



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

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

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

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**Wednesday, June 12, 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 MEETING MINUTES OF THE MAY 15, 2019 PLANNING AND LAND DEVELOPMENT  
REGULATION BOARD MEETING**

## **Public Hearings**

- 2 ORDINANCE 2019-XX AMENDMENT TO THE TUSCAN RESERVE MPD DEVELOPMENT AGREEMENT TO ADD 8 ADDITIONAL UNITS, AMEND THE DEVELOPMENT STANDARDS, AND CLARIFY LANGUAGE FOR SIGNS**
- 3 ORDINANCE 2019-XX FUTURE LAND USE MAP AMENDMENT FOR 2.8+/- ACRE PARCEL LOCATED 250' NORTHWEST OF OLD KINGS ROAD EXTENSION AND MATANZAS WOODS PARKWAY INTERSECTION FROM CONSERVATION TO GREENBELT**
- 4 ORDINANCE 2019-XX A FUTURE LAND USE MAP DESIGNATION FOR 49+/- ACRES FROM FLAGLER COUNTY DESIGNATIONS OF COMMERCIAL: HIGH INTENSITY & CONSERVATION TO CITY DESIGNATIONS OF MIXED USE AND RESIDENTIAL**
- 5 ORDINANCE 2019-XX ZONING MAP AMENDMENT FROM FLAGLER COUNTY DESIGNATIONS GENERAL COMMERCIAL AND AGRICULTURE TO CITY DESIGNATIONS OF MULTI-FAMILY RESIDENTIAL-2 AND GENERAL COMMERCIAL (COM-2)**

## **Board Discussion and Staff Issues**

## **Adjournment**

# City of Palm Coast, Florida Agenda Item

Agenda Date: JUNE 12, 2019

<b>Department</b>	PLANNING	<b>Amount</b>
<b>Item Key</b>	6704	<b>Account</b>
		<b>#</b>
<b>Subject</b>	MEETING MINUTES OF THE MAY 15, 2019 PLANNING AND LAND DEVELOPMENT REGULATION BOARD MEETING	
<b>Background :</b>		
<b>Recommended Action :</b>	Approve the minutes as presented.	



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

City Hall  
160 Lake Avenue  
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**Chair Glenn Davis  
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**Wednesday, May 15, 2019**

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**Call to Order and Pledge of Allegiance**

*Chair Davis called the May 15, 2019 meeting of the Planning and Land Development Regulation Board (PLDRB) to order @ 5:30PM.*

**Roll Call and Determination of a Quorum**

*Irene Schaefer, Recording Secretary, called the roll; present and answering the roll call were:*

Chair Davis  
Vice Chair Smith  
Mrs. Lucas  
Mr. DeMaria  
Mr. Freeman

Abscent were:  
Mr. Dolney  
Mr. Scully  
Mr. Lehnertz

## Approval of Meeting Minutes

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

**Pass**

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

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

## 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

*Mr. Ray Tyner, Planning Manager, introduced this item along with the County history of the Planned Unit Development (PUD). He also informed the PLDRB members that one presentation would be given for agenda items #2 and #3. He also introduced Mr. Jose Papa, Senior Planner and Mr. Bill Hoover, Senior Planner who gave a presentation which is attached to these minutes.*

*Mr. Bill Hoover gave information regarding the proposed Master Planned Development changes that are being requested.*

*Mr. Michael Chiumento, representing the applicant, addressed the PLDRB members. Mr. Jeff Douglas, owner developer of the project, addressed the PLDRB members and gave some history of the project starting in 2005, involving a history of the property entering into receivership and then coming out of bankruptcy under new ownership. Mr. Douglas further explained that under Florida law the Home Owners Association (HOA) took ownership of the existing project.*

*Mr. DeMaria questioned the status of the Florida Department of Transportation (FDOT) 5 year work plan which is referenced in the traffic analysis. Mr. Papa explained how the workplan would help the City identify any potential improvements that are funded and added to the potential capacity of the roadway network.*

*Mr. DeMaria questioned the number of entrances and exits at the property. Mr. Hoover explained currently there is only one main entrance along with a construction entrance (south of the main entrance). An additional entrance along Citation Blvd. was discussed as a future proposal.*

*Mr. DeMaria questioned the impact on the City's sewer system with the recent approval of other projects (i.e. projects previously approved at Town Center and in the P section) along with this proposed project. Mr. Papa explained that the waste water and water concurrency would occur at the time of Platting. At that time you are assured the number of lots, units and the engineering has been done for the infrastructure including the size of the water and sewer pipes that are needed to service the development. Mr. Papa also explained that the Utilities Department regularly completes a treatment capacity study (for both water and waste water) where they project out the City's population based on the State's projection from the Bureau of Economic and Business Research. Using this data the Utilities Dept. looks out into the future about 20 years based on population estimates. It is estimated that by 2029 there would be some required upgrades to the waste water system.*

*Mr. DeMaria question this project's impact on Police and Fire capacities. Mr. Papa explained during the Platting process both Fire and Police have an opportunity to review for impact.*

*Chair Davis questioned who would be paying for the future road expansion. Mr. Tyner explained that is not part of the Master Planned Development (MPD) which is front of the board. Mr. Tyner further went on to explain the history of the proposed future expansion of Citation Blvd.*

*Chair Davis asked if this project's site plan would come back to the PLDRB members in the future. Mr. Tyner explained that the Platting process for this development will go to City Council but will not come back to the PLDRB.*

*Mr. Douglas explained that the project would extend Citation Blvd. 600 feet through the length of their property for emergency access for Police and Fire during the Platting process of Phase IV.*

*Chair Davis opened this item to public comment @ 6:03PM.*

*Mr. Robert Myer, 117 South Coopershawk Way, addressed the PLDRB members and recommended that the PLDRB members add some conditions to the approval of this agenda item, developer must have adequate construction entrances, if developer is unable to provide the requested separate entrance than Mr. Myer recommends a separate impact fee of between \$500.00 to \$1000.00 per unit payable to the HOA. Chair Davis informed Mr. Myer his 3*

*minutes had expired. A copy of Mr. Myer's entire comments are attached to these minutes.*

*Mr. Dan Tannen, member of the HOA board, requested that the developer be required to staff the main gate until such time as the development is at 90% build out.*

*Mr. Stan Banosky, 113 Spoonville Drive, requested that the developer be required to staff the main gate. Traffic light request on Seminole Woods Blvd.*

*Mr. Doug Baker, 109 Spoonville Drive, requested that the developer be required to staff the main gate and that the roads be resurfaced, landscaping be updated, and lighting be updated.*

*Mr. Guy Johnson, 121 South Hummingbird Place, informed the PLDRB members of flooding on his street, workers violate the hours that they are allowed to work and Mr. Johnson believes these matters should be resolved prior to the developer being allowed to built an additional phase of the project.*

*Chair Davis explained to the audience members the role of the PLDRB and that they are here to reivew the application to amend the Master Planned Development (MPD) agreement and Future Land Use Map (FLUM) not to deal with issues at the development which are not under the PLDRB's purview.*

*Ms. Kelly Walker Razzle, 107 South Staughten Drive, wishes the PLDRB to add some conditions to the application if approved that would require the developer to improve the road conditions by enforcing the use of the construction gates. As well as requiring the developer to staff the existing main gate.*

*Ms. Carolyn Myer, 117 South Coopershawk Way, requested that the developer be required to staff the gate. In addition, the construction gate must be in place prior to the commencement of Phase IV construction.*

*Ms. Kelly Burke, 77 South Coopershawk Way, commented on the effects of the construction on the wildlife and impact on traffic with the proposed growth. Requested some restriction be placed on the developer to control the growth.*

*Mr. Chuck Knowlfer, 111 Crepe Myrtle Court, commented on the impact of the proposed additional homes would have on school children's school bus access being further limited. He suggested a dedicated school bus location within the development.*

*Ms. Christine M. Ertl, representing the Ansbacker Law Firm and The Grand Landings Master Homeowners Association, addressed the PLDRB members, and questioned the additional development relying on the roads and amenity center which are owned and operated by The Grand Landings Master Homeowners Association.*

*Chair Davis closed this item to public comment at 6:31PM.*

*Chair Davis question if the Association owns the road how can the developer use that road for construction vehicles for the new construction phase. In addition, Chair Davis questioned why the PLDRB would grant an expansion now when the existing development is not built out.*

*Mr. Douglas clarified that the Developer does own the amenity center and the developer does have a dedicated construction gate and going forward they will have a construction gate (south of the main gate for construction vehicles).*

*Mr. Smith requested clarification from Ms. Reichmann (legal counsel for the City and the PLDRB) for the role of the PLDRB members during this meeting.*

*Ms. Reichmann asked for clarification on ownership of the road. Mr. Douglas didn't know the answer to Ms. Reichmann's question regarding ownership of the road.*

*Ms. Reichmann addressed the PLDRB members and reminded them of their role during this meeting regarding the MPD and FLUM amendment applications. Although the maintenance issues are important that is not the PLDRB's role to address those maintenance issues for the existing development. She reminded the board members that "our" hands are tied with regard to those issues and that the members cannot do what they think is right to do, but must follow the Land Development Code and the Comprehensive Plan. They must consider whether changing from County to City designations of the property is consistent with the orderly development of the City. And with regard to the zoning application whether the zoning designation is consistent with the land use. Finally whether or not the drafted Master Planned Development Amendment Agreement is consistent with the Comprehensive Plan. She pointed out that none of the speakers thus far have addressed any of these points.*

*Mr. Tyner requested of the Chairman that he be allowed to address some issues brought up by the public that have to do with the MPD application. Traffic light addition must be warranted by a certain number of "trips" being generated. However, during the Platting process a traffic study is completed.*

*Another item was the request for a new bus stop for the students, and Mr. Tyner mentioned the strong relationship with the Flagler County School Board and during the Platting process they will look at the need for any additional pick up locations.*

*Mr. Smith questioned whether or not the MPD agreement required a separate contractor entrance. Mr. Chimento mentioned there is not a requirement in the MPD for a separate contractor entrance.*

*Mr. Chimento did state that Mr. Douglas would provide a separate construction entrance for the new phase of construction. However, Mr. Chimento did request that the HOA assist in enforcing the existing construction gate. He also stated during the Platting process Mr. Douglas will work with the Flagler School Board to properly locate a school bus stop.*



*Discussion of the relationship between the developer and the HOA took place and was described by Mr. Chiumento as a symbiotic relationship.*

**Pass**

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

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

**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**

*This item's presentation was made under agenda item #2.*

*Chair Davis opened this item to public comment at 6:54PM.*

*Mr. Dan Tannen, member of the HOA board, questioned the developer's level of involvement with the Grand Landings HOA.*

*Mr. Don Johnson, questioned the lack of handicapped accessible sidewalks within the development.*

*Ms. Christine M. Ertl, the roads are private roads and the PLDRB is being asked to add lands that the developer does not have an agreement to add (to these roads).*

*Mr. Robert Myers, recommended that the vote be delayed in order for the HOA, the developer and the City to partner to make the development successful.*

*Ms. Kelly Walker Razzle, 7 South Starling, requested that language be added to the MPD to include a penalty for those that violate the use of the main gate as a construction gate entrance. She further pointed out that the current pool only has a capacity of 40 persons and questioned how the existing pool would accommodate the additional planned homes.*

*Mr. Brian Thorp, 123 Spoonbill Drive, addressed the PLDRB regarding his safety concerns and requested a traffic signal being added at the main entrance.*

*Mr. Michael Kelly 3 North Sterling Drive, addressed the PLDRB regarding her concern about the lack of a manned main gate and requested that an additional construction entrance be added for the new phase.*

*Chair Davis closed this agenda item to public comment at 7:07PM.*

*Mr. Smith requested that Mr. Tyner address the traffic study question again.*

*Mr. Tyner clarified that if the FLUM and rezoning is approved that the next steps are the Subdivision Master Plan and the Preliminary Plat and that is when you get into analyzing the trips and the traffic generation.*

*Mr. Chiumento requested a meeting with the association to address their concerns, as soon as practical, possibly Friday afternoon.*

*Ms. Reichmann requested that Mr. Chiumento get clarification on the private road access issue prior to the City Council meeting. And Ms. Reichmann requested that the developer clarify the stipulation regarding the construction entrance and the that they will work with the Flagler School board on a location of a school bus stop. Mr. Douglas clarified that a construction entrance will remain open during construction and will close once construction has completed and will be located to the west (of the main gate) for future construction.*

*Mr. Smith requested that Ms. Reischmann clarify for the audience that PLDRB members are prohibited for being actively engaged in investigation. Ms. Reischmann clarified that they are to be an unbiased judge that reviews the evidence presented at the hearing.*

*Chair Davis questioned if the PLDRB members have any recourse when a matter is referred to the board. Mr. Tyner clarified that the resource for the PLDRB members and staff is the Land Development Code and the Comprehensive Plan.*

*Public comments closed at 7:10PM*

**Pass**

**Motion made to approve as amended with the addition of a condition that all construction vehicles use designated construction entrances in the future and that an additional school bus stop be discussed with the school board by Board Member DeMaria and seconded by Board Member Dodson-Lucas**

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

**4 ORDINANCE 2019-XX O'REILLY'S AUTO PARTS TECHNICAL SITE PLAN TIER 2**

*Mr. Tyner introduced the agenda item including the prior history regarding conditions being added to the Development Order regarding traffic impact when the Special Exception was approved in October 2018. Mr. Tyner introduced Mr. Bill Hoover, Senior Planner, who gave a presentation which is attached to these minutes.*

*Josh Liggett, representing O'Reilly Auto Parts addressed the PLDRB members.*

*Chair Davis opened this item to public comment at 7:25PM and seeing no one approached the podium he closed this item to public comment at 7:26PM.*

**Pass**

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

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

#### **Board Discussion and Staff Issues**

*Mr. DeMaria discussed his experiences during the recent City's ethics training for board members and he recommended that all members attend the City's ethics training in the future. Ms. Schaefer will make copies of the agenda of the City's ethics training and will share with the PLDRB members at the next meeting.*

*Chair Davis mentioned that he had a conflict with next month's scheduled meeting scheduled for June 19, 2019 and wished that the date could be changed. Mr. Tyner agreed that if the date was inconvenient to several members that staff would look into rescheduling this meeting.*

#### **Adjournment**

*Motion made that the meeting be adjourned by Mr. DeMaria and the motion was seconded by Mrs. Lucas. The meeting was adjourned at 7:30PM*

*Respectfully Submitted by:  
Irene Schaefer, Recording Secretary*

#### **ATTACHMENTS**

# City of Palm Coast, Florida Agenda Item

Agenda Date: June 12, 2019

<b>Department</b>	PLANNING	<b>Amount</b>
<b>Item Key</b>	6707	<b>Account #</b>
<b>Subject</b>	ORDINANCE 2019-XX AMENDMENT TO THE TUSCAN RESERVE MPD DEVELOPMENT AGREEMENT TO ADD 8 ADDITIONAL UNITS, AMEND THE DEVELOPMENT STANDARDS, AND CLARIFY LANGUAGE FOR SIGNS	
<b>Background :</b>		
<p>Tuscan Reserve is an 8.2+/- acre Master Planned Development (MPD) site located at 402 Tuscan Reserve Dr. The project was originally part of the 21 +/- acre Madison Green Planned Unit Development (PUD) approved in 2001 and as amended in 2005 to split the parcel into Madison Green and Tuscan Reserve. In 2007, a 128 unit Madison Green apartment complex was constructed. An economic downturn ensued and construction of Tuscan Reserve was limited to two buildings (16 units), amenity center, and parking lot.</p> <p>In 2014, the original PUD agreement was amended and restated in reference to Tuscan Reserve. The amendment increased the number of dwelling units from 80 to 115 multi-family units. This proposed amendment will entitle an additional 8 multi-family units (new total of 123) as well as amend the development standards for Tuscan Reserve so that it meets the LDC requirements for landscaping, parking, and buffer(s). In addition to the changes in development standards, the revised conceptual master plan includes additional amenities (tot lot, dog park), greater setbacks for the buildings, as well as larger open space area. The current amendment also clarifies, the vested rights for signage available to the MPD.</p> <p>Staff analyzed the proposed amendment based on the criteria established in the City of Palm Coast Land Development Code. In summary, staff makes the following findings:</p> <ul style="list-style-type: none"> <li>• the proposed increase in dwelling units has a minimal impact on public infrastructure (a traffic study is provided to highlight the minimal impact of 8 multi-family units, - three (3) P.M. Peak hour trips),</li> <li>• the MPD agreement remains consistent with the objectives and policies of the Comprehensive Plan (density),</li> <li>• the proposed MPD agreement is consistent with the surrounding land uses, and</li> <li>• the proposed MPD Agreement will not negatively impact the health, safety, and welfare of the surrounding community.</li> </ul> <p><b>Neighborhood Meeting</b></p> <p>A neighborhood meeting was held on May 22, 2019 to provide an opportunity for neighboring property owners to receive information about the project. Nine persons from surrounding properties attended the neighborhood meeting. The attendees provided information about flooding problems in the area and concerns regarding the project's potential impact on the flooding issues.</p>		

**Recommended Action:** Planning Staff recommends that the Planning and Land Development Regulation Board (PLDRB) recommend that City Council approve application number 3964 to amend the Tuscan Reserve MPD – Development Agreement.



**COMMUNITY DEVELOPMENT DEPARTMENT  
PLDRB STAFF REPORT  
June 12, 2019**

**OVERVIEW**

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**Case Number:** 3964 (Tuscan Reserve MPD Amendment)  
**Applicant:** Michael D. Chiumento, III esq.  
**Property Owner:** Tuscan Reserve, LLC  
**Property Description:** 8.2+/- acres located at 402 Tuscan Reserve Drive  
**Real Estate ID #:** 08-12-31-5830-00000-0000  
**Current FLUM designation:** Mixed Use  
**Current Zoning designation:** Master Planned Development  
**Current Use:** Generally vacant with two 2-story buildings and recreational area.  
**Requested Action:** Amendment to the Master Planned Development (MPD) Agreement to entitle an additional 8 multi-family units (new total of 123 multi-family units), amend parking, landscaping, and buffer requirements to be subject to the standards in the LDC, and add language regarding signage.  
**Recommendation:** Staff recommends that the Planning and Land Development Regulation Board (PLDRB) recommend that the City Council APPROVE the proposed amendment to the Tuscan Reserve Development Agreement.

**ANALYSIS**

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**REQUESTED ACTION**

The proposed action is to amend and restate the Master Plan Development (MPD) Agreement for Tuscan Reserve. The following is a summary of the proposed amendments to the MPD:

1. Increase the maximum number of units from 115 condominium units to 123 multi-family units.
2. Amend the parking, landscaping, and buffer standards to be consistent with the regulations contained within the LDC, and add language regarding signage.

**BACKGROUND/SITE HISTORY**

The application is for an 8.2+/- acre parcel known as Tuscan Reserve MPD. Tuscan Reserve MPD was once part of the Madison Green MPD which was approved in 2005. In 2014, the Tuscan Reserve MPD was created by splitting the subject parcel from the Madison Green MPD. The approved MPD Agreement in 2014, permitted up to 115 condominium units along with Development Standards that were developed specifically for the development.

## LAND USE AND ZONING INFORMATION

### Surrounding Future Land Use Map Designation:

North: DRI  
 South: Mixed Use  
 East: Mixed Use  
 West: DRI

### Surrounding Zoning Designation:

North: Master Planned Development  
 South: Public/Semi-public & General Commercial  
 East: Master Planned Development  
 West: Master Planned Development

### Surrounding Property Existing Uses:

North: Residential Multi-family  
 South: Office building & Church  
 East: Residential Multi-family  
 West: Residential Multi-family

### Consistency of Proposed Zoning Designation with Surrounding Properties

The application does not propose to change the approved uses on the subject site. The amendments will mainly bring the development standards to be consistent with the LDC.

The proposed amendment will have minimal impact on the surrounding properties.

### COMPARISON OF SITE DEVELOPMENT REQUIREMENTS:

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

Development Feature	Current	Proposed
# of Units	115 (16 constructed)	123
Max. Height	40'	45'
Open Space Area	195,318 (54.71%)	198,220 (55.53%)
# of Buildings	9 (including 2 existing)	8 (including 2 existing)
Recreation Area	Existing Clubhouse with Amenity Center (Pool and Spa)	In addition to existing amenities, addition of Playground (tot lot) and Dog Park

### Setback Table

Setback	Current	Proposed
Front Yard (S)	105'	105'
Rear Yard (N)	92'	97'
Side Yard (E)	50'	51'
Side Yard (W)	90'	100'

### Other Development Standards

The proposed MPD Development Agreement will require the development to meet the development standards established in the Land Development Code for parking, landscaping, and buffers.

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

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

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

**Staff Finding:** The proposed amendments to the MPD-DA is not in conflict with, or contrary to, the public interest. The proposed changes will use the development standards in the LDC for the development. Additionally, the 8 additional units will not have a significant impact on the public facilities capacity.

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

**Staff Finding:** The Tuscan Reserve MPD was found to be consistent with the Comprehensive Plan. The proposed amendments to the MPD-DA will continue the project's development consistent with the Comprehensive Plan and Land Development Code.

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

**Staff Findings:** No significant financial liability or hardship is expected from the proposed amendments.

*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 amendment to the MPD-DA will not create an unreasonable hazard, or nuisance, or constitute a threat to the general health, welfare, or safety of the City's inhabitants.

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

**Staff Finding:** The rezoning request would not affect any requirements imposed by Federal, State or local government. Moving forward, Tuscan Reserve will still need to apply for all applicable development orders and permits.

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

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

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

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



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

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

**Staff Finding:** The proposed MPD-DA amendment does not negatively impact the economy of the surrounding area.

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

**Staff Finding:** The proposed MPD-DA will entitle an additional 8 multi-family units. The additional impacts will not significantly impact the existing service and per the traffic report will have a “de minimus” impact on the roadway network.

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

**Staff Finding:** There are no changes to the circumstances or conditions affecting the area.

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

**Staff Finding:** The proposed amendment to the MPD-DA will not create an incompatibility with uses and development patterns in the proximate area. Therefore, the amendment will not cause a potential threat to the health, safety, and welfare of the surrounding residents. The area to the south of the subject property has some existing drainage issues. At the time of subdivision platting/construction plans the developer will ensure that off-site properties and off-site drainage facilities will not be negatively affected by the on-site project improvements, to the satisfaction of the City stormwater engineer.

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

**Staff Finding:** The proposed amendment to the Tuscan Reserve MPD accomplishes a legitimate public purpose by deeming the LDC as the required development standards for the development.

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

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

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

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

**Staff Finding:** The proposed amendment will establish the LDC regulations as the standards for development of the Tuscan Reserve MPD.

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

**Staff Finding:** The application is consistent with the intent of the LDC. The development is consistent with the character and density/intensity of the areas to the north, west, and east.

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

**Staff Finding:** See previous finding.

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

**Staff Finding:** As previously stated, the proposed MPD-DA will entitle an additional 8 multi-family units. The additional impacts will not significantly impact the existing service and per the traffic report have a “de minimus” impact on the roadway network.

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

**Staff Finding:** The MPD-DA does not propose to have development phases.

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

**Staff Finding:** The subject property was previously approved for 115 units. The proposed addition of 8 units will not create a significant impact on the roadway network. There is currently adequate capacity to accommodate the proposed development.

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

**Staff Finding:** The proposed MPD-DA amendment will not impact the benefits provided by approving the development of Tuscan Reserve as an MPD.

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

**Staff Finding:** The project is within the City’s Community Redevelopment Area (CRA). The development of multi-family housing within the CRA is consistent with the objectives of the CRA.

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

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

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

**Staff Finding:** As previously stated, the proposed rezoning of the property does not negatively impact the economy of the surrounding area.

**PUBLIC PARTICIPATION**

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

A neighborhood meeting was held on May 22, 2019 to provide an opportunity for neighboring property owners to receive information about the project. Eight residents attended the neighborhood meeting to ask questions regarding the project's location, drainage plan, and price point.

**RECOMMENDATION**

Staff recommends that the Planning and Land Development Regulation Board (PLDRB) recommend that the City Council APPROVE the proposed amendment to the Tuscan Reserve Development Agreement.

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

RETURN TO:  
City Clerk  
City of Palm Coast  
160 Lake Avenue  
Palm coast, FL 32164

### **THIRD AMENDED AND RESTATED MASTER PLAN DEVELOPMENT AGREEMENT FOR TUSCAN RESERVE**

This Third Amended and Restated Master Planned Development (MPD) Agreement for Tuscan Reserve (the “Agreement”) is entered into between the City of Palm Coast whose address is 160 Lake Avenue, Palm Coast, FL 32164 (the “City”) and SW Tuscan Reserve LP whose address is 360 Central Avenue, Suite 1130, St. Petersburg, Florida 33701 (the “Owner”).

#### **Recitals**

**WHEREAS**, on or about March 3, 2005, the City passed Ordinance 2005-14 (recorded in O.R. Book 1226, Page 1899, Public Records of Flagler County, Florida) approving an Amendment to the Madison Green Master Planned Development Agreement (hereinafter the “Original MPD Agreement”) which essentially permitted the construction of two multifamily projects on approximately 21 acres of land located off State Road 100 (the “Property”) (**Exhibit “1”**) which are now commonly known as Madison Green Apartments (“Madison Green”) and Tuscan Reserve Apartments (“Tuscan Reserve”).

**WHEREAS**, the portion of the Property commonly known as Tuscan Reserve is described in **Exhibit “2”** attached hereto and is identified herein as the “Tuscan Property” and/or the “Tuscan Project”.

**WHEREAS**, Madison Green was constructed in 2007 as a 128-unit apartment complex.

**WHEREAS**, in 2008, a prior owner constructed the infrastructure (roads, stormwater, utilities, etc.), 16 condominium units, and the clubhouse amenities for the Tuscan Project.

However, given the economic down turn, the remaining units permitted in the Tuscan Project were not constructed.

**WHEREAS**, the Original MPD Agreement was amended and restated with respect to only the Tuscan Property pursuant to that certain Amended and Restated Master Plan Development Agreement for Tuscan Reserve recorded August 5, 2014 in O.R. Book 2017, Page 54, Public Records of Flagler County, Florida (the “Tuscan MPD Agreement”).

**WHEREAS**, the Tuscan MPD Agreement permits, among other things, that the Owner can develop up to 115 units along with the associated amenities on the Tuscan Property.

**WHEREAS**, the Owner desires to resume construction of the remaining portion of the Tuscan Reserve Property but desires to amend and restate the Tuscan MPD Agreement to accommodate present market conditions and ensure the Tuscan Project's viability.

**WHEREAS**, on May \_\_\_\_\_, 2019, the Owner filed an application with City to amend and restate the Tuscan Reserve MPD Agreement.

**WHEREAS**, it is the intent of the City and the Owner to amend and restate the Tuscan Reserve MPD Agreement. The Original MPD Agreement shall continue in full force and effect as to Madison Green, and shall in no way affect the Madison Green Development Standards.

**NOW THEREFORE**, in consideration of the mutual covenant contained herein, the City and Owner amend and restate the Tuscan Reserve MPD Agreement as follows:

1. The aforementioned recitals are taken as true, incorporated by reference and made a material part of this Agreement.

2. **CONCEPTUAL SITE PLAN APPROVAL AND DEVELOPMENT REVIEW PROCESS**

a. The provisions of the City of Palm Coast Land Development Code (the “LDC”), as shall be amended from time to time, shall be applicable to the Tuscan Property unless otherwise specifically stated herein. Any City Code provision not specifically identified will not be affected by the terms of this Agreement. As part of this approval, the Conceptual Master Plan (**Exhibit “3”**) shall be deemed the controlling Master Plan for the Tuscan Reserve Property. The Conceptual Master Plan depicts the Tuscan Project's characteristics and

delineates the Tuscan Project's boundaries, streets, easements, property lines, general location of buildings and intended uses. The Conceptual Master Plan also illustrates the design and location of access points, driveways, parking, signage, landscape buffers, tree preservation, primary sidewalk/pathway system and other pertinent information. The future site plan can allow up to a 25 percent accumulative design change from the Conceptual Master Plan provided that the substantial integrity of the Conceptual Master Plan is maintained. However, no deviation from applicable LDC, as shall be amended from time to time, requirements or specific requirements within this this Agreement may be approved during the Site Plan review process, including but not limited to items such as: height, density increase, setbacks, and buffer requirements.

3. LAND DEVELOPMENT CODE NON-APPLICABILITY.

- a. The development of the Tuscan Project shall proceed in accordance with the terms of this Agreement. In the event of an inconsistency between the terms of this Agreement and the LDC, as shall be amended from time to time, the terms of this Agreement shall prevail. Where specific requirements are not contained in the Agreement, the LDC, as shall be amended from time to time, shall apply to the extent that it does not conflict with the provisions of this Agreement or the general intent of the Conceptual Master Plan. The requirements of the Agreement supersede any inconsistent provisions of LDC of the City, as shall be amended from time to time, unless provided elsewhere in this Agreement.

4. DEVELOPMENT STANDARDS: The Development Standards identified below shall replace all design standards for the Tuscan Property.

- a. PARKING: The Tuscan Project shall provide parking as outlined in the LDC and as generally depicted on Conceptual Master Plan.
- b. OPEN SPACE: Minimum open space shall exceed fifty percent (50%) of the Tuscan Property's gross area. Open space shall be defined by the LDC and include storm water ponds. Flexibility to the minimum open space requirements shall be as provided by the LDC which may include but not limited to, green

building principles, land donation, or other mechanisms that would justify a lower percentage and approved by the LUA. Open Space shall be maintained by either the actual owner of the property or a property owners association as determined by the Owner.

- c. WATER/WASTEWATER: The Tuscan Project is located wholly within the City limits and is therefore within the City's water and wastewater service areas. All proposed permanent uses within the Tuscan Project will be served by central water and sewer services. The City shall be the potable water and wastewater service provider for the Tuscan Project upon payment of applicable fees.
- d. TRANSPORTATION CONCURRENCY: Pursuant to that certain Technical Memorandum prepared by LTG Engineering and Planning dated May 2, 2019 and in conjunction with the Minor Traffic Impact Study prepared by Lassiter Transportation Group, Inc., dated Dec. 2013 ~~-(both studies are attached as Exhibit "4" filed with the City), it appears that there is adequate~~ roadway capacity ~~exists~~ to support the Tuscan Reserve Project and that the proposed increase in development density will have a de minimus impact. Reservation of traffic concurrency shall be made only upon issuance of a Development Order (DO) for the Site Plan.
- e. DRAINAGE: As depicted on the Conceptual Master Plan, the Tuscan Project shall include a Master Stormwater System ("MSS"), which was permitted by the SJRWMD. The MSS design shall meet, and be governed by, applicable SJRWMD and City of Palm Coast rules and regulations. Best Management Practices (BMPs) to treat, control, attenuate, and convey stormwater and surface waters may include, but are not limited to, vegetated natural buffers, swales, dry retention and wet detention
- f. LANDSCAPING: The Tuscan Project shall be developed in in compliance with the LDC as generally depicted on the Conceptual Landscape Plan (**Exhibit "54"**).

- g. LIGHTING: All additional exterior Lighting shall comply with the LDC and be consistent with the Tuscan Project's architectural styles.
- h. FIRE PROTECTION: Fire protection requirements for the Tuscan Project have been met through a system of fire hydrants installed on the site by the Owner in accordance with City standards. The locations of fire hydrants shall be shown on all construction documents, site plans or preliminary plats. The water requirements for the fire system will be served by the City's Utility Department. The Tuscan Project shall comply with the City's fire protection requirements. The City will provide fire protection services to the Tuscan Project and in accordance with established local response agreements.
- i. UTILITIES: All internal utility lines for the Tuscan Project have been placed underground.
- j. INTERCONNECTIVITY: All buildings within the Tuscan Project shall be interconnected by roadways, driveways, sidewalks and paths, and the Tuscan Project shall be interconnected to the neighboring Madison Green portion of the Property as called for by the City's Comprehensive Plan, and as necessary to meet ADA Accessibility requirements.
- k. RESOURCE PROTECTION. The Owner shall comply with LDC, as shall be amended from time to time.
- l. WETLANDS: The Owner shall comply with LDC, as shall be amended from time to time and all applicable SJRWMD permits.
- m. EMERGENCY ACCESS: The Owner of the Brookhaven parcel to the West has provided an access easement for emergency ingress/egress between Brookhaven and the Tuscan Project as generally depicted by **Exhibit "65"**. The Owner shall provide an easement that connects to the easement location depicted in **Exhibit "65"** that provides access rights to Municipal and Emergency vehicles. The Site Plan for the Tuscan Project shall include an emergency access path, which shall be paved or constructed in an alternative method approved by the City LUA and the Fire Chief from the Tuscan Project to the Brookhaven access easement



depicted in **Exhibit “65”**. This access shall be constructed by the Owner of the Tuscan Project during construction of any new residential units.

n. SIGNAGE: Tuscan Reserve and Madison Green Master Planned Development (MPD) have vested rights to use the sign easement (Exhibit “6”) previously approved under the original Madison Green Planned Unit Development (PUD) project (Ordinance # 2001-28) and previously approved Madison Green Site Plan. The sign shall comply with the current Land Development Code, as may be amended from time to time.

5. DIMENSIONAL STANDARDS:

a. LOT SIZE/SET BACKS/HEIGHT:

- i. Project Size: The Tuscan Project is 8.20 +/- acres.
- ii. Building Setbacks: Building setbacks shall be a minimum of 85 feet from the north, south and west Tuscan Project boundaries, except for garage buildings, which may follow a 10 foot building setback. Building setbacks from the eastern boundary of the Tuscan Project shall be a minimum of 50 feet, consistent with the pattern of existing site development.
- iii. Buffers: All buffers within the Tuscan Project shall be created and constructed in accordance with the LDC.
- iv. Height: 45 feet maximum as measured by the LDC.

b. IMPERVIOUS: Maximum impervious area shall be sixty five percent (65%) of the Tuscan Project's gross area. The terms "pervious" and "impervious" are defined by the LDC.

c. DENSITY: Consistent with the City’s Comprehensive Plan, the maximum density for the Tuscan Project is 15 dwelling units per acre, and the proposed density for the Tuscan Project is 15 dwelling units per acre. A total of 123 multifamily units inclusive of the existing units may be constructed along with a leasing office and the recreational amenities as generally depicted on the Conceptual Master Plan.

- d. ARCHITECTURE: The architectural requirements shall comply with the LDC Chapter 13, ARCHITECTURAL DESIGN GUIDELINES, in effect at the time of development. The Owner intends for the architectural features of the Tuscan Project as more as generally depicted on **Exhibit “87”** to be compatible with those portions of the Tuscan Project existing today.
- e. UNITS: The minimum unit size shall be 650 square feet.
6. NOTICES. All notices required or permitted to be given under this Agreement must be in writing and must be delivered to the City or the Owner at its address set forth below (or such other address as may be hereafter be designated in writing by such party). Any such notice must be personally delivered or sent by registered or certified mail, overnight courier, facsimile, or telecopy. Any such notice will be deemed effective when received (if sent by hand delivery, overnight courier, telecopy, or facsimile) or on that date which is three (3) days after such notice is deposited in the United States mail (if sent by registered or certified mail). The party’s addresses for the delivery of all such notices are as follows:
- As to the City            Matthew Morton, City Manager  
    160 Lake Avenue  
    Palm Coast, Florida, 32164
- As to the Owner:        C/O Brandon Rosser, Esq.  
    SW Tuscan Reserve LP  
    360 Central Avenue, Suite 1130  
    St. Petersburg, FL 33701
- With copies to:        Michael D. Chiumento III, Esq.  
    Chiumento Dwyer Hertel Grant & Kistemaker, PL  
    145 City Place, Suite 301  
    Palm Coast, FL 32164
7. TERM / EFFECTIVE DATE. This Agreement shall be effective upon approval by the City Council of the City of Palm Coast, Florida and execution of this Agreement by all parties.

8. ENTIRE AGREEMENT EFFECT ON PRIOR AGREEMENTS. This Agreement constitutes the entire agreement between the parties and supersedes all previous oral discussions, understandings, and agreements of any kind and nature as between the parties relating to the subject matter of this Agreement.

**IN WITNESS WHEREOF**, the Parties have executed this Third Amended and Restated MPD

ATTEST:

CITY OF PALM COAST, FLORIDA

\_\_\_\_\_  
Virginia A. Smith, City Clerk

\_\_\_\_\_  
Milissa Holland, Mayor

APPROVED AS TO FORM AND LEGALITY:

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

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

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

WITNESSES:

“OWNER”

SW Tuscan Reserve LP, a Delaware limited partnership

\_\_\_\_\_

(print)

By: SW Tuscan Reserve GP LLC, a Delaware limited liability company, its General Partner

By: Stoneweg U.S., LLC, a Florida limited liability company, its Managing Member

\_\_\_\_\_

(print)

By: \_\_\_\_\_  
Patrick Richard, Manager

STATE OF FLORIDA  
COUNTY OF PINELLAS

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2019, by Patrick Richard, Manager of Stoneweg U.S., LLC, a Florida limited liability company, the Managing Member of SW Tuscan Reserve GP LLC, a Delaware limited liability company, the General Partner of SW Tuscan Reserve LP, a Delaware limited partnership (check one)  who is personally known to me or  who produced \_\_\_\_\_ as identification.

## **EXHIBIT “1”**

21.1 acres described as the E ½ of Tract 12, Block B, and the W ½ of Tract 8, Block A, Section 8, Township 12 South, Range 31 East, Bunnell Development Company’s Subdivision, a subdivision as recorded in Plat Book 1, Page 1 of the Public Records of Flagler County, Florida.

## **EXHIBIT "2"**

A parcel of land lying in a portion of the East one-half (1/2) of Tract 12, Block B, Bunnell Development Company's Subdivision of Section 8, Township 12 South, Range 31 East, as recorded in Plat Book 1, Page 1, Public Records of Flagler County, Florida, being more particularly described as follows:

**POINT OF BEGINNING** at the Southwest corner of said East one-half (1/2) of Tract 12, proceed North 02°05'05" West, along the West line of the East (1/2) of said Tract 12 a distance of 694.40 feet to the North line of said Tract 12; thence run North 88°50'01" East along said North line a distance of 512.70 feet; thence, departing said North line, run South 02°18'22" East a distance of 695.01 feet to the South line of Tract 12; thence run South 88°53'45" West, along the South line of said Tract 12, a distance of 514.40 feet to the **POINT OF BEGINNING**.

Containing 8.20 +/- acres

**EXHIBIT “3”**  
**CONCEPTUAL MASTER PLAN**

# **EXHIBIT “4”**

## **CONCEPTUAL LANDSCAPE PLAN**



**EXHIBIT “5”**

**EMERGENCY ACCESS EASEMENT**

# **EXHIBIT “6”**

## **SIGN EASEMENT**

An easement lying in Section 8, Township 12 South, Range 31 East, Flagler County, Florida, being more particularly described as follows:

**COMMENCE** a the Southwest corner of said Section 8, thence proceed North 01°13'43" West, along the West line of Section 8, a distance of 2542.14 Feet to the intersection of the Westerly one-quarter (1/4) corner of Section 8 and the Centerline of Section 8; thence North 89°09'25" East along said Centerline a distance of 2704.29 feet to the center of Section 8, thence North 02°26'27" West along the Centerline of Section 8, a distance of 38.28 feet to the intersection of the Centerline of Section 8 with the Northerly Right-of-Way line of State Road 100; thence North 89°09'05" East along said North Right-of-Way line a distance of 25.01 feet; thence leaving said North Right-of-Way line North 02°26'27" West, a distance of 20.00 feet to a Point on the North line of a 20.00 foot wide F.D.O.T acquisition (said acquisition being 20.00 feet northerly of and parallel to the North Right-of-Way line of State Road 100) and to the **POINT OF BEGINNING**; thence North 02°26'27" West, along the East line of a 50.00 foot wide road easement a distance of 36.01 feet; thence North 89°50'55" East, a distance of 36.00 feet to said North line of F.D.O.T. acquisition; thence South 89°09'05" West, along said North line a distance of 28.00 feet to the **POINT OF BEGINNING**.

Containing 1026.00 square feet (0.02 acres) more or less.

**EXHIBIT “7”**

**CONCEPTUAL ELEVATION**

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

RETURN TO:  
City Clerk  
City of Palm Coast  
160 Lake Avenue  
Palm coast, FL 32164

### **THIRD AMENDED AND RESTATED MASTER PLAN DEVELOPMENT AGREEMENT FOR TUSCAN RESERVE**

This Third Amended and Restated Master Planned Development (MPD) Agreement for Tuscan Reserve (the “Agreement”) is entered into between the City of Palm Coast whose address is 160 Lake Avenue, Palm Coast, FL 32164 (the “City”) and SW Tuscan Reserve LP whose address is 360 Central Avenue, Suite 1130, St. Petersburg, Florida 33701 (the “Owner”).

#### **Recitals**

**WHEREAS**, on or about March 3, 2005, the City passed Ordinance 2005-14 (recorded in O.R. Book 1226, Page 1899, Public Records of Flagler County, Florida) approving an Amendment to the Madison Green Master Planned Development Agreement (hereinafter the “Original MPD Agreement”) which essentially permitted the construction of two multifamily projects on approximately 21 acres of land located off State Road 100 (the “Property”) (**Exhibit “1”**) which are now commonly known as Madison Green Apartments (“Madison Green”) and Tuscan Reserve Apartments (“Tuscan Reserve”).

**WHEREAS**, the portion of the Property commonly known as Tuscan Reserve is described in **Exhibit “2”** attached hereto and is identified herein as the “Tuscan Property” and/or the “Tuscan Project”.

**WHEREAS**, Madison Green was constructed in 2007 as a 128-unit apartment complex.

**WHEREAS**, in 2008, a prior owner constructed the infrastructure (roads, stormwater, utilities, etc.), 16 condominium units, and the clubhouse amenities for the Tuscan Project.

However, given the economic down turn, the remaining units permitted in the Tuscan Project were not constructed.

**WHEREAS**, the Original MPD Agreement was amended and restated with respect to only the Tuscan Property pursuant to that certain Amended and Restated Master Plan Development Agreement for Tuscan Reserve recorded August 5, 2014 in O.R. Book 2017, Page 54, Public Records of Flagler County, Florida (the “Tuscan MPD Agreement”).

**WHEREAS**, the Tuscan MPD Agreement permits, among other things, that the Owner can develop up to 115 units along with the associated amenities on the Tuscan Property.

**WHEREAS**, the Owner desires to resume construction of the remaining portion of the Tuscan Reserve Property but desires to amend and restate the Tuscan MPD Agreement to accommodate present market conditions and ensure the Tuscan Project's viability.

**WHEREAS**, on May \_\_\_\_\_, 2019, the Owner filed an application with City to amend and restate the Tuscan Reserve MPD Agreement.

**WHEREAS**, it is the intent of the City and the Owner to amend and restate the Tuscan Reserve MPD Agreement. The Original MPD Agreement shall continue in full force and effect as to Madison Green, and shall in no way affect the Madison Green Development Standards.

**NOW THEREFORE**, in consideration of the mutual covenant contained herein, the City and Owner amend and restate the Tuscan Reserve MPD Agreement as follows:

1. The aforementioned recitals are taken as true, incorporated by reference and made a material part of this Agreement.

2. **CONCEPTUAL SITE PLAN APPROVAL AND DEVELOPMENT REVIEW PROCESS**

a. The provisions of the City of Palm Coast Land Development Code (the “LDC”), as shall be amended from time to time, shall be applicable to the Tuscan Property unless otherwise specifically stated herein. Any City Code provision not specifically identified will not be affected by the terms of this Agreement. As part of this approval, the Conceptual Master Plan (**Exhibit “3”**) shall be deemed the controlling Master Plan for the Tuscan Reserve Property. The Conceptual Master Plan depicts the Tuscan Project's characteristics and

delineates the Tuscan Project's boundaries, streets, easements, property lines, general location of buildings and intended uses. The Conceptual Master Plan also illustrates the design and location of access points, driveways, parking, signage, landscape buffers, tree preservation, primary sidewalk/pathway system and other pertinent information. The future site plan can allow up to a 25 percent accumulative design change from the Conceptual Master Plan provided that the substantial integrity of the Conceptual Master Plan is maintained. However, no deviation from applicable LDC, as shall be amended from time to time, requirements or specific requirements within this this Agreement may be approved during the Site Plan review process, including but not limited to items such as: height, density increase, setbacks, and buffer requirements.

Approval of this Agreement entitles Owner to proceed directly to Technical Site Plan Review pursuant to 2.11 of the LDC.

3. LAND DEVELOPMENT CODE NON-APPLICABILITY.

a. The development of the Tuscan Project shall proceed in accordance with the terms of this Agreement. In the event of an inconsistency between the terms of this Agreement and the LDC, as shall be amended from time to time, the terms of this Agreement shall prevail. Where specific requirements are not contained in the Agreement, the LDC, as shall be amended from time to time, shall apply to the extent that it does not conflict with the provisions of this Agreement or the general intent of the Conceptual Master Plan. The requirements of the Agreement supersede any inconsistent provisions of LDC of the City, as shall be amended from time to time, unless provided elsewhere in this Agreement.

4. DEVELOPMENT STANDARDS: The Development Standards identified below shall replace all design standards for the Tuscan Property.

a. PARKING: The Tuscan Project shall provide parking as outlined in the LDC and as generally depicted on Conceptual Master Plan.

b. OPEN SPACE: Minimum open space shall exceed fifty percent (50%) of the Tuscan Property's gross area. Open space shall be defined by the LDC and include storm water ponds. Flexibility to the minimum open space requirements shall be as provided by the LDC which may include but not limited to, green

building principles, land donation, or other mechanisms that would justify a lower percentage and approved by the LUA. Open Space shall be maintained by either the actual owner of the property or a property owners association as determined by the Owner.

- c. WATER/WASTEWATER: The Tuscan Project is located wholly within the City limits and is therefore within the City's water and wastewater service areas. All proposed permanent uses within the Tuscan Project will be served by central water and sewer services. The City shall be the potable water and wastewater service provider for the Tuscan Project upon payment of applicable fees.
- d. TRANSPORTATION CONCURRENCY: Pursuant to that certain Technical Memorandum prepared by LTG Engineering and Planning dated May 2, 2019 and in conjunction with the Minor Traffic Impact Study prepared by Lassiter Transportation Group, Inc., dated Dec. 2013 (both studies are filed with the City), there is adequate roadway capacity to support the Tuscan Reserve Project and that the proposed increase in development density will have a de minimus impact. Reservation of traffic concurrency shall be made only upon issuance of a Development Order (DO) for the Site Plan.
- e. DRAINAGE: As depicted on the Conceptual Master Plan, the Tuscan Project shall include a Master Stormwater System ("MSS"), which was permitted by the SJRWMD. The MSS design shall meet, and be governed by, applicable SJRWMD and City of Palm Coast rules and regulations. Best Management Practices (BMPs) to treat, control, attenuate, and convey stormwater and surface waters may include, but are not limited to, vegetated natural buffers, swales, dry retention and wet detention
- f. LANDSCAPING: The Tuscan Project shall be developed in in compliance with the LDC as generally depicted on the Conceptual Landscape Plan (**Exhibit "4"**).
- g. LIGHTING: All additional exterior Lighting shall comply with the LDC and be consistent with the Tuscan Project's architectural styles.

- h. FIRE PROTECTION: Fire protection requirements for the Tuscan Project have been met through a system of fire hydrants installed on the site by the Owner in accordance with City standards. The locations of fire hydrants shall be shown on all construction documents, site plans or preliminary plats. The water requirements for the fire system will be served by the City's Utility Department. The Tuscan Project shall comply with the City's fire protection requirements. The City will provide fire protection services to the Tuscan Project and in accordance with established local response agreements.
- i. UTILITIES: All internal utility lines for the Tuscan Project have been placed underground.
- j. INTERCONNECTIVITY: All buildings within the Tuscan Project shall be interconnected by roadways, driveways, sidewalks and paths, and the Tuscan Project shall be interconnected to the neighboring Madison Green portion of the Property as called for by the City's Comprehensive Plan, and as necessary to meet ADA Accessibility requirements.
- k. RESOURCE PROTECTION. The Owner shall comply with LDC, as shall be amended from time to time.
- l. WETLANDS: The Owner shall comply with LDC, as shall be amended from time to time and all applicable SJRWMD permits.
- m. EMERGENCY ACCESS: The Owner of the Brookhaven parcel to the West has provided an access easement for emergency ingress/egress between Brookhaven and the Tuscan Project as generally depicted by **Exhibit "5"**. The Owner shall provide an easement that connects to the easement location depicted in **Exhibit "5"** that provides access rights to Municipal and Emergency vehicles. The Site Plan for the Tuscan Project shall include an emergency access path, which shall be paved or constructed in an alternative method approved by the City LUA and the Fire Chief from the Tuscan Project to the Brookhaven access easement depicted in **Exhibit "5"**. This access shall be constructed by the Owner of the Tuscan Project during construction of any new residential units.



- n. SIGNAGE: Tuscan Reserve and Madison Green Master Planned Development (MPD) have vested rights to use the sign easement (**Exhibit “6”**) previously approved under the original Madison Green Planned Unit Development (PUD) project (Ordinance # 2001-28) and previously approved Madison Green Site Plan. The sign shall comply with the current Land Development Code, as may be amended from time to time.

5. DIMENSIONAL STANDARDS:

a. LOT SIZE/SET BACKS/HEIGHT:

- i. Project Size: The Tuscan Project is 8.20 +/- acres.
- ii. Building Setbacks: Building setbacks shall be a minimum of 85 feet from the north, south and west Tuscan Project boundaries, except for garage buildings, which may follow a 10 foot building setback. Building setbacks from the eastern boundary of the Tuscan Project shall be a minimum of 50 feet, consistent with the pattern of existing site development.
- iii. Buffers: All buffers within the Tuscan Project shall be created and constructed in accordance with the LDC.
- iv. Height: 45 feet maximum as measured by the LDC.

- b. IMPERVIOUS: Maximum impervious area shall be sixty five percent (65%) of the Tuscan Project's gross area. The terms "pervious" and "impervious" are defined by the LDC.

- c. DENSITY: Consistent with the City’s Comprehensive Plan, the maximum density for the Tuscan Project is 15 dwelling units per acre, and the proposed density for the Tuscan Project is 15 dwelling units per acre. A total of 123 multifamily units inclusive of the existing units may be constructed along with a leasing office and the recreational amenities as generally depicted on the Conceptual Master Plan.

- d. ARCHITECTURE: The architectural requirements shall comply with the LDC Chapter 13, ARCHITECTURAL DESIGN GUIDELINES, in effect at the time

of development. The Owner intends for the architectural features of the Tuscan Project as more as generally depicted on **Exhibit “7”** to be compatible with those portions of the Tuscan Project existing today.

e. UNITS: The minimum unit size shall be 650 square feet.

6. NOTICES. All notices required or permitted to be given under this Agreement must be in writing and must be delivered to the City or the Owner at its address set forth below (or such other address as may be hereafter be designated in writing by such party). Any such notice must be personally delivered or sent by registered or certified mail, overnight courier, facsimile, or telecopy. Any such notice will be deemed effective when received (if sent by hand delivery, overnight courier, telecopy, or facsimile) or on that date which is three (3) days after such notice is deposited in the United States mail (if sent by registered or certified mail). The party’s addresses for the delivery of all such notices are as follows:

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

As to the Owner:        C/O Brandon Rosser, Esq.  
   SW Tuscan Reserve LP  
   360 Central Avenue, Suite 1130  
   St. Petersburg, FL 33701

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

7. TERM / EFFECTIVE DATE. This Agreement shall be effective upon approval by the City Council of the City of Palm Coast, Florida and execution of this Agreement by all parties.

8. ENTIRE AGREEMENT EFFECT ON PRIOR AGREEMENTS. This Agreement constitutes the entire agreement between the parties and supersedes all previous oral discussions, understandings, and agreements of any kind and nature as between the parties relating to the subject matter of this Agreement.

**IN WITNESS WHEREOF**, the Parties have executed this Third Amended and Restated MPD

ATTEST:

CITY OF PALM COAST, FLORIDA

\_\_\_\_\_  
Virginia A. Smith, City Clerk

\_\_\_\_\_  
Milissa Holland, Mayor

APPROVED AS TO FORM AND LEGALITY:

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

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

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

WITNESSES:

“OWNER”

SW Tuscan Reserve LP, a Delaware limited partnership

\_\_\_\_\_

(print)

By: SW Tuscan Reserve GP LLC, a Delaware limited liability company, its General Partner

By: Stoneweg U.S., LLC, a Florida limited liability company, its Managing Member

\_\_\_\_\_

(print)

By: \_\_\_\_\_  
Patrick Richard, Manager

STATE OF FLORIDA  
COUNTY OF PINELLAS

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2019, by Patrick Richard, Manager of Stoneweg U.S., LLC, a Florida limited liability company, the Managing Member of SW Tuscan Reserve GP LLC, a Delaware limited liability company, the General Partner of SW Tuscan Reserve LP, a Delaware limited partnership (check one)  who is personally known to me or  who produced \_\_\_\_\_ as identification.

## **EXHIBIT “1”**

21.1 acres described as the E ½ of Tract 12, Block B, and the W ½ of Tract 8, Block A, Section 8, Township 12 South, Range 31 East, Bunnell Development Company’s Subdivision, a subdivision as recorded in Plat Book 1, Page 1 of the Public Records of Flagler County, Florida.

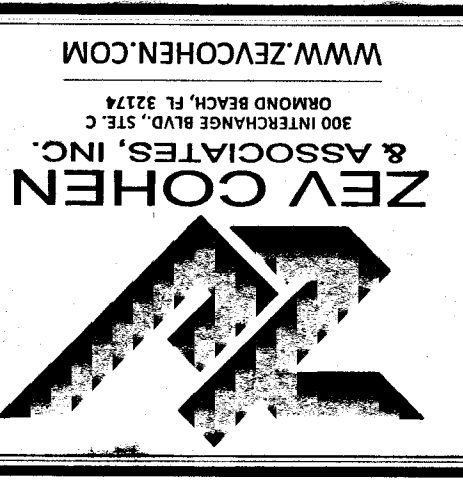
## **EXHIBIT "2"**

A parcel of land lying in a portion of the East one-half (1/2) of Tract 12, Block B, Bunnell Development Company's Subdivision of Section 8, Township 12 South, Range 31 East, as recorded in Plat Book 1, Page 1, Public Records of Flagler County, Florida, being more particularly described as follows:

**POINT OF BEGINNING** at the Southwest corner of said East one-half (1/2) of Tract 12, proceed North 02°05'05" West, along the West line of the East (1/2) of said Tract 12 a distance of 694.40 feet to the North line of said Tract 12; thence run North 88°50'01" East along said North line a distance of 512.70 feet; thence, departing said North line, run South 02°18'22" East a distance of 695.01 feet to the South line of Tract 12; thence run South 88°53'45" West, along the South line of said Tract 12, a distance of 514.40 feet to the **POINT OF BEGINNING**.

Containing 8.20 +/- acres

**EXHIBIT “3”**  
**CONCEPTUAL MASTER PLAN**

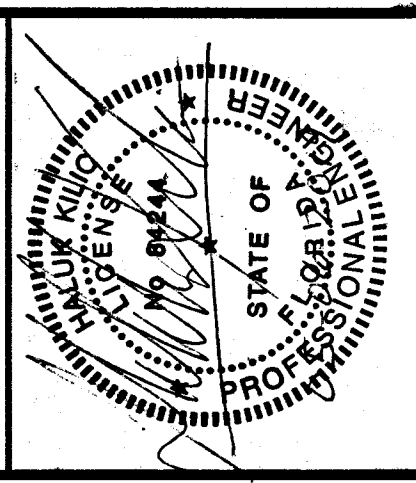


CIVIL ENGINEERING  
LANDSCAPE ARCHITECTURE  
ENVIRONMENTAL  
PLANNING  
TRANSPORTATION

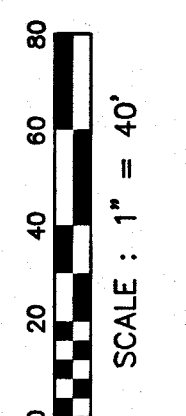
NO.	DATE	BY	SUBMITTALS / REVISIONS

## TUSCAN RESERVE MPD SITE PLAN

CITY OF PALM COAST  
PROJECT NO: 20-02017  
DESIGNED BY: HK  
DRAFTED BY: TR  
CHECKED BY: HK  
DRAWING FILE: 01-8007PUD (05-5-2019)  
XREFS: XXXXXX.XXS



HALK BULL, P.E. No. 45434  
NOT VALID WITHOUT SEAL  
SHEET: 1 OF 1



**LEGEND:**

- PROPOSED ASPHALT PAVEMENT
- PROPOSED CONCRETE SURFACE
- EXISTING ASPHALT PAVEMENT

**LAND USE/ZONING**  
EXISTING CITY OF PALM COAST ZONING: MPD  
EXISTING CITY OF PALM COAST FUTURE LAND USE: MIXED USE  
PARCEL NO. 08-12-31-0650-000B0-0120

**SETBACK TABLE**

	REQUIRED PER CURRENT MPD	PROPOSED
FRONT YARD SETBACK (S)-	85 FT.	±105 FT.
REAR YARD SETBACK (N)-	85 FT.	±97 FT.
SIDE YARD SETBACK (E)-	50 FT.	±51 FT.
SIDE YARD SETBACK (W)-	85 FT.	±100 FT.
GARAGE SETBACK-	10 FT.	±10.3 FT. (MIN)
MAXIMUM BUILDING HEIGHT-	45 FT.	45FT.

**PARKING TABLE**

- 39 x 1-BEDROOM UNITS PROPOSED @ 1.5 PARKING SPACES PER UNIT REQUIRED PER LDC = 59 SPACES REQUIRED
- 59 x 2-BEDROOM UNITS PROPOSED @ 2 PARKING SPACES PER UNIT REQUIRED PER LDC = 118 SPACES REQUIRED
- 9 x 3-BEDROOM UNITS PROPOSED @ 2 PARKING SPACES PER UNIT REQUIRED PER LDC = 18 SPACES REQUIRED
- TOTAL PARKING SPACES REQUIRED PER LDC = 195 PARKING SPACES REQUIRED
- ⑩ TOTAL STANDARD PARKING SPACES PROVIDED: 132
- ⑪ TOTAL HANDICAP SPACES W/5' AISLE PROVIDED: 8
- ⑨ TOTAL GARAGE PARKING PROVIDED: 22
- TOTAL NEW PARKING SPACES PROVIDED = 165 SPACES
- EXISTING PARKING SPACES ON-SITE = 68 SPACES
- TOTAL PARKING SPACES PROVIDED ON-SITE = 233 PARKING SPACES
- EXISTING # OF UNITS ON SITE (INCLUDED IN THE 2 EXISTING BUILDINGS @ SOUTHEAST) = 16 UNITS
- TOTAL # OF PARKING REQUIRED FOR THE EXISTING 16 UNITS @ 2 PARKING SPACES PER UNIT PER LDC = 32 SPACES
- TOTAL # OF PARKING SPACES AVAILABLE FOR PROPOSED ADDITIONAL UNITS = 201 PARKING SPACES (233-32)  
[LDC REQUIREMENTS FOR PARKING IS MET: 201>195]

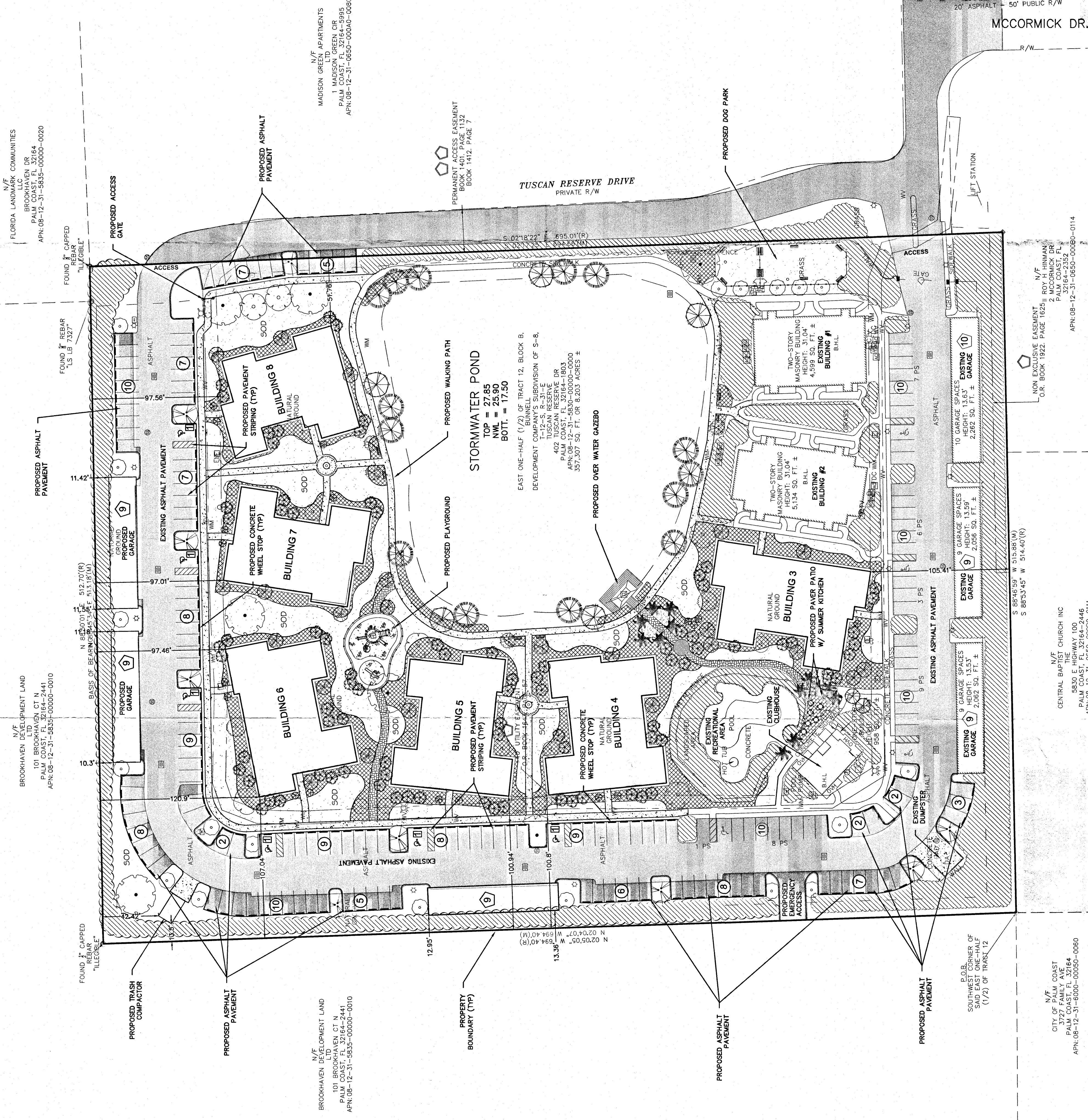
TOTAL RESIDENTIAL AREA = 356,979 SQ. FT. (8.20 AC) 100%  
PROPOSED BUILDING & GARAGE COVERAGE = 46,985 SQ. FT. (1.08 AC)  
PROPOSED CONCRETE SURFACE AREA = 11,548 SQ. FT. (0.27 AC)  
PROPOSED ASPHALT SURFACE AREA = 13,488 SQ. FT. (0.31 AC)  
PROPOSED PAVERS & PLAYGROUND = 2,518 SQ. FT. (0.06 AC)  
EXISTING IMPERVIOUS AREA = 84,204 SQ. FT. (1.93 AC)  
IMPERVIOUS AREA = 158,750 SQ. FT. (3.64 AC) 44.47%  
POND AREA = 56,039 SQ. FT. (1.29 AC) 15.70%  
PERVIOUS AREA = 142,181 SQ. FT. (3.19 AC) 39.83%  
(DOES NOT INCLUDE PRESERVED WETLANDS/UPLANDS)

**RECREATIONAL AREA QUANTITIES**

POOL / CLUBHOUSE AREA (PASSIVE) - 14,001 SF (.321 AC)  
WALKING PATH (ACTIVE) - 23,595 SF (.541 AC)  
PLAYGROUND (ACTIVE) - 1,732 SF (.04 AC)  
GAZEBO (PASSIVE) - 512 SF (.012 AC)  
PAVER PATIO W/ SUMMER KITCHEN- (PASSIVE) - 542 SF (.012 AC)  
TOTAL - 40,382 SF (0.93 AC) 11.31%

**OPEN SPACE QUANTITIES**

OPEN SPACE - 198,220 SF 55.53%  
(DOES NOT INCLUDE BUILDINGS, ASPHALT, CONCRETE, OR SIDEWALKS)

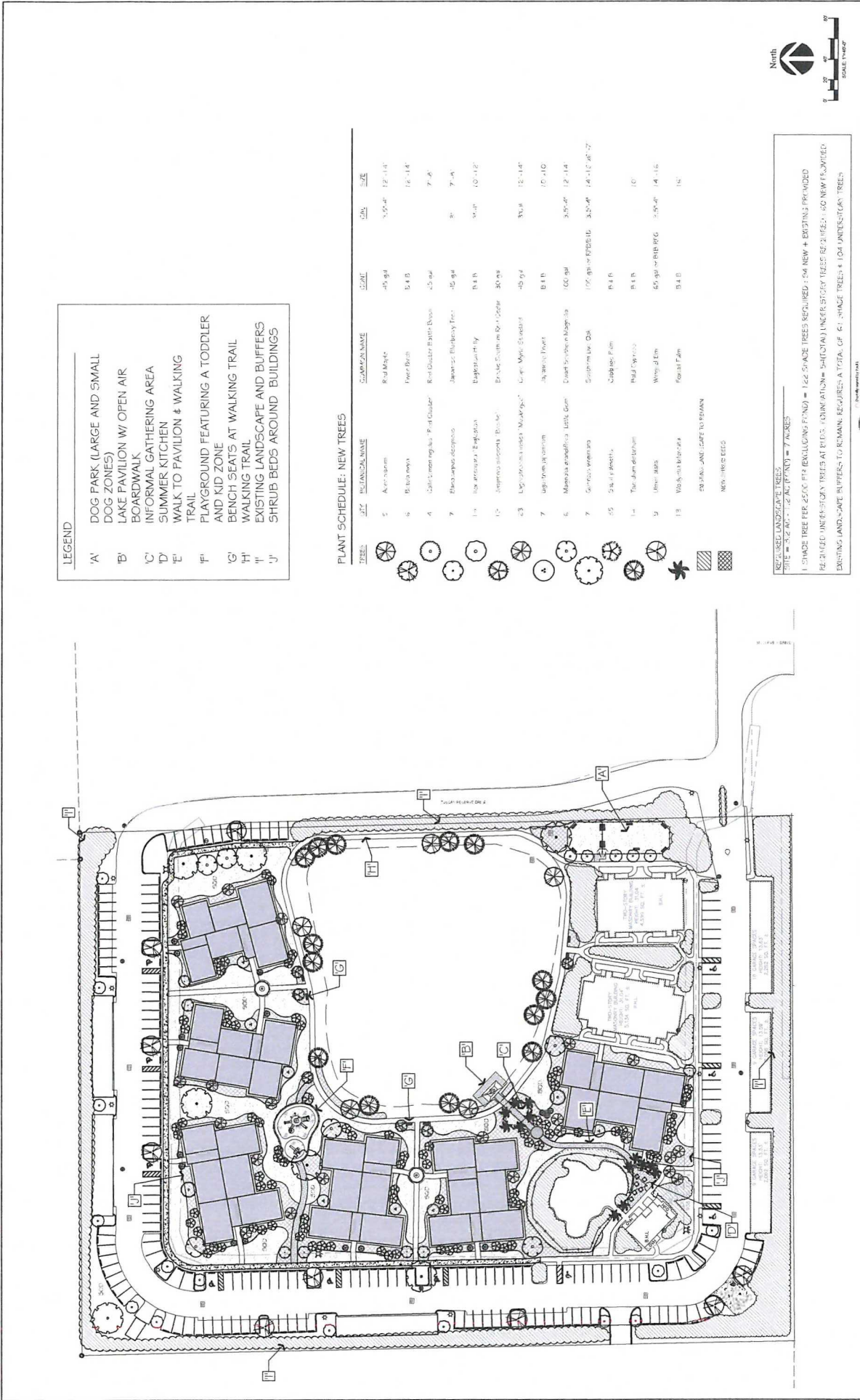


FOUND I" CAPPED REBAR "L" S, LB 7327"  
FOUND I" CAPPED REBAR "L" S, LB 7327"  
FOUND I" CAPPED REBAR "L" S, LB 7327"  
FOUND I" CAPPED REBAR "L" S, LB 7327"  
FOUND I" CAPPED REBAR "L" S, LB 7327"  
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FOUND I" CAPPED REBAR "L" S, LB 7327"



# **EXHIBIT “4”**

## **CONCEPTUAL LANDSCAPE PLAN**

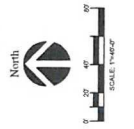


**LEGEND**

- 'A' DOG PARK (LARGE AND SMALL DOG ZONES)
- 'B' LAKE PAVILION W/ OPEN AIR BOARDWALK
- 'C' INFORMAL GATHERING AREA
- 'D' SUMMER KITCHEN
- 'E' WALK TO PAVILION & WALKING TRAIL
- 'F' PLAYGROUND FEATURING A TODDLER AND KID ZONE
- 'G' BENCH SEATS AT WALKING TRAIL
- 'H' WALKING TRAIL
- 'J' EXISTING LANDSCAPE AND BUFFERS

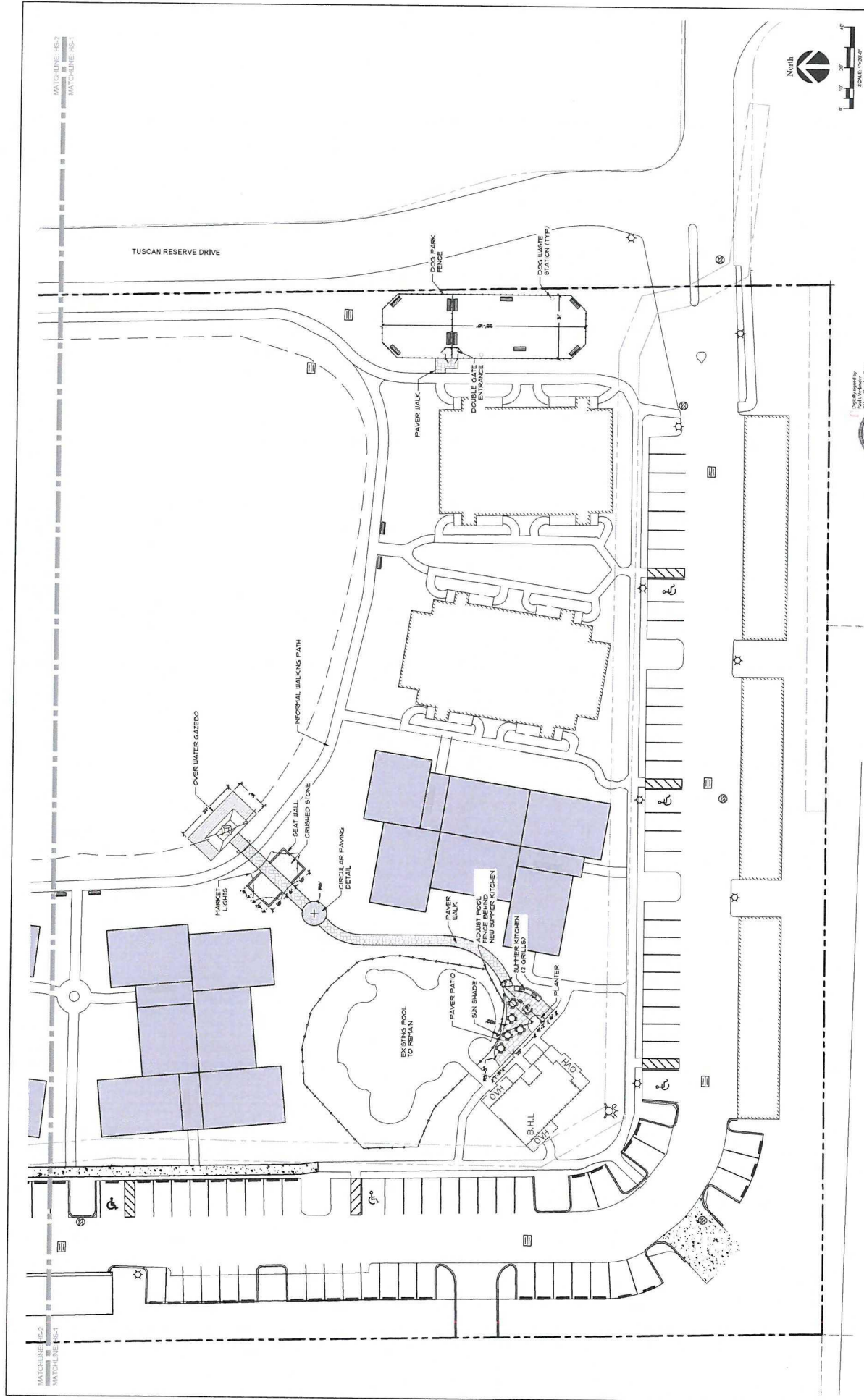
**PLANT SCHEDULE: NEW TREES**

TREE	SYMBOL	SCIENTIFIC NAME	COMMON NAME	SIZE	QTY	SIZE
1	(Symbol)	Avicennia	Red Mangrove	45-60"	12	14"
2	(Symbol)	Bruguiera	Tree Mangrove	6-8"	12	14"
3	(Symbol)	Conocarpus	Red Cluster Palm	45-60"	7	8"
4	(Symbol)	Leucaena	Jamaican Blackwood	45-60"	7	8"
5	(Symbol)	Leucaena	Blackwood	45-60"	7	8"
6	(Symbol)	Leucaena	Blackwood	45-60"	7	8"
7	(Symbol)	Leucaena	Blackwood	45-60"	7	8"
8	(Symbol)	Leucaena	Blackwood	45-60"	7	8"
9	(Symbol)	Leucaena	Blackwood	45-60"	7	8"
10	(Symbol)	Leucaena	Blackwood	45-60"	7	8"
11	(Symbol)	Leucaena	Blackwood	45-60"	7	8"
12	(Symbol)	Leucaena	Blackwood	45-60"	7	8"
13	(Symbol)	Leucaena	Blackwood	45-60"	7	8"
14	(Symbol)	Leucaena	Blackwood	45-60"	7	8"
15	(Symbol)	Leucaena	Blackwood	45-60"	7	8"
16	(Symbol)	Leucaena	Blackwood	45-60"	7	8"
17	(Symbol)	Leucaena	Blackwood	45-60"	7	8"
18	(Symbol)	Leucaena	Blackwood	45-60"	7	8"
19	(Symbol)	Leucaena	Blackwood	45-60"	7	8"
20	(Symbol)	Leucaena	Blackwood	45-60"	7	8"
21	(Symbol)	Leucaena	Blackwood	45-60"	7	8"
22	(Symbol)	Leucaena	Blackwood	45-60"	7	8"
23	(Symbol)	Leucaena	Blackwood	45-60"	7	8"
24	(Symbol)	Leucaena	Blackwood	45-60"	7	8"
25	(Symbol)	Leucaena	Blackwood	45-60"	7	8"
26	(Symbol)	Leucaena	Blackwood	45-60"	7	8"
27	(Symbol)	Leucaena	Blackwood	45-60"	7	8"
28	(Symbol)	Leucaena	Blackwood	45-60"	7	8"
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30	(Symbol)	Leucaena	Blackwood	45-60"	7	8"
31	(Symbol)	Leucaena	Blackwood	45-60"	7	8"
32	(Symbol)	Leucaena	Blackwood	45-60"	7	8"
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41	(Symbol)	Leucaena	Blackwood	45-60"	7	8"
42	(Symbol)	Leucaena	Blackwood	45-60"	7	8"
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63	(Symbol)	Leucaena	Blackwood	45-60"	7	8"
64	(Symbol)	Leucaena	Blackwood	45-60"	7	8"
65	(Symbol)	Leucaena	Blackwood	45-60"	7	8"
66	(Symbol)	Leucaena	Blackwood	45-60"	7	8"
67	(Symbol)	Leucaena	Blackwood	45-60"	7	8"
68	(Symbol)	Leucaena	Blackwood	45-60"	7	8"
69	(Symbol)	Leucaena	Blackwood	45-60"	7	8"
70	(Symbol)	Leucaena	Blackwood	45-60"	7	8"
71	(Symbol)	Leucaena	Blackwood	45-60"	7	8"
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73	(Symbol)	Leucaena	Blackwood	45-60"	7	8"
74	(Symbol)	Leucaena	Blackwood	45-60"	7	8"
75	(Symbol)	Leucaena	Blackwood	45-60"	7	8"
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78	(Symbol)	Leucaena	Blackwood	45-60"	7	8"
79	(Symbol)	Leucaena	Blackwood	45-60"	7	8"
80	(Symbol)	Leucaena	Blackwood	45-60"	7	8"
81	(Symbol)	Leucaena	Blackwood	45-60"	7	8"
82	(Symbol)	Leucaena	Blackwood	45-60"	7	8"
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84	(Symbol)	Leucaena	Blackwood	45-60"	7	8"
85	(Symbol)	Leucaena	Blackwood	45-60"	7	8"
86	(Symbol)	Leucaena	Blackwood	45-60"	7	8"
87	(Symbol)	Leucaena	Blackwood	45-60"	7	8"
88	(Symbol)	Leucaena	Blackwood	45-60"	7	8"
89	(Symbol)	Leucaena	Blackwood	45-60"	7	8"
90	(Symbol)	Leucaena	Blackwood	45-60"	7	8"
91	(Symbol)	Leucaena	Blackwood	45-60"	7	8"
92	(Symbol)	Leucaena	Blackwood	45-60"	7	8"
93	(Symbol)	Leucaena	Blackwood	45-60"	7	8"
94	(Symbol)	Leucaena	Blackwood	45-60"	7	8"
95	(Symbol)	Leucaena	Blackwood	45-60"	7	8"
96	(Symbol)	Leucaena	Blackwood	45-60"	7	8"
97	(Symbol)	Leucaena	Blackwood	45-60"	7	8"
98	(Symbol)	Leucaena	Blackwood	45-60"	7	8"
99	(Symbol)	Leucaena	Blackwood	45-60"	7	8"
100	(Symbol)	Leucaena	Blackwood	45-60"	7	8"



**REQUIRE LANDSCAPE TREES**  
 SIZE = 3.2 AC - 1.0 AC (PATIO) = 7 TREES  
 1 SHADE TREE PER ZONE (PARKING LOT) = 122 SHADE TREES REQUIRED: 56 NEW + EXISTING PROVIDED  
 RE-PLANT UNDERSTORY TREES AT RATES: FOUNDATION = 50% (CAN) UNDER STORY TREES RE-PLANT: 40 NEW PROVIDED  
 EXISTING LANDSCAPE BUFFERS TO REMAIN. REQUIRES A TOTAL OF 61 SHADE TREES + 104 UNDERSTORY TREES

<b>VERLANDER</b> Landscape Architecture, LLC 705 S. Tenth Avenue, Suite 101 Alhambra, CA 91803 Phone: (626) 444-1111 Fax: (626) 444-1112 Website: www.verlander.com		<b>LANDSCAPE PLAN</b> TUSCAN RESERVE APARTMENTS PALM COAST, FL	
DATE: 10/11/11 BY: PJK CHECKED: PJK APPROVED: PJK	REVISIONS NO. DESCRIPTION 1.	PROJ. NO.: 1920 SCALE: 1"=40'-0" DATE: 5-6-11 SHEET NO.: <b>LA-1</b>	PAUL VERLANDER, P.E. LICENSE NO. 12458 LANDSCAPE ARCHITECT



MATCHLINE HS-2  
 MATCHLINE HS-1

MATCHLINE HS-2  
 MATCHLINE HS-1

TUSCAN RESERVE DRIVE

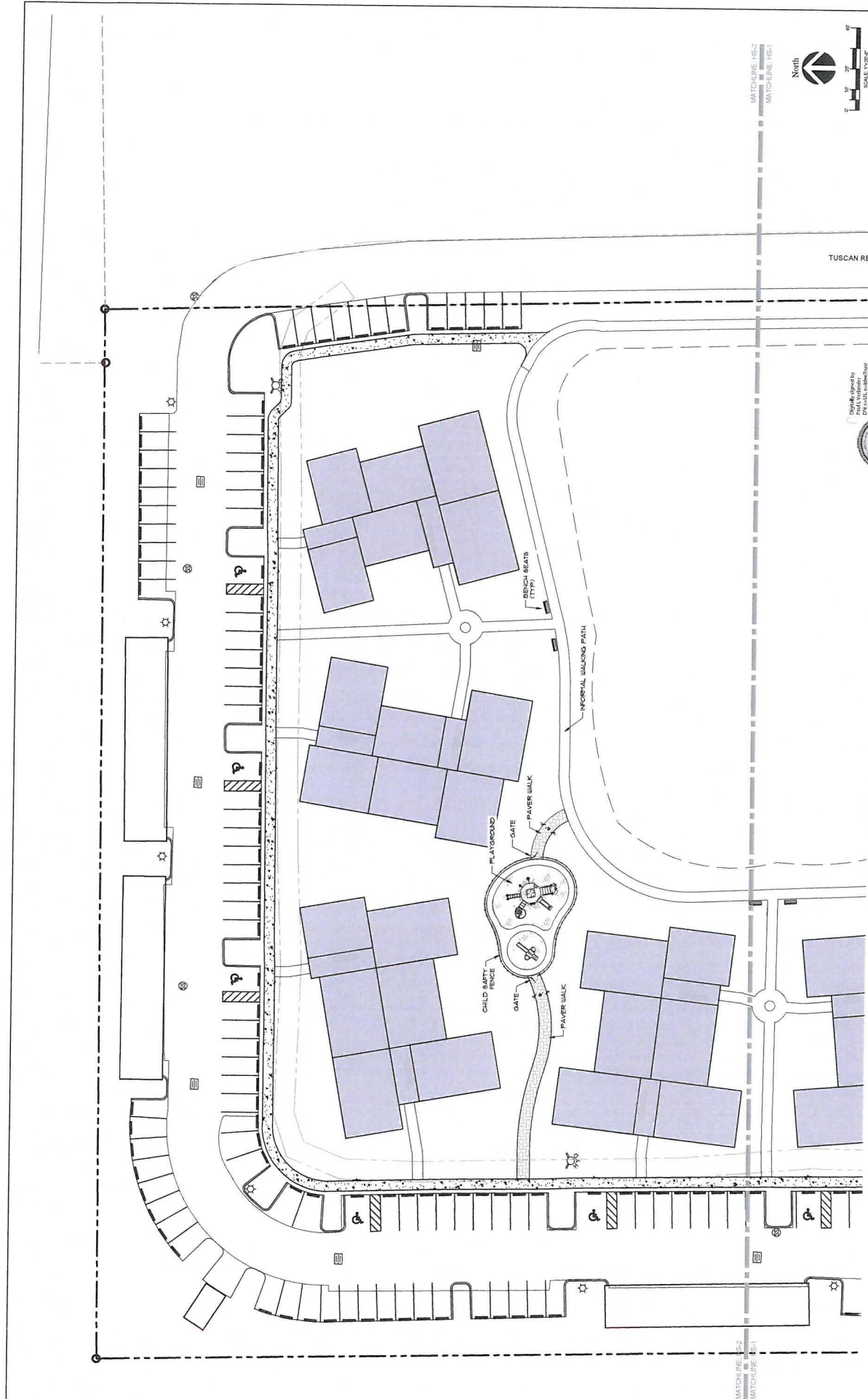
Dog Park Property  
 4211 US Highway 90  
 Palm Beach Gardens, FL 33418  
 Phone: (561) 992-0000  
 Fax: (561) 992-0000  
 Email: info@dogpark.com

PROJECT NO.: 1920  
 SCALE: 1"=20'-0"  
 DATE: 5-6-19  
 SHEET NO.: HS-1

**LANDSCAPE PLAN**  
**TUSCAN RESERVE APARTMENTS**  
 PALM COAST, FL

VERLANDER  
 Landscape Architecture, LLC  
 1975 Truscott Avenue, Suite 101  
 Palm Beach Gardens, FL 33418  
 Phone: (561) 944-8414  
 Email: paul@verlander.com  
 Website: www.verlander.com

DATE	BY	DESCRIPTION
XXX	PLV	XXXXX



PROJ. NO.: 1920  
 SCALE: 1/8" = 1'-0"  
 DATE: 5-6-19  
 SHEET NO.: **HS-2**

**LANDSCAPE PLAN**  
**TUSCAN RESERVE**  
**APARTMENTS**

PAUL L. VERLANDER, LLC  
 Landscape Architects  
 14400 Biscayne Blvd, Suite 100  
 Biscayne Park, FL 33178  
 Phone: (305) 486-1111  
 Fax: (305) 486-1112  
 Website: www.verlander.com



**VERLANDER**  
 Landscape Architecture, LLC  
 370 Tusculum Avenue, Suite 101  
 Tampa, Florida, FL 33609  
 Phone: (813) 944-4414  
 Fax: (813) 944-4414  
 Website: www.verlander.com

DATE	BY	REVISIONS	DESCRIPTION

# **EXHIBIT “5”**

## **EMERGENCY ACCESS EASEMENT**

**A MAP SHOWING A SKETCH OF DESCRIPTION  
LYING IN LOT 1,  
TOWN CENTER PHASE 3 - BROOKHAVEN AT TOWN CENTER  
MAP BOOK 36, PAGE(S) 50 - 56  
FLAGLER COUNTY, FLORIDA**

**DESCRIPTION:**

FOR A POINT OF REFERENCE COMMENCE AT THE SOUTHEASTERLY CORNER OF LOT 1, TOWN CENTER PHASE 3 - BROOKHAVEN AT TOWN CENTER AS RECORDED IN MAP BOOK 36, PAGE(S) 50 THROUGH 56 OF THE PUBLIC RECORDS OF FLAGLER COUNTY FLORIDA; THENCE NORTH 02°08'49" WEST, ALONG THE EAST LINE OF SAID LOT 1, A DISTANCE OF 156.72 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 89°26'45" WEST, LEAVING SAID EAST LINE OF LOT 1, A DISTANCE OF 140.49 FEET TO THE BEGINNING OF A CURVE, CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 72.00 FEET AND A CHORD BEARING AND DISTANCE OF NORTH 66°37'59" WEST, 58.39 FEET; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 47°50'32", AN ARC LENGTH OF 60.12 FEET; THENCE NORTH 42°42'44" WEST, A DISTANCE OF 33.06 FEET TO A POINT ON A CURVE, CONCAVE TO THE NORTHWEST, HAVING A RADIUS OF 135.00 FEET AND A CHORD BEARING AND DISTANCE OF NORTH 41°32'01" EAST, 20.10 FEET; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 08°32'21", AN ARC LENGTH OF 20.12 FEET; THENCE SOUTH 42°42'44" EAST, A DISTANCE OF 35.08 FEET TO THE BEGINNING OF A CURVE, CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 52.00 FEET AND A CHORD BEARING AND DISTANCE OF SOUTH 66°37'58" EAST, 42.17 FEET; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 47°50'28", AN ARC LENGTH OF 43.42 FEET; THENCE NORTH 89°26'48" EAST, A DISTANCE OF 139.94 FEET TO THE EAST LINE OF AFOREMENTIONED LOT 1; THENCE SOUTH 02°08'49" EAST, ALONG SAID EAST LINE OF LOT 1, A DISTANCE OF 20.01 FEET TO THE POINT OF BEGINNING.

CONTAINING 4515 SQUARE FEET OR 0.10 ACRES, MORE OR LESS.

**GENERAL NOTES:**

- 1.) BEARINGS SHOWN HEREON ARE BASED ON THE THAT CERTAIN PLAT OF "TOWN CENTER PHASE 3 - BROOKHAVEN AT TOWN CENTER" AS RECORDED IN MAP BOOK 36, PAGE(S) 50 THROUGH 56 OF THE PUBLIC RECORDS OF FLAGLER COUNTY FLORIDA. BEARINGS ARE REFERENCED TO THE EASTERLY LINE OF LOT 1 OF AFOREMENTIONED PLAT. BEARING BEING N 02°08'49" W.
- 2.) THIS SKETCH AND DESCRIPTION WAS PREPARED WITHOUT BENEFIT OF ABSTRACT OR SEARCH OF TITLE, AND THE UNDERSIGNED AND R.D. RICHARDS SURVEYING, INC., MAKE NO CERTIFICATIONS REGARDING INFORMATION SHOWN OR NOT SHOWN HEREON PERTAINING TO EASEMENTS, RIGHTS OF WAY, SETBACK LINES, OVERLAPS, BOUNDARY LINE DISPUTES, AGREEMENTS, RESERVATIONS OR OTHER SIMILAR MATTERS WHICH MAY APPEAR IN THE ABSTRACT, OR SEARCH OF TITLE.
- 3.) THERE MAY BE OTHER MATTERS, PUBLIC AND/OR PRIVATE, AFFECTING THIS PROPERTY NOT KNOWN TO THIS SURVEYOR.
- 4.) THIS IS A TWO PAGE DOCUMENT AND NOT VALID UNLESS BOTH SHEETS ARE PRESENT.
- 5.) ATTENTION IS DIRECTED TO THE FACT THAT THIS DRAWING MAY HAVE BEEN REDUCED OR ENLARGED IN SIZE BY REPRODUCTION. THIS MUST BE CONSIDERED WHEN SCALING DATA.

ROBERT D. RICHARDS  
PROFESSIONAL SURVEYOR AND MAPPER  
FLORIDA CERT. #5790

"NOT VALID WITHOUT THE SIGNATURE  
AND THE RAISED SEAL OF A FLORIDA  
LICENSED SURVEYOR AND MAPPER"

**SHEET 1 OF 2**

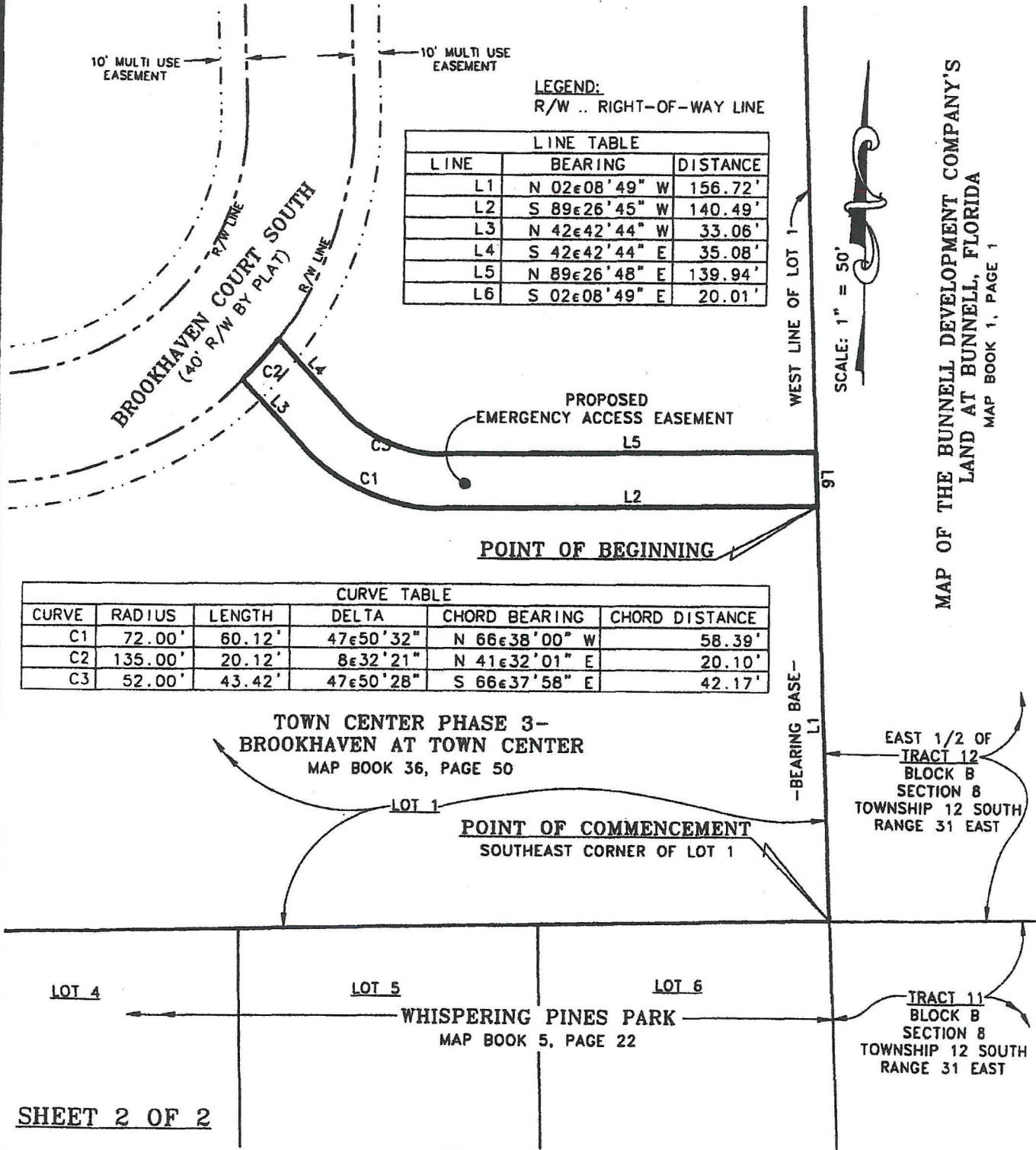
**R.D. RICHARDS SURVEYING, INC.**  
PROFESSIONAL SURVEYING & MAPPING

8567 C. R. 13 NORTH  
SAINT AUGUSTINE, FL 32092  
LICENSED BUSINESS NO. 7397

PHONE: (904) 940-0721  
FAX: (904) 940-5896

FIELD WORK: NA      FIELD FILE: NA      JOB NO.: 12-107.2      DRAWING: 12-107EASE.DWG

**A MAP SHOWING A SKETCH OF DESCRIPTION**  
 LYING IN LOT 1,  
 TOWN CENTER PHASE 3 - BROOKHAVEN AT TOWN CENTER  
 MAP BOOK 36, PAGE(S) 50 - 56  
 FLAGLER COUNTY, FLORIDA



**LEGEND:**  
 R/W .. RIGHT-OF-WAY LINE

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N 02°08'49" W	156.72'
L2	S 89°26'45" W	140.49'
L3	N 42°42'44" W	33.06'
L4	S 42°42'44" E	35.08'
L5	N 89°26'48" E	139.94'
L6	S 02°08'49" E	20.01'

CURVE TABLE					
CURVE	RADIUS	LENGTH	DELTA	CHORD BEARING	CHORD DISTANCE
C1	72.00'	60.12'	47°50'32"	N 66°38'00" W	58.39'
C2	135.00'	20.12'	8°32'21"	N 41°32'01" E	20.10'
C3	52.00'	43.42'	47°50'28"	S 66°37'58" E	42.17'

**TOWN CENTER PHASE 3-  
 BROOKHAVEN AT TOWN CENTER**  
 MAP BOOK 36, PAGE 50

EAST 1/2 OF  
**TRACT 12**  
 BLOCK B  
 SECTION 8  
 TOWNSHIP 12 SOUTH  
 RANGE 31 EAST

**POINT OF COMMENCEMENT**  
 SOUTHEAST CORNER OF LOT 1

**TRACT 11**  
 BLOCK B  
 SECTION 8  
 TOWNSHIP 12 SOUTH  
 RANGE 31 EAST

LOT 4

LOT 5

LOT 6

**WHISPERING PINES PARK**  
 MAP BOOK 5, PAGE 22

**SHEET 2 OF 2**

**R.D. RICHARDS SURVEYING, INC.**  
 PROFESSIONAL SURVEYING & MAPPING

8567 C. R. 13 NORTH  
 SAINT AUGUSTINE, FL 32082  
 LICENSED BUSINESS NO. 7397  
 PHONE: (904) 940-0721  
 FAX: (904) 940-5896

FIELD WORK: NA      FIELD FILE: NA      JOB NO.: 12-107.2      DRAWING: 12-107EASE.DWG

# **EXHIBIT “6”**

## **SIGN EASEMENT**

An easement lying in Section 8, Township 12 South, Range 31 East, Flagler County, Florida, being more particularly described as follows:

**COMMENCE** a the Southwest corner of said Section 8, thence proceed North 01°13'43" West, along the West line of Section 8, a distance of 2542.14 Feet to the intersection of the Westerly one-quarter (1/4) corner of Section 8 and the Centerline of Section 8; thence North 89°09'25" East along said Centerline a distance of 2704.29 feet to the center of Section 8, thence North 02°26'27" West along the Centerline of Section 8, a distance of 38.28 feet to the intersection of the Centerline of Section 8 with the Northerly Right-of-Way line of State Road 100; thence North 89°09'05" East along said North Right-of-Way line a distance of 25.01 feet; thence leaving said North Right-of-Way line North 02°26'27" West, a distance of 20.00 feet to a Point on the North line of a 20.00 foot wide F.D.O.T acquisition (said acquisition being 20.00 feet northerly of and parallel to the North Right-of-Way line of State Road 100) and to the **POINT OF BEGINNING**; thence North 02°26'27" West, along the East line of a 50.00 foot wide road easement a distance of 36.01 feet; thence North 89°09'05" East, a distance of 29.00 feet, thence South 00°50'55" East, a distance of 36.00 feet to said North line of F.D.O.T. acquisition; thence South 89°09'05" West, along said North line a distance of 28.00 feet to the **POINT OF BEGINNING**.

Containing 1026.00 square feet (0.02 acres) more or less.



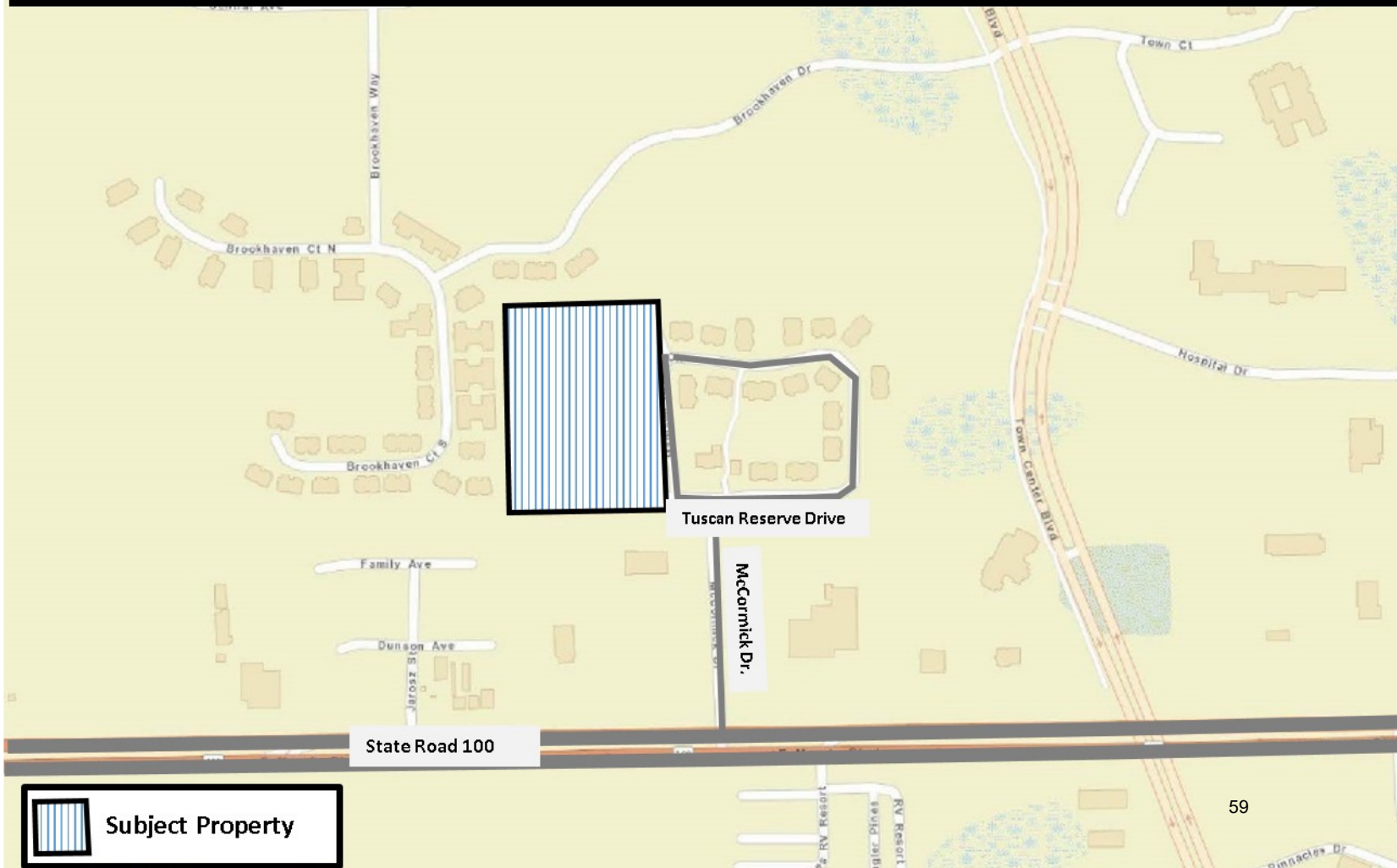
# **EXHIBIT “7”**

## **CONCEPTUAL ELEVATION**



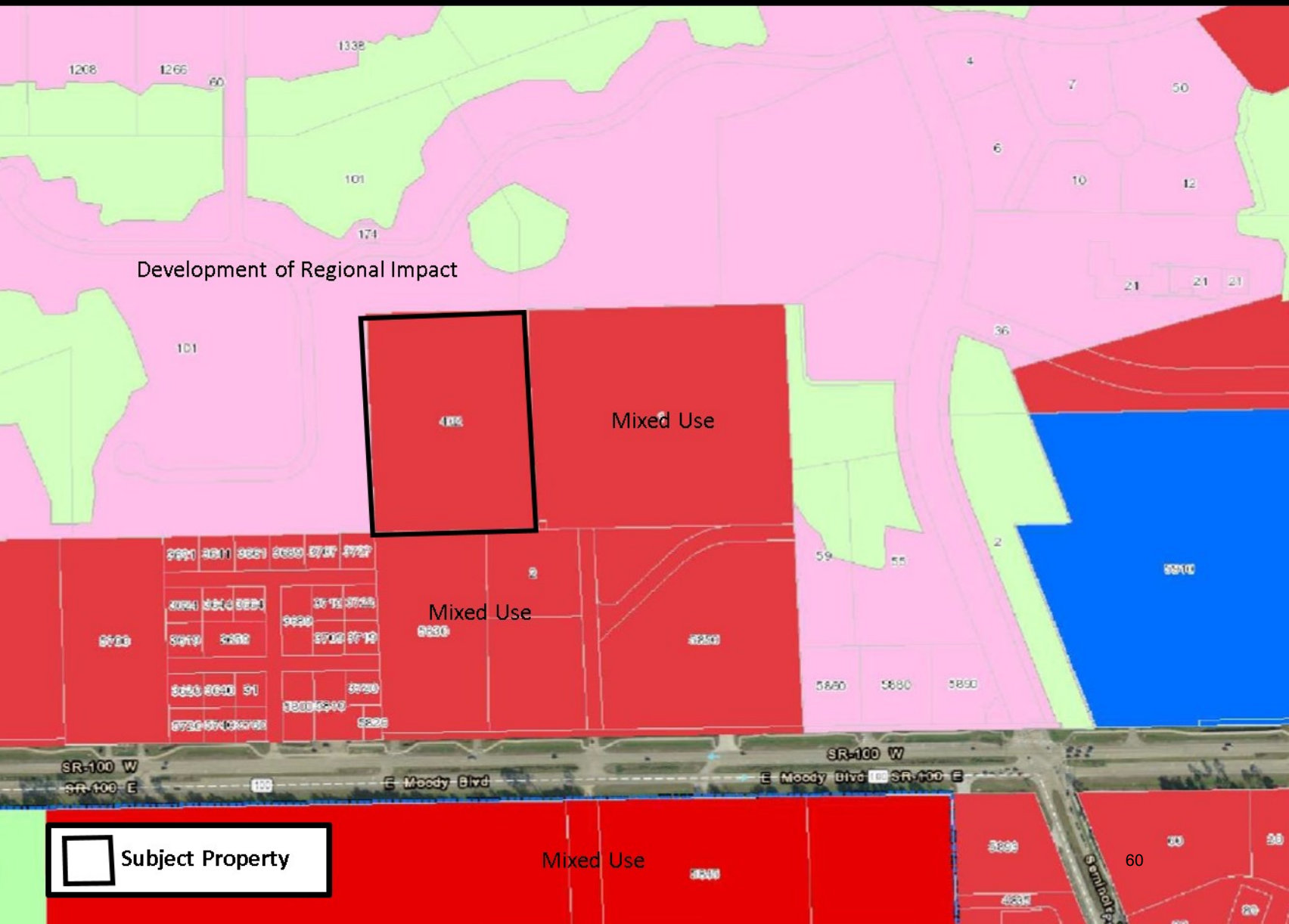
Conceptual Elevation  
SCALE: 3/32" = 1'-0"

# LOCATION MAP – TUSCAN RESERVE AMENDMENT

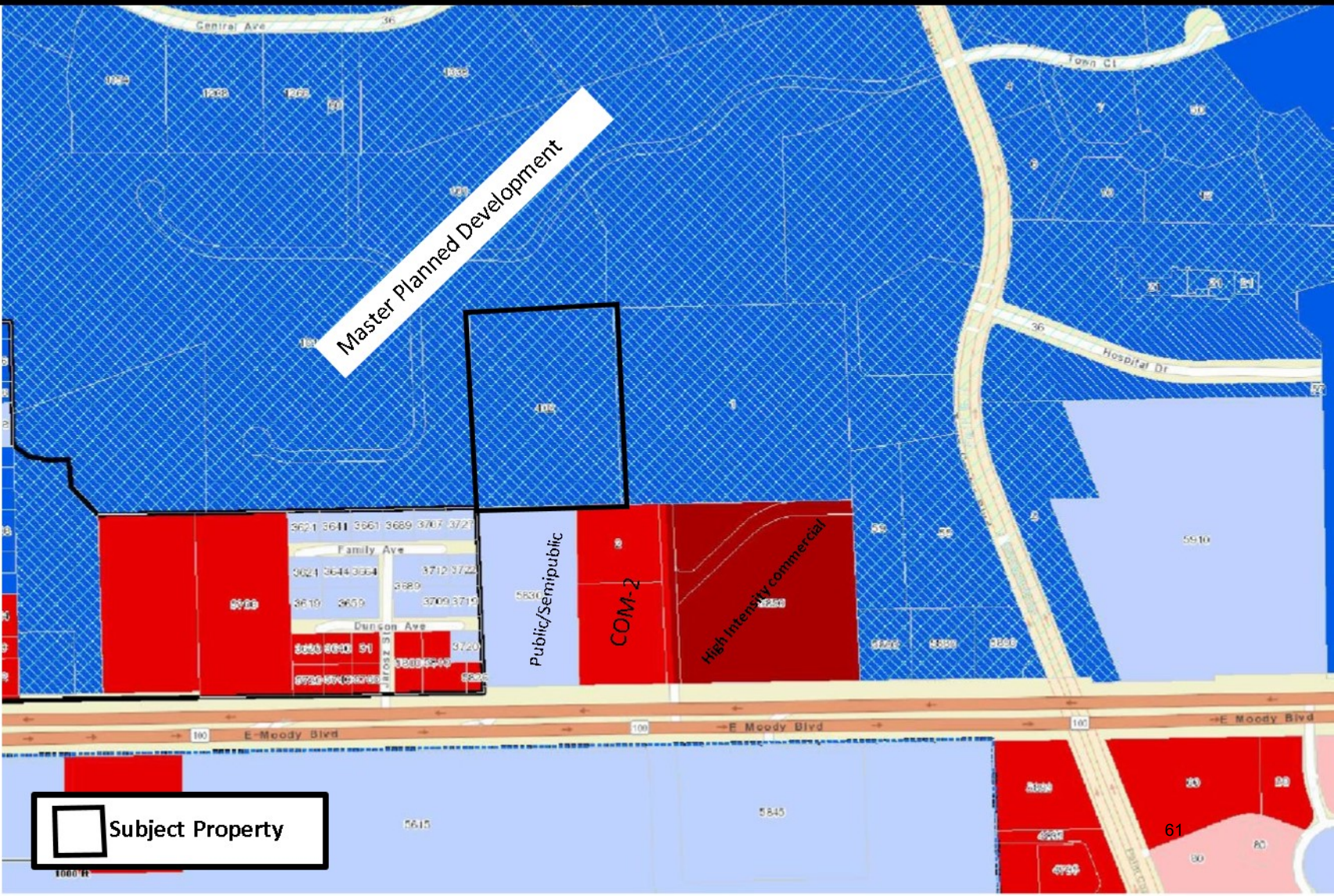


 Subject Property

# CURRENT FLUM – TUSCAN RESERVE AMENDMENT



# CURRENT ZONING – TUSCAN RESERVE AMENDMENT



 Subject Property

Ref: 4826.01

## TECHNICAL MEMORANDUM

**To:** Brandon Rosser  
**From:** Matthew West, AICP  
**Subject:** Tuscan Reserve MPD Modification – Palm Coast, FL  
**Date:** May 2, 2019

### INTRODUCTION

LTG, Inc. (LTG) has been retained by Stoneweg US, LLC to prepare a traffic analysis in support of amending the existing Master Planned Development (MPD). The modification will increase the number of Multi-Family Mid-Rise dwelling units from the currently approved number of 115 to a proposed 123. The subject property is located on Tuscan Reserve Drive north of SR 100 in the City of Palm Coast, Florida.

The methodology and procedures used in this analysis are consistent with the guidelines for the River to Sea Transportation Planning Organization’s Traffic Impact Analysis Guidelines.

### TRIP GENERATION FOR THE EXISTING VS PROPOSED MPD

The trip generation for the maximum development scenarios for both the existing MPD and the proposed MPD designations were calculated using the nationally accepted trip generation software, *TripGen* (10<sup>th</sup> Edition), prepared by the Institute of Transportation Engineers (ITE).

The analysis is based on the existing zoning designation of MPD. The previously approved development program for the development includes 115 Multi-Family Mid-Rise dwelling units. As indicated in Table 1, the maximum development of the property under the existing MPD zoning is 51 gross p.m. peak-hour trips.

Next the maximum development potential of the amended MPD zoning was calculated. As proposed, the development program increases the number of dwelling units to 123. As indicated in Table 1, the proposed Future Land Use Map (FLUM) amendment potentially produces an estimated 54 gross p.m. peak-hour trips.

**Table 1  
 Daily and P.M. Peak-Hour Trip Generation Comparison  
 Tuscan Reserve – Rezoning**

	Designation	Time Period	Land Use	Land Use Code	Trip Rate Equation	Size	Units	Percent Entering	Percent Exiting	Trips Entering	Trips Exiting	Total Trips
Existing Zoning	MPD	Daily	Multi-Family Housing (Mid-Rise)	221	$T = 5.45(X) - 1.75$	115	DU	50%	50%	313	313	625
		PM Peak-Hour			$T = 0.44(X)$			61%	39%	31	20	51
Proposed Zoning	MPD	Daily	Multi-Family Housing (Mid-Rise)	221	$T = 5.45(X) - 1.75$	123	DU	50%	50%	335	335	669
		PM Peak-Hour			$T = 0.44(X)$			61%	39%	33	21	54

The net change between the proposed zoning and the existing zoning designation is determined by subtracting the trips generated by the original MPD designation from the trips generated by the proposed MPD zoning. The proposed MPD zoning will potentially increase the p.m. peak-hour trips by 3 when compared to the existing MPD zoning. As indicated in Table 2, the net trip difference is less than a ten percent (10%) increase for both the number of daily trips and p.m. peak-hour trips, therefore further analysis is not required for the rezoning.

**Table 2**  
**Daily and P.M. Peak-Hour Trip Difference**  
**Tuscan Reserve – Rezoning**

<b>Time Period</b>	<b>Net Trip Difference</b>	<b>Percent Increase</b>
Daily	44	7.0%
PM Peak-Hour	3	5.9%

**CONCLUSION**

The study was conducted to evaluate the impact the proposed rezoning would have on area roadways. Based on this analysis, the net increase in potential traffic over what is currently approved will not exceed ten percent (10%). Therefore, this rezoning application is recommended for adoption. Concurrency and any required mitigation to support a proposed development plan will be assessed in greater detail during the final development permitting process.

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I affirm, by affixing my signature below, that the findings contained herein are, to my knowledge, accurate and truthful and were developed using current procedures standard to the practice of professional planning.

Name: Matthew West, AICP

Signature: 

Date: May 2, 2019

# City of Palm Coast, Florida Agenda Item

Agenda Date: June12, 2019

<b>Department</b>	PLANNING	<b>Amount</b>	
<b>Item Key</b>	6699	<b>Account</b>	
		<b>#</b>	
<b>Subject</b>	ORDINANCE 2019-XX FUTURE LAND USE MAP AMENDMENT FOR 2.8+/- ACRE PARCEL LOCATED 250' NORTHWEST OF OLD KINGS ROAD EXTENSION AND MATANZAS WOODS PARKWAY INTERSECTION FROM CONSERVATION TO GREENBELT		
<b>Background:</b>	<p>The subject parcel is currently owned by Flagler County. The applicant, Advent-Health intends to use a 6.5+/- acre parcel to develop a Hospital Base Emergency Dept. (HBED). The applicant has submitted an application to amend the Future Land Use Map (FLUM) designation of 2.8+/- acre area within the 6.5+/- acre site for the HBED from Conservation to Greenbelt.</p> <p>The proposed amendment was reviewed for the following:</p> <p><b>Public Facilities Impacts.</b> An analysis of the proposed amendment's impacts on public facilities and infrastructure does not indicate significant impacts to public facilities (i.e. the impacts do not exceed the accepted Level of Service). Additionally, the impacts will be reviewed in greater detail during the site plan review process.</p> <p><b>Environmental Resource Impacts.</b> The analysis indicates that the proposed change from "Conservation" to "Greenbelt" is consistent with the Comprehensive Plan based on jurisdictional authority United States Army Corp. of Engineers will issue "Notice of Intent to Permit" – therefore areas are not regulated as wetland areas) and additional wetland areas are deemed to be of "moderate" quality.</p> <p><b>Surrounding Land Use.</b> The proposed FLUM designation is consistent with the surrounding areas FLUM designation.</p> <p><b>Consistency with Comprehensive Plan.</b> 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>• Objective and Policy to promote compact and contiguous development.</li> <li>• Promoting development in areas with availability of public service and infrastructure.</li> <li>• Creating employment centers and jobs near transportation corridors and neighborhoods.</li> <li>• Providing for appropriate balance of various land uses.</li> </ul> <p><b>Neighborhood Meeting</b></p> <p>Consistent with the Land Development Code, an applicant may request a waiver of the NIM and such a waiver may be granted by the Land Use Administrator. The NIM requirement was waived since the three land owners within 300' of the subject property were the City of Palm Coast, the FDOT, and Matanzas Holdings LLC (the agent for the application is also the representative for Matanzas Holdings LLC).</p>		



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



**COMMUNITY DEVELOPMENT DEPARTMENT  
STAFF REPORT  
June 12, 2019**

**OVERVIEW**

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**Application #:** 3981

**Applicant:** Curt Wimpee, Alliant Engineering Inc.

**Property Description:**

**Property Owner:** Flagler County Board of County Commissioners  
**Location:** 2355 Matanzas Woods Pkwy.  
**Real Estate ID #:** 26-10-30-0000-01020-0010  
**Current FLUM designation:** Conservation  
**Current Zoning designation:** Public/Semipublic  
**Current Use:** Vacant  
**Size of subject property:** 2.8 +/- acres (6.5+/- acre parent parcel)

**Requested Action:** Future Land Use Map (FLUM) amendment for 2.8+/- acre parcel from Conservation to Greenbelt

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

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

**ANALYSIS**

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**Background**

The subject parcel is currently owned by Flagler County. The applicant Advent-Health intends to use a 6.5+/- acre parcel to develop a Hospital Base Emergency Dept. (HBED). The applicant has submitted an application to amend the Future Land Use Map (FLUM) designation of 2.8+/- acre area within the 6.5+/- acre site for the HBED from Conservation to Greenbelt.

**DENSITY/INTENSITY AND POPULATION**

The proposed FLUM of Greenbelt permits a maximum Floor to Area Ratio (FAR) intensity of .30 and a maximum density of 1 dwelling unit/acre. The current FLUM of Conservation does not permit development. The proposed FLUM will result in a net increase of 36,068 sq. ft. of non-residential development or a net increase of 2 dwelling units (See Table 1 and 1a).

TABLE 1 - FLUM DESIGNATION MAXIMUM DENSITY/INTENSITY ALLOWED (NON-RESIDENTIAL USE)			
	# of Acres	Maximum FAR	Maximum Sq. Ft. <sup>(1)</sup>
Proposed FLUM: Greenbelt	2.76	0.30	36068
Current FLUM: Conservation	2.76	0.00	0
<b>NET CHANGE</b>		Increase	36068
<i>Footnotes:</i>			
<sup>(1)</sup> Max Sq. Ft. = # of Acres X Max. FAR X 43560 sq.ft/acre			

TABLE 1a - FLUM DESIGNATION MAXIMUM DENSITY/INTENSITY ALLOWED (RESIDENTIAL USE)			
	# of Acres	Maximum Density	Maximum # of units <sup>(1)</sup>
Proposed FLUM: Greenbelt	2.76	1 unit/acre	3
Current FLUM: Conservation	2.76	0 unit/acre	0
<b>NET CHANGE</b>		Increase	2.8
<i>Footnotes:</i>			
<sup>(1)</sup> Max. # of units = # of Acres X Maximum Density			

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

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

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

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

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

The current FLUM designation of Conservation does not permit considerable development therefore there is no maximum density or intensity provided. The proposed Greenbelt designation permits a maximum residential density of 1 dwelling units/acre and a maximum FAR of .30 of Public/semipublic use. The public facility impact analysis based on the maximum non-residential and residential development potential is provided in below in Table 2.

**Table 2 Public Facilities Impact Analysis**

Density <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 - Greenbelt (2.76 acres)</b>								
Max Non-residential Use-.30 FAR of Hospital Use	36,068	215	6,132	3,607	--	--	--	N/A
	<b>Total</b>	215	6132	3607	--	--	--	N/A
<b>Current FLUM designation - Conservation (2.76 acres)</b>								
Max. Residential or Non-residential Use - No Development permitted	0	0	0	0	0	0	0	N/A
	<b>Total</b>	0	0	0	0	0	0	
<b>Net Change</b>		<b>215</b>	<b>6,132</b>	<b>3,607</b>	<b>--</b>	<b>--</b>	<b>--</b>	<b>N/A</b>

**Footnotes:**

- <sup>(1)</sup> Calculation of Density: Lot Size (acre)\*# of units/acre
- <sup>(1)</sup> Calculation of Intensity: Lot Size (acre)\*43560\*FAR
- <sup>(2)</sup> Transportation: Non-residential PM Peak Hour Trips (PHT), Greenbelt Use = ITE Code 610: Hospital, based on trip generation per formula  $T= .78(x)+186.59$  in ITETrip, Generation Manual, 8th Edition, X= 1000 sq. ft. Gross Floor Area
- <sup>(3)</sup> Potable Water: Residential = # of units\*2.4\*125 gallons/capita/day
- <sup>(3)</sup> Potable Water: Commercial = 17 gpd/100 sq. ft.
- <sup>(4)</sup> Wastewater: Residential = # of units\*2.4\*82 gallons/capita/day
- <sup>(4)</sup> Wastewater: Commercial = 10 gpd/100 sq. ft.
- <sup>(5)</sup> Solid Waste: Residential Demand = # of units\*2.40\*8.61 lbs/capita/day
- <sup>(5)</sup> Solid Waste: No Level of Service Requirement for Non-residential
- <sup>(6)</sup> Recreation and Parks: Residential Demand = # of units \* 2.40 \*8 acres/1000 persons
- <sup>(6)</sup> Recreation and Parks = No LOS Requirement for Non-residential
- <sup>(7)</sup> Public Education Residential: = Based on multiplier provided by Flagler County School District. See Table 3.
- <sup>(7)</sup> Public Education Non-Residential = No LOS Requirement for Non-residential
- <sup>(8)</sup> Stormwater/Drainage: Stormwater Treatment will be reviewed for consistency with adopted LOS, during site plan approval process.

**Public Facilities Impact Analysis**

**Transportation**

The proposed FLUM amendment will have a maximum potential net increase of 215 pm peak hour trips. Matanzas Woods Parkway between US-1 and Palm Harbor Pkwy. currently operates at a Level of Service of "C". Old Kings Rd. between Matanzas Woods Pkwy. and Palm Coast Pkwy. currently operates at a Level of Service between "B" and "C". The potential net increase from this amendment does not bring the Level of Service on roadways below the adopted standard of "D". It should be noted that as part of the site plan review process, a traffic impact study which includes all proposed development on the subject parcel, will be completed and this analysis will include recommendations for operational improvements (traffic signals, turn lanes, etc.).

**Potable Water**

The proposed FLUM amendment will have a maximum potential net increase in demand for potable water of .0061 MGD. Water Treatment Plants #1, 2, & 3 have a combined treatment capacity of 16.58 MGD and a current treatment demand of 11.49 MGD (based on Comprehensive Plan LOS standards). The potential net impact may be accommodated by the existing water treatment plant capacity. During the site plan review process, additional analysis will be conducted to ensure the adequacy of water lines and treatment capacity to serve a proposed development.

**Wastewater**

The proposed FLUM amendment will have a maximum potential net increase in demand for sanitary sewer treatment of .003 MGD. Wastewater Treatment Plants #1 and 2 currently have a treatment capacity of 8.83 MGD and a current treatment demand of 8.08 MGD (based on Comprehensive Plan LOS standards). The potential net impact may be accommodated by the existing wastewater treatment plant capacity. During the site plan review process, additional analysis will be conducted to ensure the adequacy of water lines and treatment capacity to serve a proposed development.

**Solid Waste**

Although the proposed designation of Greenbelt allows residential uses (1 unit/acre), the proposed amendment was analyzed for non-residential impacts only. As previously provided above, the change could yield a theoretical maximum of 2 dwelling units which produces approximately 41 lbs./day.

**Public Recreation and Open Space**

As previously stated, the amendment was analyzed for non-residential impacts only. An additional 2 dwelling units will have a minimal net impact on park facilities. The subject site's development for non-residential use will not have an impact on park facilities.

**Public Schools**

As previously stated, the amendment was analyzed for non-residential impacts only. An additional 2 dwelling units will have a minimal net impact on school facilities. The subject site's development for non-residential use will not have an impact on school facilities.

**Stormwater**

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

**ANALYSIS:** A detailed analysis of the proposed FLUM amendment on the Environmental/Cultural Resources was conducted by the City’s Environmental Resource Team and is provided as an attachment to this staff report. The conclusion from the analysis is a finding that the proposed change from “Conservation” to “Greenbelt” is consistent with the Comprehensive Plan based on jurisdictional authority and associated wetland quality determination.

### 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: Greenbelt & Conservation  
 South: Greenbelt & Conservation  
 East: Conservation  
 West: Greenbelt & Conservation

#### Surrounding Zoning Designation:

North: Public/Semipublic  
 South: Public/Semipublic  
 East: Public/Semipublic  
 West: Public/Semipublic

#### Surrounding Property Existing Uses:

North: Vacant  
 South: Vacant  
 East: Vacant  
 West: Vacant

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

### CONSISTENCY WITH COMPREHENSIVE PLAN

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

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

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

**Analysis:** Consistent with Objective 1.1.4 and Policy 1.1.4.5, the subject parcel is contiguous to the developing areas of the City and does not promote urban sprawl. The site is located along a developing corridor of the City (Matanzas Woods Pkwy.) and sits between I-95 and Old Kings Rd. The subject parcel's location will provide a service not previously available to northeast section of the City.

*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 amendment is consistent with Policy 1.3.1.1, the public facilities impacts can be accommodated by the existing infrastructure capacity. Any need to extend water or wastewater mains to the facility will be the responsibility of the developer/property owner.

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

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

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

#### **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).

Consistent with the Land Development Code, an applicant may request a waiver of the NIM and such a waiver may be granted by the Land Use Administrator.

#### **RECOMMENDATION**

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



**ENVIRONMENTAL/CULTURAL RESOURCES ANALYSIS**

**FOR**

**FUTURE LAND USE MAP AMENDMENT**



## A. TOPOGRAPHY AND SOIL CONDITIONS

The Matanzas HBED (Hospital Base Emergency Department), measuring approximately 6.43 acres, is vacant and consists of uplands, wetlands, and surface waters. Further description of these features is detailed in the Section C, Vegetative Communities. According to the Atlantic Ecological Services (AES) onsite assessment conducted in December of 2018, the following section provides the onsite listed soil types and appear consistent with the existing conditions:

### 3.0 SOILS

A discussion of each soil type present on the subject property is documented below. Please see the attached Soils Map within Appendix I for the location of each soil type.

*Samsula and Hontoon Soils, Depressional (3)* – This is a very deep, nearly level, poorly drained soil found in depressions in the flatwoods. Individual areas are circular to irregular in shape and range from 3 to 6,000 acres. The undrained areas of this map unit are ponded, as much as 24 inches of water is above the surface for 6 months or more except during extended dry periods.

*Hicoria, Riviera, and Gator Soils, Depressional (8)* – This is a very deep, nearly level, poorly drained soil found in depressions in the flatwoods. Individual areas are circular to irregular in shape and range from 3 to 1,500 acres. The undrained areas of this map unit are ponded, as much as 24 inches of water is above the surface for 6 months or more except during extended dry periods.

*Valkaria-Smyrna Complex (18)* – This is a very deep, nearly level, poorly drained soil on flatwoods. Areas in this soil are irregular and range from 40 to 300 acres. The seasonal high water table is at a depth of 6 to 18 inches for 1 to 4 months of the year. It is at a depth of 10 to 40 inches or more during extended dry periods.

*Smyrna Fine Sand (21)* – This is a very deep, nearly level, poorly drained soil on flatwoods. Areas in this soil are narrow and irregular and range from 4 to 400 acres. The seasonal high water table is at a depth of 6 to 18 inches for 1 to 4 months of the year. It is at a depth of 10 to 40 inches or more during extended dry periods.

**Analysis:** Development may result in some impacts to on-site hydrology. Due to the soils found onsite it is clear that the property holds standing water for a large portion of the year. With the proposed FLUM change, development would alter the natural hydrology that currently exists. Potential impacts resulting from improvements will be evaluated pursuant to the development standards of the Land Development Code.

## B. FLOODPLAIN

Federal Emergency Management Agency's (FEMA), Flood Insurance Rate Map (FIRM) source indicates that a portion of the west and east sides of the property may lie within an Approximate "A" Zone. The middle portion of the property lies within an "X" Zone.

**Analysis:** According to the information provided, approximately three quarters of the property is outside the Special Flood Hazard Area. However, it appears that an Approximate "A" Zone does exist within the project boundaries. Any proposed development will comply with the City's FEMA approved Floodplain regulations.

## C. VEGETATIVE COMMUNITIES

The subject property is comprised of the following vegetative communities as described in the AES assessment and summarized below:

### Uplands

Pine Plantation (FLUCCS 441) – The uplands found on the subject property are considered pine plantation. Evidence of row planting was identified across the site. This habitat community is approximately 3.13 acres in total size. The canopy is dominated by slash pine (*Pinus ellioottii*). The understory is dominated by a thick cover of saw palmetto (*Serenoa repens*). Other species found, but at a much lesser extent, include gallberry (*Ilex glabra*), yaupon holly (*Ilex vomitoria*), and bracken fern (*Pteridium aquilinum*).

### Wetlands – USACE Jurisdictional Only (Not Regulated by City of Palm Coast)

Hydric Pine Flatwoods (FLUCCS 625) – A hydric flatwoods depressional wetland (pine plantation wetland) is found throughout the center of the project area connecting to larger cypress systems found offsite to the east and west of the subject property. This wetland habitat comprises approximately 3.22 acres in total area on the subject property. The habitat is consistent with the upland pine plantation (FLUCCS 441) habitat, though with less saw palmetto and the inclusion of the wetland canopy species such as red maple (*Acer rubrum*), and loblolly bay (*Gordonia lasianthus*). The understory includes species such as dahoon holly (*Ilex cassine*) and Carolina willow (*Salix caroliniana*), and herbaceous species such as sawgrass (*Cladium jamaicense*), Virginia chainger (*Woodwardia virginica*), primrose willow (*Ludwigia peruviana*), shiny lyonia (*Lyonia lucida*), beakrush (*Rhynchospora* spp.), and yellow-eyed grass (*Xyris* spp.).

### Surface Waters

Ditches (FLUCCS 513) – A man-made roadside ditch is located along the cell tower access road, approximately 0.08 acre is located within the subject property.

**Analysis:** Four (4) main policies from the Comprehensive Plan Conservation and Coastal Management element apply to the proposed FLUM change from Conservation to Greenbelt that includes 6.1.9.1, 6.1.9.9, 6.1.10.6, and 6.1.10.9. Each policy is described and discussed in the following section based on existing findings.

1. Policy 6.1.9.1 - The City shall continue enforcement of wetland protection through land development regulations to ensure effective protection of high quality, functional, and integrated wetland systems. Land development wetland regulations shall consider type, value, function, size, condition and location of wetland systems. The City shall permit appropriate mitigation requirements consistent with State regulatory requirements to allow regulatory permitted impacts to low-quality, isolated wetland systems if it is demonstrated that mitigation will promote infill development, discourage urban sprawl and improve the overall wetland function within the Northern Coastal Basin. Mitigation within the City shall be preferable to mitigation occurring outside of the City.
2. Policy 6.1.9.9 - The Conservation future land use designations shall be established on the FLUM to provide protection of wetland systems and other environmental sensitive lands. This FLUM designation provides for preservation of large interconnected high quality wetland systems and other high quality environmentally sensitive areas. Conservation areas are generally a minimum of 10 acres in size, with most being substantially larger. Other areas, which may be classified conservation, include natural water bodies and lakes, estuaries, oak hammocks and other large areas consisting of native vegetation areas, wildlife corridors, and aquifer recharge zones. Unlike most of the other land use designations that follow property lines, the boundaries of most areas assigned this land use designation have been drawn to encompass the environmentally sensitive area using best available aerial mapping data and will require field verification to determine wetland quality and boundaries with precision.
3. Policy 6.1.10.6 - The City shall protect its environmentally sensitive areas that include, but are not limited to, large interconnected wetland systems, by utilizing the Conservation land use designation. The Conservation land use designation, as well as the Preserving Zoning classification, shall be utilized by the City, as appropriate, for the purpose of protection high quality wetlands, lakes, designated hammock areas and other environmentally sensitive areas.
4. Policy 6.1.10.9 - The City shall consider the presence of environmentally sensitive lands in formulating all actions relating to development.

The AES report states that no jurisdictional wetlands of the State exist within the site according to grandfathered wetland methodologies termed “pre-Henderson” (pre-1984). The USACE jurisdictional wetlands, measuring approximately 3.22 acres, are of a moderate quality according to the preliminary Uniform Mitigation Assessment Methodology (UMAM) assessment. The applicant has been issued a Notice of Intent to Permit by the USACE; therefore, this wetland area is not regulated as wetlands by the State of Florida or the City of Palm Coast.

As noted in Policy 6.1.9.9, the Conservation designation “requires field verification to determine wetland quality and boundaries with provision”. Based on the findings noted herein, the proposed change from “Conservation” to “Greenbelt” is consistent with the referenced Policies based on jurisdictional authority and associated wetland quality determination.

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

The following section inventories protected animal species with associated likelihood of occurrence according to the referenced AES assessment.

Table 6.1.1: Protected wildlife species with the potential to occur on the Matanzas HBED project site, in Palm Coast, Flagler County, Florida.

Species Name	Common Name	Agency Listing		Likelihood of Occurrence	Habitat
		FWC	FWS/NMFS		
<i>Alligator mississippiensis</i>	American alligator	SSC	T(S/A)	Mod	Various aquatic habitats
<i>Aramus guarana</i>	Limpkin	SSC		Low	Swamps, forested floodplains, mangrove swamps & marshes
<i>Dendroica kirtlandii</i>	Kirtland's warbler	E	E	Low	Migrant, utilizing various terrestrial and palustrine habitats
<i>Drymarchon corais couperi</i>	Eastern indigo snake	T	T	Low	Wide variety of habitats
<i>Egretta caerulea</i>	Little blue heron	SSC		Mod	Marshes, ponds, lakes, meadows, streams & mangroves
<i>Egretta rufescens</i>	Reddish egret	SSC		Low	Marine and estuarine tidal swamps
<i>Egretta thula</i>	Snowy egret	SSC		Mod	Marshes, lakes, ponds and shallow, coastal habitats
<i>Egretta tricolor</i>	Tricolored heron	SSC		Mod	Marshes, ponds and rivers
<i>Eudocimus albus</i>	White ibis	SSC		Mod	Marshes, mangroves, lakes and estuaries
<i>Gopherus polyphemus</i>	Gopher tortoise	T		Low	Sandhills, scrub, hammocks, dry prairies, flatwoods, & ruderal
<i>Mycteria americana</i>	Wood stork	E	E	Mod	Marshes, swamps, streams and mangroves
<i>Pituophis melanoleucus mugitus</i>	Florida pine snake	SSC		Low	Sandhills, scrubby flatwoods, hammocks & ruderal habitats
<i>Rana capito</i>	Gopher frog	SSC		Low	Xeric uplands and pine flatwoods
<i>Ursus americanus floridanus</i>	Florida black bear	T		Mod	Variety of forested landscapes

<sup>1</sup>E= Endangered; T= Threatened; SSC= Species of Special Concern

**Analysis:** The subject property is suitable for limited foraging of some wading bird species due to the ditch onsite. With the existing roadway nearby, the potential for nesting is limited. A 100% gopher tortoise survey was conducted at the time of the assessment and no gopher tortoises or their burrows were found. Lastly, Florida black bear have been observed in the vicinity of the subject property to the north within public lands; it is recommended that future development adhere to Florida Black Bear Smart Communities program. These and other species occurrences along with development standards can be addressed at a future technical site plan application review. At this time, development of this property is not expected to cause direct impacts to protected species.

## **E. ENVIRONMENTAL SENSITIVE FEATURES**

As previously stated, the wetlands on this site are connected to a much larger wetlands system; however, the wetlands are not the jurisdiction of the State of Florida or the City of Palm Coast.

**Analysis:** Based on the findings noted in the previous Section(s), the proposed change from “Conservation” to “Greenbelt” is consistent with the Comprehensive Plan.

## **F. GROUNDWATER RESOURCE PROTECTION**

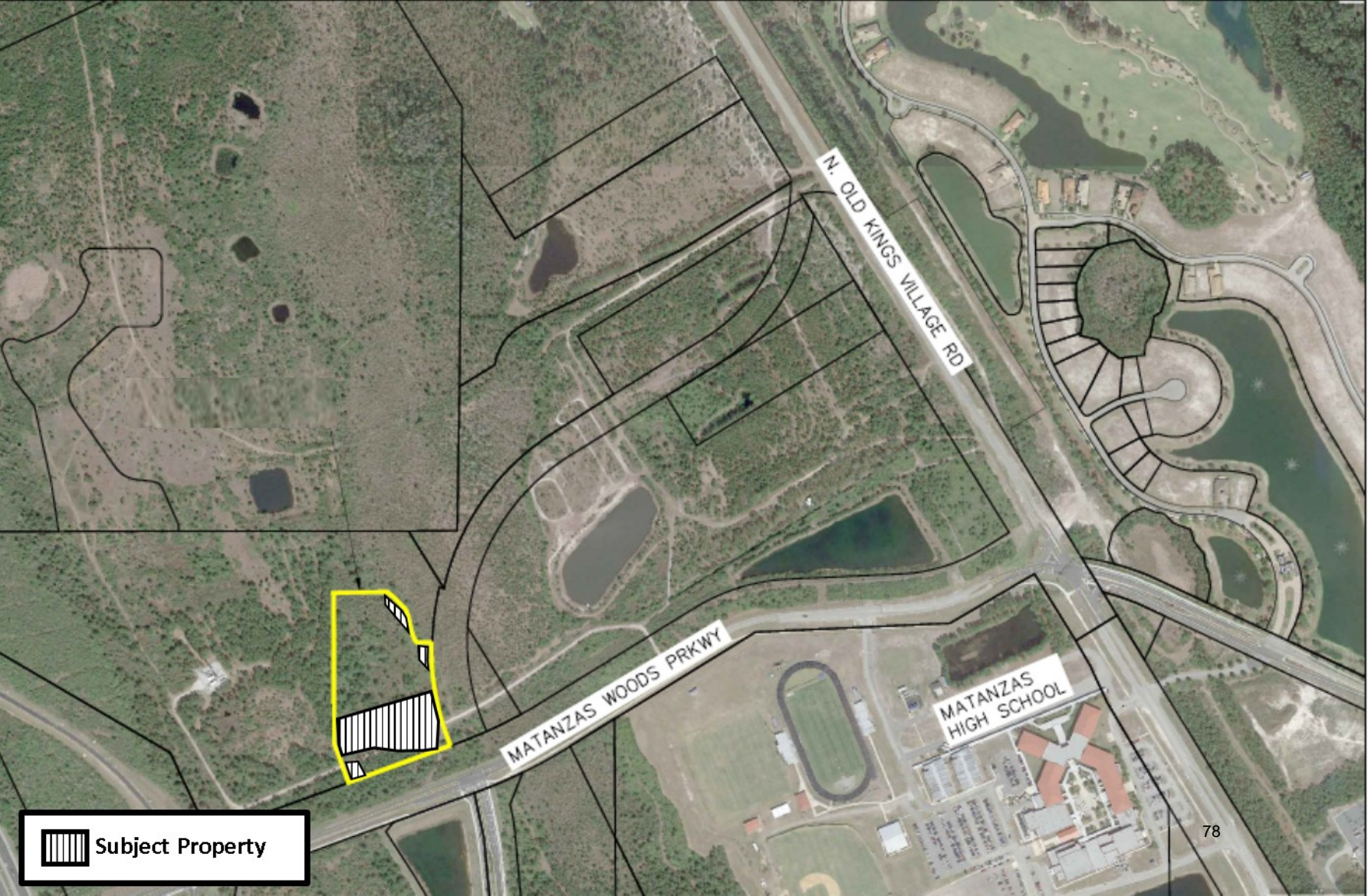
According to City maintained data, the nearest proposed and/or existing production well is greater than 3 miles west from the subject property. It is highly unlikely that the land use activities associated with the proposed FLUM change will impact the potable water supply.

**Analysis:** Direct impacts are not anticipated.

## **G. HISTORICAL RESOURCES**

As part of the AES assessment, a preliminary review of the Division of Historical Resources’ Florida Master Site File and the State Historic Preservation Officer (SHPO) records for the property was conducted. No known archaeological sites or resource groups were identified on or adjacent to the subject property.

**Analysis:** No known sites were noted in the SHPO letter. No coordination will be required with the Division of Historical Resources.



 Subject Property

# CURRENT FLUM – ADVENT HEALTH

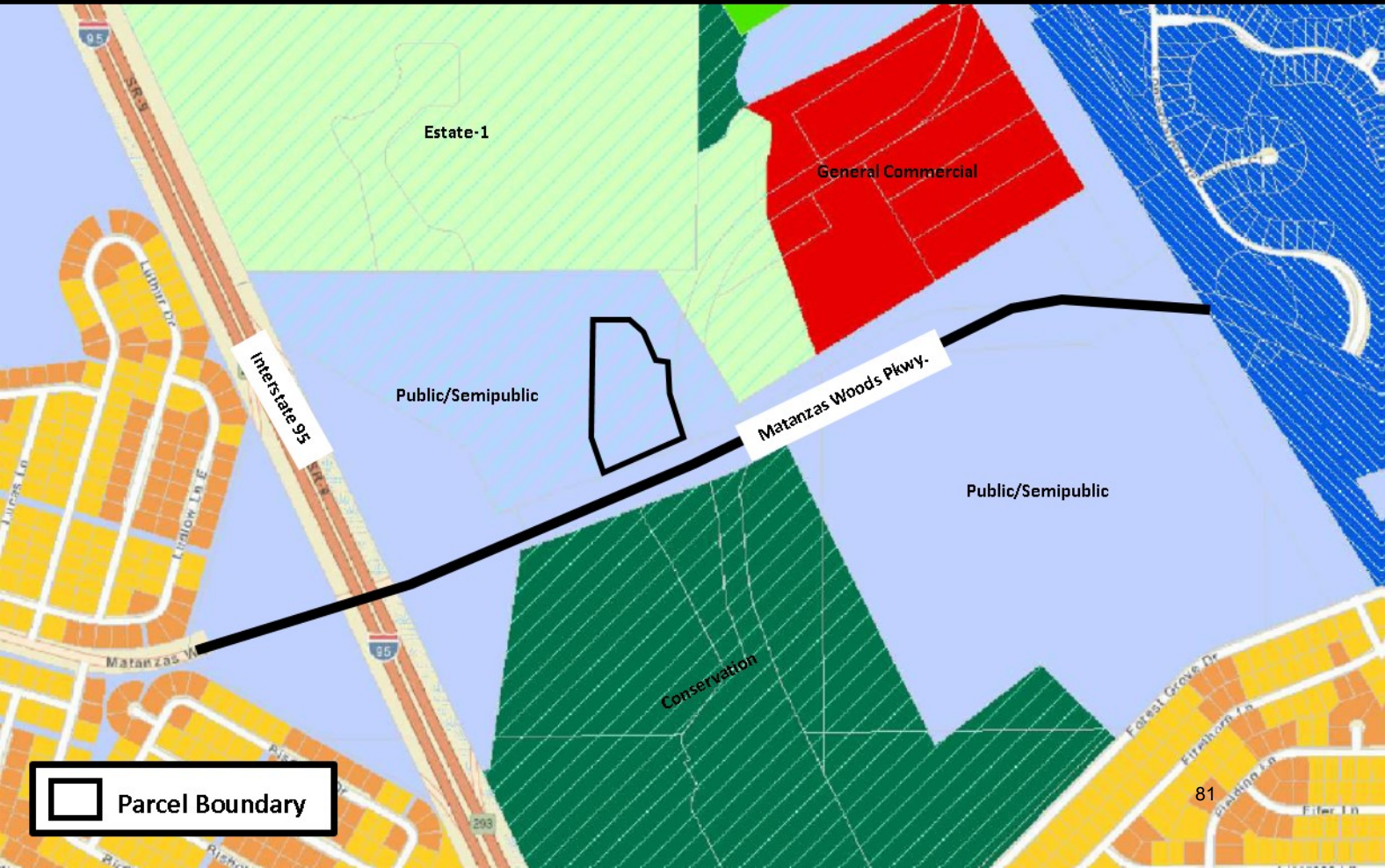


# PROPOSED FLUM – ADVENT HEALTH





# CURRENT ZONING – ADVENT HEALTH



# City of Palm Coast, Florida Agenda Item

Agenda Date: June 12, 2019

<b>Department</b>	PLANNING	<b>Amount</b>
<b>Item Key</b>	6700	<b>Account #</b>
<b>Subject</b>	ORDINANCE 2019-XX A FUTURE LAND USE MAP DESIGNATION FOR 49+/- ACRES FROM FLAGLER COUNTY DESIGNATIONS OF COMMERCIAL: HIGH INTENSITY & CONSERVATION TO CITY DESIGNATIONS OF MIXED USE AND RESIDENTIAL	
<p><b>Background:</b> The application is for a 49+/- acre area which was annexed into the City in 2017 and 2018. The proposed large-scale Future Land Use Map (FLUM) amendment will designate the subject parcels as City of Palm Coast Residential (45+/- acres) and Mixed Use (4.5+/- acres).</p> <p>Currently, the subject property has a Flagler County FLUM designations of Commercial: High Intensity (46.7+/- acres) and Conservation (2.7+/- acres). The amendment will change the designations to Residential and Mixed Use, to accommodate a potential development of commercial and residential uses along State Road 100. There is a companion zoning map amendment to provide zoning designations on the parcel consistent with the proposed FLUM designations.</p> <p>The proposed amendment was reviewed for the following:</p> <ul style="list-style-type: none"> <li>• An analysis of the proposed amendment’s impacts on public facilities and infrastructure indicates increases in the demand for public service and infrastructure. However, the increases may be accommodated without adversely affecting adopted the Level of Service. Furthermore, the impacts will be reviewed in greater detail during the site plan review process.</li> <li>• The environmental impacts on the subject parcel will not be significantly elevated due to the proposed FLUM amendment. The wetland areas on the subject parcel have previously been delineated and are protected through conservation easements.</li> <li>• The proposed FLUM designations are generally consistent with the surrounding properties and are typical for similarly situated lands.</li> </ul> <p>Finally the proposed amendment is consistent with comprehensive plan policies regarding:</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><b>Neighborhood Meeting</b> A neighborhood meeting was held on May 22, 2019 to provide an opportunity for neighboring property owners to receive information about the project. There were no comments provided.</p>		

**Recommended Action:** Planning Staff recommends that the Planning and Land Development Regulation Board (PLDRB) recommend the transmittal of the Future Land Use Map Amendment to the State Land Planning Agency.



**COMMUNITY DEVELOPMENT DEPARTMENT  
STAFF REPORT  
PLDRB June 12, 2019**

**OVERVIEW**

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<b>Case Number:</b>	3901
<b>Applicant:</b>	BIA Development, LLC
<b>Size of subject property:</b>	49+/- acres
<b>Property Description/Location:</b>	An approximate 49 acre area located ¼ mile west of Colbert Lane on the northside of State Road 100
<b>Real Estate ID #:</b>	39-12-31-0000-01010-0090 & 10-12-31-0000-00010-0030
<b>Current FLUM Designation:</b>	Commercial High Intensity (46.7+/- acres), Conservation (2.7+/- acres) – Flagler County designations (includes a Comprehensive Plan Policy to limit development to 280,000 sq. ft. of commercial building area)
<b>Current Zoning Designation:</b>	Commercial-2 and Agriculture (Flagler County designations)
<b>Current Use:</b>	Vacant
<b>Requested Action:</b>	Large-scale Future Land Use Map (FLUM) amendment for an approximately 49-acre parcel from current Flagler County designations to City of Palm Coast designations of Residential (45+/- acres) and Mixed Use (4.5+/- acres).  There is a companion zoning map amendment that will designate the properties with City of Palm Coast designation zoning designations of Multi-family Residential-2 (MFR-2) and General Commercial (COM-2).
<b>Recommendation:</b>	Staff recommends that the Planning and Land Development Regulation Board (PLDRB) recommend that City Council approve Transmittal of the FLUM amendment to the State Land Planning Agency.

**ANALYSIS**

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**BACKGROUND**

The application is for a 49+/- acre area which was annexed into the City in 2017 and 2018. The proposed large-scale Future Land Use Map (FLUM) amendment will designate the subject parcels as City of Palm Coast Residential (45+/- acres) and Mixed Use (4.5+/- acres).

There is a companion zoning amendment to designate the parcels with City of Palm Coast designations of Multi-family Residential-2 (MFR-2) and General Commercial (COM-2).

### Neighborhood Meeting

A neighborhood meeting was held on May 22, 2019 to provide an opportunity for neighboring property owners to receive information about the project. There were no comments received.

## DENSITY/INTENSITY AND POPULATION

**Note: The analysis for comprehensive plan map amendments take into consideration the maximum development potential including any policy limiting development under the current and proposed land use category and represent the theoretical maximum development potential within the land use category. The analysis includes recognition that the subject parcel under its current designation is limited by policy to 280,000 sq. ft. of commercial uses.**

The 49+/- acre subject area currently has Flagler County FLUM designations of Commercial High Intensity and Conservation. The proposed amendment will designate the area as City of Palm Coast Mixed Use and Residential.

As shown in Table 1, the proposed amendment will have a potential net increase of 610 dwelling units if completely developed for residential uses. As shown in Table 2, the proposed amendment will have a potential net increase of 418,746 sq. ft. if the parcels are completely developed for non-residential uses.

<b>TABLE 1 - FLUM DESIGNATION MAXIMUM DENSITY/INTENSITY ALLOWED (RESIDENTIAL USE)</b>					
		<b># of Acres</b>	<b>Maximum Density</b>	<b>Maximum # of units<sup>(1)</sup></b>	<b>Population (2.4 persons/dwelling unit)</b>
<b>Proposed FLUM: City of Palm Coast Designation</b>	<b>Residential</b>	45.2	12 units/acre	543	1,302
	<b>Mixed Use</b>	4.5	15 units/acre	68	162
<b>Current FLUM: Flagler County Designation</b>	<b>Commercial: High Intensity</b>	47.0	0 unit/acre	0	0
	<b>Conservation</b>	2.7	0 unit/acre	0	0
<b>NET CHANGE</b>				<b>610</b>	<b>1,464</b>
<b>Footnotes:</b>					
<b><sup>(1)</sup>Max. # of units = # of Acres X Maximum Density</b>					

<b>TABLE 2 - FLUM DESIGNATION MAXIMUM DENSITY/INTENSITY ALLOWED (NON-RESIDENTIAL USE)</b>
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		# of Acres	Maximum FAR <sup>(1)</sup>	Maximum Sq. Ft. <sup>(1), (2)</sup>
<b>Proposed FLUM: City of Palm Coast Designation</b>	<b>Residential</b>	45.2	0.30	590935
	<b>Mixed Use</b>	4.5	0.55	107811
<b>Current FLUM: Flagler County Designation</b>	<b>Commercial: High Intensity</b>	47.0	0.45	280000
	<b>Conservation</b>	2.7	0.00	0
<b>NET CHANGE</b>				<b>418746</b>
<i>Footnotes:</i>				
<i><sup>(1)</sup>Max Sq. Ft. = # of Acres X Max. FAR X 43560 sq./acre</i>				
<i><sup>(2)</sup> Subject parcel is part of larger parcel that is subject to policy that limits commercial development to 280,000 sq. ft. Analysis pro-rates development potential based on acreage of subject parcel.</i>				

**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: (Palm Coast Pkwy and Old Kings Rd.; Palm Coast Pkwy. and Belle Terre Pkwy.; Palm Coast Pkwy. and U.S.1; Matanzas Woods Pkwy. and US-1; Belle Terre Pkwy. and SR 100; SR 100 and I-95; and SR 100 and Old Kings Rd.)*
- 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**

An analysis of the net impacts on public facilities is conducted with every FLUM amendment. The analysis looks at the maximum development potential under the current and proposed FLUM designations. The analysis provided in this section is a capacity analysis. At the time of site plan review or during the platting process, a more in-depth analysis of the public infrastructure needed to serve the proposed project is conducted. The analysis provided will assume that the proposed Residential areas will be developed for residential and that the Mixed Use area will be developed for commercial uses.

The results of the net impact analysis are shown on Table 3, and are summarized below:

### **Transportation**

The proposed FLUM amendment will have a maximum potential net increase of 101 PM peak hour trips. State Road 100 from John Anderson Highway to I-95 currently operate at a Level of Service of "C". The net increase in trips will not impact the LOS for State Road 100. It should be noted that as part of the site plan review process, a traffic impact study which includes all proposed development on the subject parcel, will be completed and this analysis will include recommendations for operational improvements (traffic signals, turn lanes, etc.).

### **Potable Water**

The proposed FLUM amendment will have a maximum potential net increase in demand for potable water of .13 MGD. Water Treatment Plants #1, 2, & 3 have a combined treatment capacity of 16.58 MGD and a current treatment demand of 11.49 MGD (based on Comprehensive Plan LOS standards). The potential net impact may be accommodated by the existing water treatment plant capacity. During the site plan review process, additional analysis will be conducted to ensure the adequacy of water lines and treatment capacity to serve a proposed development.

### **Wastewater**

The proposed FLUM amendment will have a maximum potential net increase in demand for sanitary sewer treatment of .089 MGD. Wastewater Treatment Plants #1 and 2 currently have a treatment capacity of 8.83 MGD and a current treatment demand of 8.08 MGD (based on Comprehensive Plan LOS standards). The potential net impact may be accommodated by the existing wastewater treatment plant capacity. During the site plan review process, additional analysis will be conducted to ensure the adequacy of water lines and treatment capacity to serve a proposed development.

### **Solid Waste**

The proposed FLUM amendment will have a maximum potential net increase of 11,213 lbs. of solid waste/day based on a comparison of residential development potential. The City currently has an agreement with Volusia County to accept solid waste until 2026.

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

The proposed FLUM amendment will have a maximum potential net decrease in demand of 10.4 acres of park facilities. The City currently owns 955+/- acres of park lands, (580+/- acres for active, 375+/- acres for passive uses). Should the property be proposed for residential development an analysis of the project's impact on recreational facilities will be conducted during the site plan or plat review process. Additionally, the City's Land Development Code requires multi-family projects to develop recreational space/amenities for their residents.

### **Public Schools**

The proposed FLUM amendment will have a potential net increase in demand for 133 student stations. School concurrency will be reviewed during the plat/site plan review process to ensure adequate capacity for the potential new students.

### **Stormwater**

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

**Table 3 Public Facilities Impact Analysis**

Density <sup>(1)</sup>	# of units or sq. ft.	Transportation (PHT) <sup>(2)</sup>	Potable Water (GPD) <sup>(3)</sup>	Sanitary Sewer (GPD) <sup>(4)</sup>	Solid Waste (lbs./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 49.7 acres</b>								
Residential (45.22 acres) 12 units/acre	543	548	162,792	106,792	11,213	10.4	133	N/A
Mixed Use (4.5 acres) Max FAR .55	109008.9	432	18,531.5	10,900.9	0.0	0.0	0	N/A
<b>(minus) 34% pass-by trips for shopping center</b>		<b>147</b>						
<b>Total</b>		<b>833</b>	<b>181324</b>	<b>117692</b>	<b>11213</b>	<b>10</b>	<b>133</b>	<b>N/A</b>
<b>Current FLUM designation</b>								
Commercial: High Intensity (47.0 ac.)*	280000	1,109	47,600	28,000	0.0	0.0	0	N/A
<b>(minus) 34% pass-by trips for shopping center</b>		<b>377</b>						
Conservation (2.7 acres)		0	0.0	0.0	0.0	0.0	0	N/A
<b>Total</b>		<b>732</b>	<b>47600</b>	<b>28000</b>	<b>0</b>	<b>0</b>	<b>0</b>	
<b>Net Change</b>		<b>101</b>	<b>133,724</b>	<b>89,692</b>	<b>11,213</b>	<b>10</b>	<b>133</b>	<b>N/A</b>
			<b>0.134</b>	<b>0.090</b>				

\*Per Flagler County Comprehensive Plan Policy, the subject parcel is limited to 280,000 sq. ft. of commercial development.

**Footnotes:**

- <sup>(1)</sup> Calculation of Density: Lot Size (acre)\*# of units/acre.
- <sup>(1)</sup> Calculation of Intensity: Lot Size (acre)\*FAR\*43560.
- <sup>(2)</sup> Transportation: Residential PM Peak Hour Trips (PHT), Residential Development: = # of units\*1.01 PM-PHT
- <sup>(2)</sup> Transportation: Non-Residential PM Peak Hour Trips (PHT), Industrial Use = ITE Code 820: Shopping Center = 3.96/1000 sq. ft. based on equation in ITE Manual, 9th Edition (minus 34% for pass-by trips)
- <sup>(3)</sup> Potable Water: Residential = # of units\*2.4\*125 gallons/capita/day
- <sup>(3)</sup> Potable Water: Commercial = 17 gpd/100 sq. ft.
- <sup>(4)</sup> Wastewater: Residential = # of units\*2.4\*82 gallons/capita/day
- <sup>(4)</sup> Wastewater: Commercial = 10 gpd/100 sq. ft.
- <sup>(5)</sup> Solid Waste: Residential Demand = # of units\*2.40\*8.61 lbs/capita/day
- <sup>(5)</sup> Solid Waste: No Level of Service Requirement for Non-residential
- <sup>(6)</sup> Recreation and Parks: Residential Demand = # of units \* 2.40 \*8 acres/1000 persons
- <sup>(6)</sup> Recreation and Parks = No LOS Requirement for Non-residential
- <sup>(7)</sup> Public Education Residential: = Based on multiplier provided by Flagler County School District. See Table 3.
- <sup>(7)</sup> Public Education Non-Residential = No LOS Requirement for Non-residential
- <sup>(8)</sup> Stormwater/Drainage: Stormwater Treatment will be reviewed for consistency with adopted LOS, during site plan approval process.

**ENVIRONMENTAL/CULTURAL RESOURCES ANALYSIS**

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

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

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

- 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.

**Analysis:** The proposed comprehensive plan amendment does not cause additional environmental/cultural impacts on the subject property. The parcels were previously issued permits from St. Johns River Water Management District and the Army Corps of Engineers which delineated and protected on-site wetlands through Conservation easements on approximately 13.7 acres.



## 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

South: Mixed Use-High Intensity and Conservation (Flagler County designations)

East: Mixed Use

West: Mixed Use

### Surrounding Zoning Designation:

North: Single-family Residential-1

South: Planned Unit Development (Flagler County designation)

East: High Intensity Commercial

West: High Intensity Commercial

### Surrounding Property Existing Uses:

North: Vacant

South: Vacant

East: Vacant

West: Vacant

**Analysis:** The proposed FLUM amendment is consistent with the land use designations to the north. The parcels to the east and west are currently designated as Mixed Use with zoning designations that permit High Intensity Commercial. The subject parcel will primarily be buffered from the west by a large conservation easement. The eastern boundary of the subject parcel would be buffered as required by the land development code. Finally, the proposed Mixed Use designation abutting State Road 100 is appropriate due to its location along a major arterial roadway.

## CONSISTENCY WITH COMPREHENSIVE PLAN

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

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

**Analysis:** The proposed amendments are consistent with Policy 1.3.1.1, as the public facilities impacts can be accommodated by the existing infrastructure capacity. Additionally, the proposed FLUM designation does not add to the demand for services compared to the current FLUM designation. There is a water main adjacent to the site, however, sewer lines will need to be extended to the property. The extension of the sewer lines will be the responsibility of the developer/property owner.

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

**Analysis:** The proposed amendment is consistent with Policy 1.4.2.1. The proposed amendment to have FLUM designations that may accommodate both residential and commercial uses provides the opportunity to provide commercial services within proximity of residential areas.

*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 this Comprehensive Plan Objective and Policy to provide opportunities to diversify housing opportunities in the City. The proposed Residential land use designation adjacent to a major arterial (SR 100) provides an opportunity to develop an alternate product to the predominant single-family dwelling development throughout the City.

*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 location of the proposed amendment is served by an existing water main.

*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 site is currently not served by an existing sewer main. Owner/developer of the subject parcel will need to extend the sewer main by approximately 1,200 feet.

## **RECOMMENDATION**

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



Moody Blvd

100 Moody Blvd

100

Moody Blvd

Preserve Ln

Colbert Ln

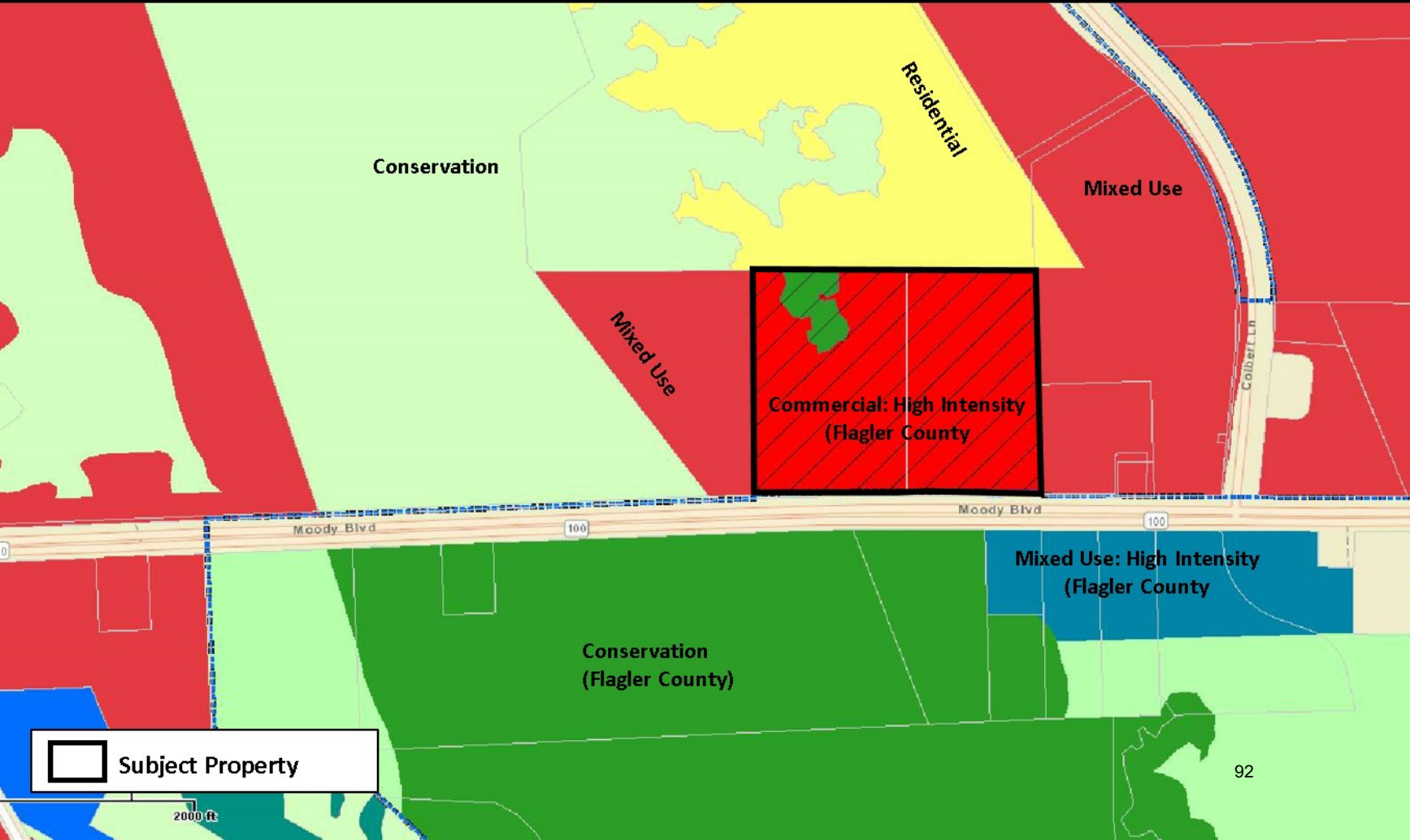
Roberts Rd

Colbert Ln

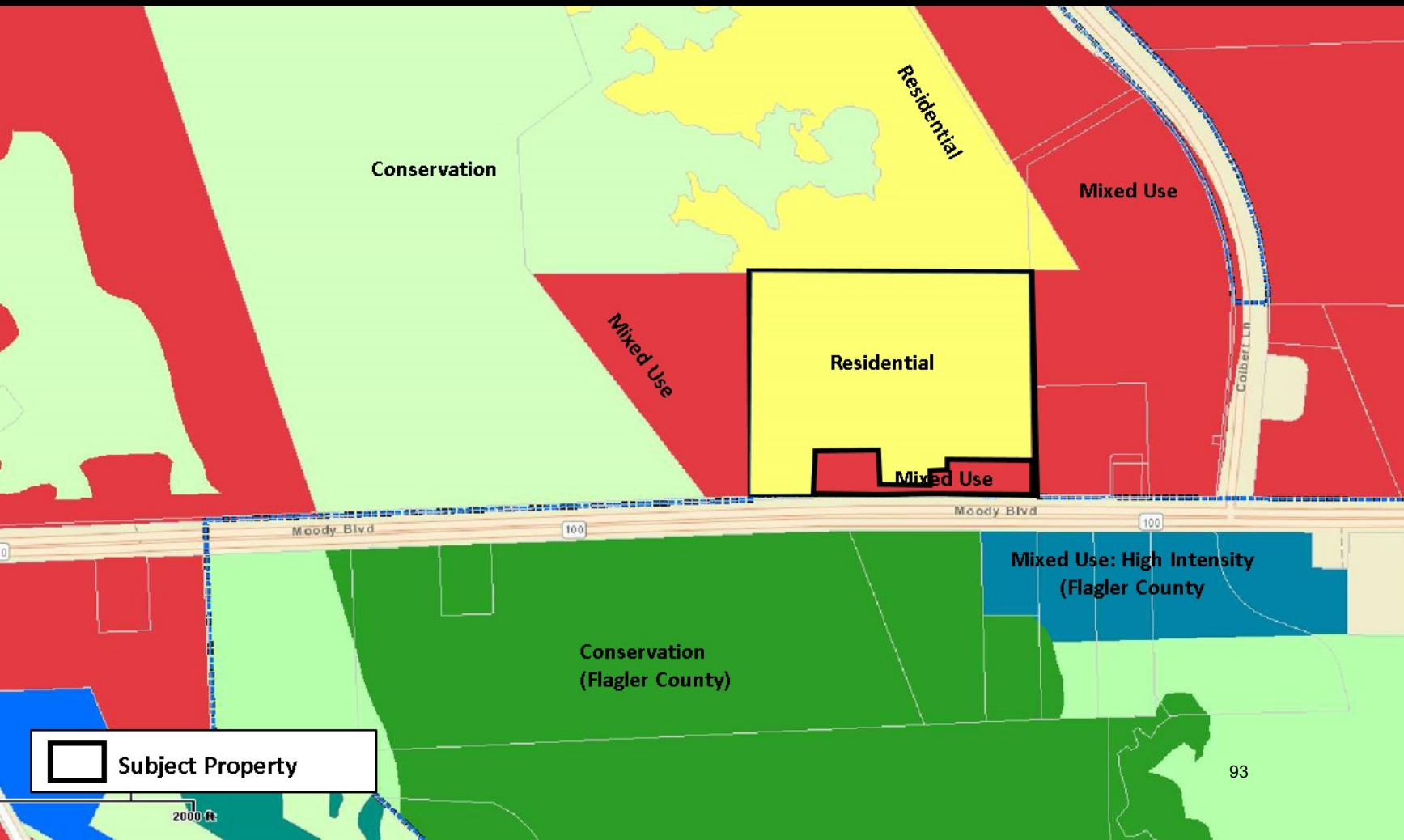
Village D  
Branch

 Subject Property

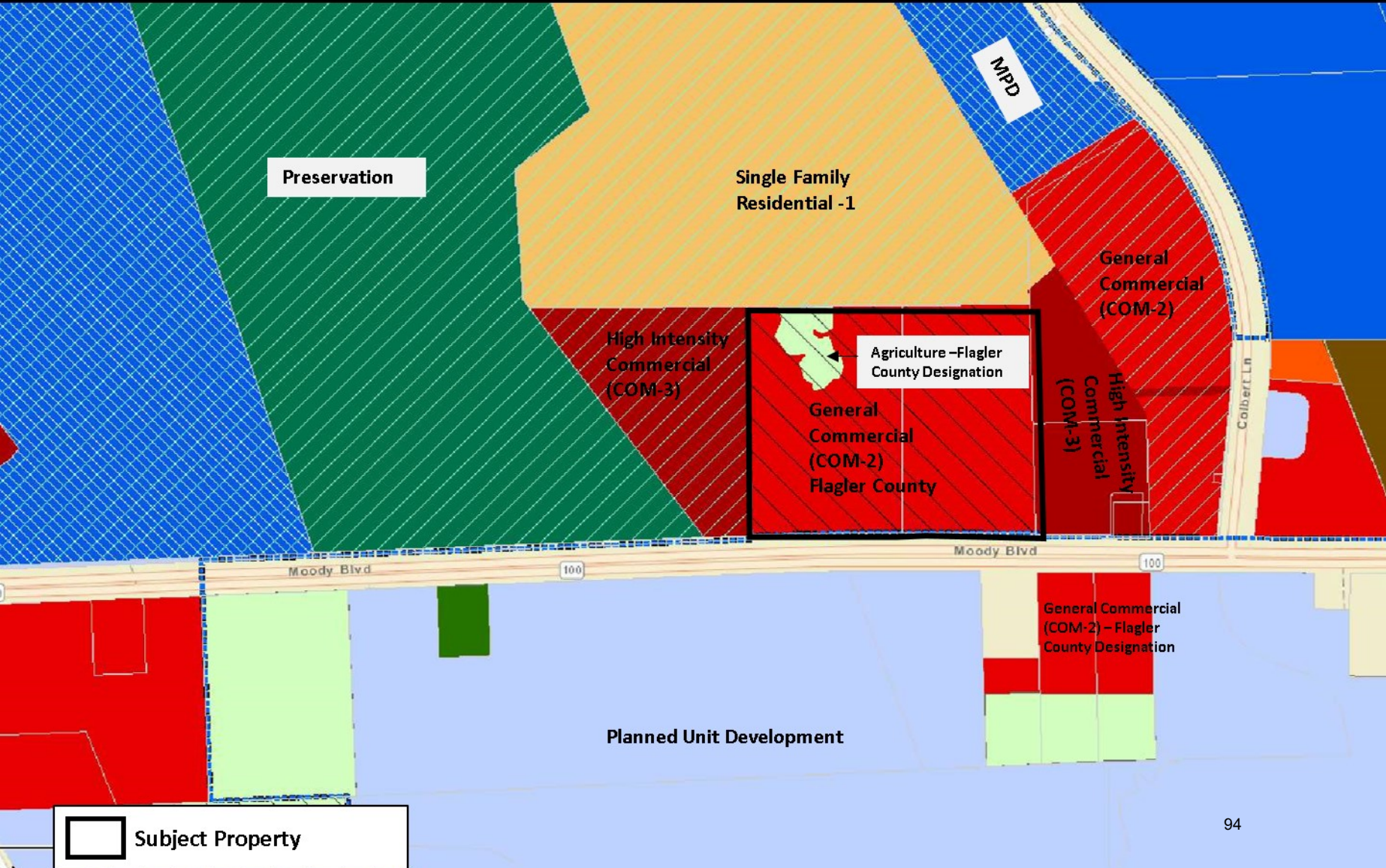
# CURRENT FLUM – OCEAN VILLAGE AMENDMENTS



# PROPOSED FLUM – OCEAN VILLAGE AMENDMENTS



# CURRENT ZONING MAP – OCEAN VILLAGE AMENDMENTS



**ORDINANCE NO. 2019-\_\_\_\_\_**  
**OCEAN VILLAGE COMPREHENSIVE PLAN AMENDMENT**  
**APPLICATION #3901**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM COAST, FLORIDA, PROVIDING FOR THE AMENDMENT OF THE CITY OF PALM COAST 2035 COMPREHENSIVE PLAN, AS PREVIOUSLY AMENDED, PURSUANT TO SECTION 163, FLORIDA STATUTES; AMENDING THE FUTURE LAND USE MAP (FLUM) DESIGNATION FOR 49+/- ACRES OF CERTAIN REAL PROPERTY FROM FLAGLER COUNTY FUTURE LAND USE MAP DESIGNATIONS OF COMMERCIAL: HIGH INTENSITY, AND CONSERVATION TO CITY OF PALM COAST DESIGNATIONS OF RESIDENTIAL AND MIXED USE, AS DESCRIBED IN MORE DETAIL IN THE LEGAL DESCRIPTION WHICH IS AN EXHIBIT TO THIS ORDINANCE; PROVIDING FOR CONFLICTS, RATIFICATION OF PRIOR ACTS, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE**

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

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

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

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

**WHEREAS**, the City of Palm Coast Planning and Land Development Regulation Board (PLDRB) acting as the City's Local Planning Agency, considered the proposed comprehensive plan amendment at a public hearing on June 12, 2019 and voted to recommend \_\_\_\_\_ of the proposed Comprehensive Plan Amendment; and

**WHEREAS**, on \_\_\_\_\_ and \_\_\_\_\_, 2019, the City of Palm Coast City Council held public hearings on this Comprehensive Plan amendment

after due public notice and upon thorough and complete consideration and deliberation, adopted the proposed Comprehensive Plan amendment; and

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

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

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

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

**SECTION 1. LEGISLATIVE AND ADMINISTRATIVE FINDINGS.**

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

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

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

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

**SECTION 2. FUTURE LAND USE MAP AMENDED.**

The 49+/- acres subject area, generally located ¼ mile west of Colbert Lane on the northside of State Road 100, as depicted and legally described in "Exhibit A", attached hereto, is hereby amended from Flagler County Designations of Commercial: High Intensity, and Conservation to City of Palm Coast designation of Residential, and Mixed Use, as depicted in "Exhibit B".

**SECTION 3. CONFLICTS.**

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



**SECTION 4. CODIFICATION/INSTRUCTIONS TO CODE CODIFIER.**

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

**SECTION 5. SEVERABILITY.**

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

**SECTION 6. EFFECTIVE DATE.**

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

**APPROVED** on first reading after due public notice and hearing the \_\_\_\_ day of \_\_\_\_\_, 2019.

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

*ATTEST:*

**CITY OF PALM COAST, FLORIDA**

\_\_\_\_\_  
Virginia Smith, City Clerk

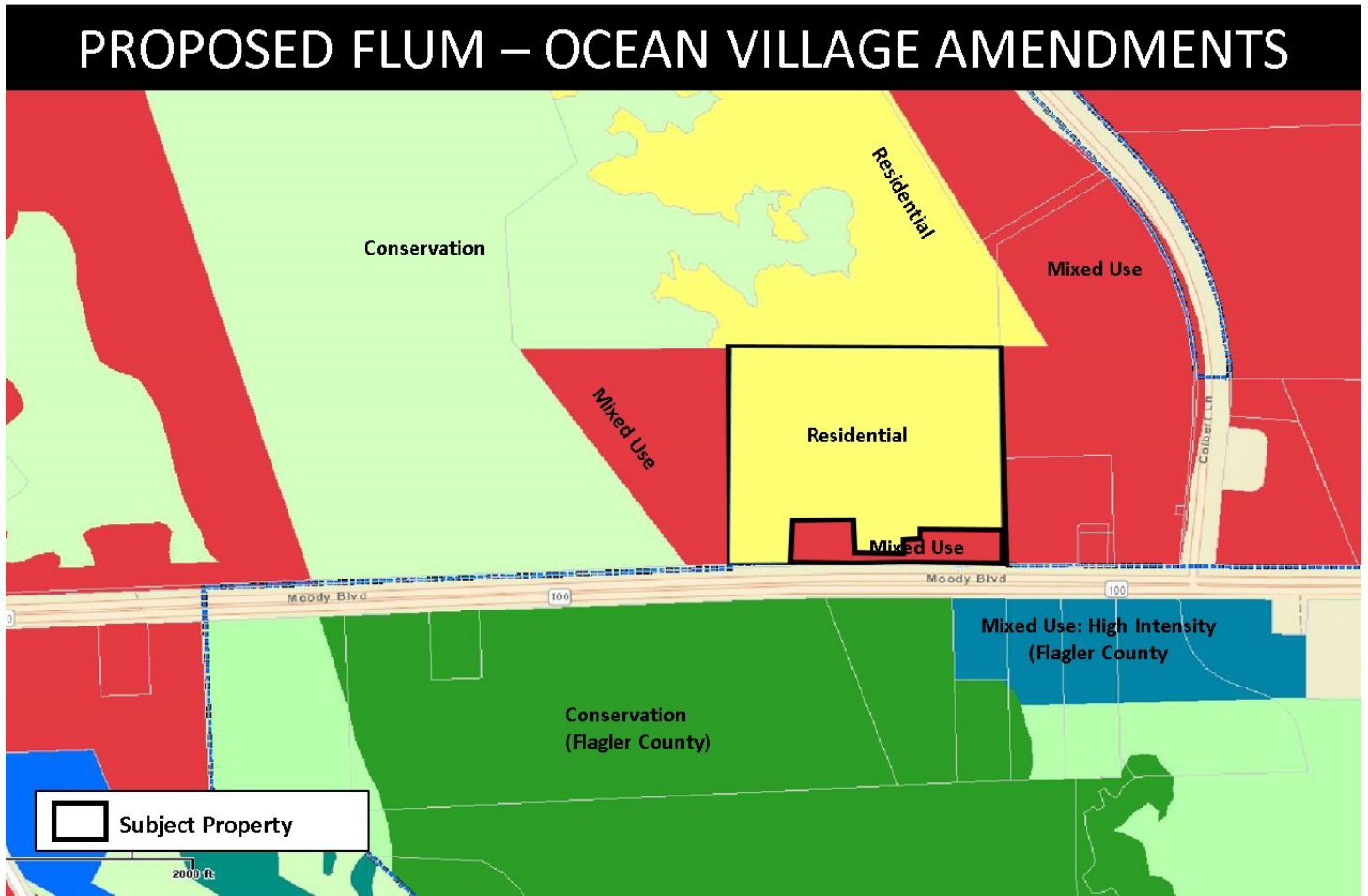
\_\_\_\_\_  
Milissa Holland, Mayor

**EXHIBIT A**  
LEGAL DESCRIPTION

A parcel of land lying North of State Road 100 (200' R/W) within Government Sections 10 and 39, Township 12 South, Range 31 East, Flagler County, Florida, being more particularly described as Follows:

A POINT OF REFERENCE being the northeast corner of said Government Section 10, Township 12 South, Range 31 East, thence South 01°23'05" East along the East Line of Section 10 a distance of 1280.24 feet to the POINT OF BEGINNING of this description, thence continue South 01°23'05" East a distance of 1328.00 feet, thence North 89°29'02" West a distance of 553.54 feet to a point of curvature, thence 1087.28 feet along the arc of a curve to the left (concave Southerly) having a central angle of 02°42'13", a radius of 23042.76 feet, a chord Bearing of South 89°09'51" West and a chord distance of 1087.18 feet to a point of tangency, thence North 01°23'05" West a distance of 1328.00 feet, thence North 89°37'15" East a distance of 1640.61 feet to the POINT OF BEGINNING.

EXHIBIT B  
Proposed Future Land Use Map Designation



## City of Palm Coast, Florida Agenda Item

Agenda Date: June 12, 2019

<b>Department</b>	PLANNING	<b>Amount</b>	
<b>Item Key</b>	6701	<b>Account</b>	
		<b>#</b>	
<b>Subject</b>	ORDINANCE 2019-XX ZONING MAP AMENDMENT FROM FLAGLER COUNTY DESIGNATIONS GENERAL COMMERCIAL AND AGRICULTURE TO CITY DESIGNATIONS OF MULTI-FAMILY RESIDENTIAL-2 AND GENERAL COMMERCIAL (COM-2)		
<b>Background:</b>	<p>The subject property is 49 ± acres and generally located ¼ mile west of Colbert Lane on the northside of State Road 100. The subject parcel(s) were annexed into the City in 2017 and 2018. The properties currently have the Flagler County zoning designations of General Commercial and Agriculture. The proposed amendment will provide the properties with City zoning designations of Multi-family Residential (MFR-2) and General Commercial (COM-2).</p> <p>Staff analyzed the proposed rezoning based on the criteria in the City of Palm Coast Land Development Code. In summary, staff makes the following findings:</p> <ul style="list-style-type: none"> <li>- the proposed rezoning is consistent with the Comprehensive Plan,</li> <li>- the proposed rezoning does not negatively impact the existing public facilities, and</li> <li>- the proposed rezoning is consistent with the surrounding land uses and is in an area appropriate for expansion of residential uses and does not cause a nuisance or threat to the general welfare and safety of the public.</li> </ul>		
<b>Neighborhood Meeting</b>	<p>A neighborhood meeting was held on May 22, 2019 to provide an opportunity for neighboring property owners to receive information about the project. There were no comments provided.</p>		
<b>Recommended Action:</b>	<p>Planning Staff recommends that the Planning and Land Development Regulation Board (PLDRB) recommend that City Council, approve application number 3976 to rezone 49+/- acres from Flagler County designations of General Commercial and Agriculture to City of Palm Coast designations of Multi-family Residential (MFR-2) and General Commercial (COM-2).</p>		



**COMMUNITY DEVELOPMENT DEPARTMENT  
Zoning Map Amendment Staff Report  
PLDRB June 12, 2019**

**OVERVIEW**

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**Application Number:** 3976

**Applicant:** City of Palm Coast

**Property Description:** 49 + acre property located ¼ mile west of Colbert Lane on the northside of State Road 100

**Property Owner:** BIA Development LLC

**Parcel ID:** 39-12-31-0000-01010-0090 & 10-12-31-0000-00010-0030

**Current FLUM designation:** High Intensity: Commercial and Conservation (Flagler County designations)

**Current Zoning designation:** Commercial-2 & Agriculture (Flagler County designations)

**Current Use:** Vacant

**Size of subject property:** 49.0 ± acres

**Requested Action:** Rezoning from Flagler County designations of Commercial-2 & Agriculture to Multi-family Residential-2 (MFR-2) and General Commercial (COM-2) (City of Palm Coast Designations)

**Recommendation:** Planning Staff recommends that the Planning and Land Development Regulation Board (PLDRB) recommend that the City Council approve Application # 3976 to rezone 49 +/- acres from Flagler County designations of Commercial-2 & Agriculture to Multi-family Residential-2 (MFR-2) and General Commercial (COM-2) (City of Palm Coast designations)

**ANALYSIS**

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**REQUESTED ACTION**

This a proposed rezoning two parcels comprising approximately 49+/- acres from Commercial-2 and Agriculture (Flagler County designations) to Multi-family Residential-2 (MFR-2) and General Commercial (COM-2) (City of Palm Coast designations).

**BACKGROUND/SITE HISTORY**

The subject parcels were annexed into the City in 2017 and 2018. The parcels currently have Flagler County FLUM and zoning designations and are entitled for up to 280,000 square feet of commercial uses. The project has approximately 1,650 feet of frontage on State Road 100.

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

<b>CATEGORY:</b>	<b>EXISTING:</b>	<b>PROPOSED:</b>
Future Land Use Map (FLUM)	High Intensity: Commercial and Conservation (Flagler County designations)	Residential and Mixed Use (City of Palm Coast designations)
Zoning District	Commercial-2 & Agriculture (Flagler County designations)	Multi-family Residential-2 (MFR-2) and General Commercial (COM-2) (City of Palm Coast designations)
Use	Vacant	Multi-family and commercial

**SURROUNDING LAND USES:**

NORTH:	FLUM: Zoning: Use:	Residential Single-family Residential-1 Vacant
SOUTH:	FLUM: Zoning: Use:	Mixed Use-High Intensity and Conservation Planned Unit Development Vacant
EAST:	FLUM: Zoning: Use:	Mixed Use High Intensity Commercial (COM-3) Vacant
WEST:	FLUM: Zoning: Use:	Mixed Use High Intensity Commercial (COM-3) Vacant

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

<b>Criteria</b>	<b>Multi-family Residential-2</b>	<b>COM-2 (Proposed)</b>	<b>C-2 (Existing)</b>
Min. Lot Size (sq. ft.)	2,500	20,000	10,000
Min. Lot Width	25' townhouse 100' otherwise	100'	100'
Max. Impervious area	.70	.70	.70
Max. FAR Ratio	---	.40	.40
Max. Bldg. Height	60'	100'	65'

Min. Interior Side & Rear Setback	10'/20'	10'	10'
Min. Street Side Setback	20'	25' (Arterial/Collector) or 20' (Local)	---

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

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

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

**Staff Finding:** The proposed rezoning of the subject property is not in conflict with, or contrary to, the public interest. The subject site is abutted to the north by properties zoned for residential and properties zoned for commercial to the east and west. The site's location on a major arterial (SR 100) ensures good access to the transportation system without impacting local roads. The proposed zoning of COM-2 along SR 100 is consistent with other properties along SR 100, while the proposed MFR-2 behind the COM-2 area is appropriate as a buffer between single-family residential and the potential commercial uses along SR 100.

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:

- Policy 1.1.1.4 – The following principles and locational criteria shall be used for siting the multi-family residential zoning district within the Residential FLUM designation:
  - A. Availability of existing or planned roads or driveways, which provide accessibility to a collector or an arterial roadway.
  - B. Sites with at least 15 acres of contiguous uplands are preferable; sites less than 5 acres should not be considered.
  - C. Availability of central utilities.
  - D. Proximity to existing or planned commercial and employment centers preferable.
  - E. Proximity to existing or planned parks and recreation facilities preferable.
  - F. Proximity to existing or planned schools preferable.
  - G. Preferred sites should have available land area to provide either a wide landscaped buffer or a natural buffer or barrier from proximate single family residential uses.
  - H. Ability to provide architectural design compatibility with proximate single-family residential areas.

**Analysis:** The proposed zoning map amendment is consistent with Policy 1.1.4.1 as follows: the multi-family site has direct access to an arterial, contains greater than 15 acres of contiguous uplands, has or is within proximity of central utilities, is adjacent to a proposed commercial area, and will provide recreation facilities on-site. Finally, the project will need to meet the City's architectural design standards to ensure compatibility with proximate single-family residential areas.

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

**Analysis: The proposed zoning map amendment is consistent with Policy 1.4.2.1. The proposed amendment will provide areas to accommodate both residential and commercial uses.**

- 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 MFR-2 zoning designation adjacent to a major arterial (SR 100) provides an opportunity to develop an alternate product to the predominant single-family dwelling development available throughout the City.**

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

**Staff Findings:** Rezoning the subject property to COM-2 and MFR-2 will not impose a significant financial liability or hardship for the City. The property is located along a major arterial (SR 100) and has a water main adjacent to the site. The sewer lines will have to be extended to this site by approximately 1,200' and will be the responsibility of the developer/owner.

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

**Staff Finding:** The rezoning will not create an unreasonable hazard, or nuisance, or constitute a threat to the general health, welfare, or safety of the City's inhabitants. Future development of the site must comply with the performance standards contained in Unified Land Development Code (ULDC). Additionally, the proposed zoning designations of MFR-2 and COM-2 are generally consistent with the surrounding land uses.

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

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

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

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

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



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

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

**Staff Finding:** The parcel was previously issued permits from St. Johns River Water Management District and the Army Corps of Engineers which delineated and protected on-site wetlands through Conservation easements on approximately 13.7 acres. Additionally, the subject property is still subject to all requirements of the Land Development Code regarding protection of environmental and natural resources (listed species report, wetlands assessment, etc.).

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

**Staff Finding:** Impacts to the economy of the affected area are anticipated to be positive. The proposed rezoning will expand the area available for commercial along this segment of SR 100. Additionally, the commercial area will serve the eventual residential development in the surrounding area.

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

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

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

**Staff Finding:** The subject parcels were annexed into the City in two phases (2017 and 2018). As annexed properties, a Comprehensive Plan amendment and Zoning Map amendment is necessary to designate the subject parcels with an appropriate City designation so that the development standards for the subject parcel will be based on the City's Land Development Code and other City regulations.

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

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

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

**Staff Finding:** Yes, the rezoning accomplishes a legitimate public purpose. A zoning of General Commercial (COM-2) provides an appropriate transition from a major arterial (SR 100) to the residential uses slated north of SR100. Additionally, the COM-2 zoning provides opportunities for commercial/retail services along a major arterial.

## **PUBLIC PARTICIPATION**

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

A neighborhood meeting was held on May 22, 2019 to provide an opportunity for neighboring property owners to receive information about the project. There were no comments provided.

### **RECOMMENDATION**

Planning Staff recommends that the Planning and Land Development Regulation Board (PLDRB) recommend that the City Council approve Application # 3976 to rezone 49 +/- acres from Flagler County designations of Commercial-2 & Agriculture to Multi-family Residential-2 (MFR-2) and General Commercial (COM-2) (City of Palm Coast designations).



**Ocean Village  
Traffic Analysis of 49.77-Acre Parcel  
SR 100 West of Colbert Lane**

**PROJECT DESCRIPTION**

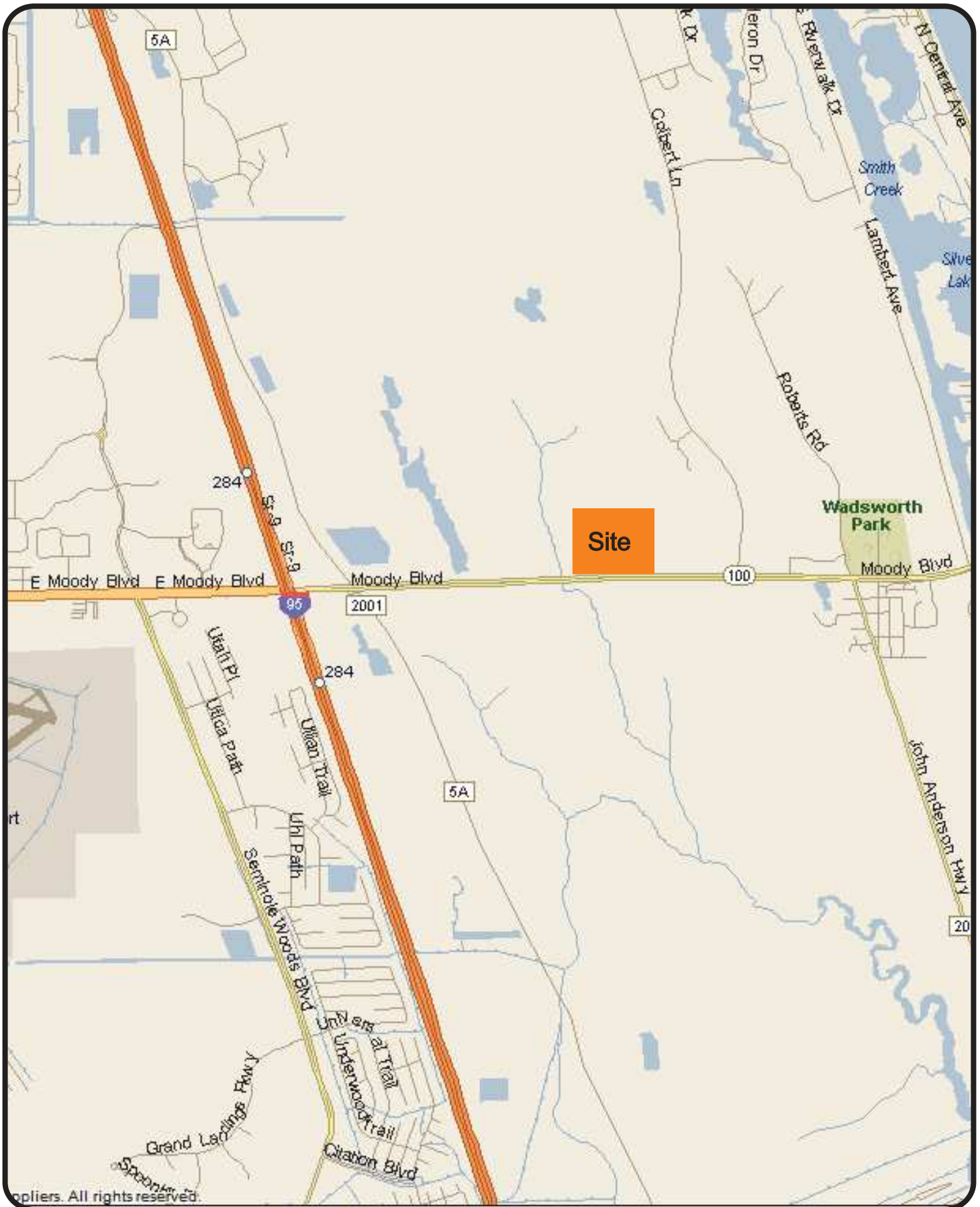
The project consists of two parcels totaling 49.77-acres located on SR 100 in the City of Palm Coast proposed to be developed as commercial and residential uses. **Figure 1** depicts the site location of the parcels. The existing zoning designation of the property is Commercial (COM-2) with a FAR of 0.40. However, this property is limited to 280,000 square feet with a user agreement in place on the existing zoning. It is proposed that the existing zoning of the property be changed to Commercial (COM-2) and Residential (MFR-2) to allow the development of commercial and residential uses. **Table 1** is a summary of the existing and proposed zoning designations and entitlements.

**Table 1  
Existing/Proposed Future Land Use Summary**

Zoning Designation	Acres	Density	Total Development
<b>Current Zoning</b>			
Commercial (COM-2)	49.77		
- Upland Area	36.06	Limited by Agreement	280,000 SF*
- Wetland	13.71	---	---
<b>Proposed Zoning</b>			
Commercial (COM-2)/ Residential (MFR-2)	49.77		
• Commercial			
- Upland Area	4.28	0.40 FAR	74,575 SF
- Wetland	0.27	---	---
• Residential			
- Upland Area	31.78	12 DU/Acre	381 DU
- Wetland (13.44 x 0.25)	3.36	12 DU/Acre	40 DU

\* Based upon limited use agreement in place.

TPD No 5253  
Revised May 24, 2019



opliers. All rights reserved.



Edge Properties  
 Project № 5253  
 Figure 1

Site Location



## TRIP GENERATION

The trip generation of development under the existing and proposed zoning scenarios as described above has been calculated as shown in **Table 2**. The calculation was based upon trip generation data contained in the 10<sup>th</sup> Edition of the ITE Trip Generation Manual and 3<sup>rd</sup> Edition of the ITE Trip Generation Handbook. The ITE trip generation sheets are attached. The table shows that the maximum development under the proposed zoning designation will reduce the trip generation of the parcels from 7,991 daily trips to 6,392 daily trips, and from 768 P.M. peak hour trips to 475 P.M. peak hour trips. The maximum development under the proposed zoning will generate far less trips than the maximum development under the existing zoning.

**Table 2**  
**Trip Generation Calculation**

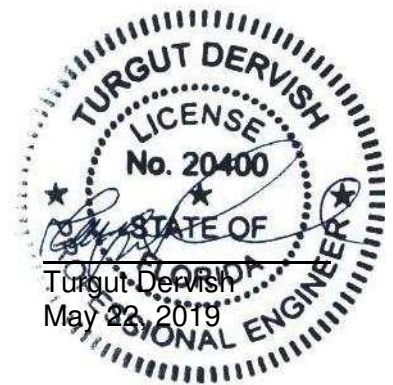
ITE Code	Land Use	Size*	Daily Generation		P.M. Peak Hour Generation			
			Rates**	Trips	Rates**	Enter	Exit	Total
<b>Existing Zoning</b>								
820	Retail Commercial	280.000 KSF	43.243	12,108	4.158	605	559	1,164
Total				12,108	---	605	559	1,164
Retail Pass-by (34%)				4,117	---	206	190	396
<b>New Net Trips</b>				<b>7,991</b>	<b>---</b>	<b>399</b>	<b>369</b>	<b>768</b>
<b>Proposed Zoning</b>								
820	Retail Commercial	74.575 KSF	66.04	4,925	5.86	210	227	437
220	MF Residential	421 DU	7.46	3,142	0.44	43	144	187
Total				8,067	---	253	371	624
Retail Pass-by (34%)				1,675	---	72	77	149
<b>New Net Trips</b>				<b>6,392</b>	<b>---</b>	<b>181</b>	<b>294</b>	<b>475</b>
<b>Trip Increase (+)/Decrease (-) due to Rezoning</b>				<b>(-)1,599</b>	<b>---</b>	<b>(-)218</b>	<b>(-)75</b>	<b>(-)293</b>

\* KSF = 1,000 SF, DU = Dwelling Unit

\*\* Based upon ITE Equations

**IMPACT ASSESSMENT**

Since the development under the proposed zoning designation will result in less trips than the existing zoning designation, the development of the property under the proposed zoning will produce positive impacts (i.e., less trips added to the area roadways). A standard Traffic Impact Analysis (TIA) as per the City’s guidelines for the parcels under consideration utilizing the proposed development will be undertaken during the Site Plan approval. It should be pointed out that the proposed development will be less intense than the maximum development under the proposed zoning change.



## ITE Trip Generation Sheets

# Shopping Center (820)

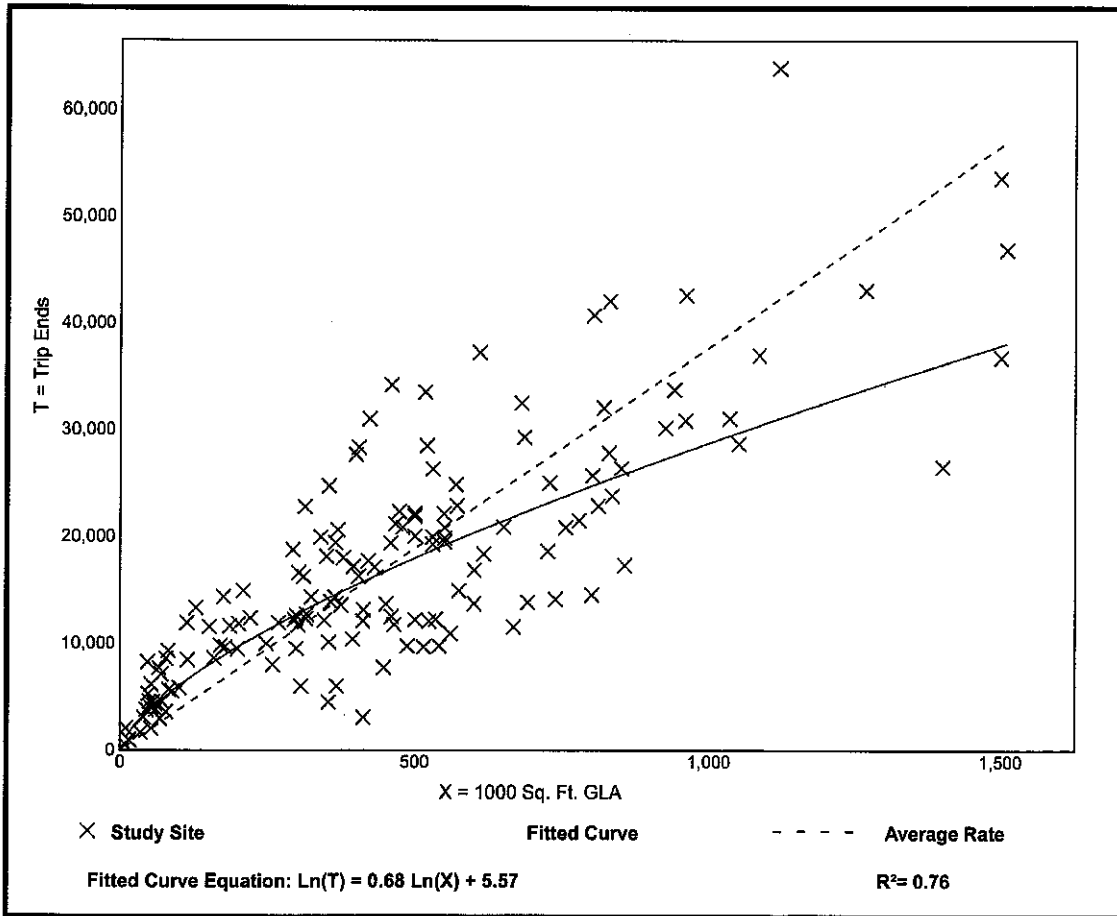
**Vehicle Trip Ends vs: 1000 Sq. Ft. GLA**  
**On a: Weekday**

**Setting/Location: General Urban/Suburban**  
Number of Studies: 147  
1000 Sq. Ft. GLA: 453  
Directional Distribution: 50% entering, 50% exiting

## Vehicle Trip Generation per 1000 Sq. Ft. GLA

Average Rate	Range of Rates	Standard Deviation
37.75	7.42 - 207.98	16.41

## Data Plot and Equation





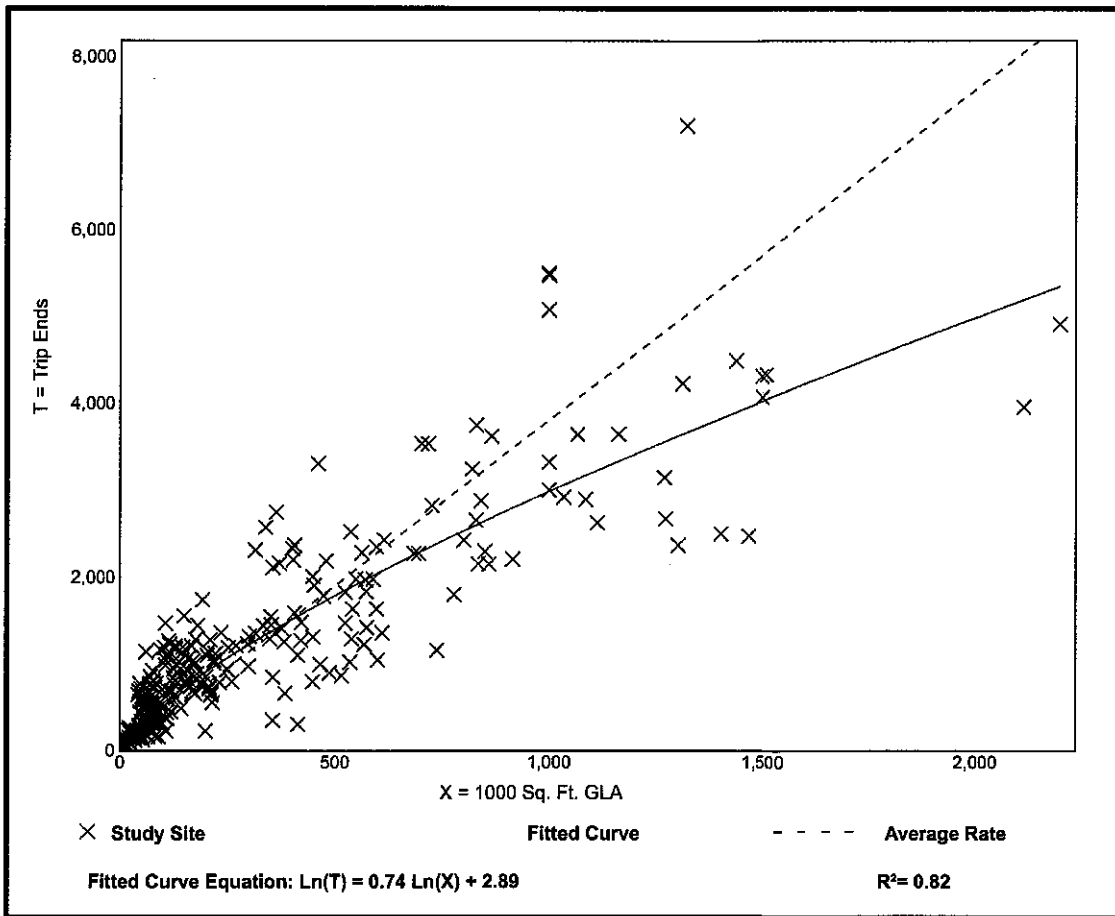
# Shopping Center (820)

**Vehicle Trip Ends vs: 1000 Sq. Ft. GLA**  
**On a: Weekday,**  
**Peak Hour of Adjacent Street Traffic,**  
**One Hour Between 4 and 6 p.m.**  
**Setting/Location: General Urban/Suburban**  
 Number of Studies: 261  
 1000 Sq. Ft. GLA: 327  
 Directional Distribution: 48% entering, 52% exiting

## Vehicle Trip Generation per 1000 Sq. Ft. GLA

Average Rate	Range of Rates	Standard Deviation
3.81	0.74 - 18.69	2.04

## Data Plot and Equation



**Table E.9 (Cont'd) Pass-By and Non-Pass-By Trips Weekday, PM Peak Period Land Use Code 820—Shopping Center**

SIZE (1,000 SQ. FT. GLA)	LOCATION	WEEKDAY SURVEY DATE	NO. OF INTERVIEWS	TIME PERIOD	PASS-BY TRIP (%)	NON-PASS-BY TRIP (%)			ADJ. STREET PEAK HOUR VOLUME	AVERAGE 24-HOUR TRAFFIC	SOURCE
						PRIMARY	DIVERTED	TOTAL			
921	Albany, NY	July & Aug. 1985	196	4:00–6:00 p.m.	23	42	35	77	—	60,950	Raymond Keyes Assoc.
108	Overland Park, KS	July 1988	111	4:30–5:30 p.m.	26	61	13	74	—	34,000	—
118	Overland Park, KS	Aug. 1988	123	4:30–5:30 p.m.	25	55	20	75	—	—	—
256	Greece, NY	June 1988	120	4:00–6:00 p.m.	38	62	—	62	—	23,410	Sear Brown
160	Greece, NY	June 1988	78	4:00–6:00 p.m.	29	71	—	71	—	57,306	Sear Brown
550	Greece, NY	June 1988	117	4:00–6:00 p.m.	48	52	—	52	—	40,763	Sear Brown
51	Boca Raton, FL	Dec. 1987	110	4:00–6:00 p.m.	33	34	33	67	—	42,225	Kimley-Horn and Assoc. Inc.
1,090	Ross Twp, PA	July 1988	411	2:00–8:00 p.m.	34	56	10	66	—	51,500	Wilbur Smith and Assoc.
97	Upper Dublin Twp, PA	Winter 1988/89	—	4:00–6:00 p.m.	41	—	—	59	—	34,000	McMahon Associates
118	Tredyffrin Twp, PA	Winter 1988/89	—	4:00–6:00 p.m.	24	—	—	76	—	10,000	Booz Allen & Hamilton
122	Lawnside, NJ	Winter 1988/89	—	4:00–6:00 p.m.	37	—	—	63	—	20,000	Pennoni Associates
126	Boca Raton, FL	Winter 1988/89	—	4:00–6:00 p.m.	43	—	—	57	—	40,000	McMahon Associates
150	Willow Grove, PA	Winter 1988/89	—	4:00–6:00 p.m.	39	—	—	61	—	26,000	Booz Allen & Hamilton
153	Broward Cnty., FL	Winter 1988/89	—	4:00–6:00 p.m.	50	—	—	50	—	85,000	McMahon Associates
153	Arden, DE	Winter 1988/89	—	4:00–6:00 p.m.	30	—	—	70	—	26,000	Orth-Rodgers & Assoc. Inc.
154	Doylestown, PA	Winter 1988/89	—	4:00–6:00 p.m.	32	—	—	68	—	29,000	Orth-Rodgers & Assoc. Inc.
164	Middletown Twp, PA	Winter 1988/89	—	4:00–6:00 p.m.	33	—	—	67	—	25,000	Booz Allen & Hamilton
166	Haddon Twp, NJ	Winter 1988/89	—	4:00–6:00 p.m.	20	—	—	80	—	6,000	Pennoni Associates
205	Broward Cnty., FL	Winter 1988/89	—	4:00–6:00 p.m.	55	—	—	45	—	62,000	McMahon Associates

**Table E.9 (Cont'd) Pass-By and Non-Pass-By Trips Weekday, PM Peak Period Land Use Code 820—Shopping Center**

SIZE (1,000 SQ. FT. GLA)	LOCATION	WEEKDAY SURVEY DATE	NO. OF INTERVIEWS	TIME PERIOD	PASS-BY TRIP (%)	NON-PASS-BY TRIP (%)			ADJ. STREET PEAK HOUR VOLUME	AVERAGE 24-HOUR TRAFFIC	SOURCE
						PRIMARY	DIVERTED	TOTAL			
237	W. Windsor Twp, NJ	Winter 1988/89	—	4:00–6:00 p.m.	48	—	—	52	—	46,000	Booz Allen & Hamilton
242	Willow Grove, PA	Winter 1988/89	—	4:00–6:00 p.m.	37	—	—	63	—	26,000	McMahon Associates
297	Whitehall, PA	Winter 1988/89	—	4:00–6:00 p.m.	33	—	—	67	—	26,000	Orth-Rodgers & Assoc. Inc.
360	Broward Cnty., FL	Winter 1988/89	—	4:00–6:00 p.m.	44	—	—	56	—	73,000	McMahon Associates
370	Pittsburgh, PA	Winter 1988/89	—	4:00–6:00 p.m.	19	—	—	81	—	33,000	Wilbur Smith
150	Portland, OR	—	519	4:00–6:00 p.m.	68	6	26	32	—	25,000	Kittelson and Associates
150	Portland, OR	—	655	4:00–6:00 p.m.	65	7	28	35	—	30,000	Kittelson and Associates
760	Calgary, Alberta	Oct.-Dec. 1987	15,436	4:00–6:00 p.m.	20	39	41	80	—	—	City of Calgary DOT
178	Bordentown, NJ	Apr. 1989	154	2:00–6:00 p.m.	35	—	—	65	—	37,980	Raymond Keyes Assoc.
144	Manalapan, NJ	July 1990	176	3:30–6:15 p.m.	32	44	24	68	—	69,347	Raymond Keyes Assoc.
549	Natick, MA	Feb. 1989	—	4:45–5:45 p.m.	33	26	41	67	—	48,782	Raymond Keyes Assoc.

Average Pass-By Trip Percentage: 34

“—” means no data were provided

# Multifamily Housing (Low-Rise) (220)

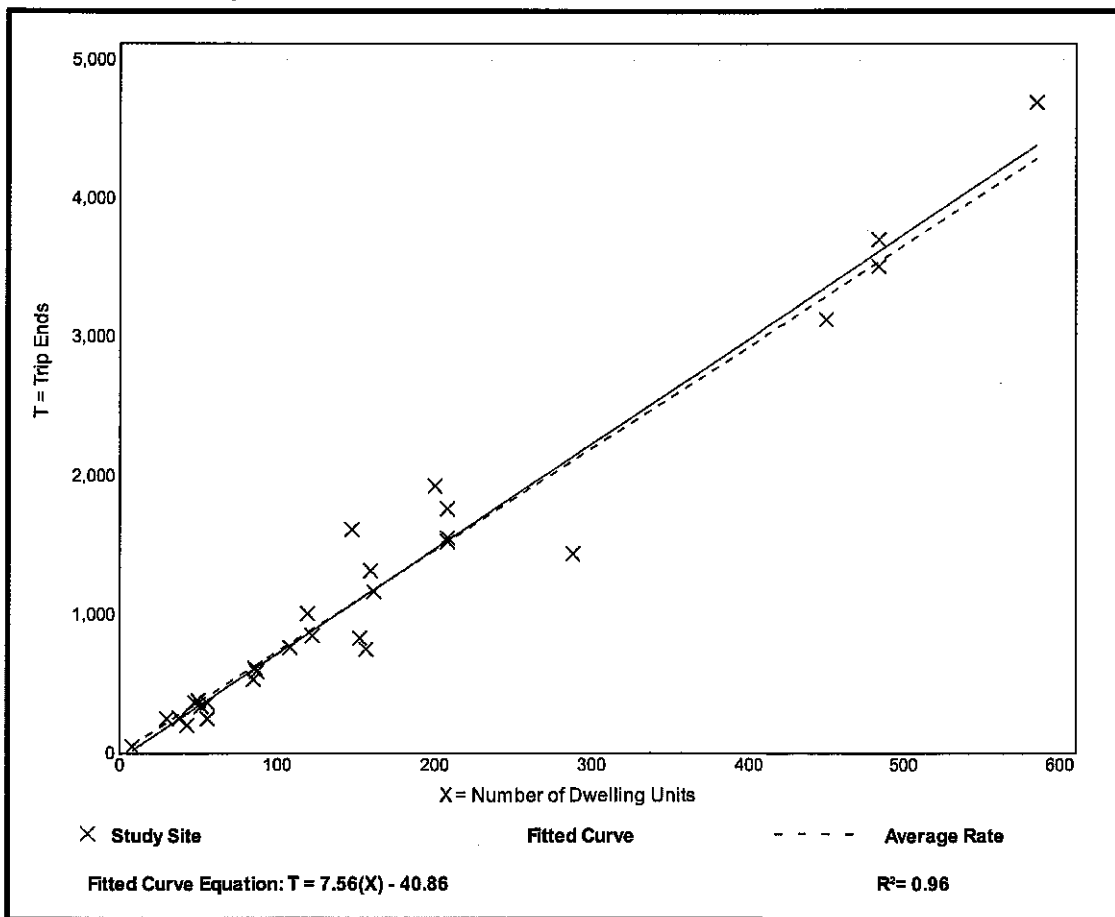
Vehicle Trip Ends vs: Dwelling Units  
On a: Weekday

Setting/Location: General Urban/Suburban  
Number of Studies: 29  
Avg. Num. of Dwelling Units: 168  
Directional Distribution: 50% entering, 50% exiting

## Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
7.32	4.45 - 10.97	1.31

## Data Plot and Equation



# Multifamily Housing (Low-Rise) (220)

Vehicle Trip Ends vs: Dwelling Units

On a: Weekday,

Peak Hour of Adjacent Street Traffic,  
One Hour Between 4 and 6 p.m.

Setting/Location: General Urban/Suburban

Number of Studies: 50

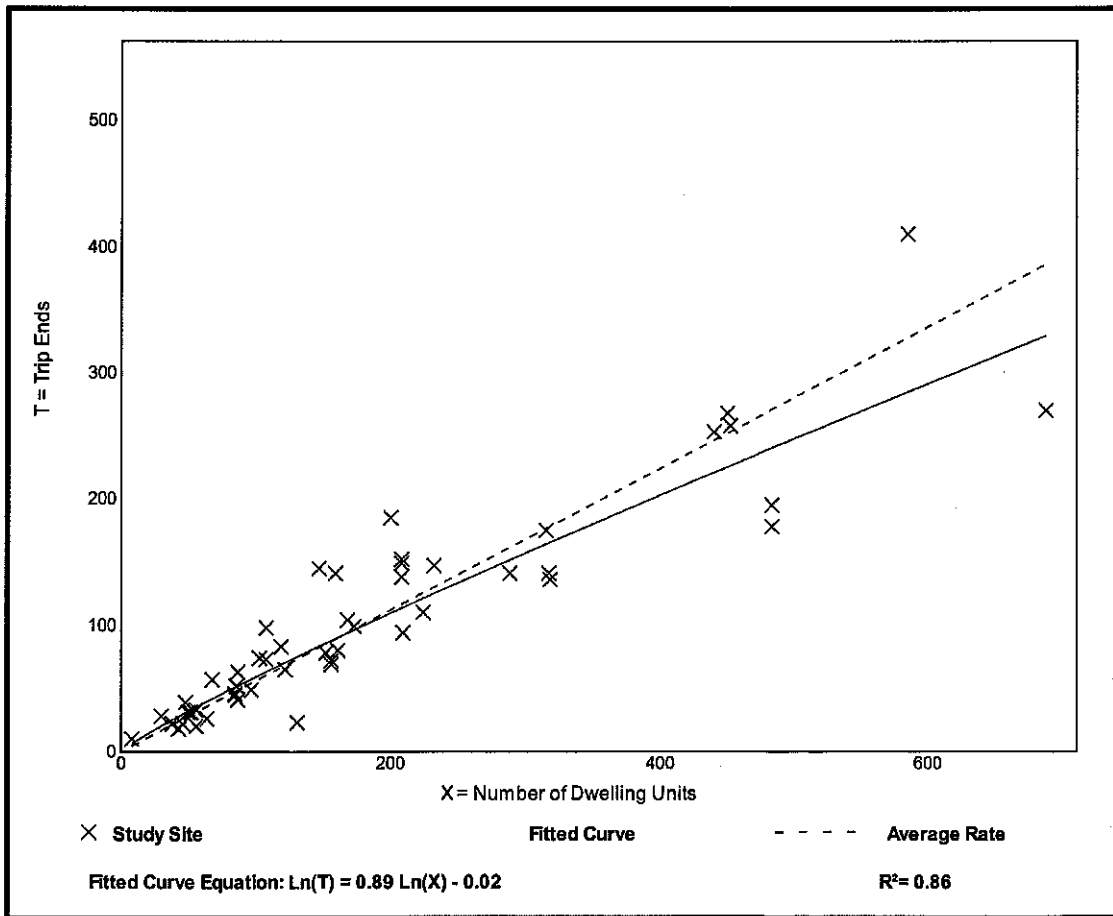
Avg. Num. of Dwelling Units: 187

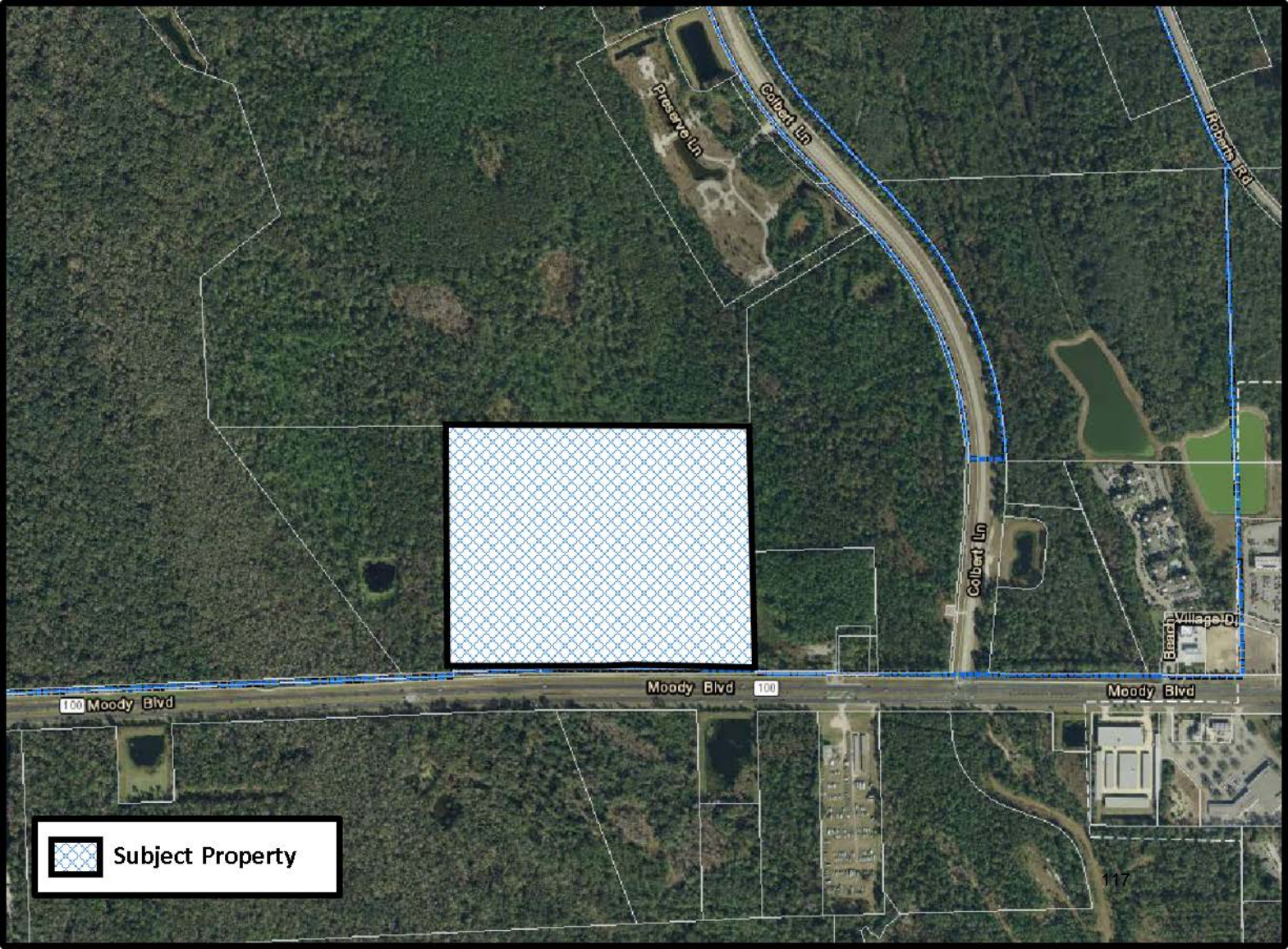
Directional Distribution: 63% entering, 37% exiting

## Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
0.56	0.18 - 1.25	0.16

## Data Plot and Equation





Moody Blvd

100

Moody Blvd

Preserve Ln

Colbert Ln

Roberts Rd

Colbert Ln

Village D

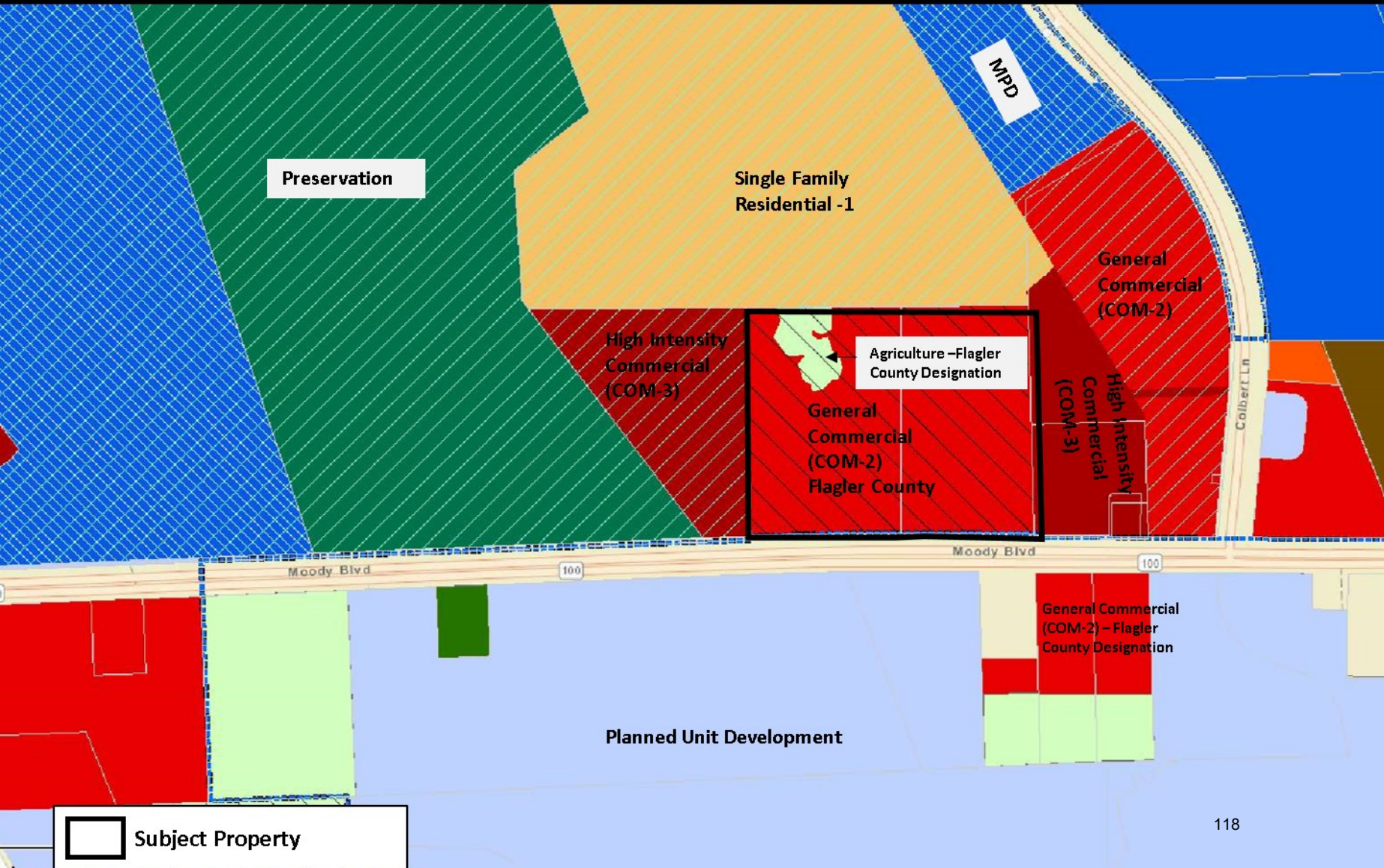
100 Moody Blvd



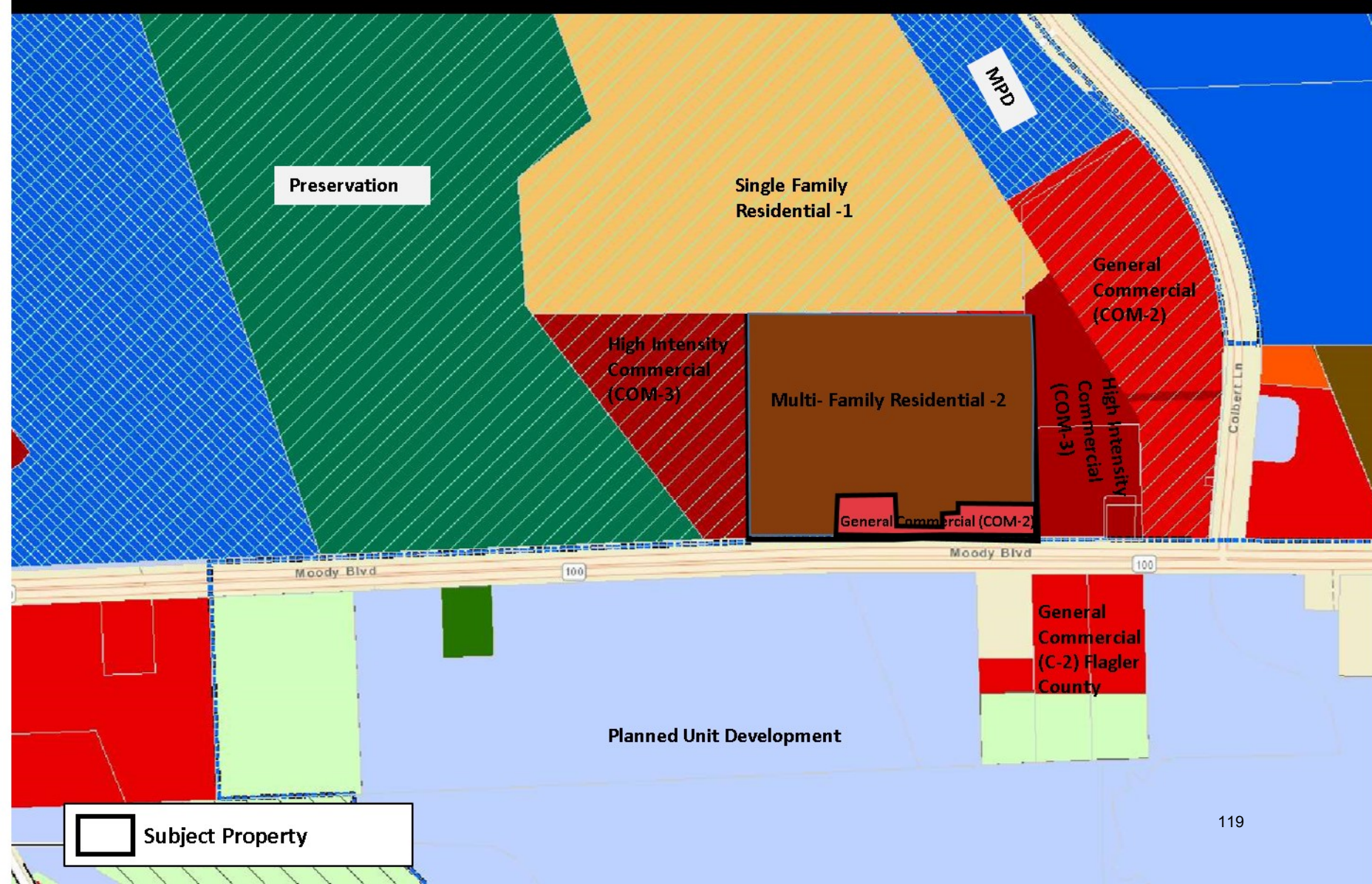
Subject Property

117

# CURRENT ZONING MAP – OCEAN VILLAGE AMENDMENTS



# PROPOSED ZONING MAP – OCEAN VILLAGE AMENDMENTS



**ORDINANCE NO. 2019-XX  
OCEAN VILLAGE ZONING MAP AMENDMENT  
APPLICATION NO. 3976**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM COAST, FLORIDA, PROVIDING FOR THE AMENDMENT OF THE OFFICIAL ZONING MAP AS ESTABLISHED IN SECTION 2.06 OF THE CITY OF PALM COAST UNIFIED LAND DEVELOPMENT CODE; AMENDING THE OFFICIAL ZONING MAP FOR 49± ACRES OF CERTAIN REAL PROPERTY GENERALLY LOCATED ¼ MILE WEST OF COLBERT LANE ON THE NORTHSIDE OF STATE ROAD 100 BEING MORE PARTICULARLY DESCRIBED IN THE ATTACHED EXHIBIT A, FROM FLAGLER COUNTY DESIGNATIONS OF GENERAL COMMERCIAL (C-2) & AGRICULTURE TO GENERAL COMMERCIAL (COM-2) AND MULTI-FAMILY RESIDENTIAL-2 (MFR-2) (CITY OF PALM COAST DESIGNATIONS); PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

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

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

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

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

1. The rezoning is consistent with the purposes, goals, objectives, and policies of the City of Palm Coast Comprehensive Plan;
2. The rezoning is compatible as defined in the Unified Land Development Code and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for rezoning;



3. The rezoning will result in a logical, timely and orderly development pattern;
4. The staff report has demonstrated sufficient justification that there are changed circumstances, which would require the rezoning request.

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

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

**SECTION 2. Official Zoning Map Amended.** The 49 ± acres of land, located ¼ mile west of Colbert Lane on the northside of State Road 100, as legally described in “Exhibit A” and attached hereto, is hereby amended from the Flagler County designations of General Commercial and Agriculture to City of Palm Coast designations of Multi-family Residential-2 (MFR-2) and General Commercial (COM-2).

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

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

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

Approved on first reading this \_\_\_\_ day of \_\_\_\_\_, 2019.

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

**CITY OF PALM COAST, FLORIDA**

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*ATTEST:*

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

\_\_\_\_\_  
VIRGINIA SMITH, CITY CLERK

Attachments:

Exhibit "A" – Legal Description of property subject to Official Zoning Map amendment  
Exhibit "B" – Revised Official Zoning Map

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

A parcel of land lying North of State Road 100 (200' R/W) within Government Sections 10 and 39, Township 12 South, Range 31 East, Flagler County, Florida, being more particularly described as Follows:

A POINT OF REFERENCE being the northeast corner of said Government Section 10, Township 12 South, Range 31 East, thence South 01°23'05" East along the East Line of Section 10 a distance of 1280.24 feet to the POINT OF BEGINNING of this description, thence continue South 01°23'05" East a distance of 1328.00 feet, thence North 89°29'02" West a distance of 553.54 feet to a point of curvature, thence 1087.28 feet along the arc of a curve to the left (concave Southerly) having a central angle of 02°42'13", a radius of 23042.76 feet, a chord Bearing of South 89°09'51" West and a chord distance of 1087.18 feet to a point of tangency, thence North 01°23'05" West a distance of 1328.00 feet, thence North 89°37'15" East a distance of 1640.61 feet to the POINT OF BEGINNING.

**EXHIBIT "B"**  
**ORDINANCE No. 2019-\_\_\_\_**  
**Revised Official Zoning Map**

