



City of Palm Coast
Agenda
PLANNING AND LAND
DEVELOPMENT
REGULATION BOARD

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

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

Wednesday, April 17, 2019

5:30 PM

COMMUNITY WING OF CITY HALL

RULES OF CONDUCT:

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

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

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

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

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

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

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

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

Call to Order and Pledge of Allegiance

Roll Call and Determination of a Quorum

Approval of Meeting Minutes

**1 MEETING MINUTES OF THE MARCH 20, 2019 PLANNING AND LAND DEVELOPMENT
REGULATION BOARD MEETING**

Public Hearings

- 2 ZONING MAP AMENDMENT FROM FLAGLER COUNTY DESIGNATION OF AGRICULTURE TO CITY OF PALM COAST DESIGNATION OF GENERAL COMMERCIAL (COM-2) AND PRESERVATION (PRS) FOR A 7.1+/- ACRE PARCEL LOCATED ½ MILE SOUTH OF SR100 AND EAST OF OLD KINGS RD, APPLICATION #3518**
- 3 FUTURE LAND USE MAP AMENDMENT FOR 7.1 +/- ACRE PARCEL LOCATED 500' NORTHEAST OF OLD KINGS ROAD EXTENSION AND MATANZAS WOODS PARKWAY INTERSECTION FROM GREENBELT TO MIXED USE, APPLICATION #3856**
- 4 ZONING MAP AMENDMENT FROM GENERAL COMMERCIAL (COM-2), PUBLIC/SEMI-PUBLIC (PSP) AND RURAL ESTATES (EST-2) TO MATANZAS WOODS RETAIL CENTER MASTER PLANNED DEVELOPMENT (MPD) - APPLICATION # 3855**

Board Discussion and Staff Issues

Adjournment

City of Palm Coast, Florida Agenda Item

Agenda Date: April 17, 2019

Department	PLANNING	Amount
Item Key	6300	Account
		#
Subject	MEETING MINUTES OF THE MARCH 20, 2019 PLANNING AND LAND DEVELOPMENT REGULATION BOARD MEETING	
Background :		
Recommended Action :		
Approve the minutes as presented		



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

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

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

Wednesday, March 20, 2019

5:30 PM

COMMUNITY WING OF CITY HALL

RULES OF CONDUCT:

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Call to Order and Pledge of Allegiance

Chair Davis called the March 20, 2019 Planning and Land Development Regulation Board (PLDRB) meeting to order at 5:30PM.

Irene Schaefer, Recording Secretary, called the roll. Present and answering the roll call were:

Chair Davis
Vice Chair Smith
Mrs. Lucas
Mr. Dolney
Mr. Scully
Mr. Freeman

Absent:
Mr. Lehnertz
Mr. DeMaria

Roll Call and Determination of a Quorum

Approval of Meeting Minutes

1 MEETING MINUTES OF THE FEBRUARY 20, 2019 PLANNING AND LAND DEVELOPMENT REGULATION BOARD MEETING

Pass

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

Approved - 5 - Chair Glenn Davis, Board Member Christopher Dolney, Board Member Jake Scully, Vice Chair Clinton Smith, Board Member Sybil Dodson-Lucas

Public Hearings

2 REQUEST FOR MASTER SITE PLAN APPROVAL FOR AMERICAN VILLAGE A PROPOSED 96 UNIT MULTIFAMILY PROJECT, APPLICATION 3888.

Mr. Ray Tyner, Planning Manager, introduced this item by giving some information about a Master Plan along with the history of this project. Mr. Tyner informed the PLDRB members that the next steps if this application were to be approved tonight would be that the applicant would submit a technical review plan for staff's review. Mr. Tyner also introduced Mr. Bill Hoover, Senior Planner, who gave a presentation which is attached to these minutes.

Mr. Tyner clarified for the PLDRB members and those present the history of the two neighborhood meetings that were held. The first was held on December 19, 2018 as required by the Land Development Code (LDC) by the applicant and approximately 40 neighbors attended. The second meeting was held on January 9, 2019 as a result of neighbors' concerns about the status of the sanitary sewer in the Pritchard Drive area, that came to light during the December 19, 2018 meeting. All participants who provided their contact information during these two neighborhood meetings were contacted regarding tonight's PLDRB meeting by

Irene Schaefer, Recording Secretary via phone call or an email which also provided an update on the sanitary sewer improvements that are planned in the near future.

Mr. Bob Dickinson, Dickinson Consulting, representing the developer, gave a presentation which is attached to these minutes.

Chair Davis opened this item to public comment at 5:58PM and seeing no one approach the podium, he closed this item to public comment at 5:59PM.

Mr. Dickinson gave an explanation regarding the landscape buffer after being asked to clarify the buffer by Mr. Scully.

Mr. Freeman, representing Flagler County Schools, reminded the PLDRB members and staff that Flagler Schools have already submitted a letter of "no impact" because this is an age restricted project. However, Mr. Freeman clarified that at the time of final plat submittal, he would need to review the declaration of covenants, conditions and restrictions.

Pass

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

Approved - 5 - Chair Glenn Davis, Board Member Christopher Dolney, Board Member Jake Scully, Vice Chair Clinton Smith, Board Member Sybil Dodson-Lucas

Board Discussion and Staff Issues

Since no members of the public came forward during the public comments section of this meeting, Mr. Tyner announced to the members of the audience if they wished to speak with staff, staff would be available after the meeting,

Adjournment

Motion made that the meeting be adjourned by Mr. Scully and the motion was seconded by Vice Chair Smith.

The meeting was adjourned at 6:02 PM.

*Respectfully Submitted by:
Irene Schaefer, Recording Secretary*

ATTACHMENTS

City of Palm Coast, Florida Agenda Item

Agenda Date: April 17, 2019

Department	PLANNING	Amount
Item Key	6301	Account
		#
Subject	ZONING MAP AMENDMENT FROM FLAGLER COUNTY DESIGNATION OF AGRICULTURE TO CITY OF PALM COAST DESIGNATION OF GENERAL COMMERCIAL (COM-2) AND PRESERVATION (PRS) FOR A 7.1+/- ACRE PARCEL LOCATED ½ MILE SOUTH OF SR100 AND EAST OF OLD KINGS RD	
Background :	<p>The subject property is 7.1± acres and generally ½ mile south of SR 100 on the eastside of Old Kings Rd. The site is immediately south of the existing Craig Flagler Palms Funeral Home and Cemetery and fronts directly on Old Kings Rd. The proposed rezoning will amend the zoning designation of the subject property from Flagler County designation of Agriculture (AC) to City of Palm Coast designation of General Commercial (COM-2) and Preservation (PRS).</p> <p>The subject property currently has a Future Land Use Map designation of Mixed Use over a 6.5+/- portion of the property with a sliver of “Conservation” designation along its eastern boundary. Based on the FLUM designation, the portion designated as Mixed Use is proposed to be zoned COM-2, with the Conservation area designated as Preservation.</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,- the proposed rezoning is consistent with the surrounding land uses and is in an area appropriate for expansion of commercial/service use, and does not cause a nuisance or threat to the general welfare and safety of the public.	
Recommended Action:	Planning Staff recommends that the Planning and Land Development Regulation Board (PLDRB) recommend that City Council, approve application number 3518 to rezone 7.1+/- acres Flagler County designation of Agriculture (AC) to City of Palm Coast designation of General Commercial (COM-2) and Preservation (PRS).	



**COMMUNITY DEVELOPMENT DEPARTMENT
CITY COUNCIL
Zoning Map Amendment Staff Report
April 17, 2019**

OVERVIEW

Application Number: 3518

Applicant: CPH, Inc.

Property Description: 7.1 ± acre property approximately ½ mile south of State Road 100 on the eastside of Old Kings Rd.

Property Owner: Bulow Creek LLC
Parcel ID: 10-12-31-0000-00020-0010
Current FLUM designation: Mixed Use & Conservation
Current Zoning designation: Agriculture (Flagler County Designation)
Current Use: Vacant
Size of subject property: 7.1± acres

Requested Action: Rezoning from Flagler County designation of Agriculture (AC) to General Commercial (COM-2) and Preservation (PRS)

Recommendation: Planning Staff recommends that the Planning and Land Development Regulation Board (PLDRB) recommend that the City Council approve Application # 3518 to rezone 7.1+/- acres from Flagler County designation Agriculture (AC) to General Commercial (COM-2) and Preservation (PRS).

ANALYSIS

REQUESTED ACTION

This a proposed rezoning for an approximately 7.1+/- acre parcel from Flagler County designation of Agriculture (AC) to 6.6+/- acres of General Commercial (COM-2) and .5+/- acres of Preservation (PRS) (City of Palm Coast designation).

BACKGROUND/SITE HISTORY

The subject parcel is to be carved out from a larger parcel owned by Bulow Creek LLC. The subject parcel is vacant and is anticipated to be the site of a proposed expansion of the Flagler Palms Cemetery located to the north.

LAND USE AND ZONING INFORMATION**USE SUMMARY TABLE:**

CATEGORY:	EXISTING:	PROPOSED:
Future Land Use Map (FLUM)	Mixed Use/Conservation	No change
Zoning District	Flagler County - Agriculture	General Commercial (COM-2) & Preservation
Overlay District	None	None
Use	Vacant	Cemetery

SURROUNDING LAND USES:

NORTH: FLUM: Mixed Use
 Zoning: General Commercial (COM-2)
 Use: Craig-Flagler Palms Funeral Home

SOUTH: FLUM: Mixed Use
 Zoning: Flagler County Agriculture
 Use: Vacant

EAST: FLUM: Conservation
 Zoning: Flagler County Agriculture
 Use: Vacant

WEST: FLUM: Mixed Use
 Zoning: Flagler County Agriculture
 Use: Vacant

SITE DEVELOPMENT REQUIREMENTS
Proposed in Comparison to Existing

Criteria	COM-2 (Proposed)	Agriculture (Existing)
Min. Lot Size (sq. ft.)	20,000	5 acres
Min. Lot Width	100'	200'
Max. Impervious area	.70	35%
Max. FAR Ratio	.40	--

Max. Bldg. Height	100'	No maximum
Min. Interior Side & Rear Setback	10'	25'/50'
Min. Street Side Setback	25' (Arterial/Collector) or 20' (Local)	50'

ANALYSIS BASED ON UNIFIED LAND DEVELOPMENT CODE CHAPTER 2 SECTION 2.05.05

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

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

Staff Finding: The proposed rezoning of the subject property is not in conflict with, or contrary, to the public interest. The subject parcel is abutted to the north by the Craig Flagler Palms cemetery, the proposed rezoning will accommodate the proposed expansion of the cemetery. The subject parcel's location along Old Kings Road and adjacent to a large conservation area makes the expansion on the subject parcel appropriate and will not cause any conflict with the public interest.

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

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.

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 subject property's location is along a major roadway and does not necessitate the extension of water or sewer lines.

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 one of the few cemeteries in Flagler County.

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

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

ANALYSIS BASED ON UNIFIED LAND DEVELOPMENT CODE CHAPTER 2 SECTION 2.06.03

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

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

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

B. Its impact upon the environment and natural resources;

Staff Finding: The subject property will be 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 provide for the expansion of the adjacent cemetery.

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: There is not a significant impact anticipated from the proposed rezoning on governmental services (wastewater, potable water, drainage, solid waste and transportation systems). Development plans will be reviewed for its impact and must not cause any of the public facilities identified to fall below its adopted Level of Service Standards.

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

Staff Finding: The subject parcel is adjacent to one of the few cemeteries in Flagler County. As a growing City/County, there continues to be an increasing demand for services provided by businesses such as Craig Flagler Palms. This continuing increase in demand makes the proposed rezoning and proposed expansion of the cemetery appropriate.

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. Additionally, the proposed Preservation designation along the eastern boundary of the subject property provides additional buffer between the development and the conservation areas to the east. This proposed change does not threaten the general health, welfare or safety of the surrounding residents. The proposed zoning will provide opportunity to provide a service for a growing population in Flagler County.

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

Staff Finding: Yes, the rezoning accomplishes a legitimate public purpose. As stated under the previous criteria, the rezoning of the subject parcel to General Commercial (COM-2) and Preservation (PRS) provides an opportunity to expand the services available for a growing population in Flagler County.

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.

The requirement for a neighborhood meeting was waived by the Land Use Administrator as permitted by the Land Development Code. As provided by the applicant in a justification letter, with the exception of the Flagler County School District, all the land owners within 300' were either the seller or buyer of the subject property. The applicant did contact the School District to present the application and answer any question(s).

RECOMMENDATION

Planning Staff recommends that the Planning and Land Development Regulation Board (PLDRB) recommend that the City Council approve Application # 3518 to rezone 7.1+/- acres from Flagler County designation Agriculture (AC) to General Commercial (COM-2) and Preservation (PRS).



Location Map (Zoomed-In)



Subject Site

Feet 0 400 800

Dataframe Rotation: 0° off True North

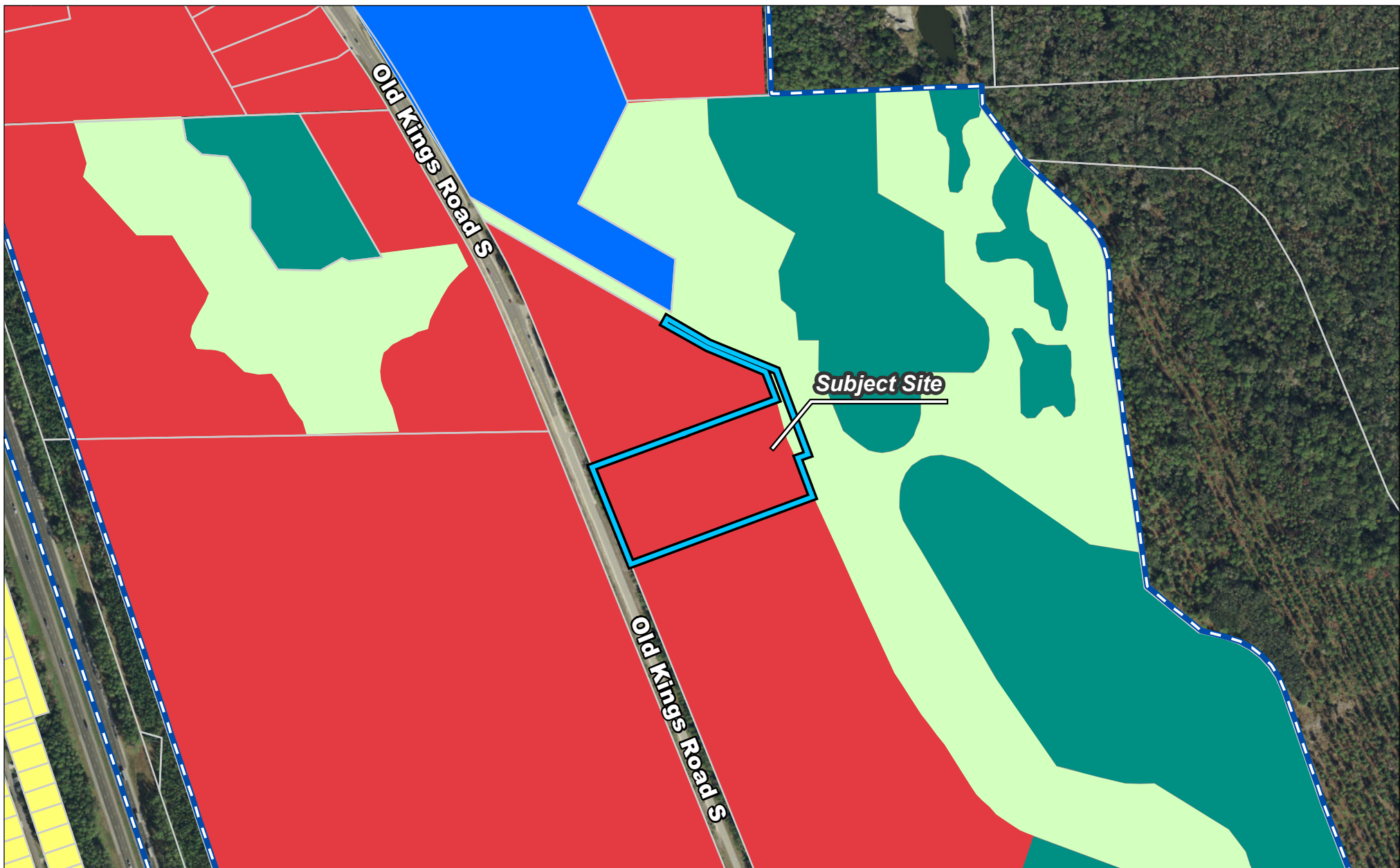


Creation Date:
3/22/2019









Map Provided By:
GIS Division

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Future Land Use Map

- | | | | |
|--|--------------|---|---------------|
|  | Subject Site |  | Institutional |
|  | Conservation |  | Mixed Use |
|  | Greenbelt |  | Residential |

Feet 0 400 800

Dataframe Rotation: 0° off True North

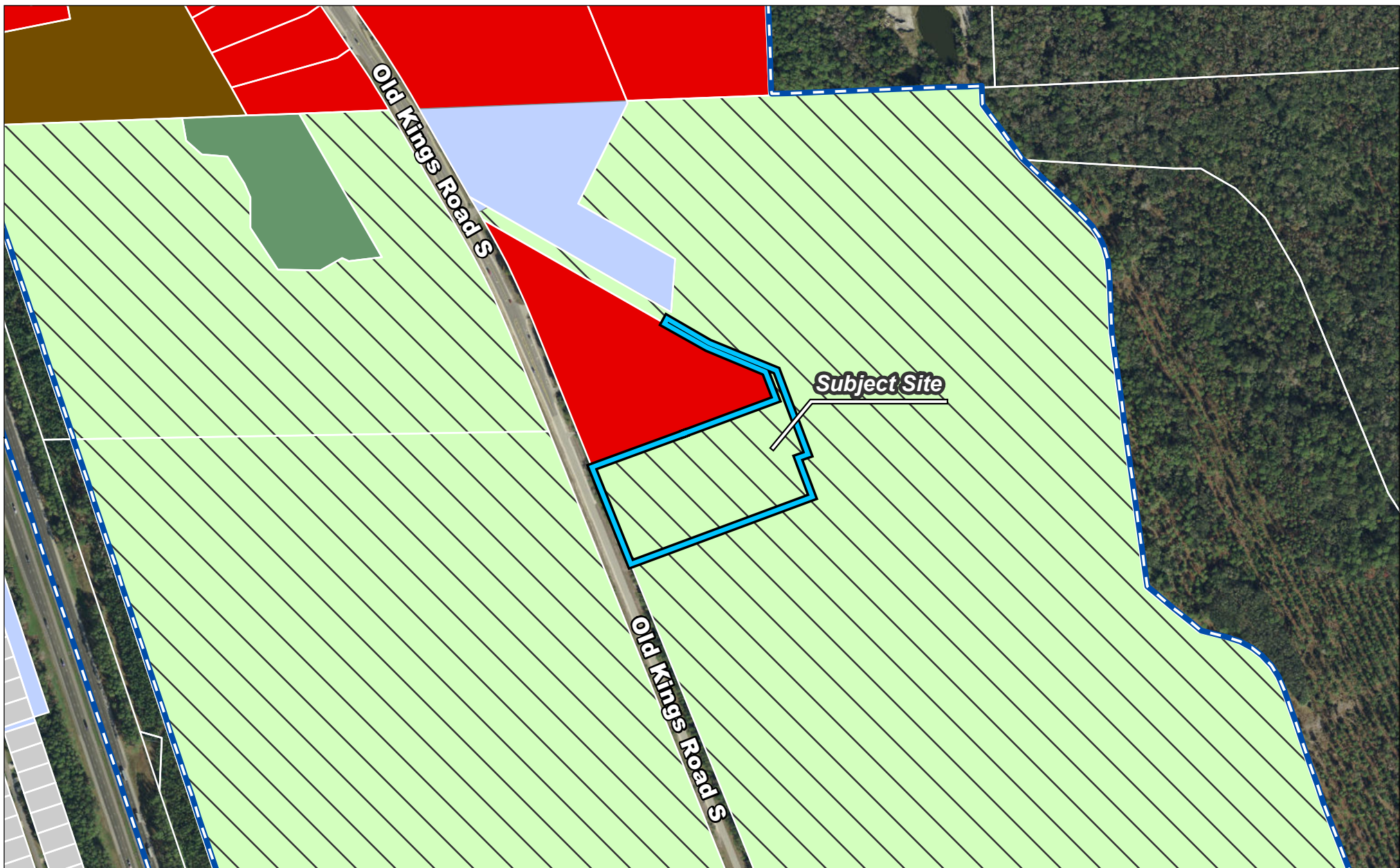


Creation Date:
3/22/2019










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Existing Zoning Map

- | | | | | | |
|--|---|---|-------|---|-------|
|  | Subject Site |  | COM-2 |  | P & G |
|  | AC: Annexed Area, Flagler County Zoning adopted |  | DPX |  | PSP |
| | |  | MFR-2 | | |

Feet 0 400 800

Dataframe Rotation: 0° off True North

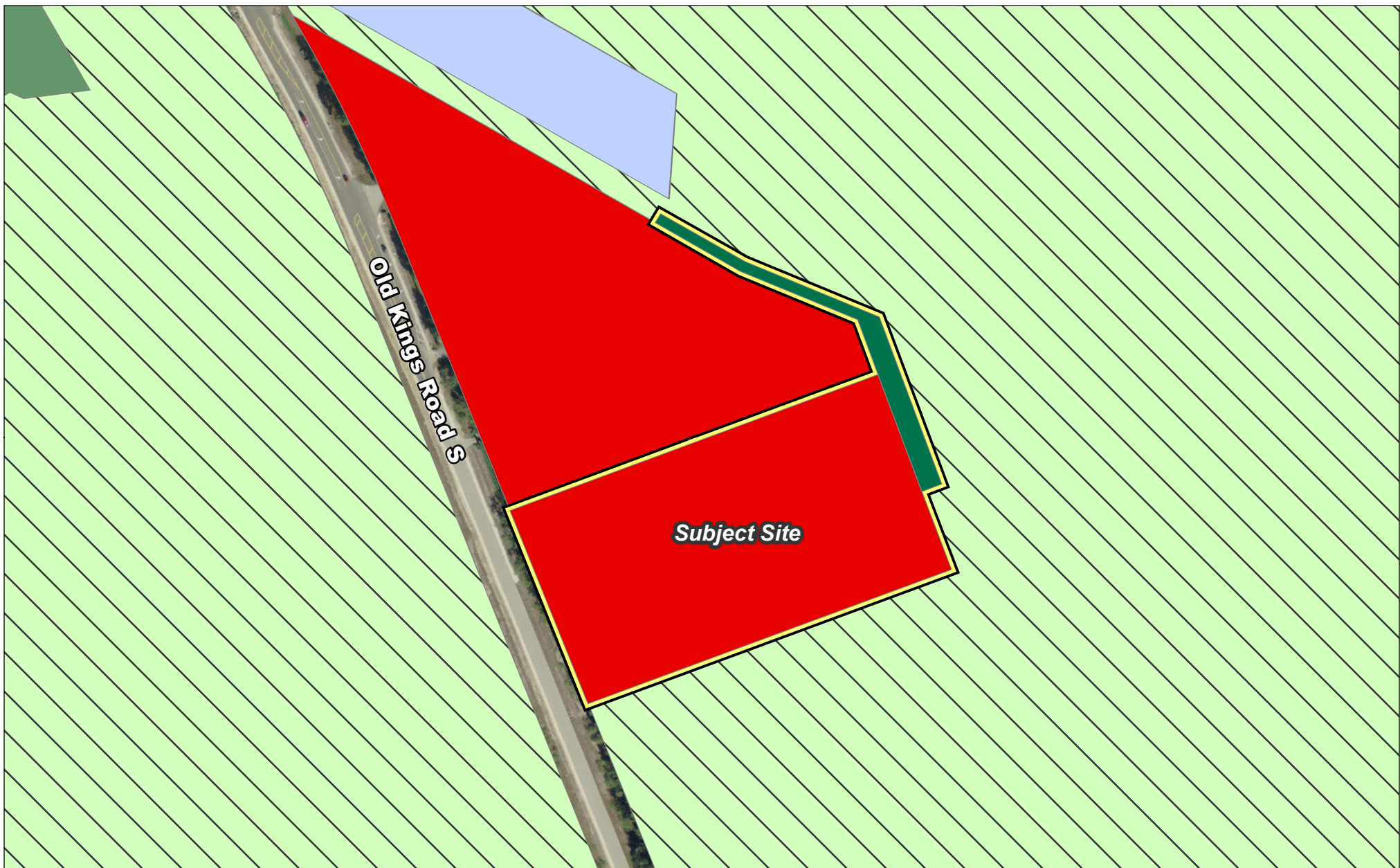


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Proposed Zoning Map



Subject Site



PRS [Proposed]



COM-2 [Proposed]



AC: Annexed Area, Flagler
County Zoning adopted



COM-2



P & G



PSP

Feet 0 200 400

Dataframe Rotation: 0° off True North



Creation Date:
3/25/2019



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City of Palm Coast, Florida

Agenda Item

Agenda Date: April 17, 2019

Department	PLANNING	Amount
Item Key	6303	Account
		#
Subject	FUTURE LAND USE MAP AMENDMENT FOR 7.1 +/- ACRE PARCEL LOCATED 500' NORTHEAST OF OLD KINGS ROAD EXTENSION AND MATANZAS WOODS PARKWAY INTERSECTION FROM GREENBELT TO MIXED USE.	
Background:	The proposed comprehensive plan amendment is for a 7.1+/- acre parcel located approximately 500 feet northeast of the intersection of Old Kings Rd. extension and Matanzas Woods Pkwy. The proposed amendment will change the Future Land Use Map (FLUM) designation of the subject parcel from Greenbelt to Mixed Use.	
In addition to the FLUM amendment, there is a companion application to change the zoning of the parcel from Public/Semipublic to Master Planned Development (MPD). The MPD zoning is proposed to cover an approximately 29 acre area.		
The subject property is currently owned by the City of Palm Coast and is used as a stormwater pond. The applicant proposes a land swap with the City to acquire the subject 7.1 acre parcel in exchange for approximately 9+/- acres.		
The proposed amendment was reviewed for the following: An analysis of the proposed amendment's impacts on public facilities and infrastructure does not indicate significant impacts to public facilities (i.e. the impacts do not exceed the accepted Level of Service). Furthermore, the impacts will be reviewed in greater detail during the site plan review process.		
Review of the environmental impacts does not indicate a significant impact on the environmental resources since the amendment will not encroach into the wetland areas (designated Conservation on the Future Land Use Map) to the west.		
Finally, the proposed amendment was reviewed for consistency with goals, objectives, and policies of the City's Comprehensive Plan and is found to be consistent with the following goals, objectives, and policies:		
<ul style="list-style-type: none">• Mixed Use designation is consistent with the designation of the surrounding parcels and is appropriate at proposed location,• promoting compact and contiguous development and a mixture of land uses,• 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 Land Development Code (LDC) such as development phasing, programming, and appropriate sizing of public facilities, and• that the development of employment centers are at close proximity to housing and transportation corridors for convenience to residents.		
Neighborhood Meeting Consistent with the requirements of the LDC, a neighborhood meeting was held on January 22,		

2019.

Recommended Action:

Planning Staff recommends that the Planning and Land Development Regulation Board (PLDRB) recommend that the City Council approve Application # 3856, an amendment to the Future Land Use Map (FLUM) for 7.1 +/- acres from Greenbelt to Mixed Use.



**COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING AND LAND DEVELOPMENT REGULATION BOARD
April 17, 2019**

OVERVIEW

Application #: 3856

Applicant: David J. Heekin

Property Description:

Property Owner:	City of Palm Coast (proposed as part of a land swap with Matanzas Holdings, LLC)
Location:	500 feet northeast of Old Kings Rd. extension/Matanzas Woods Pkwy.
Real Estate ID #:	25-10-30-0000-01020-0050
Current FLUM designation:	Greenbelt
Current Zoning designation:	Public/Semipublic
Current Use:	Stormwater pond
Size of subject property:	7.1 +/- acres

Requested Action: Future Land Use Map (FLUM) amendment for 7.1+/- acre parcel from Greenbelt to Mixed Use

Recommendation: Staff recommends that the Planning and Land Development Regulation Board recommend that City Council Approve the proposed Future Land Use Map (FLUM) Amendment

Project Planner: José Papa, AICP, Senior Planner

ANALYSIS

Background

The subject parcel is currently owned by the City of Palm Coast and is used as a stormwater pond to serve Matanzas Woods Pkwy. An adjacent land owner Matanzas Holdings, LLC has proposed a land exchange that would result in Matanzas Holdings, LLC acquiring the subject parcel in exchange for 9+/- acres in the vicinity. The exchanged lands from Matanzas Holdings, LLC are currently vacant and designated as Mixed Use and Conservation on the FLUM.

There is a companion zoning map amendment for the remainder of the property to designate an approximately 29 acre area as a Master Planned Development (MPD) for commercial uses.

To comply with this standard, the applicant notified neighboring property owners via regular mail on January 9, 2019, of an upcoming neighborhood information meeting that was held on January 22, 2019 at 6:00 p.m. in the Media Room at Matanzas High School. A total of three persons attended this meeting including Matanzas High School Principal Jeffrey Reaves, the applicant's engineer Curt Wimpee, PE of Alliant Engineering, Inc. and City Senior Planner Bill Hoover. Principal Jeffrey Reaves mentioned his concern about access points for the proposed shopping center and how those would work for students, teachers and visitors to the school. Curt Wimpee, PE showed each of the project's access points including those for pedestrians and bicyclists. Principal Reaves stated that he would request to have David Freeman of the Flagler County School Board follow up with the City and the developer as the project went through the development review processes.

DENSITY/INTENSITY AND POPULATION

The proposed FLUM of Mixed Use permits a maximum Floor to Area Ratio (FAR) intensity of .55. and a maximum density of 15 dwelling units/acre. The current FLUM of Greenbelt permits a maximum density of 1 unit/acre and a maximum FAR of .30. The proposed FLUM will result in a net increase of 76,992 sq. ft. of non-residential development or a net increase of 99 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: Mixed Use	7.07	0.55	169383
Current FLUM: Greenbelt	7.07	0.30	92391
NET CHANGE		Increase	76992
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: Mixed Use	7.07	15 units/acre	106
Current FLUM: Greenbelt	7.07	1 unit/acre	7
NET CHANGE		Increase	99
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 current FLUM designation of Greenbelt permits a maximum residential density of 1 dwelling units/acre and a maximum FAR of .30 of Institutional Use. In comparison, the proposed Mixed Use designation allows a maximum .55 FAR of commercial use and/or 15 dwelling units/acre.

The public facility impact analysis based on the maximum non-residential and residential development potential is provided in below 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./day) ⁽⁵⁾	Recreation and Parks (8 acres/ 1000 pop.) ⁽⁶⁾	Public Education (students) ⁽⁷⁾	Stormwater Drainage ⁽⁸⁾
Proposed FLUM designation - Mixed Use (7.07 acres)								
Max Non-residential Use-.55 FAR Shopping Center	169,383	632	28,795	16,938	--	--	--	N/A
(minus) 34% pass-by trips for shopping center		215						
Max. Residential Use (15 units/acre)	106.05				2,191	2.0	35	
Total		417	28795	16938	2191	2	35	N/A
Current FLUM designation - Greenbelt (7.07 acres)								
Max. Non-residential Use - .30 FAR Hospital	92,391	259	15,706	9,239	--	--	--	N/A
Max. Residential Use (1 unit/acre)	7.1				146	0.1	2	
Total		259	15706	9239	146	0.1	2.3	
Net Change		158	13,089	7,699	2,045	1.9	32.7	N/A

Footnotes:

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

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

⁽²⁾ Transportation: Non-residential PM Peak Hour Trips (PHT), Mixed Use = ITE Code 820: Shopping Center = 3.73/1000 sq. ft. based on average rate in ITE Manual, 8th Edition

⁽²⁾ Transportation: Non-residential PM Peak Hour Trips (PHT), Greenbelt Use = ITE Code 610: Hospital, based on trip generation per formula $T = .78(x) + 186.59$ in ITETrip, Generation Manual, 8th Edition, $X = 1000$ sq. ft. Gross Floor Area

⁽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 increase of 158 peak hour trips. Matanzas Woods Parkway between US-1 and Palm Harbor Pkwy. currently operate at a Level of Service of "C". Old Kings Rd. between Matanzas Woods Pkwy. and Palm Coast Pkwy. currently operate at a Level of Service between "B" and "C". Further analysis of the traffic impact will be conducted at the time of site plan application.

Potable Water

The proposed FLUM amendment will have a maximum potential net increase in demand for potable water of .013 MGD. Water Treatment Plants #1, 2, & 3 have a combined treatment capacity of 16.58 MGD and a current treatment demand of 11.49 MGD (based on Comprehensive Plan LOS standards).

Wastewater

The proposed FLUM amendment will have a maximum potential net increase in demand for sanitary sewer treatment of .007 MGD. Wastewater Treatment Plants #1 and 2 currently have a treatment capacity of 8.83 MGD and a current treatment demand of 8.08 MGD (based on Comprehensive Plan LOS standards).

Solid Waste

The proposed FLUM amendment will have a maximum potential net increase of 2,045 lbs. of solid waste/day based on a comparison of residential development potential. The City currently has an agreement with Volusia County to accept solid waste until 2026.

Public Recreation and Open Space

The proposed FLUM amendment will have a maximum potential net decrease in demand of 1.9 acres of park facilities. The City currently owns 955+/- acres of park lands, (580+/- acres for active, 375+/- acres for passive uses). Should the property be proposed for residential development an analysis of the project's impact on recreational facilities will be conducted during the site plan review process.

Public Schools

The proposed FLUM amendment will have a potential net increase in demand for 32 student stations. Should the parcel be proposed for residential development a more in-depth analysis of the project's impact on school facilities will be conducted during the site plan review process.

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.*

A. TOPOGRAPHY AND SOIL CONDITIONS

The site is currently used as a stormwater pond. Any vertical development on the site (regardless of Greenbelt or Mixed Use designation) will require the stormwater pond to be filled and require the relocation of the stormwater pond to another location.

B. FLOODPLAIN

Flood designation: The subject parcel is outside the Special Flood Hazard Area (SFHA) and lies within a "X" zone.

C. VEGETATIVE COMMUNITIES

As the site of an existing stormwater pond, the parcel has mainly been cleared to accommodate the pond. 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 such as requirements for preservation or mitigation for historic or specimen trees.

D. PROTECTED SPECIES DISTRIBUTION/ WILDLIFE UTILIZATION

Listed species: A wildlife survey was conducted by the applicant's biologist. The upland and wetland habitat communities found on-site are considered common in Flagler County and east-central Florida. An osprey nest was observed in the wetlands in the southwestern corner of the property. Any effects on the nest or nest tree will require further permitting with USFWS and/or FWC.

E. ENVIRONMENTAL SENSITIVE FEATURES

As stated in the applicant's habitat assessment, the upland and wetland habitat communities found on-site are considered common in Flagler County and east-central Florida.

F. GROUNDWATER RESOURCE PROTECTION

According to City-maintained data, the nearest proposed and/or existing production well is greater than 1.0 mile west of the site. The proposed FLUM change is not anticipated to impact the potable water supply.

G. HISTORICAL RESOURCES

Staff conducted a Geographic Information System (GIS) search of the Florida Department of State, Division of Historical Resources' Florida Master Site File to determine if any historical or archeological resources were located on the subject property or with the immediate vicinity. The search concluded the

site area had been surveyed for historical resources in 2012; however, City staff does not have access to the findings and no additional information was provided by the Applicant. The GIS data did reflect a known site, Old King's Road (FL00186) on or within the property area. It cannot be concluded at this time that historical resources exist on the subject property due to lack of reference material and on-site investigations; however, City regulations exist to protect against impact to historical resources during development. The City requires developments during plan review to provide a qualified environmental professional assessment or State Historical Protection Officer (SHIPO) determination letter that details the potential for historical resources existing on the subject property. Based on the existing improved nature of the site, no impact is anticipated as a result of the land use change.

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: Institutional
 East: Greenbelt
 West: Conservation

Surrounding Zoning Designation:

North: General Commercial (COM-2)
 South: Public/Semipublic
 East: Public/Semipublic
 West: Conservation

Surrounding Property Existing Uses:

North: Vacant
 South: Matanzas High School
 East: Vacant (parcel owned by Flagler County)
 West: Vacant (wetlands)

The proposal to designate the subject property as Mixed Use is generally consistent and compatible with the surrounding land use designations.

- 1) The proposed Mixed Use designation is consistent with the designation of the parcels to the north,
- 2) The proposed amendment does not encroach into the wetland areas to the west which are designated as Conservation,

- 3) The parcel to the east of the subject property is designated as Greenbelt but due to its location at the intersection of Palm Harbor Pkwy. and Matanzas Woods Pkwy. will likely have the potential for more intense development to serve a growing area of Palm Coast.
- 4) Finally, Matanzas Woods Parkway serves as a buffer between the subject property and the Institutional use (Matanzas High School) to the south. Through the site plan review process, special attention will need to be provided to ensure that the increase in traffic volumes from the development of the subject parcel will not negatively impact safety and traffic in and out of the high school property.

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.

Analysis: 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. The site is located approximate to the junction of two roadway corridors (Matanzas Woods Pkwy. and Palm Harbor Pkwy.). The subject parcel's location can provide services (retail or office) to a large sector of the City which is currently lacking in such services. Additionally, utility lines (water and sewer) are available to serve the subject property.

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. Any need to extend water or wastewater mains to the facility will be the responsibility of the developer/property owner.

Objective 1.4.2 – Create Employment Centers and Jobs – Encourage the development of employment centers within close proximity to housing and transportation corridors to maximize accessibility, convenience for residents, and to improve the economic climate.

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 expands the availability of land to provide services in the northeast section of the City. The subject parcel's location in proximity of two roadway corridors (Palm Harbor Pkwy. and Matanzas Woods Pkwy.) is consistent with Comprehensive Plan objective to develop employment centers at close proximity to housing and transportation corridors for convenience to residents.

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

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

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

PUBLIC PARTICIPATION

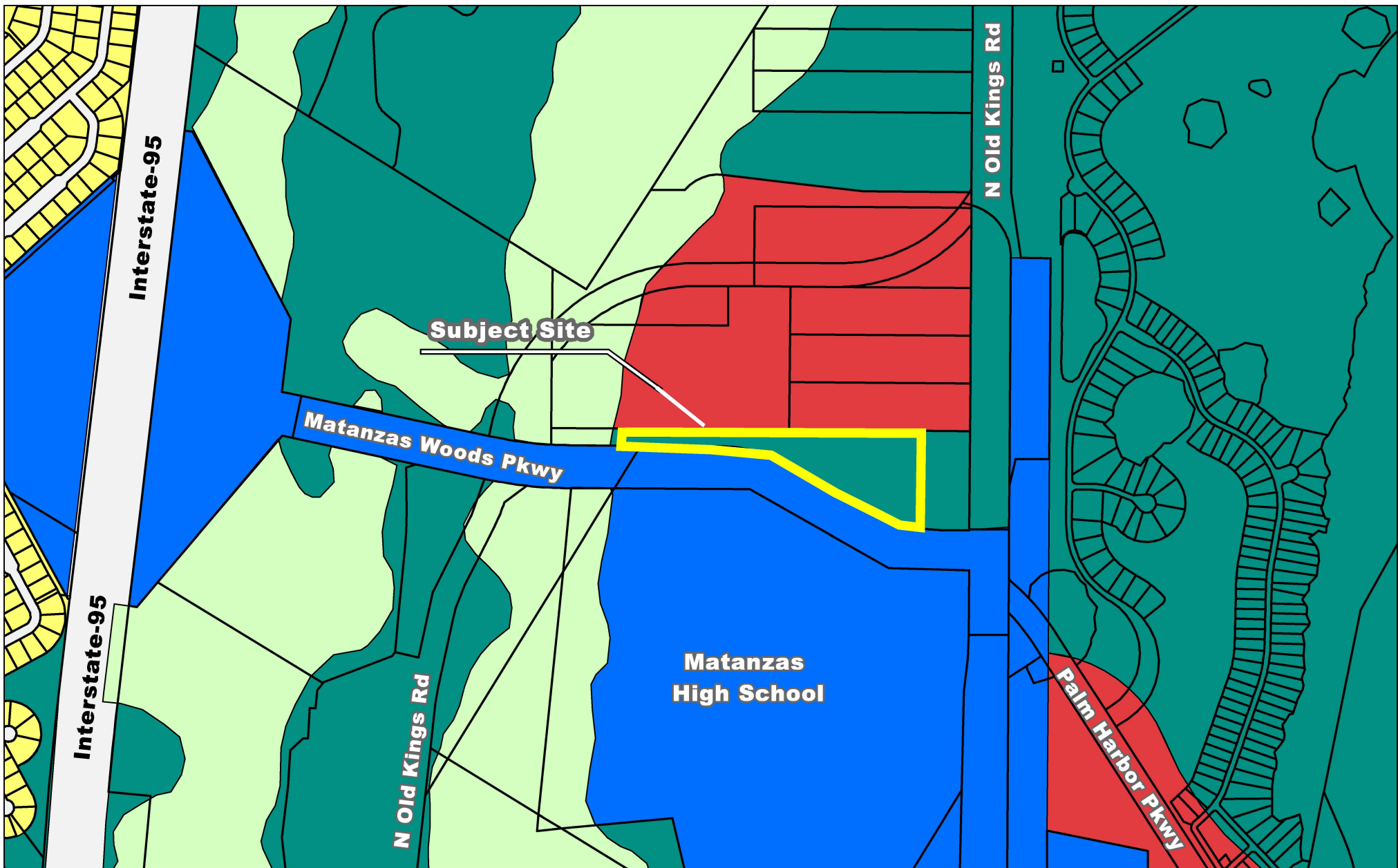
Unified Land Development Code Chapter 2, Part II, Section 2.05.02 requires developers or property owners who are requesting to rezone property within the City to notify neighboring property owners within 300 feet of the subject property boundaries and hold a neighborhood information meeting (NIM).

To comply with the LDC, the applicant notified neighboring property owners via regular mail on January 9, 2019, of an upcoming neighborhood information meeting that was held on January 22, 2019 at 6:00 p.m. in the Media Room at Matanzas High School. A total of three persons attended this meeting including Matanzas High School Principal Jeffrey Reaves, the applicant's engineer Curt Wimpee, PE of Alliant Engineering, Inc. and City Senior Planner Bill Hoover. Principal Jeffrey Reaves mentioned his concern about access points for the proposed shopping center and how those would work for students, teachers and visitors to the school. Curt Wimpee, PE showed each of the project's access points including those for pedestrians and bicyclists. Principal Reaves stated that he would request to have David Freeman of the Flagler County School Board follow up with the City and the developer as the project went through the development review processes.







RECOMMENDATION

Planning Staff recommends that the Planning and Land Development Regulation Board (PLDRB) recommend that the City Council approve Application #3856 to amend the Future Land Use Map (FLUM) designation for 7.1+/- acres from Greenbelt to Mixed Use.





Existing FLU Map

- | | | | | | |
|--|--------------|---|---------------|---|-------------|
|  | Subject Site |  | Greenbelt |  | Mixed Use |
|  | Conservation |  | Institutional |  | Residential |

Feet 0 500 1,000

Dataframe Rotation: -32° off True North

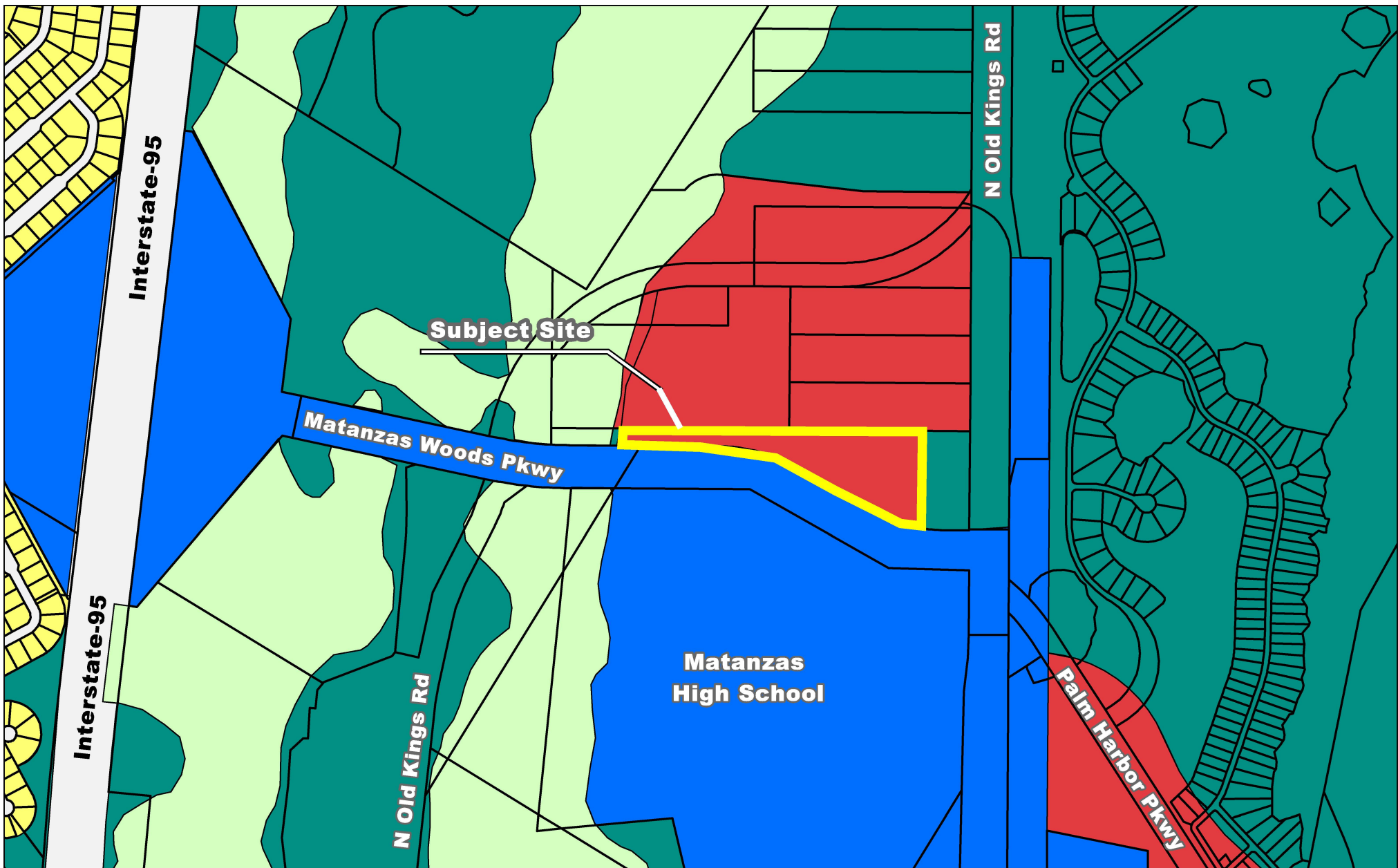


Creation Date:
3/7/2019









Map Provided By:
GIS Division

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



Proposed FLU Map

- | | | | | | |
|--|--------------|---|---------------|---|-------------|
|  | Subject Site |  | Greenbelt |  | Mixed Use |
|  | Conservation |  | Institutional |  | Residential |

Feet 0 500 1,000

Dataframe Rotation: -32° off True North



Creation Date:
3/7/2019



Map Provided By:
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City of Palm Coast, Florida

Agenda Item

Agenda Date: APRIL 17, 2019

Department	PLANNING	Amount
Item Key	6317	Account
		#
Subject	ZONING MAP AMENDMENT FROM GENERAL COMMERCIAL (COM-2), PUBLIC/SEMI-PUBLIC (PSP) AND RURAL ESTATES (EST-2) TO MATANZAS WOODS RETAIL CENTER MASTER PLANNED DEVELOPMENT (MPD) - APPLICATION # 3855.	
Background : Matanzas Holdings, LLC as property owner of three properties and contracted purchaser of the two City owned properties, is proposing to rezone 29.61 +/- acres of vacant land with an existing stormwater pond and borrow pit located on the west side Old Kings Road and north of Matanzas Woods Parkway. The proposed rezoning is from General Commercial (COM-2), Public/Semi-Public (PSP) and Rural Estates (EST-2) to Matanzas Woods Retail Center Master Planned Development (MPD) for a shopping center with outparcels. On September 18, 2018, the City Council approved an Agreement for Exchange of Real Estate, exchanging the portions of the two City owned properties located within this MPD Rezoning to Matanzas Holdings, LLC (see Resolution #2018-127) for property located north of the subject property and for Matanzas Holdings, LLC providing stormwater storage on its land for both Matanzas Woods Parkway and Old Kings Way rights-of-way. This agreement also requires Matanzas Holdings, LLC to rezone the subject property to an MPD. The applicant (Matanzas Holdings, LLC) intends to develop the subject property into a shopping center, anchored by a grocery store, with perhaps a half-dozen outparcels. The project would not exceed 150,000 square feet of commercial area. After adjustments for multi-use traffic and pass-by traffic the project's Phase 1 consisting of 109,100 square feet of retail uses was estimated to generate net new traffic as follows: 302 a.m. peak hour trips, 556 p.m. peak hour trips and 6,552 daily trips. Planning staff has received no communications from the public for or against the project. To ensure high quality development for the project, the applicant has agreed to construct the shopping center in an architecturally style similar to either the Island Walk Shopping Center, Beach Village Shopping Center or the Town Center Publix Plaza. Photos representing these architectural styles are shown as Exhibits C-1, C-2, and C-3 respectively in the MPD Agreement.		
Recommended Action : Planning staff recommends that the Planning and Land Development Regulation Board recommend to City Council approval to rezone 29.61 +/- acres from General Commercial (COM-2), Public/Semi-Public (PSP) and Rural Estates (EST-2) to Matanzas Woods Retail Center Master Planned Development (MPD) as shown in the attached Master Planned Development Agreement and Master Plan for retail and commercial uses, Application No. 3855.		



**COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT FOR MATANZAS WOODS RETAIL CENTER MPD
PLDRB ON APRIL 17, 2019**

OVERVIEW

Application Number: 3855

Applicant: Matanzas Holdings, LLC

Property Description: 29.61 +/- acres of property located in the northwest quadrant of Matanzas Woods Parkway and Old Kings Road

Property Owners: Matanzas Holdings, LLC (Matanzas) and City of Palm Coast (City)

Parcel ID #: 25-10-30-4626-00000-00B0 Matanzas owned
25-10-30-4626-00000-00C0 Matanzas owned
25-10-30-4626-00000-00D1* Matanzas owned
25-10-30-0000-01020-0050* City owned
25-10-30-4626-00000-0Z03* City owned

**Westerly wetland areas are not included*

Current FLUM designation: Mixed Use

Current Zoning designation: General Commercial (COM-2) on most of site except Public/Semi-Public (PSP) is along the southerly portion and Rural Estates (EST-2) along westerly portion

Current Use: Vacant land with stormwater pond & borrow pit

Size of subject property: 29.61 +/- acres

Requested Action: Rezoning from General Commercial (COM-2), Public/Semi-Public (PSP) and Rural Estates (EST-2) to Matanzas Woods Retail Center Master Planned Development (MPD)

Recommendation: Approval

ANALYSIS

REQUESTED ACTION

Matanzas Holdings, LLC as property owner of three properties and contracted purchaser of the two City owned properties, is proposing to rezone 29.61 +/- acres of vacant land with an existing stormwater pond and borrow pit located on the west side Old Kings Road and north of Matanzas Woods Parkway. The proposed rezoning is from General Commercial (COM-2), Public/Semi-Public (PSP) and Rural Estates (EST-2) to Matanzas Woods Retail Center Master Planned Development (MPD) for a shopping center with outparcels.

BACKGROUND/SITE HISTORY

On September 18, 2018, the City Council approved an Agreement for Exchange of Real Estate, exchanging the portions of the two City owned properties located within this MPD Rezoning to Matanzas

Holdings, LLC (see Resolution #2018-127) for property located north of the subject property and for Matanzas Holdings, LLC providing stormwater storage on its land for both Matanzas Woods Parkway and Old Kings Way rights-of-way. This agreement also requires Matanzas Holdings, LLC to rezone the subject property to an MPD.

PROJECT DESCRIPTION

The applicant (Matanzas Holdings, LLC) intends to develop the subject property into a shopping center, anchored by a grocery store, with perhaps a half-dozen outparcels. The project would not exceed 150,000 square feet of commercial area. Outparcels are initially expected to be for a convenience store with gas pumps and a fast food restaurant due to existing demand for those services at this new I-95 Interchange. Thereafter, a hotel and a sit-down restaurant are expected to occupy other outparcels.

LAND USE AND ZONING INFORMATION

USE SUMMARY TABLE:

CATEGORY:	EXISTING:	PROPOSED:
Future Land Use Map (FLUM)	Mixed Use	Mixed Use
Zoning District	COM-2, EST-2 and PSP	Master Plan Development (MPD)
Use	Vacant land and ponds	Retail and general commercial
Acreage	29.61 +/- acres	29.61 +/- acres

SURROUNDING LAND USES:

NORTH:	FLUM:	Mixed Use
	Zoning:	General Commercial (COM-2)
SOUTH:	FLUM:	Institutional and Greenbelt to the SE
	Zoning:	Public/Semi-Public (PSP)
EAST:	FLUM:	Greenbelt
	Zoning:	Master Planned Development (MPD)
WEST:	FLUM:	Conservation
	Zoning:	Rural Estates (EST-2)

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 as the proposed MPD for general commercial and retail uses will be compatible with the surrounding properties having zoning of COM-2, PSP, EST-2 and MPD.

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

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

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

-Policy 1.1.1.2 – The future land use designations shall permit the zoning districts listed and generally described in the following table.

The FLUM designates the subject property as Mixed Use. Master Planned Development (MPD) and General Commercial (COM-2) are allowed zoning districts for the Mixed Use designation on this FLUM table. The subject property is proposed for a MPD rezoning utilizing the General Commercial (COM-2) District for the base zoning standards.

-Goal 1.1 – Preserve the character of residential communities, prevent urban sprawl and protect open space and environmental resources, while providing a mix of land uses, housing types, services, and job opportunities in mixed use centers and corridors.

The project will preserve the character of the nearby residential communities while providing commercial services and job opportunities within a commercial area that is located between residential neighborhoods to the south and east and Interstate 95. This location near Interstate 95, at the City's only interchange in northern Palm Coast, will allow nearby residents to obtain commercial services while they are on their way to or from Interstate 95. This will also allow those residents to potentially travel more efficiently by having the opportunity for multi-purpose trips.

-Policy 1.1.2.2 – Permitted densities and intensities within a MPD shall generally follow those allowed within the corresponding zoning districts associated with the land use designation assigned to the property. Deviations from these density and intensity standards may be permissible in order to promote and encourage creatively planned projects and in recognition of special geographical features, environmental conditions, economic issues, or other unique circumstances.

The proposed zoning reclassification is Master Planned Development (MPD) which uses the General Commercial (COM-2) Zoning District for its base development standards. No deviations of any significance have been requested for this development project by the applicant.

-Policy 1.1.4.1 – The Mixed Use land use designation is intended to provide opportunities for residents to work, shop, engage in recreational activities, and attend school and religious services in reasonably close proximity to residential dwellings.

The proposed project should provide retail shopping opportunities for numerous existing and future residential homes in the neighborhoods within three miles of the site, students attending Flagler Matanzas High School, and motorists along Matanzas Woods Parkway and Interstate 95. Once businesses open within the shopping center and on outparcels, job opportunities for nearby residents with only a short commute will be provided.

- **Chapter 2 Transportation Element:**

-Policy 2.2.1.1 – The City shall enforce regulations in the LDC requiring commercial development to provide roadway connections to adjacent commercial development and to provide for future connections, where feasible.

The developer will be constructing access drives onto all three roadways the project has frontage on including Matanzas Woods Parkway, Old Kings Road and the future planned Old Kings Way Extension. A cross-connection will not be required for the proposed project with the StorQuest Express self-storage site that is located directly to its NE, as the self-storage facility will be fully enclosed via walls, buildings and a gate so it can provide sufficient security for its customers.

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

Staff Finding: Public roadways and public utilities are available to serve the site and the developer will construct a master lift station to serve all development within the project.

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

Staff Finding: The proposed standards in the MPD rezoning will allow for development of general commercial and retail uses that will be in harmony with the surrounding area of institutional uses, residential homes, and planned future commercial/medical/storage uses.

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

Staff Finding: The subject property will be required to comply with the City's Land Development Code, Comprehensive Plan, and the requirements of all other applicable agencies throughout the development process.

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 compliance with the Comprehensive Plan elements and their goals, objectives and policies.

B. Its impact upon the environment and natural resources;

Staff Finding: The site will be developed in compliance with all environmental standards from Army Corps of Engineers, St. Johns River Water Management District, and the City of Palm Coast.

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

Staff Finding: Impacts to the Palm Coast economy are anticipated to be positive since the project will be the only commercial development in north and northeast Palm Coast and will provide retail services and job opportunities for residents in this part of Palm Coast.

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 schools, wastewater, potable water, drainage, fire and police protection, solid waste and transportation systems will be covered by concurrency regulations and impact fees paid by the developer.

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

Staff Finding: The new Interstate 95 and Matanzas Woods Parkway Interchange has significantly altered traffic patterns in north Palm Coast. Now most residents living north of Palm Coast Parkway that want to go northbound on Interstate 95 can utilize the I-95 and Matanzas Woods Parkway Interchange. The project's location about 1/3 mile east of the I-95 northbound exit and entrance roads will allow residents who live in north Palm Coast to utilize the project's retail services when they enter/exit Interstate 95 at this Interchange. Advent Health has recently announced a proposed medical center with emergency medical services between the subject project and the Interstate 95 Interchange. An approved StorQuest self-storage facility, located on the northeast corner of the subject property, has been approved and construction is expected to commence shortly.

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

Staff Finding: The proposed MPD rezoning will allow the project to be developed in a manner compatible with neighboring properties and anticipated nearby future commercial development.

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

Staff Finding: Yes, the rezoning will allow this site to be developed where roads and utility services to serve the project are already in place. The project will also provide commercial services for nearby residents who now have to drive as much as five miles south to Palm Coast Parkway for those services.

OTHER REVIEW DATA

A Traffic Impact Study (TIS) was received from the applicant which showed Phase 1 of the project, with an estimated 109,100 sq. ft. of retail uses, would generate per the *ITE's Trip Generation Manual* 468 a.m. peak hour, 810 p.m. peak hour and 9,656 daily trips. After adjustments for multi-use traffic and pass-by traffic the project's Phase 1 was estimated to generate net new traffic as follows: 302 a.m. peak hour trips, 556 p.m. peak hour trips and 6,552 daily trips. The TIS showed that at build-out of Phase 1 in 2023, with the project's traffic included, that all roadway segments and intersections within the study area would operate at Level of Service (LOS) C or better except for the intersection of Matanzas Woods Parkway and Bird of Paradise Drive. At this un-signalized intersection, the north bound traffic would operate at LOS F during only the a.m. peak hour which is partially due to a large volume of traffic heading to Matanzas High School.

To ensure high quality development for the project, the applicant has agreed to construct the shopping center in an architecturally style similar to either the Island Walk Shopping Center, Beach Village Shopping Center or the Town Center Publix Plaza. Photos representing these architectural styles are shown as Exhibits C-1, C-2, and C-3 respectively in the MPD Agreement.

PUBLIC PARTICIPATION

Unified Land Development Code Chapter 2, Part II, Section 2.05.02 requires developers or property owners who are requesting to rezone property within the City to notify neighboring property owners within 300 feet of the subject property boundaries and hold a Neighborhood Information Meeting (NIM).

To comply with this standard, the applicant notified neighboring property owners via regular mail on January 9, 2019, of an upcoming neighborhood information meeting that was held on January 22, 2019 at 6:00 p.m. in the Media Room at Matanzas High School. A total of three persons attended this meeting including Matanzas High School Principal Jeffrey Reaves, the applicant's engineer Curt Wimpee, PE of Alliant Engineering, Inc. and City Senior Planner Bill Hoover. Principal Jeffrey Reaves mentioned his concern about access points for the proposed shopping center and how those would work for students, teachers and visitors to the school. Curt Wimpee, PE showed each of the project's access points including those for pedestrians and bicyclists. Principal Reaves stated that he would request to have

David Freeman of the Flagler County School Board follow up with the City and the developer as the project went through the development review processes.

Two City provided signs were erected on the subject property on April 2, 2019 with one along the west side of Old Kings Road and the other along the north side of Matanzas Woods Parkway, to notify neighbors and the general public of the upcoming public hearings for the Planning and Land Development Regulation Board on April 17, 2019 and City Council meetings on May 7 and May 21, 2019.

RECOMMENDATION

Planning staff recommends that the Planning and Land Development Regulation Board recommend to City Council approval to rezone 29.61 +/- acres from General Commercial (COM-2), Public/Semi-Public (PSP) and Rural Estates (EST-2) to Matanzas Woods Retail Center Master Planned Development (MPD) as shown in the attached Master Planned Development Agreement and Master Plan for retail and commercial uses, Application No. 3855.

Prepared By:
Community Development Department
City of Palm Coast
160 Lake Avenue, Suite 135
Palm Coast, FL 32164

Return To:
City Clerk
City of Palm Coast
160 Lake Avenue, Suite 225
Palm Coast, FL 32164

**MATANZAS WOODS RETAIL CENTER
MASTER PLAN DEVELOPMENT AGREEMENT
BETWEEN THE CITY OF PALM COAST
AND MATANZAS HOLDINGS, 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 the intended developer of the subject property, **MATANZAS HOLDINGS, LLC**, a Florida limited liability company (herein referred to from time-to-time as the “Developer” regardless of whether singular or plural ownership status) whose address is 4540 Southside Blvd., Suite 202, Jacksonville, Florida 32216.

WITNESSETH:

WHEREAS, the City and Matanzas Holdings, LLC, are the owners of a 29.61+/- acre site, as more particularly described on **Exhibit “A” (“Property” or “Subject Property”)**; and

WHEREAS, Matanzas Holdings, LLC and the City have a land exchange agreement (herein referred to as the “Land Exchange Agreement”) that would allow Matanzas Holdings, LLC to acquire and own all of the Subject Property as the City would be acquiring land outside of the Subject Property; and

WHEREAS, the Subject Property has a Future Land Use Map designation of Mixed Use; and

WHEREAS, the Subject Property has General Commercial (COM-2), Public/Semi-Public (PSP) Zoning, and Rural Estates (EST-2); and

WHEREAS, the Developer is in voluntary agreement with the conditions, terms, and restrictions hereinafter recited, and has agreed voluntarily to their imposition as an incident to development of the Subject Property; and

WHEREAS, the City of Palm Coast Planning and Land Development Regulation Board ("PLDRB") and City of Palm Coast City Council find that this Development Agreement is consistent with the City's Comprehensive Plan (2035) and 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; and

WHEREAS, the City of Palm Coast 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, 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 Developer that the Master Plan Development is approved subject to the following terms and conditions:

SECTION 1. RECITALS

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

SECTION 2. REPRESENTATIONS OF DEVELOPER

(a). The Developer hereby represents and warrants to the City that it is the principal owner of the Subject Property in accordance with the title opinion or title certification provided by the Developer 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 Developer 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 Developer 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 Developer 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 Developer 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 Developer fails to attain the joinder and consent, then the Developer shall lose all rights and benefits deriving hereunder.

SECTION 3. APPROVAL OF MASTER PLAN DEVELOPMENT

(a). The City Council at its business meeting of _____, _____, 2019, approved a Master Plan Development for the Subject Property subject to the terms and conditions of this Development Agreement.

(b). The Developer acknowledges that if this Development Agreement is ever terminated, those land uses for which Development Orders and Permits have previously been issued shall remain in effect, and the land uses for the remainder of the Subject Property shall be

limited to those permitted by right under the General Commercial “COM-2” zoning designation, subject to any special exceptions thereafter approved in accordance with the LDC.

The current provisions of the LDC, as may be amended from time-to-time, shall be applicable to the Subject Property unless otherwise specifically stated herein. Any City Code provision not specifically so identified will not be affected by the terms of this Development Agreement, and will be subject to enforcement and change under the same criteria as if no Development Agreement were in effect.

SECTION 4. PROJECT DESCRIPTION

(a). Proposed Development. The Subject Property may be developed in one or more phases. The commercial project is expected to include up to 175,000 square feet of retail/commercial development (the “Project”) to include uses permitted (P) or uses only approved by Special Exception (S) as provided for in the LDC under the General Commercial “COM-2” zoning designation. A Special Exception shall comply with the process in accordance with Chapter 2 of the LDC. A request for a Special Exception shall not be deemed an amendment to this Development Agreement or change in zoning. Uses noted with (L) are noted to have additional limitations from the LDC specific to that use.

The development plan for Matanzas Woods Retail Center is generally outlined below and depicted on the MPD Master Plan which is attached hereto as **Exhibit "B" ("Master Plan")**. The Master Plan does not contain a level of detail satisfactory to permit the Subject Property to proceed directly to Preliminary Plat so a Subdivision Master Plan will be required. Technical Site Plans may be submitted simultaneously with Preliminary Plat(s) subject to review approval as provided for in the LDC.

(b). Temporary Construction Trailers – Temporary construction trailers may be located within the Subject Property, subject to review and approval at the time of site development plan approval in accordance with the LDC.

(c). Common Areas – Common areas are located throughout the Subject Property and include open space and landscape areas. The property may be subject to a property owners' association or another management mechanism, as determined by the Land Use Administrator (LUA), for management of the common areas.

SECTION 5. DEVELOPMENT PLAN

(a). The Master Plan depicts the general layout of the entire development. The exact location of structures, lot lines, roadways, internal landscape buffers, wetlands, drainage facilities and other improvements shown on the Master Plan may be modified during review of the site development plans and subdivision master plan and platting plans.

(b). Adjustments to the Master Plan are anticipated to occur during the site development plan and subdivision plat review processes. Revisions which meet the intent and purpose of the City's Comprehensive Plan and LDC shall be approved by the Land Use Administrator (LUA), if the substantial integrity of the original Master Plan and the development standards contained herein are maintained. Any modification to the Master Plan that increases the intensity or types of development uses, increases building heights, reduces the total amount of open space, or decreases the size of any perimeter buffer within the Property shall require the approval of the City Council following the review and recommendation of the Planning and Land Development Regulation Board (PLDRB).

(c). The MPD may be developed in multiple phases. All infrastructure necessary to support each phase of the MPD shall be constructed with that phase as a condition of site development plan or preliminary plat approval.

SECTION 6. LAND DEVELOPMENT CODE APPLICABILITY

(a). The Land Development Code applies to the Property and development within it, unless expressly below or otherwise provided in this MPD.

(b). The requirements of this Section supersede any inconsistent provisions of the LDC or other ordinances of the City.

(1) Common Architectural Theme. The Project shall have a common architectural theme similar to or commensurate with the quality, type of design and aesthetical appeal of one of the following existing grocery-anchored shopping centers: **Island Walk Shopping Center** at 216 Palm Coast Parkway (see **Exhibit “C-1”**), **Beach Village Shopping Center** at 414 Beach Village Drive (see **Exhibit “C-2”**), or the **Town Center Publix Plaza** at 800 Belle Terre Parkway (see **Exhibit “C-3”**). During the Subdivision Master Plan review process, or during the Preliminary Plat review process and prior to its approval, the Developer shall establish the common architectural theme by designating one of the architectural styles depicted on Exhibits “C-1”, “C-2”, “C-3” or provide new building elevations that meet all of the above standards. The building elevations for the Out-lots as shown on the Master Plan shall have similar or complementary architectural features so the entire Project has a harmonious architectural theme which shall include building design, building colors, signage, and lighting.

(2) Signage. All signage shall be regulated per the LDC except as outlined below. A master sign plan shall be developed during the Subdivision Master Plan review process, or during the review of the Preliminary Plat and prior to its approval. A multi-tenant sign is allowed at each of the four main entrances into the Project as shown on the Master Plan. Directional signage shall be uniform in design and may include the identity of the business and may be provided throughout the development. Out-lots having frontage on public roads shall be allowed individual monument signs consistent with the standards in Chapter 12 of the LDC. All signs will comply with the setbacks and sight clearance requirements of the LDC.

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

SECTION 7. SITE DEVELOPMENT PLAN

(a). Emergency Services. Fire protection requirements for the Project will be met through a system of fire hydrants installed on the site by the Developer in accordance with City

standards. The locations of fire hydrants will be shown on the final site plans or Subdivision Plans. The water requirements for the fire system will be served by the City.

(b). Maintenance. The Common Areas and other lands that are owned or controlled by a property owners' association will be maintained by the property owners' association. The property owners' association shall also be responsible in perpetuity, for maintenance of the master stormwater system that includes stormwater from the Matanzas Woods Parkway and Old Kings Way Extension right-of-ways.

(c). Services. All services for the Property, including utilities, fire protection, solid waste, telephone, electricity, cable, fiber optics, and stormwater management shall be provided by the responsible parties. All new utilities serving the project shall be installed underground except wells and pump stations. Water and wastewater services are to be provided by the City of Palm Coast.

(d). Utility Master Plan. All lots within the Project shall be served by a master pump station and out-lots shall not be permitted to tie into the City's utility wastewater system individually or jointly, except via the master pump station.

(e). Pedestrian/Bicyclist Access Ways. With submittal of the Subdivision Master Plan or Preliminary Plat the Developer shall submit a pedestrian/bicyclist access way plan that shall show crossings at signalized intersections along Matanzas Woods Parkway so pedestrians and bicyclists may travel from the south side of Matanzas Woods Parkway to the north side of Matanzas Woods Parkway and onto the Project. The Developer shall provide for these improvements and shall also provide internal access ways for pedestrians and bicyclists from all internal lots to all other internal lots within the Project as the lots are developed.

(f). Public Amenities. On the Anchor Lot, as shown on the Master Plan, the developer shall provide at least two of the public amenities as listed in Section 4.15.03.D of the LDC, with the first technical site plan submitted on the Anchor Lot.

(g). Interior Landscape Buffers and Interior Setbacks. Between internal lots within the Project no landscape buffers are required and minimum side and rear building setbacks along internal common lot lines shall be five (5) feet. Landscape screening around dumpsters, mechanical equipment, etc.; landscape buffers around the perimeter of the Project; and all other landscaping requirements shall still apply.

SECTION 8. PLAT.

Platting may be required during some phases of the Project. Based on Section 4(a) of this Development Agreement, the Master Plan does not provide sufficient detail for the project to skip the Subdivision Master Plan process and proceed directly to the Preliminary Plat. For any phase where platting is required, the Final Plat shall be recorded prior to the issuance of the first certificate of occupancy in such phase.

SECTION 9. BREACH; ENFORCEMENT; ALTERNATIVE DISPUTE 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, the parties shall attempt to resolve all disputes informally. In the event of a failure to informally resolve all disputes, the City and Developer 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 may be selected by mutual consent of the City and the Developer. The parties shall equally pay all costs of mediation. A party who unreasonably refuses to submit to mediation may not later object in Circuit Court that the other party failed to comply with this Section 9(b) by not participating in the mediation prior to filing suit.

(c). Prior to the City filing any action to enforce this Development Agreement, the City shall first provide the Developer written notice of any alleged default. Upon receipt of said notice, the Developer shall be provided a thirty (30) day period in which to cure the alleged default to the

reasonable satisfaction of the City prior to the City filing any action to enforce this Development Agreement. If thirty (30) days is not a reasonable period of time in which to cure the alleged default, the length of the cure period shall be extended for a time period reasonably acceptable to the City, but in no case shall the cure period exceed ninety (90) days from the initial notification of an alleged default.

SECTION 10. 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 Developer 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 registered or certified mail, overnight courier, facsimile, or telecopy.

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

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

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

As to the Developer: Matanzas Holdings, LLC
Attn: David J. Heekin
4540 Southside Blvd., Suite 202
Jacksonville, FL 32216

SECTION 11. SEVERABILITY.

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Development Agreement are severable, and if any phrase, clause, sentence, paragraph or section of this Development Agreement 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 Development Agreement.

SECTION 12. 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 Developer 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 Developer has expressly covenanted and agreed to this provision and all other terms and provisions of this Development Agreement.

SECTION 13. GOVERNING LAW/VENUE/COMPLIANCE WITH LAW.

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

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

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

(d). Without waiving the Developer's potential rights, remedies and protections or the City's defenses pursuant to Chapter 70 of the Florida Statutes, as may be amended, 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 lawful impact fees applicable to the Developer and the Master Plan Development authorized hereunder.

SECTION 14. TERM / EFFECTIVE DATE.

This Development Agreement shall be effective upon adoption by the City Council of the City of Palm Coast, Florida and execution of this Development Agreement by all parties.

SECTION 15. RECORDATION.

Upon adoption by the City Council of the City of Palm Coast, Florida 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 thirty (30) days after its execution by the City and the Development Agreement shall run with the land.

SECTION 16. PERMITS.

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

(b). The terms and conditions of this Development Agreement determine concurrency for the project.

(c) All development and impact fees charged by the City for construction or development of subdivisions or site plans shall be paid by the Developer at the time the City issues a building permit or a certificate of occupancy.

SECTION 17. 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 18. TIME IS OF THE ESSENCE.

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

(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 19. ATTORNEY'S FEES.

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

SECTION 20. 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 21. 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 22. INTERPRETATION.

(a). The Developer 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 subject, however, to the provisions of Section 20.

SECTION 23. 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 24. 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 25. MODIFICATIONS / AMENDMENTS/NON-WAIVER.

(a). Amendments to and waivers of the provisions herein shall be made by the parties only in writing by formal amendment. This Development Agreement shall not be modified or amended 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 26. ENTIRE AGREEMENT; EFFECT ON PRIOR AGREEMENTS.

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

(SIGNATURES AND NOTARY BLOCKS ON NEXT PAGE)

IN WITNESS WHEREOF, the City and Matanzas Holdings, LLC have caused this Development Agreement to be duly executed by his/her/its/their duly authorized representative(s) as of the date first above written.

DEVELOPER'S/APPLICANT'S CONSENT AND COVENANT:

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

WITNESSES:

MATANZAS HOLDINGS, LLC

(print)

By: _____
David J. Heekin, Manager

(print)

STATE OF FLORIDA
COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____, 2019, by David J. Heekin, as the Manager on behalf of of Matanzas Holdings, LLC, a Florida limited liability company, (check one) ☐ who is personally known to me or ☐ who produced _____ as identification.

Notary Public – State of Florida
Print Name: _____
My Commission expires: _____

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

STATE OF FLORIDA
COUNTY OF FLAGLER

The foregoing instrument was acknowledged before me this _____ day of _____, 2019, by Milissa Holland, Mayor of the City of Palm Coast, Florida, who is personally known to me.

Notary Public – State of Florida
Print Name: _____
My Commission expires: _____

EXHIBIT "A"

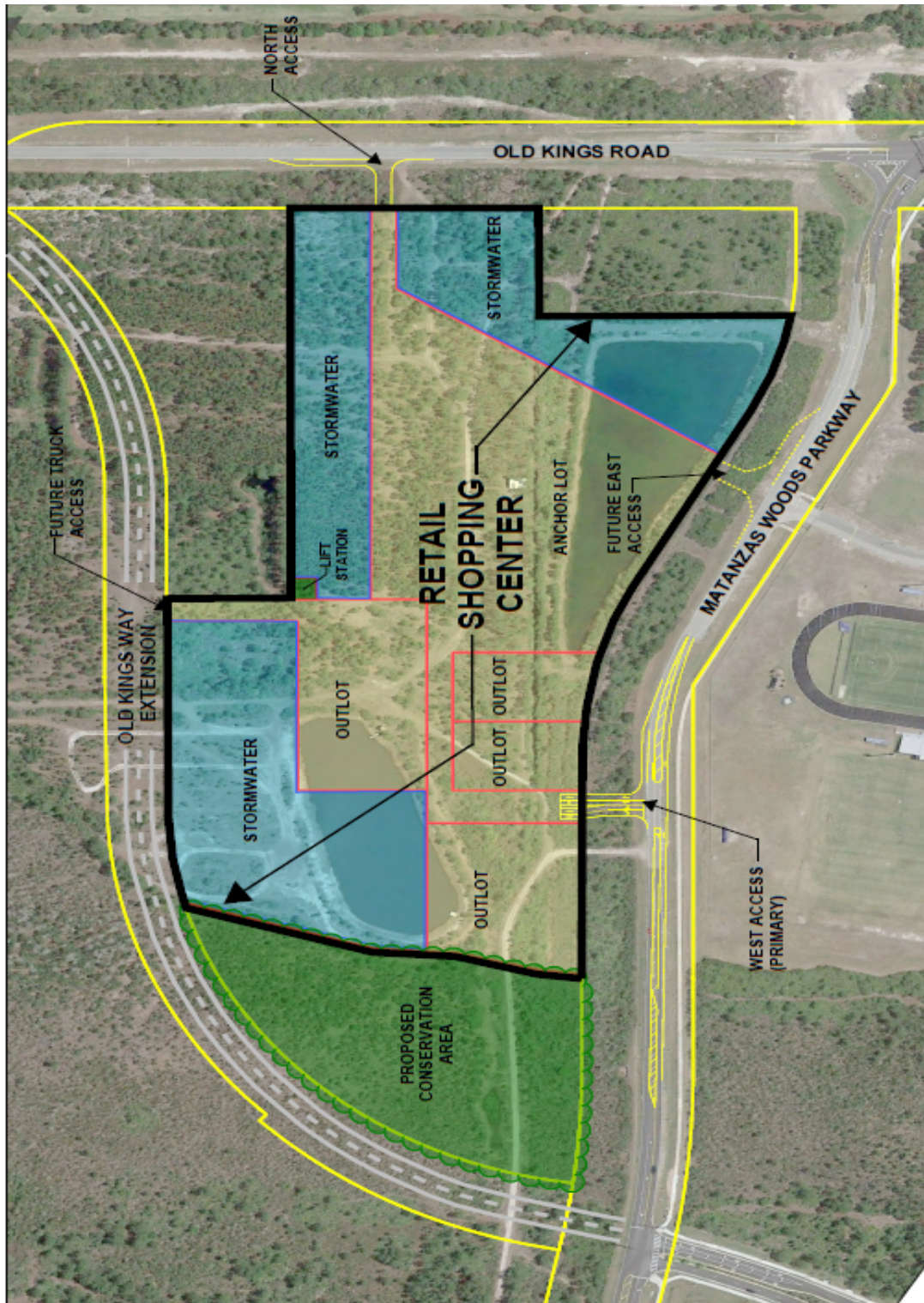
LEGAL DESCRIPTION OF PROPERTY

A portion of Sections 25 and 26, Township 10 South, Range 30 East, Flagler County, Florida and being more particularly described as follows: Commence at the intersection of the Easterly right of way line of Interstate 95 and the Northerly right of way line of Matanzas Woods Parkway per Florida Department of Transportation Right of Way Map Section 73001, Financial Project Number 411959-2; thence North 70°01'31" East along said Northerly right of way line, 986.76 feet to the point of curvature of a curve to the left being concave Northwesterly; thence continue along said right of way line and along and around the arc of said curve having a radius of 1899.89 feet, an arc distance of 387.19 feet, said arc being subtended by a chord bearing and distance of North 64°04'32" East 386.52 feet to the point of tangency of said curve; thence North 58°21'57" East along said Northerly right of way line, 235.89 feet to the Point of Beginning; thence continue North 58°21'57" East along said Northerly right of way line 510.93 feet to the point of curvature of a curve to the right; thence continue along said right of way line and along and around the arc of said curve having a radius of 800.00 feet, an arc distance of 405.21 feet, said arc being subtended by a chord bearing and distance of North 72°52'24" East 400.89 feet to the point of tangency of said curve; thence continue along said right of way line North 87°23'01" East 466.80 feet to the point of curvature of a curve to the left; thence continue along said right of way line and along and around the arc of said curve being concave Northerly and having a radius of 700.00 feet, an arc distance of 233.07 feet, said arc being subtended by a chord bearing and distance of North 77°50'44" East 231.99 feet; thence departing said right of way line, North 31°38'15" West 488.31 feet to the Southerly line of those lands as described and recorded in Official Records Book 1056, page 1578 of the public records of said county; thence North 58°21'00" East along last said line 249.65 feet to the Southwesterly right of way line of Old Kings Road (a 200 foot right of way as now established); thence North 31°38'15" West along said right of way line 479.89 feet to the Northerly line of those lands as described and recorded in Official Records Book 1059, page 952 of the public records of said county; thence South 58°21'00" West along last said line 907.50 feet to the Westerly line of those lands as described and recorded in Official Records Book 1084, page 538 of the public records of said county; thence North 31°38'15" West along last said line 240.00 feet to a point on the Southerly right of way line of Old Kings Way (also known as Old Kings Road Extension, a 120 foot right of way as now established); thence South 58°21'00" West 461.52 feet along said right of way line to the point of curvature of a curve to the left; thence continuing along said right of way line and along and around the arc of said curve having a radius of 900.00 feet, an arc distance of 206.62 feet, said arc being subtended by a chord bearing and distance of South 51°46'23" West 206.17 feet; thence departing said right of way line South 21°31'42" East 176.29 feet; thence South 09°17'37" East 330.65 Feet; thence South 25°49'28" East 194.28 feet; thence South 18°18'32" East 110.29 feet to the Point of Beginning.

Lands thus described contain 29.61 acres more or less.

EXHIBIT "B"

MASTER PLAN



Matanzas Woods Retail Center - Master Planned Development Exhibit
Matanzas Woods Parkway - Palm Coast, FL

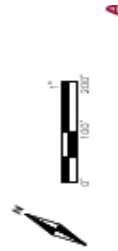


EXHIBIT "C-1"

BEACH VILLAGE SHOPPING CENTER



EXHIBIT "C-2"

ISLAND WALK SHOPPING CENTER



EXHIBIT "C-3"

TOWN CENTER PUBLIX PLAZA





Location Map (Small Scale)



Subject Site

Feet 0 500 1,000

Dataframe Rotation: -32° off True North

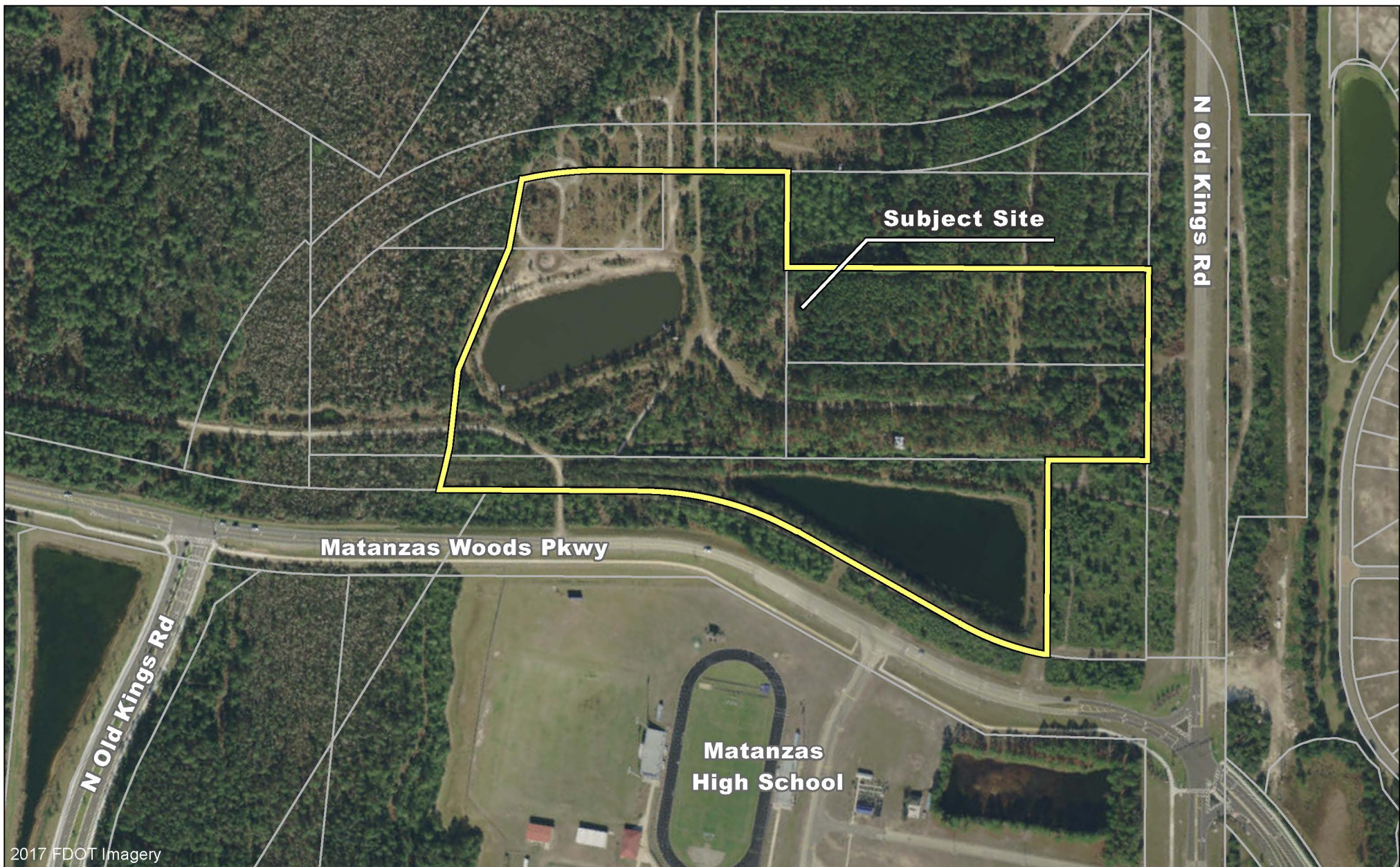





Creation Date:
3/7/2019

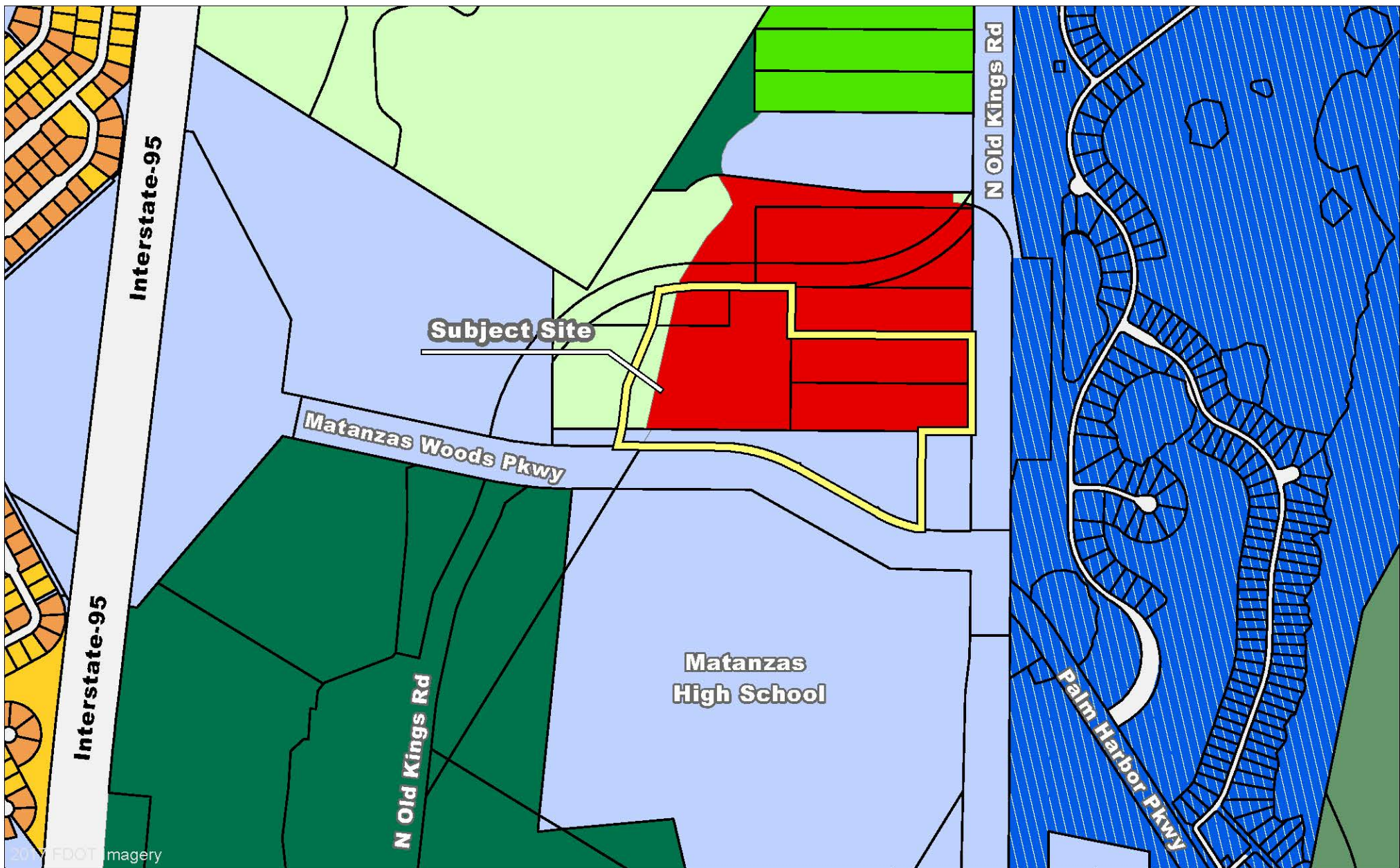


Map Provided By:
GIS Division











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<p>Location Map (Large Scale)</p> <p> Subject Site</p>	<p>Feet 0 250 500</p> <p>Dataframe Rotation: -32° off True North</p> <p></p> <p>Creation Date: 3/7/2019</p>	<p></p> <p>Map Provided By: GIS Division</p>	<p>The City of Palm Coast prepares and uses this map/map data for its own purposes. This map/map data displays general boundaries and may not be appropriate for site specific uses. The City uses data believed to be accurate; however, a degree of error is inherent in all maps. This map/map data is distributed AS-IS without warranties of any kind, either expressed or implied including, but not limited to, warranties of suitability to a particular purpose or use. This map/map data is intended for use only at the published scale. Detailed on-the-ground surveys and historical analyses of sites may differ substantially from this map/map data.</p> <p>59</p>
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Existing Zoning Map

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

Feet 0 500 1,000

Dataframe Rotation: -32° off True North

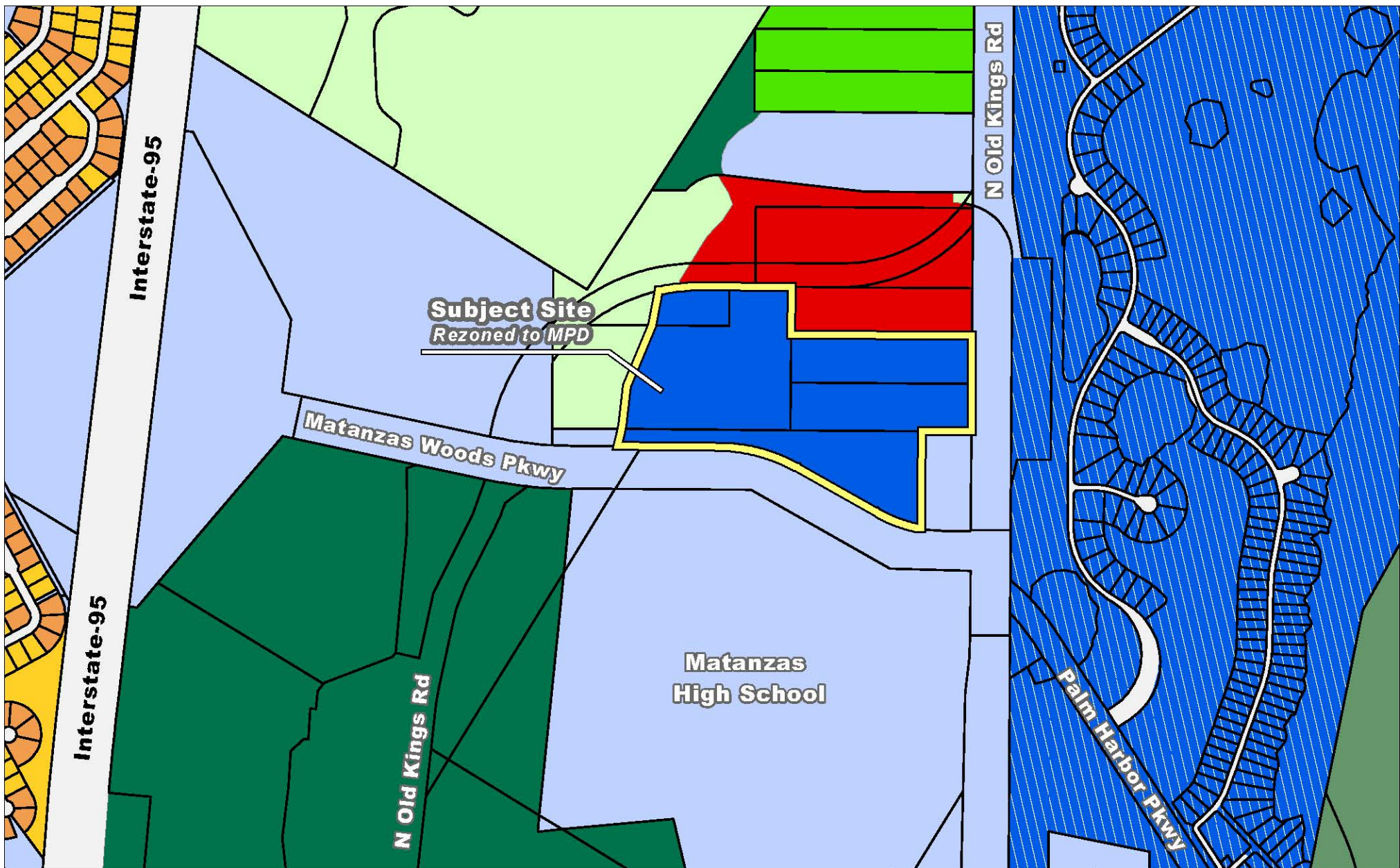


Creation Date:
3/7/2019



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Proposed Zoning Map

MPD Pre 11-16-08
Designation

MPD Post 11-16-08
Designation

AGR

COM-2

EST-2

Subject Site

P & G

PRS

PSP

SFR-2

SFR-3

Feet 0 500 1,000

Dataframe Rotation: -32° off True North

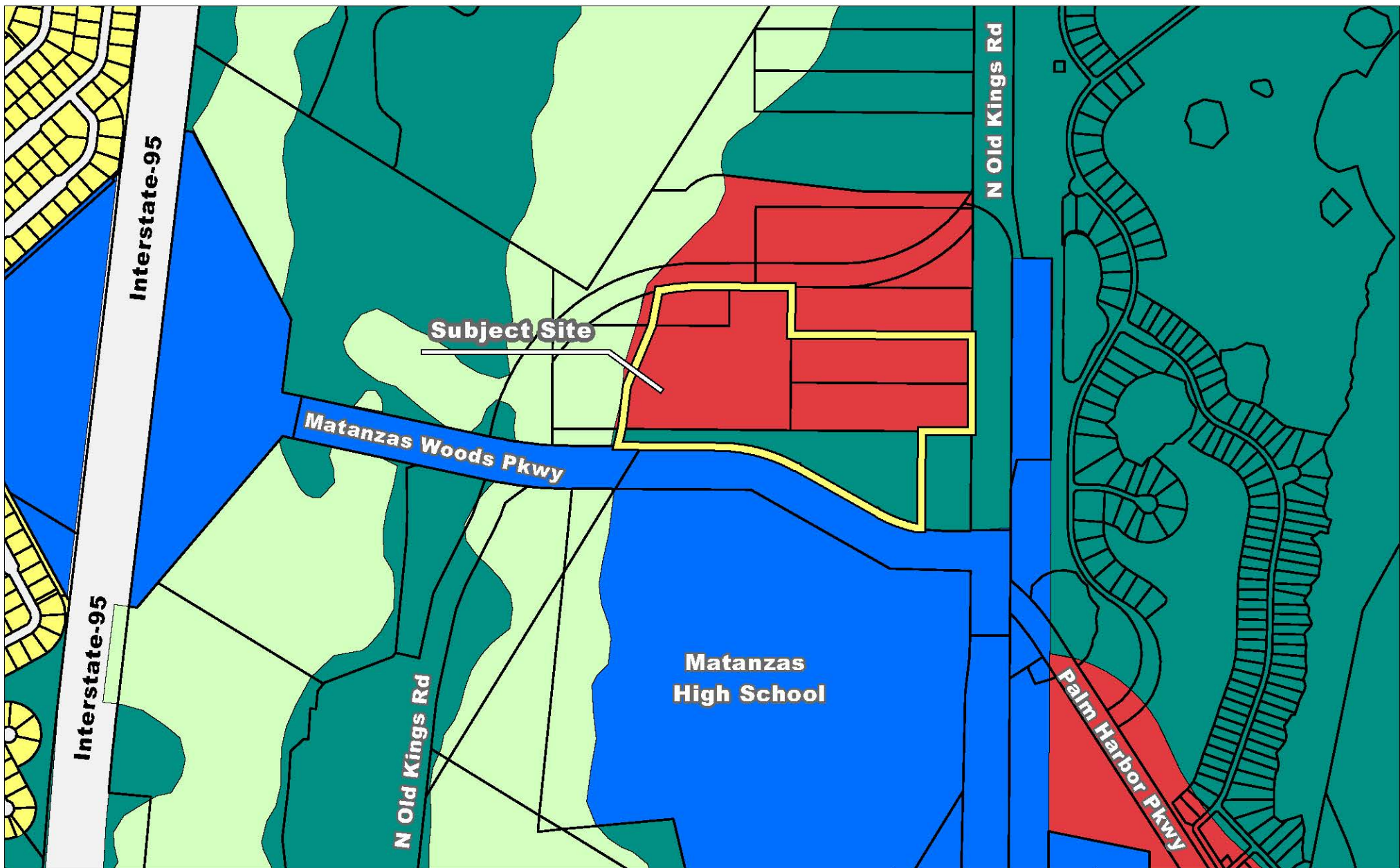


Creation Date:
3/7/2019









Map Provided By:
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Existing FLU Map

- | | | | | | |
|--|--------------|---|---------------|---|-------------|
|  | Subject Site |  | Greenbelt |  | Mixed Use |
|  | Conservation |  | Institutional |  | Residential |

Feet 0 500 1,000

Dataframe Rotation: -32° off True North

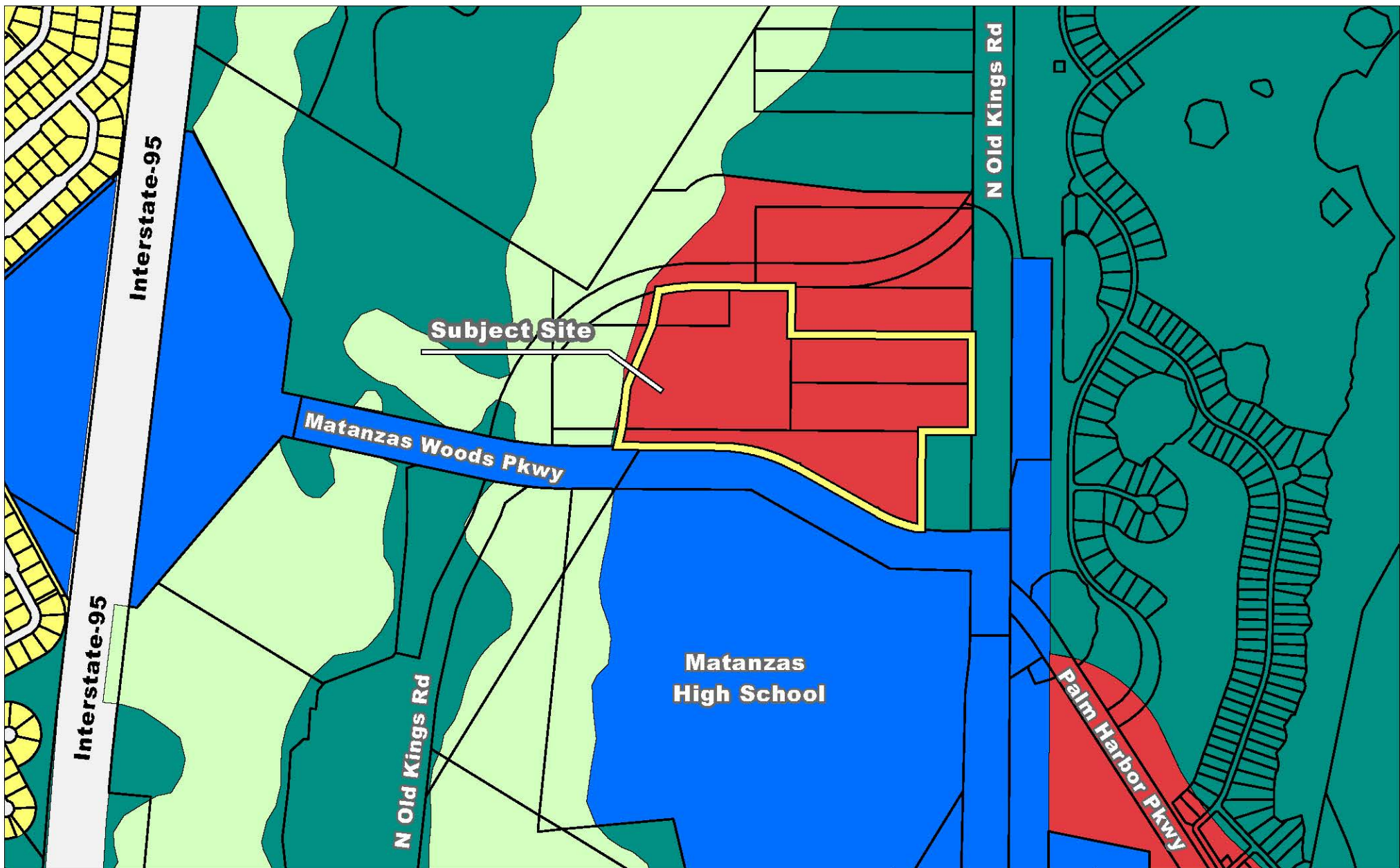


Creation Date:
3/7/2019





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Proposed FLU Map

- | | | | | | |
|--|--------------|---|---------------|---|-------------|
|  | Subject Site |  | Greenbelt |  | Mixed Use |
|  | Conservation |  | Institutional |  | Residential |

Feet 0 500 1,000

Dataframe Rotation: -32° off True North



Creation Date:
3/7/2019



Map Provided By:
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ALLIANT

Memo

To: Ray Tyner
From: Curt Wimpée, PE
Date: January 28, 2019
Re: Matanzas Woods Retail Center Neighborhood Meeting

A neighborhood meeting was held on Tuesday January 22nd at 6:00 PM at Matanzas High School. This meeting was held to comply with the policy and procedures of Section 2.05.02 of the Land Development Code.

Attached please find the following documents regarding this meeting.

1. List of noticed parcel owners within 300 feet of the subject project.
2. Developer hand out.
3. Meeting Summary.

Thank you for your consideration and please feel free to call at 904-647-5383 should you have any questions.

Sincerely,
ALLIANT ENGINEERING, INC.

Curt Wimpée, PE
Southeast Regional Manager

CW/jb
Enclosures
y:\jacksonville office\projects\2017\170034\correspondence\final memo to ray tyner.docx

LIST OF PROPERTY OWNERS
WITHIN 300 FEET OF MATANZAS
WOODS RETAIL MPD

JANUARY 4, 2019

COUNTY OF FLAGLER
%BOARD OF COUNTY COMMISSIONERS
1769 E MOODY BLVD BLDG 2 SUITE 302
BUNNELL, FL 32110

SCHOOL BOARD OF FLAGLER COUNTY
(MATANZAS HIGH SCHOOL)
P O BOX 75
BUNNELL, FL 32110

SCHOOL BOARD OF FLAGLER COUNTY
P O BOX 755
BUNNELL, FL 32110

CARUSO GIOVANNI & NICOLA CARUSO & EMANUELA
CARUSO JTWROS
4357 EISENHOWER DR
BETHLEHEM, PA 18020

CONSER ROBERT W JR & ANNA M GALLO JTWROS
250 PALM COAST PKWY NE STE #607,193
PALM COAST, FL 32137

LRA HAMMOCK BEACH LLC
200 OCEAN CREST DRIVE
PALM COAST, FL 32137

CITY OF PALM COAST
ATTN: PLANNING DIVISION
160 LAKE AVENUE
PALM COAST, FL 32164



ALLIANT

January 8, 2019

«AddressBlock»

Re: Proposed Rezoning – 26-10-30-0000-01020-0050, 25-10-30-00000-00A0, 25-10-30-00000-00B0, 25-10-30-4626-00000-00C0, 25-10-30-4326-00000-00D1, and 25-10-30-4626-00000-0Z03.

Adjacent Property Owner Notification of Neighborhood Meeting

Dear Adjacent Property Owner:

As required by City Code, we will be having a neighborhood meeting to discuss the rezoning of the following Parcels: 26-10-30-0000-01020-0050, 25-10-30-00000-00A0, 25-10-30-00000-00B0, 25-10-30-4626-00000-00C0, 25-10-30-4326-00000-00D1, and 25-10-30-4626-00000-0Z03. This meeting is scheduled for Tuesday, January 22, 2019 in the Media Center at Matanzas High School, 3535 Pirate Nation Way, Palm Coast, FL 32137 at 6:00 pm.

The proposal is to rezone the property from Public/Semi-Public (PSP) and General Commercial (COM-2) to a Master Planned Development (MPD) with its zoning standards primarily based on the General Commercial (COM-2) Zoning District. The rezoning is for the development of a retail shopping center. A Map of the subject property is attached for your reference.

If you have any questions, please do not hesitate to contact me at (904) 647-5383. We look forward to seeing you at the above referenced meeting.

Sincerely,

ALLIANT ENGINEERING, INC.

Curt M. Wimpée, P.E.
Southeast Regional Manager

CW/jb

cc: File

V:\Jacksonville Office\Projects\2017\170034\correspondence

Matanzas Woods Retail Center Neighborhood Meeting

January 22, 2019, 6:00 PM, Matanzas High School Media Center

Applicant: Matanzas Holdings, LLC

Representative:

Curt M. Wimpée, PE
4706 Fullerton Street, Suite 110
Jacksonville, FL 32256
904-647-5383
cwimpee@alliant-inc.com

Zoning Application: Amend the Zoning Map for the following Parcels: 25-10-30-0000-01020-0050, 25-10-30-4626-00000-00B0, 25-10-30-4626-00000-00C0, 25-10-30-4626-00000-00D1, 25-10-30-4626-00000-0Z03. Consisting of approximately 34.1 Acres.

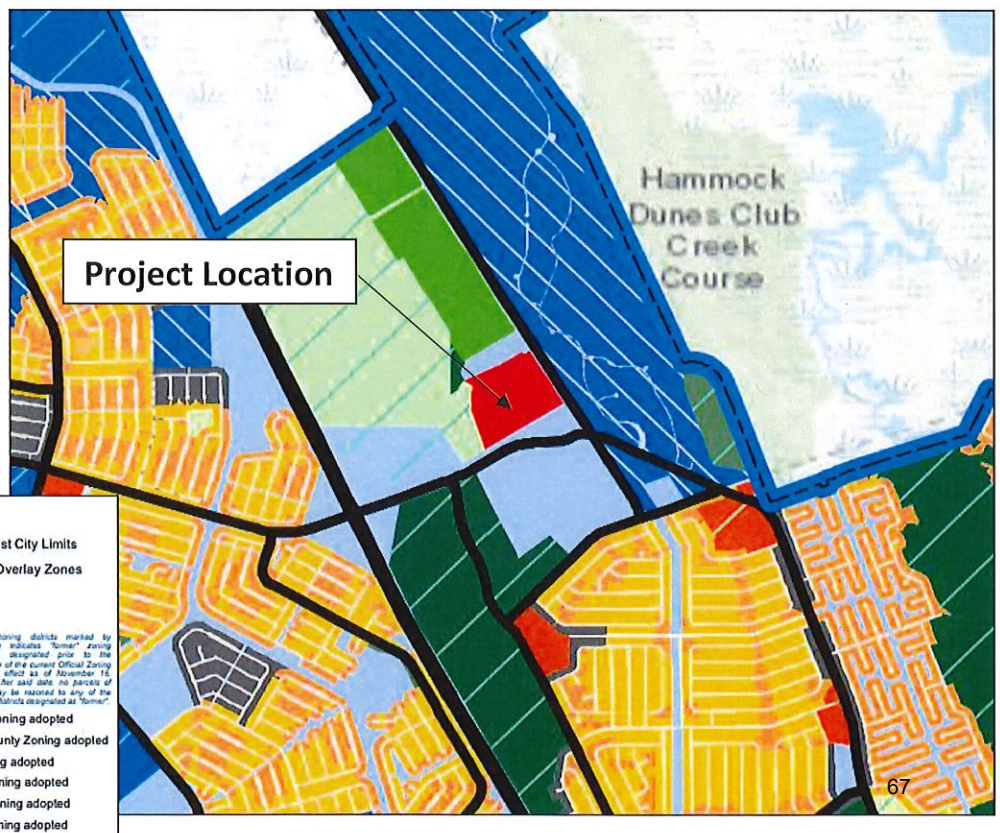
This meeting is to discuss the rezoning to MPD.

Proposed Matanzas Woods Shopping Center

The proposed rezoning application is to allow for the development of a neighborhood commercial center which may contain a grocery store anchor, fast food restaurants, a gas station/convenience store and other market appropriate neighborhood retail.

Schedule:

January	Neighborhood Meeting
February	PLRB Board
March	City Council





ALLIANT

SUMMARY OF MATANZAS WOODS RETAIL CENTER NEIGHBORHOOD INFORMATION MEETING

The meeting was held at the Media Room of Matanzas High School, 3535 Pirate Nation Way at 6:00 PM on Tuesday, January 22, 2019.

Attendees:

- Jeffrey Reaves, Principal of Matanzas High School, phone 386-447-1575, reavesj@flaglerschools.com,
- Curt Wimpée, PE, Alliant Engineering, Inc., applicant's representative and engineer, phone 904-647-5383
- Bill Hoover, AICP, Senior Planner, City of Palm Coast, phone 386-986-3744

The meeting was informal based on the limited number of attendees. Curt Wimpee provided aerial photos and drawings showing the project's location and its proposed relationship with Matanzas High School. He also mentioned the very limited development to the north of the project, and existing and future residential development west, southwest, south and southeast of the project. Curt Wimpée also pointed out the lack of commercial services for residents living in north Palm Coast and showed the location of the proposed medical facilities for Advent Health. Bill Hoover mentioned that a site plan was just approved for a Stor-Quest self-storage facility that would be located on the northeast side of the proposed shopping center and construction should commence shortly.

Curt Wimpée showed the conceptual site plan layout and said they expect to have a convenience store and a fast food restaurant develop on the two westerly outparcels rather soon based on conversations the developer has had. Curt added that the anchor tenant for the shopping center is expected to be a grocery store but none are under contract at this time. He showed a proposed lot at the NW corner of the project that would make a good hotel site.

Principal Jeffrey Reaves asked about access points for the shopping center and how those would work for students, teachers and visitors to the school? Curt Wimpée showed the approximate location of a proposed cross-walk across Matanzas Woods Parkway that would provide safe access for students. Principal Reaves said the school's northerly access onto Matanzas Woods Parkway is locked during the middle of the day and students are currently not allowed to leave the school grounds at lunchtime as there are no nearby places to eat. Principal Reaves stated he would work with David Freeman of the School Board on determining the best pedestrian and vehicular routes from the school to the shopping center. Bill Hoover mentioned that David Freeman attends the Planning and Land Development Regulation Board's meetings and that Senior Planner Jose Papa would be working on the access as well from the City's standpoint. Curt Wimpée said his office has discussed this with Andy Dance and would work with all parties involved so the best access routes can be determined and designed.

The meeting ended about 6:30 PM.