTHERLY LINE OF SAID PALM COAST INDUSTRIAL PARK S70°12'45"W FOR A DISTANCE OF 400.55 FEET; THENCE DEPARTING SAID NORTHERLY LINE N22°47'15"W FOR A DISTANCE OF 653.20 FEET TO THE SOUTHERLY LINE OF CITY OF PALM COAST LANDS PER OFFICIAL RECORDS BOOK 352, PAGE 136 OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA; THENCE ALONG SAID SOUTHERLY LINE N67°12'45"E FOR A DISTANCE OF 400.00 FEET TO THE AFOREMENTIONED RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 1; THENCE DEPARTING SAID SOUTHERLY LINE, ALONG SAID RIGHT-OF-WAY LINE, S22°47'15"E FOR A DISTANCE OF 674.16 FEET TO THE AFOREMENTIONED POINT OF BEGINNING OF THIS DESCRIPTION.

THE ABOVE DESCRIBED PARCEL OF LAND CONTAINS 6.09 ACRES, MORE OR LESS.

EXHIBIT “B”
Revised Official Zoning Map





**COMMUNITY DEVELOPMENT DEPARTMENT
CITY COUNCIL STAFF REPORT
February 6, 2019**

OVERVIEW

Application Number: 3844

Applicant: City of Palm Coast

Property Description:

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

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

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

ANALYSIS

REQUESTED ACTION

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

BACKGROUND/SITE HISTORY

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

Planning and Land Development Regulation Board Meeting

The Planning and Land Development Regulation Board held a public hearing on January 16, 2019 and recommended approval of the proposed amendment. There were no comments from the public.

LAND USE AND ZONING INFORMATION

USE SUMMARY TABLE:

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

SURROUNDING LAND USES:

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

SITE DEVELOPMENT REQUIREMENTS
Proposed in Comparison to Existing

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

ANALYSIS BASED ON UNIFIED LAND DEVELOPMENT CODE CHAPTER 2 SECTION 2.05.05

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

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

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

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

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

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

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

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

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

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

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

Staff Finding: The rezoning will not create an unreasonable hazard, or nuisance, or constitute a threat to the general health, welfare, or safety of the City's inhabitants. Future development of the site must comply with the development standards contained in the LDC (setbacks, landscape buffers, etc.).

Additionally, the approval of the rezoning will provide an opportunity to expand the public works facility in a location adjacent to US-1 and the Hargrove Grade Industrial Park.

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

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

ANALYSIS BASED ON UNIFIED LAND DEVELOPMENT CODE CHAPTER 2 SECTION 2.06.03

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

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

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

B. Its impact upon the environment and natural resources;

Staff Finding: The subject parcel was analyzed as part of the Palm Coast Park DRI application and was identified as appropriate for development. There were no significant environmental or natural resources identified on the site (high quality wetlands rookeries, archaeological sites, etc.). At the time of development, a further review of the natural and environmental resources will be prepared for the site.

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

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

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

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

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

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

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

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

G. Whether it accomplishes a legitimate public purpose:

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

PUBLIC PARTICIPATION

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

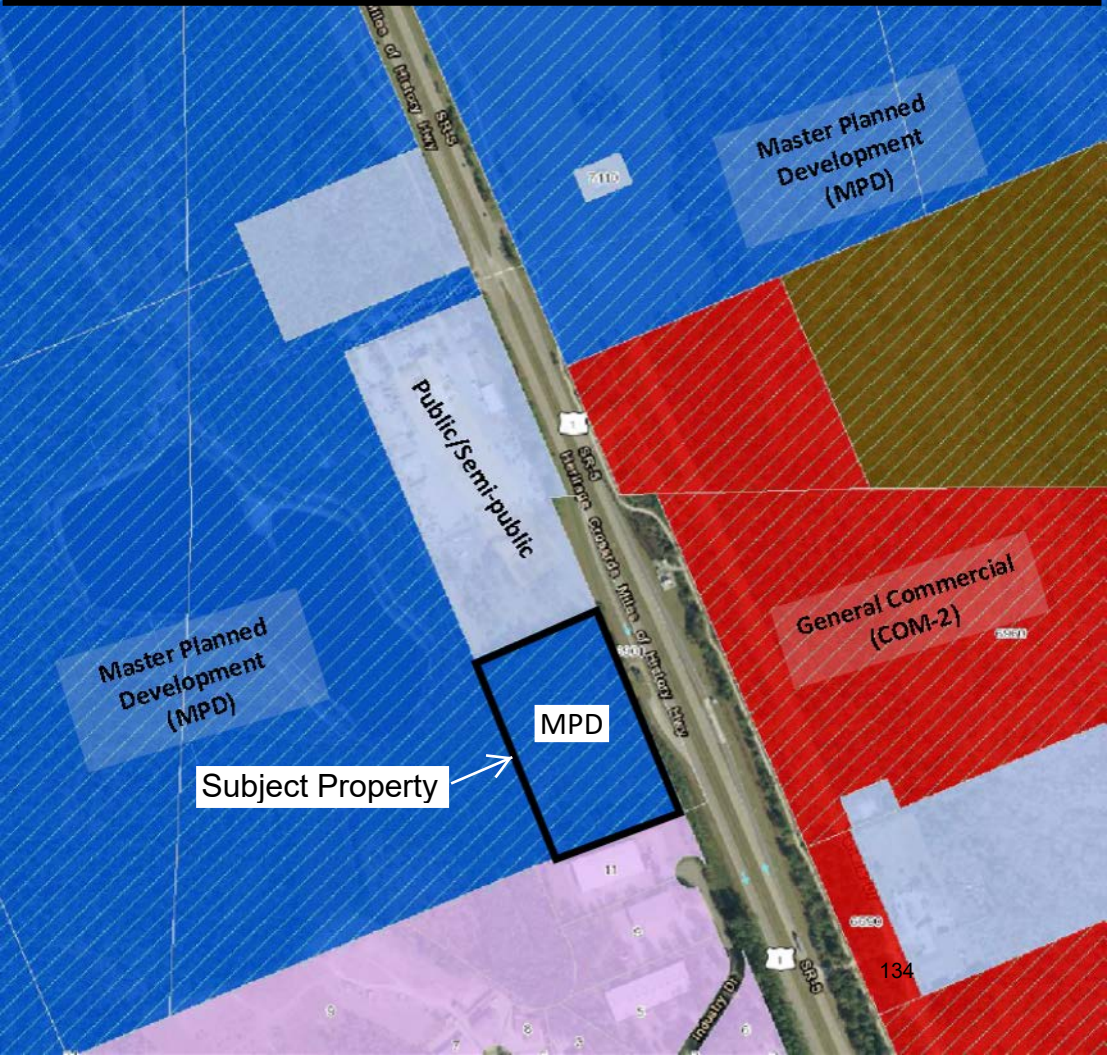
Neighborhood Meeting

A neighborhood meeting was held on December 17, 2018 to provide an opportunity for neighboring property owners to receive information about the project. There were no comments provided.

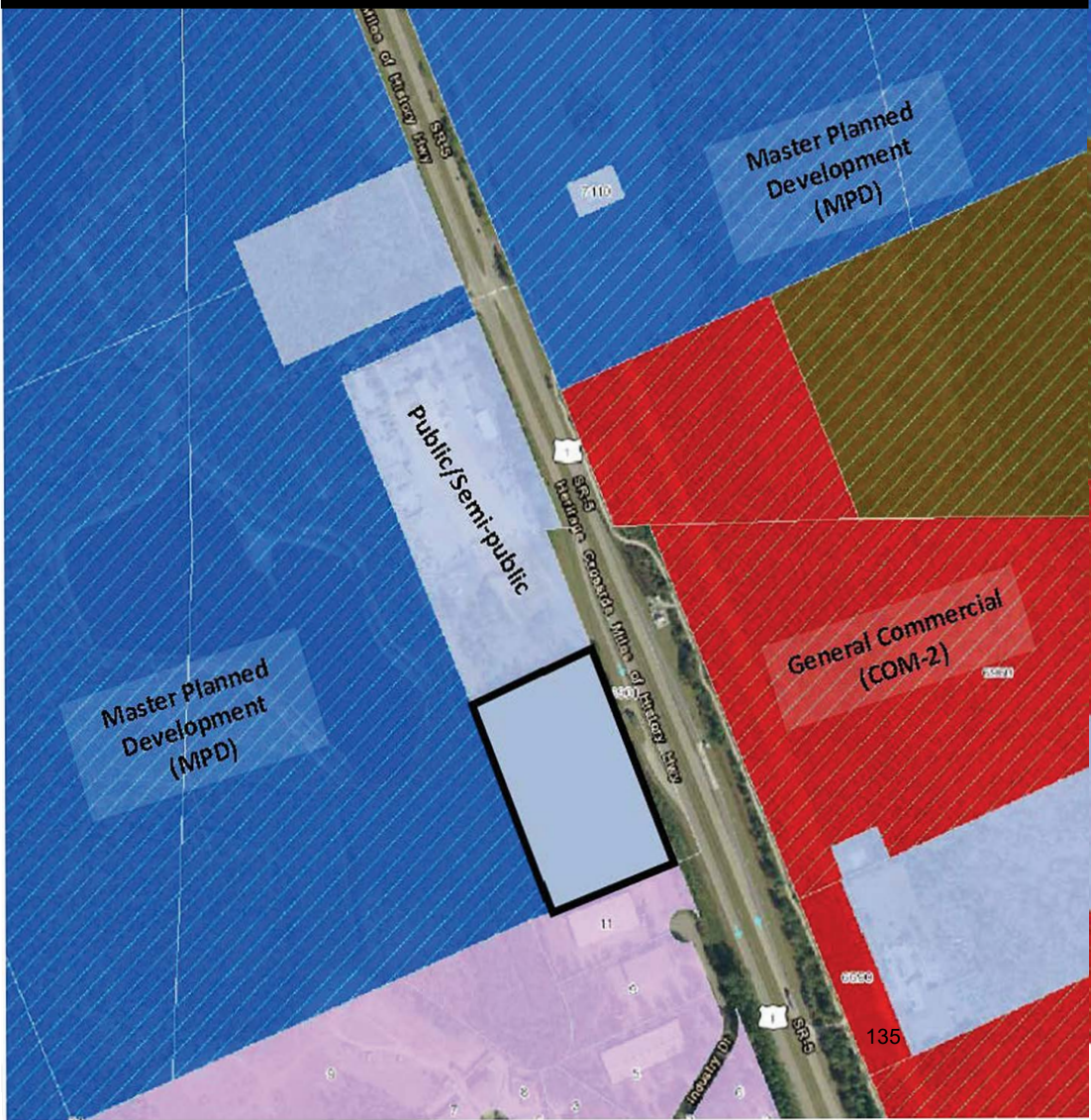
RECOMMENDATION

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

Current Zoning Map



Proposed Zoning Map



City of Palm Coast, Florida

Agenda Item

Agenda Date: 03/05/2019

Department	PLANNING	Amount
Item Key	6075	Account
		#
Subject	ORDINANCE 2019-XX ZONING MAP AMENDMENT FROM PUBLIC/SEMIPUBLIC (PSP) TO GENERAL COMMERCIAL (COM-2) FOR A 5+/- ACRE PARCEL LOCATED NORTH OF WELLFIELD GRADE AND WEST OF US-1	
Background:	The subject property is 5 ± acres and generally located north of Wellfield Grade and west of US-1. The proposed rezoning will amend the zoning designation of the subject property from Public/Semipublic (PSP) to General Commercial (COM-2).	
Staff analyzed the proposed rezoning based on the criteria established in the City of Palm Coast Land Development Code. In summary, staff makes the following findings:	<ul style="list-style-type: none">- the proposed rezoning is consistent with the Comprehensive Plan,- the proposed rezoning does not negatively impact the existing public facilities, and- the proposed rezoning is consistent with the surrounding land uses and is in an area appropriate for expansion of commercial/industrial uses and does not cause a nuisance or threat to the general welfare and safety of the public.	
Neighborhood Meeting	A neighborhood meeting was held on December 17, 2018 to provide an opportunity for neighboring property owners to receive information about the project. There were no comments provided.	
Planning and Land Development Regulation Board Action	The Planning and Land Development Regulation Board held a public hearing on January 16, 2019 and recommended approval of the proposed amendment. There were no comments from the public.	
Recommended Action:	Planning Staff and the Planning and Land Development Regulation Board (PLDRB) recommend that City Council, approve application number 3842 to rezone 5+/- acres from Public/Semipublic to General Commercial (COM-2).	

ORDINANCE 2019-____
REZONING APPLICATION NO. 3842
US-1/WELLFIELD GRADE

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM COAST, FLORIDA, PROVIDING FOR THE AMENDMENT OF THE OFFICIAL ZONING MAP AS ESTABLISHED IN SECTION 2.06 OF THE CITY OF PALM COAST UNIFIED LAND DEVELOPMENT CODE; AMENDING THE OFFICIAL ZONING MAP FOR 5.3± ACRES OF CERTAIN REAL PROPERTY GENERALLY LOCATED NORTH OF WELLFIELD GRADE AND WEST OF US-1 BEING MORE PARTICULARLY DESCRIBED IN THE ATTACHED EXHIBIT A, FROM PUBLIC/SEMI-PUBLIC (PSP) TO GENERAL COMMERCIAL (COM-2) ZONING DISTRICT; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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

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

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

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

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

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

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

SECTION 2. Official Zoning Map Amended. The 5.3 ± acres of land, located north of Wellfield Grade and west of US-1, as depicted and legally described in “Exhibit A” and attached hereto, is hereby amended from the Public/Semi-public (PSP) to General Commercial (COM-2) zoning district.

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

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

SECTION 6. Effective Date. This Ordinance shall become effective immediately upon adoption by the City Council of the City of Palm Coast, Florida, and pursuant to the City Charter.

Approved on first reading this 5th day of March 2019.

Adopted on the second reading after due public notice and hearing City of Palm Coast this ____ day of _____ 2019.

CITY OF PALM COAST, FLORIDA

ATTEST:

MILISSA HOLLAND, MAYOR

VIRGINIA SMITH, CITY CLERK

Approved as to form and legality:

William E. Reischmann, Jr. Esq.

Ordinance 2019-_____
Page 2 of 4

EXHIBIT "A"
LEGAL DESCRIPTION

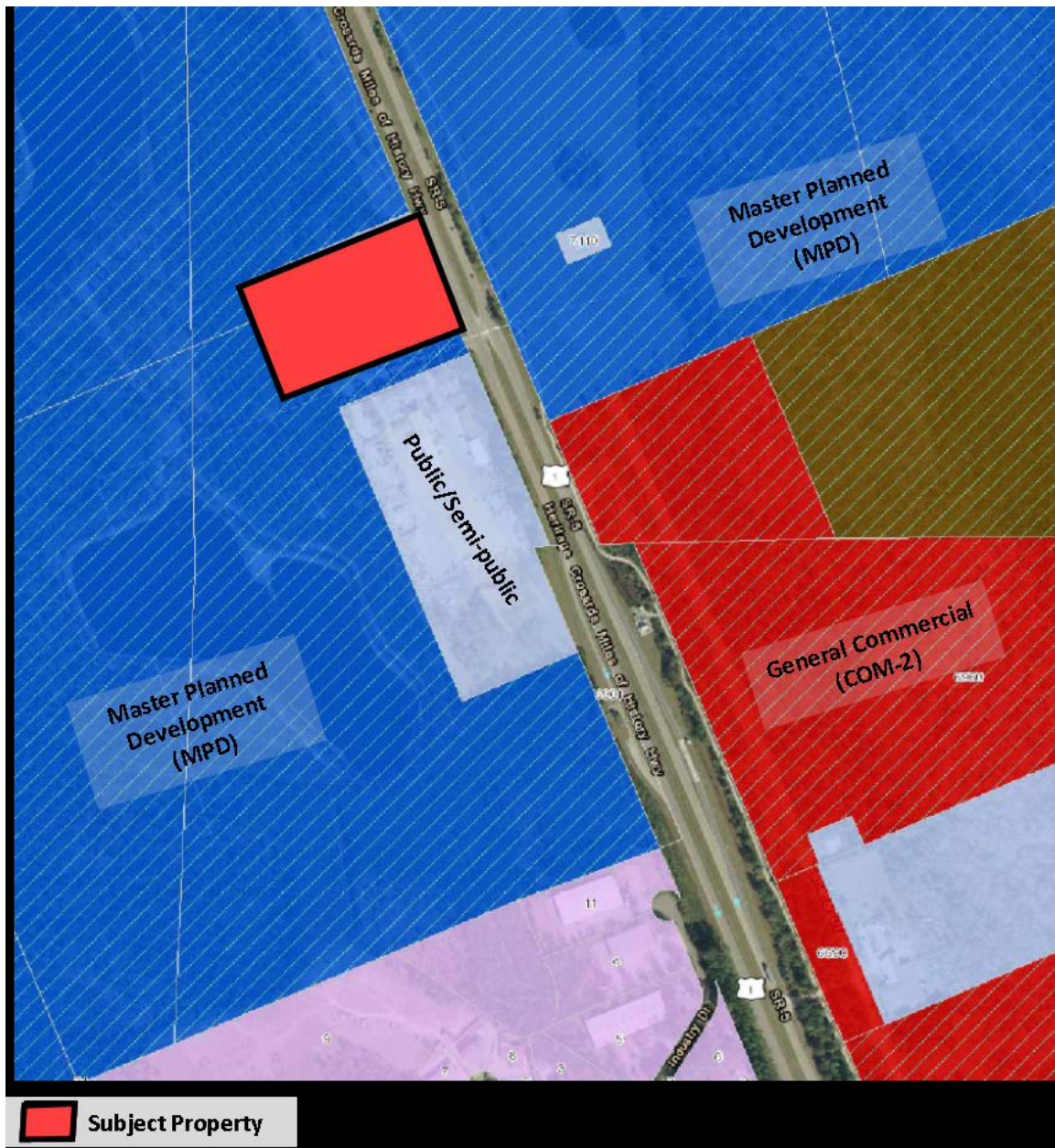
DESCRIPTION:

A parcel of land lying West of U.S. Highway No. 1 within Government Section 10, Township 11 South, Range 30 East, Flagler County, Florida, being more particularly described as follows:

A POINT OF REFERENCE being the West Quarter (1/4) Corner of Section 10, Township 11 South, Range 30 East, thence North 88°33'54" East along the South line of the Northwest Quarter (1/4) of said Section 10 a distance of 648.60 feet to a point on the West boundary line of the Flagler County Maintenance Yard lands recorded in Official Records Book 352, Pages 134 through 136, thence North 22°47'15" West along said maintenance yard lands a distance of 587.93 feet to the POINT OF BEGINNING of this description, thence South 67°12'45" West a distance of 150.00 feet, thence North 22°47'15" West a distance of 385.00 feet, thence North 67°12'45" East a distance of 600.00 feet to a point on the westerly right-of-way line of U.S. Highway No. 1 (150'R/W), thence South 22°47'15" East along said right-of-way a distance of 385.00 feet to a point being the northeast corner of an existing ingress and egress easement as recorded in Official Records Book 352, Pages 133 through 135, thence South 67°12'45" West along the northerly line of said easement a distance of 450.00 feet to the POINT OF BEGINNING. Parcel containing 5.3030 acres more or less.

EXHIBIT “B”

Revised Official Zoning Map





**COMMUNITY DEVELOPMENT DEPARTMENT
CITY COUNCIL
Zoning Map Amendment Staff Report
February 6, 2019**

OVERVIEW

Application Number: 3842

Applicant: City of Palm Coast

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

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

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

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

ANALYSIS

REQUESTED ACTION

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

BACKGROUND/SITE HISTORY

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

Planning and Land Development Regulation Board Meeting

The Planning and Land Development Regulation Board held a public hearing on January 16, 2019 and recommended approval of the proposed amendment. There were no comments from the public.

LAND USE AND ZONING INFORMATION

USE SUMMARY TABLE:

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

SURROUNDING LAND USES:

NORTH: FLUM: DRI-Mixed Use (Palm Coast Park)
 Zoning: Master Planned Development
 Use: Vacant – Residential (Future)

SOUTH: FLUM: Institutional
 Zoning: Public/Semi-Public
 Use: Public Works Facility

EAST (US-1): FLUM: DRI-Mixed Use (Palm Coast Park)
 Zoning: Master Planned Development
 Use: Vacant

WEST: FLUM: DRI-Mixed Use (Palm Coast Park)
 Zoning: Master Planned Development
 Use: Vacant – Residential (Future)

SITE DEVELOPMENT REQUIREMENTS
Proposed in Comparison to Existing

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

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

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

Staff Finding: The proposed rezoning of the subject property is not in conflict with, or contrary to, the public interest. The subject site is abutted to the north and to the west by land with potential residential uses in the future. The property to the south is the existing City of Palm Coast Public Works Facility. A zoning of General Commercial (COM-2) provides an appropriate transition from the activities at the public works facility to the future residential uses to the north and west. The non-residential uses allowed in COM-2 provides an opportunity to develop services (retail or office) to serve the future residential uses in the adjacent area. Additionally, the site is located at the corner of US-1 and Wellfield Grade which will likely become a more heavily travelled roadway as the areas along US-1 are developed.

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

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

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

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

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

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

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

Staff Finding: The rezoning will not create an unreasonable hazard, or nuisance, or constitute a threat to the general health, welfare, or safety of the City's inhabitants. Future development of the site must comply with the performance standards contained in Unified Land Development Code (ULDC). Additionally, the approval of the rezoning will provide an opportunity to expand the commercial services along a segment of US-1, which is already designated for non-residential uses.

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

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

ANALYSIS BASED ON UNIFIED LAND DEVELOPMENT CODE CHAPTER 2 SECTION 2.06.03

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

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

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

B. Its impact upon the environment and natural resources;

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

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

Staff Finding: Impacts to the economy of the affected area are anticipated to be positive. The proposed rezoning will expand the area available for commercial along this segment of US-1. This commercial area will also serve the eventual residential development in the surrounding area.

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

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

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

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

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

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

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

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

PUBLIC PARTICIPATION

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

A neighborhood meeting was held on December 17, 2018 to provide an opportunity for neighboring property owners to receive information about the project. There were no comments provided.

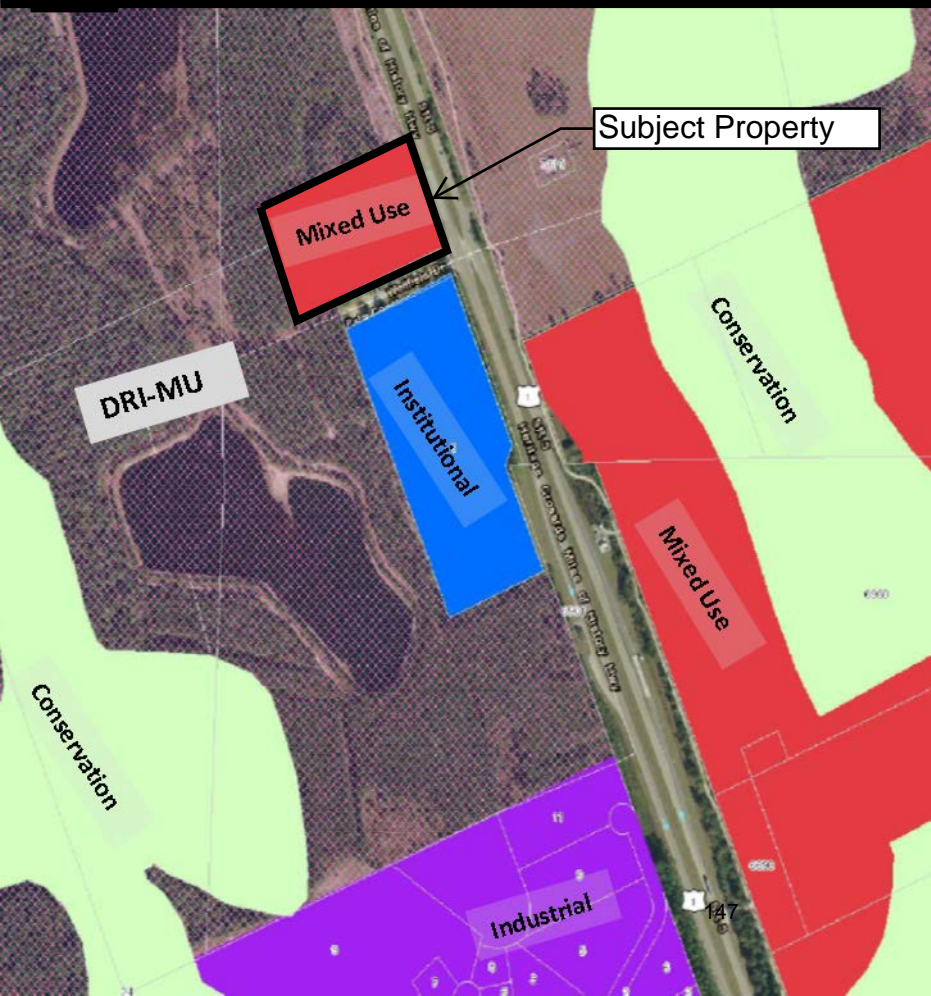
RECOMMENDATION

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

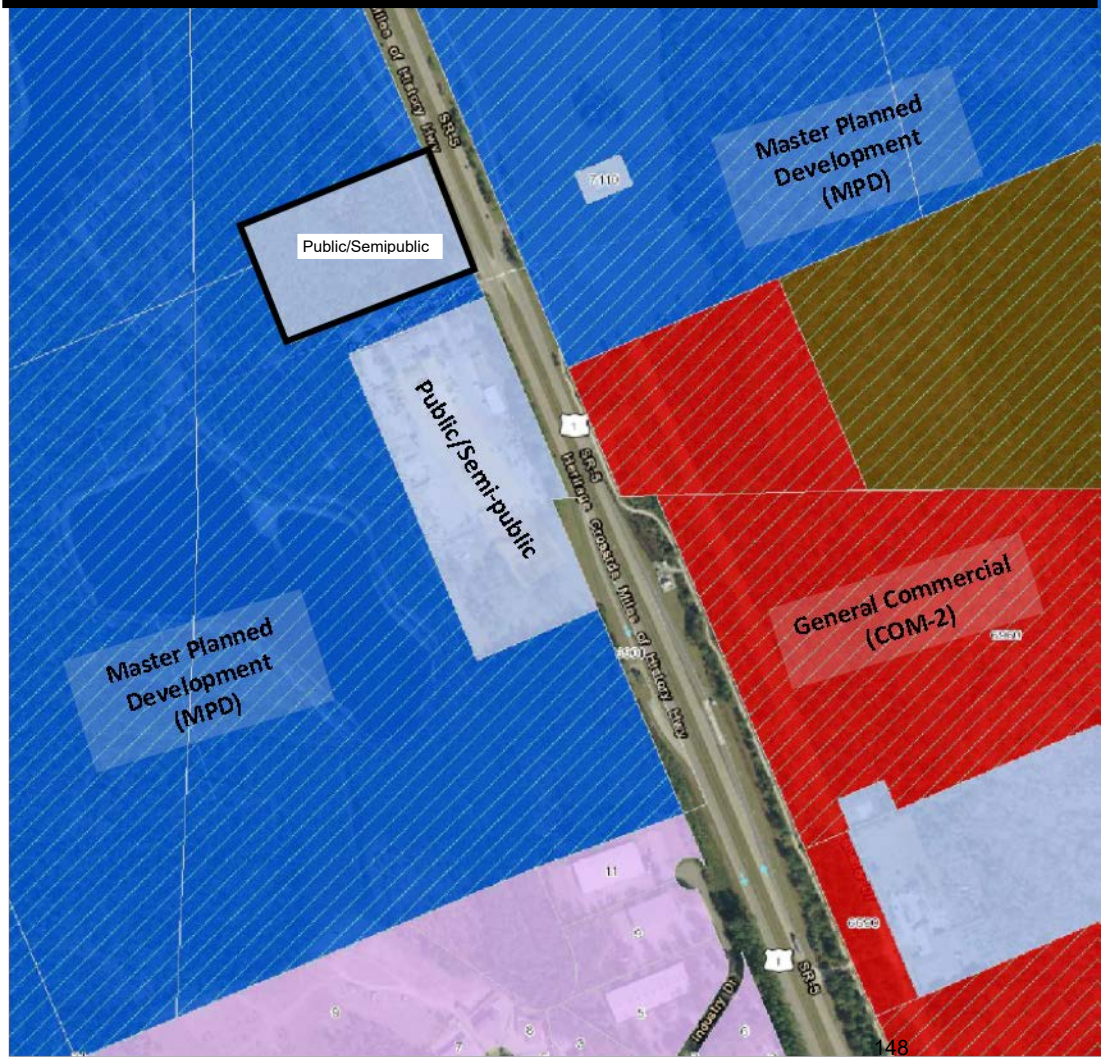
Location Map



Current Future Land Use Map



Current Zoning Map



 Subject Property

Proposed Zoning Map



Subject Property

City of Palm Coast, Florida

Agenda Item

Agenda Date : 03/05/2019

Department	PLANNING	Amount
Item Key	6072	Account
		#
Subject	RESOLUTION 2019-XX APPROVING AN AMENDMENT TO THE PALM COAST PARK DEVELOPMENT OF REGIONAL IMPACT DEVELOPMENT ORDER TO DELETE AN APPROXIMATE SIX (6) ACRE PARCEL FROM THE BOUNDARIES OF THE DRI	
Background: Palm Coast Park Development of Regional Impact (DRI) is a 4,677+/- acre Development of Regional Impact originally approved in Dec. 2004. The DRI is approved for 4,960 dwelling units and over 3 million sq. ft. of non-residential uses. This proposed amendment will remove an approximate 6.1 acre parcel from the DRI boundaries. The 6.1 acre parcel is proposed to be part of the public works facility expansion. There are companion applications for both a Future Land Use Map (FLUM) amendment and zoning map amendment for the subject property. The proposed DRI amendment will not alter or affect other conditions of the DRI-DO. Neighborhood Meeting A neighborhood meeting was held on December 17, 2018 to provide an opportunity for neighboring property owners to receive information about the project. There were no comments provided. Planning and Land Development Regulation Board Action The Planning and Land Development Regulation Board held a public hearing on January 16, 2019 and recommended approval of the proposed amendment. There were no comments from the public. Recommended Action: Staff and the Planning and Land Development Regulation Board (PLDRB) recommend that City Council approve the proposed amendment to the Palm Coast Park Development of Regional Impact Development Order.		

RESOLUTION 2019-_____
SIXTH AMENDMENT TO THE PALM COAST PARK
DEVELOPMENT OF REGIONAL IMPACT DEVELOPMENT ORDER

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

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

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

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

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

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

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

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

WHEREAS, on March 5, 2019 the City Council authorized the Mayor to execute the Sixth amendment to the Palm Coast Park DRI DO, which deletes an approximately 6 acre parcel from the DRI, and authorized the City Manager, or designee, to take other implementing actions relative to the implementation of this Resolution.

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

SECTION 1. FINDINGS OF THE CITY COUNCIL.

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

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

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

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

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

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

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

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

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

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

DULY PASSED AND ADOPTED by the City Council of the City of Palm Coast, Florida, on this the 5th day of March 2019.

CITY OF PALM COAST, FLORIDA

ATTEST:

MILISSA HOLLAND, MAYOR

VIRGINIA A.SMITH , CITY CLERK

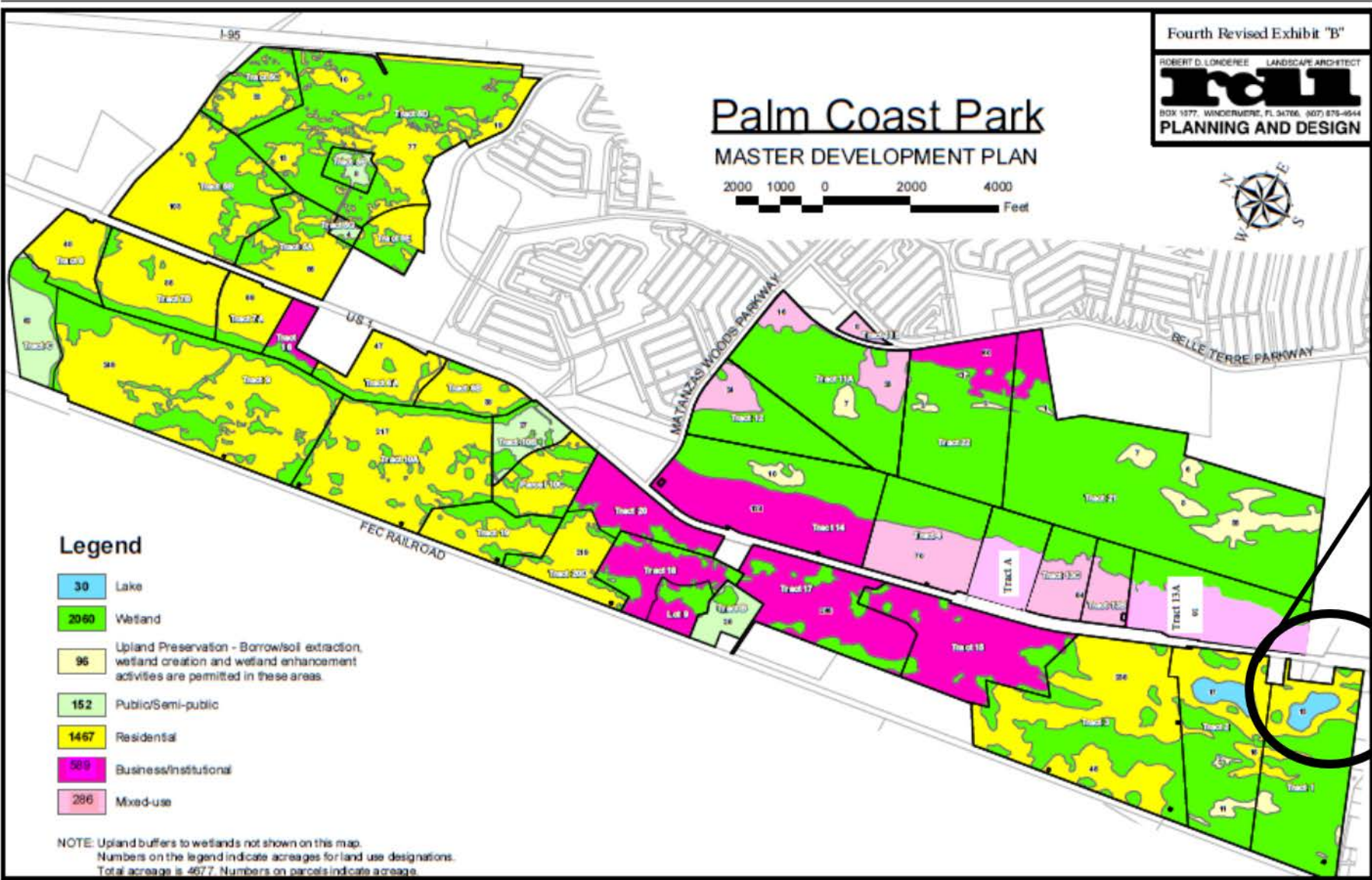
Approved as to form and legality

William E. Reischmann, Jr., Esq.

Attachment: Exhibit "A" – 6th Amendment to the DRI-DO

Resolution 2019-_____
Page 4 of 5

[illegible]

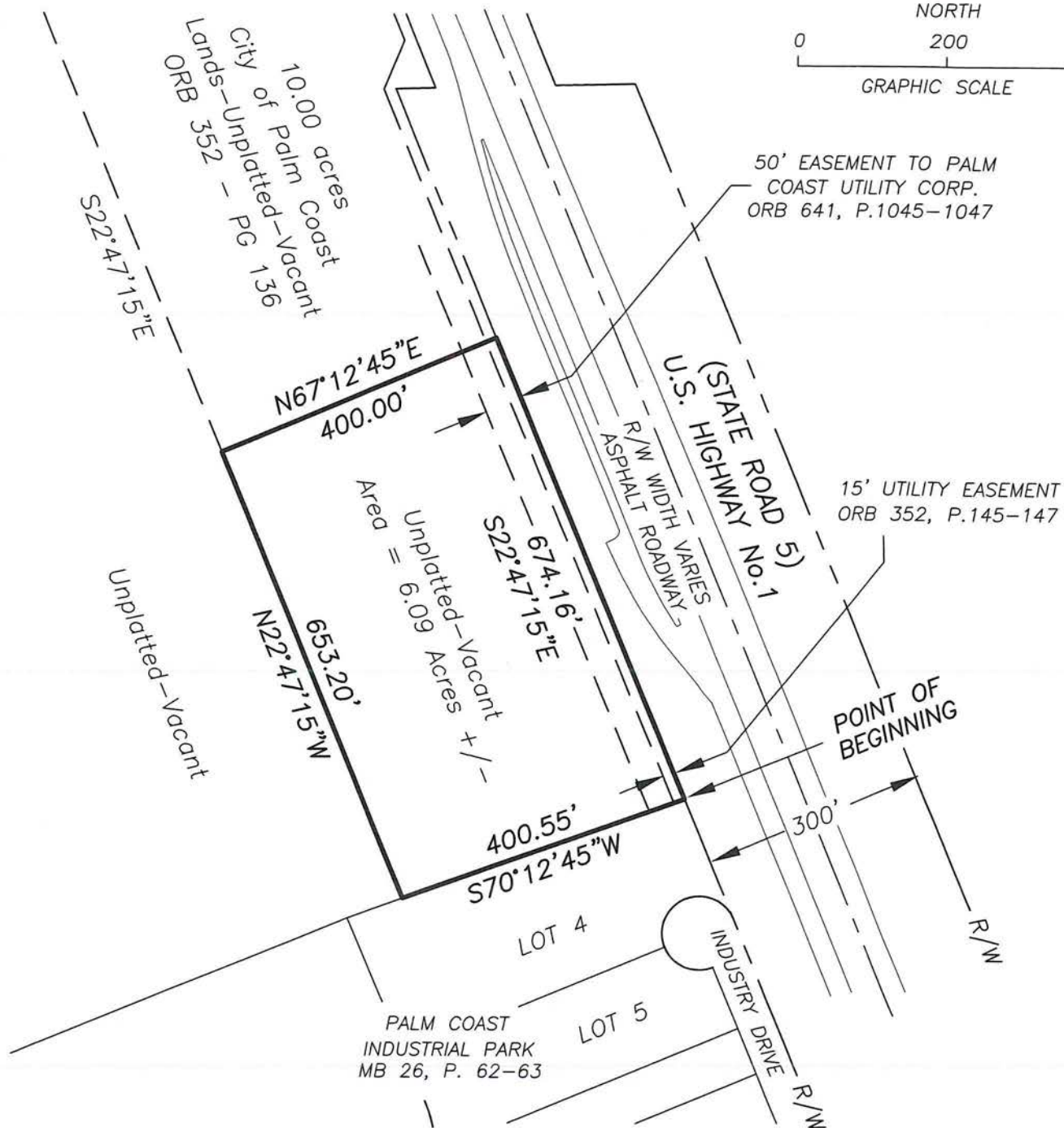
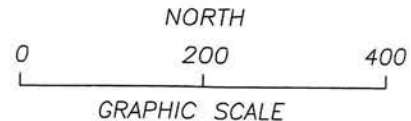


Parcel to be deleted.



SKETCH & DESCRIPTION

NOT A BOUNDARY SURVEY



SEE SHEET 2 OF 2 FOR LEGAL DESCRIPTION, NOTES, LEGEND, SIGNATURE & SEAL.



LB #7991

KUHAR SURVEYING & MAPPING, LLC

112 OCEAN GROVE DRIVE, ORMOND BEACH, FLORIDA 32176

Phone: 386-295-8051

info@kuharsurveying.com

SKETCH & DESCRIPTION

DATE: 3/1/2017

SHEET 1 OF 2

1" = 200'

SKETCH & DESCRIPTION

LEGAL DESCRIPTION

A PARCEL OF LAND LOCATED WEST OF U.S. HIGHWAY NO. 1 (STATE ROAD NO. 5) A VARIABLE WIDTH RIGHT-OF-WAY, IN GOVERNMENT SECTION 10, TOWNSHIP 11 SOUTH, RANGE 30 EAST, FLAGLER COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHERLY-MOST CORNER OF PALM COAST INDUSTRIAL PARK AS RECORDED IN MAP BOOK 26, PAGES 62-63 OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA, SAID POINT BEING LOCATED ON THE WESTERLY RIGHT-OF-WAY LINE OF SAID U.S. HIGHWAY NO. 1; THENCE DEPARTING SAID RIGHT-OF-WAY LINE ALONG THE NORTHERLY LINE OF SAID PALM COAST INDUSTRIAL PARK $S70^{\circ}12'45''W$ FOR A DISTANCE OF 400.55 FEET; THENCE DEPARTING SAID NORTHERLY LINE $N22^{\circ}47'15''W$ FOR A DISTANCE OF 653.20 FEET TO THE SOUTHERLY LINE OF CITY OF PALM COAST LANDS PER OFFICIAL RECORDS BOOK 352, PAGE 136 OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA; THENCE ALONG SAID SOUTHERLY LINE $N67^{\circ}12'45''E$ FOR A DISTANCE OF 400.00 FEET TO THE AFOREMENTIONED RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 1; THENCE DEPARTING SAID SOUTHERLY LINE, ALONG SAID RIGHT-OF-WAY LINE, $S22^{\circ}47'15''E$ FOR A DISTANCE OF 674.16 FEET TO THE AFOREMENTIONED POINT OF BEGINNING OF THIS DESCRIPTION.

THE ABOVE DESCRIBED PARCEL OF LAND CONTAINS 6.09 ACRES, MORE OR LESS.

SURVEYOR'S NOTES:

1. BASIS OF BEARINGS; ASSUMED, WITH THE WESTERLY R/W LINE OF U.S. HIGHWAY #1 BEING $S22^{\circ}47'15''E$, AS SHOWN HEREON.
2. THERE MAY BE EASEMENTS AND OTHER ITEMS OF RECORD NOT SHOWN HEREON THAT MAY BE FOUND IN THE COUNTY PUBLIC RECORDS (NO TITLE WORK PROVIDED).
3. NO UNDERGROUND LOCATIONS (UTILITIES, FOUNDATIONS, ETC) SHOWN HEREON.
4. INDIVIDUAL TREES, TOPOGRAPHY AND WETLANDS (IF ANY) NOT LOCATED OR SHOWN HEREON.
5. LEGAL DESCRIPTION WRITTEN BY THE UNDERSIGNED.
6. THIS SKETCH IS NOT VALID UNLESS IT BEARS THE SIGNATURE & RAISED SEAL (OR ELECTRONIC SIGNATURE) OF A PROFESSIONAL SURVEYOR & MAPPER PER FLORIDA ADMINISTRATIVE CODE.
7. THIS IS NOT A BOUNDARY SURVEY. THIS IS A GRAPHIC ILLUSTRATION FOR INFORMATIONAL PURPOSES ONLY, AND IS NOT INTENDED TO DEPICT A FIELD SURVEY.

I HEREBY CERTIFY THAT THIS SKETCH MEETS MINIMUM TECHNICAL STANDARDS AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS PER CHAPTER 5J-17.050-.052, FLORIDA ADMINISTRATIVE CODE.

LEGEND/ABBREVIATIONS

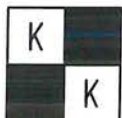
LB = LICENSED BUSINESS
R/W = RIGHT OF WAY
PG/P = PAGE
ORB = OFFICIAL RECORDS BOOK
P.I.D. = PROPERTY IDENTIFICATION
(COUNTY FOLIO) NUMBER

**Kenneth J
Kuhar**

Digitally signed by
Kenneth J Kuhar

Date: 2017.03.17
14:55:12 -04'00'

KENNETH J. KUHAR
FLORIDA PROFESSIONAL SURVEYOR/MAPPER #6105



LB #7991

KUHAR SURVEYING & MAPPING, LLC

112 OCEAN GROVE DRIVE, ORMOND BEACH, FLORIDA 32176

Phone: 386-295-8051 info@kuharsurveying.com

SKETCH & DESCRIPTION

DATE: 3/1/2017

SHEET 2 OF 2

NO SCALE

SKETCH & DESCRIPTION

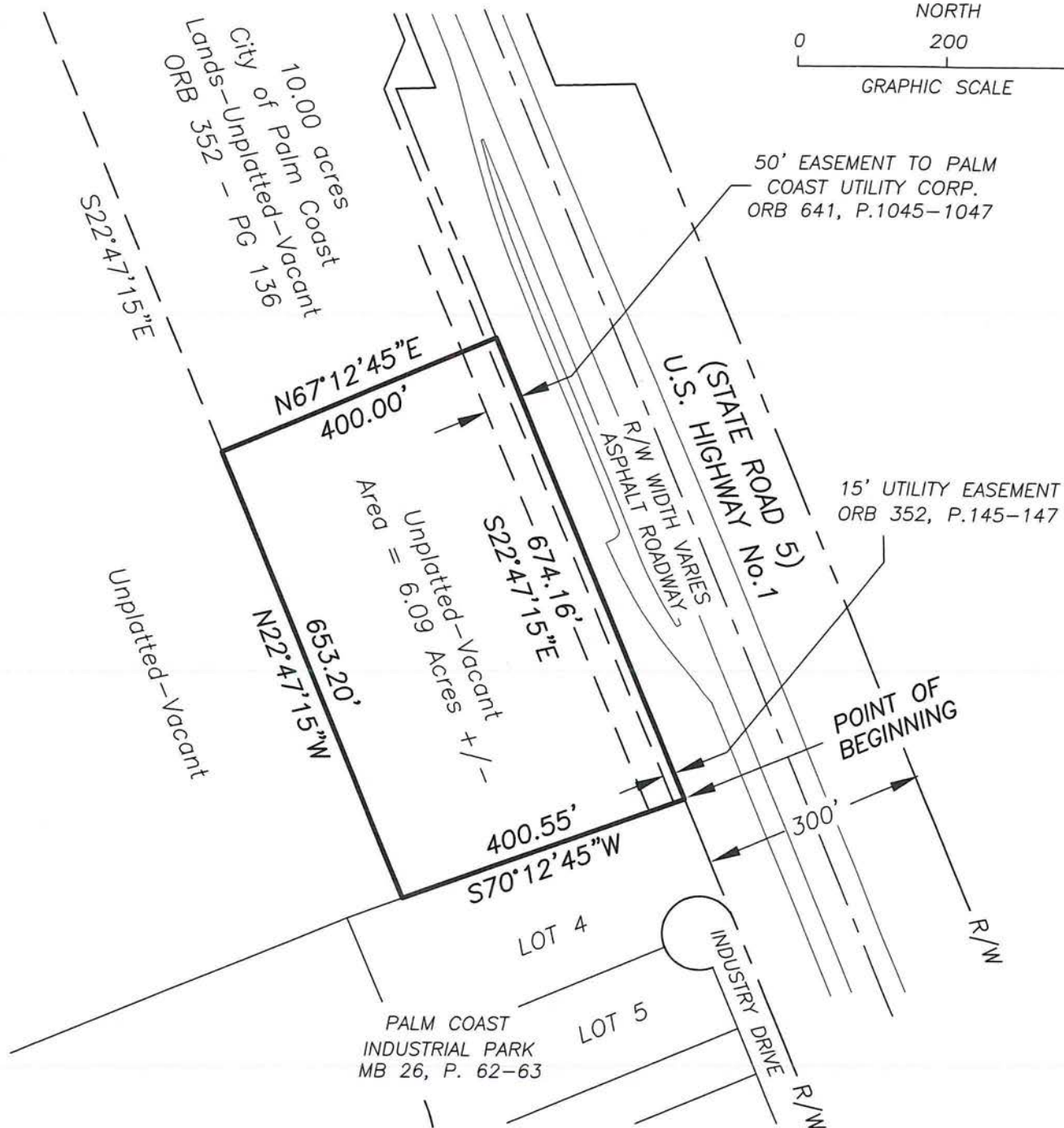
NOT A BOUNDARY SURVEY



NORTH

0 200 400

GRAPHIC SCALE



SEE SHEET 2 OF 2 FOR LEGAL DESCRIPTION, NOTES, LEGEND, SIGNATURE & SEAL.



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SHEET 1 OF 2

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LEGEND/ABBREVIATIONS

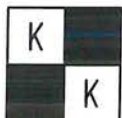
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**Kenneth J
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Digitally signed by
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Date: 2017.03.17
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KENNETH J. KUHAR
FLORIDA PROFESSIONAL SURVEYOR/MAPPER #6105



LB #7991

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Phone: 386-295-8051 info@kuharsurveying.com

SKETCH & DESCRIPTION

DATE: 3/1/2017

SHEET 2 OF 2

NO SCALE

City of Palm Coast, Florida Agenda Item

Agenda Date : 03/05/2019

Department	Community Development	Amount	
Item Key		Account	#21055011-063000-54502
Subject	RESOLUTION 2019-XX APPROVING SUPPLEMENTAL AMENDMENT #1 TO THE FDOT AGREEMENT, RELATING TO ADDITIONAL FUNDS FOR ROW ACQUISTION FOR OLD KINGS ROAD EXTENSION PHASE II PROJECT		
Background : On February 7th, 2017, City Council approved a Florida Department of Transportation agreement, in the amount of \$40,000.00, for the right-of-way acquisition phase of the Old Kings Road Extension Phase II Project. Negotiations with the property owner though legal, identified the need for additional funding in the amount of \$47,000.00. This item is to approve amendment number 1 to increase the funding in Fiscal Year 2018/2019 by \$47,000.00 for a total of \$87,000.00.			
Recommended Action : Adopt Resolution 2019-XX approving supplemental amendment #1 to the FDOT agreement, relating to additional funds for ROW acquisition for Old Kings Road Extension Phase II Project.			

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
TRANSPORTATION REGIONAL INCENTIVE AGREEMENT
SUPPLEMENTAL AMENDMENT NUMBER 1

EXECUTION DATE:_____

Agency: City of Palm Coast	Fund: TRIP/TRWR Function: 215	Financial Management No.:
Vendor No.: F593614294001	Catalog of State Financial Assistance (CSFA) No.: 55-026	435561-1-54-01
Contract No: G0K41	CSFA Title – Transportation Regional Incentive Program	FLAIR Approp: 088717
	Contract Amount: \$87,000.00	FLAIR Obj.: 751000
		Org. Code: 55054010508

The terms of the original Transportation Regional Incentive Program Agreement between the STATE OF FLORIDA, DEPARTMENT OF TRANSPORTATION and the CITY OF PALM COAST, for the Project described as “Right of Way Acquisition for the Old Kings Road Extension Phase II Construction Project from Matanzas Woods Parkway to Old Kings Road” executed on **March 10, 2017**, are hereby amended as follows:

The Department has authorized additional funds in Fiscal Year 2018/2019 in the amount of \$47,000.00 for Additional Right of Way Acquisition. This executed Amendment will serve as notice that the Total Lump Sum Amount for this agreement is now increased to \$47,000.00 for Fiscal Year 2018/2019 and \$40,000.00 for Fiscal Year 2016/2017 for a total of \$87,000.00.

The following attachment is hereby incorporated into this Amendment:

Revised Estimated Schedule of Funding, Exhibit “B”

Except as hereby modified, amended or changed, all of the terms and conditions of said original Agreement thereto will remain in full force and effect.

The remainder of this page intentionally left blank

IN WITNESS WHEREOF, the parties hereto have caused these presents be executed, the day and year first above written.

CITY OF PALM COAST

**STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION**

By: _____

Name:

Title:

Attest:

City Legal Review:

By: _____

Name: Loreen C. Bobo, P.E.

Title: Director of Transportation Development

Attest:

Executive Secretary (Seal)

Department Legal Review:

EXHIBIT “B”
Financial Management Number: 435561-1-54-01

ESTIMATED SCHEDULE OF FUNDING

The Department has authorized additional funds in Fiscal Year 2018/2019 in the amount of \$47,000.00 for Additional Right of Way Acquisition. This executed Amendment will serve as notice that the Total Lump Sum Amount for this agreement is now increased to \$47,000.00 for Fiscal Year 2018/2019 and \$40,000.00 for Fiscal Year 2016/2017 for a total of \$87,000.00.

The LOCAL GOVERNMENT is approved under the Rural Economic Development Initiative (REDI) program for a waiver of the required 50% local match for the Transportation Regional Incentive Program (TRIP) funding; however, the LOCAL GOVERNMENT agrees to bear all expenses in excess of the DEPARTMENT’S participation that are necessary to complete the Project.

**EXHIBIT “F”
RESOLUTION
Financial Management Number: 435561-1-54-01**

RESOLUTION 2019 - ____
FDOT OFF THE STATE HIGHWAY SYSTEM
TRANSPORTATION REGIONAL INCENTIVE PROGRAM AGREEMENT
RIGHT-OF-WAY PHASE OF OLD KINGS ROAD EXTENSION PH II PROJECT

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM COAST, FLORIDA, APPROVING AN AMENDMENT TO THE OFF THE STATE HIGHWAY SYSTEM TRANSPORTATION REGIONAL INCENTIVE PROGRAM AGREEMENT WITH FLORIDA DEPARTMENT OF TRANSPORTATION FOR THE RIGHT OF WAY ACQUISITION PHASE OF THE OLD KINGS ROAD EXTENSION PHASE II PROJECT, AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE SAID AMENDMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; IMPLEMENTING ACTIONS AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the State of Florida Department of Transportation (FDOT) and the City of Palm Coast entered into an agreement in February 2017, for the Old Kings Road Extension Phase II Project (PROJECT) of approximately 0.6 miles from Matanzas Woods Parkway to Old Kings Road; and

WHEREAS, the City of Palm Coast needs to acquire right-of-way for the Old Kings Road Extension Phase II portion of the PROJECT; and

WHEREAS, in February 2017, FDOT approved \$40,000 for the acquisition of right-of-way for PH II of the PROJECT; and

WHEREAS, negotiations between the City Attorney and the property owner's attorney, have reached a proposed agreement for the City to obtain the necessary right-o-way, however, the City will need additional funding in the amount of \$47,000.00; and

WHEREAS, FDOT has approved the additional funding through an amendment to the Off The State Highway System Transportation Regional Incentive Program Agreement for PH II of the PROJECT.

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

SECTION 1. APPROVAL OF AMENDMENT. The City Council of the City of Palm Coast hereby approves the terms and conditions of an amendment to the Transportation Regional Incentive Agreement Supplemental Amendment 1, with the State of Florida Department of Transportation, as referenced herein and attached hereto as Exhibit "A."

SECTION 2. AUTHORIZATION TO EXECUTE. The City Manager, or designee, is hereby authorized to execute the Contract as depicted in Exhibit “A.”

SECTION 3. SEVERABILITY. If any section or portion of a section of this Resolution proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other section or part of this Resolution.

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

SECTION 5. IMPLEMENTING ACTIONS. The City Manager is hereby authorized to take any actions necessary to implement the action taken in this Resolution.

SECTION 6. EFFECTIVE DATE. This Resolution shall take effect immediately upon adoption by the City Council.

DULY PASSED AND ADOPTED by the City Council of the City of Palm Coast, Florida, on this 5th day of March 2019.

CITY OF PALM COAST, FLORIDA

ATTEST:

MILISSA HOLLAND, MAYOR

VIRGINIA A. SMITH, CITY CLERK

Attachment: Exhibit “A” – Amendment-FDOT Transportation Regional Incentive Agreement Supplemental Amendment 1

Approved as to form and legality

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

City of Palm Coast, Florida

Agenda Item

Agenda Date: 02/26/2019

Department	UTILITY	Amount	\$138,950.00
Item Key		Account	54019086 034000
Subject	RESOLUTION 2019-XX APPROVING A MASTER SERVICES AGREEMENT WITH PRO LIME CORPORATION FOR THE REMOVAL, HAULING AND DISPOSAL OF SOLID DRIED CALCIUM CARBONATE SLUDGE FROM WATER TREATMENT PLANT # 1		
<u>UPDATE FROM THE FEBRUARY 26, 2019 WORKSHOP</u>			
This item was heard by City Council at their February 26, 2019 Workshop. There were no changes suggested to this item.			
<u>ORIGINAL BACKGROUND FROM THE FEBRUARY 26, 2019 WORKSHOP:</u>			
The City's Utility Department / Water Treatment Plant #1 located at 4 Corporate Drive in Palm Coast has approximately 7,000 cubic yards of dried calcium carbonate sludge that needs to be removed, hauled and disposed of from the sludge drying bed.			
In accordance with the City's Purchasing Policy, City staff advertised and solicited bids for the removal, hauling, and disposal of solid dried calcium carbonate sludge. The City received five bids, which four were responsive and responsible. The project bid overview and notice of intent to award are attached. Staff recommends City Council approve a master services agreement with Pro Lime Corporation for (1) one year, with (2) two one year renewals for the removal, hauling, and disposal of solid dried calcium carbonate sludge.			
The annual contract amount for these services is \$138,950.00 The Fiscal Year 2019 Budget includes \$138,950.00 within Utilities Operations to purchase these services.			
SOURCE OF FUNDS WORKSHEET FY 19			
OTHER CONTRACTUAL SVCS 54019086-034000			\$650,405.00
Total Expended/Encumbered to Date.....			445,539.90
Current (WO/Contract).....			138,950.00
Balance.....			\$65,915.10
Recommended Action :			
Adopt Resolution 2019-XX approving a master services agreement with Pro Lime Corporation for the removal, hauling, and disposal of solid dried calcium carbonate sludge from Water Treatment Plant # 1.			

RESOLUTION 2019 - ____
PRO LIME CORPORATION
REMOVAL, HAULING AND DISPOSAL
SOLID DRIED CALCIUM CARBONATE SLUDGE

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM COAST, FLORIDA APPROVING A MASTER SERVICES AGREEMENT WITH PRO LIME CORPORATION FOR THE REMOVAL, HAULING, AND DISPOSAL OF SOLID DRIED CALCIUM CARBONATE SLUDGE FROM WATER TREATMENT PLANT #1; AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE SAID AGREEMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR IMPLEMENTING ACTIONS AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Pro Lime Corporation, has expressed a desire to provide the removal, hauling, and disposal of solid dried calcium carbonate sludge to the City of Palm Coast; and

WHEREAS, the City Council of the City of Palm Coast desires for Pro Lime Corporation to provide the removal, hauling, and disposal of solid dried calcium carbonate sludge from Water Treatment Plant 1.

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

SECTION 1. APPROVAL OF AGREEMENT. The City Council of the City of Palm Coast hereby approves the terms and conditions of the master services agreement with Pro Lime Corporation for the removal, hauling, and disposal of solid dried calcium carbonate sludge, as attached hereto and incorporated herein by reference as Exhibit “A.”

SECTION 2. AUTHORIZATION TO EXECUTE. The City Manager, or designee, is hereby authorized to execute the necessary documents.

SECTION 3. SEVERABILITY. If any section or portion of a section of this Resolution proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other section or part of this Resolution.

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

SECTION 5. IMPLEMENTING ACTIONS. The City Manager is hereby authorized to take any actions necessary to implement the action taken in this Resolution.

SECTION 6. EFFECTIVE DATE. This Resolution shall take effect immediately upon adoption by the City Council.

DULY PASSED AND ADOPTED by the City Council of the City of Palm Coast, Florida, on this 5th day of March 2019.

CITY OF PALM COAST, FLORIDA

ATTEST:

MILLISSA HOLLAND, MAYOR

VIRGINIA SMITH, CITY CLERK

Attachments: Exhibit “A” –Master Services Agreement-Pro Lime Corporation

Approved as to form and legality

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



Administrative Services & Economic Development
Central Services Division

160 Lake Avenue
Palm Coast, FL 32164
386-986-3730

NOTICE OF INTENT TO AWARD

Project: ITB-UT-19-19 - Master Services Agreement Contract for Solid Dried Lime Sludge Removal, Hauling and Disposal from Water Treatment Plant #1

Date: 2/5/2019

Appeal Deadline: Appeals must be filed by 5:00 PM on 2/8/2019

Firm	Bid \$/CY
Prolime Corporation Washington, MI	\$19.85
North Florida Waste Management Jacksonville, FL	\$24.75
Councils Tractor Service dba CTS Paving Pierson, FL	\$30.00
T. Wayne Hill Trucking, Inc. Bartow, FL	\$37.00
Devlin Farms, LLC Brooksville, FL	Non-Responsive

The intent of the City of Palm Coast is to award ITB-UT-19-19 to Prolime Corporation

Cc: Contract Coordinator, Project Manager, ASED Director, Department Director

Bid protests arising under City Bidding Documents or Procedures shall be resolved under the City of Palm Coast Central Service Division's Bid Protest procedures.

A proposer may protest matters involving the award of this Bid within three (3) business days from the posting of this recommendation to award. Failure to protest to the City's Administrative Services and Economic Development Director, Beau Falgout (bfalgout@palmcoastgov.com) shall constitute a waiver of the protest proceedings.



ITB-UT-19-19 - Master Services Agreement Contract for Solid Dried Lime Sludge removal, hauling and disposal from Water Treatment Plant #1.

Project Overview

Project Details	
Reference ID	ITB-UT-19-19
Project Name	Master Services Agreement Contract for Solid Dried Lime Sludge removal, hauling and disposal from Water Treatment Plant #1.
Project Owner	Jesse Scott
Project Type	ITB
Department	Procurement
Current Spend	\$58625.00
Target Savings	1%
Budget	\$0.00 - \$0.00
Project Description	Invitation to Bid (ITB) for Master Services Agreement Contract for Solid Dried Lime Sludge removal, hauling and disposal from Water Treatment Plant #1.
Open Date	Jan 09, 2019 8:00 AM EST
Intent to Bid Due	Jan 30, 2019 2:00 PM EST
Close Date	Jan 31, 2019 2:00 PM EST



Awarded Suppliers	Reason	Score
Prolime Corporation		100 pts

Seal status

Requested Information	Unsealed on	Unsealed by
Price Schedule	Jan 31, 2019 2:02 PM EST	Jesse Scott
Required Forms	Jan 31, 2019 2:02 PM EST	Jesse Scott
References	Jan 31, 2019 2:02 PM EST	Jesse Scott

Conflict of Interest

Declaration of Conflict of Interest You have been chosen as a Committee member for this Evaluation. Please read the following information on conflict of interest to see if you have any problem or potential problem in serving on this committee. ## Code of Conduct All information related to submissions received from Suppliers or Service Providers must be kept confidential by Committee members. ## Conflict of Interest No member of a Committee shall participate in the evaluation if that Committee member or any member of his or her immediate family: * has direct or indirect financial interest in the award of the contract to any proponent; * is currently employed by, or is a consultant to or under contract to a proponent; * is negotiating or has an arrangement concerning future employment or contracting with any proponent; or, * has an ownership interest in, or is an officer or director of, any proponent. Please sign below acknowledging that you have received and read this information. If you have a conflict or potential conflict, please indicate your conflict on this acknowledgment form with information regarding the conflict. I have read and understood the provisions related to the conflict of interest when serving on the Evaluation Committee. If any such conflict of interest arises during the Committee's review of this project, I will immediately report it to the Purchasing Director.

Name	Date Signed	Has a Conflict of Interest?
Peter Roussell	Feb 05, 2019 11:00 AM EST	No



Donald Holcomb	Jan 31, 2019 2:02 PM EST	No
Fred Greiner	Feb 04, 2019 8:50 AM EST	No
Jesse Scott	Jan 31, 2019 2:04 PM EST	No
Mike Morris	Jan 31, 2019 2:54 PM EST	No



Project Criteria

Criteria	Points	Description
Required Forms-Admin	Pass/Fail	All forms and submission documents completed as requested and outlined in the Project manual, to include signed and dated Addenda (if issued)
Price Schedule - Admin	100 pts	Cost per unit of measure stated on Price Schedule.
Required Forms to include References and Addenda (if issued)	Pass/Fail	Technical Review
Price Schedule	Pass/Fail	Technical Review - No Entry Required - Pass of Fail
Total	100 pts	



Scoring Summary

Active Submissions

	Total	Required Forms- Admin	Price Schedule - Admin	Required Forms to include References and Addenda (if issued)	Price Schedule
Supplier	/ 100 pts	Pass/Fail	/ 100 pts	Pass/Fail	Pass/Fail
Prolime Corporation	100 pts	Pass	100 pts (\$19.85)	Pass	Pass
NORTH FLORIDA WASTE MGT	80.2 pts	Pass	80.2 pts (\$24.75)	Pass	Pass
CTS Paving Inc	66.17 pts	Pass	66.17 pts (\$30)	Pass	Pass
T. Wayne Hill Trucking, Inc.	53.65 pts	Pass	53.65 pts (\$37)	Pass	Pass
Devlin farms	30.54 pts	Fail	30.54 pts (\$65)	Mixed	Pass

City of Palm Coast, Florida

Agenda Item

Agenda Date: 02/26/2019

Department	Community Development	Amount	\$51,676.00
Item Key		Account	#21097011-063000-54415
Subject	RESOLUTION 2019-XX APPROVING A WORK ORDER WITH DRMP FOR ADDITIONAL DESIGN SERVICES FOR THE BELLE TERRE SAFETY IMPROVEMENT PROJECT		
<u>UPDATE FROM THE FEBRUARY 26, 2019 WORKSHOP</u>			
This item was heard by City Council at their February 26, 2019 Workshop. There were no changes suggested to this item.			
<u>ORIGINAL BACKGROUND FROM THE FEBRUARY 26, 2019 WORKSHOP:</u>			
On June 6, 2017, City Council approved a work order for design services to incorporate improvements to eight intersections along Belle Terre Pkwy.			
After further evaluation of existing conditions and in anticipation of continued growth, it was determined that additional improvements are needed at the intersection of Belle Terre Pkwy and East Hampton to extend the existing left turn lane, an addition of a head wall at Royal Palms Pkwy will reduce long term maintenance costs, and to be consistent with current Stormwater design standards. This change will also accommodate for future widening of Belle Terre. DRMP will be coordinating utility work schedules with the various utility companies that have conflicts with the proposed improvements.			
City staff negotiated a scope and fee not-to-exceed \$51,676.00 with DRMP. City staff has determined that the cost for the design services are reasonable and fair and are consistent with these types of services for a project of this size and scope. Funds for this project have been budgeted in the FY 2019 Transportation Impact fees.			
SOURCE OF FUNDS WORKSHEET FY 2019			
Belle Terre Safety Improvement 21097011-063000-54415		\$	64,801.57
Total Expended/Encumbered to Date.....			
Pending Work Orders/Contracts.....			
Current (WO/Contract).....		\$	51,676.00
Balance.....		\$	13,125.57
Recommended Action :			
Adopt Resolution 2019-XX approving a work order with DRMP for additional design services to Belle Terre Blvd/Pkwy corridor.			

RESOLUTION 2019-_____
DESIGN SERVICES TO BELLE TERRE BLVD/PKWAY CORRIDOR

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM COAST, FLORIDA, APPROVING A WORK ORDER WITH DRMP FOR ADDITIONAL DESIGN SERVICES TO BELLE TERRE BLVD/PKWAY CORRIDOR; AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE NECESSARY DOCUMENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR IMPLEMENTING ACTIONS AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, DRMP has expressed a desire to provide additional design services for the Belle Terre Blvd./Pkway Corridor for the City of Palm Coast; and

WHEREAS, the City Council of the City of Palm Coast desires for DRMP to complete the above referenced services.

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

SECTION 1. APPROVAL OF WORK ORDER. The City Council of the City of Palm Coast hereby approves the terms and conditions of the work order with DRMP related to the additional design services for Belle Terre Blvd/Pkwy., as attached hereto and incorporated herein by reference as Exhibit “A.”

SECTION 2. AUTHORIZATION TO EXECUTE. The City Manager, or designee, is hereby authorized to execute the necessary documents.

SECTION 3. SEVERABILITY. If any section or portion of a section of this Resolution proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other section or part of this Resolution.

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

SECTION 5. IMPLEMENTING ACTIONS. The City Manager is hereby authorized to take any actions necessary to implement the action taken in this Resolution.

SECTION 6. EFFECTIVE DATE. This Resolution shall take effect immediately upon its passage and adoption.

DULY PASSED AND ADOPTED by the City Council of the City of Palm Coast, Florida, on this 5th day of March 2019.

CITY OF PALM COAST, FLORIDA

ATTEST:

MILISSA HOLLAND, MAYOR

VIRGINIA A. SMITH, CITY CLERK

Attachment: Exhibit "A" – Work Order with DRMP

Approved as to form and legality

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

WORK ORDER # _____

PO #: _____



DATE: ____/____/20____

Project Manager's Initials ____AD____

SUPPLIER INFORMATION

BID DETAILS

Name		Project Title	
Street		Bid #	
City, State, Zip		City Council Approval date	

TOTAL COST: \$ _____

(must equal amount of Purchase Order)

1. **INCORPORATION BY REFERENCE** The provisions of the agreement dated _____, _____ ("Agreement") are hereby expressly incorporated by reference into and made a part of this Work Order.

2. **METHOD OF COMPENSATION (chose one):** _____ **FIXED FEE** _____ **NOT TO EXCEED***

Fixed - Amount Proposed is set amount for services – will not change regardless of time. Not to exceed -: Spend over time shall not exceed Total Cost without approved change order

*If "NOT TO EXCEED", then TOTAL COST is (chose one): _____ **UNIT BASED** _____ **PERCENT OF FIXED FEE** _____%

3. **PRICING (chose one):** _____ **ATTACHED** _____ **INCLUDED IN CONTRACT**

4. **SCHEDULE (chose one):** _____ **AS NEEDED BASIS** _____ **SHALL BE COMPLETED BY -** ____/____/20____

5. **DESCRIPTION OF SERVICES (chose one):** _____ **ATTACHED** _____ **INCLUDED IN CONTRACT**

6. **OTHER ATTACHMENTS TO THIS WORK ORDER:** _____ **No** _____ **Yes** If yes, identify below:

7. **TIME IS OF THE ESSENCE:** The obligation of Supplier to perform services shall commence upon execution of this Work Order and shall be completed as set forth above. Time is of the essence. Failure to meet the completion date shall be a material default and may be grounds for termination of this Work Order and the Agreement.

8. **CONFLICT.** In the event of a conflict between the terms and conditions of the Agreement and this Work Order, the terms of the Agreement shall govern unless otherwise agreed to in writing by all parties. In the event of a conflict between the terms and conditions of this Work Order and any attachments, the terms of this Work Order shall govern unless otherwise agreed to in writing by all parties.

WITNESS WHEREOF, the parties hereto have made and executed this Work Order on this _____ day of _____, 20____, for the purposes stated herein.

SUPPLIER APPROVAL

By: _____

Print: Donald BrownTitle: Project ManagerDate: 02/20/19

CITY APPROVAL

By: _____

Print Name: _____

Title: Assistant City Manager or Designee

Date: _____

revisedSection 1
City of Palm Coast
Belle Terre Blvd./PkwY Corridor Improvements Design
General Description of Services for Supplemental Agreement #2

A PURPOSE

The City of Palm Coast (City) is seeking professional services for design and construction plans for improvements described in the Belle Terre Blvd/PkwY Intersection Analysis Study in Flagler County, Florida. This will also include sidewalk, signal, drainage and utility design work.

1. Background/Description (Purpose and Need):

The Belle Terre Blvd./PkwY Intersections Analysis Report was completed in early 2016 for River to Sea Transportation Planning Organization (R2CTPO) documenting the need for improvements within the corridor. The eight intersections below were recommended for improvements along with providing adequate guide signing for the entire corridor. Optional services are included for ROW Mapping to at locations where the widening activities may encroach on adjacent properties.

SA #1 - DRMP provided an initial plans submittal for the original scope of the Royal Palms Parkway Improvements to the City for review. The City has reviewed traffic patterns at the intersection and requests lengthening of the existing southbound left turn-lane on Belle Terre Parkway by approximately 100' to increase storage.

SA #2 – Royal Palms: The initial scope was to extend the existing culverts under Belle Terre to allow for the proposed widening and future relocation of the trail. The scope was based on reconstructing a similar end-treatment (mitered ends with concrete erosion protection). Based on City review of the initial plans a straight endwall is preferred. DRMP will provide structural design and plans details for a non-standard endwall to accommodate the existing large pipe configuration.

Easthampton: The initial scope addressed adding a turn-lane to separate the eastbound thru and right-turn movements and maintain existing drainage patterns. The City reviewed initial plans and requests to provide additional storage in the left turn-lane as well. Due to the confined right-of-way to maintain drainage patterns in NE and NW quadrants at Emerson Dr. The existing roadway cross slopes need to be reconstructed to direct runoff away from the area and additional drainage system design and permit coordination is required. DRMP will provide revised roadway design, drainage design, permitting services (Permit fees are not included), signing and pavement marking updates, utility locates (SUE) for additional impacts, MOT update and new quantities/cost estimates.

All intersections: Utility Coordination to secure Utility Work Schedules (UWS for all intersections)

B OBJECTIVE

The general objective is for the Consultant to revise the construction plans for the Royal Palms and Easthampton intersections to include the revisions detailed above. Plans sheets, cross sections and quantities will be updated show the proposed work. UWS's will be completed for each intersection.

ROYAL PALMS FEE ESTIMATE FOR SA #2:	\$ 9,666.40
EASTHAMPTON FEE ESTIMATE FOR SA #2:	\$35,579.60
UWS COORDINATION (All Intersections):	\$6,430.00
TOTAL FEE ESTIMATE FOR SA #2:	\$51,676.00

All plans and design documents are to be prepared with Standard English values in accordance with all applicable FDOT manuals and guidelines.

C PROJECT SCHEDULE

Project schedule is based on City approval of supplemental #2 and NTP by March 1, 2019

Final Plans submittal for Royal Palms	April 2019
90% Plans submittal For Easthampton	April 2019
Final Plans submittal for Easthampton	May 2019
S&S (All intersections plans)	TBD (following City approval)

City of Palm Coast, Florida Agenda Item

Agenda Date: 03/05/2019

Department	CITY CLERK	Amount
Item Key	6133	Account
Subject	APPOINTMENT TO FILL A VACANCY ON THE BEAUTIFICATION AND ENVIRONMENTAL ADVISORY COMMITTEE (BEAC)	
Background :	<p>A vacancy opened on the Beautification and Environmental Advisory Board, Mr. Ken Jones' seat. A replacement to fill Mr. Jones seat through 2020 was advertised in the Flagler News-Tribune and posted on the City's website. Staff also sent out emails to recent Citizen Academy graduates.</p> <p>The only application was received by Robert Knapp. Mr. Knapp is currently on the Leisure Services Advisory Board.</p> <p>District information has been verified by the City Clerk's office. Staff has performed the necessary background screening.</p>	
Recommended Action:	City Council to appoint a replacement for Mr. Jones' seat on the Beautification and Environmental Advisory Committee (BEAC).	



VOLUNTEER BOARD AND COMMITTEE APPLICATION

Thank you for your interest in serving the City of Palm Coast.

Your completion of this application is necessary so that the members of the City Council can thoroughly review each application as part of their consideration of your appointment.

Please be advised that background screening of all applicants is required.

Résumés may be attached.

Please check the Board/Committee/Council for which you are applying:

<input checked="" type="checkbox"/> Beautification & Environmental Advisory Committee*	<input type="checkbox"/> Planning & Land Development Regulation Board* ♠
<input type="checkbox"/> Code Enforcement Board*	<input type="checkbox"/> Volunteer Firefighters' Pension Fund Board*
<input type="checkbox"/> Leisure Services Advisory Committee	
<input type="checkbox"/> Flagler County Housing Task Force/Affordable Housing Advisory Council: <input type="checkbox"/> Citizen from the City of Palm Coast representing essential services personnel <input type="checkbox"/> Representative of residential home building industry	
<input type="checkbox"/> River to Sea Transportation Planning Organization Advisory Committees: <input type="checkbox"/> Citizens Advisory Committee (CAC) <input type="checkbox"/> Bicycle and Pedestrian Advisory Committee (BPAC)	

* Appointees must file a Financial Disclosure Form 1 with the City Clerk at time of appointment and **ANNUALLY** thereafter with the Flagler County Supervisor of Elections.

♠ Requires at least one board member to be appointed from **EACH** City Council District, when possible.

ALL CITY BOARDS AND COMMITTEES ARE SUBJECT TO THE SUNSHINE LAW AND PUBLIC RECORDS LAW.

RE-APPOINTMENT ☐ Yes ☐ No

1. PERSONAL

Name: ROBERT KNAPP E-mail address: rk398@c.mtic

Residence Address: 8 BASSETT District # 1

City: PALM COAST State: FLA. Zip: 32137

Mailing Address (If Different from Residence): _____

Home Phone: 386-246-6904 Business Phone: _____

Date of Birth: 6-18-1942 Place of Birth: TRENTON NJ.

How long have you been a permanent resident of Palm Coast? 16 YEARS

What year did you become a continuous resident of the City of Palm Coast? 2002

List all places of residence for the last five years.

Address	City & State	From	To

Are you a registered voter in Flagler County? ☒ Yes ☐ No

Have you ever used or been known by any other legal name? ☐ Yes ☒ No

If yes, explain: _____

Are you a citizen of the United States? ☒ Yes ☐ No

If no, explain: _____

If you are a naturalized citizen of the United States, date of naturalization: _____

2. EMPLOYMENT HISTORY (A résumé may be attached at the option of the applicant) (If retired, please still list your previous occupation and employment history.)

If retired, please list your occupation before retirement: RETIRED

Occupation: POLICE Lt. Current Employer: TRENTON N.J. P.D.

Current Business Address: 225 N. CLINTON AVE

TRENTON NJ 08611 609989-4170
City State Zip Phone #

List all of your employment history during the last five years. Include employers' name, business address, type of business, occupation, or job title and period(s) of employment.

Employer & Address	Type of Business	Occupational Title	Period of Employment
<u>DAYTONA RACE TRACK</u>			
		<u>ASST. MNG.</u>	<u>2004 TO PRESENT</u>

Have you ever been employed by any state, district, or local governmental agency in Florida? ☐ Yes ☒ No
 If yes, identify the position(s), the name(s) of the employing agency and the period of employment.

Position	Employee Agency	Period of Employment

3. EDUCATION

High School: TRENTON CATHOLIC HS. Year Graduated: 1960
Name & Location

List postsecondary educational institutions or programs attended:

Name & Location	Dates Attended	Certificate/Degrees Received
<u>TRENTON JUNIOR</u>	<u>1960</u>	<u>48 CREDITS</u>

4. **MILITARY SERVICE**

Are you or have you ever been a member of the Armed Forces? ☒ Yes ☐ No

Date of Service: 1960 TO 1965

Branch or Component: Army

Date and Type of Discharge: HONORABLE

5. **INTEREST/ACTIVITIES/COMMUNITY AND/OR CIVIC INVOLVEMENT?**

Are you currently or have you ever served on any City Volunteer Board or Committee? ☒ Yes ☐ No

If yes, which Board or Committee? LEISURE SERVICES Advisory Committee

List any business, professional, occupational, civic, or fraternal organizations or community groups of which you have been a member during the past five (5) years.

Name of Organization(s)

6. **QUALIFICATIONS FOR APPOINTMENT**

State your experiences and interests or elements of your personal history that qualify you for this appointment.

LSAC -

Have you received any degree(s), professional certification(s), or designation(s) related to the subject matter of this appointment? If yes, list below: ☐ Yes ☒ No

Do you currently hold any office or position (appointive, civil service, or other) with any government entity? If yes, list below: ☐ Yes ☒ No

Have you ever been elected or appointed to any public office? If yes, list below: ☐ Yes ☒ No

<u>Office Title</u>	<u>Date of Election or Appointment</u>	<u>Term of Office</u>	<u>Level of Government</u>
---------------------	--	-----------------------	----------------------------

Have you or a business of which you have been an owner, officer, or employee, held any contractual or other direct dealings during the last four (4) years with City government, including the office or agency to which you have been appointed or are seeking appointment? ☐ Yes ☒ No If yes, explain below:

Name of Business

Relationship to the Business

Business Relationship to Agency

How do you believe that your education, experience, talents and skills will benefit the work of the Board or Committee and are you willing to act as a decision maker and not as an advocate, if required by law?

12 YRS IN FLA GLEN COUNTY AND SEEING
HOW PALM COAST HAS CHANGED. YES

What is your understanding of the relationship of this Board or Committee to the City Council?

YES

7. REFERENCES – Please list three references (business and/or personal)

ART KUEPPE 50 BEACON MILL LN. 446-9787
Name, Address & Telephone Number

ROBERT McEANN 1 BARKWOOD 503-3062
Name, Address & Telephone Number

DENNIS CLARK OCEAN SHORE DR. 986-3881
Name, Address & Telephone Number

8. ACKNOWLEDGMENT

If required by law, will you file a financial disclosure statement?

☒ Yes

☐ No

I understand the responsibilities associated with being a member of a City Board or Committee and that I may be subject to financial disclosure laws and ex parte communications rules and that I will be subject to the Code of Ethics for Public Officers and Employees and City rules of conduct.

I certify that I have adequate time to serve if appointed and that I will serve in accordance with the requirements of the Board or Committee to which I am appointed.

Further, by executing this application below, I am authorizing City staff to perform a personal background screening, which shall include a general criminal records check and other checks relative to the board or committee for which I am applying.


Signature

12-29-2018
Date

NOTE: If you have questions concerning the duties and responsibilities of any of the above Boards or Committees please contact the City Clerk's Office.

RETURN TO:	City Clerk's Office	PHONE:	386-986-3713
	City of Palm Coast	FAX:	386-986-3714
	160 Lake Avenue	EMAIL:	CityClerk@palmcoastgov.com
	Palm Coast, Florida 32164	WEBSITE:	<u>www.palmcoastgov.com</u>

ALL CITY BOARDS AND COMMITTEES ARE SUBJECT TO THE SUNSHINE LAW AND PUBLIC RECORDS LAW.

SUNSHINE LAW: The primary purpose of Government in the Sunshine Law is to assure public access to the decision-making processes of public boards and commissions. The Sunshine Law extends to discussions and deliberations as well as to formal actions taken by boards and commissions.

*Should you not be selected at this time, your application will be kept on file for consideration for six (6) months.
Should you wish to be considered for another board, committee, or task force during that time,
you must contact the City Clerk's Office and request reconsideration.*

City of Palm Coast, Florida Agenda Item

Agenda Date :

Department	CITY CLERK	Amount
Item Key	6140	Account
		#
Subject	PRESENTATION OF CERTIFICATES TO THE GRADUATING STUDENTS OF THE CITY OF PALM COAST'S 45 TH CITIZENS ACADEMY CLASS	
Background :	<p>The members of the 45th Citizens' Academy Class are graduating today. The Citizens' Academy was created to educate residents about the operation of our City government during the last five Monday evenings from 6:00 p.m. to 9:00 p.m., at which time, City Departments discussed operations relating to their department. In order to fully understand the function of each department, as it relates to the City, students were encouraged to ask questions during these sessions. Students are required to attend all classes in order to graduate and receive a certificate.</p>	
Recommended Action :	<p>Present the certificates to the graduates of the 45th Citizens' Academy.</p>	

City of Palm Coast, Florida
Agenda Item

Agenda Date :

Department	CITY CLERK	Amount
Item Key	6141	Account
		#
Subject	CALENDAR/WORKSHEET	
Background :		
Recommended Action :		



Meeting Calendar for 3/6/2019 through 4/16/2019

3/6/2019 10:00 AM

Code Enforcement Board
City Hall

3/8/2019 9:00 AM

City Council Special Meeting-City Manager Search
City Hall

3/12/2019 9:00 AM

City Council Workshop
City Hall

3/12/2019 5:00 PM

Leisure Services Advisory Committee
Palm Coast Community Center

3/19/2019 9:00 AM

City Council
City Hall

3/20/2019 5:30 PM

Planning & Land Development Regulation Board
City Hall

3/26/2019 9:00 AM

City Council Workshop
City Hall

3/28/2019 5:00 PM

Beautification and Environmental Advisory Committee
City Hall



Meeting Calendar for 3/6/2019 through 4/16/2019

4/2/2019 6:00 PM

City Council
City Hall

4/3/2019 10:00 AM

Code Enforcement Board
City Hall

4/9/2019 9:00 AM

City Council Workshop
City Hall

#	File #	Item	Title	Staff
			SPECIAL Business Meeting 03/08/2019 @ 9:00 am	
			Interviews-City Manager Search	Council
			SPECIAL Business Meeting 03/12/2019 @ 9:00 am	
			Selection of City Manager	Council
			Workshop 03/12/2019	
1		Presentation	Council Priority Update	Bevan
2		Resolution	Holland Park GMP	Cote
3		Resolution	Grand Haven CE Interlocal Agreement	Flanagan
			Business 03/19/2019	
1		Resolution	Audit Report	Alves
2		Resolution	Holland Park GMP	Cote
3		Proclamation	Water Conservation Proclamation	Lane
4		Proclamation	Equal Pay Day	Lane
5		Ordinance	PC Park FLUM and Rezoning	Papa
6		Ordinance	Wellfield Grade and Rezoning	Papa
7		Presentation	Sheriff's presentation	Staly
			Workshop 03/26/2019	
1		Presentation	SAP Evaluation 1	Bevan
2		Presentation	10 year CIP	Cote
			Business 04/02/2019	
1		Proclamation	Sexual Assault Awareness Month	Lane
2		Proclamation	National Crime Victims Rights Week	Lane
			Workshop 04/09/2019	
1		Presentation	Annual Investment	Alves
2		Presentation	SAP Evaluation 2	Bevan
3		Ordinance	Animal Control amendment	Grossman
			Business 04/16/2019	
1		Resolution	SAP adoption	Bevan
2		Ordinance 1st	Animal Control amendment	Grossman
			Future	
1		Resolution	Annual Fire Inspection Fees	Alves
2		Resolution	Permit compliance with NECGA (MOU and Conservation easement)	Bevan

3		Presentation	July 9 Council Priority Update	Bevan
4		Presentation	October 15 Council Priority Update Presentation	Bevan
5		Resolution	FEMA Generators	Blake/Kronenberg
6		Resolution	Whiteview Parkway Force Main Improvements	Blake/Kronenberg
7		Resolution	Pine Lakes Pkwy Forcemain and Lift Station Improvements	Blake/Kronenberg
8		Resolution	Equip 3 Wells and Raw Water Main, PH 3	Blake/Kronenberg
9		Resolution	WO WWTP Blair Castle Dr design project	Blake/Kronenberg
10		Resolution	Project Price is Right Incentive Agreement	Newingham

City of Palm Coast, Florida Agenda Item

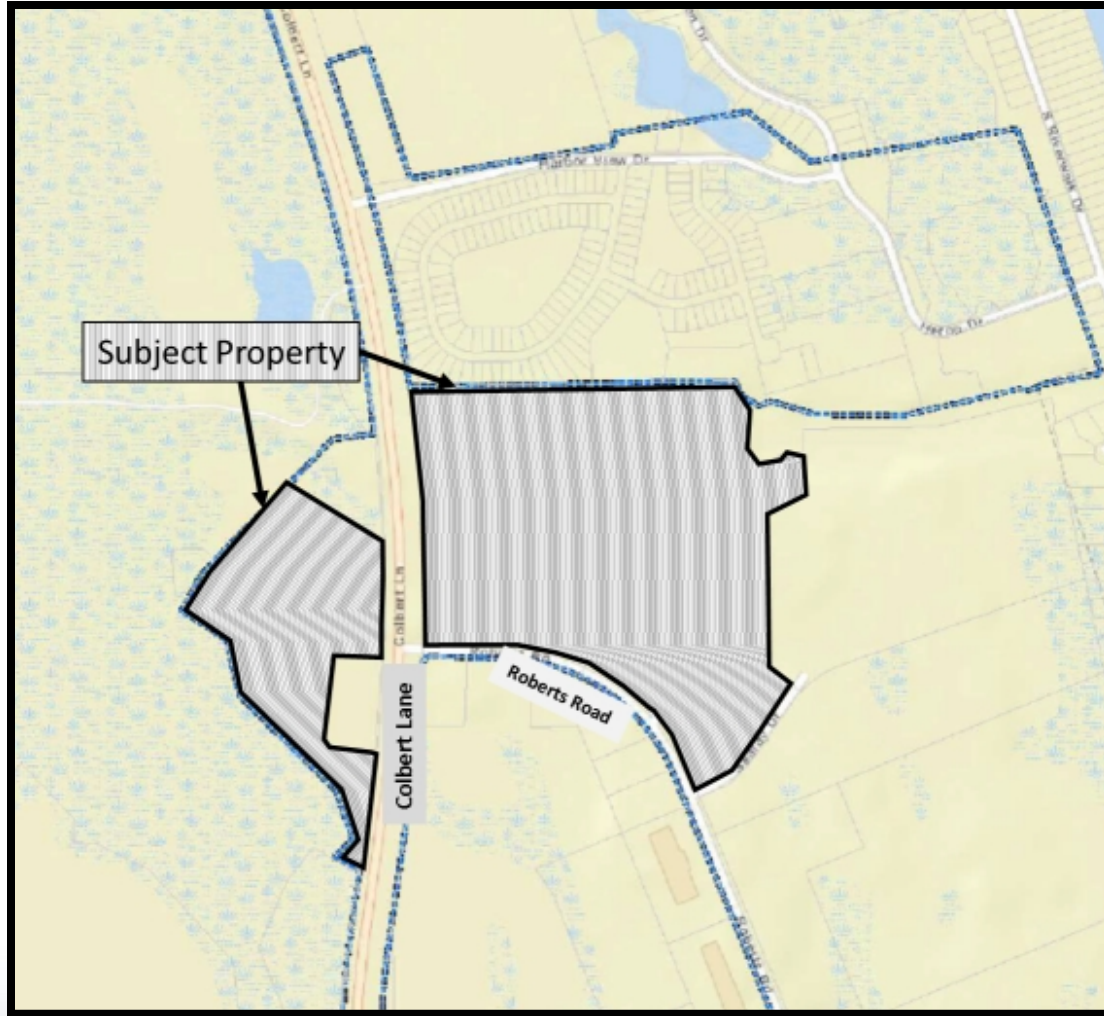
Agenda Date : 03/05/2019

Department	CITY CLERK	Amount
Item Key	6144	Account
		#
Subject	ATTACHMENTS TO MINUTES	
Background :		
Recommended Action :		



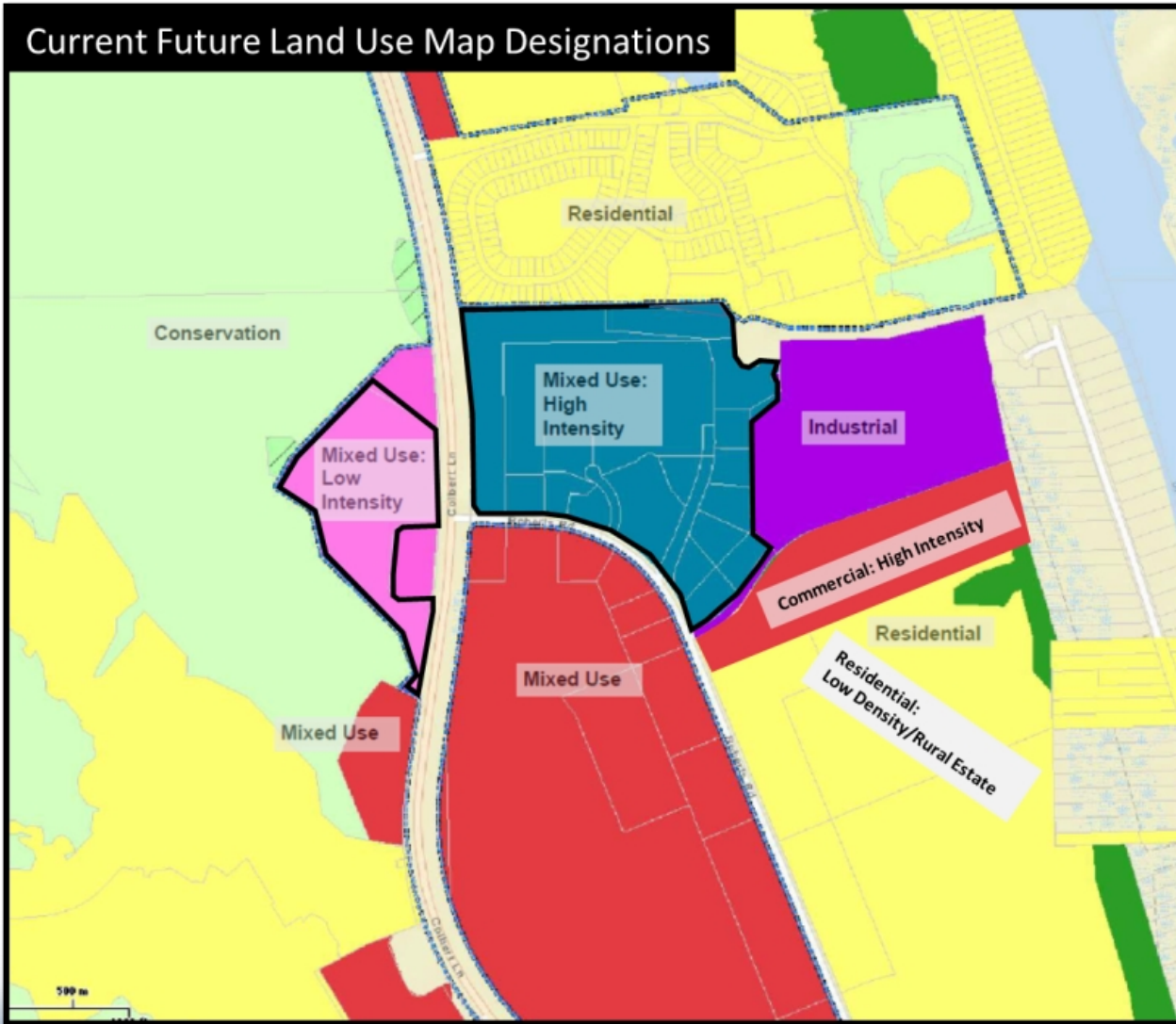
Marina Village (a/k/a Lighthouse Harbor) Future Land Use Map & Zoning Map Designation

MARINA VILLAGE – Background



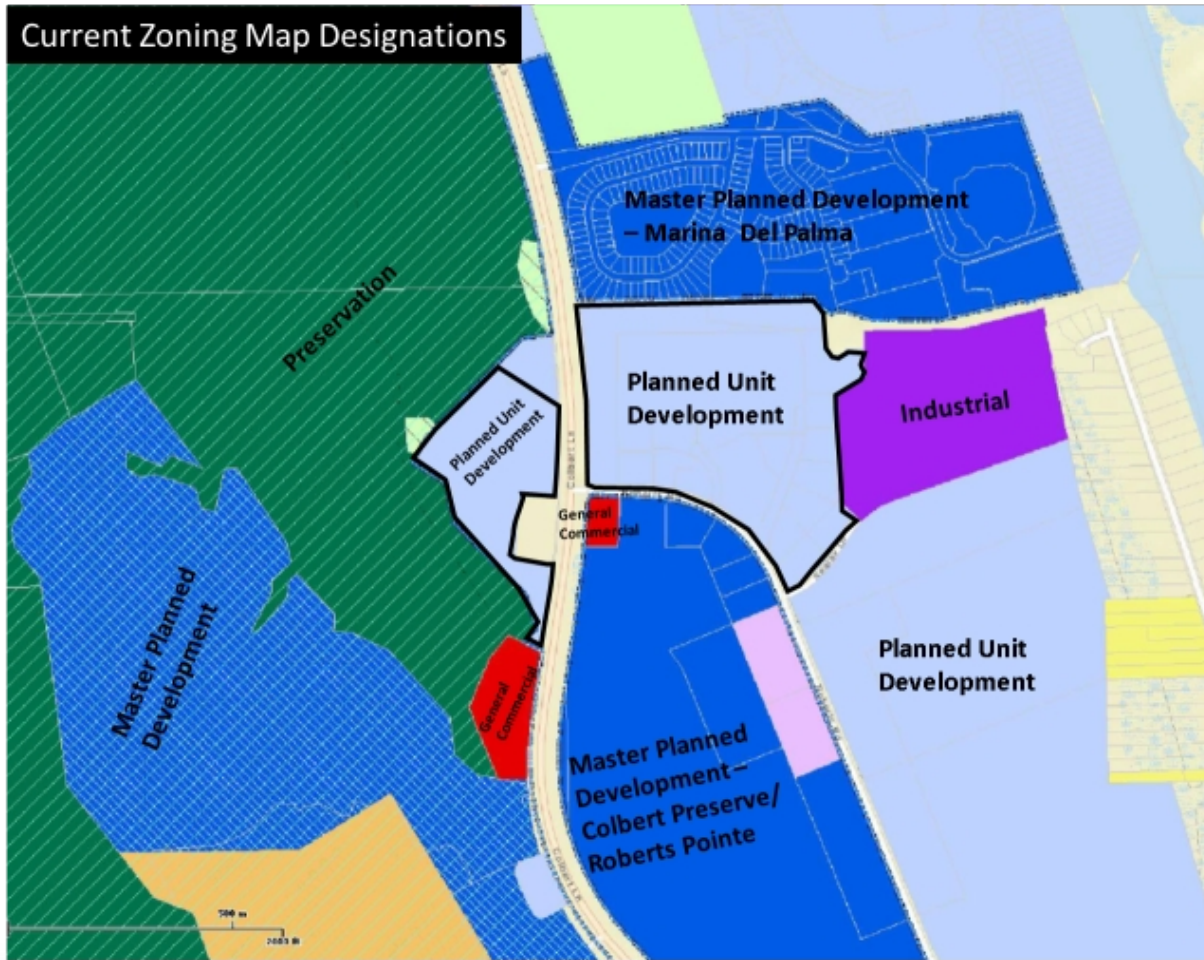
- 89+/- Acres
- New Annexation
- Future Land Use Map & Zoning Map Designation

MARINA VILLAGE – Background



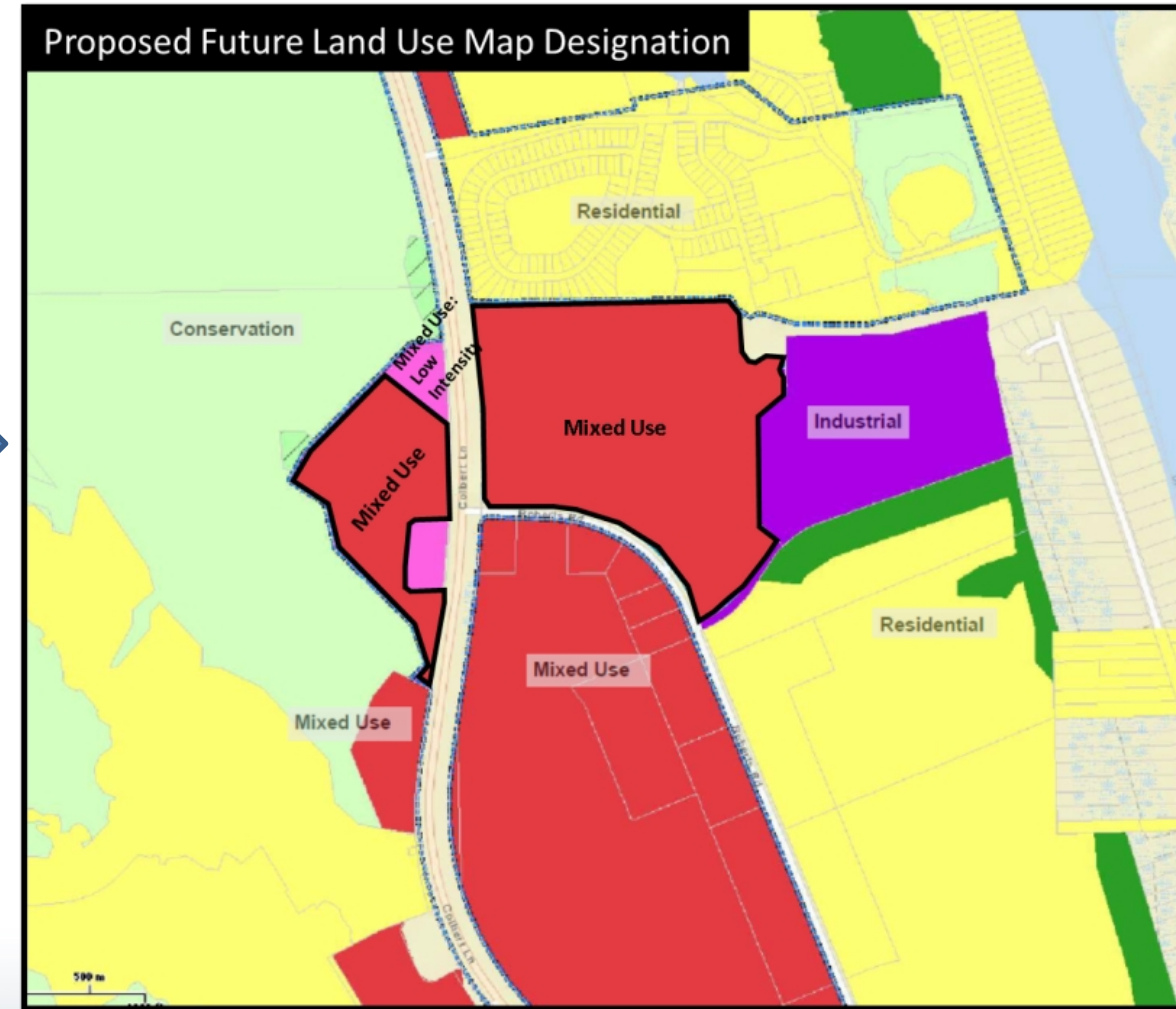
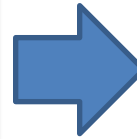
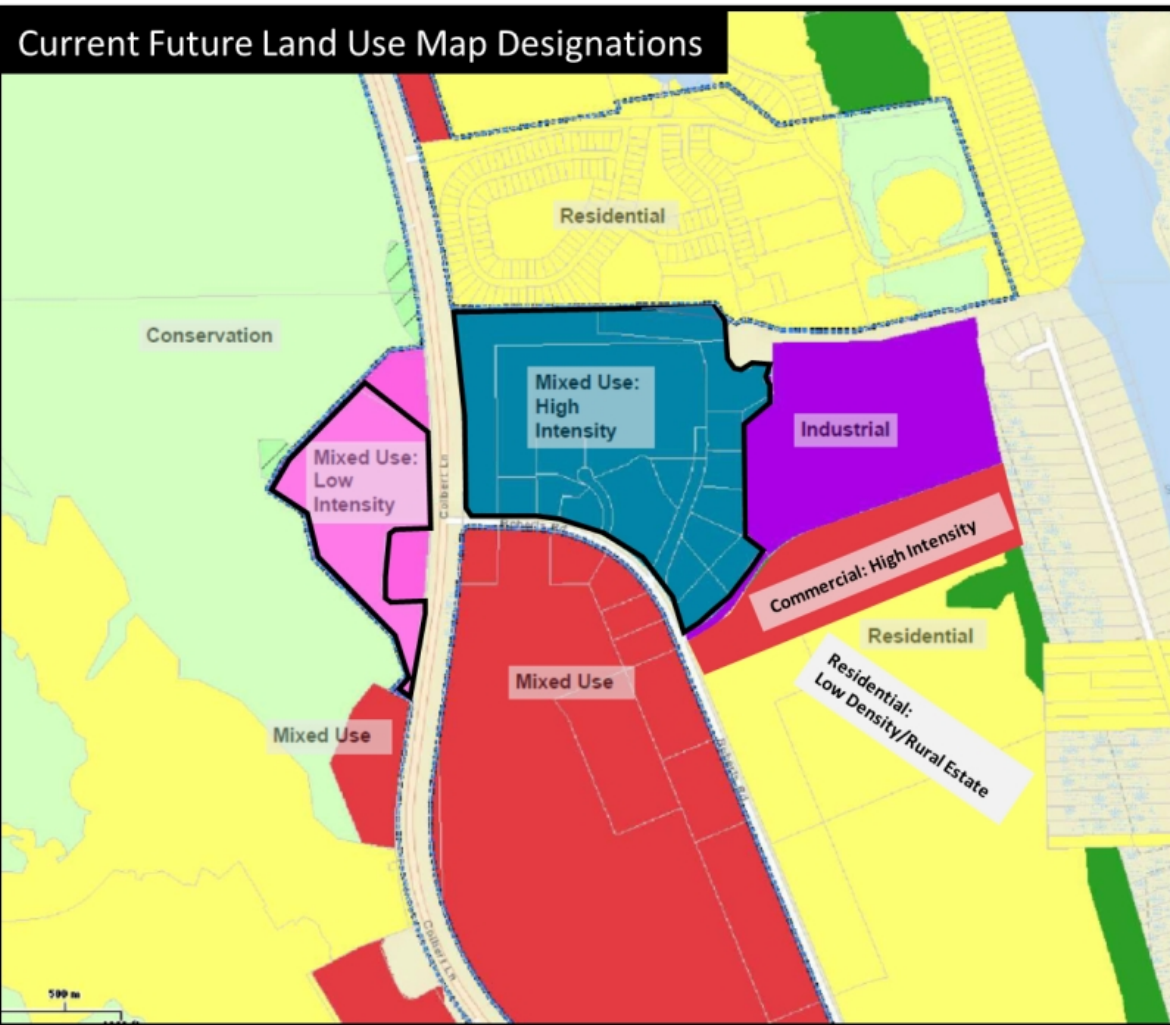
- 66+/- acres Mixed Use High Intensity (east of Colbert Ln.)
- 22+/- acres Mixed Use: Low Intensity (west of Colbert Ln.)

MARINA VILLAGE – Background

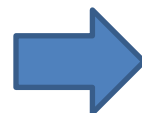
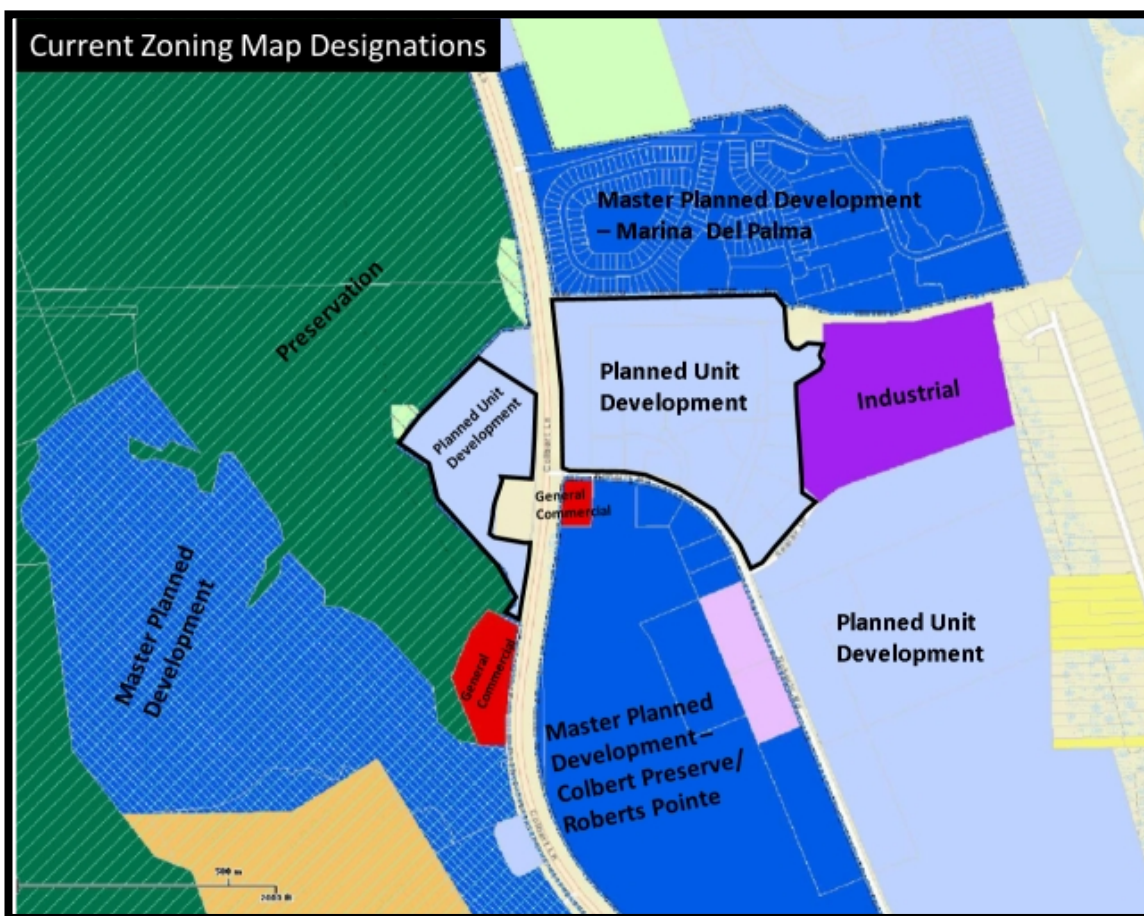


- Planned Unit Development (Marina Village) – Approved 2006, 2008 rev., and 2013 extension
 - 511 units,
 - 160,500 sq. ft.
 - Marina & amenities (80 wet slips & 200 dry slips)

MARINA VILLAGE – Proposed FLUM Designation



MARINA VILLAGE – Proposed Zoning Designation



Marina Village – Future Land Use Map Designation Analysis

Table 2 Public Facilities Impact Analysis

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

- Proposed City designation has net reduction in impact to public facilities

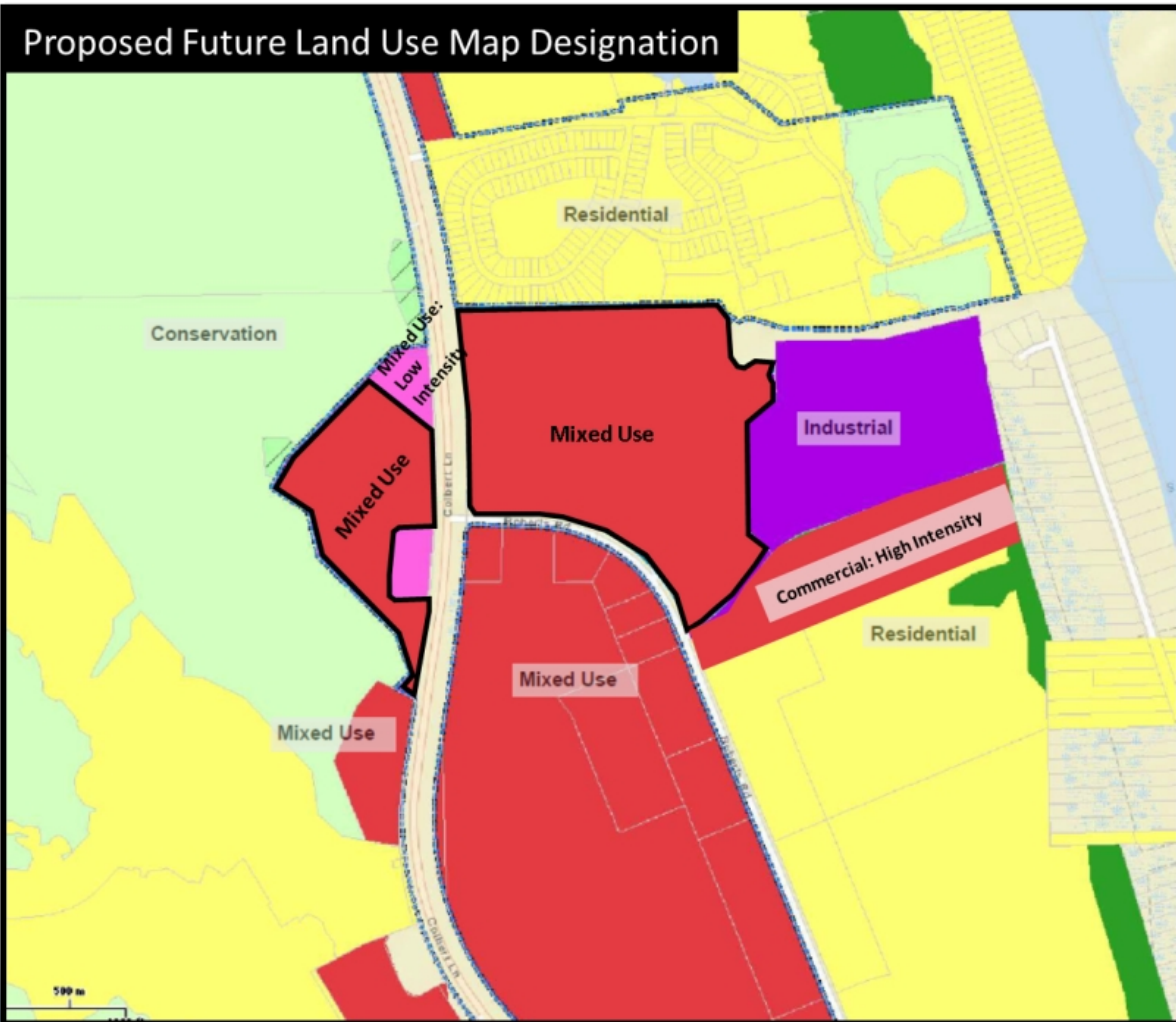
Marina Village – Future Land Use Map Designation

Evaluation of Environmental Impacts

- Designation does not increase area of development
- No additional impacts on environmental conditions within the subject property

Marina Village – Future Land Use Map Designation

Consistency with Surrounding Land Use



- Proposed land uses are generally consistent with surrounding land uses

Marina Village— Future Land Use Map Designation

Consistency with Other Comprehensive Plan Policies

- Availability of Infrastructure
- Promotes land use patterns that do not increase cost of providing utilities
- Promotes diversity in housing opportunities

Marina Village – Future Land Use Map Designation

FINDINGS

- No additional impact on environmental conditions
- Consistent with surrounding land uses
- Consistent with Comprehensive Plan
- No impact on Level of Service for public infrastructure

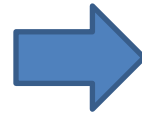
Marina Village – Future Land Use Map Designation

Staff and the PLDRB recommend Approval



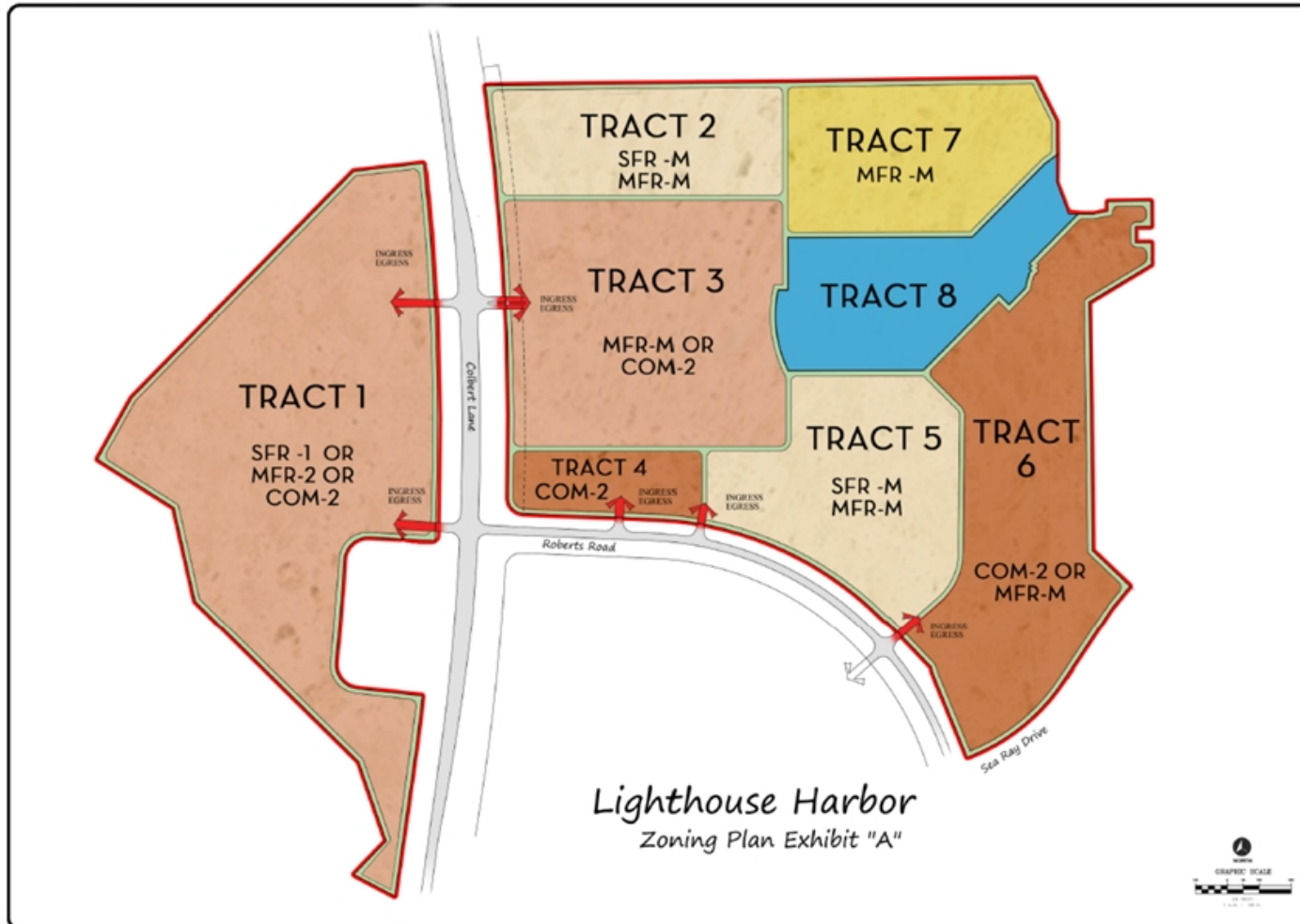
Zoning Map Designation

MARINA VILLAGE – Proposed Zoning Designation



MARINA VILLAGE – Proposed Zoning Designation

- Tract Map



Lighthouse Harbor

Conceptual Master Plan 2A



- 511 dwelling units
- 160,500 sq. ft. of non-residential
- Marina & amenities (80 wet slips & 200 dry slips)

Lighthouse Harbor

Conceptual Master Plan 2B



- 
- PALM COAST
Find Your Florida

MARINA VILLAGE – Proposed Zoning Designation

Master Planned Development Agreement

Development Standards for Multi-family - No Significant Change

MFR-M Site Development Requirements – Marina

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

MARINA VILLAGE – Proposed Zoning Designation

Master Planned Development Agreement

1) Entitlements:

- Increase potential maximum number of units from 511 to 740.
- No change in non-residential development potential (160,500 sq. ft.)
- Marina with 80 wet slips and up to 200 dry slips

2) Development Standards:

- Decrease minimum lot sizes for single-family to 3,000 sq. ft. from 4,800 sq. ft.
- Decrease minimum living area for single-family to 1,000 sq. ft.
- Use General Commercial (COM-2) Standards

MARINA VILLAGE – Proposed Zoning Designation

Master Planned Development Agreement

3) Adjust buffer from Sea-Ray property (50' wide with a landscaped berm up to 20' high). Buffer to meet City requirements, only if Tract is developed for multi-family.

4) Deletion of requirement for Blue Heron Rookery. Rookery has been abandoned with concurrence of DEP and Florida Fish and Wildlife Conservation Commission (FFWCC).

MARINA VILLAGE – Proposed Zoning Designation

Master Planned Development Agreement

5) Colbert Lane Vegetative Buffer. Current PUD requires 50' vegetative buffer on eastside and 30' on westside of Colbert Lane. The proposed MPD will require 25-foot "G" type buffer, which will require 1-shade tree per 50', 1 understory tree per 50', short screen, and accent planting 30 per 100'.

MARINA VILLAGE – Proposed Zoning Designation

Master Planned Development Agreement

6) Changes references from Flagler County Code to City of Palm Coast Land Development Code

7) Addition of low-impact development standards for water conservation

MARINA VILLAGE – Proposed Zoning Designation

FINDINGS

- *Consistent with Comprehensive Plan*
 - Availability of utilities
 - Promotes housing variety
- *Criteria-Change does not cause significant financial liability or hardship on City*
 - Utilities are available

MARINA VILLAGE – Proposed Zoning Designation

FINDINGS

- *Criteria - No threat to general health, safety, and welfare of community*
- *Criteria - Must comply with other local, state, or federal regulations*
- *Criteria – Compatibility with surrounding land uses*
- *Criteria – No significant impact on environment and natural resources*

Marina Village – Proposed Zoning Designation

Staff and the PLDRB recommends Approval

Marina Village – Next Steps

FLUM Amendment & Zoning Map Amendment

- FLUM Amendment – Transmitted for Review by various State Agencies
- 2nd Public Hearing – After review/comments from State Agencies
- Site Plan/Plat Approvals



Questions?

Marina Village – Recommendation

Agenda Item #4 (App# 3823) - Comprehensive Plan Amendment for 89+/- acres from Flagler County Mixed Use High Intensity & Mixed Use: Low Intensity to City designation of Mixed Use

Staff and the PLDRB recommend Approval

Agenda Item #5 (App# 3824) - Zoning Map Amendment for 89+/- acres from Flagler County Planned Unit Development to City designation of Master Planned Development along with Development Agreement

Staff and the PLDRB recommend Approval



Public Works Facility Site

Amendments:

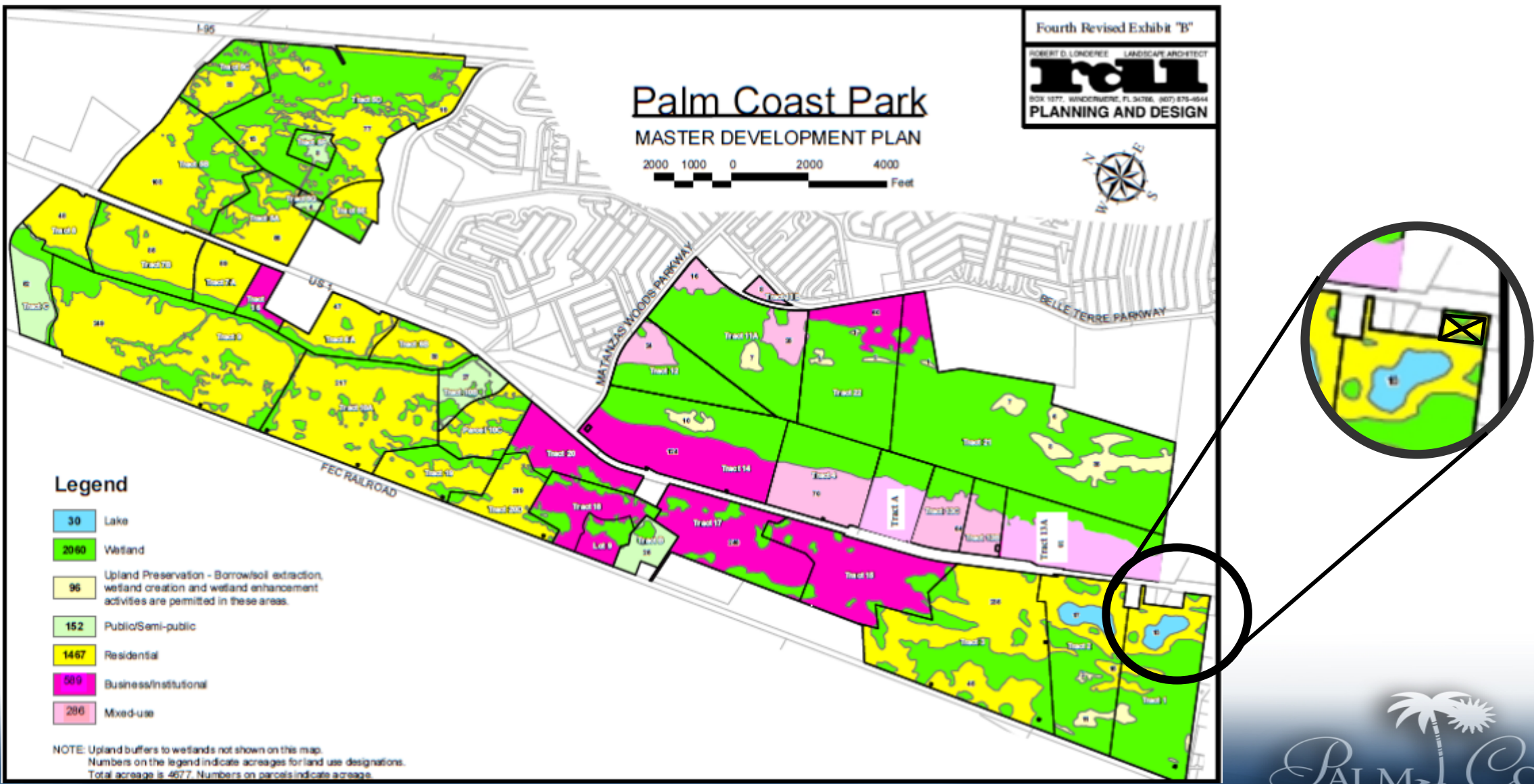
Development of Regional Impact – Development Order,
Future Land Use Map, &
Zoning Map Amendment

PUBLIC WORKS FACILITY SITE – BACKGROUND

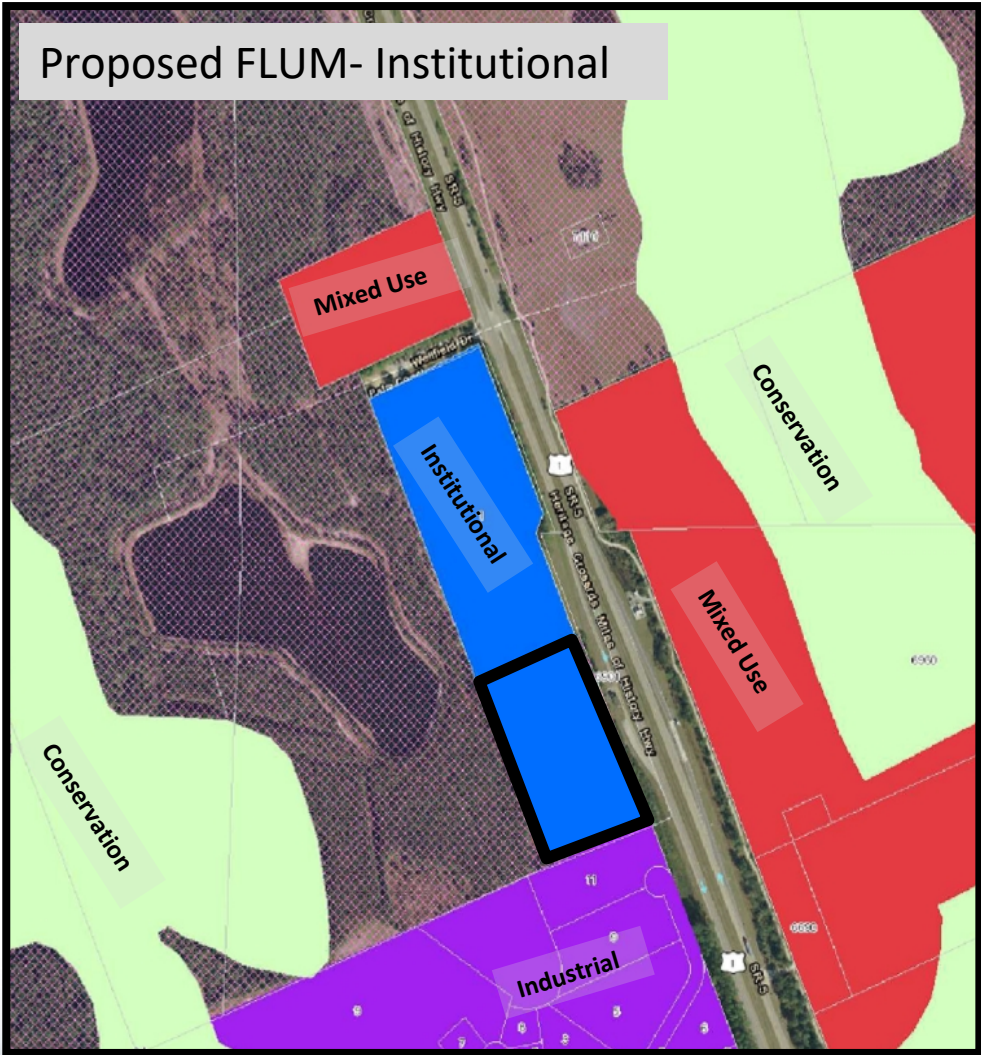
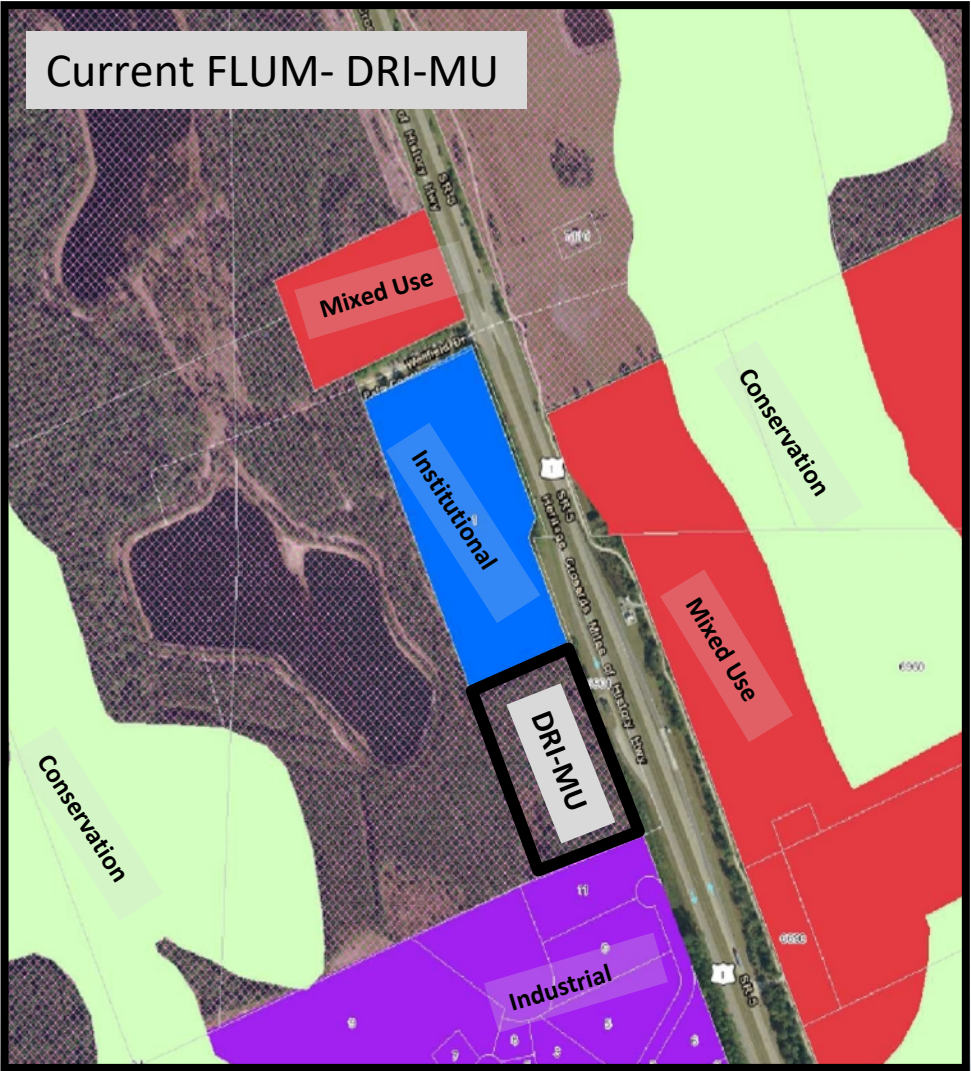


- 6.1+/- Acres
- Property Swap in 2018
- DRI Amendment, FLUM Amendment, & Zoning Map Amendment

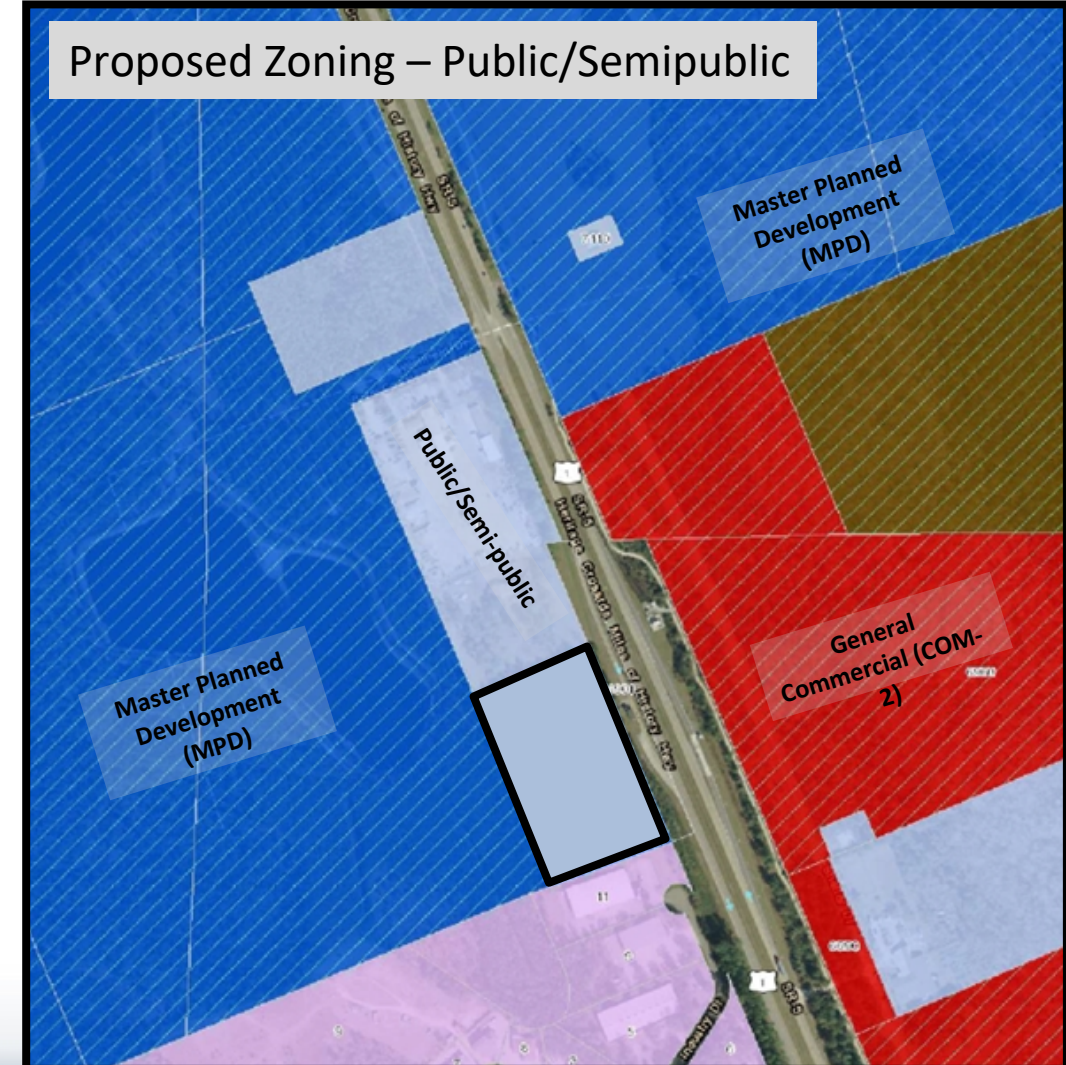
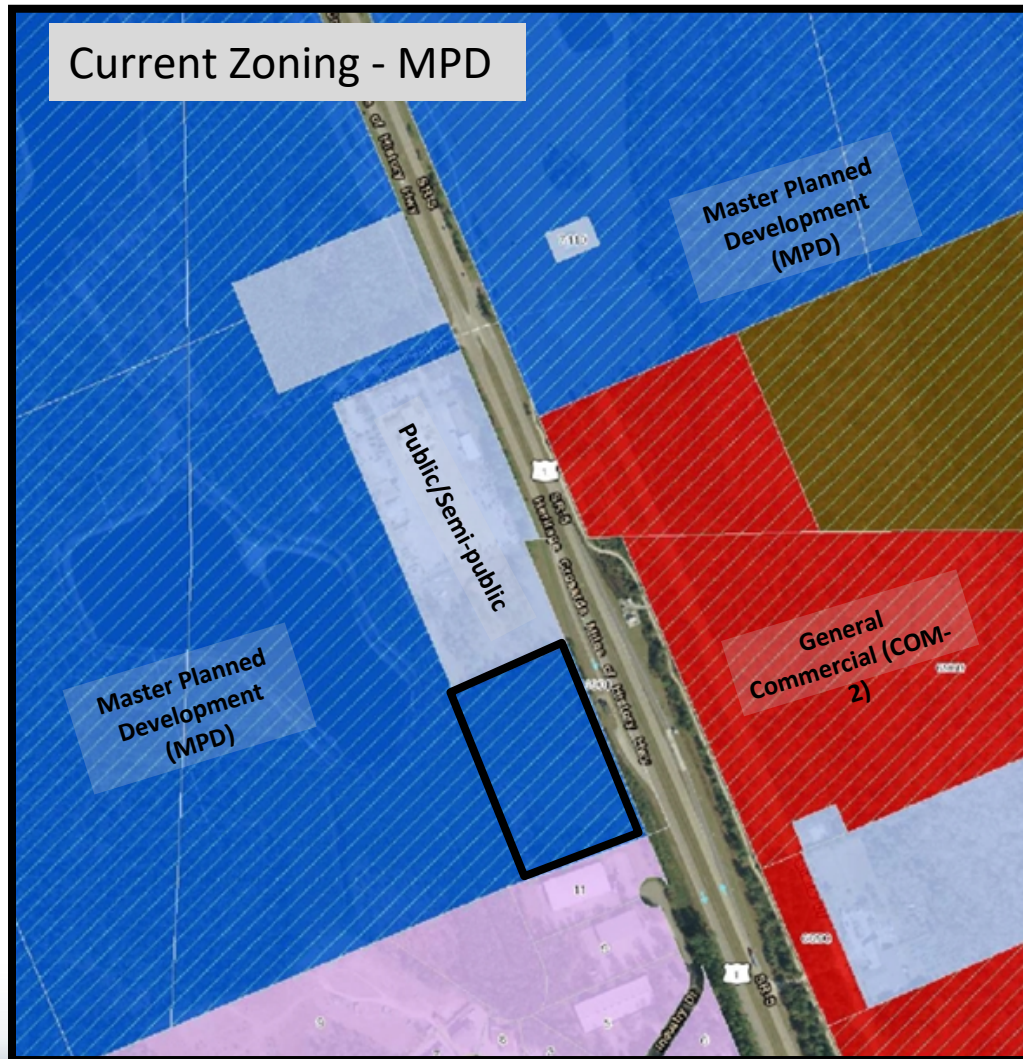
PUBLIC WORKS FACILITY SITE – Development of Regional Impact Amendment



PUBLIC WORKS FACILITY SITE – Future Land Use Map Amendment



PUBLIC WORKS FACILITY SITE – Zoning Map Amendment



PUBLIC WORKS FACILITY SITE – Future Land Use Map Amendment

Table 2 Public Facilities Impact Analysis

Density ⁽¹⁾	# of units or square feet of development	Transportation (PHT) ⁽²⁾	Potable Water (GPD) ⁽³⁾	Sanitary Sewer (GPD) ⁽⁴⁾	Solid Waste (lbs./capita/day) ⁽⁵⁾	Recreation and Parks (8 acres/ 1000 pop.) ⁽⁶⁾	Public Education (students) ⁽⁷⁾	Stormwater Drainage ⁽⁸⁾
Proposed FLUM designation								
Institutional (6.1 ac.) .30 FAR Business Park	79,584	103	13,529	7,958	--	--	--	N/A
	Total	103	13529	7958	--	--	--	N/A
Current FLUM designation								
DRI-Mixed Use (6.1 ac) .55 FAR	145,904	578	24,804	14,590	--	--	--	N/A
DRI-Mixed Use (6.1 ac) Residential Use - 15du/acre	91				1,888	1.8	30	
(minus) 34% pass-by trips for shopping center		196						
	Total	381	24804	14590	1888	1.8	30	
Net Change		-279	-11,274	-6,632	-1,888	-1.8	-30	N/A

- Reduction in potential impact to public facilities

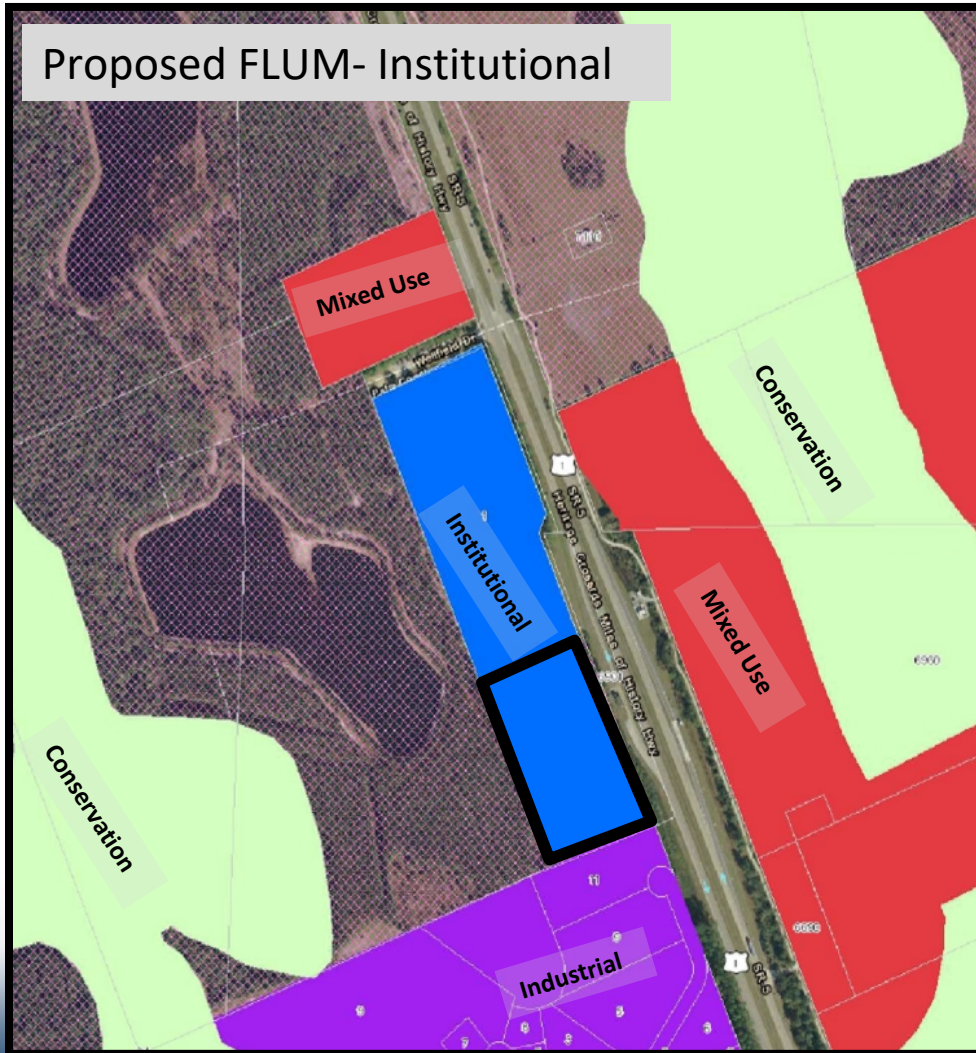
PUBLIC WORKS FACILITY SITE – Future Land Use Map Amendment

- Evaluation of Environmental Factors

No significant change in environmental impact between current and proposed FLUM

PUBLIC WORKS FACILITY SITE – Future Land Use Map Amendment

Consistency with Surrounding Land Use



- Proposed land uses are generally consistent with surrounding land uses

Consistency with Comprehensive Plan Policies

- Availability of Infrastructure
- Promotes land use patterns that do not increase cost of providing utilities
- Location of commercial/non-residential development

PUBLIC WORKS FACILITY SITE – Future Land Use Map Amendment

FINDINGS

- No significant impact on environmental factors
- Consistent with surrounding land uses
- Consistent with Comprehensive Plan
- No impact on Level of Service for public infrastructure

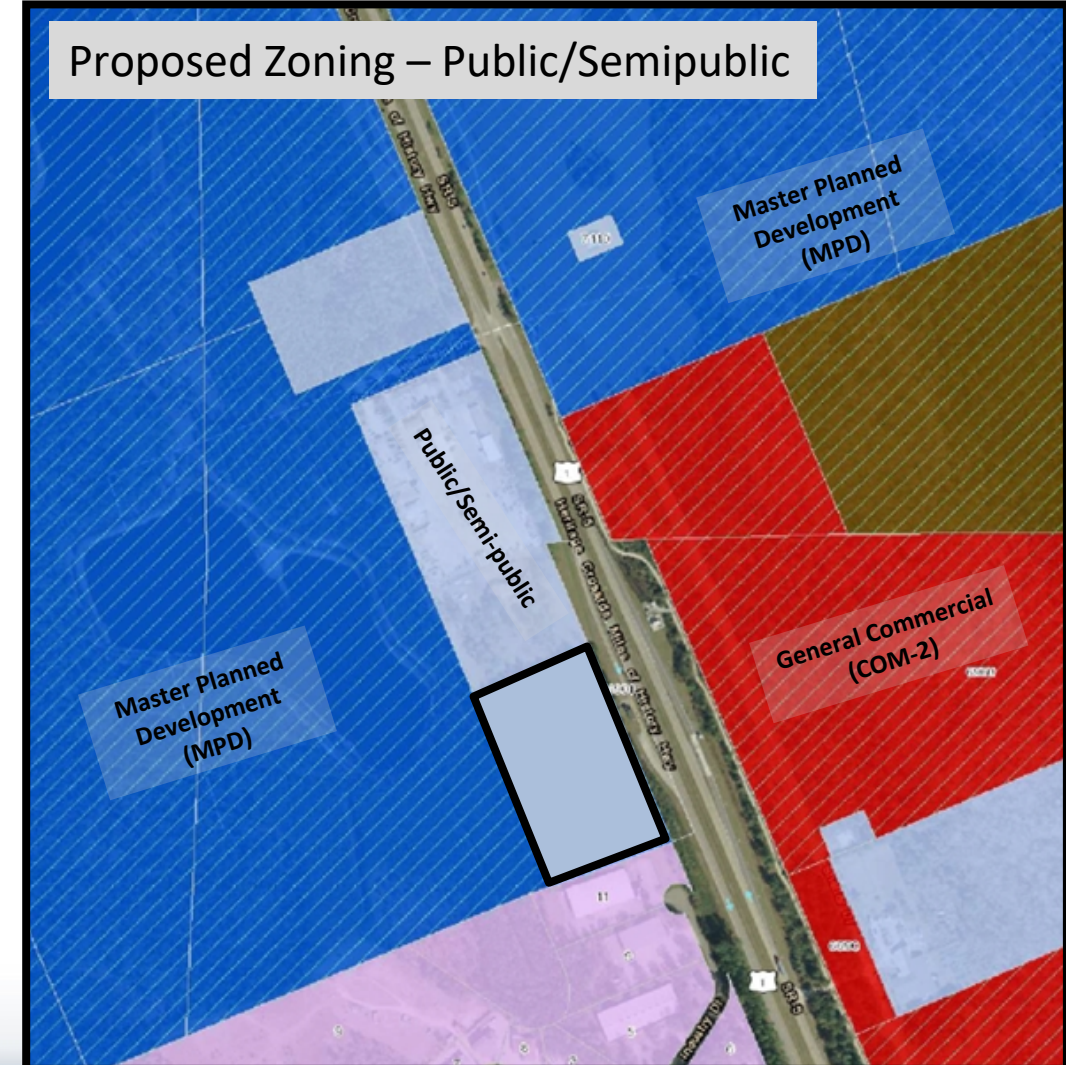
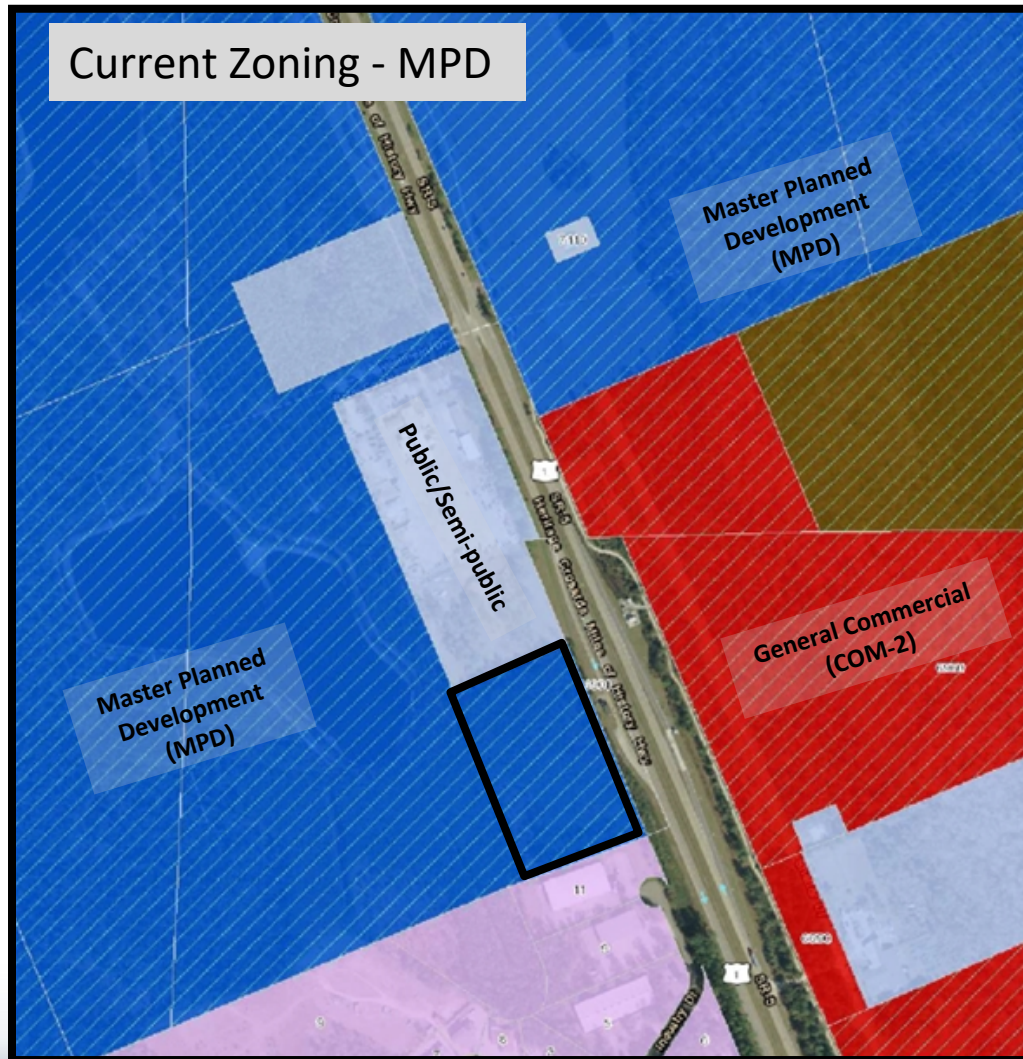
PUBLIC WORKS FACILITY SITE – Future Land Use Map Amendment

Staff recommends Approval



Zoning Map Amendment

PUBLIC WORKS FACILITY SITE – Zoning Map Amendment



PUBLIC WORKS FACILITY SITE – Zoning Map Amendment

FINDINGS

- *Criteria-Change does not cause significant financial liability or hardship on City*
 - Water and wastewater lines are available adjacent to site
- *Criteria - Efficient Land Use Patterns & Location of non-residential uses*
 - Location on major arterial is appropriate for intensification of proposed use

PUBLIC WORKS FACILITY SITE – Zoning Map Amendment

FINDINGS

- *Criteria - No threat to general health, safety, and welfare of community*
- *Criteria - Must comply with other local, state, or federal regulations*
- *Criteria – Compatibility with surrounding land uses*

PUBLIC WORKS FACILITY SITE – Zoning Map Amendment

FINDINGS

- No significant impact on environmental factors
- Consistent with surrounding land uses
- Consistent with Comprehensive Plan
- No impact on Level of Service for public infrastructure

PUBLIC WORKS FACILITY SITE – Zoning Map Amendment

Staff recommends Approval

PUBLIC WORKS FACILITY SITE – Next Steps

FLUM Amendment & Zoning Map Amendment

- 2nd City Council Public Hearing

Future Applications: Site Plan Approval



Questions?

PUBLIC WORKS FACILITY SITE - Recommendations

Agenda Item #6 (App# 3843) – Amend Palm Coast Park DRI boundary

Staff and PLDRB recommend Approval

Agenda Item #7 (App #3845) – Comprehensive Plan Amendment for 6+/- acres from DRI-Mixed Use to Institutional

Staff and PLDRB recommend Approval

Agenda Item #8 (App #3844) – Zoning Map Amendment 6+/- acres from Master Planned Development to Public/Semipublic

Staff and PLDRB recommend Approval



Wellfield Grade

Zoning Map Amendment (Rezoning)

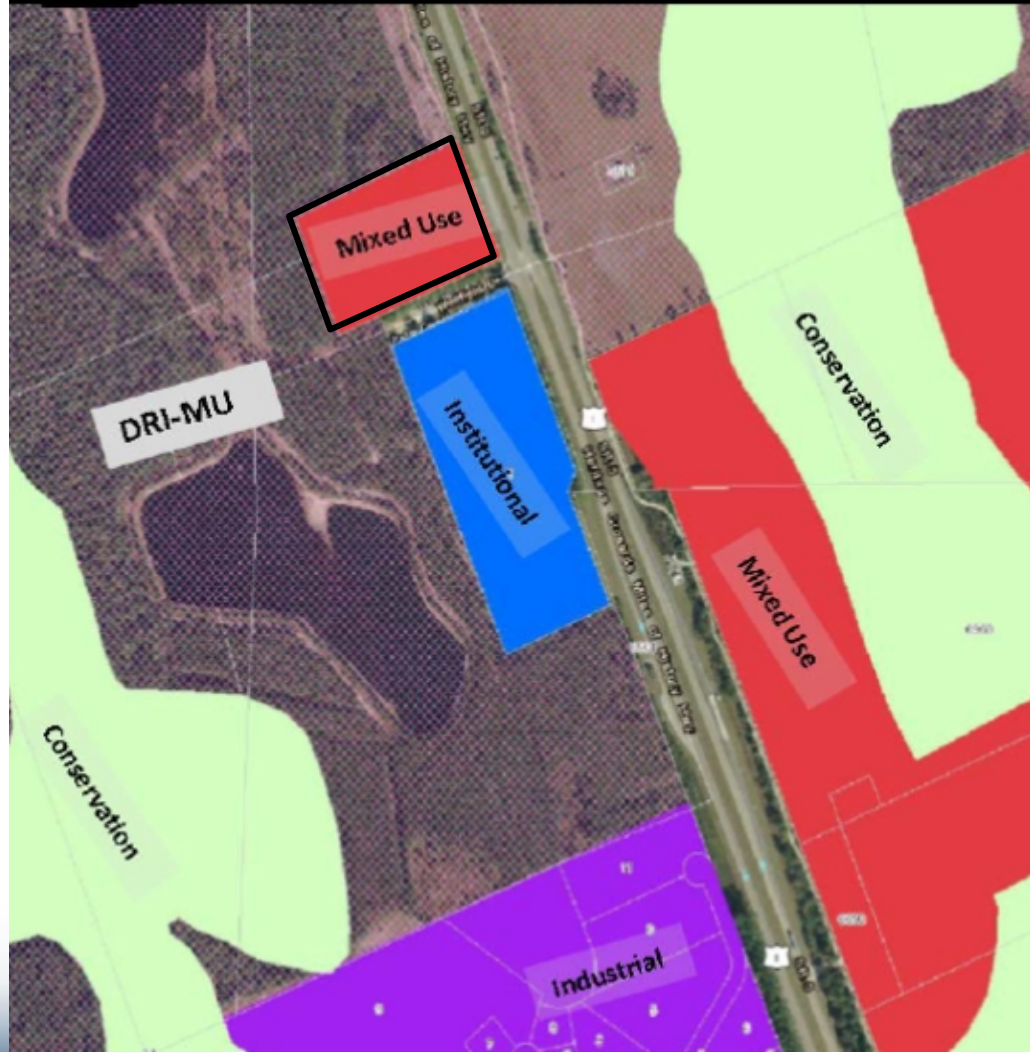
Wellfield Grade Rezoning– BACKGROUND



- 5+/- Acres
- Part of Property Swap in 2018
- Zoning Map Amendment

Wellfield Grade Rezoning – Future Land Use & Zoning Map

Current Future Land Use Map



Current Zoning Map

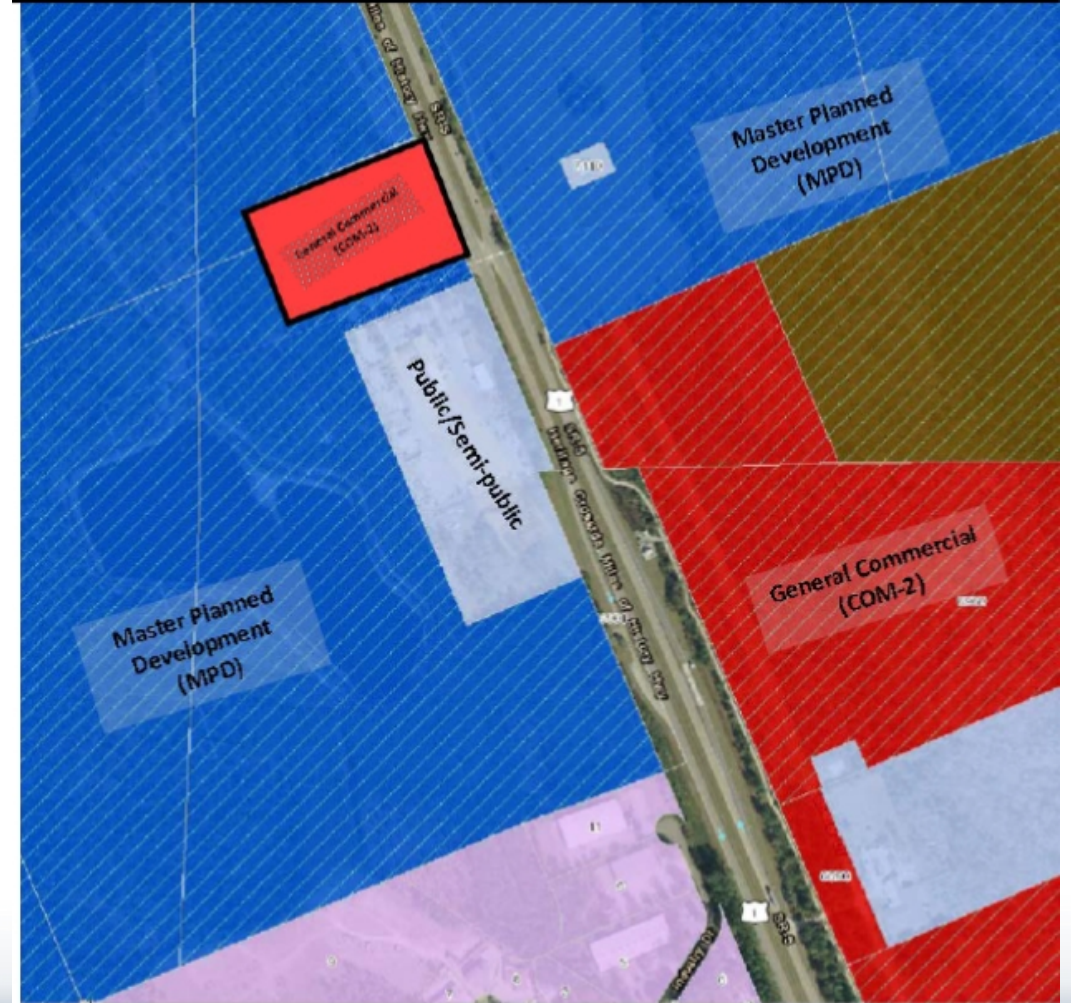


Wellfield Grade Rezoning – Proposed Zoning Map

Current Zoning Map



Proposed Zoning Map



Wellfield Grade Rezoning – Analysis

Consistency with Comprehensive Plan Policies

- Availability of Infrastructure
- Promotes land use patterns that do not increase cost of providing utilities
- Location of commercial/non-residential development

Wellfield Grade Rezoning – Analysis

FINDINGS - Zoning Criteria

- Consistent with Comprehensive Plan
- Availability of infrastructure adjacent to site (water and sewer)
- Does not create a hazard – Compatible with surrounding land uses
- COM-2 uses will expand opportunity to provide services to future residential use in the area

Wellfield Grade Rezoning – Recommendation

Staff and the PLDRB recommend Approval

Wellfield Grade Rezoning – Next Steps

Zoning Map Amendment

- 2nd City Council Public Hearing

Future Applications - Site Plan/Plat Approval



Questions?

Wellfield Grade Rezoning – Recommendation

Agenda Item #9 (App #3842) – Rezoning 5+/- acres from Public/Semipublic to General Commercial

Staff and the PLDRB recommend Approval