



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

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

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

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**Wednesday, May 15, 2019**

**5:30 PM**

**COMMUNITY WING OF CITY HALL**

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**RULES OF CONDUCT:**

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

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

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

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

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

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

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

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

**Call to Order and Pledge of Allegiance**

**Roll Call and Determination of a Quorum**

**Approval of Meeting Minutes**

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

## **Public Hearings**

- 2 FUTURE LAND USE MAP AMENDMENT FOR 119+/- ACRE PARCEL FROM RESIDENTIAL LOW DENSITY/RURAL ESTATE (FLAGLER COUNTY DESIGNATION) TO RESIDENTIAL (CITY OF PALM COAST DESIGNATION) INCLUDING AMENDING THE FOOTNOTE ON THE FLUM**
- 3 ORDINANCE 2019-XX TO EXPAND THE SIZE OF THE GRAND LANDINGS MASTER PLANNED DEVELOPMENT (MPD) BY 119.2 ACRES FROM 774.4 ACRES TO 893.6 ACRES**
- 4 ORDINANCE 2019-XX O'REILLY'S AUTO PARTS TECHNICAL SITE PLAN TIER 2**

## **Board Discussion and Staff Issues**

## **Adjournment**

## City of Palm Coast, Florida Agenda Item

Agenda Date: MAY 15, 2019

<b>Department</b>	PLANNING	<b>Amount</b>
<b>Item Key</b>	6339	<b>Account</b>
		<b>#</b>
<b>Subject</b>	MINUTES OF THE PLANNING AND LAND DEVELOPMENT REGULATION BOARD APRIL 17, 2019 MEETING	
<b>Background :</b>		
<b>Recommended Action :</b> Approve as presented.		



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

City Hall  
160 Lake Avenue  
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***Chair Glenn Davis  
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Board Member Robert J. DeMaria  
Board Member Sybil Dodson-Lucas  
Board Member Christopher Dolney  
Board Member Pete Lehnertz  
Board Member Jake Scully  
School Board Rep David Freeman***

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**Wednesday, April 17, 2019**

**5:30 PM**

**COMMUNITY WING OF CITY HALL**

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

*Chair Davis called the April 17, 2019 Planning and Land Development Regulation Board (PLDRB) meeting to order @ 5:30PM.*

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

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



Mrs. Lucas  
Mr. Dolney  
Mr. DeMaria  
Mr. Scully  
Mr. Davis  
Mr. Freeman

Abscent were:  
Mr. Smith  
Mr. Lehnertz

### **Approval of Meeting Minutes**

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

**Pass**

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

**Approved - 5 - Chair Glenn Davis, Board Member Christopher Dolney, Board Member Robert DeMaria, Board Member Jake Scully, Board Member Sybil Dodson-Lucas**

### **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**

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

*Mr. Brett Markovitz, CPH Engineering, representing the applicant was present to answer any questions regarding this item.*

*Mr. Dave Freeman, School Board representative on the PLDRB, mentioned that the property is zoned commercial and as long as it continues to be a cemetery no impact to traffic at the very busy Old Kings Elementary School would be expected.*

*Chair Davis opened this item to public comment at 5:37PM and seeing no one approach the podium, he closed this item to public comment at 5:38PM.*

**Pass**

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

**Approved - 5 - Chair Glenn Davis, Board Member Christopher Dolney, Board Member Robert DeMaria, Board Member Jake Scully, Board Member Sybil Dodson-Lucas**

**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**

*Mr. Tyner informed the PLDRB members that agenda item #3 and #4 would be presented together but two separate votes would be required. He also gave information regarding the history of this property including the associated land exchange. He also introduced Mr. Bill Hoover, Senior Planner, who gave a presentation which is attached to these minutes.*

*Mr. David Heekan, Manager of Matanzas Holdings, LLC was present to answer PLDRB members' questions regarding items #3 and #4.*

*Mrs. Lucas asked for clarification on the soil testing that was done and the proposed soil cleanup. Mr. Heekan explained that the contamination examination process that was used and that the contamination is on their site and they are cleaning up the property for future tenants.*

*Mr. Freeman expressed concern about traffic impact near the Matanzas High School and asked that the developer to work with the school board on pedestrian cross walks.*

*Chair Davis opened this item to public comment at 6:03PM and seeing no one approach the podium he closed the item to public comment at 6:04PM.*

**Pass**

**Motion made to approve as presented including recommendations from staff by Board Member DeMaria and seconded by Board Member Dolney**

**Approved - 5 - Chair Glenn Davis, Board Member Christopher Dolney, Board Member Robert DeMaria, Board Member Jake Scully, Board Member Sybil Dodson-Lucas**

**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**

*This item was discussed under item #3. Chair Davis opened this item to public comment at 6:05PM and seeing no one approach the podium he closed this item to public comment at 6:06PM*

**Pass**

**Motion made to approve as presented with the condition that the applicant remove the contaminations conditions consistent with the MPD guidelines. by Board Member Scully and seconded by Board Member Dodson-Lucas**

**Approved - 5 - Chair Glenn Davis, Board Member Christopher Dolney, Board Member Robert DeMaria, Board Member Jake Scully, Board Member Sybil Dodson-Lucas**

**Board Discussion and Staff Issues**

*Mr. Tyner discussed the update to the Land Development Code concerning the sign code revisions once the recommendations have been reviewed by the City and Deputy City Managers, the workshops will be scheduled.*

*Chair Davis asked what PLDRB members will be attending the Ethics training on April 23, 2019.*

**Adjournment**

*Motion made that the meeting be adjourned by and the motion was seconded by  
The meeting was adjourned at 6:08PM*

*Respectfully Submitted by:  
Irene Schaefer, Recording Secretary*

**ATTACHMENTS**

# City of Palm Coast, Florida

## Agenda Item

Agenda Date: May 15, 2019

<b>Department</b>	PLANNING	<b>Amount</b>
<b>Item Key</b>	6604	<b>Account</b>
		<b>#</b>
<b>Subject</b>	FUTURE LAND USE MAP AMENDMENT FOR 119+/- ACRE PARCEL FROM RESIDENTIAL LOW DENSITY/RURAL ESTATE (FLAGLER COUNTY DESIGNATION) TO RESIDENTIAL (CITY OF PALM COAST DESIGNATION) INCLUDING AMENDING THE FOOTNOTE ON THE FLUM	
<b>Background:</b>	<p>The proposed comprehensive plan amendment is for a 119+/- acre area located adjacent to the Grand Landings Master Planned Development (MPD). The proposed comprehensive plan amendment will include amending the designation of 119+/- acres from Residential Low-Density/Rural Estate (Flagler County Designation) to City of Palm Coast designation of Residential. The amendment will include amending a footnote on the FLUM to limit the number of residential units in Grand Landings to 1,150 dwelling units. This brings the total area of the Grand Landings MPD to 893+/- acres.</p> <p>In addition to the FLUM amendment, there is a companion application to change the zoning of the 119+/- from its Flagler County designations to City of Palm Coast designation of Master Planned Development.</p> <p>The proposed amendment was reviewed for the following:</p> <p>An analysis of the proposed amendment's impacts on public facilities and infrastructure indicates that additional units may be accommodated by the existing capacity. Furthermore, the impacts will be reviewed in greater detail during the platting process.</p> <p>Additionally, the proposed amendment will not cause more impact on the environmental conditions on the subject property since the development area will not be expanded compared to the existing land use designation.</p> <p>Finally, the proposed amendment 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:</p> <ul style="list-style-type: none"><li>• Directing development where existing infrastructure is available,</li><li>• Providing opportunities to diversify the housing stock in the City, and</li><li>• Designating urban densities (1 d.u./acre) only in areas that have sufficient capacity for central sewer and water services.</li></ul> <p>Neighborhood Meeting:</p> <p>Consistent with the requirements of the LDC, a neighborhood meeting was held on May 6, 2019. Approximately 44 residents attended the meeting mainly to discuss concerns between the applicant and the Grand Landings Homeowner's Association.</p>	
<b>Recommended Action:</b>	Planning Staff recommends that the Planning and Land Development	

Regulation Board (PLDRB) recommend that the City Council approve Application # 3952.



**COMMUNITY DEVELOPMENT DEPARTMENT  
STAFF REPORT  
May 15, 2019**

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**OVERVIEW**

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**Case Number:** 3952

**Applicant:** City of Palm Coast

**Location:** Generally located approximately 2.0 miles south of State Road 100, east of Belle Terre Blvd., and west of Seminole Woods Blvd.

**Current FLUM designation:** Residential: Low-Density Rural Estate (Flagler County Designations)

**Current Zoning designation:** New Residential Communities-PUD, Planned Unit Development (PUD), & Industrial-Planned Unit Development (Flagler County Designation)

**Current Use:** Single-family homes and Vacant

**Size of subject property:** Approximately 119+/- acres subject to FLUM amendment, Grand Landings MPD new total of 893.6+/- acres

**Requested Action:** Large-scale Future Land Use Map (FLUM) amendment from Residential Low-Density Rural Estate (Flagler County designation) to Residential (City of Palm Coast designation). Including a note to limit residential in Grand Landings MPD to 1150 units.

**Recommendation:** Staff recommends that the Planning and Land Development Regulation Board (PLDRB) recommend that the City Council APPROVE Application #3952, proposed Comprehensive Plan amendment to change 119+/- acres from Residential Low Density/Rural Estate (Flagler County designation) to Residential (City designation) and amend the note on the FLUM to limit the maximum # of dwelling units in the Grand Landings MPD to 1,150.

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

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**ANALYSIS**

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**BACKGROUND**

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The subject properties total 119+/- acres, the subject property includes 91 acres scheduled for annexation into the City on May 21, 2019. An approximately 28 acre parcel was previously annexed in 2007. The subject properties are proposed to be included and developed as part of the project more commonly known as the Grand Landings Master Planned Development (MPD). The 774+/- acre property known as Grand Landings (MPD) was annexed into the City of Palm Coast in May 2007. A FLUM and zoning map amendment to provide City of Palm Coast FLUM and zoning designations along with the Grand Landings MPD Development Agreement were approved by City Council in May 2014. A subsequent amendment to the MPD affecting wetland buffer requirements, minimum lot size and minimum lot widths were approved by City Council in April 2018.

The parcels proposed to be added to the existing Grand Landings MPD currently have a Flagler County Future Land Use Map Designation of Residential Low Density/Rural Estate (1 du/acre) with a zoning designation of New Residential Communities - Planned Unit Development (PUD) and Industrial – Planned Unit Development (PUD). The current MPD agreement limits development within the MPD to 749 units and 150,000 sq. ft. of neighborhood commercial uses.

This proposed amendment will include amending a note on the Future Land Use Map that limits the residential development within the Grand Landings MPD area designated as Residential from 749 dwelling units to 1,150 dwelling units. This will bring the total area of the Grand Landings MPD to 893.6+/- acres.

In addition to the proposed FLUM amendment, there is a companion application to amend the MPD agreement incorporating the changes identified in this FLUM amendment.

#### **DENSITY/INTENSITY AND POPULATION**

The proposed amendment for the 119+/- acre subject property will change the current Flagler County FLUM designation of Residential Low Density/Rural Estate (1 d.u./acre) to City of Palm Coast FLUM designation of Residential (12 d.u./acre).

Additionally, the amendment will increase the number of units permitted in the Grand Landings MPD from 749 to 1150 (additional 401 units). Table 1 below highlights the potential net change resulting from the proposed amendment.

TABLE 1 - FLUM DESIGNATION MAXIMUM DENSITY/INTENSITY ALLOWED (RESIDENTIAL USE)				
	# of Acres	Maximum Density	Maximum # of units*	Population (2.4 persons/dwelling unit)
Proposed FLUM: Residential	119	12 units/acre	401	962
Current FLUM: Residential (Low Density/Rural Estate)	119	1 unit/acre	119	286
NET CHANGE		Increase		676
*Includes policy to limit number of additional units to 401 for total of 1100 dwelling units				
Footnotes:				
<sup>(1)</sup> Max. # of units = # of Acres X Maximum Density				

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

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

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

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

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

**PUBLIC FACILITIES CAPACITY/IMPACT ANALYSIS**

The public facilities capacity net impact analysis was completed for the proposed Future Land Use Map Amendment. The net impact analysis was performed with a proposed density limit of 401 dwelling units for the eventual expansion of the Grand Landings MPD. The results of the net impact analysis are shown on Table 2 below, and are summarized below:

**Transportation**

The proposed FLUM amendment will have a potential net decrease of 282 peak hour trips. The proposed amendment does not impact the Level of Service of the surrounding roadway network. At the time of plat/site plan review process, additional traffic study will be conducted to ensure that available capacity exists for the development.

**Potable Water**

The proposed FLUM amendment will have a potential net increase in demand for potable water of 84,552 gallons/day or .08 million gallons/day. 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). There is adequate water treatment capacity to address the additional demand. Detailed capacity review of distribution lines, pump stations, etc. are conducted during the plat/site plan review process.

**Wastewater**

The proposed FLUM amendment will have a potential net increase in demand for sanitary sewer treatment of 55,466 gallons/day or .055 million gallons/day. There is adequate central sewer treatment capacity to address the additional demand. 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). Detailed capacity review of collection lines, lift stations, etc. are conducted during the plat/site plan review process.

**Solid Waste**

The proposed FLUM amendment will have a potential net increase in 5,824 lbs. of solid waste/day. The City currently has an interlocal agreement with Volusia County for solid waste disposal. There is adequate capacity at the Volusia County landfill to accommodate the additional demand.



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

The proposed FLUM amendment will have a net increase in demand of 5 acres of park facilities. The City currently has adequate capacity to accommodate the additional demand. The City currently owns 955+/- acres of park lands, (580+/- acres for active, 375+/- acres for passive uses).

### **Public Schools**

The proposed FLUM amendment will have a potential net increase in demand for 69 student stations. The school district currently has adequate capacity to accommodate the additional demand. School capacity will be analyzed again during the platting process.

### **Stormwater**

No impact. Stormwater treatment facilities are reviewed for consistency with LOS during plat/site plan review process.

Table 2 Public Facilities Impact Analysis (with Policy to limit number of additional units to 401)

Density <sup>(1)</sup>	# of units or square feet of development	Transportation (PHT) <sup>(2)</sup>	Potable Water (GPD) <sup>(3)</sup>	Sanitary Sewer (GPD) <sup>(4)</sup>	Solid Waste (lbs./day) <sup>(5)</sup>	Recreation and Parks (8 acres/ 1000 pop.) <sup>(6)</sup>	Public Education (students) <sup>(7)</sup>	Stormwater Drainage <sup>(8)</sup>
<b>Proposed FLUM designation - Residential 119.16 acres</b>								
Residential (Max. 12 units/acre)	401	401	120,300	78,917	8,286	8	98	N/A
<b>Current FLUM designation - Flagler County Residential Low Density/Rural Estate (119.16 acres)</b>								
Max. Residential Use (1 unit/acre)	119	119	35,748	23,451	2,462	2	29	
<b>Net Change</b>		<b>282</b>	<b>84,552</b>	<b>55,466</b>	<b>5,824</b>	<b>5</b>	<b>69</b>	<b>N/A</b>

**Footnotes:**

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

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

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

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

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

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

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

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

## **ENVIRONMENTAL/CULTURAL RESOURCES ANALYSIS**

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

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

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

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

The environmental conditions on site were reviewed and analyzed at the time of the Flagler County FLUM amendment in 2005 by Flagler County and other FLUM amendment review agencies such as DEO, DEP, and SJRWMD (that amendment designated the properties with its current Flagler County FLUM designations and the existing entitlements on the property).

### **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: Residential Low Density: Rural Estate and Industrial (Flagler County)

South: Residential Low Density: Rural Estate (Flagler County)

East: Residential (City of Palm Coast), Agriculture & Timberlands (Flagler County)

West: Residential (City of Palm Coast & Flagler County)

#### Surrounding Zoning Designation:

North: Industrial (I) (Flagler County)

South: Planned Unit Development (PUD) (Flagler County)

East: Single Family Residential-1 (City of Palm Coast), and Agriculture (Flagler County)

West: Duplex (DPX), Planned Unit Development (Flagler County)

#### Surrounding Property Existing Uses:

North: Flagler County Airport

South: Vacant lands (Flagler County)

East: Vacant lands (City of Palm Coast)

West: Single-family, Vacant lands

The proposed Future Land Use Map (FLUM) designation is consistent with the surrounding FLUM designations. The developed areas surrounding Grand Landings are mainly composed of single-family residential uses. Additionally, the vacant lots surrounding Grand Landings are also designated for residential use.

It is important to note that Flagler Executive Airport lies north of Grand Landings. There is approximately over half a mile separation between, the Airport's southernmost runway and Grand Landings.

### **CONSISTENCY WITH COMPREHENSIVE PLAN**

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

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

**Analysis:** The proposed amendments are consistent with Policy 1.3.1.1, the public facilities impacts can be accommodated by the existing infrastructure capacity.

*Objective 3.4.1 – Diversity in Housing Opportunities*

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

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

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

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

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

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

## **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).

The applicant hosted a NIM on May 6, 2019. Approximately 44 residents attended the meeting. The comments were mainly focused on issues that will need to be addressed between the applicant and the Homeowner's association.

## **RECOMMENDATION**

Staff recommends that the Planning and Land Development Regulation Board (PLDRB) recommend that the City Council APPROVE Application #3952, proposed Comprehensive Plan amendment to change 119+/- acres from Residential Low Density/Rural Estate (Flagler County

designation) to Residential (City designation) and amend the note on the FLUM to limit the maximum # of dwelling units in the Grand Landings MPD to 1,150.

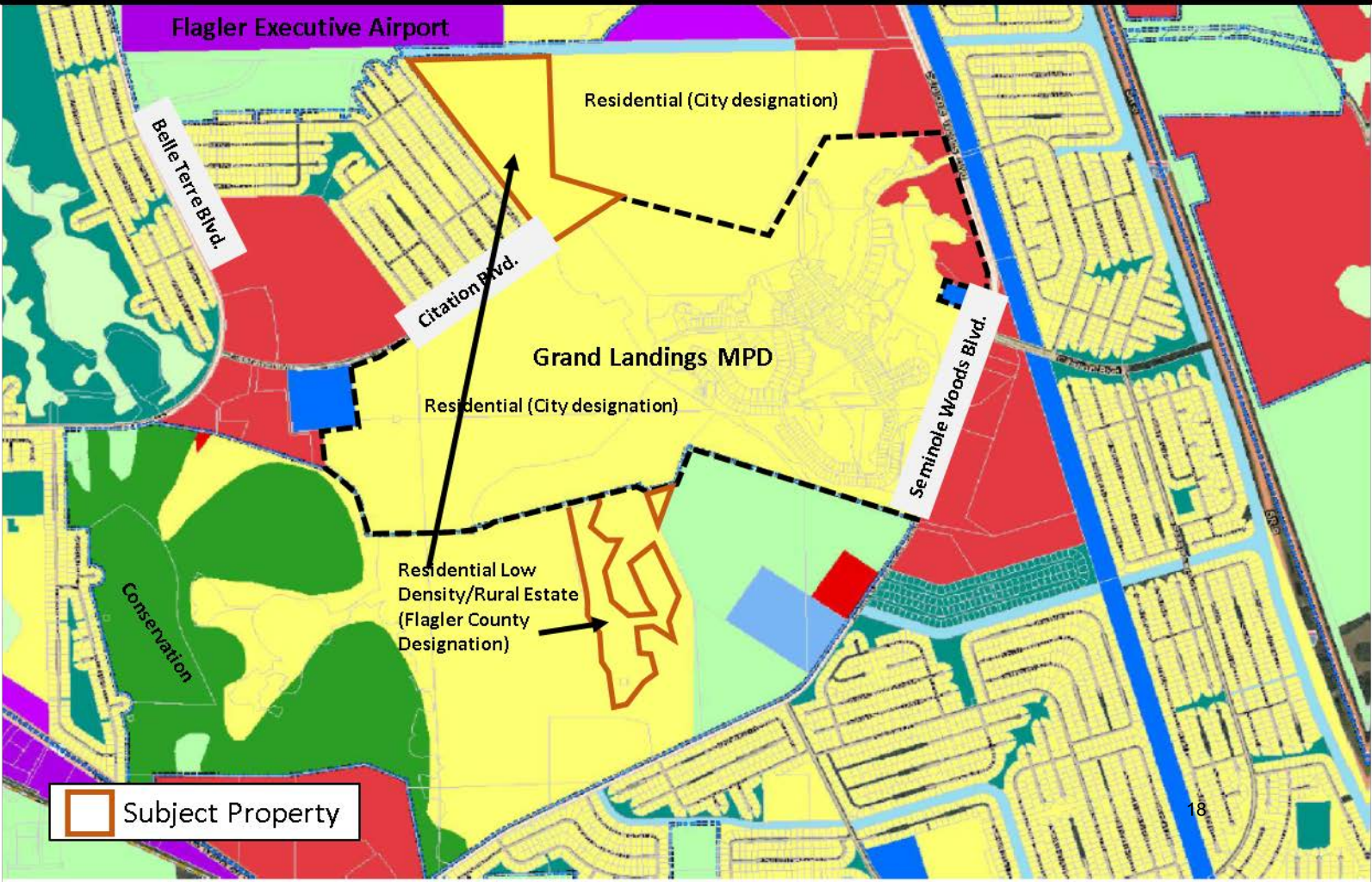


# Grand Landings FLUM Amendment – Location Map

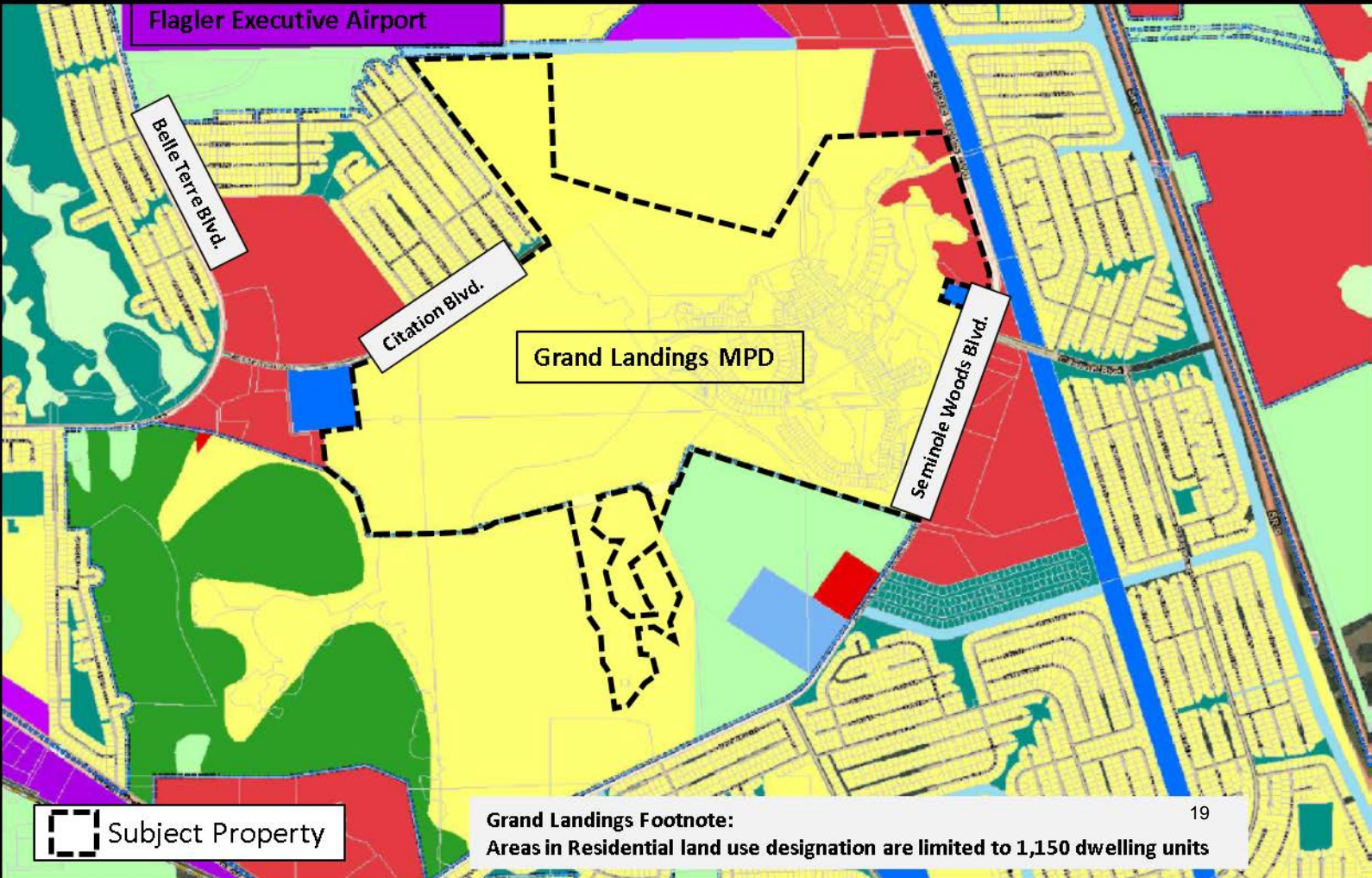




# Grand Landings FLUM Amendment – Current FLUM



# Grand Landings FLUM Amendment – Proposed FLUM





## City of Palm Coast, Florida Agenda Item

Agenda Date: MAY 15, 2019

<b>Department</b>	PLANNING	<b>Amount</b>
<b>Item Key</b>	6611	<b>Account</b>
		<b>#</b>
<b>Subject</b>	ORDINANCE 2019-XX TO EXPAND THE SIZE OF THE GRAND LANDINGS MASTER PLANNED DEVELOPMENT (MPD) BY 119.2 ACRES FROM 774.4 ACRES TO 893.6 ACRES	
<b>Background</b>	<p>:JTL Grand Landings Development, LLC as the owner and developer has requested an amendment to the Grand Landings MPD in order to expand the size of the MPD by 119.2 acres from 774.4 acres to 893.6 acres; to increase the allowed single-family homes (only attached and detached single-family homes are allowed) by 401 homes from 749 homes to 1,150 homes; to allow soil extraction activities; and to clarify standards for wetland permitting, providing recreational amenities and allowed commercial uses. The lands being added to the MPD currently have various Flagler County PUD Zoning categories.</p> <p>The Grand Landings MPD was adopted May 6, 2014. The original project was approved by the Flagler County Commission in 2005 and annexed into the City of Palm Coast in 2007. The 2014 Ordinance amended and replaced the Flagler County PUD and incorporated the requirements of City’s Unified Land Development Code. The first amended and restated Grand Landings MPD Agreement was adopted by the City Council on April 3, 2018 (Ordinance #2018-7) with the key provision reducing the minimum lot width from 50 feet to 45 feet and the minimum lot size from 6,250 square feet to 5,000 square feet.</p>	
<b>Recommended Action</b>	: Planning staff recommends the Planning and Land Development Regulation Board find this MPD amendment in compliance with the Comprehensive Plan and recommend that City Council approve this amendment to the Grand Landings MPD Agreement, Application No. 3951 as presented.	



**ORDINANCE 2019 - \_\_\_\_\_**  
**ENLARGEMENT AND AMENDMENT TO THE GRAND LANDINGS MASTER  
PLANNED DEVELOPMENT (MPD) AGREEMENT**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM COAST, FLORIDA, PROVIDING FOR AN AMENDMENT TO THE OFFICIAL ZONING MAP AS ESTABLISHED IN SECTION 2.06 OF THE CITY OF PALM COAST UNIFIED LAND DEVELOPMENT CODE; FOR CERTAIN REAL PROPERTY GENERALLY LOCATED SOUTH OF THE FLAGLER COUNTY AIRPORT, WEST OF SEMINOLE WOODS PARKWAY, AND EAST OF BELLE TERRE BOULEVARD AND MORE PARTICULARLY DESCRIBED IN THE ATTACHED EXHIBIT “A”; TO EXPAND AND AMEND THE GRAND LANDINGS MASTER PLANNED DEVELOPMENT (MPD) AGREEMENT; BY REZONING 119+/- ACRES FROM VARIOUS FLAGLER COUNTY PLANNED UNIT DEVELOPMENT (PUD) ZONING CATEGORIES TO GRAND LANDINGS MPD SO THE EXPANDED MPD ENCOMPASSES 894+/- ACRES; BY INCREASING THE ALLOWED NUMBER OF SINGLE-FAMILY HOMES WITHIN THE MPD FROM 749 TO 1,150; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR NON-CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, two public hearings on the question of amending the Master Planned Development (“MPD”) Agreement between JTL Grand Landings Development, LLC and the City of Palm Coast have been duly held in the City of Palm Coast, Florida and at such hearings, interested parties and citizens for and/or against the proposed establishment of this zoning district were heard; and

**WHEREAS**, JTL Grand Landings Development, LLC, (“Owner”) is the fee simple title owner of certain real property located in Palm Coast, Florida, more particularly described

in the legal description attached hereto as **Exhibit A**, and incorporated herein (the “Owner’s Property”); and

**WHEREAS**, the Owner has requested to enlarge and amend the Grand Landings MPD Agreement in order to provide for a larger development area with additional residential units; and

**WHEREAS**, the Owner has fully complied with the requirements of the MPD Agreement outlining the procedure for amending the MPD Agreement.

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

**SECTION 1. Recitals.** The foregoing recitals are true and correct and are fully incorporated herein by this reference.

**SECTION 2. Enactment.** The City of Palm Coast City Council, pursuant to the Land Development code of the city of Palm Coast, hereby enacts an Ordinance amending the Grand Landings Master Planned Development Agreement as provided for in the attached **Exhibit B**. The Palm Coast City Council specifically finds as follows:

(a) The proposed Development Agreement amendments do not adversely affect the orderly development of Palm Coast and is consistent with the Palm Coast Comprehensive Plan adopted by the City Council of the City of Palm Coast.

(b) The proposed Development Agreement amendments promote the health, welfare and safety of residents in the community and will have a positive impact for the use of the adjacent properties or the general neighborhood.

**SECTION 3. Procedures.** Upon enactment of this Ordinance amending the Development Agreement, the following procedures shall be observed:

(a) All maps, plans, exhibits, documents, covenants, agreements, stipulations,

conditions and safeguards constituting the development plan as finally approved shall be placed on file, within thirty-(30) days of approval, in the offices of both the City of Palm Coast City Clerk and the Flagler County Clerk of Circuit Court, which shall constitute the regulations for the specific PUD District that have been approved.

(b) Development within the boundaries of the MPD District as approved shall take place in accord with the Land Development Code of the City of Palm Coast as may be modified or amended and the Grand Landings MPD Agreement, as amended pursuant to this Ordinance. A copy of said Development Agreement amendment shall be attached hereto.

(c) The Owner must execute and deliver this Development Agreement amendment to the City within thirty (30) days of this date. The City Manager is hereby delegated the authority to execute an amended and restated MPD Development Agreement to accomplish the amendments provided for herein.

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

**SECTION 5. Conflicts.** All Ordinances or parts of Ordinances in conflict with any of the provisions of this Ordinance are hereby repealed.

**SECTION 6. Effective Date.** This Ordinance shall become effective immediately upon the effective date of Ordinance No. 2019-\_\_\_\_\_ as adopted by the City Council of the City of Palm Coast, Florida, and pursuant to the City Charter. If Ordinance No. 2019-\_\_\_\_\_ does not become effective, then this ordinance shall become null and void.

**APPROVED** on first reading the \_\_\_\_ day of \_\_\_\_\_. 2019.

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

**CITY OF PALM COAST, FLORIDA**

---

Milissa Holland, Mayor

**ATTEST:**

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Virginia A. Smith, City Clerk

Approved as to form and legality

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William E. Reischmann, Jr.

City Attorney

## EXHIBIT A

A parcel of land lying in Sections 19, 20, 21, 28, 29, and 30, all in Township 12 South, Range 31 East, Flagler County, Florida, being more particularly described as follows:

**COMMENCE** at the Northwest corner of said Section 20 and run South 01°30'02" East, along the Westerly line of said Section 20, a distance of 150.01 feet to the Northwesterly corner of lands described as tract 2 in Official Records Book 1329, Page 1277 of the Public Records of said county and the **POINT OF BEGINNING** of Parcel "B" herein described;

Thence run North 89°02'13" East, along the Northerly line of said Tract 2, a distance of 1887.28 feet to the Northeast corner of said Tract 2 and the Northwest corner of lands described as parcel C-1 in Official Records Book 1773, Page 1266; thence South 02°32'58" East, along the Westerly line of said Parcel C-1, a distance of 1766.27 feet to the Southwest corner of said parcel C-1; thence South 74°35'44" East, along the Southerly line of said parcel C-1. A distance of 3054.88 feet to the Southeast corner of said parcel C-1; thence North 28°40'19" East, along the Easterly line of said parcel C-1, 1573.31 feet to the Southerly line of lands described as parcel C-2 in said Official Records Book 1773, Page 1266; thence North 89°04'21" East, along last said Southerly line and the Southerly line of lands described as parcel 3 in said Official Records Book 1773, Page 1266, a distance of 1764.10 feet to the Westerly right-of-way line of Seminole Woods Parkway (a 124 foot right-of-way); thence South 17°03'15" East, along said Westerly right-of-way line, 1929.85 feet to the beginning of a curve, concave Westerly and having a radius of 1000.00 feet; thence Southerly, along said Westerly right-of-way line and the arc of said curve, 624.13 feet, said curve being subtended by a chord having a distance of 614.05 feet and bearing South 04°49'45" West; thence South 18°41'37" West, continuing along said Westerly right-of-way line, 415.16 feet to a jog in said Westerly right-of-way line; thence South 71°18'23" East, along said jog in Westerly right-of-way line, 22.00 feet to the Westerly right-of-way line of Seminole Woods Boulevard (an 80 foot right-of-way) and the end of said jog; thence South 18°42'27" West, along last said westerly right-of-way line, 897.66 feet; thence South 18°29'33" West, continuing along last said Westerly right-of-way line, 210.73 feet to the Northeasterly corner of lands described in Official Records Book 1623, Page 1955 of said county; thence South 69°25'15" West, along the Northerly line of said Official Records Book 1623, Page 1955, a distance of 696.65 feet, to the Northwest corner of said Official Records Book 1623, Page 1955; thence South 05°56'15" West, along the Westerly line of said Official Records Book 1623, Page 1955, a distance of 997.69 feet; thence S37°14'31" West, continuing along said Westerly line of Official Records Book 1623, Page 1955, a distance of 308.26 feet to the Northerly line of lands described in Official Records Book 1723, Page 0845; thence North 71°20'17" West along the Northerly line of said Official Records Book 1723, Page 845, a distance of 2899.90 feet to the Northwest corner of said Official records book 1723, page 845; thence South 18°31'43" West, along the Westerly line of said Official Records Book 1723, Page 845, a distance of 1202.42 feet to the Easterly line of lands described in Official Records Book 1375, Page 1329 of said county; thence North 24°13'06" West, along last said easterly line, 648.60 feet to the Northeast corner of said Official Records Book 1375, Page 1329; thence South 75°07'44" West, along last said Northerly line, 547.25 feet; thence South 16°56'05" West, 492.36 feet; thence South 39°33'00" East, 205.29 feet; thence South 83°09'02" East; 296.11 feet; thence South 27°35'02" West, 477.92 feet; thence South 07°01'37" East, 373.59 feet; thence South 40°54'31" East, .373.09 feet; thence North

89°33'00" East, 376.08 feet; thence North 03°24'22" East, 68.13 feet; thence North 43°50'42" West, 194.13 feet; thence North 27°42'03" West, 252.43 feet; thence North 17°21'11" West, 363.39 feet; thence North 54°59'59" East, 426.05 feet; thence South 28°35'48" East, 795.82 feet; thence South 22°28'43" West, 424.41 feet; thence South 12°27'20" East, 282.17 feet; thence North 61°08'13" West, 365.39 feet; thence South 87°20'40" West, 215.08 feet; thence South 08°57'10" East, 221.74 feet; thence South 15°25'25" West, 131.43 feet; thence South 43°23'44" East, 70.31 feet; thence South 87°58'47" East, 188.15'; thence South 17°18'02" East, 245.64 feet; thence South 56°02'13" West, 256.60 feet; thence South 30°18'30" West, 338.21 feet; thence South 73°59'21" West, 259.08 feet; thence North 05°31'05" West, 521.33 feet; thence North 38°46'38" West, 155.36 feet; thence North 02°50'42" West, 443.43 feet; thence North 24°44'50" West, 109.86 feet; thence North 21°31'33" West, 25.00 feet; thence South 61°27'01" West, 72.25 feet; thence North 23°03'10" West, 266.90 feet; North 19°36'50" East, 119.80 feet; thence North 21°31'33" West, 231.71 feet; thence North 08°33'17" West, 1204.63 feet to aforesaid Northerly line of Official Records Book 1375, Page 1329; thence South 74°58'14" West, along last said Northerly line, 1393.40 feet; thence South 86°33'58" West, along last said Northerly line and the Northerly line of Official Records Book 1544, Page 0810 of the Public Records of said county, 1535.86 feet; thence North 14°23'09" West, along last said Northerly line of Official Records Book 1544, Page 0810, a distance of 498.13 feet; thence North 34°43'35" West, along last said Northerly line, 200.98 feet; thence North 50°24'38" West, along last said Northerly line, 390.44 feet; thence North 06°40'33" West, along last said Northerly line, 66.40 feet to the Southerly line of lot 4 of Citation Commerce Park as per plat recorded in Map Book 0035, Pages 0061-0062 of the Public Records of said county; thence South 70°56'53" East, along last said Southerly line, 103.85 feet to the Southeast corner of said Lot 4; thence North 05°09'12" West, along the Easterly line of said Lot 4, a distance of 592.44 feet to the Southerly line of lands described in Official Records Book 0641, Page 1051 of said county; thence North 84°55'07" East, along last said Southerly line, 479.57 feet; thence North 05°11'08" West, along the Easterly line of said Official Records book 0641, page 1051, a distance of 899.94 feet to the Southerly right-of-way line of Citation Boulevard, said Southerly right-of-way line being in a curve, concave Northwesterly and having a radius of 2860.00 feet; thence Northeasterly, along said Southerly right-of-way line and along the arc of said curve, 1113.87 feet, said curve being subtended by a chord having a distance of 1106.84 feet and bearing North 64°41'02" East; thence North 53°27'45" East, continuing along said Southerly right-of-way line, 2073.88 feet to the end of said Citation Boulevard; thence North 24°40'17" West, 81.46 feet to the Southeasterly corner of Laguna Forest-Section 64 as per Plat recorded in Map Book 0018, Pages 0036-0043 of said county; thence North 25°19'21" West, along the easterly line of said Laguna Forest Section 64, a distance of 205.09 feet; thence North 36°30'37" West, continuing along last said Easterly line, 2915.74 feet to an intersection with aforesaid Westerly line of Section 20; thence North 01°30'02" West, along last said Westerly line, 97.86 feet to the **POINT OF BEGINNING** of Parcel "B" herein described.

Above described lands contain the entire plat of Grand Landings-phase 1 as recorded in Map Book 0036, Pages 0037-0047 of the Public Records of said county.

Less and except lots 5, 6, 11, 17, 18, 19, 23, 32, 33, 34, 35, 36, 37, 39, 40, 47, 48, 50, 51, 58, 63, 80, 85, 86, 88, 89, and tract "O" of the plat of Grand Landings-phase 1 as recorded in Map Book 0036, Pages 0037-0047 of the Public Records of said county.

Less and except those lands known as well site #8 and recorded in Official Records Book 0253, Page 0025 of the Public Records of said county.

Less and except those lands known as well site #9 and recorded in Official Records Book 0253, Page 0029 of the Public Records of said county.

Less and except those lands conveyed to Palm Coast Utility Corporation by Quit Claim Deed recorded in Official Records Book 0094, Page 0217 and as described in Special Warranty Deed to Florida Water Services Corporation as parcel RP 0020 and recorded in Official Records Book 0641, Pages 1051-1221 (at Page 1059) of the Public Records of said county.

Subject to a utility easement described in Official Records Book 0632, Page 1800 and shown as parcel E-0020B in Special Warranty Deed recorded in Official Records Book 0641, Pages 1051-1221 (at Pages 1217-1218) of the Public Records of said county.

Subject to a 40-foot drainage easement as recorded in Official Records Book 0549, pages 0991-1047 (at Page 1008) of the Public Records of said county. Said easement lying 40 feet westerly of and adjacent to the westerly right-of-way line of Seminole Woods Parkway and Seminole Woods Boulevard.

Subject to a 40-foot drainage easement as recorded in Official Records Book 0549, Pages 0991-1047 (at Page 1027) of the Public Records of said county. Said easement lying 40 feet easterly of and adjacent to a portion of the easterly boundary of said plat of Laguna Forest - Section 64 as per plat recorded in Map Book 0018, Pages 0036-0043.

Subject to easement recorded in Official Records Book 0010, Pages 0432-0441 (at Pages 0434-0436) of the Public Records of said county.

Subject to a non-exclusive road easement as recorded in Official Records Book 0253, Page 0027 of the public Records of said county.

Subject to a non-exclusive utility easement as recorded in Official Records Book 0600, Page 0679 of the Public Records of said county.

Subject to a temporary 50' fire access easement as recorded in Official Records Book 1622, Pages 0685-0709 (at Pages 0706-0707) of the Public Records of said county.

Subject to easement sites as recorded in Official Records Book 1654, Pages 0465-0483 of the Public Records of said county.

Subject to a non-exclusive easement for road purposes as recorded in Official Records Book 0253, Page 0027 of the Public Records of said county.

Subject to that certain glide angle easement as recorded in Official Records Book 0028, Page 0694 and Official Records Book 0030, Page 0454.

Including a parcel of land lying in Government Section 28, Township 12 South, Range 31 East, being a part of parcels 409, 413, and 414, recorded in Official Records Book 553, Pages, 1539 through 1840, of the Public Records of Flagler County, Florida, being more particularly described as follows:

A point of reference being the point of intersection of the Westerly Right-of-Way of Seminole Woods Parkway (80' R/W) and the extension of the Southerly Right-of-Way of Citation Parkway (80' R/W); thence run along the Westerly Right-of-Way of Seminole Woods Parkway South  $18^{\circ}41'34''$  West a distance of 1108.73 feet to the **POINT OF BEGINNING**; thence continue on said Right-of-Way South  $18^{\circ}41'34''$  West a distance of 1705.74 feet; thence leaving said Right-of-Way run North  $37^{\circ}18'23''$  West a distance of 417.51 feet; thence run North  $37^{\circ}16'01''$  East a distance of 307.35 feet; thence run North  $05^{\circ}58'36''$  East a distance of 997.74 feet; thence run North  $69^{\circ}24'41''$  East a distance of 696.75 feet to the **POINT OF BEGINNING**.

Said lands situated, lying and being in Flagler County, Florida.



**Exhibit B**

**ENLARGED AND AMENDED GRAND LANDINGS MASTER PLANNED  
DEVELOPMENT (MPD) AGREEMENT**

**THIS AMENDMENT TO THE FIRST AMENDED AND RESTATED PLANNED DEVELOPMENT (MPD) DEVELOPMENT AGREEMENT FOR THE GRAND LANDINGS MPD**, (herein referred to as the “First Amendment”) 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 owner of the subject property, **JTL GRAND LANDINGS DEVELOPMENT, LLC, a Texas limited liability company, authorized to do business in Florida** (herein referred to from time to time as the “Owner” regardless of whether singular or plural ownership status) whose address is 16475 Dallas Parkway, Suite 155, Addison, TX 75001.

**WITNESSETH:**

**WHEREAS**, JTL GRAND LANDINGS DEVELOPMENT, LLC, a Texas limited liability company authorized to do business in Florida, is the principal owner and developer of a 893.55 (+/-) acre site, as more particularly described on **Exhibit “A” (hereinafter “Property” or “Subject Property”)**; and

**WHEREAS** the original Planned Unit Development for Grand Landings (the “Project”) was approved by the Flagler County Commission in 2005 and is recorded in OR Book 1254, Pages 605-622 of the Public Records of Flagler County (the “2005 PUD”); and

**WHEREAS**, the current Master Plan Development Agreement for the Project was approved by the City of Palm Coast in 2018 and is recorded at OR Book 2282, Page 0377 of the Public Records of Flagler County (the “2018 MPD”) and encompasses 774.39 acres and replaces the 2005 PUD; and

**WHEREAS**, Owner desires to add another 119.16 +/- acres to the Project so it will be 893.55 +/- acres and to increase the maximum number of single-family dwellings from 749 to 1,150; and

**WHEREAS**, the City of Palm Coast Planning and Land Development Regulation Board (PLDRB) and City of Palm Coast City Council finds that this Amendment is consistent with the City's Comprehensive Plan and LDC and that the conditions, terms, restrictions, and requirements set forth herein are necessary for the protection of the public health, safety, and welfare of the citizens of the City; and

**WHEREAS**, the City of Palm Coast City Council further finds that this Amendment 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

**NOW, THEREFORE**, it is hereby resolved and agreed by and between the City and the Owner that the Amendment 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 Amendment upon which the City and the Owner have relied.

#### **SECTION 2. AMENDMENTS**

The following sections shall be changed to read as follows:

1. Exhibit "A" attached to this proposed amendment shall replace and supplant all prior legal descriptions of the Project and these lands shall be subject to the Development Agreement and this Amendment.

2. **SECTION 4(a)** shall be replaced with the following. **Residential** - The portion of the Property designated as residential will consist of a maximum ~~749~~ 1,150 single family or single family attached dwelling units. Common improvements will be maintained and managed under

one or more property owners associations and ~~possible~~possibly a Community Development District, if approved by the City. If more than one property owners association is created on the Property, a Master Association will be created. The development plan for Grand Landings is generally outlined below and depicted on the updated MPD Conceptual Master Plan which is attached as an Exhibit “E”<sup>1</sup> hereto (the “Master Plan”).

Single Family attached units shall be arranged with party walls in blocks of two to four units. Supplemental performance standards for these units shall be as set forth in Section 7. The single family attached homes may be developed for either condominium or fee simple form of ownership. Single family attached, and detached homes shall have a garage in accordance with the City of Palm Coast LDC. The Conceptual Master Plan contains a level of detail satisfactory to permit the Subject Property to proceed directly to preliminary plat. Site Plans may be submitted simultaneously with preliminary plat(s) subject to review approval as provided in the LDC.

3. **SECTION 4(b) Commercial** – The portion of the Property designated as Commercial on the Conceptual Master Plan shall include up to 150,000 square feet of commercial uses as allowed for in the General Commercial (COM-2) Zoning District as depicted in Table 3-4 of the LDC. This would include uses shown as permitted (P) or by special exception (S) in Table 3-4 for the COM-2 District. A request for a Special Exception shall not be deemed an amendment to the Development Agreement or change in zoning. Uses noted with (L) may have additional limitations from the LDC specific to that use but not all limited uses are so indicated. The commercial area may be subject to its own property owners association and may not necessarily be subject to the Grand Landings Master Association. Access to the single family portion of the Subject Property shall be provided via a collector roadway traversing through the Commercial area and shall be platted in connection with development of the Residential area.

4. **SECTION 4(e). Park Areas** – That “Park” identified on the Master Plan fronting Seminole Woods Parkway has been conveyed by warranty deed to the Board of County

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<sup>1</sup> Exhibit “E” has been updated to reflect and incorporate the conceptual plan that includes the new units as well as the existing conceptual plan.

Commissioners pursuant to the 2005 PUD. Therefore, parks and recreation concurrency for ~~749~~ 749 dwelling units on this Project is vested pursuant to the City Comprehensive Plan and LDC. The City will coordinate with the Flagler County Board of County Commissioners to develop this park land for the benefit of residents of Grand Landings and the neighboring area. For the proposed new 401 units, the Developer shall continue to pay park impact fees as outlined in the Land Development Code, as amended from time to time.

5. **SECTION 5. LAND DEVELOPMENT CODE APPLICABILITY**

(1) **Wetlands and Wetland Buffer.** Subsequent to the issuance of an Environmental Resource Permit by the St. Johns River Water Management District (SJRWMD), a Conservation Easement including upland buffer shall not be included within development lots except those lots approved by preliminary plat prior to the date of this MPD Agreement. SJRWMD and/or the Army Core of Engineers (as appropriate) shall make all determinations as it pertains to wetland permitting, upland buffers, and acceptable mitigation practices as it pertains to impacting regulated areas subject to this MPD.

6. **SECTION 5. LAND DEVELOPMENT CODE APPLICABILITY**

(15) **Soil Extraction.** Developer may, at developer's own expense, may remove fill dirt from its Property. This fill dirt may be used either onsite or offsite at Developer's sole discretion. Any location that the Developer pulls dirt from shall be reclaimed and shall resemble a natural system to the greatest extent feasible. The standards and conditions provided for in Land Development Code Section 4.03.03 shall apply to this section.

6. **SECTION 5(b)(8). Recreation** – A recreation amenity complex including active and passive recreation has been constructed on the Property. Parks and recreation concurrency for ~~749~~ 749 dwelling units on this Project vested pursuant to the City Comprehensive Plan and LDC. Recreation and amenity space for up to an additional 401 units will need to be provided by Developer.

**IN WITNESS WHEREOF,** the City and JTL GRAND LANDINGS DEVELOPMENT, 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.

WITNESS:  
LLC

JTL GRAND LANDINGS DEVELOPMENT,

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

By: \_\_\_\_\_  
David M. West, Manager

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

STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2019 by David M. West, Manager of JTL Grand Landings Development, LLC, who is personally known to me or who has produced \_\_\_\_\_ as identification.

\_\_\_\_\_  
NOTARY PUBLIC

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

Print Name

My Commission Expires:

## EXHIBIT "A"

### Parcel "B"

A parcel of land lying in Sections 19, 20, 21, 28, 29, and 30, all in Township 12 South, Range 31 East, Flagler County, Florida, being more particularly described as follows:

**COMMENCE** at the Northwest corner of said Section 20 and run South 01°30'02" East, along the Westerly line of said Section 20, a distance of 150.01 feet to the Northwestern corner of lands described as tract 2 in Official Records Book 1329, Page 1277 of the Public Records of said county and the **POINT OF BEGINNING** of Parcel "B" herein described;

Thence run North 89°02'13" East, along the Northerly line of said Tract 2, a distance of 1887.28 feet to the Northeast corner of said Tract 2 and the Northwest corner of lands described as parcel C-1 in Official Records Book 1773, Page 1266; thence South 02°32'58" East, along the Westerly line of said Parcel C-1, a distance of 1766.27 feet to the Southwest corner of said parcel C-1; thence South 74°35'44" East, along the Southerly line of said parcel C-1. A distance of 3054.88 feet to the Southeast corner of said parcel C-1; thence North 28°40'19" East, along the Easterly line of said parcel C-1, 1573.31 feet to the Southerly line of lands described as parcel C-2 in said Official Records Book 1773, Page 1266; thence North 89°04'21" East, along last said Southerly line and the Southerly line of lands described as parcel 3 in said Official Records Book 1773, Page 1266, a distance of 1764.10 feet to the Westerly right-of-way line of Seminole Woods Parkway (a 124 foot right-of-way); thence South 17°03'15" East, along said Westerly right-of-way line, 1929.85 feet to the beginning of a curve, concave Westerly and having a radius of 1000.00 feet; thence Southerly, along said Westerly right-of-way line and the arc of said curve, 624.13 feet, said curve being subtended by a chord having a distance of 614.05 feet and bearing South 04°49'45" West; thence South 18°41'37" West, continuing along said Westerly right-of-way line, 415.16 feet to a jog in said Westerly right-of-way line; thence South 71°18'23" East, along said jog in Westerly right-of-way line, 22.00 feet to the Westerly right-of-way line of Seminole Woods Boulevard (an 80 foot right-of-way) and the end of said jog; thence South 18°42'27" West, along last said westerly right-of-way line, 897.66 feet; thence South 18°29'33" West, continuing along last said Westerly right-of-way line, 210.73 feet to the Northeasterly corner of lands described in Official Records Book 1623, Page 1955 of said county; thence South 69°25'15" West, along the Northerly line of said Official Records Book 1623, Page 1955, a distance of 696.65 feet, to the Northwest corner of said Official Records Book 1623, Page 1955; thence South 05°56'15" West, along the Westerly line of said Official Records Book 1623, Page 1955, a distance of 997.69 feet; thence S37°14'31" West, continuing along said Westerly line of Official Records Book 1623, Page 1955, a distance of 308.26 feet to the Northerly line of lands described in Official Records Book 1723, Page 0845; thence North 71°20'17" West along the Northerly line of said Official Records Book 1723, Page 845, a distance of 2899.90 feet to the Northwest corner of said Official records book 1723, page 845; thence South 18°31'43" West, along the Westerly line of said Official Records Book 1723, Page 845, a distance of 1202.42 feet to the Easterly line of lands described in Official Records Book 1375, Page 1329 of said county; thence North 24°13'06" West, along last said easterly line, 648.60 feet to the Northeast corner of said Official Records Book 1375, Page 1329; thence South 75°07'44" West, along last said Northerly line, 547.25 feet; thence South 16°56'05" West, 492.36 feet; thence South 39°33'00" East, 205.29 feet;

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thence South 83°09'02" East, 296.11 feet; thence South 27°35'02" West, 477.92 feet; thence South 07°01'37" East, 373.59 feet; thence South 40°54'31" East, 373.09 feet; thence North 89°33'00" East, 376.08 feet; thence North 03°24'22" East, 68.13 feet; thence North 43°50'42" West, 194.13 feet; thence North 27°42'03" West, 252.43 feet; thence North 17°21'11" West, 363.39 feet; thence North 54°59'59" East, 426.05 feet; thence South 28°35'48" East, 795.82 feet; thence South 22°28'43" West, 424.41 feet; thence South 12°27'20" East, 282.17 feet; thence North 61°08'13" West, 365.39 feet; thence South 87°20'40" West, 215.08 feet; thence South 08°57'10" East, 221.74 feet; thence South 15°25'25" West, 131.43 feet; thence South 43°23'44" East, 70.31 feet; thence South 87°58'47" East, 188.15'; thence South 17°18'02" East, 245.64 feet; thence South 56°02'13" West, 256.60 feet; thence South 30°18'30" West, 338.21 feet; thence South 73°59'21" West, 259.08 feet; thence North 05°31'05" West, 521.33 feet; thence North 38°46'38" West, 155.36 feet; thence North 02°50'42" West, 443.43 feet; thence North 24°44'50" West, 109.86 feet; thence North 21°31'33" West, 25.00 feet; thence South 61°27'01" West, 72.25 feet; thence North 23°03'10" West, 266.90 feet; North 19°36'50" East, 119.80 feet; thence North 21°31'33" West, 231.71 feet; thence North 08°33'17" West, 1204.63 feet to aforesaid Northerly line of Official Records Book 1375, Page 1329; thence South 74°58'14" West, along last said Northerly line, 1393.40 feet; thence South 86°33'58" West, along last said Northerly line and the Northerly line of Official Records Book 1544, Page 0810 of the Public Records of said county, 1535.86 feet; thence North 14°23'09" West, along last said Northerly line of Official Records Book 1544, Page 0810, a distance of 498.13 feet; thence North 34°43'35" West, along last said Northerly line, 200.98 feet; thence North 50°24'38" West, along last said Northerly line, 390.44 feet; thence North 06°40'33" West, along last said Northerly line, 66.40 feet to the Southerly line of lot 4 of Citation Commerce Park as per plat recorded in Map Book 0035, Pages 0061-0062 of the Public Records of said county; thence South 70°56'53" East, along last said Southerly line, 103.85 feet to the Southeast corner of said Lot 4; thence North 05°09'12" West, along the Easterly line of said Lot 4, a distance of 592.44 feet to the Southerly line of lands described in Official Records Book 0641, Page 1051 of said county; thence North 84°55'07" East, along last said Southerly line, 479.57 feet; thence North 05°11'08" West, along the Easterly line of said Official Records book 0641, page 1051, a distance of 899.94 feet to the Southerly right-of-way line of Citation Boulevard, said Southerly right-of-way line being in a curve, concave Northwesterly and having a radius of 2860.00 feet; thence Northeasterly, along said Southerly right-of-way line and along the arc of said curve, 1113.87 feet, said curve being subtended by a chord having a distance of 1106.84 feet and bearing North 64°41'02" East; thence North 53°27'45" East, continuing along said Southerly right-of-way line, 2073.88 feet to the end of said Citation Boulevard; thence North 24°40'17" West, 81.46 feet to the Southeasterly corner of Laguna Forest-Section 64 as per Plat recorded in Map Book 0018, Pages 0036-0043 of said county; thence North 25°19'21" West, along the easterly line of said Laguna Forest Section 64, a distance of 205.09 feet; thence North 36°30'37" West, continuing along last said Easterly line, 2915.74 feet to an intersection with aforesaid Westerly line of Section 20; thence North 01°30'02" West, along last said Westerly line, 97.86 feet to the **POINT OF BEGINNING** of Parcel "B" herein described.

Above described lands contain the entire plat of Grand Landings-phase 1 as recorded in Map Book 0036, Pages 0037-0047 of the Public Records of said county.



Less and except lots 5, 6, 11, 17, 18, 19, 23, 32, 33, 34, 35, 36, 37, 39, 40, 47, 48, 50, 51, 58, 63, 80, 85, 86, 88, 89, and tract "O" of the plat of Grand Landings-phase 1 as recorded in Map Book 0036, Pages 0037-0047 of the Public Records of said county.

Less and except those lands known as well site #8 and recorded in Official Records Book 0253, Page 0025 of the Public Records of said county.

Less and except those lands known as well site #9 and recorded in Official Records Book 0253, Page 0029 of the Public Records of said county.

Less and except those lands conveyed to Palm Coast Utility Corporation by Quit Claim Deed recorded in Official Records Book 0094, Page 0217 and as described in Special Warranty Deed to Florida Water Services Corporation as parcel RP 0020 and recorded in Official Records Book 0641, Pages 1051-1221 (at Page 1059) of the Public Records of said county.

Subject to a utility easement described in Official Records Book 0632, Page 1800 and shown as parcel E-0020B in Special Warranty Deed recorded in Official Records Book 0641, Pages 1051-1221 (at Pages 1217-1218) of the Public Records of said county.

Subject to a 40-foot drainage easement as recorded in Official Records Book 0549, pages 0991-1047 (at Page 1008) of the Public Records of said county. Said easement lying 40 feet westerly of and adjacent to the westerly right-of-way line of Seminole Woods Parkway and Seminole Woods Boulevard.

Subject to a 40-foot drainage easement as recorded in Official Records Book 0549, Pages 0991-1047 (at Page 1027) of the Public Records of said county. Said easement lying 40 feet easterly of and adjacent to a portion of the easterly boundary of said plat of Laguna Forest - Section 64 as per plat recorded in Map Book 0018, Pages 0036-0043.

Subject to easement recorded in Official Records Book 0010, Pages 0432-0441 (at Pages 0434-0436) of the Public Records of said county.

Subject to a non-exclusive road easement as recorded in Official Records Book 0253, Page 0027 of the public Records of said county.

Subject to a non-exclusive utility easement as recorded in Official Records Book 0600, Page 0679 of the Public Records of said county.

Subject to a temporary 50' fire access easement as recorded in Official Records Book 1622, Pages 0685-0709 (at Pages 0706-0707) of the Public Records of said county.

Subject to easement sites as recorded in Official Records Book 1654, Pages 0465-0483 of the Public Records of said county.

Subject to a non-exclusive easement for road purposes as recorded in Official Records Book 0253, Page 0027 of the Public Records of said county.

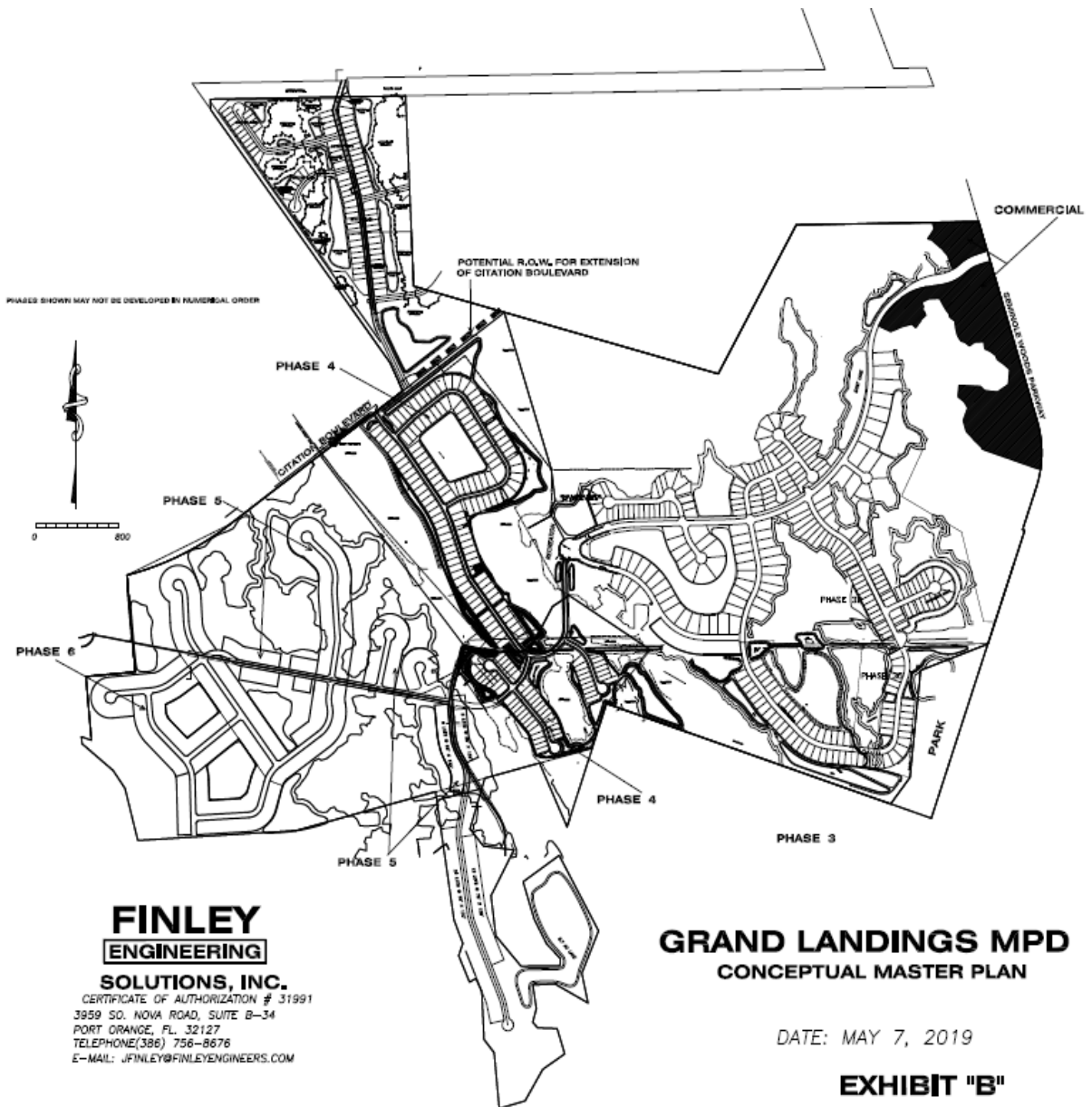
Subject to that certain glide angle easement as recorded in Official Records Book 0028, Page 0694 and Official Records Book 0030, Page 0454.

Including a parcel of land lying in Government Section 28, Township 12 South, Range 31 East, being a part of parcels 409, 413, and 414, recorded in Official Records Book 553, Pages, 1539 through 1840, of the Public Records of Flagler County, Florida, being more particularly described as follows:

A point of reference being the point of intersection of the Westerly Right-of-Way of Seminole Woods Parkway (80' R/W) and the extension of the Southerly Right-of-Way of Citation Parkway (80' R/W); thence run along the Westerly Right-of-Way of Seminole Woods Parkway South  $18^{\circ}41'34''$  West a distance of 1108.73 feet to the **POINT OF BEGINNING**; thence continue on said Right-of-Way South  $18^{\circ}41'34''$  West a distance of 1705.74 feet; thence leaving said Right-of-Way run North  $37^{\circ}18'23''$  West a distance of 417.51 feet; thence run North  $37^{\circ}16'01''$  East a distance of 307.35 feet; thence run North  $05^{\circ}58'36''$  East a distance of 997.74 feet; thence run North  $69^{\circ}24'41''$  East a distance of 696.75 feet to the **POINT OF BEGINNING**.

Said lands situated, lying and being in Flagler County, Florida.

## EXHIBIT "B"



**ORDINANCE 2018- 7**  
**AMENDMENT TO THE GRAND LANDINGS MPD &  
DEVELOPMENT AGREEMENT**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM COAST, FLORIDA, PROVIDING FOR THE FIRST AMENDED AND RESTATED MASTER PLANNED DEVELOPMENT (MPD) DEVELOPMENT AGREEMENT FOR THE GRAND LANDINGS MPD; PROVIDING FOR AN AMENDMENT TO SECTION 6(b)(1) WETLAND & WETLAND BUFFER AND SECTION 7(a) SITE DEVELOPMENT PLAN; PROVIDING FOR A REDUCTION IN MINIMUM LOT WIDTH FOR SINGLE FAMILY DETACHED TO 45' WIDE; PROVIDING FOR A REDUCTION IN MINIMUM LOT SIZE FOR SINGLE FAMILY DETACHED TO 5,000 SQUARE FEET; PROVIDING FOR LEGISLATIVE FINDINGS AND INTENT; PROVIDING FOR CONFLICTS PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Grand Landings Master Planned Development (MPD) is a Master Planned Development (MPD) previously rezoned to MPD through Ordinance 2014-11;

**WHEREAS**, two public hearings on the proposed First Amendment to the Grand Landings Master Planned Development (MPD) Development Agreement (the "Development Agreement") have been duly held in the City of Palm Coast, Florida, and at such hearings interested parties and citizens for and against the proposed amendment were heard; and

**WHEREAS**, JTL Grand Landings Development LLC, a Texas Limited Liability Company ("Owner") is the Owner of the property further described in "Attachment A" and has entered into the Development Agreement as recorded in Official Records Book 2004, Pages 1275 through 1305 of the public records of Flagler County, Florida; and

**WHEREAS**, the Owner has requested to amend the Development Agreement in order to 1) revise the wetland buffer to allow consistency with City Code requirements and to allow wildfire mitigation as a use within the said buffer; 2) to reduce the minimum lot width for single family detached to 45' and 3) to decrease the minimum lot size for single family detached to 5,000 square feet; and

**WHEREAS**, this Ordinance is to amend and restate the Grand Landings MPD and Development Agreement as recorded in OR Book 2004, Page 1275; and

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

**WHEREAS**, the City Council has considered the evidence and testimony presented by the applicant and other interested parties, the recommendations of City staff, and the recommendation of the Planning and Land Development Regulation; and

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

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

**WHEREAS**, the notice and public hearing requirements, as provided for in Chapter 2 (Review Authority, Enforcement, and Procedures) of the City of Palm Coast Unified Land Development Code (Ordinance No. 2008-23) have been satisfied; and

**WHEREAS**, the City Council of the City of Palm Coast held duly noticed public hearings on the proposed amendment set forth hereunder and considered findings and advice of staff, citizens, and all interested parties submitting written and oral comments and supporting data and analysis, and has considered the evidence and testimony presented by the applicant and other interested parties, the recommendations of the various City reviewing departments, and the recommendation of the Planning and Land Development Regulation Board (PLDRB) which voted to recommend approval at the regularly scheduled meeting conducted on February 21, 2018, and after complete deliberation, the City Council hereby finds the requested change consistent with the City of Palm Coast Comprehensive Plan, and that sufficient, competent and substantial evidence supports the proposed amendment set forth hereunder; and

**WHEREAS**, the Owners have fully complied with the requirements of City of Palm Coast Land Development Code and the Grand Landings MPD Development Agreement for amending the Development Agreement to permit the requested changes; and

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

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

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

**SECTION 2. MPD Amendment.** The Palm Coast City Council, pursuant to the Land Development Code of the City of Palm Coast hereby enacts this Ordinance amending and restating the Grand Landings MPD & Development Agreement, attached hereto as “Attachment B,” for the property generally located west of Seminole Woods Blvd., south of State Road 100, legally described in “Attachment A” attached hereto.

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

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

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

Approved on first reading this 20th day of March 2018.

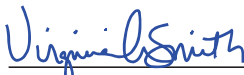
Adopted on the second reading after due public notice and hearing City of Palm Coast this 3rd day of April 2018.

**CITY OF PALM COAST, FLORIDA**



MILISSA HOLLAND, MAYOR

ATTEST:



VIRGINIA SMITH, CITY CLERK

Attachments:

Attachment A – Legal Description, Parcel IDs

Attachment B – Amended MPD Development Agreement



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

**ATTACHMENT “B”  
AMENDED MPD DEVELOPMENT AGREEMENT**

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**THE FIRST AMENDED AND RESTATED MASTER PLANNED  
DEVELOPMENT (MPD) DEVELOPMENT AGREEMENT FOR THE GRAND  
LANDINGS MPD**

This Master Plan Development Agreement, (herein referred to as the "Development Agreement") is made and executed this 20TH day of March, 2018, by and between the CITY OF Palm COAST, a Florida municipal corporation (herein referred to as the "City"), whose address is 160 Lake Avenue Palm Coast, Florida, 32164, and the owner of the subject property, JTL Grand Landings Development LLC, a Texas limited liability company (herein referred to from time-to-time as the "Owner" regardless of whether singular or plural ownership status) whose address is JTL GRAND LANDINGS DEVELOPMENT LLC, 16475 DALLAS PARKWAY, ADDISON, TEXAS 75001

*Witness:*

**WHEREAS**, JTL Grand Landings Development LLC, is the principal owner and developer of a 774 (+/-) acre site more commonly known as the Grand Landings, as more particularly described on Exhibit A of the amended Ordinance.

**WHEREAS**, the current Planned Unit Development (PUD) for Grand Landings (the "Project") was approved by the Flagler County Commission in 2005 and is recorded at OR Book 1254, Pages 605-622 of the Public Records of Flagler County (the "2005 PUD"); and

**WHEREAS**, as a condition of the 2005 PUD, Flagler County was conveyed an



approximately 14.79 acre park site within the Subject Property; and

**WHEREAS**, the Subject Property was annexed by the City of Palm Coast in 2007; and **WHEREAS**, the Subject Property has a Future Land Use Map designation of Residential and Mixed Use.

**WHEREAS**, this proposed Master Planned Development (MPD) Agreement will amend and replace in its entirety the approved 2005 PUD , which incorporates the City of Palm Coast Unified Land Development Code (herein referred to as the "LDC"); and

**WHEREAS**, the Owner 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 finds that this Development Agreement is consistent with the City's Comprehensive Plan and LDC and that the conditions, terms, restrictions, and requirements set forth herein are necessary for the protection of the public health, safety, and welfare of the citizens of the City; and

**WHEREAS**, the City of Palm Coast City Council further finds that this 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*.

1       **NOW, THEREFORE**, it is hereby resolved and agreed by and between the City and  
2 the Owner that the Master Plan Development is approved subject to the following terms  
3 and conditions:

4       **SECTION 1. RECITALS.**

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

8       **SECTION 2. REPRESENTATIONS OF OWNER.**

9       (a).   The Owner hereby represents and warrants to the City that it is the  
10 principal Owner of the Subject Property in accordance with the title opinion or title  
11 certification provided by the Owner to the City issued by an attorney or title insurance  
12 company licensed to provide services in the State of Florida with said title opinion or  
13 certification showing all liens, mortgages, and other encumbrances not satisfied. or  
14 released of record relative to the Subject Property.

15       (b).   The Owner represents and warrants to the City that it has the power and  
16 authority to enter into and consummate the terms and conditions of this Development  
17 Agreement; that all acts, approvals, procedures, and similar matters required in order to  
18 authorize this Development Agreement have been taken, obtained or followed, as the  
19 case may be; that this Development Agreement and the proposed performance of this  
20 Development Agreement by the Owner is not an *ultra vires* act; and that, upon the  
21 execution of this Development Agreement by the parties, this Development Agreement  
22 shall be valid and binding upon the parties hereto and their successors in interest.  
23  
24

25       **SECTION 3. APPROVAL OF MASTER PLAN DEVELOPMENT**



1 (a). The City Council at its business meeting of March 20,2018,  
2 approved a Master Plan Development for the Subject Property subject to the terms and  
3 conditions of this Development Agreement.

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

8 (c). The current provisions of the LDC, as may be amended from time-to-time,  
9 shall be applicable to the Subject Property unless otherwise specifically stated herein.  
10 Any City Code provision not specifically so identified will not be affected by the terms of  
11 this Agreement, and will be subject to enforcement and change under the same criteria  
12 as if no Agreement-were in effect.  
13

#### 14 **SECTION 4. PROJECT DESCRIPTION**

15 (a). Residential. The portion of the Property designated as Residential will  
16 consist of a maximum 749 single family or single family attached dwelling units.  
17 Common improvements will be maintained and managed under one or more property  
18 owner's associations and possibly a Community Development District, if approved by  
19 the City. If more than one property owner's association is created on the Property, a  
20 Master Association will be created. The development plan for Grand Landings is  
21 generally outlined below and depicted on the MPD Conceptual Master Plan which is  
22 attached as an **Exhibit " E"** hereto (the "Master Plan").  
23

24 Single Family Attached units shall be arranged with party walls in blocks of two to  
25 four units. Supplemental performance standards for these units shall be as set forth in

1 Section 7. The single family attached homes may be developed for either condominium  
2 or fee.simple form of ownership. Single family attached and detached homes shall have  
3 a garage in accordance with the City of Palm Coast LDC. The Conceptual Master Plan  
4 contains a level of detail satisfactory to permit the Subject Property to proceed directly  
5 to preliminary plat. Site Plans may be submitted simultaneously with preliminary plat(s)  
6 subject to review approval as provided for in the LDC.

7 (b) Commercial - The portion of the Property designated as Commercial on  
8 the Conceptual Master Plan shall include up to 150,000 square feet of neighborhood  
9 commercial and shopping center development to include uses permitted (P) or uses  
10 only approved by special exception (S) as shown in **Exhibit "C"** Table 1.1 of this  
11 agreeme'nt. A request for a Special Exception shall not be deemed an amendment to  
12 this Development Agreement or change in zoning. Uses noted with (L) are noted to  
13 have additional limitations from the Land Development Code specific to that use but not  
14 all limited uses are so indicated. The commercial area may be subject to its own  
15 property owner's association and may not necessarily be subject to the Grand Landings  
16 Master Association. Access to the single family portion of the Subject Property shall be  
17 provided via a collector roadway traversing through the commercial area and shall be  
18 Is patted in connection with development of the residential area.

19 (c). Temporary Sales/Construction Trailers - Temporary sales and  
20 construction trailers may be located within the MPD, subject to review and approval at  
21 the time of site development plan approval in accordance with the LDC.

22 (d). Common Areas - Common areas are located throughout the MPD and  
23 shall include open space, landscape areas, recreation (active and passive) as well as  
24 sales centers.

25



1 (e). Park Areas - That "Park" identified on the Master Plan fronting Seminole  
2 Woods Parkway has been conveyed by warranty deed to the Board of County  
3 Commissioners pursuant to the 2005 PUD. Therefore, parks and recreation  
4 concurrency for 749 dwelling units on this Project is vested pursuant to the City  
5 Comprehensive Plan and LDC. The City will coordinate with the Flagler County Board of  
6 County Commissioners to develop this park land for the benefit of Grand Landings and  
7 the neighboring area.

8 **SECTION 5. DEVELOPMENT PLAN**

9 (a) The Master Plan depicts the general layout of the entire development.  
10 The exact location of structures, lot lines, roadways, internal landscape buffers,  
11 wetlands, drainage facilities and other improvements shown on the Master Plan may be  
12 modified during review of the site development plans and Subdivision plat and plans.  
13

14 (b) Adjustments to the Site Plan are anticipated to occur during the site  
15 development plan and subdivision plat review processes. Revisions which meet the  
16 intent and purpose of the City's Comprehensive Plan and LDC shall be approved by the  
17 Land Use Administrator (LUA), as long as the substantial integrity of the original Master  
18 Plan and the development standards contained herein are maintained. Any  
19 modification to the Master Plan that increases the intensity or types of development  
20 uses, or reduces the total amount of open space, or decreases the size of any perimeter  
21 buffer within the Property shall require the approval of the City Council following the  
22 review and recommendation of the Planning and Land Development Regulation Board  
23 (PLDRB).  
24  
25

(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 5. LAND DEVELOPMENT CODE APPLICABILITY

(a) The Land Development Code of the City "LDC" applies to the Grand Landings Property and development within it, unless expressly otherwise provided in this MPD.

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

Wetlands and Wetland Buffer. Subsequent to the issuance of an Environmental Resource Permit by the St. Johns River Water Management District (SJRWMD), a conservation easement in favor of the SJRWMD shall be recorded. Conservation Easements including the upland buffer shall not be included within development lots except those lots approved by preliminary plat prior to the date of this MPD agreement.

An average minimum of twenty-five (25) feet but not less than fifteen (15) feet natural upland buffer shall be provided around all wetlands areas not being directly impacted by development.

However, Where direct wetlands are impacted are impacted created by the development plan, buffering and mitigation requirements, consistent with the SJRWMD permit shall be provided.

Activities within the upland buffer shall be limited to the removal of invasive vegetation, wildfire mitigation, installation of essential utilities and permitted trail crossings.

(2) Stormwater. The Property is being developed with privately maintained roads and a privately maintained drainage system. Stormwater runoff from the Project will be conveyed to on-site stormwater retention systems by means of grassed swales, curb gutters, and an underground drainage pipe system. The



1 stormwater retention systems onsite may be interconnected with such systems on  
2 adjacent sites, subject to approval of the St. Johns River Water Management District  
3 and the City.

4 (3) Roadways/Rights-of-Way. Internal access to all residential  
5 structures and the amenities shall be provided by rights-of-way to be maintained by the  
6 Associations or a Community Development District, if approved by the City. Cul-de-  
7 sacs shall have a 120' right-of-way diameter and a 100' pavement diameter. A 110'  
8 right-of-way diameter may be used where no sidewalk is constructed. Islands may be  
9 constructed in the cul-de-sacs so long as a minimum asphalt roadway width of twenty-  
10 four (24) feet is maintained. All roadways, turn lanes and signalization that are internal  
11 to the Project will be constructed in accordance with applicable City standards and the  
12 City of Palm Coast LDC. Upon development of the lands shown as Phase 4 on the  
13 Conceptual Master Plan, emergency vehicle access shall be permitted through the  
14 Property at all times to provide convenient access between Citation Boulevard and  
15 Seminole Woods Parkway.  
16

17 (4) Landscape. Efforts to preserve and enhance the project design will be  
18 achieved through adjustments of building, parking, roadway and stormwater location (as  
19 outlined below) and through supplemental landscaping that will blend with the natural  
20 vegetation yet carefully accentuate the residential areas, entrances, and other common  
21 spaces. All reasonable efforts shall be made to preserve existing native trees and  
22 vegetation on the site.

23 General landscaping around parking lots, roadways, entrances, residential  
24 buildings, and other common areas will be landscaped with ornamental and native plant  
25

1 materials and in accordance with the LDC. These areas will be landscaped to include  
2 pockets of preserved trees, enhanced street frontage landscaping, garden courtyards,  
3 foundation and other types of landscaping to reflect outdoor spaces and to blend with  
4 the natural vegetation. All ornamental landscape beds and lawn areas will have  
5 supplemental irrigation. Xeriscape landscaping will be used where feasible.

6 (5) Signage. Directional signage for recreation and other amenities  
7 may be provided throughout the development, providing that none of these signs  
8 exceed six (6) square feet in size. Directional signs shall be uniform and consistent in  
9 design throughout the residential community and shall be located in a tract or easement  
10 designated for signage and maintained by common property association or CDD (if  
11 approved by the City). Directional signage may include the identity of the facility or  
12 amenity.  
13

14 The residential entrance sign on Seminole Woods Parkway may be located  
15 within the area designated as commercial within an easement or tract adjacent to  
16 Seminole Woods Parkway.

17 Neighborhood identity signs may be located along the main internal road in  
18 accordance with residential entrance sign criteria in the LDC.

19 The project's commercial signage within the area designated as commercial  
20 shall comply with the provisions of the LDC for such property. All signage will be  
21 consistent and uniform in design. All signs will comply with the setbacks and sight  
22 clearance requirements of the LDC.  
23

24 (6) Entry Features. Entrance/exit roadways to the project shall be  
25 constructed from Seminole Woods Parkway and Citation Parkway in the approximate



1 location as shown on the Conceptual Master Plan. The Owner reserves the right to  
2 construct secured entry gates. Vehicular access shall be designed to accommodate  
3 emergency vehicle access at both access locations, pursuant to dimensional  
4 requirements defined by the City of Palm Coast Codes and Section 6(b)(3) of this  
5 Agreement.

6 (7) Roads, Streets and Alleys. The Property is being developed with  
7 privately maintained roads.

8 (8) Recreation. A recreation amenity complex to include active and  
9 passive recreation will be constructed on the Property. Parks and recreation  
10 concurrency for 749 dwelling units on this Project is vested pursuant to the City  
11 Comprehensive Plan and LDC.

12 (9) Pedestrian Access. Five foot wide concrete sidewalks will be  
13 constructed on one side of all major internal roads and cul-de-sacs exceeding 250 feet  
14 in length (measured from the centerline of the intersection to the center of the cul-de-  
15 sac circle) to provide reasonable access between residential structures, commercial  
16 development and amenities, and for access and passive recreation needs.

17 A continuous pedestrian/bicycle path of ten feet (10') in width shall be  
18 constructed by the Owner within public rights-of-way along all the Property fronting  
19 Seminole Woods Parkway. Such path shall be constructed at the time of development  
20 of the lands fronting on Seminole Woods Parkway.

21 (10) Lighting. Decorative pole mounted lighting fixtures no more than 18'  
22 high shall be provided throughout the MPD. Additional landscape lighting may include  
23  
24  
25

1 low level lighting and occasional accent lighting. The locations of such fixtures shall be  
2 further described at the time of site development plan approval.

3 (11) Silvicultural Activities. The City recognizes that the development of  
4 the property will occur over time and in phases, and that various portions of the  
5 property, which are not required by Owner for active development in accordance with  
6 this Development Agreement may continue to be used for silvicultural activities.

7 Silvicultural activities shall be prohibited in that portion of the property which  
8 consists of wetland and upland areas to be preserved, and those areas immediately  
9 adjacent to wetlands which will be used as buffers to the wetland areas, except for  
10 wetland and upland enhancement purposes and mitigation approved by the SJRWMD.

11 (12) Florida Black Bear Protection. The Owner shall cooperatively work  
12 with the City to minimize the potential of Florida Black Bear nuisance occurrences within  
13 the project area. At no cost to the City, the Owner will allow Grand Landings  
14 recreational facilities to be utilized to conduct public-outreach events to the benefit of  
15 the project residents and for Florida Black Bear protection.

16 (13) Wildfire Mitigation. The Project will incorporate principles of Firewise  
17 communities, which may include, but not be limited to: (i) the use of select building  
18 materials which are fire resistant, (ii) community design principles, such as lot  
19 vegetation management, use of landscaping materials, and suggesting fire break at  
20 perimeters, and (iii) the provision of Firewise educational material. Moreover, the  
21 Owner, at its election, may cut or remove understory growth consistent with the  
22 principles of Firewise communities to minimize the threat of wild fires.  
23  
24  
25



(14) Donation of Right-of-Way for the extension of Citation Boulevard. In exchange for the cost of providing a multi-use path along Citation Blvd., the Owner commits to reserve and donate lands to the City by warranty deed, free and clear of title defects and environmental issues, a 100' right-of-way for the potential extension of Citation Boulevard from the current terminus of the available right-of-way (approximately 950' from Laguna Forest Trail) to a point adjacent to the extent of the Owner's property (approximately 1,000 feet), as generally depicted on Exhibit C. The actual location shall not interfere with the Owner's development of the Subject Property nor shall the Owner have any obligation to fund or contribute any improvement necessary for the City to construct the potential extension of Citation Boulevard.

#### **SECTION 7. SITE DEVELOPMENT PLAN**

(a) The following table lists the site development requirements that are applicable within the Property.

**Table of Site Development Requirements**

TYPE	SINGLE FAMILY ATTACHED	SINGLE FAMILY DETACHED	COMMERCIAL AND AMENITY CENTER
Lot Width Minimum <sup>1</sup>	20' Lots/100' Project	<del>50'</del> 45'	100'
Lot Size Minimum	2,000 Sq.Ft./ 3 Acres Project	<del>6,250</del> 5,000 Sq.Ft.	
Living Area Minimum	800 Sq.Ft.	1,200 Sq.Ft.	<b>N/A</b>
Height Maximum <sup>2</sup>	35'	35'	35'
Setbacks from Street Minimums	<sup>3</sup> Arterial/ Collector Road 25' Local Road 20' Or Landscape Buffer whichever is greater	<b>N/A</b>	Arterial/Collector Road 25' Local Road 20' Or Landscape Buffer whichever is greater
Front Setback Minimum	20'	20'	<b>N/A</b>
Interior Side Yard Setback Minimum		5'	10'
Rear Setback Minimum	5'	15'	10' Interior boundary
Side Street Setback Minimum	15'	15'	<b>N/A</b>

1	Max Impervious Coverage	<sup>5</sup> 70.00%	55.00%	70.00%
2	Maximum in PUD	<sup>6</sup> Combined 50%		

<sup>1</sup> Single Family lots on cul-de-sacs and curves shall have a minimum 35' width on the road frontage so long as the lot width meets the minimum lot width at setback.

<sup>2</sup> Roof heights shall be measured in accordance with LDC

<sup>3</sup> Setback applies to project, not to individual Single Family Attached Lots.

<sup>4</sup> 20' between buildings

<sup>5</sup> Impervious is calculated on the whole project rather than individual lots.

<sup>6</sup> Townhomes shall never total greater than 25% of the lots.

#### 6 Additional Dimensional Requirements

1. All setbacks will be measured from the lot line to the foundation of the structure.

2. Single Family Accessory Structures

a. All accessory structures, other than garages, shall be located behind the adjacent front or side street building footprint of the principal structures. Fences located on the side street may meet the minimum setback but must be located behind the building footprint of the principal structure in the front street side.

b. 5' minimum side or rear yard setback for accessory structures, to include sheds, screen enclosures without roofs, patios without roofs, gazebos, or pool decks.

c. Sideways or walkways are allowed within the setback areas.

d. 5' minimum side yard setback for single family driveways. Cul-de-sac lots may have a portion of the driveway encroach into the side yard setback but only to the minimum extent feasible to allow for ingress and egress to the garage.

(d) Airport Operations. The Project is proximate to a public airport, and is subject to various FAA regulations. Any construction within 20,000 feet of a runway is subject to FAA Form 7460-1, Air. Space Study Checklist. Owner shall also provide disclosure to all potential purchasers of the prior existence of the airport at closing, as well as including such notice within Covenants, Conditions and Restrictions applicable to the Property.

(e) Emergency Services. Fire protection requirements for the Project will be met through a system of fire hydrants installed on the site by the Owner in accordance with City standards. The locations of fire hydrants will be shown on the final site plans or Subdivision Plans. The water requirements for the fire system will be served by the City.



1 (f) Parking. Parking shall comply with the LDC

2 (g) Maintenance The Common Areas and other land that are owned  
3 or controlled by a property owner's association will be maintained by the property  
4 owner's association or Community Development District, if approved.

5 (h) Services. All services for the Property, including utilities, fire  
6 protection, solid waste, telephone, electricity, cable television, fiber optics, and  
7 stormwater management shall be provided by the responsible parties. All new utilities  
8 serving the project shall be installed underground except wells and pump stations.

9 Existing wells and pump stations and overhead power lines shall not be required to be  
10 placed underground. Water and wastewater services are to be provided by the City of  
11 Palm Coast.

12 **SECTION 8. BREACH: ENFORCEMENT: ALTERNATIVE DISPUTE RESOLUTION.**

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

16 (b). In the event that a dispute arises under this Development Agreement, the  
17 parties shall attempt to resolve all disputes informally. In the event of a failure to  
18 informally resolve all disputes, the City and Owner agree to engage in mediation before  
19 a certified Circuit Court mediator selected by the parties. In the event that the parties  
20 fail to agree to a mediator, a certified mediator may be selected by mutual consent of  
21 the City and the Owner. The parties shall equally pay all costs of mediation. A party  
22 who unreasonably refuses to submit to mediation, may not later object in Circuit Court  
23  
24  
25

1 that the other party failed to comply with this Section 8(b) by not participating in the  
2 mediation prior to filing suit.

3 (c). Prior to the City filing any action or terminating this Development Agreement  
4 as a result of a default under this Development Agreement, the City shall first provide  
5 the Owner written notice of the said default. Upon receipt of said notice, the Owner  
6 shall be provided a thirty (30) day period in which to cure the default to the reasonable  
7 satisfaction of the City prior to the City filing said action or terminating this Development  
8 Agreement. If thirty (30) days is not a reasonable period of time in which to cure the  
9 default, the length of the cure period shall be extended for a time period acceptable to  
10 the City, but in no case shall the cure period exceed ninety (90) days from the initial  
11 notification of default. Upon proper termination of the Development Agreement, the  
12 Owner shall immediately be divested of all rights and privileges granted hereunder.

13 **SECTION 9. NOTICES.**

14  
15 (a). All notices required or permitted to be given under this Agreement must be  
16 in writing and must be delivered to the City or the Owner at its address set forth below  
17 (or such other address as may be hereafter be designated in writing by such party).

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

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

24 (d). The parties' addresses for the delivery of all such notices are as follows:  
25



1           As to the City:           City Manager  
2                                   160 Lake Avenue  
3                                   Palm Coast, Florida, 32164

4           As to the Owner:       JTL Grand Landings Development LLC  
5                                   1647r Dallas Pkwy  
6                                   Addison, Texas 75001

7           **SECTION 10. SEVERABILITY.**

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

14          **SECTION 11. SUCCESSORS AND ASSIGNS.**

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

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

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

23          **SECTION 12. GOVERNING LAW/ENFORCEMENT/COMPLIANCE WITH LAW.**

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

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

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

8 (d). Without waiving the Owner's potential rights, remedies and protections or  
9 the City's defenses pursuant to Chapter 70 of the Florida Statutes, as may be amended,  
10 this Development Agreement shall not limit the future exercise of the police powers of  
11 the City to enact ordinances, standards, or rules regulating development generally  
12 applicable to the entire area of the City, such as requiring compliance with the City  
13 capital facilities plan; parks master plan, including parks and trail dedications; utility  
14 construction and connections; mandating utility capacities; requiring street development  
15 or other such similar land development regulations and requirements.

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

19 (f). This Development Agreement shall also not be construed to prohibit the  
20 City from adopting lawful impact fees applicable to the Owner and the Master Plan  
21 Development authorized hereunder.

22 **SECTION 13. TERM / EFFECTIVE DATE.**  
23

24 This Development Agreement shall be effective upon adoption by the City  
25



1 Council of the City of Palm Coast, Florida and execution of this Development  
2 Agreement by all parties.

3 **SECTION 14. RECORDATION.**

4 Upon adoption by the City Council of the City of Palm Coast, Florida and  
5 execution of this Development Agreement by all parties, this Development Agreement  
6 and any and all amendments hereto shall be recorded by the City with the Clerk of the  
7 Circuit Court of Flagler County within thirty (30) days after its execution by the City and  
8 the Development Agreement shall run with the land.

9 **SECTION 15. PERMITS.**

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

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

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

19 **SECTION 16. THIRD PARTY RIGHTS.**

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

22 **SECTION 17. TIME IS OF THE ESSENCE.**

23 (a). Strict compliance shall be required with each and every provision of this  
24  
25

1 Development Agreement.

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

4 **SECTION 18. ATTORNEY'S FEES.**

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

9 **SECTION 19. FORCE MAJEURE.**

10 The parties agree that in the event that the failure by either party to accomplish  
11 any action required hereunder within a specific time period ("Time Period") constitutes a  
12 default under terms of this Development Agreement and, if any such failure is due to  
13 any unforeseeable or unpredictable event or condition beyond the control of such party  
14 including, but not limited to, acts of God, acts of government authority (other than the  
15 City's own acts), acts of public enemy or war, terrorism, riots, civil disturbances, power  
16 failure, shortages of labor or materials, injunction or other court proceedings beyond the  
17 control of such party, or severe adverse weather conditions ("Uncontrollable Event"),  
18 then notwithstanding any provision of this Development Agreement to the contrary, that  
19 failure shall not constitute a default under this Development Agreement and any Time  
20 Period prescribed hereunder shall be extended by the amount of time that such party  
21 was unable to perform solely due to the Uncontrollable Event.  
22

23 **SECTION 20. CAPTIONS.**

24 Sections and other captions contained in this Development Agreement are for  
25



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

3 **SECTION 21. INTERPRETATION.**

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

8 (b). This Development Agreement shall not be construed more strictly against  
9 either party on the basis of being the drafter ther of, and both parties have contributed  
10 to the drafting of this Development Agreement subject, however, to the provisions of  
11 Section 19.

12 **SECTION 22. FURTHER ASSURANCES.**

13 Each party agrees to sign any other and further instruments and documents  
14 consistent herewith, as may be necessary and proper to give complete effect to the  
15 terms of this Agreement.  
16

17 **SECTION 23. COUNTERPARTS.**

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

21 **SECTION 24. MODIFICATIONS / AMENDMENTS / NON-WAIVER.**

22 (a). Amendments to and waivers of the provisions herein shall be made by the  
23 parties only in writing by formal amendment. This Development Agreement shall not be  
24 modified or amended except by written agreement executed by all parties hereto and  
25

1 upon approval of the City Council of the City of Palm Coast.

2 (b). Failure of any party hereto to exercise any right hereunder shall  
3 not be

4 deemed a waiver of any such right and shall not affect the right of such party to  
5 exercise

6 at some future date any such right or any other right it may have.

7 **SECTION 25. ENTIRE AGREEMENT: EFFECT ON PRIOR**  
8 **AGREEMENTS.**

9 This Development Agreement constitutes the entire agreement between  
10 the

11 parties and supersedes all previous oral discussions, understandings, and  
12 agreements

13 of any kind and nature as between the parties relating to the subject  
14 matter of this

15 Development Agreement.





## Grand Landings MPD EXHIBIT "C"

Table 1-1. Use Table

Specific Use Type*	
<b>Civic, Nonprofit &amp; Institutional</b>	
Civic Uses: town hall, libraries, museums	P
Civic Uses: police, fire, postal service	P
Civic Clubs and Fraternal Organizations (L)	P
Hospice Services	P
Hospitals	P
Houses of Worship/Religious Institutions (L)	P
Nonprofit Organizations, (e.g., Humane Societies) (L)	P
<b>Eating, Drinking and Entertainment</b>	
Bars, Taverns, and Nightclubs (without discotheques and/or live entertainment) (L)	P
Bars, Taverns, Nightclubs (with discotheques and/or live entertainment) (L)	S
Beer, Wine, and Liquor Stores (L)	P
Cafeterias, Snack bars, Sandwich Shops, Delicatessens, Bakeries	P
Performing Arts Facilities (e.g. dinner theaters)	S
Pizza Delivery Establishments and Takeout Places (L)	P
Restaurants, with Drive-through	P
Restaurants, Sit-Down	P
<b>Educational Facilities</b>	
Elementary/Secondary Schools (public and private) (L)	P
Colleges/Universities	S
<b>Laboratories</b>	
Medical and Diagnostic Laboratories	S
Dental Labs	P
<b>Office, Medical and Professional</b>	
Banks and Credit Unions	P
Building Contractors	S
Mail Order Facilities	P
Medical and Professional Offices	P
Outpatient Care Facilities	P
Scientific and Technical (e.g. architects, engineers, design, programming, and consulting)	P
Temporary Employment Agencies and Management Services	P
Veterinarians (without kennels/post-operative care only)	P

Specific Use Type*	
<b>Recreation and Tourism</b>	
Bed and Breakfast Inns	P
Hotels	P
Marinas (Commercial) (L)	P
Motels	P
Public Parks and Recreation Facilities	P
Recreation, Indoor	P
Recreation, Outdoor	P
<b>Residential</b>	
Assisted Living Facilities, Nursing Homes	P
Caretaker's Dwellings	S
Dormitories	S
<b>Retail Sales and Services</b>	
Art Dealers	P
Automotive Parts (e.g. accessories and tires)	S
Building Material Stores (paint, hardware)	P
Clothing and Accessory Stores (e.g. shoes and luggage)	P
Retail (L)	P
Florists	P
Food and Beverage Stores (supermarkets and specialty foods)	P
Furniture and Home Furnishings Stores	P
Home Improvement Centers	P
Large-Scale Retail Centers (L)	P
Lawn and Garden Equipment and Supplies Stores	P
Model Home Centers (L)	P
Pet (domestic) Stores	P
Plant Nurseries	P
Photo Finishing	P
Sporting Goods, Hobby, Book and Music Stores	P
Used Merchandise Stores	S
<b>Service, Business</b>	
Printing and Publishing	S
All other business services	P
<b>Service, Personal</b>	
Adult Day Care Centers	P
Bail Bonding	S

Specific Use Type <sup>1</sup>	
Child Day Care Centers	P
Funeral Homes	S
Tarot Card, Psychic, and Palm Readings	S
Tattooing, Body Piercing, and other Body Art	S
All other personal service uses	P
<b>Service, Major</b>	
Kennels and Animal Boarding	S
Landscaping Services	P
Repair Services for Commercial and Industrial Machinery and Equipment	S
<b>Training Facilities</b>	
Automobile Driver Schools	P
Technical/Trade Schools	P
<b>Utilities and Public Works</b>	
LP Gas Dealer and Bulk Storage	S
Municipal Pump Stations and Well Sites	P
Power Generation and Distribution (electric and gas) Facilities	S
Passenger Transit or Rail Stations	P
Wireless Communication Facilities (L)	P
<b>Vehicle Sales, Rental, Service, and Repair</b>	
Automotive, Recreational Vehicle, and Boat Dealers	S
Car Washes	S
Commercial & Industrial Machinery & Equipment Rental and Leasing	S
Convenience Stores with Fueling Facilities (L)	pt
Motorcycle Dealers	P
Service Stations	P
Taxi and Limousine Services	P
Vehicle Rental/Leasing	S
Vehicle Repair	S
<b>Warehousing</b>	
Mini-warehouses, Office Warehouses and Self-Storage	S
Warehouse/Distribution Facilities (less than 50,000 sq ft)	S

<sup>1</sup> If subject property is within five hundred (500) feet of any residential property, a special exception for the use is required in accordance with the LDC

\* Definition of uses within the glossary of the LDC applies to the uses in the table

\*\* P= Permitted Use

\*\* S= Special Exception approval required

(L) = Additional limitations specific to that use in the Land Development Code







**COMMUNITY DEVELOPMENT DEPARTMENT  
STAFF REPORT FOR GRAND LANDINGS MPD AMENDMENT  
CITY COUNCIL  
MAY 21, 2018**

## OVERVIEW

**Application Number:** 3951

**Applicant:** Michael D. Chiumento III, agent for property owner

**Property Description:** 893.6+/- acres located south of the Flagler County Airport on the west side of Seminole Woods Parkway

<b>Property Owners:</b>	JTL Grand Landings Development, LLC
<b>Parcel ID #:</b>	Numerous
<b>Current FLUM designation:</b>	See companion FLUM Amendment #3952
<b>Current Zoning designation:</b>	Master Planned Development (Mixed Uses) and various Flagler County PUD categories
<b>Current Use:</b>	Single-family subdivision and vacant land

**Requested Action:** Enlargement and Modification to the Grand Landings Master Planned Development (MPD) Agreement

**Recommendation:** Approval

## ANALYSIS

### REQUESTED ACTION

JTL Grand Landings Development, LLC as the owner and developer has requested an amendment to the Grand Landings MPD in order to expand the size of the MPD by 119.2 acres from 774.4 acres to 893.6 acres; to increase the allowed single-family homes (only attached and detached single-family homes are allowed) by 401 homes from 749 homes to 1,150 homes; to allow soil extraction activities; and to clarify standards for wetland permitting, providing recreational amenities and allowed commercial uses. The lands being added to the MPD currently have various Flagler County PUD Zoning categories.

### BACKGROUND/SITE HISTORY

The Grand Landings MPD was adopted May 6, 2014. The original project was approved by the Flagler County Commission in 2005 and annexed into the City of Palm Coast in 2007. The 2014 Ordinance amended and replaced the Flagler County PUD and incorporated the requirements of City's Unified Land Development Code.

The first amended and restated Grand Landings MPD Agreement was adopted by the City Council on April 3, 2018 (Ordinance #2018-7) with the key provision reducing the single-family minimum lot width from 50 feet to 45 feet and minimum lot size from 6,250 square feet to 5,000

square feet.

Grand Landings has been under construction and approximately 200 homes have currently been completed. This MPD amendment was reviewed by the Planning and Land Development Regulation Board on May 15, 2019.

## LAND USE AND ZONING INFORMATION

Currently the Grand Landings MPD is a mixed use project of 774.4 acres which allows for up to 749 single-family detached or attached homes and a commercial area along Seminole Woods Boulevard for up to 150,000 square feet of commercial uses.

The proposed amendment would enlarge the MPD to 893.6 acres, increase the number of allowed single-family homes to 1,150, clarify that the commercial uses allowed would be those under the General Commercial (COM-2) District of the LDC, on-site soil extraction activities would be allowed, and wetland permitting would be under the applicable guidelines from St. Johns River Water Management District and/or Army Corps of Engineers.

## 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:** This amendment to the Grand Landings MPD Agreement is not in conflict with, or contrary to, the public interest as the proposed land uses are already permitted within the MPD. The amendment will primarily just expand the size of the MPD by 119.2 acres and allow an additional 401 single-family homes. The additional rooftops within the MPD will make the allowed commercial portion of the MPD along Seminole Woods Boulevard more viable.

*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 1.1.2.2 – 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 key modifications to the existing MPD Development Agreement will allow the residential portion of the MPD to increase its density from about one unit per acre to approximately one and a third unit per acre. These are very low densities for a single-family project.

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

**Staff Finding:** Nearby area roadways and public utilities are available to serve this large project and the proposed changes will not create any significant financial liability or hardship for the City.

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

**Staff Finding:** The proposed key modifications to the MPD Development Agreement will only allow additional single-family uses that are already permitted in the MPD to expand outside onto another adjacent 119.2 acres that are being added to the MPD. These changes will not come close to creating any issues as outlined above.

*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 development standards of the City's Land Development Code, the Comprehensive Plan, and the requirements of all other applicable agencies throughout the development process.

#### **ANALYSIS BASED ON UNIFIED LAND DEVELOPMENT CODE, CHAPTER 2, SECTION 2.09.04**

The Unified Land Development Code, Chapter 2, Part II, Sec. 2.09.04 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 master planned development application:"*

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

**Staff Finding:** The proposed application remains consistent and will further the goals and objectives of the Comprehensive Plan.

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

**Staff Finding:** The development standards proposed in the MPD remain generally consistent with the standards established for other developments of a similar nature.

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

**Staff Finding:** The proposed changes will not will not cause the MPD Agreement to further depart from customary standards in the LDC.

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

**Staff Finding:** The proposed uses are similar to other newer mixed use development in Palm Coast and are compatible with the surrounding neighborhoods.

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

**Staff Finding:** The subject project will be analyzed in further detail to determine if there is adequate public infrastructure capacity to serve the development. Other public service needs will be reviewed in more detail as development progresses. The subject project will be required to pay applicable impact fees to accommodate its impact on the public infrastructure and services.

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

**Staff Finding:** The various tracts within the MPD have been set up where they can be adequately developed independently.

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

**Staff Finding:** A traffic impact study will be provided during the preliminary plat stage to demonstrate that all roadways within the study area with the project's traffic included will operate at an acceptable level of service.

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

**Staff Finding:** None of the proposed changes are requesting any further departures from the Land Development Code.

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

**Staff Finding:** The proposed changes will align with previously approved plats within the Grand Landings MPD.

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

**Staff Finding:** The landowners will submit a current environmental resource study prior to approval of a Technical Site Plan or a Preliminary Plat for any new project within the MPD.

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

**Staff Finding:** The additional 401 residential units will add rooftops which will make the previously approved commercial uses on the eastern side of the MPD more viable as a mixed use development and also provide more housing options within Palm Coast than are currently offered by the large number of vacant ITT lots that are still available.

## **PUBLIC PARTICIPATION**

The developer erected three City provided signs by April 30, 2019, along Seminole Woods Boulevard, Citation Boulevard and Grand Landings Parkway notifying citizens of the upcoming public hearings for the Planning and Land Development Regulation Board on May 15, 2019 and City Council on May 21, 2019.

The developer mailed notices to property owners within 300 feet of a Neighborhood Information Meeting (NIM) that was held at 6:00 PM on May 6, 2019, in the media room of Flagler Palm Coast High School. Forty-four neighbors attended this NIM with the vast majority of them being current residents of Grand Landings. Also attending, were the developer, his agents, and one City Planner. The majority of the concerns brought forward involved HOA issues such as the gated access and construction entrance.

#### **RECOMMENDATION**

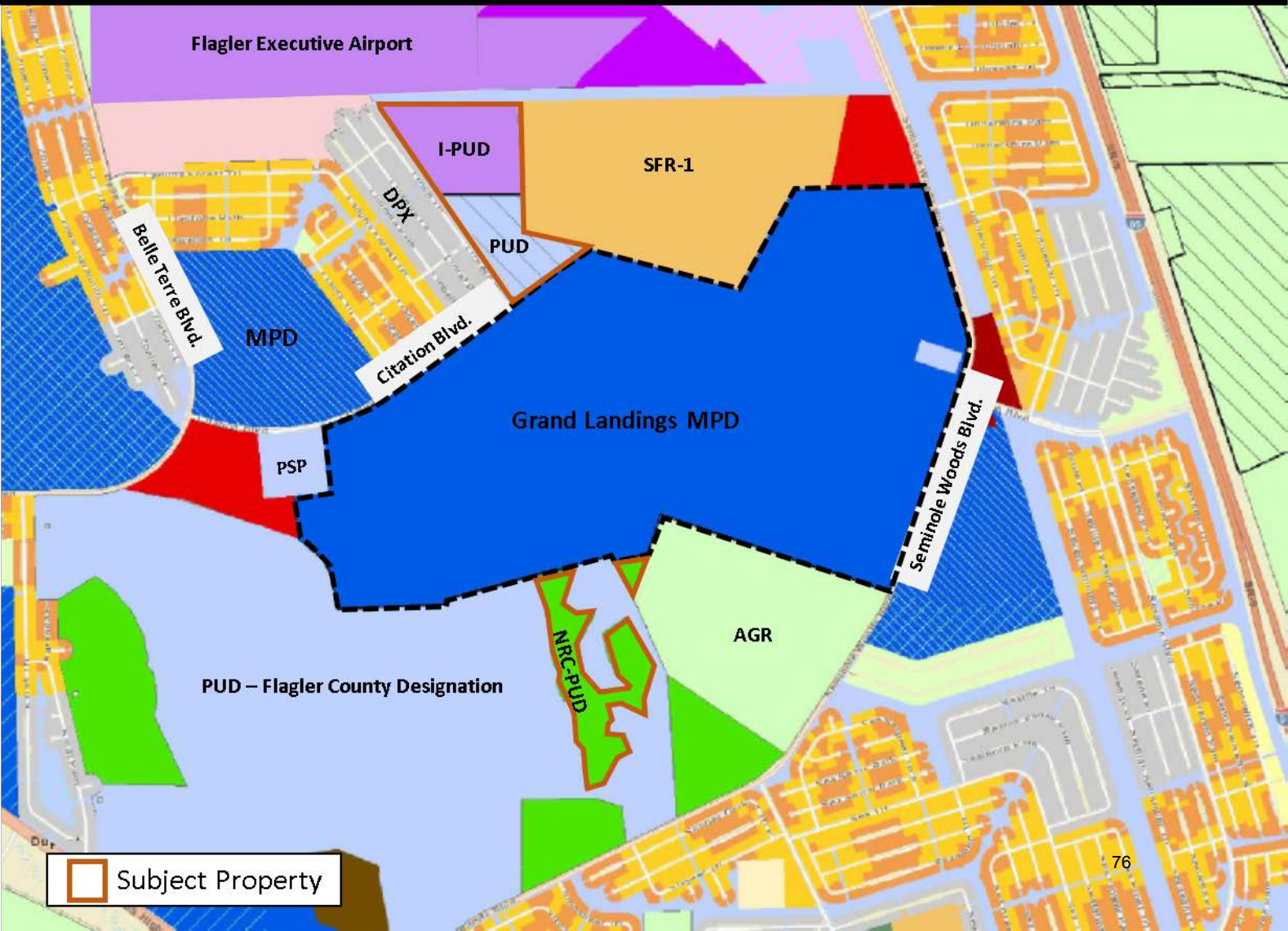
Planning staff recommends the City Council approve this amendment to the Grand Landings MPD Agreement, Application No. 3951 as presented.





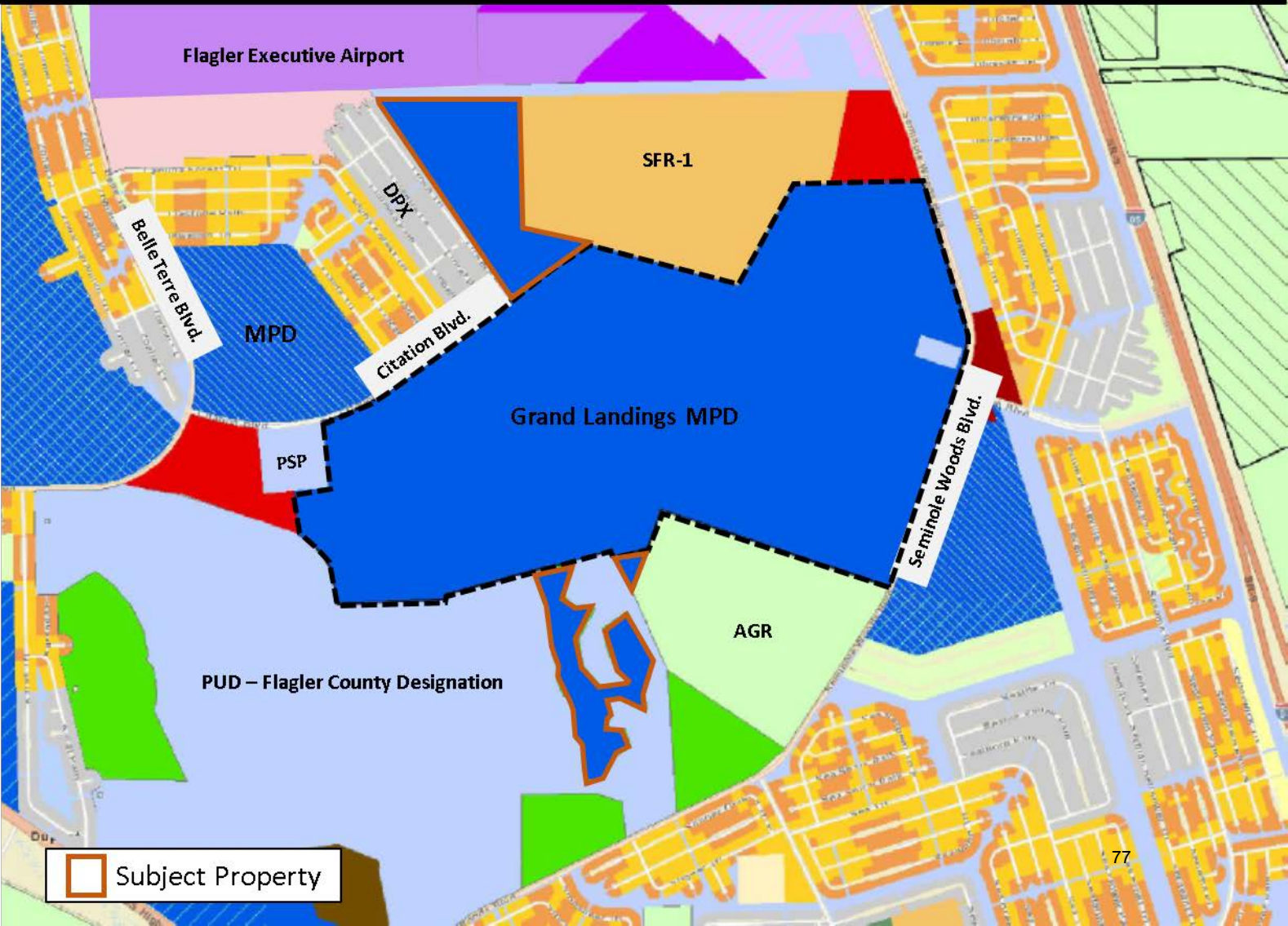


# Grand Landings – Current Zoning Map





# Grand Landings – Proposed Zoning Map



# City of Palm Coast, Florida

## Agenda Item

Agenda Date: MAY 15, 2019

<b>Department</b>	PLANNING	<b>Amount</b>
<b>Item Key</b>	6612	<b>Account</b>
		<b>#</b>
<b>Subject</b>	ORDINANCE 2019-XX O'REILLY'S AUTO PARTS TECHNICAL SITE PLAN TIER 2	
<b>Background:</b> The applicant has submitted a Technical Site Plan application for an automotive parts store without service bays. The O'Reilly Auto Parts store is proposed on the northwest portion of a vacant 2.7+/- acre lot at the southeast corner of the intersection between Palm Coast Parkway NW and Bridgehaven Drive. The proposed 43,415 sq. ft. lot is in the process of being split via a non-statutory subdivision.		
The project is considered a "Moderate" (Tier 2) development, at the request of the Planning and Land Development Regulation Board (PLDRB) when it conditionally approved at its public hearing on October 17, 2018, a Special Exception in the General Commercial (COM-2) Zoning District for the auto parts store. A Tier 2 Technical Site Plan requires review and approval by the Planning and Land Development Regulation Board (PLDRB). The PLDRB conditioned this Special Exception as shown below:		
<div><div>1) Future development for this use be limited to up to a 7500 SF building consistent with the applicant's concept plan.</div><div>2) Any proposed use of this Special Exception shall have Technical Site Plan approval.</div><div>3) This Special Exception approval excludes onsite automotive repairs.</div><div>4) Access from Palm Coast Parkway NW be limited to a "left in – left out" joint use access entrance along the subject tract's eastern property line. This will require that a cross-access easement be extended to the proposed concept plan location.</div></div>		
<b>Recommended Action :</b> Staff recommends the PLDRB approve O'Reilly Auto Parts, Technical Site Plan Tier 2, Application # 3872, subject to the conditions below prior to or as a condition with the issuance of the Development Order:		
<div><div>1. Finishing up the final modifications to the engineering plans.</div><div>2. Prior to the required pre-construction meeting the proposed subject lot shall be legally created via the non-statutory subdivision process and recorded.</div></div>		



**COMMUNITY DEVELOPMENT DEPARTMENT  
PLANNING AND LAND DEVELOPMENT REGULATION BOARD  
STAFF REPORT  
MAY 15, 2019**

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**OVERVIEW**

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Project Name:	O'Reilly Auto Parts Technical Site Plan Tier II
Application Number:	# 3872
Property Owner:	Hutton St 17, LLC
Applicant:	Jerry Ligon, Chattanooga, TN
Agent:	Bohler Engineering FL, LLC, Tampa, Florida
Size of subject property:	A 43,415 sq. ft. lot
Location:	4835 Palm Coast Parkway NW
Current FLUM designation:	Mixed Use
Current Zoning designation:	General Commercial COM-2 & Special Exception for Auto Parts
Current Use:	Vacant commercial land
Parcel ID #:	14-11-30-5538-00000-0120

---

**REQUESTED ACTION**

The applicant has submitted a Technical Site Plan application for an automotive parts store without service bays. The O'Reilly Auto Parts store is proposed on the northwest portion of a vacant 2.7+/- acre lot at the southeast corner of the intersection between Palm Coast Parkway NW and Bridgehaven Drive. The proposed 43,415 sq. ft. lot is in the process of being split via a non-statutory subdivision. The project is considered a "Moderate" (Tier 2) development, at the request of the Planning and Land Development Regulation Board (PLDRB) when it conditionally approved at its public hearing on October 17, 2018, a Special Exception in the General Commercial (COM-2) Zoning District for the auto parts store. A Tier 2 Technical Site Plan requires review and approval by the Planning and Land Development Regulation Board (PLDRB).

**BACKGROUND/SITE HISTORY**

Table 3-4 of the Land Development Code only allows an auto parts store in the General Commercial (COM-2) District via approval of a Special Exception. The PLDRB reviewed and conditionally approved at its October 17, 2018 public hearing this Special Exception as shown below:

- 1) Future development for this use be limited to up to a 7500 SF building consistent with the applicant's concept plan.
- 2) Any proposed use of this Special Exception shall have Technical Site Plan approval.
- 3) This Special Exception approval excludes onsite automotive repairs.

- 4) Access from Palm Coast Parkway NW be limited to a “left in – left out” joint use access entrance along the subject tract’s eastern property line. This will require that a cross-access easement be extended to the proposed concept plan location.

### LAND USE AND ZONING INFORMATION

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

#### SURROUNDING ZONING AND FLUM CATEGORIES

Direction	FLUM Category	Zoning District
North	Residential (across Palm Coast Parkway NW)	DPX (across Palm Coast Parkway NW)
East	Mixed Use	COM-2
South	Mixed Use	COM-2
West	Mixed Use	OFC-2

### SITE DEVELOPMENT REQUIREMENTS

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

#### SITE DEVELOPMENT REQUIREMENTS

Criteria ( <i>per COM-2 unless noted</i> )	Required	Provided
Minimum Development Site Area	20,000 sq. ft.	43,415 sq. ft.
Maximum Impervious Surface Ratio	0.70	0.58
Maximum Floor Area Ratio	0.40	0.17
Maximum Building Height	50 feet	23 feet 10 inches
Minimum Building Setbacks	Front (North): 25 feet Rear (South): 10 feet Street Side (West): 20 feet Interior Side (East): 10 feet	70 feet 10 feet 95 feet 10 feet
Minimum Parking: 25 spaces per parking flexibility study	25 spaces including 2 for disabled	25 spaces including 2 for disabled persons
Minimum Landscape Buffers	Front (North): 35 feet Rear (South): 10 feet Street Side (West): 10 feet Interior Side (East): 10 feet	35 feet 10 feet 10 feet 10 feet

## TECHNICAL SITE PLAN PROCESS

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

The application incorporates a review/approval process coordinated by and through City staff, the Planning and Land Development Review Board (PLDRB) and City Council based upon the scale of development. As provided in Table 2-1 of Sec. 2.04 of the LDC, Tier 2 projects require review and approval from the PLDRB.

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

Prior to approval of a Development Order for a Technical Site Plan, the proposed project must be evaluated for conformance with the requirements of LDC Chapter 2, Section 2.05.05, which provides criteria that must be met to issue approval. The proposed project has been evaluated against the review criteria as directed by the LDC, which states: *When reviewing a development order application, the approval authority shall determine whether sufficient factual data was presented in order to render a decision. The decision to issue a development order shall be based upon the following, including but not limited to:*

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

**Planning Staff Finding:** The proposed development is not in conflict with or contrary to the public interest, as the site's specified land use is consistent with the Mixed Use designation on the Future Land Use Map.

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

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

- **Chapter 1, Future Land Use Element: Goal 1.1** – Preserve the character of residential communities, prevent urban sprawl and protect open space and environmental resources, while providing a mix of land uses, housing types, services, and job opportunities in mixed use centers and corridors.
- **Chapter 1, Future Land Use Element: Objective 1.1.4 Discourage Urban Sprawl** – Promote compact and contiguous development, a mixture of land uses, and discourage urban sprawl.

- **Chapter 1, Future Land Use Element: Policy 1.1.4.5**

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

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

**Planning Staff Findings:** The public infrastructure needed to support the project is already in place or close to the site and any extensions of utilities will be provided by the developer at the developer's expense.

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

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

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

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

## **SUMMARY OF FINDINGS**

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

## **RECOMMENDATION**

Staff recommends the PLDRB approve O'Reilly Auto Parts, Technical Site Plan Tier 2, Application # 3872, subject to the conditions below prior to or as a condition with the issuance of the Development Order:

1. Finishing up the final modifications to the engineering plans.
2. Prior to the required pre-construction meeting the proposed subject lot shall be legally created via the non-statutory subdivision process and recorded.



SITE DATA:

PARCEL ID / STRAP NUMBER	
SITE ADDRESS	SEC PALM COAST PARKWAY AND BRIDGEHAVEN DR. PALM COAST, FLORIDA 32137
TOTAL SITE AREA	117,449 S.F. (2.70 AC)
LEASE AREA	43,415 SF (0.99 AC)
EXISTING BUILDING AREA	0 SF
EXISTING GREEN SPACE	117,449 SF (2.70 AC) 100% OF TOTAL
EXISTING IMPERVIOUS AREA	0 SF (0 AC) 0% OF TOTAL
PROPOSED BUILDING AREA	7,171 SF (0.16 AC)
PROPOSED GREEN SPACE	18,110 SF (0.42 AC) 42% OF TOTAL
PROPOSED CONC. & PAVING AREA	18,134 SF (0.42 AC)
TOTAL IMPERVIOUS AREA	25,305 SF (0.58 AC) 58% OF TOTAL
REQUIRED PARKING SPACES	RETAIL (1.0 SPACE / 250 S.F. GFA) = 29 SPACES
PROVIDED PARKING SPACES	25 SPACES (INCLUDING 2 ADA SPACES)
REQUIRED BICYCLE PARKING	(REQUIRED AUTO SPACES 81 - 100) = 5 BICYCLE SPACES
PROVIDED BICYCLE PARKING	5 SPACES
TYPICAL PARKING STALL SIZE	9' X 18' (12' X 18' ADA)
JURISDICTION	CITY OF PALM COAST
EXISTING ZONING	
EXISTING FLUM	

FAR	0.15
BUILDING HEIGHT REQUIREMENTS	50 FT MAX
BUILDING HEIGHT PROPOSED	23' - 10"
LANDSCAPE BUFFER REQUIREMENTS	
NORTH	35 FT
EAST	10 FT
SOUTH	10 FT
WEST	10 FT
BUILDING SETBACK REQUIREMENTS	
NORTH	25 FT
EAST	10 FT
SOUTH	10 FT
WEST	20 FT
MONUMENT SIGN REQUIRED SETBACK	10 FT

SITE NOTES:

- ALL DIMENSIONS SHOWN ARE AT FACE OF CURB, UNLESS OTHERWISE NOTED. B/C INDICATES DIMENSION IS TO BACK OF CURB.
- ALL RADII DIMENSIONS ARE 3' TO FACE OF CURB UNLESS OTHERWISE NOTED.
- ALL PAVEMENT MARKINGS AND SIGNAGE SHALL BE IN ACCORDANCE WITH THE "MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES FOR STREETS AND HIGHWAYS," LATEST EDITION; AND CITY OF PALM COAST LAND DEVELOPMENT CODE.
- FREE STANDING SIGNAGE SHOWN FOR REPRESENTATIONAL PURPOSES ONLY, AND SHALL BE PERMITTED SEPARATELY.
- THE PROPERTY SHOWN HEREON APPEARS TO LIE IN FLOOD ZONE "X" ACCORDING TO THE FLOOD INSURANCE RATE MAP # 12035C0136E, COMMUNITY: CITY OF PALM COAST, EFFECTIVE JUNE 6, 2018.
- A RIGHT OF WAY PERMIT WILL BE REQUIRED FOR ALL WORK WITHIN THE PUBLIC RIGHT OF WAY. SPECIFIC STIPULATIONS OR CONDITIONS WILL BE IMPOSED AT THE TIME OF PERMIT APPLICATION.
- CONSTRUCTION PLAN APPROVAL DOES NOT EXEMPT THE CONTRACTOR FROM OBTAINING THE REQUIRED BUILDING, ELECTRICAL, PLUMBING AND MECHANICAL PERMITS. THESE INCLUDE BUT ARE NOT LIMITED TO ANY STRUCTURE, SIGN, WALL, ENCLOSURE OR SCREENING, ETC.
- IN THE EVENT THE PROJECT IS TERMINATED PRIOR TO CONSTRUCTION COMPLETION, THE PROJECT SHALL BE BROUGHT TO GRADE, SEEDED AND ALL DEBRIS AND MATERIALS SHALL BE HAULED OFF-SITE AND DUMPED AT A STATE OF FLORIDA APPROVED FACILITY.
- ANY DAMAGED SIDEWALK OR CURB WITHIN THE FDOT R.O.W. SHALL BE REMOVED AND REPLACED.
- ALL DISTURBED AREAS WITHIN THE FDOT R.O.W. WILL BE SODDED.
- STANDARD INDICES REFER TO THE LATEST VERSION OF FDOT "ROADWAY AND TRAFFIC DESIGN STANDARDS"
- THE SCORED CONCRETE WILL MATCH THE SCORED CONCRETE LOCATED IN THE COMMON AREAS.
- THE CITY OF PALM COAST CAN ACCESS THE SITE AS REQUIRED TO REVIEW FOR SITE TO ASSURE COMPLIANCE WITH APPROVED PLANS DURING AND AFTER CONSTRUCTION.

ADA ACCESSIBILITY NOTES:

- ALL HANDICAPPED PARKING SPACES AND ACCESS AISLES ADJACENT TO THE HANDICAP PARKING SPACES SHALL HAVE A MAXIMUM OF 2% SLOPE IN ALL DIRECTIONS (THIS INCLUDES RUNNING SLOPE AND CROSS SLOPE).
- AN ACCESSIBLE ROUTE FROM THE PUBLIC STREET OR SIDEWALK TO ALL BUILDING ENTRANCES MUST BE PROVIDED. THIS ACCESSIBLE ROUTE SHALL BE A MINIMUM OF 60" WIDE. THE RUNNING SLOPE OF AN ACCESSIBLE ROUTE SHALL NOT EXCEED 5% AND THE CROSS SLOPE SHALL NOT EXCEED 2%.
- SLOPES EXCEEDING 5% BUT LESS THAN 8% WILL REQUIRE A RAMP AND MUST CONFORM TO THE REQUIREMENTS FOR RAMP DESIGN (HANDRAILS, CURBS, LANDINGS). NO RAMP SHALL EXCEED AN 8% RUNNING SLOPE OR 2% CROSS SLOPE.
- IN THE CASE THAT A NEW SIDEWALK WILL BE CONSTRUCTED IN THE RW OF A SITE THE RUNNING SLOPE OF THE SIDEWALK SHALL NOT EXCEED 5% AND THE CROSS SLOPE SHALL NOT EXCEED 2%. THIS STANDARD APPLIES TO CROSS WALKS IN THE DRIVEWAY AS WELL AND WILL REQUIRE SPECIAL ATTENTION DURING STAKING TO MAKE SURE THE 2% CROSS SLOPE IS MET IN THE CROSS WALK.
- IT WILL BE THE RESPONSIBILITY OF THE GENERAL CONTRACTOR TO ENSURE THAT THE HANDICAP PARKING SPACES, ACCESSIBLE ROUTES, AND SIDEWALKS/CROSSWALKS ARE CONSTRUCTED TO MEET ADA REQUIREMENTS.
- ANY REQUIREMENTS LISTED ABOVE THAT CAN NOT BE MET SHALL BE BROUGHT TO THE ENGINEER'S ATTENTION IMMEDIATELY. ANYTHING NOT BUILT TO THE ABOVE STANDARDS WILL REQUIRE REMOVAL AND REPLACEMENT OF THE NON COMPLIANT AREAS AT THE GENERAL CONTRACTORS COST.

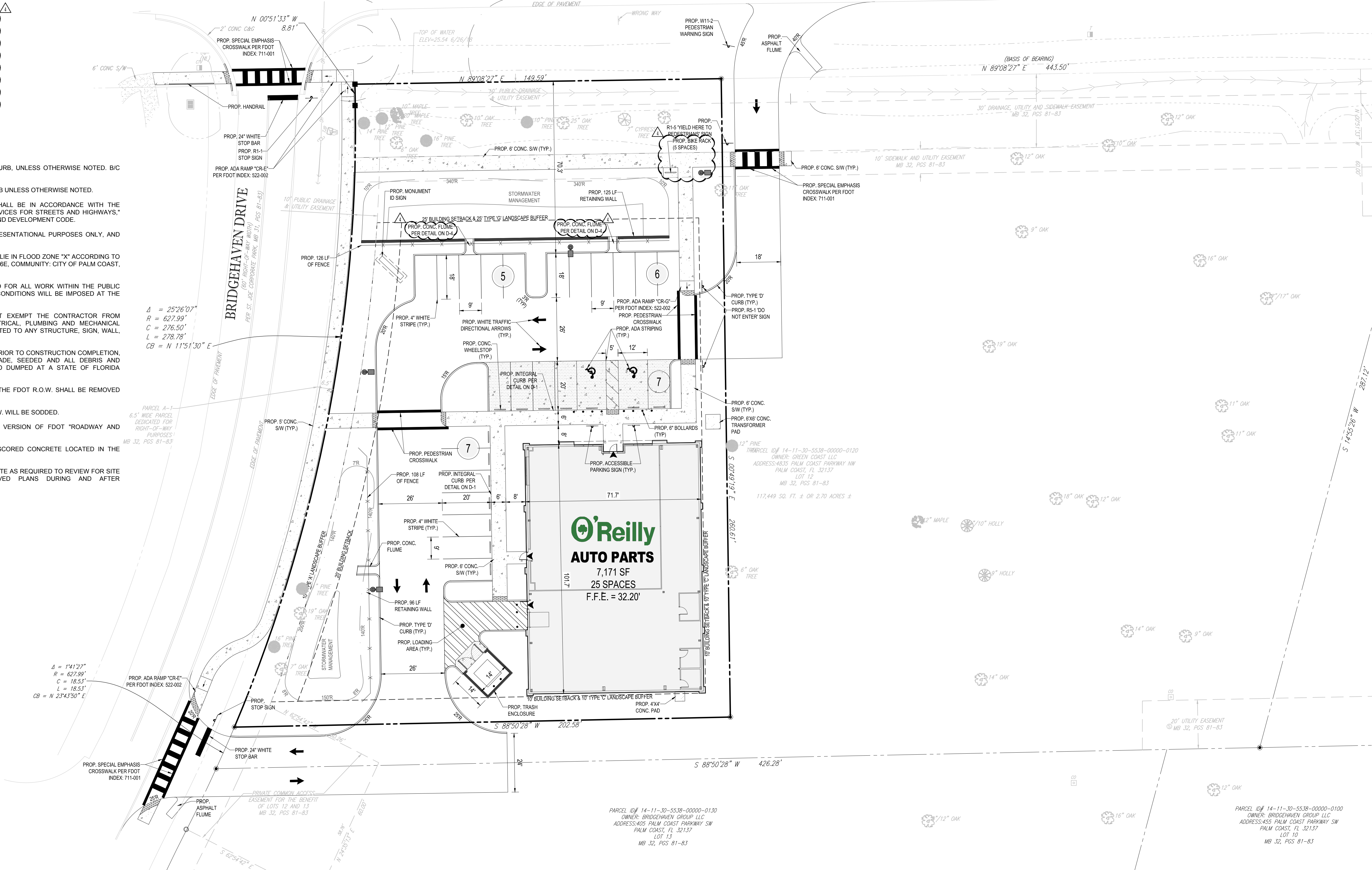
LEGEND:

	EXIST. PROPERTY LINE
	PROP. BUILDING
	LANDSCAPE BUFFER LINE
	PROP. CONCRETE PAVEMENT
	PROP. BUILDING
	PROP. BUILDING FOUNDATION LANDSCAPING
	PROP. DETECTABLE WARNING SURFACE (INSET IN CONCRETE)
	PROP. PARKING SPACE COUNT
	EXISTING EASEMENT



PALM COAST PARKWAY (WEST BOUND)

(124' RIGHT-OF-WAY WIDTH)  
(PER ST. JOE CORPORATE PARK, MB 32, PGS 81-83)



**BOHLER ENGINEERING**  
SITE CIVIL AND CONSULTING ENGINEERING  
LAND SURVEYING  
PROGRAM MANAGEMENT  
LANDSCAPE ARCHITECTURE  
SUSTAINABLE DESIGN  
PLANNING  
TRANSPORTATION SERVICES

REVISIONS			
REV	DATE	COMMENT	BY
Δ	10/26/18	REVISED PER TENANT COMMENTS	JRT
Δ	03/19/19	REVS PER CITY & TENANT COMMENTS	SKK
Δ	04/23/19	REVS PER CITY COMMENTS	SKK
Δ	05/07/19	REVS PER CITY COMMENTS	SKK

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**PERMIT SET**  
PROJECT No.: FLT180076  
DRAWN BY: SKK  
CHECKED BY: ASZ  
DATE: 1/11/2019  
SCALE: AS NOTED  
CAD I.D.: SS3

**O'Reilly AUTO PARTS**  
FOR  
**HUTTON ST 17, LLC**  
LOCATION OF SITE  
SEC OF PALM COAST PARKWAY NW  
& BRIDGEHAVEN DRIVE  
PALM COAST, FL 32137  
FLAGLER COUNTY

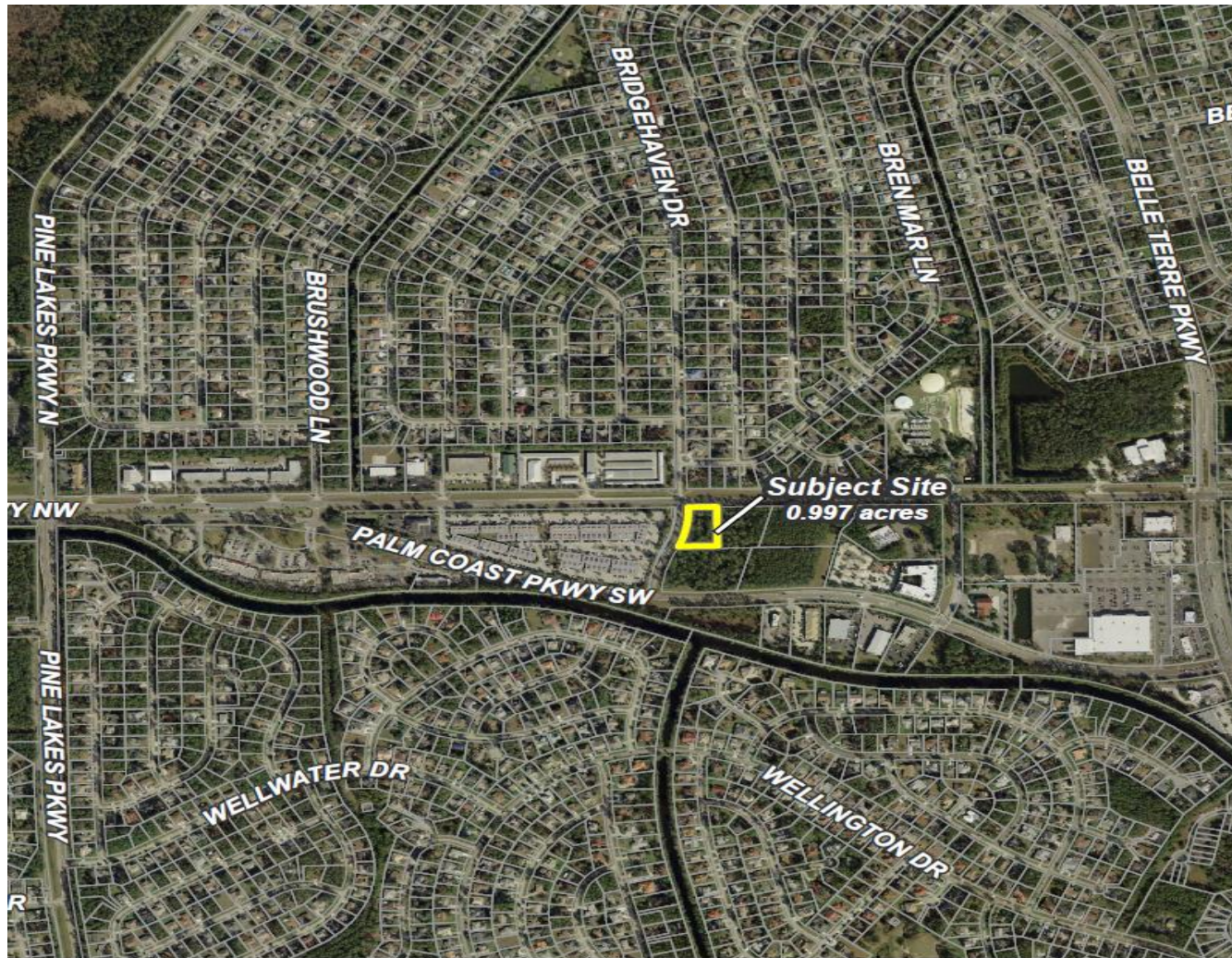
**BOHLER ENGINEERING**  
3820 NORTHDAL BLVD., SUITE 300B  
TAMPA, FLORIDA 33624  
Phone: (813) 812-4100  
Fax: (813) 812-4101  
FLORIDA BUSINESS CERT. OF AUTH. No. 30780  
LANDSCAPE ARCHITECT BUSINESS LIC. No. LC26005551

This item has been electronically signed and sealed by Gregory Robert Roth on the date adjacent to the seal using a SHA authentication code. Printed copies of this document are not considered signed and sealed and the signature must be verified on any electronic copies 9/8/2019

SHEET TITLE:  
**SITE LAYOUT PLAN**  
SHEET NUMBER:  
**C-5**



# Location Map

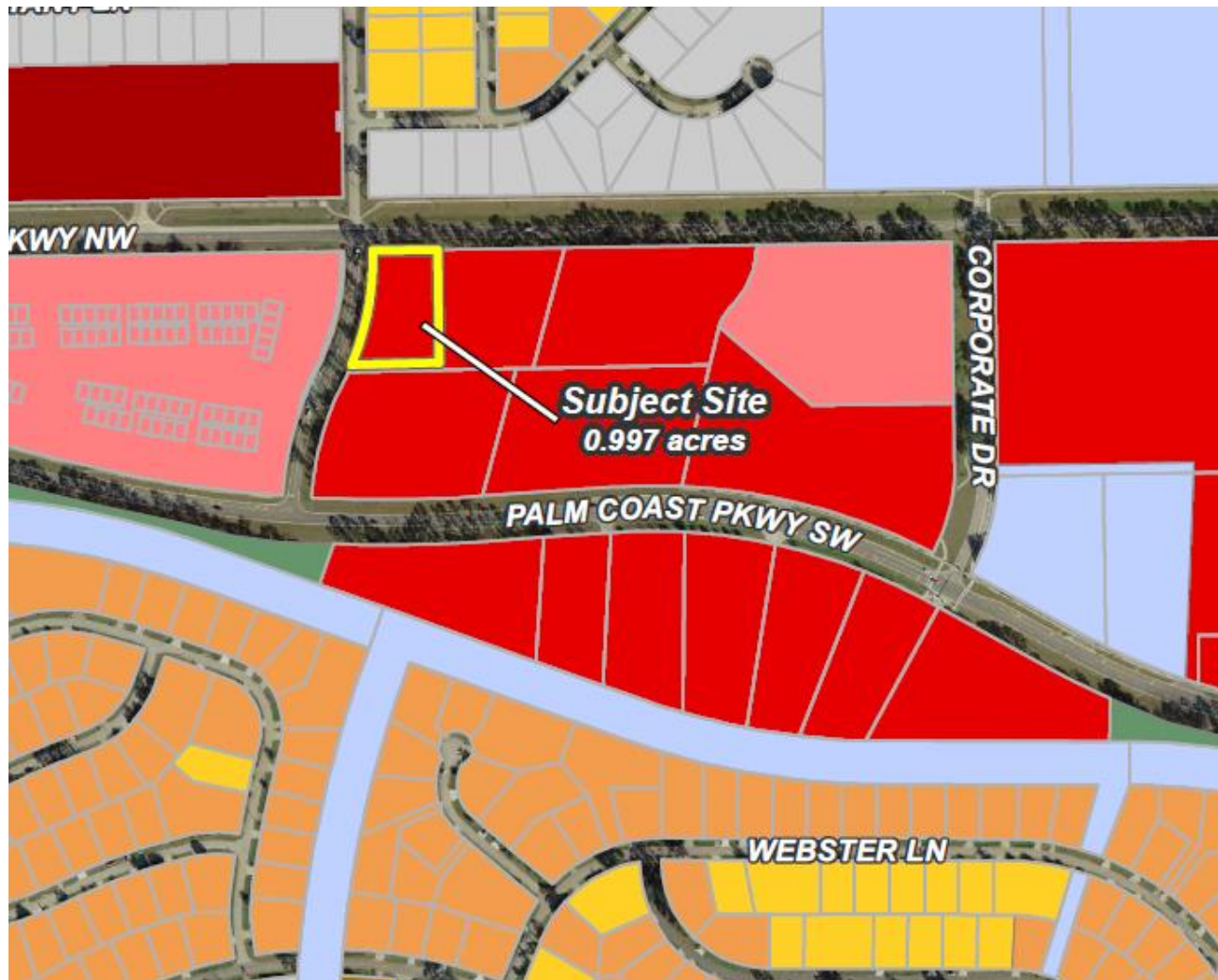




## Aerial Photo



# Zoning Map





April 25, 2019

Bill Hoover  
City of Palm Coast-Senior Planner  
160 Lake Avenue  
Palm Coast, FL 32164

**Subject:       Parking Generation Analysis Statement  
                  O'Reilly Auto Parts @ Palm Coast Parkway & Bridgehaven Blvd.  
                  Palm Coast, Florida 32137**

Dear Mr. Hoover,

On behalf of the applicant, Hutton St 17, LLC, the following parking generation analysis has been prepared, for development of a freestanding automotive part sales store at the subject location. This project will consist of 7,171 square feet (SF) building area with associated parking and infrastructure improvements. As shown on the attached Site Plan (please refer to Exhibit A), the proposed layout provides a total of 25 on-site parking spaces. Based on the specific type of use, this analysis provides justification of sufficient parking as currently proposed on the Site Plan.

Currently the City's parking calculation, per Code, Chapter 5, Section 5.04, Table 5-3, is 1 space for every 250 SF of gross floor area for a land use relating to retail including pharmacies and business services (please refer to Exhibit B). Based on the gross building floor area of 7,171 SF, 29 parking spaces are required.

Per the Institute of Transportation Engineers (ITE) Parking Generation Manual, 5<sup>th</sup> Edition (please refer to Exhibit C), the appropriate classification of the project is Land Use 843 (Automobile Parts Sales). For an average peak period on a weekday morning, the observed parking demand ranges from 1.22 to 2.84 (yielding an average of 1.7 parked vehicles) per 1,000 SF of automotive part sales store area. Based on this data, the number of required parking spaces for a 7,171 SF automotive part sales store ranges between a low of 9 spaces and a high of 20 spaces, with an average requirement of approximately 15 spaces. On a Saturday, the observed parking demand ranges from 1.5 to 3.11 (yielding an average of 1.95 parked vehicles) per 1,000 SF of automotive parts sales store area. Based on this data, the number of required parking spaces for a 7,171 SF automotive part sales store ranges between a low of 11 spaces and a high of 22 spaces, with an average requirement of approximately 17 spaces.

Although the number of parking spaces provided on the Site Plan is less than the number of parking spaces required by Code, the provided parking stalls exceeds the number of spaces required by the ITE Parking Generation Manual, 5<sup>th</sup> Edition. After reviewing parking stall data per the ITE Parking Generation Manual, 5<sup>th</sup> Edition, it can be safely concluded that the 25 parking spaces are adequate to serve the proposed automotive part sales store.





Should you have any questions or require additional information, please contact us at (813) 812-4100.

Sincerely,

**BOHLER ENGINEERING**

Gregory Roth, P.E.  
Branch Manager

cc: File



# APPENDIX A



SITE DATA:

PARCEL ID / STRAP NUMBER	
SITE ADDRESS	SEC PALM COAST PARKWAY AND BRIDGEHAVEN DR. PALM COAST, FLORIDA 32137
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EXISTING IMPERVIOUS AREA	0 SF (0 AC) 0% OF TOTAL
PROPOSED BUILDING AREA	7,171 SF (0.16 AC)
PROPOSED GREEN SPACE	18,110 SF (0.42 AC) 42% OF TOTAL
PROPOSED CONC. & PAVING AREA	18,134 SF (0.42 AC)
TOTAL IMPERVIOUS AREA	25,305 SF (0.58 AC) 58% OF TOTAL
REQUIRED PARKING SPACES	RETAIL (1.0 SPACE / 250 S.F. GFA) = 29 SPACES
PROVIDED PARKING SPACES	25 SPACES (INCLUDING 2 ADA SPACES)
REQUIRED BICYCLE PARKING	(REQUIRED AUTO SPACES 81 - 100) = 5 BICYCLE SPACES
PROVIDED BICYCLE PARKING	5 SPACES
TYPICAL PARKING STALL SIZE	9' X 18' (12' X 18' ADA)
JURISDICTION	CITY OF PALM COAST
EXISTING ZONING	
EXISTING FLUM	
FAR	0.15
BUILDING HEIGHT REQUIREMENTS	100 FT MAX
BUILDING HEIGHT PROPOSED	20' - 10'
LANDSCAPE BUFFER REQUIREMENTS	
NORTH	35 FT
EAST	10 FT
SOUTH	10 FT
WEST	35 FT
BUILDING SETBACK REQUIREMENTS	
NORTH	10 FT
EAST	10 FT
SOUTH	10 FT
WEST	25 FT
MONUMENT SIGN REQUIRED SETBACK	10 FT

SITE NOTES:

- ALL DIMENSIONS SHOWN ARE AT FACE OF CURB, UNLESS OTHERWISE NOTED. B/C INDICATES DIMENSION IS TO BACK OF CURB.
- ALL RADII DIMENSIONS ARE 3' TO FACE OF CURB UNLESS OTHERWISE NOTED.
- ALL PAVEMENT MARKINGS AND SIGNAGE SHALL BE IN ACCORDANCE WITH THE "MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES FOR STREETS AND HIGHWAYS," LATEST EDITION; AND CITY OF PALM COAST LAND DEVELOPMENT CODE.
- FREE STANDING SIGNAGE SHOWN FOR REPRESENTATIONAL PURPOSES ONLY, AND SHALL BE PERMITTED SEPARATELY.
- THE PROPERTY SHOWN HEREON APPEARS TO LIE IN FLOOD ZONE "X" ACCORDING TO THE FLOOD INSURANCE RATE MAP # 12035C0136E, COMMUNITY: CITY OF PALM COAST, EFFECTIVE JUNE 6, 2018.
- A RIGHT OF WAY PERMIT WILL BE REQUIRED FOR ALL WORK WITHIN THE PUBLIC RIGHT OF WAY. SPECIFIC STIPULATIONS OR CONDITIONS WILL BE IMPOSED AT THE TIME OF PERMIT APPLICATION.
- CONSTRUCTION PLAN APPROVAL DOES NOT EXEMPT THE CONTRACTOR FROM OBTAINING THE REQUIRED BUILDING, ELECTRICAL PLUMBING AND MECHANICAL PERMITS. THESE INCLUDE BUT ARE NOT LIMITED TO ANY STRUCTURE, SIGN, WALL, ENCLOSURE OR SCREENING, ETC.
- IN THE EVENT THE PROJECT IS TERMINATED PRIOR TO CONSTRUCTION COMPLETION, THE PROJECT SHALL BE BROUGHT TO GRADE, SEEDED AND ALL DEBRIS AND MATERIALS SHALL BE HAULED OFF-SITE AND DUMPED AT A STATE OF FLORIDA APPROVED FACILITY.
- ANY DAMAGED SIDEWALK OR CURB WITHIN THE FDOT R.O.W. SHALL BE REMOVED AND REPLACED.
- ALL DISTURBED AREAS WITHIN THE FDOT R.O.W. WILL BE SODDED.
- STANDARD INDICES REFER TO THE LATEST VERSION OF FDOT "ROADWAY AND TRAFFIC DESIGN STANDARDS"
- THE SCORED CONCRETE WILL MATCH THE SCORED CONCRETE LOCATED IN THE COMMON AREAS.
- THE CITY OF PALM COAST CAN ACCESS THE SITE AS REQUIRED TO REVIEW FOR SITE TO ASSURE COMPLIANCE WITH APPROVED PLANS DURING AND AFTER CONSTRUCTION.

ADA ACCESSIBILITY NOTES:

- ALL HANDICAPPED PARKING SPACES AND ACCESS AISLES ADJACENT TO THE HANDICAP PARKING SPACES SHALL HAVE A MAXIMUM OF 2% SLOPE IN ALL DIRECTIONS (THIS INCLUDES RUNNING SLOPE AND CROSS SLOPE).
- AN ACCESSIBLE ROUTE FROM THE PUBLIC STREET OR SIDEWALK TO ALL BUILDING ENTRANCES MUST BE PROVIDED. THIS ACCESSIBLE ROUTE SHALL BE A MINIMUM OF 60" WIDE. THE RUNNING SLOPE OF AN ACCESSIBLE ROUTE SHALL NOT EXCEED 5% AND THE CROSS SLOPE SHALL NOT EXCEED 2%.
- SLOPES EXCEEDING 5% BUT LESS THAN 8% WILL REQUIRE A RAMP AND MUST CONFORM TO THE REQUIREMENTS FOR RAMP DESIGN (HANDRAILS, CURBS, LANDINGS). NO RAMP SHALL EXCEED AN 8% RUNNING SLOPE OR 2% CROSS SLOPE.
- IN THE CASE THAT A NEW SIDEWALK WILL BE CONSTRUCTED IN THE RW OF A SITE THE RUNNING SLOPE OF THE SIDEWALK SHALL NOT EXCEED 5% AND THE CROSS SLOPE SHALL NOT EXCEED 2%. THIS STANDARD APPLIES TO CROSS WALKS IN THE DRIVEWAY AS WELL AND WILL REQUIRE SPECIAL ATTENTION DURING STAKING TO MAKE SURE THE 2% CROSS SLOPE IS MET IN THE CROSS WALK.
- IT WILL BE THE RESPONSIBILITY OF THE GENERAL CONTRACTOR TO ENSURE THAT THE HANDICAP PARKING SPACES, ACCESSIBLE ROUTES, AND SIDEWALKS/CROSSWALKS ARE CONSTRUCTED TO MEET ADA REQUIREMENTS.
- ANY REQUIREMENTS LISTED ABOVE THAT CAN NOT BE MET SHALL BE BROUGHT TO THE ENGINEER'S ATTENTION IMMEDIATELY. ANYTHING NOT BUILT TO THE ABOVE STANDARDS WILL REQUIRE REMOVAL AND REPLACEMENT OF THE NON COMPLIANT AREAS AT THE GENERAL CONTRACTORS COST.

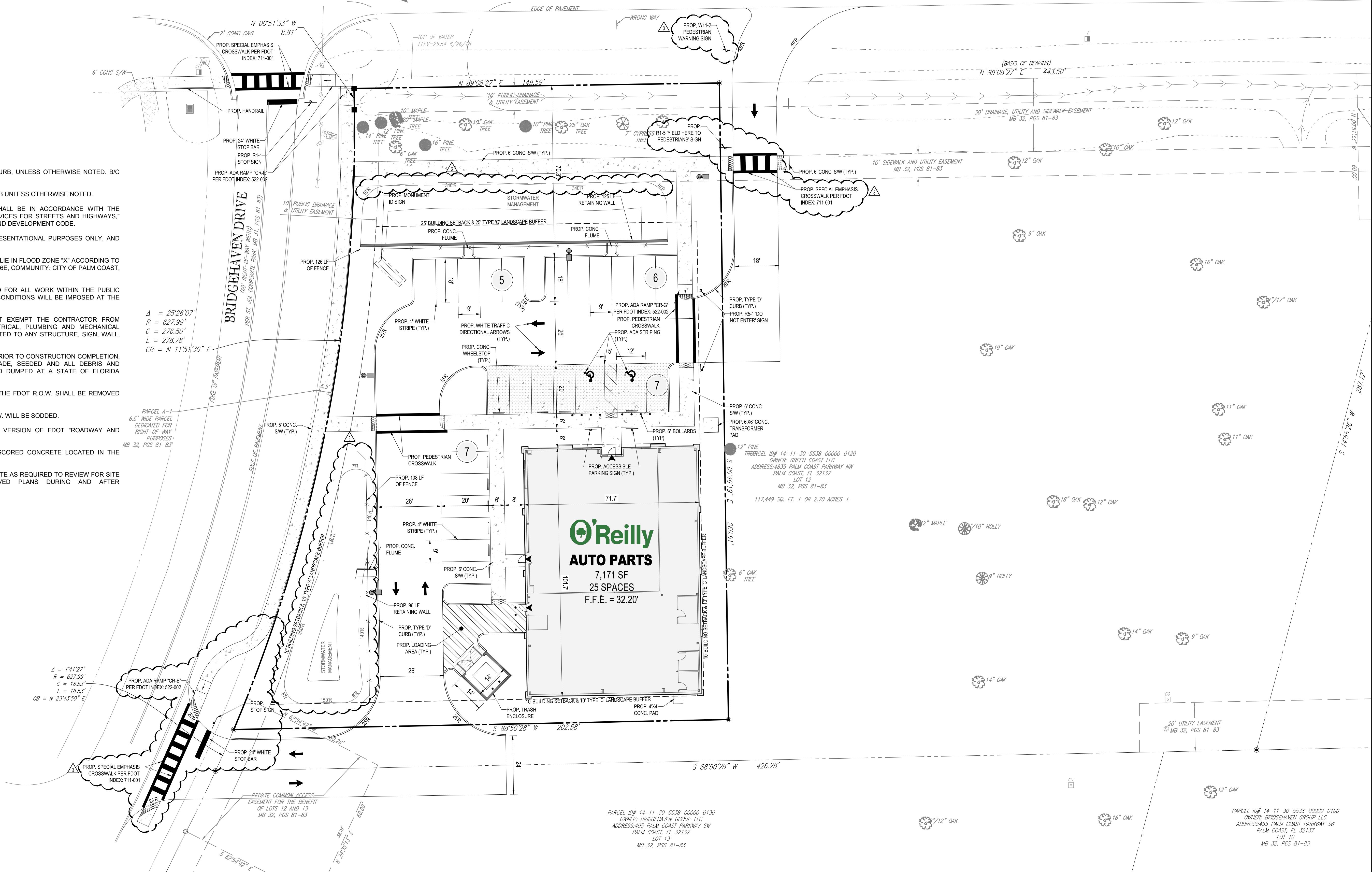
LEGEND:

- EXIST. PROPERTY LINE
- PROP. BUILDING
- LANDSCAPE BUFFER LINE
- PROP. CONCRETE PAVEMENT
- PROP. BUILDING
- PROP. BUILDING FOUNDATION LANDSCAPING
- PROP. DETECTABLE WARNING SURFACE (INSET IN CONCRETE)
- PROP. PARKING SPACE COUNT
- EXISTING EASEMENT



PALM COAST PARKWAY (WEST BOUND)

(124' RIGHT-OF-WAY WIDTH)  
(PER ST. JOE CORPORATE PARK, MB 32, PGS 81-83)



**BOHLER ENGINEERING**  
SITE CIVIL AND CONSULTING ENGINEERING  
LAND SURVEYING  
PROGRAM MANAGEMENT  
LANDSCAPE ARCHITECTURE  
SUSTAINABLE DESIGN  
INFRASTRUCTURE  
TRANSPORTATION SERVICES

REVISIONS			
REV	DATE	COMMENT	BY
Δ	10/26/18	REVISED PER TENANT COMMENTS	JRT
Δ	03/19/19	REV'S PER CITY & TENANT COMMENTS	SKK
Δ	04/23/19	REV'S PER CITY COMMENTS	SKK

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PERMIT SET  
PROJECT No.: FLT180076  
DRAWN BY: SKK  
CHECKED BY: ASZ  
DATE: 1/11/2019  
SCALE: AS NOTED  
CAD I.D.: SS3

PROJECT:  
**O'Reilly AUTO PARTS**  
FOR  
**HUTTON ST 17, LLC**  
LOCATION OF SITE  
SEC of PALM COAST PARKWAY NW  
& BRIDGEHAVEN DRIVE  
PALM COAST, FL 32137  
FLAGLER COUNTY

**BOHLER ENGINEERING**  
3820 NORTHDAL BLVD., SUITE 300B  
TAMPA, FLORIDA 33624  
Phone: (813) 812-4100  
Fax: (813) 812-4101  
FLORIDA BUSINESS CERT. OF AUTH. No. 20780  
LANDSCAPE ARCHITECT BUSINESS LIC. No. LC20000551

4/25/2019

SHEET TITLE:  
**SITE LAYOUT PLAN**  
SHEET NUMBER:  
**C-5**





# APPENDIX B



## Sec. 5.04. - Parking.

5.04.01. *Plan requirement.* Off-street parking, loading space, and drive-through facility plans shall be submitted and approved during the site plan review process as outlined in Chapter 2.

5.04.02. *Off-street vehicle parking.* Off-street parking and loading facilities shall be provided for any new use established, for any addition or enlargement of an existing use, or any change of occupancy or manner of operation that would result in additional parking. See Chapter 1 for nonconforming uses and the remodeling threshold. Additional parking may be required only for such addition, enlargement, or change, and not for the entire building or use, unless it is determined, based on the historical function of the use or similar such uses, there is a need for additional parking.

A. *Off-street parking spaces required.*

1. *Minimum number required.* The required number of off-street motor vehicle spaces and any special requirements that may apply are provided in Table 5-3. When the number of off-street spaces required by this Code results in a fractional space, the number shall be rounded to the nearest whole number. Where parking is based on seating on benches or pews, each 24 lineal inches of the bench/pew shall be considered one seat.

*Table 5-3: Parking Ratios*

**NOTE:** Unless otherwise noted, all square footages (s.f.) are based on the gross floor area of the unit or building.

Type of use	Minimum Number of Spaces
Adult entertainment	1 space per 100 s.f.
Assembly places (houses of worship/religious institutions, funeral homes, movie theaters, auditoriums, arenas, stadiums, civic centers, and facilities with an auditorium, sanctuary, or gathering place, whether fixed seats or open area)	1 space per 4 seats
Banks and credit unions	1 space per 200 s.f.
Barber shops and beauty salons	1 space per 250 s.f.
Bowling alley	3 spaces per lane
Call centers and contact centers	1 space per 115 sq. ft.
Civic clubs and lodges (including civic membership organizations)	1 space per 3 seats plus 2 spaces per 100 s.f. of area devoted to public assembly without seats
Colleges, universities and business/technical schools	1 space per 3 on-site school population (students, faculty and staff but excluding online students)

Convenience store (with or without fueling stations)	1 space per 200 s.f. + 1 space per 2 seats for food patrons
Day care, child care, private schools (k-12)	2 spaces per employee on the largest shift. For private high schools, add 1 space per 2 students in 11th and 12th grade
Fitness center/health club/dance studio	1 space per 125 s.f.
Furniture/mattress store	1 per 700 s.f.
Gasoline service stations/vehicle service and repair facilities	1 space per 250 s.f. of area devoted to sales or customer lounges, plus sufficient area to accommodate vehicles at pumps without interfering with other parking, plus 3 spaces per service bay
Golf course	4 spaces per hole; plus 1 space per 250 s.f. of clubhouse
Golf driving range/putting greens	1 space per 2 driving tees/putting greens + parking for any structures
Golf, miniature	1.25 spaces per hole + parking for any structures
Grocery/supermarket <sup>1</sup>	1 space per 200 s.f.
Group lodging, including nursing homes, rest homes, convalescent homes, assisted care facilities, and other similar facilities	1 space per 2 beds or 0.75 space per unit
Home Improvement/Building Materials and Garden Centers <sup>1</sup>	3.5 spaces per 1,000 s.f.
Hospitals and other medical facilities providing overnight accommodations	2 spaces per bed
Hotels, motels, and other similar lodging and accommodations establishments, without restaurants or lounges open to the public	1.15 spaces per sleeping room
Hotels, motels, apartment hotels, and other similar lodging and accommodations establishments, with restaurants or lounges open to the public	1.15 spaces per sleeping room, plus parking required at 50% of normal rates for any restaurant or drinking establishment

Independent living units (associated with a continuing care retirement community)	1.25 spaces per unit
Industrial, manufacturing and production uses	1 space per 750 s.f.
Marinas	1 space per 3 boat berths (wet slip or dry storage)
Medical or dental offices, medical or dental laboratory, and medical clinics, and veterinary clinics	1 space per 250 s.f.
Mini-warehouse or self-storage facilities including boat and recreational vehicle storage	2 spaces per 100 storage units and a minimum of 4 vehicle/boat storage spaces
Multi-family dwellings	1 space per efficiency unit 1.5 spaces per 1 bedroom 2 spaces per 2 bedrooms and over
Offices (general, professional, or government)	1 space per 250 s.f.
Plant nursery	1 space per 250 s.f. of building area + 1 space per 2,000 s.f. of display areas open to the public
Restaurants (with or without a drive-through), drinking establishments	1 space per 50 s.f. of areas open to the public + 1 space per 75 s.f. of outdoor eating/drinking areas
Shopping centers, discount superstores, and multi-tenant retail centers <sup>1</sup>	1 space per 250 s.f.
Retail including pharmacies and business services	1 space per 250 s.f.
Single-family dwelling, duplex, two-family and townhouse units	2 spaces per unit
Tennis, bocce ball, pickle ball, shuffleboard and racquetball facilities	1.5 spaces per court
Vehicle and boat sales/dealership	1 per 3,000 s.f. of open or enclosed sales area
Warehouse	1 space per 1,200 s.f.
[ <sup>1</sup> An additional parking space equivalent is required for every 50 parking spaces for shopping cart storage for shopping center development exceeding 50,000 s.f.]	



# APPENDIX C



## Land Use: 843 Automobile Parts Sales

### Description

An automobile parts sales facility specializes in the sale of automobile parts for maintenance and repair. Items sold at these facilities include spark plugs, oil, batteries, and a wide range of automobile parts. These facilities are not equipped for on-site vehicle repair. Tire store (Land Use 848), tire superstore (Land Use 849), and automobile parts and service center (Land Use 943) are related uses.

### Time of Day Distribution for Parking Demand

The following table presents a time-of-day distribution of parking demand on a weekday at eight study sites in a general urban/suburban setting.

Hour Beginning	Percent of Weekday Peak Parking Demand
12:00–4:00 a.m.	—
5:00 a.m.	—
6:00 a.m.	—
7:00 a.m.	13
8:00 a.m.	57
9:00 a.m.	72
10:00 a.m.	100
11:00 a.m.	87
12:00 p.m.	82
1:00 p.m.	80
2:00 p.m.	95
3:00 p.m.	84
4:00 p.m.	89
5:00 p.m.	68
6:00 p.m.	57
7:00 p.m.	49
8:00 p.m.	43
9:00 p.m.	38
10:00 p.m.	3
11:00 p.m.	—

# Automobile Parts Sales (843)

Peak Period Parking Demand vs: 1000 Sq. Ft. GFA

On a: Weekday (Monday - Friday)

Setting/Location: General Urban/Suburban

Peak Period of Parking Demand: 9:00 a.m. - 5:00 p.m.

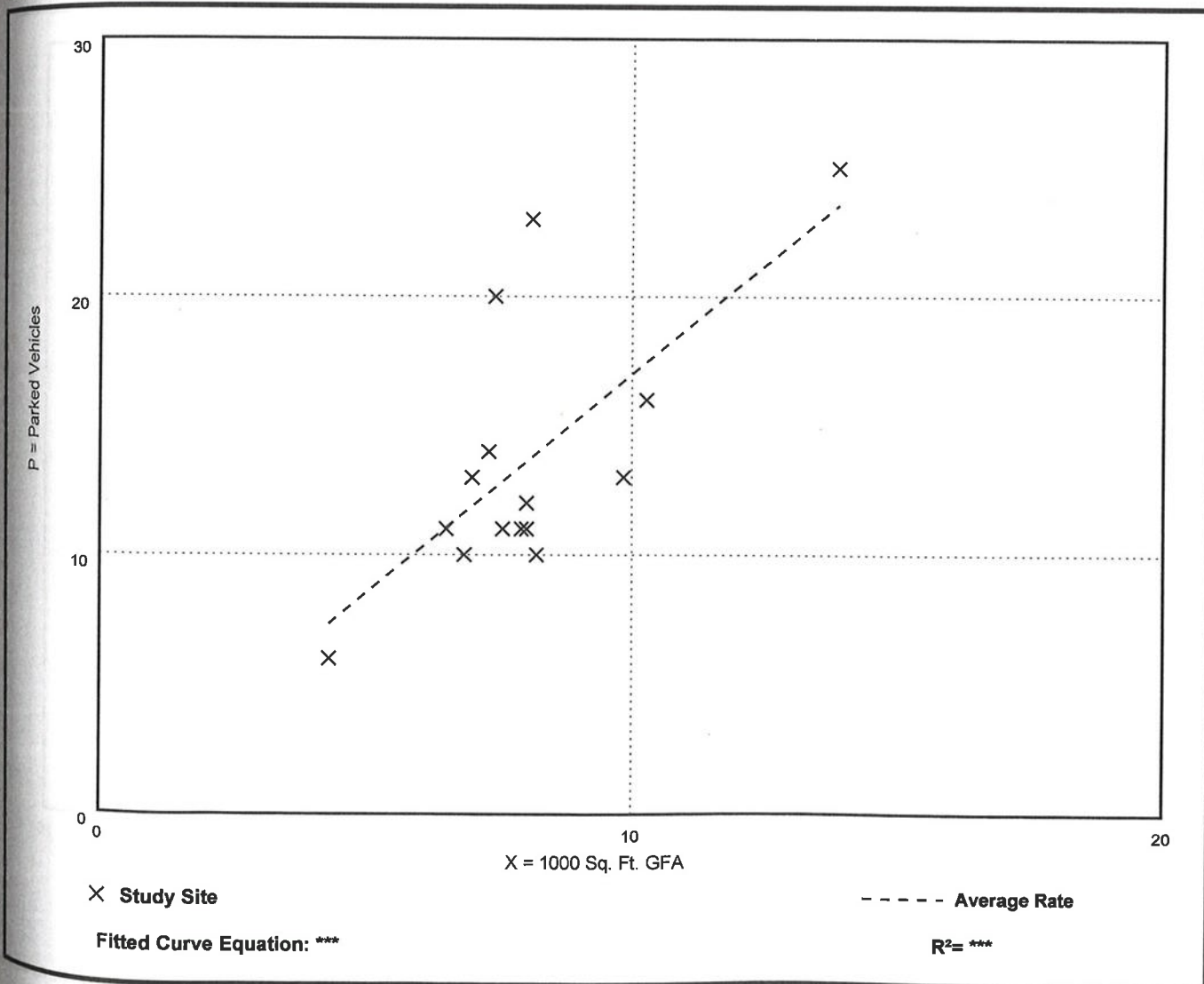
Number of Studies: 15

Avg. 1000 Sq. Ft. GFA: 8.1

## Peak Period Parking Demand per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	33rd / 85th Percentile	95% Confidence Interval	Standard Deviation (Coeff. of Variation)
1.70	1.22 - 2.84	1.41 / 2.39	***	0.47 ( 28% )

## Data Plot and Equation



# Automobile Parts Sales (843)

Peak Period Parking Demand vs: 1000 Sq. Ft. GFA

On a: Saturday

Setting/Location: General Urban/Suburban

Peak Period of Parking Demand: 11:00 a.m. - 1:00 p.m.

Number of Studies: 6

Avg. 1000 Sq. Ft. GFA: 9.1

## Peak Period Parking Demand per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	33rd / 85th Percentile	95% Confidence Interval	Standard Deviation (Coeff. of Variation)
1.95	1.50 - 3.11	1.76 / 3.05	***	0.52 ( 27% )

## Data Plot and Equation

