



City of Palm Coast
Agenda
Planning and Land
Development Regulation
Board

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

Chair Clinton Smith
Vice Chair Sandra Shank
Board Member James Albano
Board Member Charles Lemon
Board Member Christopher Gabriel
Alternate Board Member Hung
Hilton
Alternate Board Member Suzanne
Nicholson
School Board Rep Patty Bott

Wednesday, October 19, 2022

5:30 PM

City Hall-Community Wing

- Public Participation shall be in accordance with Section 286.0114 Florida Statutes.
- Public comment on issues on the agenda or public participation shall be limited to 3 minutes.
- Other matters of concern may be discussed as determined by Committee during the meeting.
- If you wish to obtain more information regarding the agenda, please contact the Community Development Department at 386-986-3736.
- In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons needing a reasonable accommodation to participate in any of these proceedings or meeting should contact the City Clerk at 386-986-3713, at least 48 hours prior to the meeting.
- It is proper meeting etiquette to silence all electronic devices, including cell phones while meeting is in session.
- Any person who decides to appeal any decision with respect to any matter considered at this meeting will need a record of the proceedings, and for such purpose, may need to hire a court reporter to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Call to Order and Pledge of Allegiance

Roll Call and Determination of a Quorum

Approval of Meeting Minutes

**1 MEETING MINUTES OF THE PLANNING AND LAND DEVELOPMENT REGULATION
BOARD SEPTEMBER 20, 2022 MEETING**

Public Hearing

- 2 VARIANCE TO SIDE YARD SETBACK - 10 WHITTINGTON DRIVE**
- 3 HARBORSIDE MPD – APPLICATION # 5132**
- 4 A FUTURE LAND USE MAP AMENDMENT FOR 30+/- ACRES OF PROPERTY FROM FLAGLER COUNTY DESIGNATION OF AGRICULTURE & TIMBERLANDS AND CONSERVATION TO CITY OF PALM COAST DESIGNATION OF MIXED USE AND CONSERVATION**
- 5 A ZONING MAP AMENDMENT FOR A 30+/- ACRE PARCEL FROM FLAGLER COUNTY DESIGNATION OF AGRICULTURE TO CITY OF PALM COAST DESIGNATION OF HIGH INTENSITY COMMERCIAL (COM-3) AND PRESERVATION (PRS)**

Board Discussion and Staff Issues

Adjournment

City of Palm Coast, Florida Agenda Item

Agenda Date: October 19, 2022

Department	COMMUNITY DEVELOPMENT	Amount
Division	PLANNING	Account #
Subject	MEETING MINUTES OF THE PLANNING AND LAND DEVELOPMENT REGULATION BOARD SEPTEMBER 20, 2022 MEETING	
Presenter: Recording Secretary		
Background:		
Recommended Action: Approve as presented.		

City of Palm Coast, Florida Agenda Item

Agenda Date: October 19, 2022

Department	COMMUNITY DEVELOPMENT	Amount
Division	PLANNING	Account #
Subject	VARIANCE TO SIDE YARD SETBACK - 10 WHITTINGTON DRIVE	
Presenter: Estelle Lens, Planner, AICP		
Background: The applicant has requested to continue this item to a date certain of Wednesday, November 16, 2022, at 5:30pm (next regularly scheduled Planning and Land Development Regulation Board meeting), to be held at the Community Wing of City Hall.		
Recommended Action: Planning Staff recommends that the Planning and Land Development Regulation Board approve the applicant’s request to continue this item to November 16, 2022.		

City of Palm Coast, Florida

Agenda Item

Agenda Date: October 19, 2022

Department	COMMUNITY DEVELOPMENT	Amount
Division	PLANNING	Account #
Subject HARBORSIDE MPD – APPLICATION # 5132		
Presenter: Jose Papa, Senior Planner, AICP, Bill Hoover, Senior Planner, AICP		
<p>Background: JDI Palm Coast, LLC as a property owner is proposing to rezone 17.64 +/- acres with an existing marina with 84 wet slips, a 72-unit residential condominium building, a 525-space parking garage, infrastructure, and vacant cleared land. The property is located on the east and northeast sides of the intersection between Palm Harbor Parkway and Clubhouse Drive. It is also located adjacent to the south side of the Clubhouse Waterway and along the west side of the Intracoastal Waterway. The proposed rezoning is from Harborside Inn & Marina PUD to Harborside Master Planned Development (MPD) for a potential mixed-use project that is intended to include a marina, townhouses, multi-family units and possibly a restaurant and/or hotel.</p> <p>The applicant is requesting two basic scenarios, one primarily adding residential units and the second primarily adding residential units and a hotel. Per LDC Section 3.05.03.C, residential density calculations cannot include lands being used for commercial purposes so in scenario one 0.7 +/- acre of land area for Lots 1 and 2 are subtracted from the project size while on scenario two, 2.7 +/- acres of land area for Lots 1 - 3 are subtracted from the project size. (Note that hotels and commercial uses have intensity limits, typically using floor area ratios, rather than density limitations.) In scenario one, the proposed 432 units would have an overall project density on the 16.94 +/- acres of 25.5 units/per acre. In scenario two, the proposed 432 units would have an overall project density on the 14.94 +/- acres of 28.9 units/per acre.</p> <p><u>Planning and Land Development Regulation Board (PLDRB) Meeting on September 20, 2022:</u> This project was heard by the PLDRB on September 20, 2022. Planning staff recommended “denial” of the project due to the proposed very high density and compatibility issues with neighboring properties which did not meet various goals and policies of the Comprehensive Plan and sections of the Land Development Code (LDC). After a very lengthy meeting the PLDRB voted 6-0 to continue the project until the October 19, 2022, PLDRB meeting and requested that the applicant and Planning staff get together to see if they could minimize their differences in the MPD Development Agreement.</p> <p><u>Updated Information:</u> The applicant and staff held several meetings discussing the issues between the two parties which resulted in agreement on a number of items. However, the major issue that remains is the maximum project density. The applicant is seeking 25.5 or 28.9 units/per acre and wants the choice to be at the applicant’s option. Staff and the applicant differ</p>		

on the interpretation of the Comprehensive Plan and applicable sections of the LDC that determine maximum project densities.

On October 6th, City Staff initiated and sent the applicant a proposed new Section 10 to be included within the MPD Development Agreement. Staff in their professional planning opinion suggested that if eight development standards were implemented within the project, and the project was limited to 18.3 units/acre, Staff would consider the project consistent with the Comprehensive Plan and the LDC; and specifically, with Comprehensive Plan Policy 1.1.2.2. Staff's proposed eight standards are attached as Exhibit "A."

In the staff report for the September 20 PLDRB meeting, Staff determined, in its professional opinion as planners, that 15 units/per acre was the maximum density for the project but only if a destination resort hotel was constructed with at least a 4,500 sq. ft. sit-down restaurant having 75 seats for patrons.

Staff opines that 18.3 units/acre would be consistent with the Comprehensive Plan and the LDC if the applicant implemented all eight items listed in Exhibit "A." At 18.3 units/ per acre, Staff could support either 310 units on 16.94 acres, or 273 units on 14.94 acres. This is an increase of 22% over the maximum 15 units/per acre allowed in the Mixed Use District, absent the inclusion of the types of changes allowed in Policy 1.1.2.2.

The 22% increase in density is consistent with the previous PUD approval which permitted a 22% increase in base intensity which increased the Floor Area Ratio from 55% to 67%. Staff believes their suggested eight development items would make the project equivalent in nature to the previous project regarding Policy 1.1.2.2. These eight standards would allow staff to support a 22% increase for density and is based on consistency with the Comprehensive Plan and LDC. Staff believes the eight standards listed in Exhibit "A", would make the 18.3 units/ per acre project compatible with the surrounding neighborhood. In staff's professional opinion the applicant's proposal of 25.5 to 28.9 units per acre is not compatible with neighboring properties, as required by several sections in the LDC.

The applicant reviewed staff's proposal for 18.3 units/acre with the eight standards, and on October 10th, applicant provided a written response that is attached as Exhibit "B". The applicant suggested that much of staff's proposed text should be deleted, and suggested alternative text be included with approximately the same development standards (one standard was dropped by the applicant). (Note applicant's proposed MPD DA includes their proposed alternative standards.) The applicant argued that if they met even some of the eight standards, the project would be entitled to 432 units and a density of 25.5 or 28.9 units/per acre.

Public Participation: A neighborhood information meeting was held at 11:00 AM on September 8, 2022, at the 3rd floor of the on-site parking garage. A letter was sent out previously to all neighbors living within 300 feet of the boundaries of the project inviting them to this meeting. By staff's count 48 persons attended this meeting including three persons representing the developer and one City staff member. The developer erected two City provided signs along Palm Harbor Parkway, notifying the general public at least 14 days prior to each of the PLDRB meetings. The City ran a news ad 20 days prior to the September 20, 2022, PLDRB meeting

and since the project was continued (“date certain” to October 19th) by the PLDRB no additional newspaper ad was required.

Recommended Action:

Planning staff recommends that the Planning and Land Development Regulation Board find the proposed MPD Application No. 5132 is not in compliance with the Comprehensive Plan’s Goal 1.1 and Policies 1.1.1.2 and 1.1.2.2 and not in compliance with the Land Development Code’s Sections 3.03.04, 3.03.04.B.2, and 3.03.04.D and recommend denial to City Council to rezone 17.64 +/- acres from Harborside Inn & Marina PUD to Harborside MPD.

EXHIBIT "A"
STAFF'S VERSION ON 10-6-22

SECTION X. PROJECT DENSITIES AND INTENSITIES

- (a) The Subject Property was partially developed prior to approval of the PUD in 2007, and these improvements included: the Existing Condominium, the Parking Garage, marina with ship's store and 84 slips, a fishing dock and gazebo along the Intracoastal Waterway, a master stormwater system, and a central roadway with utilities. Additionally, the previous owner of the Harborside Property made a payment of \$200,000 to the City to partially fund a public boat ramp elsewhere in the City to remedy the loss of the boat ramp to the public. Based on these improvements and the fact that the Comprehensive Plan was modified to 15 units/per acre for MPDs in 2010, the Project is entitled to a density of 15 residential units/per acre as allowed in an area designated Mixed Use on the Future Land Use Element (FLUM) with a MPD Agreement.
- (b) Per Policies 1.1.1.3 and 1.1.2.2 of the Comprehensive Plan, the 2007 PUD allowed a 22% increase from 55% to 67% in the maximum Floor Area Ratio for a MPD located within a Mixed Use designation on the FLUM. The increase was justified since the project development was for an icon destination resort that would include enhanced conference and meeting facilities and a variety of recreational and leisure activities. That project was expected to provide tourism and economic development while maintaining public access along the Intracoastal Waterway adjacent to the site. The destination resort was intended to continue the 84-slip marina, allow for 169 resort condominiums (including the 72-unit Existing Condominium), and a 209-unit icon resort condominium hotel with up to 47,000 square feet of accessory hotel uses that could include: ballrooms, restaurant, fitness center, conference meeting space, pools, trails, and harbor master/ship store with fuel service.
- (c) The Owner no longer wants to develop the PUD as previously approved and has applied for a new MPD Agreement which primarily changes the basis of the MPD development limits from FAR (intensity) to residential density. Since a destination icon resort is no longer intended, the owner has agreed to provide the following to justify an increase in density beyond 15 residential units/per acre. If the Owner provides all of the following in the shown time frames, the residential density of the Project shall be increased by 22% to 18.3 residential units/per acre:
 - 1) Construct a sit-down restaurant on Lots 1, 2 or 3 that would have a minimum of 4,000 sq. ft. of gross floor area and at least 75 seats for patrons. (Constructed prior to exceeding 15 units/per acre.)
 - 2) Remodel or construct a new ship's store that can include the sit-down restaurant within the same building. (Constructed prior to exceeding 15 units/per acre.)
 - 3) Keep the marina open including fuel sales to the public and at least 25% of wet slips available for non-transient/restaurant use. A slip space to include accommodations for commercial use (i.e. smaller barge for bulkhead repairs).

- 4) If the Owner decides to sell the marina the City shall have the first right of refusal.
- 5) Maintain existing boat ramp to be utilized by public entities for public related activities such as emergency events.
- 6) Maintain a "Clean Marina" designation from the DEP.
- 7) Construct a paved 5' wide sidewalk that would connect from the existing trail located on the west side of the Intracoastal Waterway west adjacent to the drainage canal and running westerly south of the Condominium and then south of the Parking Garage. The existing trail easement along the Intracoastal Waterway would be vacated by the City upon completion of the new trail. (Constructed in the initial phase or commencing construction within 18 months and completion within 24 months of the approval of the MPD Agreement, whichever is earlier.)
- 8) Provide prototype Palm Coast entry way sign or as agreed to by both parties along the Intracoastal Waterway. The sign can be combined with developers sign.

EXHIBIT "B"

APPLICANT'S VERSION RECEIVED ON 10-9-22

SECTION 10. PROJECT DENSITY

The City has determined that the Project satisfies the criteria set forth in Policy 1.1.2.2 of the Comprehensive Plan's Future Land Use Element permitting an increase in densities and/or intensities for the Project. The residential unit count within the Project shall be limited to 254 units, except as provided in this Section X. In addition, Owner may elect, at any time, to increase the residential unit count above 254 total units by fulfilling one or more of the following conditions ("Density Bonus Incentive Conditions"):

1. 50 additional residential units: Owner shall construct a sit-down restaurant on Lots 1, 2 and/or 3 with at least 4,000 sq.ft. of gross floor area and at least 75 seats for patrons.
2. 50 additional residential units: Owner shall provide the City of Palm Coast with a one-time right of first offer (i.e., one-time first opportunity to negotiate in good faith) to purchase the marina, prior to Owner pursuing a sale of the marina to a third party.
3. 25 additional residential units: Owner shall renovate, remodel, or construct a new Ship's Store, which may include and be combined with the sit-down restaurant described above.
4. 25 additional residential units: Owner shall be maintaining or have obtained a Clean Marina designation pursuant to the Florida Department of Environmental Protection ("FDEP") Clean Marina Program, or a comparable program if the FDEP's Clean Marina Program is discontinued, at the time the request for the additional units is made in an application for site plan approval.
5. 25 additional residential units: Owner shall be operating a marine vessel fuel sale operating at the marina (subject to commercially reasonable viability) at the time the request for the additional units is made in an application for site plan approval.
6. 25 additional residential units: Owner shall open and be operating a private boat ramp at the marina (subject to commercially reasonable viability) at the time the request for additional units is made in an application for site plan approval.
7. 25 additional residential units per wet slip: Owner shall make a wet slip at the Marina available for public daily short-term transient use.
8. 25 additional residential units: Owner shall provide the City with a license to construct, at the City's expense, a Welcome sign on the ICW, which sign shall be compatible in size with Owner's private sign in the same location.
9. 25 additional residential units: Owner shall fund the costs of installing the City's welcome sign on the ICW as described above.

Under no circumstances will more than 432 residential units be permitted within the Project.

City of Palm Coast, Florida

Agenda Item

Agenda Date: October 19, 2022

Department	COMMUNITY DEVELOPMENT	Amount
Division	PLANNING	Account #
Subject	A FUTURE LAND USE MAP AMENDMENT FOR 30+/- ACRES OF PROPERTY FROM FLAGLER COUNTY DESIGNATION OF AGRICULTURE & TIMBERLANDS AND CONSERVATION TO CITY OF PALM COAST DESIGNATION OF MIXED USE AND CONSERVATION	
Presenter: Jose Papa, Senior Planner, AICP		
<p>Background: The subject area is an approximately 30 acre site located on the westside of US-1 at the terminus of Whiteview Pkwy. The application is a proposed FLUM amendment to change the current Flagler County designation of Agriculture & Timberlands and Conservation to City of Palm Coast designation of Mixed Use and Conservation. There is a companion zoning map amendment for the subject parcel to change the current zoning designation from Flagler County Agriculture to City of Palm Coast High Intensity Commercial (COM-3) and Preservation (PRS).</p> <p>The proposed amendment was reviewed for the following:</p> <ul style="list-style-type: none">• Analysis of the proposed amendment's impacts on public facilities and infrastructure. Consistent with the required analysis to compare the proposed land use designation with the existing land use designation, staff conducted a maximum potential development analysis for public facilities and infrastructure. The proposed amendment will result in higher demand on water and sewer facilities but should have a lower impact on transportation facilities.• Impacts on the environmental/cultural resources. There are no significant impact on the environmental attributes on the subject parcel since the parcel is mainly composed of planted pine. The amendment does propose to protect a 5.4 acre wetland area which is interconnected to a larger wetland system.• Compatibility with surrounding land uses. The proposed FLUM designations are generally consistent with the surrounding properties. <p>Finally, the proposed amendment is consistent with comprehensive plan policies regarding:</p> <ul style="list-style-type: none">• Directing development where existing infrastructure is available. <p>Public Process Neighborhood Meeting As required by the Land Development Code, a neighborhood meeting was hosted by the applicant on October 4, 2022. Other than the applicants and City staff, there were no attendees from the surrounding community.</p>		

Recommended Action: Staff recommends that the Planning and Land Development Regulation Board (PLDRB) find Application #5190 consistent with the Comprehensive Plan and recommend that City Council approve the FLUM amendment from Agriculture & Timberlands, and Conservation (Flagler County Designations) to Mixed Use and Conservation (City of Palm Coast Designation)

City of Palm Coast, Florida

Agenda Item

Agenda Date: October 19, 2022

Department	COMMUNITY DEVELOPMENT	Amount
Division	PLANNING	Account #
Subject	A ZONING MAP AMENDMENT FOR A 30+/- ACRE PARCEL FROM FLAGLER COUNTY DESIGNATION OF AGRICULTURE TO CITY OF PALM COAST DESIGNATION OF HIGH INTENSITY COMMERCIAL (COM-3) AND PRESERVATION (PRS)	
Presenter: Jose Papa, Senior Planner, AICP		
<p>Background: The subject area is an approximately 30 acre site located on the westside of US-1 at the terminus of Whiteview Pkwy. The zoning map amendment application proposes to change the current designation from Flagler County designation of Agriculture to City of Palm Coast designation of High Intensity Commercial (COM-3) and Preservation. There is a companion Future Land Use Map (FLUM) amendment to change the current designation from the Flagler County designations of Agriculture & Timberlands, and Conservation to City of Palm Coast designation of Mixed Use and Conservation.</p> <p>The proposed High Intensity Commercial (COM-3) zoning permits mainly permits a variety of commercial/retail uses along with office uses related to the building industry, as well as warehouse and distribution facilities.</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">- the proposed rezoning is consistent with the Comprehensive Plan including a policy to protect large, interconnected wetlands,- the proposed rezoning is consistent with the surrounding land uses and does not cause a nuisance or threat to the general welfare and safety of the public. The proposed COM-3 zoning is generally consistent with the development pattern found to the north (light industrial, storage, and building industry uses),- the proposed amendment will not cause undue hardship or liability to the City since public infrastructure (water, sewer, roadways) are adjacent to the site and any extension will be the responsibility of the property owner. <p>Public Process Neighborhood Meeting As required by the Land Development Code, a neighborhood meeting was hosted by the applicant on October 4, 2022. Other than the applicants and City staff there were no attendees from the surrounding community.</p>		
<p>Recommended Action: Staff recommends that the Planning and Land Development Regulation Board (PLDRB) find Application #5192 consistent with the Comprehensive Plan and recommend that City Council approve the Zoning Map amendment from</p>		

Agriculture (Flagler County Designation) to High Intensity Commercial (COM-3) and Preservation (PRS) (City of Palm Coast Designation)