



City of Palm Coast

Agenda

Planning and Land Development Regulation Board

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

Chairman Clinton Smith
Board Member James Albano
Board Member Sybil Dodson-Lucas
Board Member Jake Scully
Board Member Sandra Shank
Board Member Charles Lemon
***Alternate Board Member Hung
Hilton***
***Alternate Board Member Suzanne
Nicholson***
School Board Rep Patty Bott

Wednesday, October 20, 2021

5:30 PM

City Hall - Community Wing

RULES OF CONDUCT:

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

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

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

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

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

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

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

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

Call to Order and Pledge of Allegiance

Roll Call and Determination of a Quorum

Approval of Meeting Minutes

1 MINUTES OF THE SEPTEMBER 15, 2021 PLANNING AND LAND DEVELOPMENT

REGULATION BOARD MEETING

Public Hearings

- 2 STOUTENBURG BOATHOUSE ROOF VARIANCE - APPLICATION # 4870**
- 3 SABAL PALMS PHASE 2 - TECHNICAL SITE PLAN TIER 2 - APPLICATION # 4780**
- 4 REZONING GRAND LANDINGS NORTH - APPLICATION #4873**
- 5 AMENDING THE FUTURE LAND USE MAP DESIGNATION FOR 141.5+/- ACRES OF PROPERTY FROM RESIDENTIAL LOW-DENSITY AND CONSERVATION (COUNTY DESIGNATIONS) TO RESIDENTIAL AND CONSERVATION (CITY DESIGNATIONS) ALONG WITH POLICY TO LIMIT DEVELOPMENT TO 217UNITS**
- 6 AMENDING THE ZONING MAP DESIGNATION FOR 141.5+/- ACRES FROM COUNTY DESIGNATION OF PLANNED UNIT DEVELOPMENT (PUD) TO CITY DESIGNATION OF SINGLE-FAMILY RESIDENTIAL-1 (SFR-1) AND PRESERVATION (PRS)**

Board Discussion and Staff Issues

- 7 ELECTION OF A VICE CHAIR TO THE PLANNING AND LAND DEVELOPMENT REGULATION BOARD**

Adjournment

City of Palm Coast, Florida Agenda Item

Agenda Date: October 20, 2021

Department	PLANNING	Amount
Item Key	12247	Account
		#
Subject	MINUTES OF THE SEPTEMBER 15, 2021 PLANNING AND LAND DEVELOPMENT REGULATION BOARD MEETING	
Presenter: Irene Schaefer, Recording Secretary		
Background:		
Recommended Action: Approve as presented.		



**City of Palm Coast
Minutes
Planning and Land
Development Regulation
Board**

City Hall
160 Lake Avenue
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Board Member James Albano
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Lucas
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Nicholson
School Board Rep Patty Bott***

Wednesday, September 15, 2021

5:30 PM

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Call to Order and Pledge of Allegiance

Present and responding to roll call were the following:

Board Member: Clinton Smith
Sybil Dodson-Lucas
Charles Lemon

	Suzanne Nicholson
	Sandra Shank
	James Albano
Absent	
Board Member:	Jake Scully
	Hung Hilton
Also Present:	
School Board Representative:	Patty Bott

Roll Call and Determination of a Quorum

Chair Smith called the September 15, 2021 Planning and Land Development Regulation Board (PLDRB) meeting to order at 5:30PM.

Approval of Meeting Minutes

1 MEETING MINUTES OF THE AUGUST 18, 2021 PLANNING AND LAND DEVELOPMENT REGULATION BOARD MEETING

Pass

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

Approved - 6 - Chairman Clinton Smith, Board Member Sybil Dodson-Lucas, Board Member Charles Lemon, Board Member Suzanne Nicholson, Board Member Sandra Shank, Board Member James Albano

Public Hearings

2 AMENDMENT TO THE TOWN CENTER DEVELOPMENT OF REGIONAL IMPACT - DEVELOPMENT ORDER

Chair Smith opened this item due to statutory advertisement requirements and the application has been withdrawn.

Motion made to withdraw

3 AMENDMENT TO THE TOWN CENTER PUD-AGREEMENT

Chair Smith opened this item due to statutory advertisement requirements and the application has been withdrawn.

Motion made to withdraw by

**4 SPECIAL EXCEPTION VEDIC MOONS – METAPHYSICAL & SPRITUAL
WELLNESS SHOP SPECIAL EXCEPTION - APPLICATION # 4845**

Mr. Ray Tyner, Deputy Chief Development Officer provided background regarding the special exception and introduced Ms. Estelle Lens, Planner who gave a presentation which is attached to this record.

The applicant Erica Bautista addressed the PLDRB members regarding her proposed business plans.

Mrs. Lucas inquired about any types of training that would be necessary for Ms. Bautista to operate the requested services. Ms. Bautista stated that the training for tarot readings consist of 300 hours working one on one with other people.

Chair Smith opened this item to public comment at 5:40PM and seeing no one approach the podium, he closed this item to public comment at 5:41PM.

Pass

Motion made to approve as presented by Board Member Lemon and seconded by Board Member Albano

Approved - 6 - Chairman Clinton Smith, Board Member Sybil Dodson-Lucas, Board Member Charles Lemon, Board Member Suzanne Nicholson, Board Member Sandra Shank, Board Member James Albano

**5 TECHNICAL SITE PLAN STORAGE KING USA - TECHNICAL SITE PLAN TIER 2 -
APPLICATION # 4662**

Mr. Ray Tyner, Deputy Chief Development Officer provided information on the background of the Development of Regional Impact (DRI) for the Town Center and introduced Ms. Estelle Lens, Planner who gave a presentation which is attached to this record.

Mr. Brett Turner, CPH Engineers, representing the owner gave a presentation which is attached to this record. Mr. Tyner added that he wanted to commend the applicant for working with the adjacent property owner to make the joint stormwater pond and access between parcels work for this development and the future application from the adjacent property owner.

Chair Smith opened this item to public comment at 5:55PM and seeing no one approach the podium, he closed this item to public comment at 5:56PM.

Mr. Tyner mentioned for clarification to the PLDRB members that the architectural condition would be removed from the Development Order as the Town Center Architectural Review Committee had approved the plan. Only the

access easement would remain as a condition on the Development Order for this project.

Pass

Motion made to approve as presented by Board Member Shank and seconded by Board Member Albano

Approved - 6 - Chairman Clinton Smith, Board Member Sybil Dodson-Lucas, Board Member Charles Lemon, Board Member Suzanne Nicholson, Board Member Sandra Shank, Board Member James Albano

6 SUBDIVISION MASTER PLAN SAWMILL BRANCH @PALM COAST PARK PHASE 7, A SUBDIVISION MASTER PLAN, APPLICATION # 4798

Mr. Ray Tyner, Deputy Chief Development Officer, provided background on the steps in the platting process including the Subdivision Master Plan being step 1, followed by a Preliminary Plat which are reviewed by PLDRB and finally a Final Plat which would be reviewed by City Council. He also introduced Ms. Estelle Lens, Planner who gave a presentation which is attached to this record.

Mr. William Schaefer, representing the applicant, addressed the PLDRB with regard to the construction and phasing plans for this proposed adult community.

Mr. Albano asked about a traffic light being added at the Old Kings Rd. and US #1 intersection. Mr. Schaefer stated that an access management plan was reviewed with the Florida Department of Transportation (FDOT) and a fully signalized intersection at that location is planned. The engineering plans for the access management plan along US #1 is currently under review with FDOT in order for the development to be issued the permits they will need. Mr. Schaefer discussed that the project is an active adult community - over age 55 and the plans for the proposed 30 acre school site.

Ms. Nicholson asked about the price range of the units. Mr. Schaefer stated he did not know however that the units would be very similar to the product built at Sawmill Creek. Mr. Lemon asked about the density for the overall project and Mr. Schaefer mentioned that the phase 7 is single family development but phase 6 is a multifamily development. Mr. Albano questioned that phase 7 would include an amenity center and Mr. Schaefer indicated yes and described the proposed amenities. Ms. Nicholson asked about the age restrictions on the entire development with the exception of the townhomes and Mr. Schaefer stated that phase 7 will be age restricted and it was not clear about the plans for phase 6 at this time.

Chair Smith opened this item to public comment at 6:08PM. Ms. Bonnie Pennington, 75 Lake Success Drive addressed the PLDRB regarding Chair Smith's relationship as a consultant to the management company of the Town Center DRI and the Palm Coast Park DRI and asked Chair Smith and the City Attorney, Katie Reischmann to address her questions regarding appropriateness of that relationship as it relates to voting matters for projects involving these two

sites. Chair Smith stated that he does not work for this developer and has no financial relationship with the developer. Chair Smith stated that he does work for the Palm Coast Park CDD which maintains some of the infrastructure out there (Palm Coast Park). Ms. Reischmann addressed Ms. Pennington's question by stating that the law requires all board members to vote on every matter, unless that board member has a pecuniary gain or lost to the vote in question. It is very specifically defined in the statute. Mr. Albano made a comment that he has known Chair Smith for 35 years and he would be the first person to recuse himself if he needed to (do that). Seeing no one else approach the podium, Chair Smith closed this item to public comment at 6:12PM.

Pass

Motion made to approve as presented by Board Member Albano and seconded by Alternate Board Member Nicholson

Approved - 6 - Chairman Clinton Smith, Board Member Sybil Dodson-Lucas, Board Member Charles Lemon, Board Member Suzanne Nicholson, Board Member Sandra Shank, Board Member James Albano

7 ORDINANCE 2021-XX AMENDING THE FUTURE LAND USE MAP DESIGNATION FOR 37.7+/- ACRES OF PROPERTY FROM MIXED USE AND UNDESIGNATED TO RESIDENTIAL AND SITE SPECIFIC POLICY TO LIMIT DEVELOPMENT TO 3 DWELLING UNITS/ACRE

Mr. Ray Tyner, Deputy Community Development Officer requested permission to present agenda items #7 and #8 together as companion items. Chair Smith agreed however two separate votes would be required. Mr. Tyner gave a background on this project regarding the public private partnership (City is a joint applicant) involved in this project to extend Citation Blvd. through the property, which will address public safety improvements. Mr. Tyner also introduced Mr. Jose Papa, Senior Planner, who gave a presentation which is attached to this record.

Mr. Jay Livingston, representing the applicant, addressed the PLDRB and gave a presentation which is attached to this record. Mr. Tyner addressed the stormwater ponds that are part of the project which gives the City potential additional capacity and the design solutions used by the developer to give each parcel their own backyard.

Ms. Bott asked the applicant to add a provision for a bus stop and Mr. Livingston stated that there is a provision in the Master Planned Development (MPD) agreement to work with Flagler Schools to determine the best location for a school bus stop.

Mr. Albano inquired about the timing on Phase 1A and 1B. Mr. Livingston stated that phase 1A will start in the July 2022 timeframe, it is depended on getting the base flood elevation determined and getting the roadway design done and bid out. Phase 1B is based on Citation Blvd. being in place, as it gives access to Phase 1B homesites.

Chair Smith asked about the rendering for the lot sizes which may not match the color chart (colors are backwards). Mr. Livingston mentioned that the rendering is a place holder. Chair Smith asked about construction to Citation Blvd. to the southwest continuing and Mr. Livingston stated that construction would stop at this owners' property line. Mr. Livingston stated that the City is in negotiations with that property owner and if the Right of Way (ROW) is available it will be built at the same time as the road.

Ms. Shank asked if the project would be age restricted and Mr. Livingston stated that it would not, in addition Mr. Livingston added that the applicant has submitted their impact determination for all the units to the Flagler School Board. Ms. Shank asked about the diversity of homes types and choices. Mr. Livingston mentioned that the reason that they are asking for an MPD is to allow for the 40 foot lot option which would not be available under the City's straight zoning. In addition, the project is providing a townhouse hybrid multifamily option. Ms. Shank asked if the project will be workforce housing. Mr. Livingston stated this project is in the zoning phase and that the pricing strategy would be market driven. Mr. Albano asked about the square footage of the homes, and Mr. Livingston stated the minimum is 1,200 feet. The final product type has not been determined yet. Mr. Albano asked if the Land Development Code (LDC) allows a 20 ft. wide home. Mr. Papa stated that the LDC limits the wide to 25 ft. however as an MPD the developer may create their own standard.

Chair Smith opened this item to public comment at 6:50PM and seeing no one approach the podium, he closed this item to public comment at 6:51PM.

Pass

Motion made to Recommend Approval including the 3 dwelling units per acre limitation requested by staff by Board Member Albano and seconded by Board Member Nicholson

Approved - 6 - Chairman Clinton Smith, Board Member Sybil Dodson-Lucas, Board Member Charles Lemon, Board Member Suzanne Nicholson, Board Member Sandra Shank, Board Member James Albano

8 ORDINANCE 2021-XX AMENDING THE ZONING MAP DESIGNATION FOR 239.6+/- ACRES FROM SINGLE-FAMILY RESIDENTIAL-1, GENERAL COMMERCIAL (COM-2, PUBLIC/SEMIPUBLIC (PSP) TO MASTER PLANNED DEVELOPMENT (MPD)

This item was presented under agenda item #7 by Mr. Jose Papa, Senior Planner.

Chair Smith opened this item to public comment at 6:52PM and seeing no one approach the podium, he closed this item to public comment at 6:53PM.

Pass

Motion made to Recommend Approval by Board Member Shank and seconded by Board Member Dodson-Lucas

Approved - 6 - Chairman Clinton Smith, Board Member Sybil Dodson-Lucas, Board Member Charles Lemon, Board Member Suzanne Nicholson, Board Member Sandra Shank, Board Member James Albano

Board Discussion and Staff Issues

Mr. Albano inquired about the logo on the staff's PowerPoint presentation. Mr. Tyner stated that he is not aware that it is the new City logo but it will be the one used for staff's PowerPoint presentations.

Chair Smith questioned the status of filling the open position on the PLDRB. Mr. Tyner mentioned that they did receive some applications but are limited to the voting district of the applicant in regard to the PLDRB ordinance requiring all voting districts be represented. Mr. Tyner stated that they would be again advertising the opening and informing all our Citizen Academy Alumnae of this opening.

Chair Smith mentioned that he would not be here for the November PLDRB meeting and Mr. Tyner suggested we add the election of a Vice Chair person to the October PLDRB meeting.

Adjournment

Motion made that the meeting be adjourned by Ms. Shank and the motion was seconded by Mrs. Lucas. The meeting was adjourned at 6:55PM.

*Respectfully Submitted by:
Irene Schaefer & Jacqueline Gonzalez
Recording Secretary*

Pass

Motion made to approve by Board Member Shank and seconded by Board Member Dodson-Lucas

Approved - 6 - Chairman Clinton Smith, Board Member Sybil Dodson-Lucas, Board Member Charles Lemon, Board Member Suzanne Nicholson, Board Member Sandra Shank, Board Member James Albano

City of Palm Coast, Florida

Agenda Item

Agenda Date: October 20, 2021

Department	PLANNING	Amount
Item Key	12287	Account
		#
Subject	STOUTENBURG BOATHOUSE ROOF VARIANCE - APPLICATION # 4870	
Presenter:	Estelle Lens, Planner	
Background:	<p>This boathouse roof variance is a quasi-judicial matter.</p> <p>A request for a Variance to allow a 45 foot roof over a dock at 17 Coolidge Court. The maximum allowable roof over a dock is 34 feet for the subject property (70 foot lot).</p> <p>Gregory L. and Suzette K. Stoutenburg purchased 17 Coolidge Court on April 28, 2017. Their Contractor, Agua Construction, applied for a permit to construct a Deck and Boat Slip, which was approved on October 31, 2019. On April 1, 2020, the contractor submitted a revision to the permit to add a roof over the dock. The revision contained plans for a 40 foot roof, which exceeds the maximum length allowed by code, and was not approved. The revision was put on hold.</p> <p>The Land Development Code regulates the size of roofs over docks on saltwater canals according to the frontage on the canal. The subject property is 70 feet wide on the canal. The code allows:</p> <p><u>Chapter 4 – Section 4.01.05. Residential Docking Facilities. B.4. Roofs. f:</u></p> <p style="padding-left: 40px;">The maximum length of roofs located over a dock slip, dock lift, or water on saltwater canals shall be 26 feet of dock roof for the first 60 feet of property frontage, plus four feet of roof length for every five feet of property frontage thereafter, not to exceed 46 feet.</p> <p style="padding-left: 40px;">The subject property is 70 feet wide: 26 feet for the first 60 feet, plus 8 feet (four feet for each five feet over 60 feet) = 34 feet maximum roof length.</p> <p>The contractor submitted a correction, and reduced the length of the roof to 34 feet. The corrected roof length was approved. The Contractor handwrote on the approved site plan..."Roof 34' Max on this Lot". However, the contractor constructed a 45 foot roof.</p> <p>The applicant requested a 6 foot variance for a 40 foot roof. Staff obtained permission to measure the roof. It measures 45 feet, requiring a variance of 11 feet to the maximum 34 foot roof length allowed by code. The applicant is revising their application to request an 11 foot variance.</p> <p><u>Findings:</u> Planning staff finds that the variance request application number 4870 does not meet the following variance criteria:</p> <ol style="list-style-type: none"> 1. Special conditions and circumstances exist which are peculiar to the land, use, or 	

building involved and which are not applicable to other lands, uses, or buildings in the same zoning district.

2. The special conditions and circumstances are not self-imposed and do not result from the actions of the applicant.
3. Literal interpretation of the provision of this LDC would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this LDC and would work unnecessary and undue hardship on the applicant.
4. The variance is the minimum relief necessary that will make possible the reasonable use of the land or building.
5. The granting of the variance will be in harmony with the general intent and purpose of this LDC and that such variance will not be injurious to the area involved or otherwise detrimental to the public health, safety, and welfare or injurious to other property in the area.

Recommended Action :

Planning staff recommends that the Planning and Land Development Regulation Board (PLDRB) deny the variance of 11 feet to allow a 45 foot roof over a dock at 17 Coolidge Court.



COMMUNITY DEVELOPMENT DEPARTMENT
STOUTENBURG BOATHOUSE ROOF LENGTH VARIANCE STAFF REPORT
PLANNING AND LAND DEVELOPMENT REGULATION BOARD
OCTOBER 20, 2021

OVERVIEW

Project # 4870
Agent: Jay Livingston, Esq.
Property Description: 17 Coolidge Court
Owner & Applicant: Gregory L. & Suzette K. Stoutenburg
FLUM Designation: Residential
Zoning Designation: Single-Family Residential – 2 (SFR-2)
Current Use: Single-family home
Property Tax ID: 07-11-31-7004-00190-0130
Property Location: 17 Coolidge Court

Requested Action: Variance for boathouse roof length

ANALYSIS

REQUESTED ACTION

A Variance to allow a 45 foot roof over a dock at 17 Coolidge Ct. The maximum allowable roof over a dock is 34 feet for the subject property (70 foot lot).

BACKGROUND/SITE HISTORY

The initial application requested that the roof be allowed to be 40 feet in length, exceeding the maximum length allowed by the Land Development Code by 6 feet. The boathouse roof has been constructed and the actual-measured length of the roof is 45 feet, making it 11 feet over the maximum allowable length.

The Land Development Code (LDC) regulation regarding the length of roofs located over a dock slip, dock lift, or water on a saltwater canal was adopted by City Council with Ordinance No. 26 on December 15, 2009. Section 4.01.05.B.4.f. states:

The maximum length of roofs located over a dock slip, dock lift, or water on saltwater canals shall be 26 feet of dock roof for the first 60 feet of property frontage, plus four feet of roof length for every five feet of property frontage thereafter, not to exceed 46 feet.

The following timeline provides the dates pertaining to the permit and boathouse roof length which are the subject matter of this variance:

April 28, 2017: Gregory and Suzette Stoutenburg (Owners) purchased 17 Coolidge Court.

October 15, 2019: Agua Construction (Contractor), hired by the owners, applied for a building permit to construct a 12' X 12' Deck with 13' X 28' Boat Slip. (**See Exhibit 1** – Permit Application.)

October 31, 2019: Permit number 2019100614 was approved. (**See Exhibit 2** – Issued Permit and **Exhibit 3** – Approved site plan for deck and boat slip.) The submitted documents had a 28 foot “wood beam for future roof” included in the drawings. (**See Exhibit 4** – Plan sheet.) However, roof plans were not submitted with this permit. It was approved as a dock and boat slip, not a boathouse with a roof. It should be noted that a 28 foot roof would be approved as it falls within what is allowed by code for the subject property.

April 1, 2020: Contractor submitted a revision to the permit to add a roof. (**See Exhibit 5** – Revision Form.) The plans submitted with the revision were for a 40' roof. (**See Exhibit 6** – Plan Sheet showing a 40 foot roof.) This revision was put on hold the same day (**See Exhibit 7** – Hold comment) by the Zoning Supervisor stating:

“As per the Land Development Code:

Roof lengths shall not exceed 34 feet on lots 70 to 74.9 feet of water frontage. This lot is 70'.

Permit application must be revised from dock to boat house if a roof is being installed.

Site plan must indicate location of proposed roof and its dimensions and also demonstrate that it does not exceed the maximum allowable projection into the waterbody.”

Hold comments are sent to the contractor immediately by the permitting software.

July 2, 2020: Contractor submitted a correction to his revision. (**See Exhibit 8** – Revision Form stating “Updated plans and site plans”.) The roof on the resubmitted plans was reduced to 34 feet. (**See Exhibit 9** – Plan sheet showing a 34' roof.) Contractor also submitted a revised site plan showing a 34' roof and hand wrote on the site plan ...”roof 34' max on this lot.” (**See Exhibit 10** – Approved site plan.)

The applicant is claiming that the plan sheet showing a 40 foot roof was approved. It was not approved and was put on hold. As illustrated in the following timeline, and on **Exhibit 11**, the contractor was aware that the 40' roof length did not meet code, was NOT APPROVED, and was put on hold awaiting correction. The Contractor submitted a corrected plan sheet for a 34' roof. The plan sheet showing a 34' roof was APPROVED. **Exhibit 11** - Screen shots from CD Plus, shows the dates of the revision, hold comment, corrected resubmission, and permit approval. It clearly shows:

04-01-2020: Revision was submitted for a 40' roof

04-01-2020: Permit put on hold because roof was too large.

07-02-2020: Revision submitted for 34' roof

07-02-2020: Revised plans and site plan approved by Zoning.

January 4, 2021: Permit expired. (Permits expire six months after no activity.) Both Contractor and Owners were notified multiple times that the permit was going to expire and that it had expired.

March 1, 2021: Owners emailed their City Council Member and advised that the boathouse was already built, the contractor “...did not get proper approvals from the city and that the boathouse is not built to code.” The email stated: “We understand that that the roof is 6' too long.” They asked for some other remedy other than tearing down the boathouse. (**See Exhibit 12** – Email from Owners to

Council Member.) This email was forwarded to the City Manager, who forwarded it to the Director of Community Development, the Chief Building Official, and the Code Enforcement Manager.

March 5, 2021: Code Enforcement Manager responded to the Owner's email (**See Exhibit 13 – Email**). Attached to the email was the approved site plan and the City's Engineering Design Standards for maximum roof lengths within Palm Coast saltwater canals (**See Exhibit 14 – Excerpt from the Technical Manual**). The email also included the standards from the Land Development Code that the applicant would have to meet to qualify for a variance.

March 16, 2021: Code Enforcement Action Order 2021030575 was started. The Alleged Violation was: BOAT HOUSE/DOCK BUILT OUTSIDE THE SCOPE OF THE PERMIT (OVERSIZED).

May 21, 2021: The Building Permit Supervisor scheduled a "Project Status Inspection" due to the expired status of the permit. The inspector visited the site and entered a note in the system: "Verified by applicant boathouse is erected and completed. Applicant made aware a new permit is required".

May 21, 2021: Contractor emailed city staff advising that they were putting the paperwork together for a variance

May 21, 2021: Responding to email(s) from Contractor, the Permitting Supervisor advised Contractor that the permit was expired and that a new permit was required to be in compliance with city code. (**See Exhibit 15 - Email.**)

August 18, 2021: Code Enforcement case opened. Property was posted with a Notice of Violation which was also sent certified mail to Owners. The violation is for: NO PERMIT, OVERSIZED ROOF OVER DOCK. The property owner was given 30 days to bring the issue into compliance. To do so, a new permit must be obtained and the roof length has to be reduced to a maximum of 34 feet.

September 1, 2021: Applicant applied for a variance for a 40 foot roof over a dock, requesting that the roof, which exceeds the maximum length by 6 feet, be allowed to remain.

September 13, 2021: Code Enforcement obtained permission to measure the roof. The actual roof length is 45 feet, not 40 feet.

September 28, 2021: Applicant was advised that the roof measures 45 feet. The applicant revised the application request from a 6 foot to an 11 foot variance.

LAND DEVELOPMENT CODE CRITERIA

As stated previously, the following is the LDC criteria for docking facility roof lengths.

Chapter 4 – Section 4.01.05. Residential Docking Facilities. B.4. Roofs. f:

The maximum length of roofs located over a dock slip, dock lift, or water on saltwater canals shall be 26 feet of dock roof for the first 60 feet of property frontage, plus four feet of roof length for every five feet of property frontage thereafter, not to exceed 46 feet.

The subject property is 70 feet wide: 26 feet for the first 60 feet, plus 8 feet (four feet for each five feet over 60 feet) = 34 feet maximum roof length.

Property Frontage	Maximum roof length allowed	Roof Length Requested	Variance requested	Roof length as measured	Variance required
70'	34'	40'	6'	45'	11'

LAND USE AND ZONING INFORMATION

SURROUNDING ZONING AND LAND USES:

NORTH:	FLUM:	Residential
	Zoning:	SFR-2
	Use:	Single-family home
EAST:	FLUM:	Residential
	Zoning:	SFR-2
	Use:	Single-family home
SOUTH:	FLUM:	Residential
	Zoning:	SFR-2
	Use:	Single-family home
WEST:	FLUM:	Residential
	Zoning:	SFR-2
	Use:	Single-family homes

ANALYSIS BASED ON UNIFIED LAND DEVELOPMENT CODE CHAPTER 2 SECTION 2.05.05

The Unified Land Development Code (LDC), Chapter 2, and 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 boathouse roof subject to this variance request exceeds the maximum allowed roof length by 11 feet and is contrary to what other home owners are allowed to construct on their property. Any deviation of the Land Development Code without adequate justification can be considered contrary to the public interest.

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

Staff Finding: Although the Comprehensive Plan (Plan) does not specifically address variances, the Plan does provide for Objectives and Policies that promote the general character and quality of life. For example, Policy 1.1.5.1 stipulates that the LDC shall include regulations and standards for all applicable zoning districts, including setback standards for primary and accessory structures.

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

Staff Findings: Should the owners be granted a Variance, no significant financial liability or hardship will be created for the City.

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

Staff Finding: As previously indicated in this staff report, the building permit has expired. A final inspection by the Building Division has not been completed, which is necessary in order to determine if the roof meets Florida Building Code requirements. Therefore, we cannot determine if there is a hazard or a safety concern for the city's inhabitants. Additionally, the roof may be considered a nuisance as it is significantly larger than boathouse roofs on neighboring properties, and may impede the view of the canal for neighboring properties.

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

Staff Finding: If the variance is granted, the applicant will apply for a new building permit to ensure compliance with the Florida Building Code.

ANALYSIS BASED ON UNIFIED LAND DEVELOPMENT CODE SECTION 2.12.03

In addition to the findings listed in Subsection 2.05.05 for all development orders, variance applications shall be reviewed based on the following:

- A. No application for a variance shall be approved unless the Planning and Land Development Regulation Board finds that the following standards are met, recognizing that the applicant bears the burden of proof.

PLEASE NOTE THAT THE STAFF ANALYSIS PROVIDES THE APPLICANT'S JUSTIFICATION FOLLOWED BY PLANNING STAFF'S FINDINGS. THE FOLLOWING ARE THE FIVE STANDARDS:

1. **Special conditions and circumstances exist which are peculiar to the land, use, or building involved and which are not applicable to other lands, uses, or buildings in the same zoning district; and**

Applicant Justification:

"The Stoutenburgs relied on the professional advice of Agua, who was hired as their general contractor. Agua relied on the permitting process they were familiar with, which was changed after the permit was approved and the boathouse and roof were constructed. This is a situation peculiar to the Stoutenburgs boathouse that will not be repeated now that the permitting process has been changed."

Planning Staff Finding: *The permit process was not changed after the permit was approved and the boathouse roof was constructed. There are no special conditions or circumstances which are peculiar to this situation and this standard for approval of a variance is not met. For example, the lot on which the boathouse was constructed is a standard lot with no abnormal dimensional constraints that would prohibit the applicant from meeting code requirements.*

- 2. The special conditions and circumstances are not self-imposed and do not result from the actions of the applicant: and**

Applicant Justification:

“The Stoutenburgs relied on the expertise and advice of Agua. The details shown on the approved permit plans, as well as Agua's failure to notify them that there was a problem until over 7 months after the boathouse and roof were completed, made it impossible for them to fix the situation until it was too late. The COVID-19 pandemic also made it especially difficult to discover and resolve this problem in a timely matter. All of these factors were beyond their control and not self-imposed.”

Planning Staff Finding: *This standard is not met as the conditions are self-imposed. The Owners hired a contractor to act on their behalf and obtain a permit as their authorized agent. The Contractor was aware of the required roof length. The Contractor built a roof that exceeds what was approved on the permit and what is permitted by the LDC, and then failed to correct the length of the roof to match the approved site plan.*

- 3. Literal interpretation of the provision of this LDC would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this LDC and would work unnecessary and undue hardship on the applicant: and**

Applicant Justification:

“Literal interpretation of the code would result in an unnecessary and undue hardship by requiring the Stoutenburgs to pay more for a boathouse than the docks and boathouses enjoyed by other residents along the saltwater canals in the neighborhood. In addition, the Stoutenburgs are not asking for a variance that exceeds the maximum roof length permitted by the code. The roof, as constructed is 40', which is 6' shorter than the maximum permitted length.”

Planning Staff Finding:

This standard is not met as owners of similar 70 foot lots have built, and are able to build, boathouse roofs that meet the criteria outlined in the Land Development Code. The applicant can enjoy the rights of other property owners in the same zoning district and have their boathouse meet the City's regulations. Additionally, the roof “as constructed”, is 45 feet long, not 40 feet, and exceeds the maximum permitted length by 11 feet on this lot.

- 4. The variance is the minimum relief necessary that will make possible the reasonable use of the land or building; and**

Applicant Justification:

“The requested variance is not asking for any additional construction or deviation from the provisions of the code. As stated above, it is also not requesting approval of a roof that exceeds the maximum permitted length for roofs. It is simply asking for permission to allow what was already constructed to remain so the permit, as originally approved, can be completed and the boathouse can receive its final inspection and approval from the City.”

Planning Staff Finding: *Granting the variance would allow a boathouse roof, which was built without a permit, and which exceeds the maximum roof length permitted (for lots this size), to remain. The roof was built with the Contractor's knowledge that the length was not allowed by code. The fact that the Contractor revised his permit and wrote, in his handwriting on the revised site plan, that the roof would not exceed 34 feet, demonstrates that the Contractor knew the roof was not allowed by code. Correcting the error so that the boathouse roof length complies with the 34 foot roof, which is the maximum length allowed, and which was approved, would be the minimum relief necessary to bring the boathouse into compliance and will make possible the reasonable use of the land or building. This standard for variance approval is not met.*

5. The granting of the variance will be in harmony with the general intent and purpose of this LDC and that such variance will not be injurious to the area involved or otherwise detrimental to the public health, safety, and welfare or injurious to other property in the area.

Applicant Justification:

"The boathouse and roof do not exceed required setbacks or other zoning requirements. It is in harmony with the other houses along the saltwater canal and will not be injurious or detrimental to the public health, safety, and welfare of other properties in the area."

Planning Staff Finding: *Granting the variance would not be detrimental to the public health, safety and welfare. However, this standard is not met, as allowing the boathouse to remain as constructed would not be in harmony with the general intent and purpose of the LDC. As stated previously, the length of the boathouse roof does not meet zoning requirements. Allowing it to remain may be considered injurious to the area, as other property owners with similar lots with 70 feet of frontage on a canal cannot build a boathouse roof of 45 feet.*

PUBLIC PARTICIPATION

Unified Land Development Code Chapter 2, Part II, Section 2.07 requires that applicants notify abutting property owners of the PLDRB meeting date at least 14 days in advance of the public hearing. The required letter notifications to the eight abutting property owners were sent via Certified Mail on October 6, 2021 to meet this standard. Neither the LDC nor state law requires signs to be posted or newspaper ads to be placed. Additionally, no Neighborhood Meeting is required for Variance applications.

FINDINGS

Planning staff finds that the variance request application number 4870 does not meet the following variance criteria:

1. Special conditions and circumstances exist which are peculiar to the land, use, or building involved and which are not applicable to other lands, uses, or buildings in the same zoning district.
2. The special conditions and circumstances are not self-imposed and do not result from the actions of the applicant.
3. Literal interpretation of the provision of this LDC would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this LDC and would work unnecessary and undue hardship on the applicant.
4. The variance is the minimum relief necessary that will make possible the reasonable use of the land or building.
5. The granting of the variance will be in harmony with the general intent and purpose of this LDC and that such variance will not be injurious to the area involved or otherwise detrimental to the public health, safety, and welfare or injurious to other property in the area.

RECOMMENDATION

Planning Staff recommends that the Planning and Land Development Regulation Board deny the variance of 11 feet to allow a 45 foot boathouse roof, Application No. 4870.



city of PALM COAST

Community Development Department

Building Permit Application
Rev 9/16
 160 Lake Avenue
 Palm Coast, FL 32164
 Office: 386-986-3780
 Inspection: 386-986-4747

Permit #

2019100614

Detailed description of proposed work:

12x12 Deck with 28' Boat Slip 10K l.f.t

Estimated Value: 20,990

Florida Green Building ☐ Yes ☒ No

Property Owners Name: Gregory Stortenburg

Telephone: 719-310-6587

Mailing Address: 17 Coolidge

Email Address: gregandsize.com Fax number:

Licensed Contractor Name (must sign the application)

Business Name: Aqua Construction

Mailing Address: 2550 N. State St Suite 14

License # (of name listed above) 1521660

Telephone 386 931 0008

Email Address: dan@aguaconstruction.com

Fax Number:

Job Location / Address	Legal Description / Parcel Number
07-17-31-7004-00190-0150 17 Coolidge Ct Palm Coast	

Sub-Contractor Type	Name	Phone Number	License Number
Electric	Robert Little	386-931-1708	EC# 13005740

Organization	Name	Address
Bonding Company		
Architect/Engineer		
Mortgage Lender		

WARNING TO OWNER: YOUR FAILURE TO RECORD A NOTICE OF COMMENCEMENT MAY RESULT IN YOUR PAYING TWICE FOR IMPROVEMENTS TO YOUR PROPERTY. A NOTICE OF COMMENCEMENT MUST BE RECORDED AND POSTED ON THE JOB SITE BEFORE THE FIRST INSPECTION. IF YOU INTEND TO OBTAIN FINANCING, CONSULT WITH YOUR LENDER OR AN ATTORNEY BEFORE COMMENCING WORK OR RECORDING YOUR

NOTICE OF COMMENCEMENT.

Application is hereby made to obtain a permit to do the work and installations as indicated. I certify that no work or installation has commenced prior to the issuance of a permit and that all work will be performed to meet the standards of all laws regulating construction in this jurisdiction. I understand that a separate permit must be secured for ELECTRICAL WORK, PLUMBING, SIGNS, WELLS, POOLS, FURNACES, BOILERS, HEATERS, TANKS, and AIR CONDITIONERS, etc.

OWNER'S AFFIDAVIT: I certify that all the foregoing information is accurate and that all work will be done in compliance with all applicable laws regulating construction and zoning

Signature of Property Owner**OR Signature of Contractor** required if identified above

X _____ sworn
to and subscribed (affirmed) before me this
_____ day of _____ in the year _____
by _____
(Printed name of affiant)
Personally Known ☐ or Produced ID ☐
Type of Identification: _____
Notary Public Signature _____

X _____ sworn
to and subscribed (affirmed) before me this
14th day of Oct in the year 2019
by Daniel Priotti
(Printed name of affiant)
Personally Known ☒ or Produced ID ☐
Type of Identification: _____
Notary Public Signature _____

CARMEN J POLLITZ
MY COMMISSION # GG102007
EXPIRES May 07, 2021





Community Development Department
Building Services Division

160 Lake Avenue
Palm Coast, FL 32164
386-986-3780

Issued Date: 11/08/2019

PERMIT BOATHOUSE

Permit #: 2019100614

Building Code Edition

Job description: 12 X 12 FT DECK W/28 FT BOATSLIP & LIFT

Address: 17 COOLIDGE CT

Legal Description: Section: 07 Block: 00190 Lot: 0130 Subdivision: SECTION 4-COUNTRY CLUB COVE

Applicant Type: CONTRACTOR

Applicant Name: DANIEL OSVALDO PRIOTTI

Applicant DBA: AGUA CONSTRUCTION COMPANY

Job Phone # 386-931-0008

Additional Information

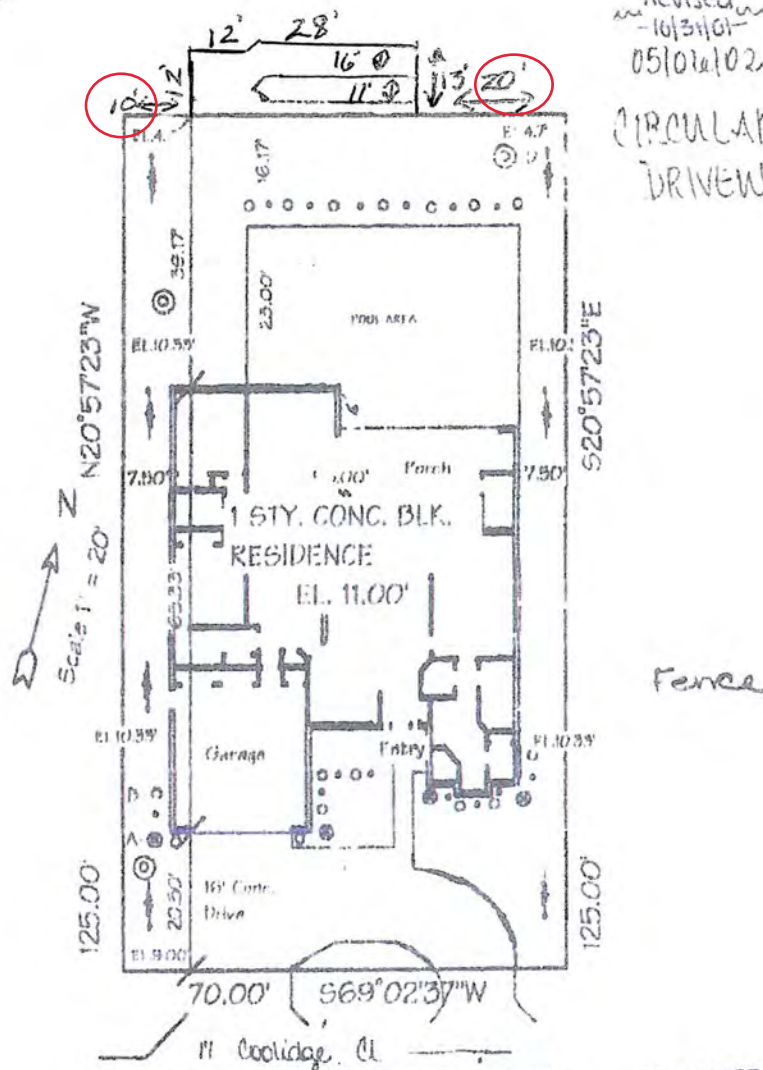
SYSTEM NOTE: Action order for this Expired Permit created # 2021010014

Asbestos Notification Statement: Each building permit for the demolition or renovation of an existing structure shall comply with Section 469.003 Florida Statutes, and notify the Department of Environmental Protection of his or her intentions to remove asbestos, when applicable, in accordance with state and federal law.

In addition to the requirements in this permit, there may be additional restrictions applicable to this property that may be found in the records of Flagler County, and there may be additional permits required from other governmental entities such as water management's districts, state agencies, or federal agencies.
F.S. 553.79 (10)

WARNING TO OWNER: YOUR FAILURE TO RECORD A NOTICE OF COMMENCEMENT MAY RESULT IN YOUR PAYING TWICE FOR IMPROVEMENTS TO YOUR PROPERTY. A NOTICE OF COMMENCEMENT MUST BE RECORDED AND POSTED ON THE JOBSITE AND PROVIDED TO THE BUILDING DEPARTMENT BEFORE THE FIRST INSPECTION. IF YOU INTEND TO OBTAIN FINANCING CONSULT WITH YOUR LENDER OR AN ATTORNEY BEFORE RECORDING YOUR NOTICE OF COMMENCEMENT.

REVISOR
-10/31/01-
05/02/02
CIRCULAR
"DRIVEWAY"



RECEIVED

1999-2000

2.442.45'

• *Environ Biol Fish* (2015) 98:1099–1107

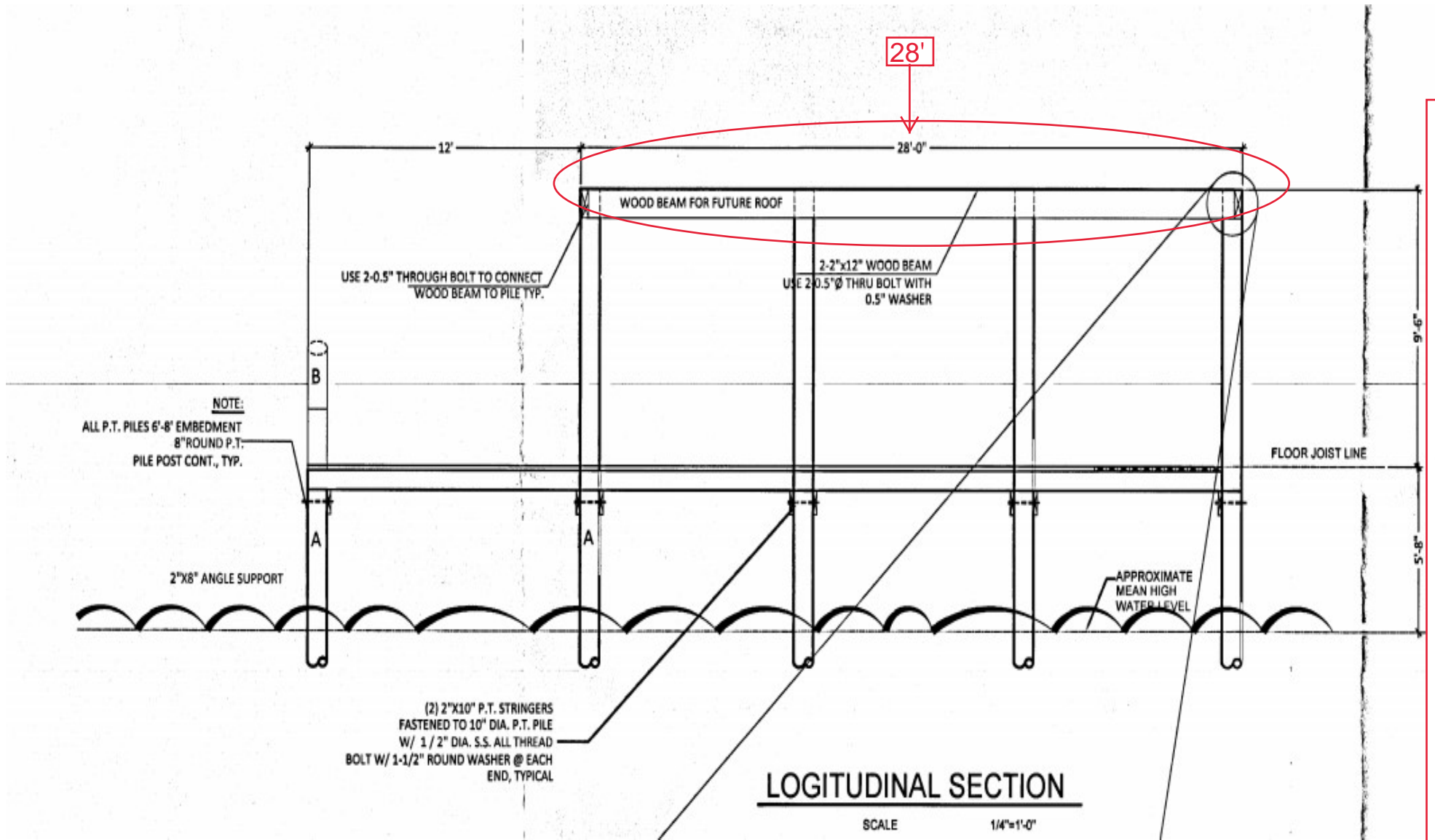
PLOT PLAN

SEC.4 BIK.19 LOT 13

PLANT INDEX

- A - 4 CRAPE MYRTLE @ 5' HIGH
B - 15 LIGUSTRUM JENINSE @ 24" HIGH
C - 14 RED RIPPLE AZALEAS @ 18" HIGH
D - 4 REPLACEMENT OAK TREES 5' MIN. + 2 1/2" CALIP. @ 4 1/2' ABOVE GROUND.
E - INDEX TREES

R - 19 - 13





city of PALM COAST

Revision - Submission Form

Instructions: This sheet must be filled out completely in order to route your information Submitted properly. "See attached" and incomplete forms will result in a slower processing of this submission.

Received

4/1/2020 2:17:09 PM

Document Type	REVISION
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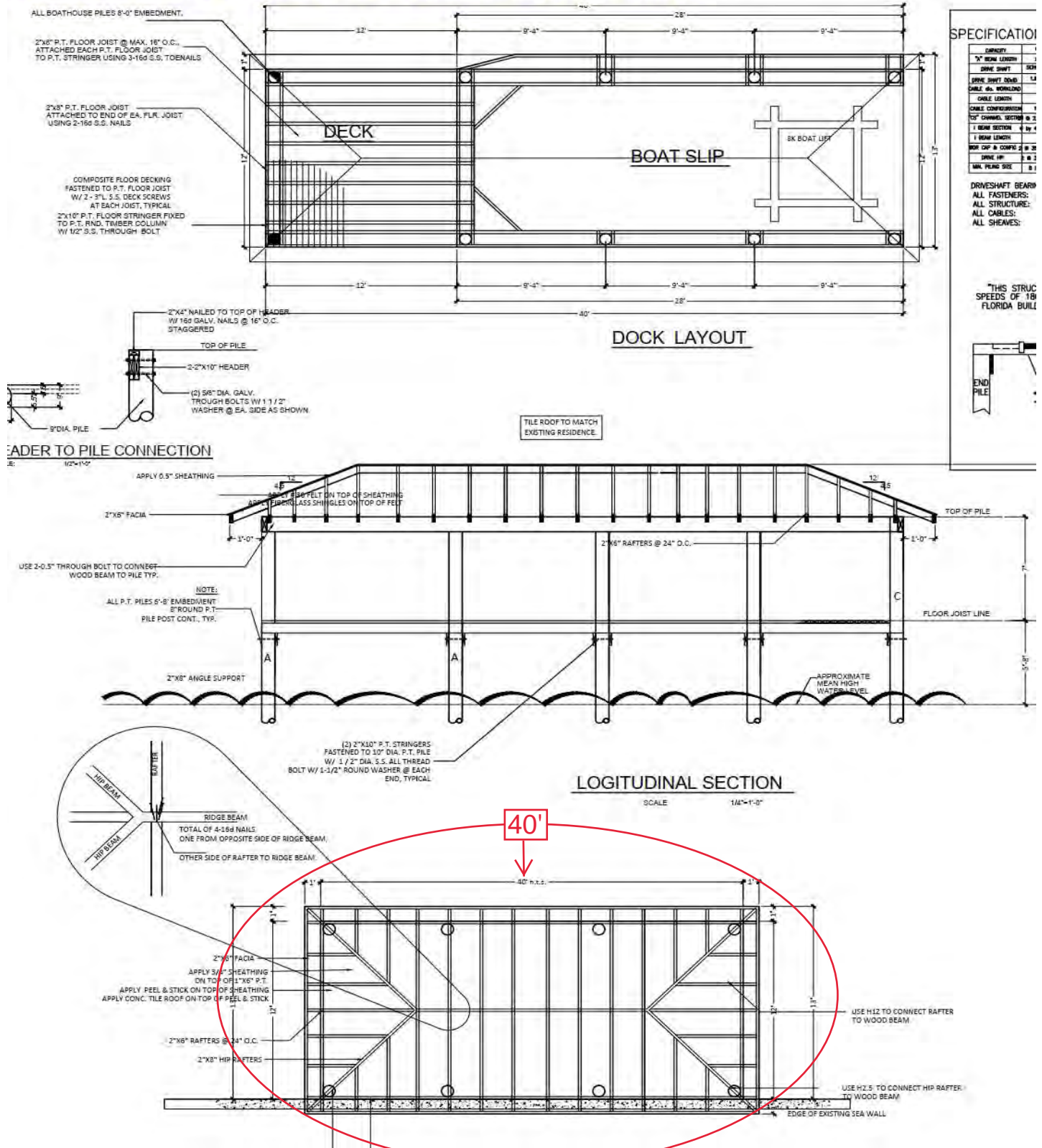
Contractor DBA /Applicant	AGUA CONSTRUCTION COMPANY		
Job Address	17 COOLIDGE CT PALM COAST FL		
Phone Number	386-931-0008	Permit Number	2019100614

Please Select Required Reviewing Departments					
Electrical <input type="checkbox"/>	Mechanical <input type="checkbox"/>	Plumbing <input type="checkbox"/>	Building <input checked="" type="checkbox"/>	Fire <input type="checkbox"/>	
Landscape <input type="checkbox"/>	Zoning <input type="checkbox"/>	Utility <input type="checkbox"/>	Stormwater <input type="checkbox"/>	Engineering <input type="checkbox"/>	Flood Plain <input type="checkbox"/>

Brief Description of Submittal
revised roof added

Exhibit 6 - Plan sheet submitted with revision showing 40' roof

APPROVED: 7/8/2020, PERMIT #: 2019100614



PERMIT PLAN REVIEWS DETAIL REPORT

PERMIT # 2019100614

ADDRESS: 17 COOLIDGE CT

DEPARTMENT: ZON ZONING (386-986-3751)

STATUS: HOLD

REVIEW TYPE:

REVIEW KEY: 2

IN DATE: 4/1/2020

OUT DATE: 4/1/2020

BIN #

REVIEW HRS: 0.00

RELEASE DATE: 4/1/2020

RELEASE USER:

RESULT USER:

REMARKS

Held By: TDOAK

As per the Land Development Code:

Roof lengths shall not exceed 34 feet on lots 70 to 74.9 feet of water frontage. This lot is 70'.

Permit application must be revised from dock to boat house if a roof is being installed.

Site plan must indicate location of proposed roof and it's dimensions and also demonstrate that it does not exceed the maximum allowable projection into the waterbody.



city of PALM COAST

Revision - Submission Form

Instructions: This sheet must be filled out completely in order to route your information Submitted properly. "See attached" and incomplete forms will result in a slower processing of this submission.

Received

7/2/2020 12:32:19 PM

Document Type	REVISION
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Contractor DBA /Applicant	AGUA CONSTRUCTION COMPANY		
Job Address	17 COOLIDGE CT PALM COAST FL		
Phone Number	386-931-0008	Permit Number	2019100614

Please Select Required Reviewing Departments					
Electrical <input type="checkbox"/>	Mechanical <input type="checkbox"/>	Plumbing <input type="checkbox"/>	Building <input checked="" type="checkbox"/>	Fire <input type="checkbox"/>	
Landscape <input type="checkbox"/>	Zoning <input checked="" type="checkbox"/>	Utility <input type="checkbox"/>	Stormwater <input type="checkbox"/>	Engineering <input type="checkbox"/>	Flood Plain <input type="checkbox"/>

Brief Description of Submittal
UPDATED PLANS AND SITE PLANS

Exhibit 9 - Plan sheet showing corrected roof length of 34'

C APPROVED: 7/8/2020, PERMIT #: 2019100614

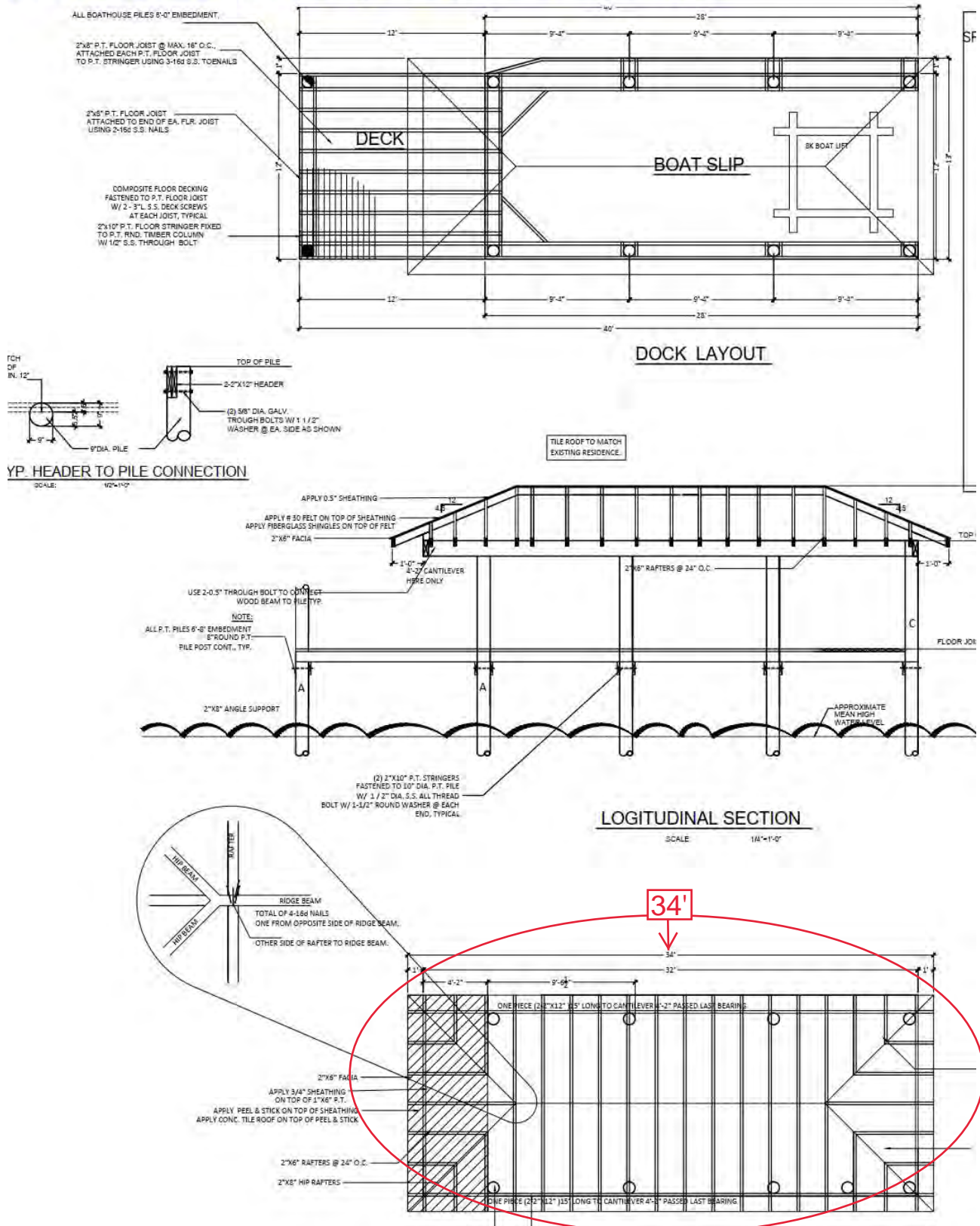


Exhibit 10 - Approved site plan showing 34' roof
(with contractor's handwritten confirmation)

DOPC APPROVED: 7/8/2020, PERMIT # 2019100614

Permit # 2019100614
Zoning Approval
12'x12' Dock with 13'x28' Boat Slip
10/31/19 TD

Dotted line are Roof 34' MAX
on this lot



Revised Zoning Approval
Adding 13'x34' Roof -
Roof not to project more
than 13' into waterbody
7/2/20 TD

PLOT PLAN

SHEET 4 OF 4
PLANT INDEX

RECEIVED

Exhibit 11 - Screen shots from permitting software showing upload dates of the plan sheets and dates the permit was put on hold and when it was approved (complete)

Screen shot from Permitting software – CD Plus – Showing the dates the revised plans were received.

UPLOADED DOCUMENT	APPROVED	10/30/2019 4:11	LICENSE AGREEMENT.pdf
REVISED PLAN	APPROVED	4/1/2020 2:16	Aqua-Docks e sealed 4 1 2020 pjt.p
PERMIT CORRECTION/REVISION	APPROVED	4/1/2020 2:17	SUBMISSION FORM.PDF
SITE PLAN	APPROVED	7/2/2020 12:31	SITE PLAN 2.pdf
PLANS	APPROVED	7/2/2020 12:31	PLANS 2.pdf
PERMIT CORRECTION/REVISION	APPROVED	7/2/2020 12:31	SUBMISSION FORM.PDF
INFORMATIONAL	APPROVED	7/2/2020 1:02	email - 17 COOLRIDGE.pdf

Screen shot from Permitting Software – CD Plus –Showing approval and hold dates for the permit

ZON	1	COMPLETE	N	10/30/2019	10/31/2019	
BLD	2	HOLD	N	4/1/2020	4/8/2020	4/1/2020
ZON	2	HOLD	N	4/1/2020	4/1/2020	4/1/2020
ZON	3	COMPLETE	N	7/2/2020	7/2/2020	

04-01-2020: Revision was submitted for a 40' roof

04-01-2020: Permit put on hold because roof was too large.

07-02-2020: Revision submitted for 34' roof

07-02-2020: Revised plans and site plan approved by Zoning.

Barbara Grossman

From: Matthew Morton
Sent: Monday, March 1, 2021 10:51 AM
To: Jason DeLorenzo; Patrick Buckley; Barbara Grossman
Subject: FW: Request Support for Variance for Boathouse on 17 Coolidge Court

Importance: High

From: Victor Barbosa <VBarbosa@palmcoastgov.com>
Sent: Monday, March 1, 2021 10:47 AM
To: Dr. Suzette K Stoutenburg <suzette@mitre.org>
Cc: Matthew Morton <MMorton@palmcoastgov.com>
Subject: Re: Request Support for Variance for Boathouse on 17 Coolidge Court

Dr. Suzette K Stoutenburg,

I am CC City Manager Matthew Morton to see if there is any thing that can be done to help you, he would be the person that can help you out the most in this matter.

Victor Barbosa
Council Member - District 2

www.palmcoastgov.com

Sent from my iPad

On Mar 1, 2021, at 9:58 AM, Dr. Suzette K Stoutenburg <suzette@mitre.org> wrote:

Summary: We are being forced to tear down a beautiful investment on our canal property and wanted to share our concerns about the situation.

Dear Mr. Barbosa,

We hope this note finds you and yours well during these trying times and we thank you for your service to our community.

My husband and I are both professionals and moved to Palm Coast in 2017 from Colorado. We enjoy this wonderful city, and we love living here. We bought our home on a canal in April 2017 for \$490,000 and have invested in numerous improvements, including a new outdoor kitchen, remodeled laundry room, new landscaping, and a new dock and boathouse.

In the fall of 2019, we contracted with Agua Construction in good faith and they built a beautiful dock and boathouse, as you can see in the attached photo. Unfortunately, almost a year after the dock and boathouse were complete, we learned that Agua did not get the proper approvals

from the city and that the boathouse roof is not built to code. We understand that the roof is 6' too long.

We spoke with Patrick Buckley and Tracey Doak to understand the process of seeking a variance. They were both very firm that there are no exceptions to this rule, and that we must tear down the boathouse. This is the case, even though we were not at fault, the contractor made the error. They agreed with us that:

- There is no safety issue whatsoever with the extended roof.
- There are no views blocked.
- Our neighbors are in support of keeping the dock because it adds to the beauty and value of the neighborhood.

Despite this, the city holds firm that we must tear down the boathouse roof because "it's the code", per Mr. Buckley and per Ms. Doak. We spoke with a real estate attorney, Jay Livingston, and he advised us that we will almost certainly lose any request for a variance, simply because we must show tremendous hardship.

So now, we are in a position where we must have the structure torn down, nearly 2 years after completion. **This will make a huge mess – it will pollute the canal, expensive roofing material will fill our landfills, and trash will be everywhere.**

We are reaching out to you because this just doesn't make sense. Is there any way we could apply common sense here and simply get an exception?

As I said earlier in my letter, we simply love Palm Coast. As we near retirement, we are hoping to contribute even more to this wonderful community. Also, we hope that there is some other remedy here other than tearing down a beautiful structure that beautifies and adds value to the neighborhood.

Many thanks again for your consideration.

Warm regards,

Suzette and Greg Stoutenburg

17 Coolidge Court

Palm Coast, FL 32137

386-276-2701

<image001.jpg>

<Boathouse pic.jpg>

Barbara Grossman

From: Barbara Grossman
Sent: Friday, March 5, 2021 11:18 AM
To: 'suzette@mitre.org'
Cc: Matthew Morton; Jason DeLorenzo; Patrick Buckley; Tracey Doak
Subject: Roof length of boathouse and dock at 17 Coolidge Court
Attachments: scan_bgrossman_2021-03-05-10-56-58.pdf

Mr. & Mrs. Stoutenburg,

I was forwarded your email to Council Member Barbosa concerning the above mentioned. I have attached the approved site plan and engineered drawings that were submitted by your contractor. I have also attached the Palm Coast Engineering Design Standards for maximum roof lengths within the Palm Coast saltwater canals. The lot in question is 70x125 and the roof length shall not exceed 34 feet. Due to the structure not meeting the approved plans, you inquired about a possible variance. Unfortunately, you don't meet the qualifications to be granted a variance.

Please see Chapter 2 of the Land Development Code below pertaining to variance requirements:

- 2.12.03. *Review findings.* In addition to the findings listed in Subsection 2.05.05 for all development orders, variance applications shall be reviewed based on the following:

A. All variances. No application for a variance shall be approved unless the Planning and Land Development Regulation Board finds that the following standards are met, recognizing that the applicant bears the burden of proof.

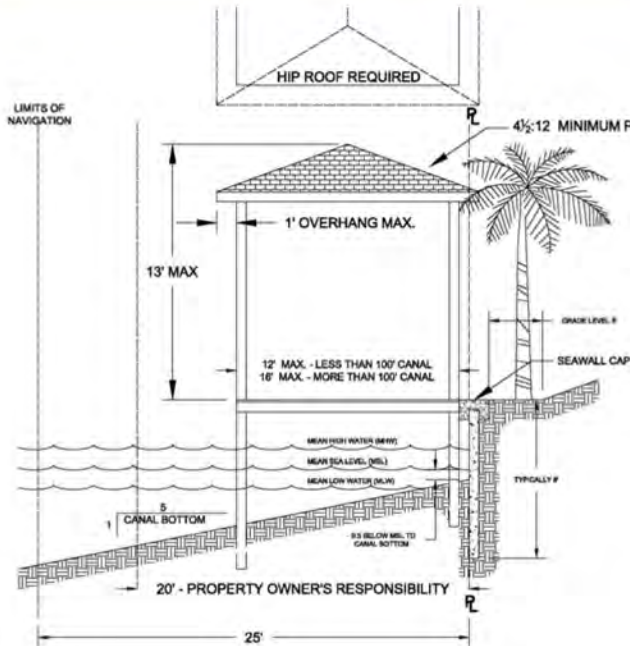
- 1. Special conditions and circumstances exist which are peculiar to the land, use, or building involved and which are not applicable to other lands, uses, or buildings in the same zoning district; and*
- 2. The special conditions and circumstances are not self-imposed and do not result from the actions of the applicant; and*
- 3. Literal interpretation of the provision of this LDC would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this LDC and would work unnecessary and undue hardship on the applicant; and*
- 4. The variance is the minimum relief necessary that will make possible the reasonable use of the land or building; and*
- 5. The granting of the variance will be in harmony with the general intent and purpose of this LDC and that such variance will not be injurious to the area involved or otherwise detrimental to the public health, safety, and welfare or injurious to other property in the area.*

It is the assertion of the Zoning division your contractor was informed the roof was not the appropriate length. Corrected plans were subsequently submitted and approved with the allowable roof size according to code. In order to comply with City code, you will need to reduce the roof length of your dock down to 34 feet. Should you have additional questions, please feel free to contact me at 386 986-4739.

Barbara Grossman
Code Enforcement Manager
City of Palm Coast
160 Lake Avenue
Palm Coast, FL 32164
Tel: 386-986-4739
www.palmcoastconnect.com

Exhibit 14 - Excerpt from Technical Manual re. Maximum roof lengths

Drawing # 1100.M – Saltwater Canal Seawall Dock



Drawing # 1100.N – Saltwater Canal Bulkhead Dock

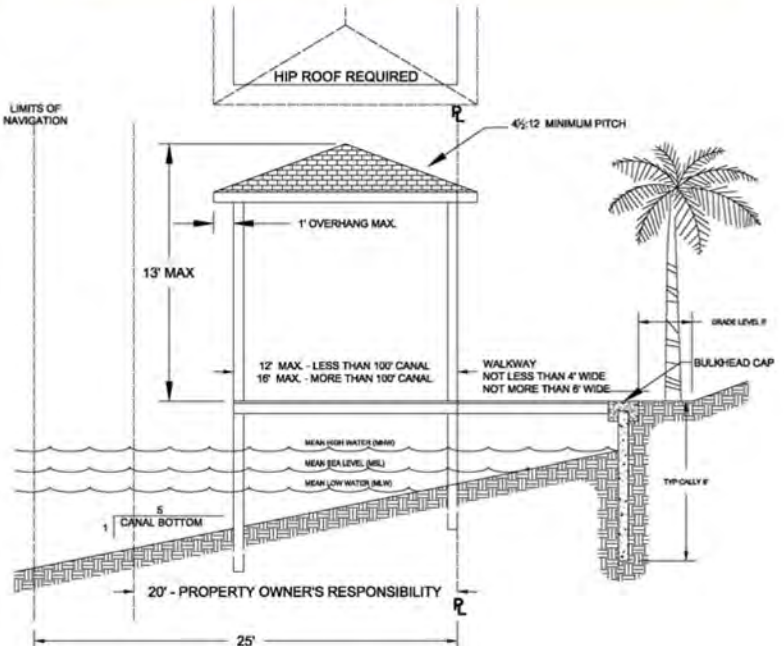


Table # 1100.A – Saltwater Canal Maximum Roof Lengths

WATER FRONTAGE	MAXIMUM ROOF LENGTH
60 feet	26 feet
65 feet	30 feet
70 feet	34 feet
75 feet	38 feet
80 feet	42 feet
85 feet (and over)	46 feet
Roof lengths for lots with less than 60 feet of water frontage will be determined on a case-by-case basis.	

Barbara Grossman

From: Dan Priotti <aguaconstruction@icloud.com>
Sent: Friday, May 21, 2021 9:13 AM
To: Barbie Bembry
Cc: Patrick Buckley; Jason DeLorenzo; Matthew Morton; Barbara Grossman; Carmen Pollitz; marine@aguaconstruction.com
Subject: Re: Inspector Notification - 17 COOLIDGE CT - 2019100614

I understand. And a variance is in the works.

Please understand there is a mistake on the building departments side. Therefore we need to work together on this. I have been in talks with the homeowners as well as the state licensing board on this matter.

We have been gathering all the documents needed for a variance.

Sometimes our city needs to take on some responsibility for there mishaps as well and just finalize things out with out the contractor or home owner having to jump through hoops.

Had we not received an approved future roof plan stamped by building department and an approved roof plan stamped by building department we would not be in this situation. So this should not be as difficult as this is becoming for the city to go see it's done and close this out , with out jumping through government red tape. A red tape that is imaginary due to some ideology set back 50 years ago. In my opinion of course.

Anyway this is being worked on from my end. As it takes a long time to go to each and every hoise with a roof on the dock to measure so I can find the one that was giving the variance.

Would be quicker and easier if you all worked with me to get this taken care of sooner rather then later.
Thanks

Dan Priotti CGC,CPC
Agua Construction Company
2550 N state St suite 14
Bunnell FL 32110
386-931-0008

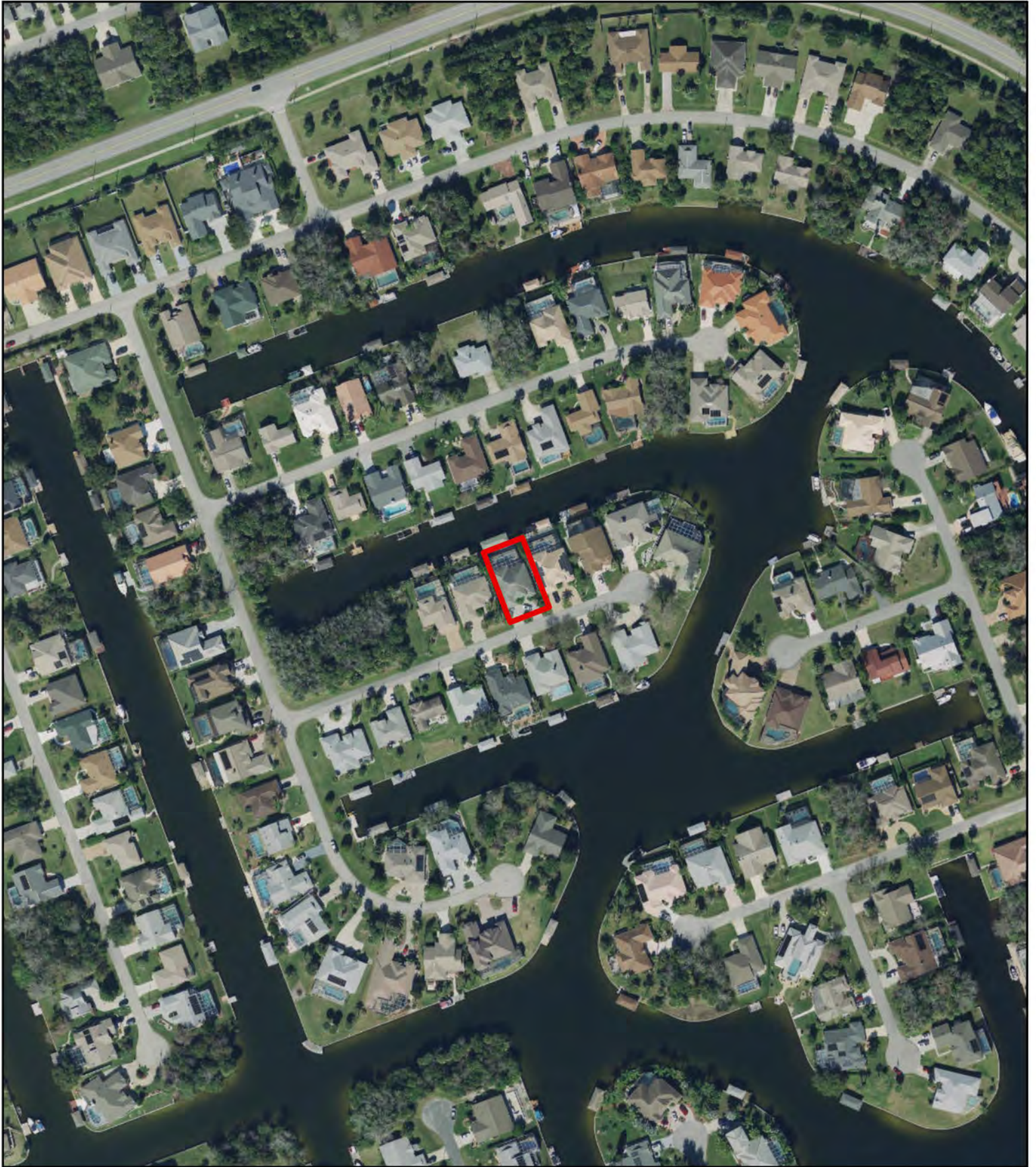
On May 21, 2021, at 8:46 AM, Barbie Bembry <BBembry@palmcoastgov.com> wrote:

At this time, the permit is expired (as of January 4th) .



Notices prior to expiration were sent as well as an expiration notices after the permit expired and we have not received any responses.

The Building Code states that a permit expires 6 months after no activity and becomes null and void. A new permit is required in order to be in compliance with the code. This does not prevent you from making an application for a variance to the Planning Board.

17 Coolidge Court



Legend

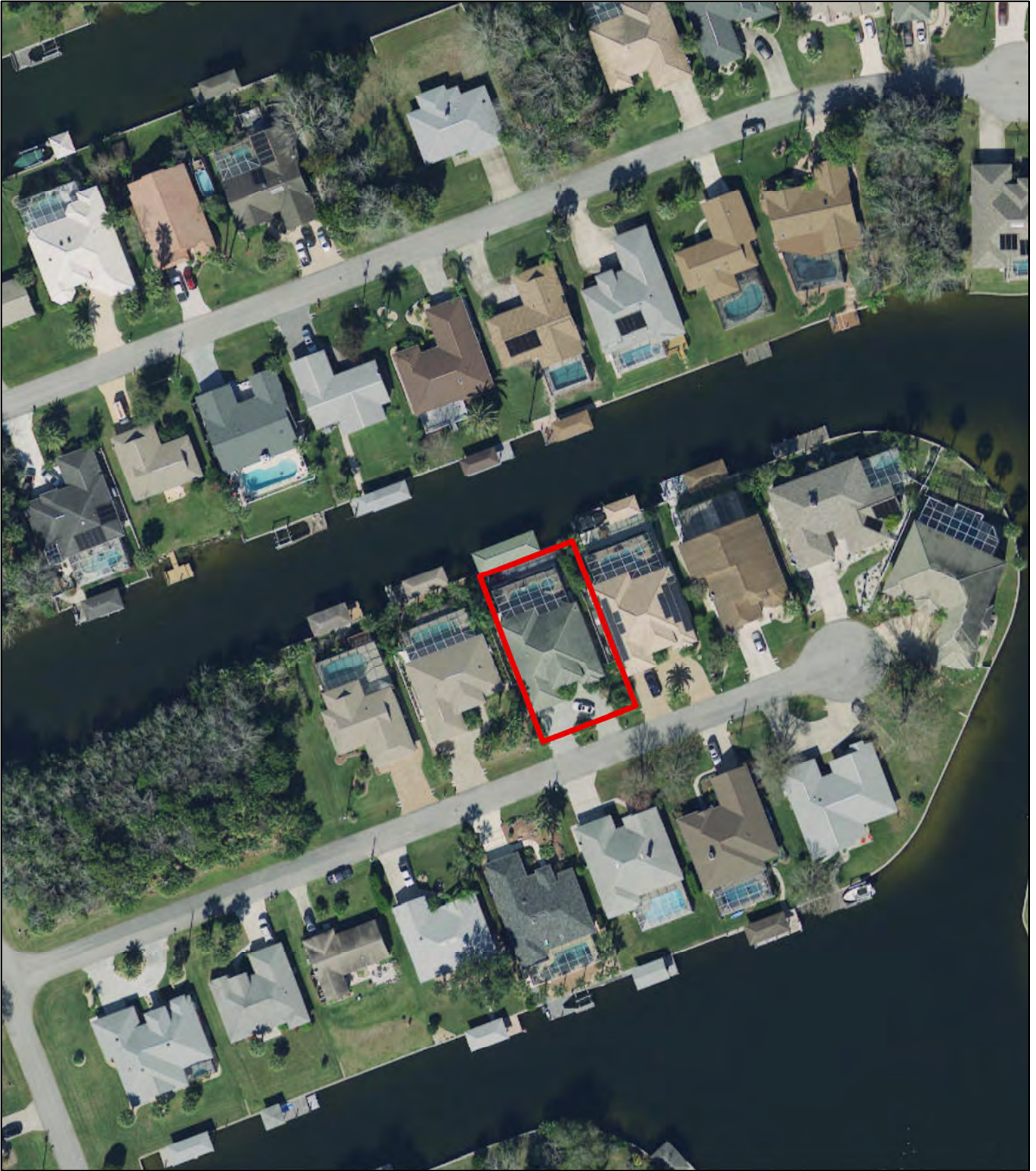
-  Palm Coast City Limits
-  17 Coolidge Court

0 125 250
Feet





Map Provided By: Planning Division

17 Coolidge Court



Legend

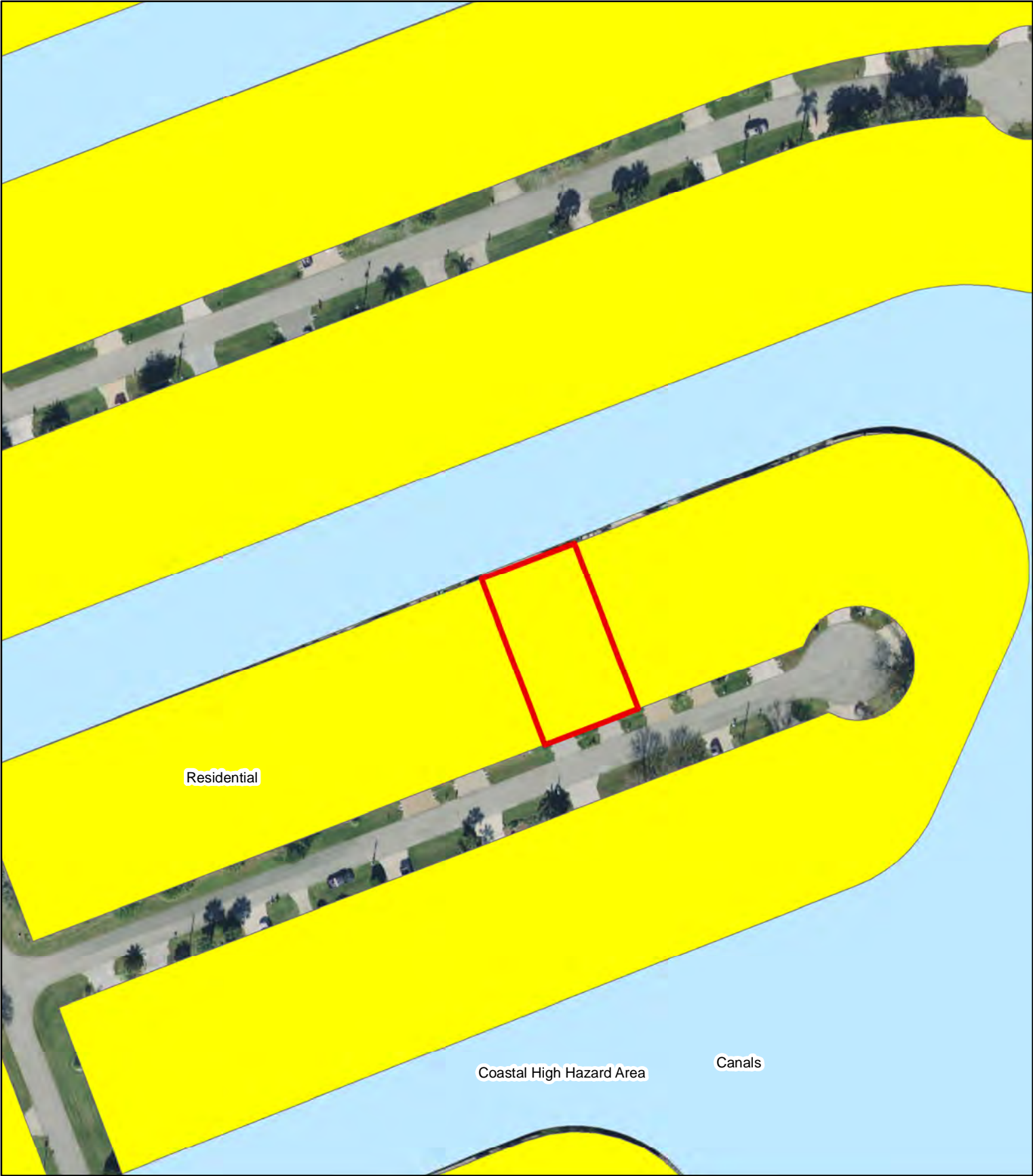
-  Palm Coast City Limits
-  17 Coolidge Court

0 50 100
Feet



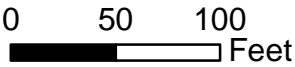
Map Provided By: Planning Division

17 Coolidge Court



Legend





- Palm Coast City Limits
- Palm Coast FLUM
- Canals
- Residential
- 17 Coolidge Court



17 Coolidge Court



Legend

	Palm Coast City Limits	Palm Coast Zoning		PSP		SFR-2
	17 Coolidge Court					

0 50 100 Feet



Map Provided By: Planning Division

LIVINGSTON & SWORD, P.A.

Attorneys At Law

September 1, 2021

Members of the Planning and
Land Development Regulation Board
City of Palm Coast
160 Lake Avenue
Palm Coast, Florida 32164

Subject: Request for Variance
17 Coolidge Court, Palm Coast, Florida 32137

Honorable Members of the Board:

On behalf of my clients, Gregory and Suzette Stoutenburg (the "Stoutenburgs"), I am submitting an application for a variance for the roof length of the boathouse already constructed at the above referenced property (the "Property") by Agua Construction Company ("Agua"). The grounds for the variance are explained below. A copy of the General Application for Variance is attached as EXHIBIT A. The original permitted plans for the home are attached as EXHIBIT B.

In early October 2019, the Stoutenburgs contracted with Agua for the construction of a boathouse at the Property. Agua agreed to first construct the dock and when that was finished to construct the roof. On August 15, 2019, Agua submitted a permit for the boathouse, which according to Agua included both the dock and the future roof. A copy of the permit is attached as EXHIBIT C. In support of the permit Agua provided the following:

1. License Agreement – Salt Water Access dated October 28, 2019 and recorded November 4, 2019 in Official Records Book 2395, Page 1744 of the Public Records of Flagler County, Florida. A copy of the License Agreement is attached as EXHIBIT D.
2. Site Plan for Dock attached as EXHIBIT E.
3. Building Plans prepared by Tajmir-Davis & Associates, Inc. for Agua Construction Company attached as EXHIBIT F.

The approved Building Plans show a total length of the dock to be 40 feet and note a "future roof" with the same length. After the boathouse construction was completed in December 2020, Agua informed the Stoutenburgs that they still needed to complete the final electrical inspection. Several months went by without the electrical inspection and completion of the permit. After not hearing from them, Suzette Stoutenburg called Agua in March 2021 and was told that they still needed to complete

391 Palm Coast Parkway SW #1
Palm Coast, Florida 32137
T 386.439.2945
F 866.896.5573
jay.livingston314@protonmail.ch

the electrical inspection. Soon thereafter the COVID-19 pandemic was declared, and lockdowns began.

In July 2020, Mrs. Stoutenburg called Agua again and was informed, for the first time, that Agua completed the boathouse before the permit for the roof was complete. The roof as constructed was 6 feet too long as permitted by the City's code. In the last week of July 2020, she spoke to the owner of Agua, Dan Priotti, who claimed the Building Department changed the rules after the permit was approved, and the construction was completed, and no longer allowed contractors to submit revisions for "future roofs" on permit applications. The Stoutenburgs also spoke to Tracey Doak in the Community Development Department on July 31, 2020. She confirmed that the permitting rules were changed after this incident to no longer allow contractors to submit permit revisions for "future roofs".

Mr. Priotti also sent the email attached as EXHIBIT G to Barbie Bembry on July 2, 2020, informing her that "[t]here was a misread from the building and zoning", that the "Original plans showed future roof and at 40'" [sic], and that the rejection of the future roof revisions "was very confusing as the original plans were approved for future roof." He also noted that he had uploaded correct plans to meet the City's requirements. A copy of the revised plans showing a 34' roof for the already constructed 40' roof is attached as EXHIBIT H.

After the issue of the roof length was discovered the Stoutenburgs attempted to work with Agua to rectify the situation. Chris Rose, who was the employee of Agua directly involved with the boathouse construction, told the Stoutenburgs in July 2020 that he would come and shorten the roof and that he owed them \$4,200, which was based on the extra roofing material required to build the portion of the roof that exceeded the permitted length. After this conversation no action was taken by Agua. On February 11, 2021 the Stoutenburgs called Agua and asked to sit down to discuss the steps necessary to fix the roof. Dan Priotti agreed and said that his employee Brett would be in touch. The Stoutenburgs never heard from Brett and on February 18, 2021 they contacted Mr. Priotti who said he would follow up the next week. On February 23, 2021 they contacted Mr. Priotti again and asked to discuss the steps to fix the roof and receive the refund that was promised by Chris Rose. That same day two employees of Agua showed up at the property without notice to take measurements of the boathouse. The Stoutenburgs reiterated to these individuals the need to discuss the plan going forward before any work was started. Later that day they finally spoke to Mr. Priotti about the work and the refund. He responded that they should "get the cops out there", they were "on our own", and that he would charge them to fix Agua's error.

In March of 2021 the Stoutenburgs began reaching out to several other contractors to determine the estimated cost to shorten the roof. After inspecting the dock, Elite Marine Construction recommended that the Stoutenburgs seek a variance because the cost to tear down and rebuild the boathouse would be more expensive than the roof itself. Both Maritime Construction Inc. and Coastal Marine Construction made the same recommendation. Maritime Construction Inc. estimated that the cost to tear down and rebuild the boathouse to code would be approximately \$18,750.00. A copy of the Maritime Construction Inc. estimate is attached as EXHIBIT I.

Subsection 4.01.05.B.f. of the City's Unified Land Development Code ("ULDC") provides that the maximum length of roofs located over a dock slip, dock lift, or water on saltwater canals shall be 26 feet of dock roof for the first 60 feet of property frontage, plus four feet of roof length for every five feet of additional property frontage up to a maximum of 46 feet.

As constructed and noted on the approved plans, the Stoutenburg's roof is 40 feet in length. The lot owned by the Stoutenburgs is 70 feet in width. Therefore, based on the above code provisions, the maximum permitted length of a roof over the dock is 34 feet. Since the dock and roof were already constructed by Agua before the error in the roof length was discovered, the Stoutenburg's reliance on the expertise of the contractor they hired, and the approval of the site and building plans by the City of Palm Coast, the Stoutenburgs are requesting a variance to permit the dock with a roof length of 40 feet. Although longer than allowed based on the width of the Stoutenburgs lot, the roof does not exceed the maximum permitted length of 46 feet.

The variance being requested is permitted by Subsection 2.12.02.A.3 as a request for a variance from the development standards set forth in Chapter 4 of the ULDC regarding conditions for limited specific uses and activities. The request is for a variance to the dimensional standards applicable to roofs located over a dock slip, dock lift or water on saltwater canals. The requested variance is not prohibited by the provisions of Subsection 2.12.02.B of the ULDC.

When considering a variance, the Planning and Land Development Regulation Board is required to make the findings listed in Subsection 2.05.05 and must review the request based on the following standards:

1. Special conditions and circumstances exist which are peculiar to the land, use, or building involved and which are not applicable to other lands, uses or buildings in the same zoning district; and

The Stoutenburgs relied on the professional advice of Agua, who was hired as their general contractor. Agua relied on the permitting process they were familiar with, which was changed after the permit was approved and the boathouse and roof were constructed. This is a situation peculiar to the Stoutenburgs boathouse that will not be repeated now that the permitting process has been changed.

2. The special conditions and circumstances are not self-imposed and do not result from the actions of the applicant; and

The Stoutenburgs relied on the expertise and advice of Agua. The details shown on the approved permit plans, as well as Agua's failure to notify them that there was a problem until over 7 months after the boathouse and roof were completed, made it impossible for them to fix the situation until it was too late. The COVID-19 pandemic also made it especially difficult to discover and resolve this problem in a timely matter. All of these factors were beyond their control and not self-imposed.

3. Literal interpretation of the provision of this LDC would deprive the applicable of rights commonly enjoyed by other properties in the same zoning district

under the terms of this LDC and would work unnecessary and undue hardship on the applicant; and

Literal interpretation of the code would result in an unnecessary and undue hardship by requiring the Stoutenburgs to pay more for a boathouse than the docks and boathouses enjoyed by other residents along the saltwater canals in the neighborhood. In addition, the Stoutenburgs are not asking for a variance that exceeds the maximum roof length permitted by the code. The roof, as constructed is 40', which is 6' shorter than the maximum permitted length.

4. The variance is the minimum relief necessary that will make possible the reasonable use of the land or building; and

The requested variance is not asking for any additional construction or deviation from the provisions of the code. As stated above, it is also not requesting approval of a roof that exceeds the maximum permitted length for roofs. It is simply asking for permission to allow what was already constructed to remain so the permit, as originally approved, can be completed and the boathouse can receive its final inspection and approval from the City.

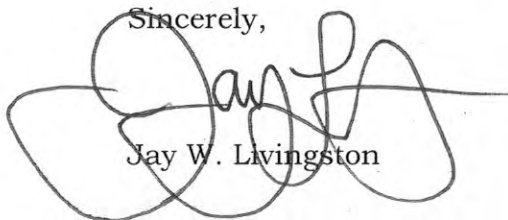
5. The granting of the variance will be in harmony with the general intent and purpose of this LDC and that such variance will not be injurious to the area involved or otherwise detrimental to the public health, safety, and welfare or injurious to other property in the area.

The boathouse and roof do not exceed required setbacks or other zoning requirements. It is in harmony with the other houses along the saltwater canal and will not be injurious or detrimental to the public health, safety, and welfare of other properties in the area. In fact, the Stoutenburgs neighbors support the requested variance as shown in the letters of support attached as EXHIBIT J. The required list of properties adjacent to the Stoutenburgs' property is attached as EXHIBIT K.

For the reasons stated above and as supported by the attached exhibits, the Stoutenburgs respectfully request that the Planning and Land Development Regulation Board approve the requested variance to allow the boathouse to remain as constructed.

Thank you for your consideration of this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Jay W. Livingston", is written over a circular stamp or seal.

Jay W. Livingston

CC: Clients
Barbara Grossman - bgrossman@palmcoastgov.com

EXHIBIT A
GENERAL APPLICATION FOR VARIANCE
ON FOLLOWING PAGE(S)

**GENERAL APPLICATION:**

- | | |
|--|--|
| <input type="checkbox"/> Rezoning | <input type="checkbox"/> Special Exception |
| <input type="checkbox"/> Nonstatutory Land Division/Parcel Reconfiguration | <input type="checkbox"/> Vacating Plat |
| <input type="checkbox"/> Subdivision Master Plan | <input type="checkbox"/> Preliminary Plat |
| <input type="checkbox"/> Master Site Plan | <input type="checkbox"/> Final Plat |
| <input type="checkbox"/> Technical Site Plan | <input type="checkbox"/> Nonresidential Controlling Master Site Plan |
| <input checked="" type="checkbox"/> Variance | <input type="checkbox"/> Site Plan Addition |
| <input type="checkbox"/> Wireless Communication Facility (new structure) | <input type="checkbox"/> Development Order Modification |
| <input type="checkbox"/> Parking Flexibility | |

CD Plus Application #: _____ Application Submittal Date: _____

Fee Paid: \$ _____ Date of Acceptance: _____

Employee Name Accepting Application (print name): _____

Rejected on _____ Rejected by: _____

Reason for Rejection: _____

A. PROJECT NAME: 17 Coolidge Court VarianceB. LOCATION OF SUBJECT PROPERTY (PHYSICAL ADDRESS): 17 Coolidge Court, Palm Coast
FL 32137C. PROPERTY APPRAISER'S PARCEL NUMBER(s): 07-11-31-7004-00190-0130D. LEGAL DESCRIPTION: _____ Subdivision Name: _____ Section: _____ Block: _____ Lot
Lot 13, Block 19, Palm Coast Map of Country Club, Section 4, according
to the map or plat thereof, as recorded in Plat Book 6, Page(s) 9
9 through 13, of the Public Records of Flagler County, FloridaE. SUBJECT PROPERTY ACRES / SQUARE FOOTAGE: 0.201 acresF. FUTURE LAND USE MAP DESIGNATION: Residential EXISTING ZONING DISTRICT: SFR-2
OVERLAY DISTRICT: NoneG. FLOOD ZONE: X/AE COMMUNITY PANEL NUMBER: 12035C0129E DATE: 6/6/2018H. PRESENT USE OF PROPERTY: Single family residentialI. DESCRIPTION OF REQUEST / PROPOSED DEVELOPMENT (MAY ATTACH ADDITIONAL SHEETS):
Variance for 40' roof over clock on lot 70' in width.J. PROPOSED NUMBER OF LOTS: N/A

K. CHECK APPROPRIATE BOX FOR SITE PLAN:

- | | | |
|---------------------------------|---|-----|
| <input type="checkbox"/> Tier 1 | (up to 40,000 sq. ft. / 40 units) | N/A |
| <input type="checkbox"/> Tier 2 | (up to 100,000 sq. ft. / 100 units) | |
| <input type="checkbox"/> Tier 3 | (exceeding 100,000 sq. ft. / 100 units) | |

L. LIST BELOW ANY APPLICATIONS CURRENTLY UNDER REVIEW OR RECENTLY APPROVED ASSOCIATED WITH THIS APPLICATION:

NoneM. WATER/SEWER PROVIDER: City of Palm CoastN. IS THERE AN EXISTING MORTGAGE? ☒ Yes ☐ No

**OWNER:**

Name: Gregory L. & Suzett K. Stoutenburg
 Mailing Address: 17 Carlidge Court
Palm Coast, FL 32137
 Phone Number: (386) 276-2701
 E-mail Address: suzette@gregandsuz.com

APPLICANT / AGENT:

Name: Jay W. Livingston Esq. / Livingston's Survey PA.
 Mailing Address: 391 Palm Coast Parkway SW #1
Palm Coast, FL 32137
 Phone Number: (386) 439-2945
 E-mail Address: jay.livingston314@protonmail.ch

MORTGAGE HOLDER:

Name: NBH Bank
 Mailing Address: 5175 North Academy Blvd.
Colorado Springs, CO 80918
 Phone Number:
 E-mail Address:

ENGINEER OR PROFESSIONAL:

Name:
 Mailing Address:
 Phone Number:
 E-mail Address:

PLANNER:

Name:
 Mailing Address:
 Phone Number:
 E-mail Address:

TRAFFIC ENGINEER:

Name:
 Mailing Address:
 Phone Number:
 E-mail Address:

SURVEYOR:

Name:
 Mailing Address:
 Phone Number:
 E-mail Address:

LANDSCAPE ARCHITECT:

Name:
 Mailing Address:
 Phone Number:
 E-mail Address:

ATTORNEY:

Name: Same as Applicant / Agent
 Mailing Address:
 Phone Number:
 E-mail Address:

DEVELOPER OR DOCKMASTER:

Name:
 Mailing Address:
 Phone Number:
 E-mail Address:

I HEREBY CERTIFY THAT ALL INFORMATION ON THIS APPLICATION IS CORRECT:

Signature of owner OR person authorized to represent this application

Signature(s) [Signature] 9/1/2021

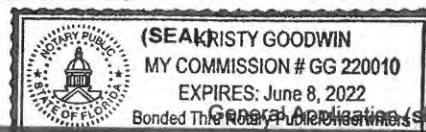
Printed or typed name(s): Jay W. Livingston

NOTARY: This instrument was acknowledged before me on this 1 day of September, 2021 by

Jay W. Livingston who is/are personally known to me, or who has/have produced

as identification.

[Signature]
 Signature of Notary Public, State of Florida

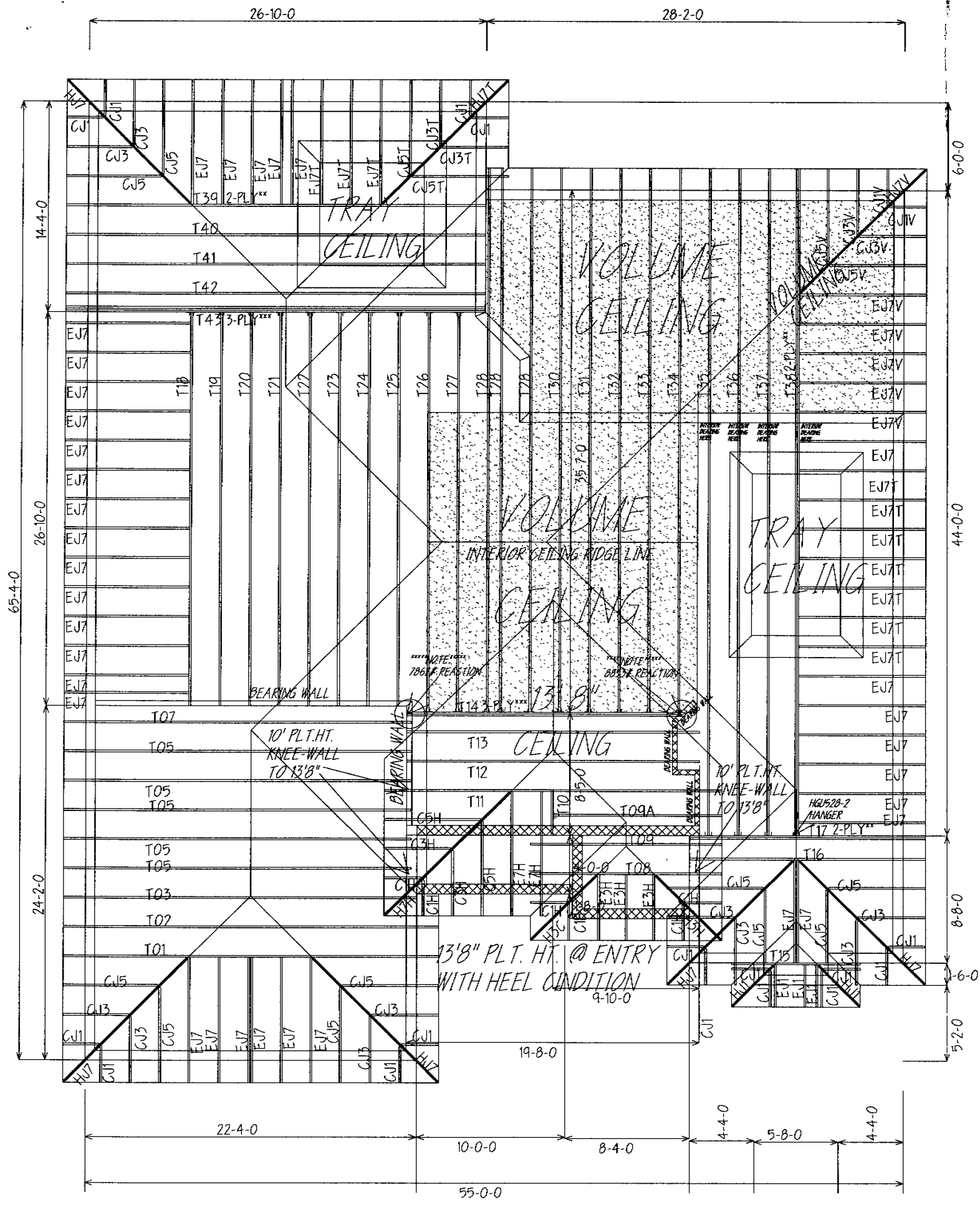


October 1, 2009 (Revised 4-9-2010)

VIII-44

EXHIBIT B
ORIGINAL PLANS FOR HOME
ON FOLLOWING PAGE(S)

3287.01.11



BEARING HEIGHT SCHEDULE

	10'-0"
	N/A
	N/A
	N/A
	13'8"

Original
Not
Legible

NOTES:

- 1) REFER TO HIB 91 (RECOMMENDATIONS FOR HANDLING INSTALLATION AND TEMPORARY BRACING REFER TO ENGINEERED DRAWINGS FOR PERMANENT BRACING REQUIRED)
- 2) ALL TRUSSES (INCLUDING TRUSSES UNDER VALLEY FRAMING) MUST BE COMPLETELY DECKED OR REFER TO DETAIL 1105 FOR ALTERNATE BRACING REQUIREMENTS
- 3) ALL VALLEYS ARE TO BE CONVENTIONALLY FRAMED BY BUILDER
- 4) ALL TRUSSES ARE DESIGNED FOR 2' o.c. MAXIMUM SPACING, UNLESS OTHERWISE NOTED
- 5) ALL WALLS SHOWN ON PLACEMENT PLAN ARE CONSIDERED TO BE LOAD BEARING, UNLESS OTHERWISE NOTED.
- 6) 5Y42 TRUSSES MUST BE INSTALLED WITH THE TOP BEING UP
- 7) ALL ROOF TRUSS HANGERS TO BE SIMPSON HUS26 UNLESS OTHERWISE NOTED. ALL FLOOR TRUSS HANGERS TO BE SIMPSON THA422 UNLESS OTHERWISE NOTED
- 8) BEAM/HEADER/LINTEL (HDR) TO BE FURNISHED BY BUILDER

SHOP DRAWING APPROVAL

THIS LAYOUT IS THE SOLE SOURCE FOR FABRICATION OF TRUSSES AND VOIDS ALL PREVIOUS ARCHITECTURAL OR OTHER TRUSS LAYOUTS. REVIEW AND APPROVAL OF THIS LAYOUT MUST BE RECEIVED BEFORE ANY TRUSSES WILL BE BUILT. VERIFY ALL CONDITIONS TO INSURE AGAINST CHANGES THAT WILL RESULT IN EXTRA CHARGES TO YOU

Requested Delivery Date _____

Approved by _____ Date: _____



Bunnell

PHONE: 386-437-3349 FAX 386-437-3994

Jacksonville

PHONE 904-772-6100 FAX 904-772-1973

Lake City

PHONE 904-755-6894 FAX 904-755-7973

Sanford

PHONE 407-322-0059 FAX 407-322-5553

BUILDER: AMARAL HOMES

LEGAL ADDRESS: 17 COOLRIDGE CT.

MODEL: CUSTOM

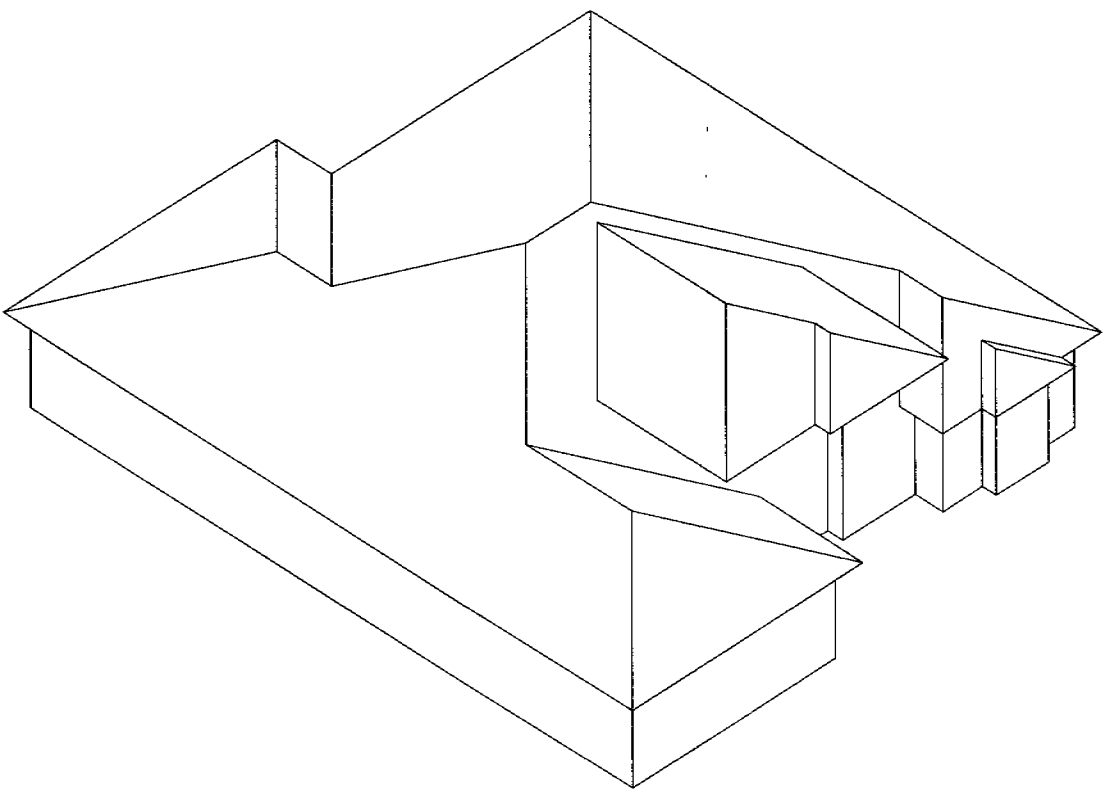
DATE: 10/12/01

REVISION: 12/04/11

SCALE: NT5

JOB #. B109093

49



WIND LOADS ON EXTERIOR OPENINGS

OPENING SIZE	TOTAL AREA	TOTAL LOAD	LENGTH OF BUCK ATTACHMENT	L.B. LOAD PER LIN. FT. OR BUCK
35 SH window 53" X 63"	23.2'	696 LB	179"	47 LB PER FT
1/2 35 window 23 3/8" X 63"	11.5'	345 LB	152 3/8"	28 LB PER FT
25 SH window 36 7/8" X 63"	15.9'	477 LB	162 7/8"	36 LB PER FT
1/2 33 window 26 3/8" X 38 3/8"	7.1'	213 LB	103 1/8"	25 LB PER FT
1/2 32 window 26 3/8" X 34"	4.8'	144 LB	78 3/8"	23 LB PER FT
Dbl. French door 6'0" X 6'2"	40.1'	1203 LB	232"	63 LB PER FT
Front door 3'0" X 6'2"	20.0'	600 LB	196"	37 LB PER FT
Exterior door 2'8" X 6'2"	17.8'	534 LB	192"	34 LB PER FT
Garage door 16'0" X 7'0"	112'	3460 LB	168"	240 LB PER FT

Load Factor 30lb. per-sq. ft.

- For exterior windows and doors use bevel cut P.T. buck on jambs and head.
 - For garage door use minimum 2x6 P.T. buck for jambs and required spring pads.
 - Provide enough fasteners of type used to equal or exceed stated loads on table.
- Fasteners are required no closer than 2" or more than 4" from ends and spaced equal in distance along balance of buck.
- Minimum fasteners for top buck is 2.
 - Minimum fasteners for side buck is 3.

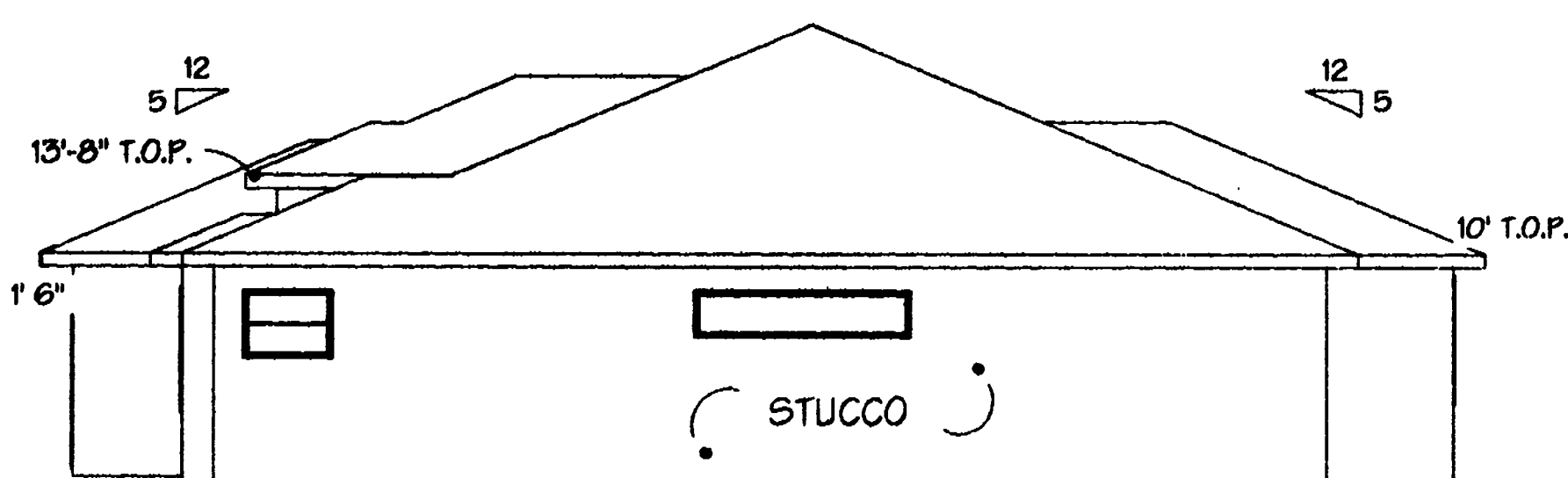
Approved Fasteners:

- 3/16 Tapcon with 1 3/4" penetration = 230 lb. of holding power
- 1/4" Tapcon with 2" penetration = 300 lb. of holding power
- Standard T nail 1 3/8" long = 44 lb. of holding power

See manufacturers specifications for required fasteners to attach garage door, entry doors, patio doors and windows to building.

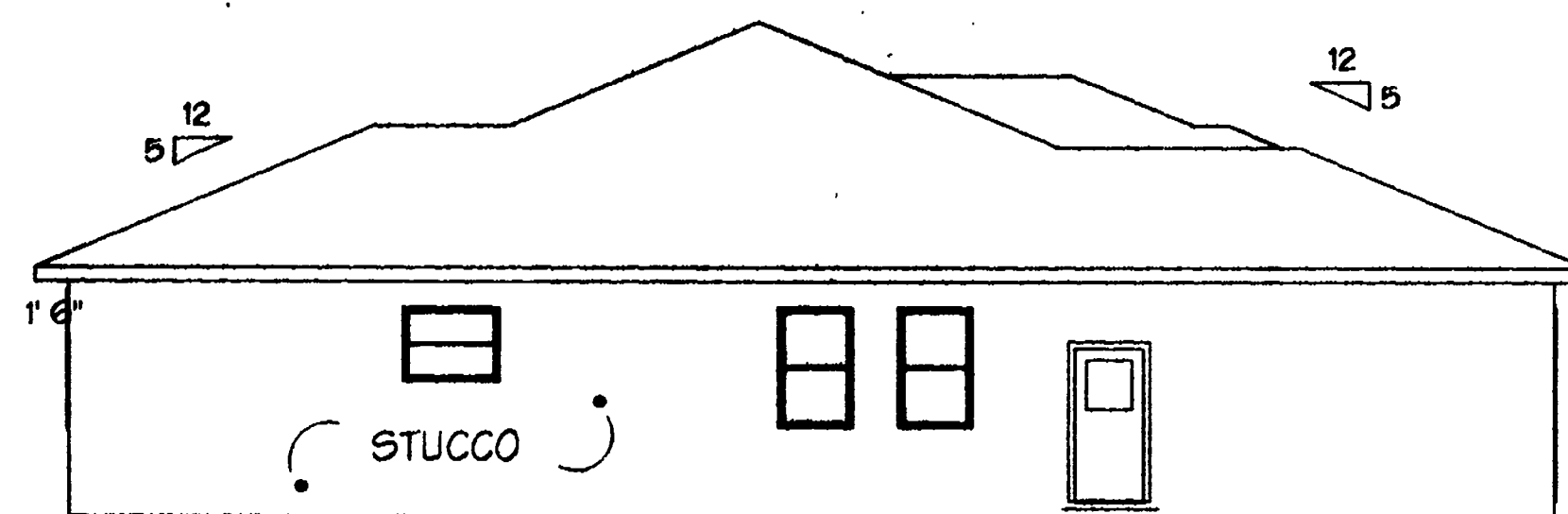
Note: Garage door "bucks" shall be attached to studs with 3/8 x 4" lag bolts or 1/2"x4" sleeve anchors spaced 24" o.c. with minimum of 3 bolts.

NOTE: For Pocket Sliding Glass Door Walls Use 1/4" Tapcon With 2" Penetration 8" O.C. Top & Bottom, Where Top Buck Cannot Be Screwed Into Exist Header Use 2 Simpson MTS-12 From Top Plate To Truss Or Joist Abv. For Circle Top Or Transoms Windows Use Buck attachment Appropriate For Tot Opening Size, Supply Blocking For Window Screws As Per Manufacturers Specs & For Plywood Use Exterior Sheeting Nailing Pattern.



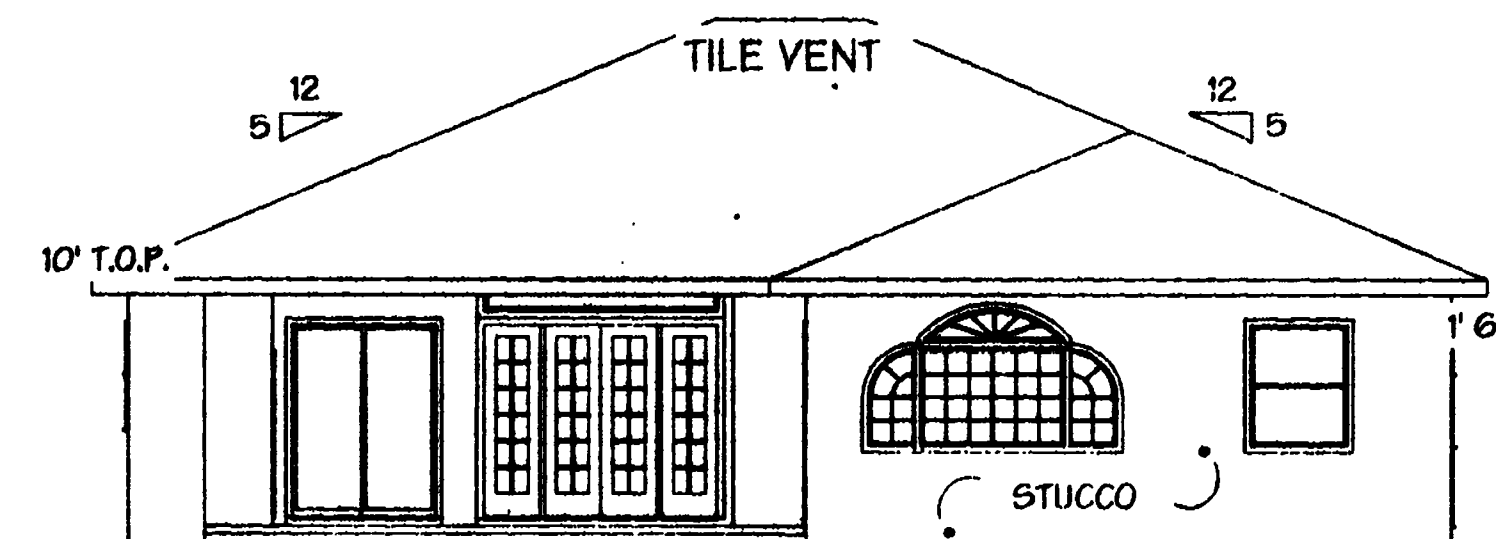
RIGHT SIDE ELEVATION

1/8" = 1' 0"



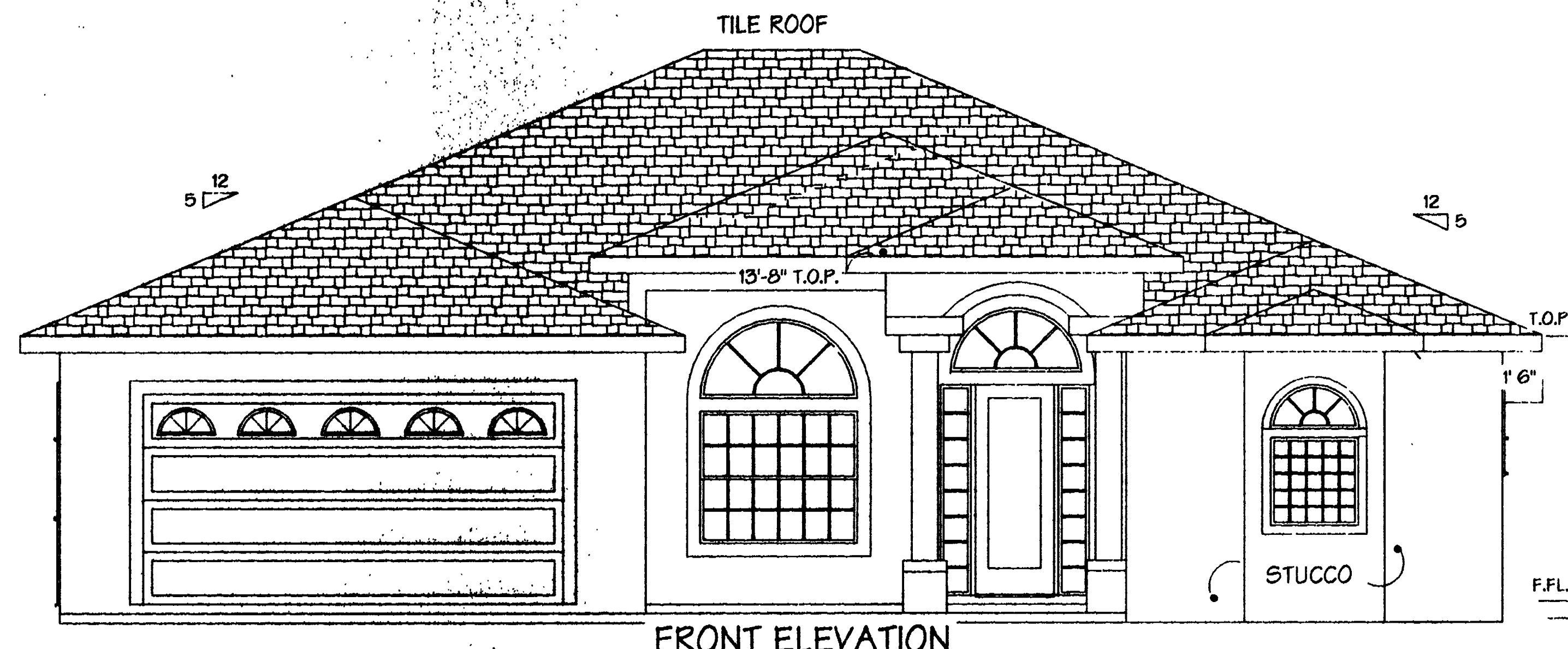
LEFT SIDE ELEVATION

1/8" = 1' 0"



REAR ELEVATION

1/8" = 1' 0"



FRONT ELEVATION

1/4" = 1' 0"

Original
Not Legible
Whole Packet

NOTES:

1. PLANS CONFORM TO THE REQUIREMENTS OF SECTION 1606 OF THE SBCCI 1997 CODE AND ARE STRUCTURALLY ADEQUATE FOR 100MPH WINDS.

2. NAILING PATTERN FOR SHEETING:
4" O/C SHORT SIDE, 8d
6" O/C LONG SIDE, 8d
12" O/C FIELD, 8d

FOR ROOF SHEETING:
6" O/C 8d

3. WOOD FOR STRUCTURAL CONDITIONS TO BE GROUP II SPECIES OR MINIMUM $f_b = 1300 \text{ psi}$.

4. ALL BEARING WALLS ARE SHEAR WALLS EXCEPT FOR OPENINGS.

5. FOR MISSED DOWELS DRILL 6"D. HOLE MIN., CLEAN OUT AND FILL WITH APPROVED EPOXY, INSERT ROD LEAVING 25" MIN. LAP WITH DOWNROD.

REVISIONS

1.	10-29-2001
2.	
3.	
4.	
5.	
6.	

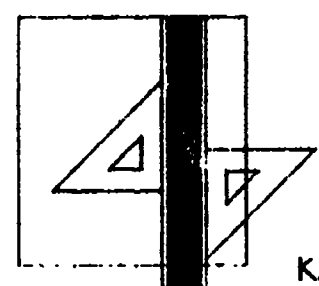
LOCATION:

17 COOLRIDGE CT.
PALM COAST FL.

AMARAL CUSTOM HOMES

13 UTILITY DRIVE
PALM COAST, FL. 32137
904-445-9393

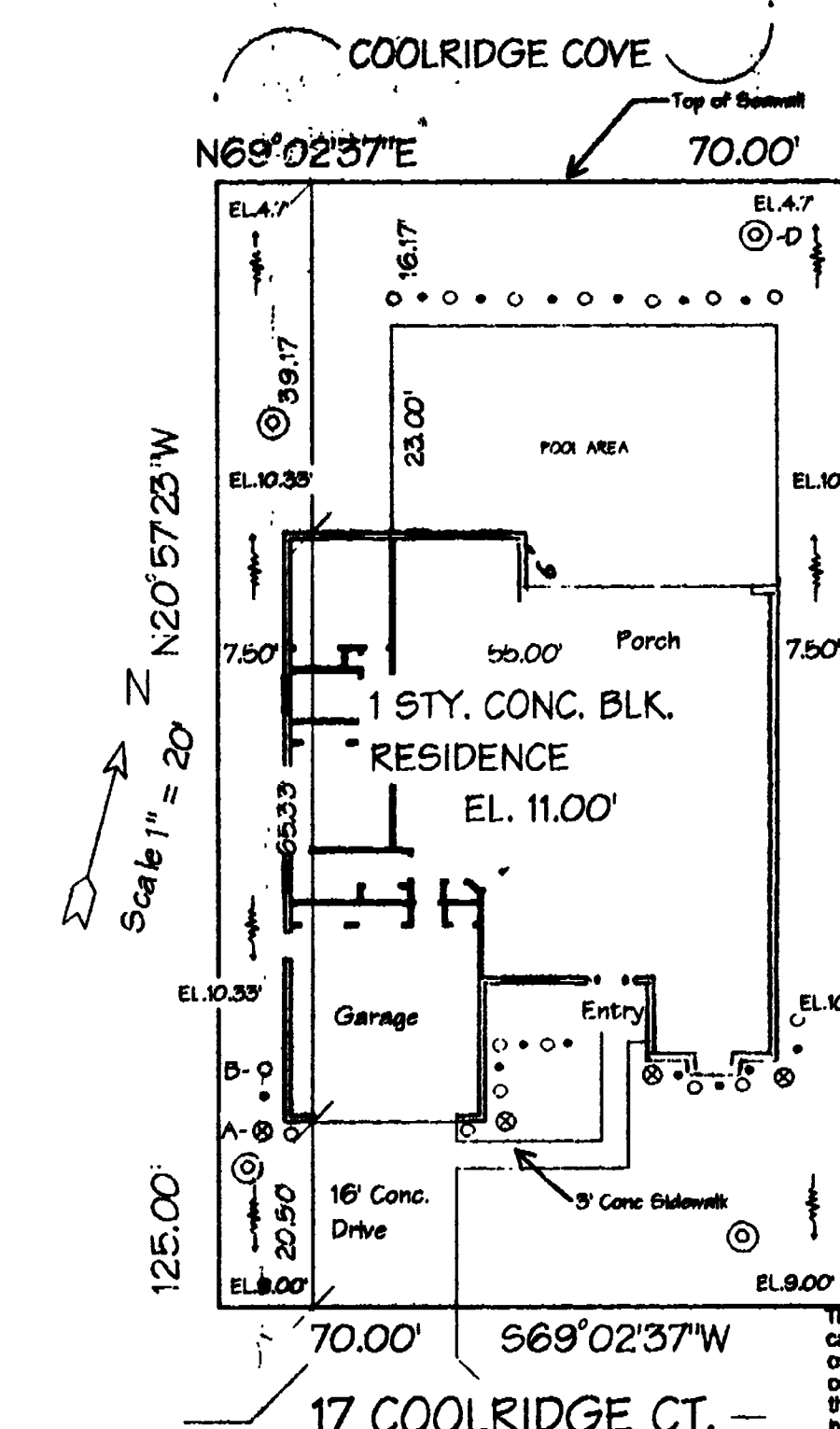
DATE: 8-30-2001



SCALE: NOTED

FERNANDO & IVONE CARNEIRO

CHECKED BY T.A.



PLOT PLAN

SEC. 4 BLK. 19 LOT 13
PLANT INDEX

- A - 4 GRAPE MYRTLE @ 5' HIGH
- B - 15 LIGUSTRUM JENINSE @ 24" HIGH
- C - 14 RED RUDDLE AZALEAS @ 15' HIGH
- D - 4 REPLACEMENT OAK TREES @ 12' HIGH
- E - 1/2" CALIP. @ 4 1/2' ABOVE GROUND.
- F - INDEX TREES

APPROVED
Planning & Zoning
Department

STATE OF FLORIDA
INDEPENDENT INSPECTORS, LTD.
CONDITIONALLY APPROVED
This approval shall not be construed as authority to violate, cancel, alter or not abide any provisions of any other state or local law regulating construction or the performance of this type of work must be complied with whether specified herein or not. Nor shall this approval prevent the Building Department from non-after assembly a correction of errors in plans for construction.

NOV 07 2001 P. COLLINS BU000979

3287011

1) TYPICAL TRUSS ON MASONRY... DTL OR LFTA
(MAX SPAN 40'-0")
2) TYPICAL TRUSS ON WOOD... HOD
3) TYPICAL TRUSS ON MASONRY... (2) 1/2" WOOD NAILS
4) TYPICAL 2-PLY GIRDERS ON WOOD... HCC 305-4
5) TYPICAL 3-PLY GIRDERS ON WOOD... HCC 64
6) HOLD DOWN AT BASE OF STUD... AD58
7) SUPPORTING GIRDERS TRUSS
8) MASONRY TO ALUMINUM COLUMN... SEE DETAIL SHEET
9) MASONRY TO MASONRY... (2) 1/2" WOOD NAILS

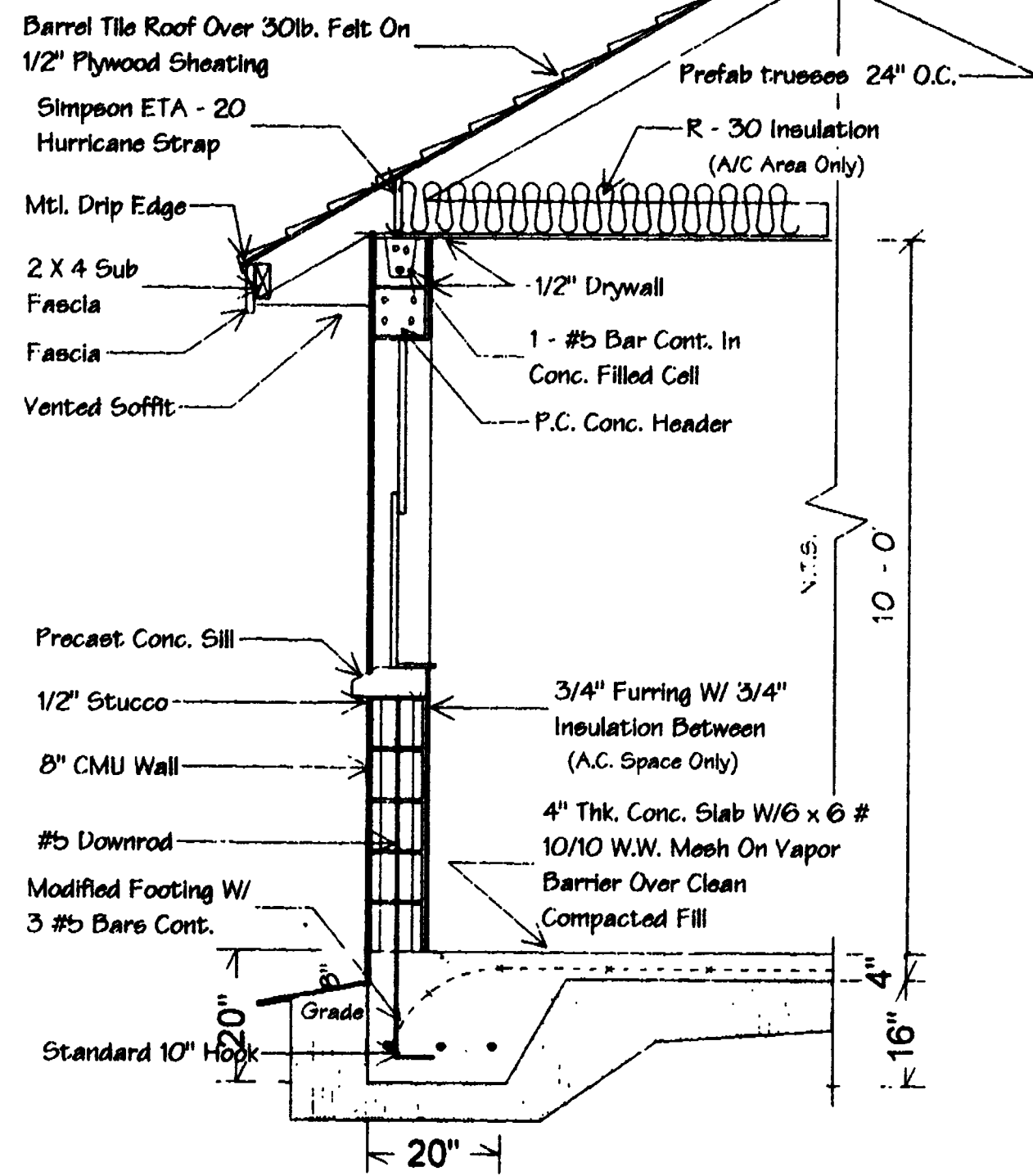
TABLE OF EQUIVALENTS - HUGHES - TO - SIMPSON

UPT. CAPACITY	HUGHES	SIMPSON	UPT. CAPACITY	HUGHES	SIMPSON	UPT. CAPACITY
1500#	DTL	HETASD W/165	1400#	UH 24	LUT 24	1300#
1600#	LFTA	THA 210	1700#	NPM 34/2	HUK 412 W/ 16 TAPCON	1500#
1700#	HOD	HOD	1800#	ST 201	HUK 412	1600#
1800#	(2) 1/2" WOOD NAILS	(2) HETASD W/165 NAILS	1900#	RT 1010 TW	115 10	1700#
1900#	SHA-6	MTT 220	2000#	RT 1010	115 10	1800#
2000#	RYUM	(2) MTI 220	2100#	WHA 1020	115 10	1900#
2100#	AD58	HUSA	2200#	NPM 34/2	HUK 412 W/ 16 TAPCON	2000#
2200#	(2) AD58	(2) HUSA	2300#	RT 1010	HUK 412	2100#
2300#	HCC 305-4	CL 3-1/4-4	2400#	WHA 1020	115 10	2200#
2400#	HCC 64	CC 64	2500#	RT 1010	115 10	2300#
2500#	1/2" WOOD NAILS	HETASD W/165 NAILS	2600#	WHA 1020	115 10	2400#
2600#	HCC 305-4	HUSA	2700#	RT 1010	115 10	2500#
2700#	HCC 64	CC 64	2800#	WHA 1020	115 10	2600#
2800#	1/2" WOOD NAILS	HETASD W/165 NAILS	2900#	RT 1010	115 10	2700#
2900#	HCC 305-4	HUSA	3000#	WHA 1020	115 10	2800#
3000#	HCC 64	CC 64	3100#	RT 1010	115 10	2900#
3100#	1/2" WOOD NAILS	HETASD W/165 NAILS	3200#	WHA 1020	115 10	3000#
3200#	HCC 305-4	HUSA	3300#	RT 1010	115 10	3100#
3300#	HCC 64	CC 64	3400#	WHA 1020	115 10	3200#
3400#	1/2" WOOD NAILS	HETASD W/165 NAILS	3500#	RT 1010	115 10	3300#
3500#	HCC 305-4	HUSA	3600#	WHA 1020	115 10	3400#
3600#	HCC 64	CC 64	3700#	RT 1010	115 10	3500#
3700#	1/2" WOOD NAILS	HETASD W/165 NAILS	3800#	WHA 1020	115 10	3600#
3800#	HCC 305-4	HUSA	3900#	RT 1010	115 10	3700#
3900#	HCC 64	CC 64	4000#	WHA 1020	115 10	3800#
4000#	1/2" WOOD NAILS	HETASD W/165 NAILS	4100#	RT 1010	115 10	3900#
4100#	HCC 305-4	HUSA	4200#	WHA 1020	115 10	4000#
4200#	HCC 64	CC 64	4300#	RT 1010	115 10	4100#
4300#	1/2" WOOD NAILS	HETASD W/165 NAILS	4400#	WHA 1020	115 10	4200#
4400#	HCC 305-4	HUSA	4500#	RT 1010	115 10	4300#
4500#	HCC 64	CC 64	4600#	WHA 1020	115 10	4400#
4600#	1/2" WOOD NAILS	HETASD W/165 NAILS	4700#	RT 1010	115 10	4500#
4700#	HCC 305-4	HUSA	4800#	WHA 1020	115 10	4600#
4800#	HCC 64	CC 64	4900#	RT 1010	115 10	4700#
4900#	1/2" WOOD NAILS	HETASD W/165 NAILS	5000#	WHA 1020	115 10	4800#
5000#	HCC 305-4	HUSA	5100#	RT 1010	115 10	4900#
5100#	HCC 64	CC 64	5200#	WHA 1020	115 10	5000#
5200#	1/2" WOOD NAILS	HETASD W/165 NAILS	5300#	RT 1010	115 10	5100#
5300#	HCC 305-4	HUSA	5400#	WHA 1020	115 10	5200#
5400#	HCC 64	CC 64	5500#	RT 1010	115 10	5300#
5500#	1/2" WOOD NAILS	HETASD W/165 NAILS	5600#	WHA 1020	115 10	5400#
5600#	HCC 305-4	HUSA	5700#	RT 1010	115 10	5500#
5700#	HCC 64	CC 64	5800#	WHA 1020	115 10	5600#
5800#	1/2" WOOD NAILS	HETASD W/165 NAILS	5900#	RT 1010	115 10	5700#
5900#	HCC 305-4	HUSA	6000#	WHA 1020	115 10	5800#
6000#	HCC 64	CC 64	6100#	RT 1010	115 10	5900#
6100#	1/2" WOOD NAILS	HETASD W/165 NAILS	6200#	WHA 1020	115 10	6000#
6200#	HCC 305-4	HUSA	6300#	RT 1010	115 10	6100#
6300#	HCC 64	CC 64	6400#	WHA 1020	115 10	6200#
6400#	1/2" WOOD NAILS	HETASD W/165 NAILS	6500#	RT 1010	115 10	6300#
6500#	HCC 305-4	HUSA	6600#	WHA 1020	115 10	6400#
6600#	HCC 64	CC 64	6700#	RT 1010	115 10	6500#
6700#	1/2" WOOD NAILS	HETASD W/165 NAILS	6800#	WHA 1020	115 10	6600#
6800#	HCC 305-4	HUSA	6900#	RT 1010	115 10	6700#
6900#	HCC 64	CC 64	7000#	WHA 1020	115 10	6800#
7000#	1/2" WOOD NAILS	HETASD W/165 NAILS	7100#	RT 1010	115 10	6900#
7100#	HCC 305-4	HUSA	7200#	WHA 1020	115 10	7000#
7200#	HCC 64	CC 64	7300#	RT 1010	115 10	7100#
7300#	1/2" WOOD NAILS	HETASD W/165 NAILS	7400#	WHA 1020	115 10	7200#
7400#	HCC 305-4	HUSA	7500#	RT 1010	115 10	7300#
7500#	HCC 64	CC 64	7600#	WHA 1020	115 10	7400#
7600#	1/2" WOOD NAILS	HETASD W/165 NAILS	7700#	RT 1010	115 10	7500#
7700#	HCC 305-4	HUSA	7800#	WHA 1020	115 10	7600#
7800#	HCC 64	CC 64	7900#	RT 1010	115 10	7700#
7900#	1/2" WOOD NAILS	HETASD W/165 NAILS	8000#	WHA 1020	115 10	7800#
8000#	HCC 305-4	HUSA	8100#	RT 1010	115 10	7900#
8100#	HCC 64	CC 64	8200#	WHA 1020	115 10	8000#
8200#	1/2" WOOD NAILS	HETASD W/165 NAILS	8300#	RT 1010	115 10	8100#
8300#	HCC 305-4	HUSA	8400#	WHA 1020	115 10	8200#
8400#	HCC 64	CC 64	8500#	RT 1010	115 10	8300#
8500#	1/2" WOOD NAILS	HETASD W/165 NAILS	8600#	WHA 1020	115 10	8400#
8600#	HCC 305-4	HUSA	8700#	RT 1010	115 10	8500#
8700#	HCC 64	CC 64	8800#	WHA 1020	115 10	8600#
8800#	1/2" WOOD NAILS	HETASD W/165 NAILS	8900#	RT 1010	115 10	8700#
8900#	HCC 305-4	HUSA	9000#	WHA 1020	115 10	8800#
9000#	HCC 64	CC 64	9100#	RT 1010	115 10	8900#
9100#	1/2" WOOD NAILS	HETASD W/165 NAILS	9200#	WHA 1020	115 10	9000#
9200#	HCC 305-4	HUSA	9300#	RT 1010	115 10	9100#
9300#	HCC 64	CC 64	9400#	WHA 1020	115 10	9200#
9400#	1/2" WOOD NAILS	HETASD W/165 NAILS	9500#	RT 1010	115 10	9300#
9500#	HCC 305-4	HUSA	9600#	WHA 1020	115 10	9400#
9600#	HCC 64	CC 64	9700#	RT 1010	115 10	9500#
9700#	1/2" WOOD NAILS	HETASD W/165 NAILS	9800#	WHA 1020	115 10	9600#
9800#	HCC 305-4	HUSA	9900#	RT 1010	115 10	9700#
9900#	HCC 64	CC 64	10000#	WHA 1020	115 10	9800#

TABLE OF EQUIVALENTS - HUGHES - TO - SEMCO

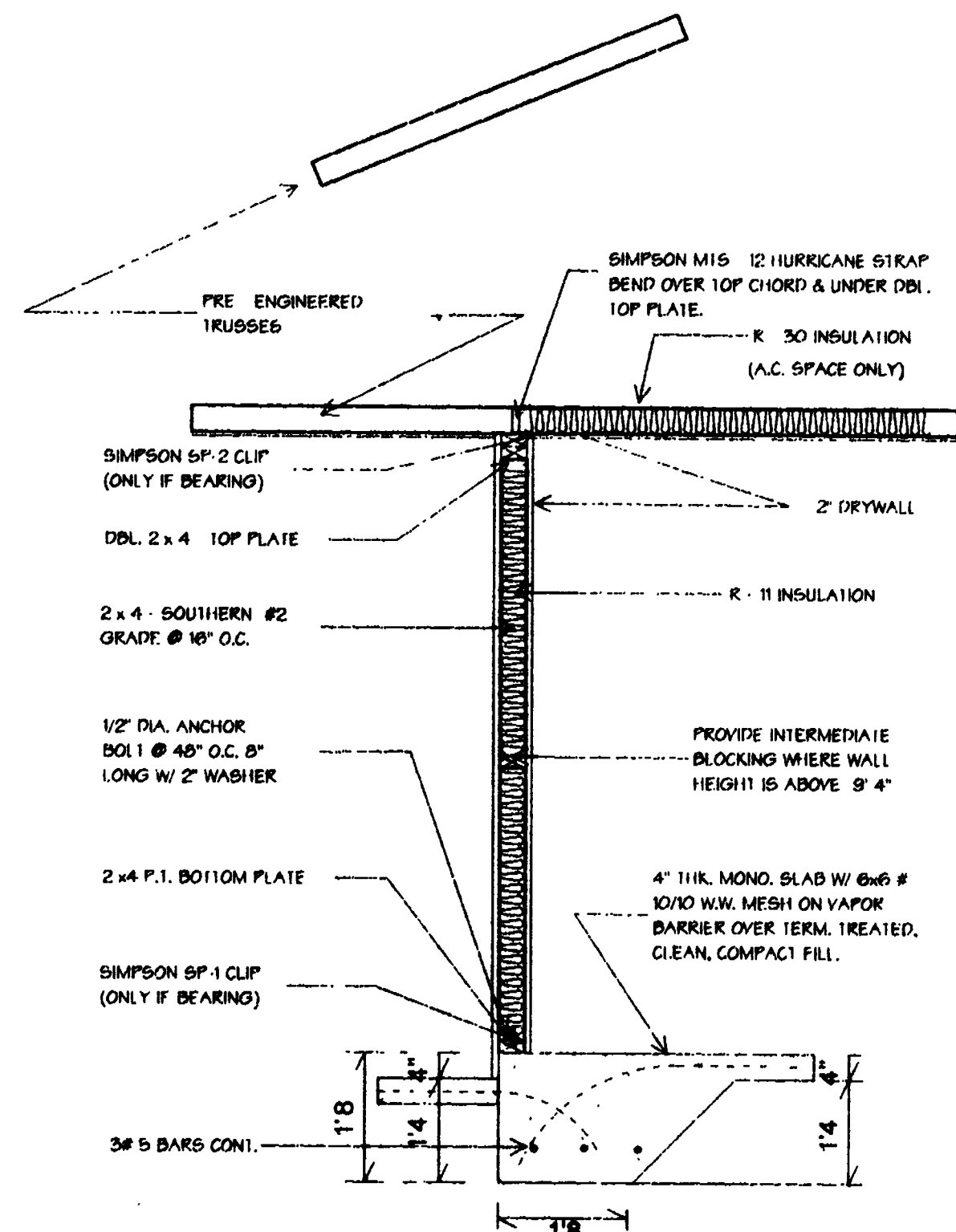
UPT. CAPACITY	HUGHES	SEMCO	UPT. CAPACITY	HUGHES	SEMCO	UPT. CAPACITY
1500#	DTL	THA 1214 W/4100	1500#	UH 24	UHFG 24	1300#
1600#	LFTA	THA 1214 W/4100	1600#	NPM 34/2	MPH 212-2N	1500#
1700#	HOD	(2) HOD	1700#	ST 201	STH 412	1600#
1800#	(2) 1/2" WOOD NAILS	(2) TAP 20	1800#	RT 1010 TW	RTPH 412	1700#
1900#	SHA-6	(2) SGP 2	1900#	RT 1010	RTPH 412	1800#
2000#	RYUM	(2) SGP 2	2000#	WHA 1020	ADJ 2	1900#
2100#	AD58	(2) SGP 2	2100#	NPM 34/2	MPH 212-2N	2000#
2200#	(2) AD58	(2) SGP 2	2200#	RT 1010	MPH 212-2N	2100#
2300#	HCC 305-4	CC 344	2300#	WHA 1020	MPH 212-2N	2200#
2400#	HCC 64	CC 64	2400#	RT 1010	MPH 212-2N	2300#
2500#	1/2" WOOD NAILS	TAP 20	2500#	WHA 1020	MPH 212-2N	2400#
2600#	HCC 305-4	HOD 1/2	2600#	RT 1010	MPH 212-2N	2500#
2700#	HCC 64	HOD 1/2	2700#	WHA 1020	MPH 212-2N	2600#
2800#	1/2" WOOD NAILS	HOD 1/2	2800#	RT 1010	MPH 212-2N	2700#
2900#	HCC 305-4	HOD 1/2	2900#	WHA 1020	MPH 212-2N	2800#
3000#	HCC 64	HOD 1/2	3000#	RT 1010	MPH 212-2N	2900#
3100#	1/2" WOOD NAILS	HOD 1/2	3100#	WHA 1020	MPH 212-2N	3000#
3200#	HCC 305-4	HOD 1/2	3200#	RT 1010	MPH 212-2N	3100#
3300#	HCC 64	HOD 1/2	3300#	WHA 1020	MPH 212-2N	3200#
3400#	1/2" WOOD NAILS	HOD 1/2	3400#	RT 1010	MPH 212-2N	3300#
3500#	HCC 305-4	HOD 1/2	3500#	WHA 1020	MPH 212-2N	3400#
3600#	HCC 64	HOD 1/2	3600#	RT 1010	MPH 212-2N	3500#
3700#	1/2" WOOD NAILS	HOD 1/2	3700#	WHA 1020	MPH 212-2N	3600#
3800#	HCC 305-4	HOD 1/2	3800#	RT 1010	MPH 212-2N	3700#
3900#	HCC 64	HOD 1/2	3900#	WHA 1020	MPH 212-2N	3800#
4000#	1/2" WOOD NAILS	HOD 1/2	4000#	RT 1010	MPH 212-2N	3900#
4100#	HCC 305-4	HOD 1/2	4100#	WHA 1020	MPH 212-2N	4000#
4200#	HCC 64	HOD 1/2	4200#	RT 1010	MPH 212-2N	4100#
4300#	1/2" WOOD NAILS	HOD 1/2	4300#	WHA 1020	MPH 212-2N	4200#
4400#	HCC 305-4	HOD 1/2	4400#	RT 1010	MPH 212-2N	4300#
4500#	HCC 64	HOD 1/2	4500#	WHA 1020	MPH 212-2N	4400#
4600#	1/2" WOOD NAILS	HOD 1/2	4600#	RT 1010	MPH 212-2N	4500#
4700#	HCC 305-4	HOD 1/2	4700#	WHA 1020	MPH 212-2N	4600#
4800#	HCC 64	HOD 1/2	4800#	RT 1010	MPH 212-2N	4700#
4900#	1/2" WOOD NAILS	HOD 1/2	4900#	WHA 1020	MPH 212-2N	4800#
5000#	HCC 305-4	HOD 1/2	5000#	RT 1010	MPH 212-2N	4900#
5100#	HCC 64	HOD 1/2	5100#	WHA 1020	MPH 212-2N	5000#
5200#	1/2" WOOD NAILS	HOD 1/2	5200#	RT 1010	MPH 212-2N	5100#
5300#	HCC 305-4	HOD 1/2	5300#	WHA 1020	MPH 212-2N	5200#
5400#	HCC 64	HOD 1/2	5400#	RT 1010	MPH 212-2N	5300#
5500#	1/2" WOOD NAILS	HOD 1/2	5500#	WHA 1020	MPH 212-2N	5400#
5600#	HCC 305-4	HOD 1/2	5600#	RT 1010	MPH 212-2N	5500#
5700#	HCC 64	HOD 1/2	5700#	WHA 1020	MPH 212-2N	5600#
5800#	1/2" WOOD NAILS	HOD 1/2	5800#	RT 1010	MPH 212-2N	5700#
5900#	HCC 305-4	HOD 1/2	5900#	WHA 1020	MPH 212-2N	5800#
6000#	HCC 64	HOD 1/2	6000#	RT 1010	MPH 212-2N	5900#
6100#	1/2" WOOD NAILS	HOD 1/2	6100#	WHA 1020	MPH 212-2N	6000#
6200#	HCC 305-4	HOD 1/2	6200#	RT 1010	MPH 212-2N	6100#
6300#	HCC 64	HOD 1/2	6300#	WHA 1020	MPH 212-2N	6200#
6400#	1/2" WOOD NAILS	HOD 1/2	6400#</			

NOTE: Tile To Be Installed
W/ Eave Clips & Nailed

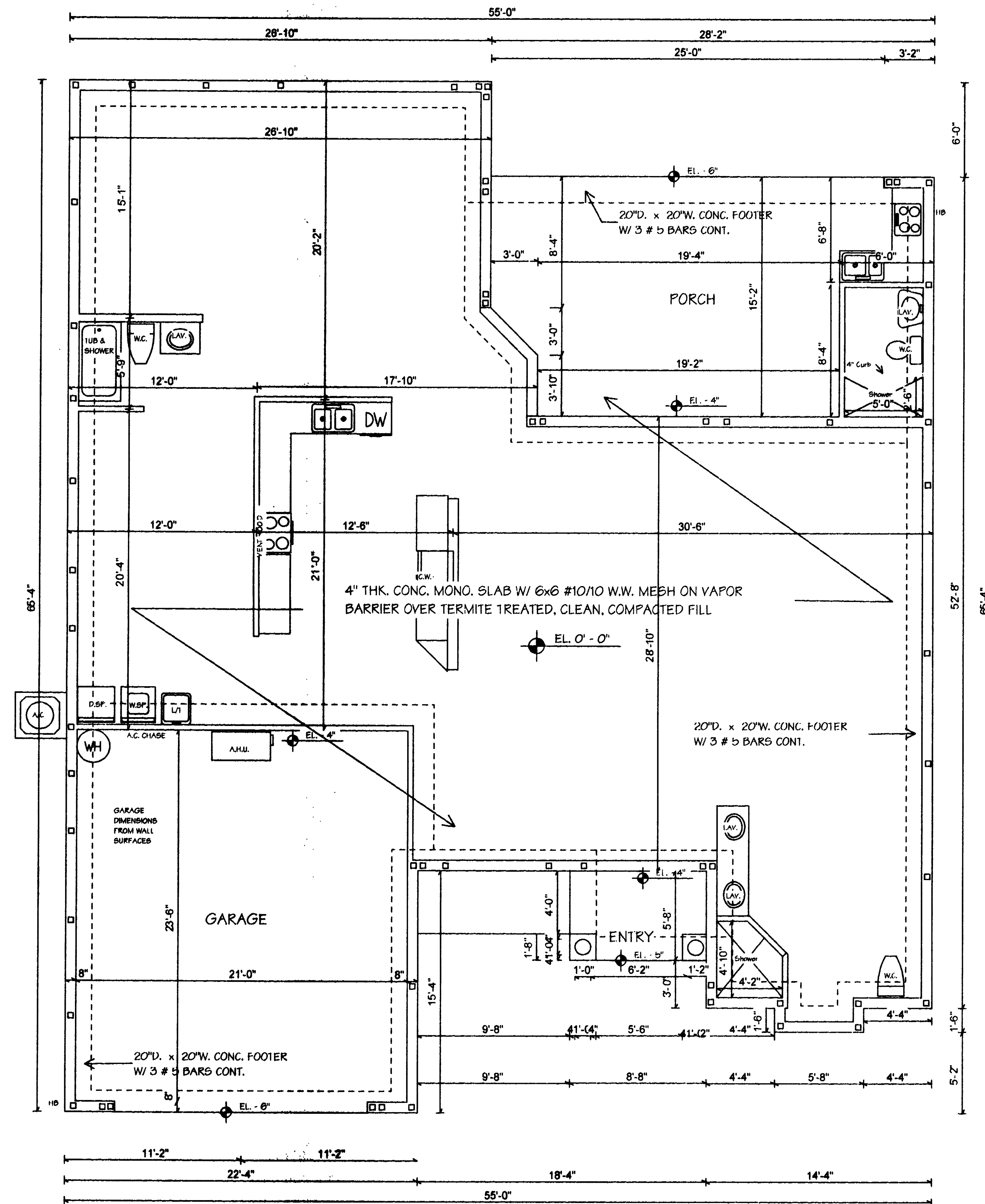


TYPICAL WALL SECTION

SCALE 1/2" = 1'-0"



GARAGE WALL SECTION 1/2" = 1'-0"



FOUNDATION PLAN

1/4" = 1'-0"

NOTES:

1. PLANS CONFORM TO THE REQUIREMENTS OF SECTION 1606 OF THE SBCCI 1997 CODE AND ARE STRUCTURALLY ADEQUATE FOR 100MPH WINDS.

2. NAILING PATTERN FOR SHEATING:
4" O/C SHORT SIDE, 8d
6" O/C LONG SIDE, 8d
12" O/C FIELD, 8d

FOR ROOF SHEATING:
6" O/C 8d

3. WOOD FOR STRUCTURAL CONDITIONS TO BE GROUP II SPECIES OR MINIMUM $F_b = 1300 \text{ psi}$.

4. ALL BEARING WALLS ARE SHEAR WALLS EXCEPT FOR OPENINGS.

5. FOR MISSED DOWELS DRILL 6"D. HOLE MIN., CLEAN OUT AND FILL WITH APPROVED EPOXY, INSERT ROD LEAVING 25" MIN. LAP WITH DOWNROD.

REVISIONS

1.	10-29-2001
2.	
3.	
4.	
5.	
6.	

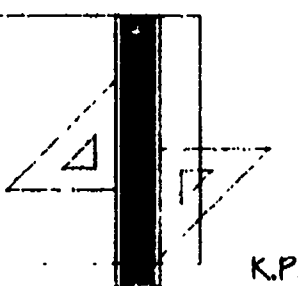
LOCATION:

17 COOLIDGE CT.
PALM COAST FL.

AMARAL CUSTOM HOMES

13 UTILITY DRIVE
PALM COAST, FL. 32137
904-445-9393

DATE: 8-30-2001



SCALE: NOTED

FERNANDO
&
IVONE
CARNEIRO

A
B
D
CHECKED BY
T.A.

SHEET NO.
3
3-2001

EXHIBIT C
BUILDING PERMIT APPLICATION
ON FOLLOWING PAGE(S)



city of PALM COAST

Community Development Department

Building Permit Application

Rev 9/16

160 Lake Avenue
Palm Coast, FL 32164
Office: 386-986-3780
Inspection: 386-986-4747

Permit #

2019100614

Detailed description of proposed work:

12x12 Deck with 28' Boat Slip 10K l.f.t

Estimated Value: 20,990

Florida Green Building ☐ Yes ☒ No

Property Owners Name: Gregory Stortenburg

Telephone: 719-310-6587

Mailing Address: 17 Coolidge

Email Address: gregandsize.com Fax number:

Licensed Contractor Name (must sign the application)

Business Name: Aqua Construction

Mailing Address: 2550 N. State St Suite 14

License # (of name listed above) 1521660

Telephone 386 931 0008

Email Address: dan@aquaconstruction.com

Fax Number:

Job Location / Address	Legal Description / Parcel Number
07-11-31-7004-00190-0150 17 Coolidge Ct Palm Coast	

Sub-Contractor Type	Name	Phone Number	License Number
Electric	Robert Little	386-931-1708	EC# 13005740

Organization	Name	Address
Bonding Company		
Architect/Engineer		
Mortgage Lender		

WARNING TO OWNER: YOUR FAILURE TO RECORD A NOTICE OF COMMENCEMENT MAY RESULT IN YOUR PAYING TWICE FOR IMPROVEMENTS TO YOUR PROPERTY. A NOTICE OF COMMENCEMENT MUST BE RECORDED AND POSTED ON THE JOB SITE BEFORE THE FIRST INSPECTION. IF YOU INTEND TO OBTAIN FINANCING, CONSULT WITH YOUR LENDER OR AN ATTORNEY BEFORE COMMENCING WORK OR RECORDING YOUR

NOTICE OF COMMENCEMENT.

Application is hereby made to obtain a permit to do the work and installations as indicated. I certify that no work or installation has commenced prior to the issuance of a permit and that all work will be performed to meet the standards of all laws regulating construction in this jurisdiction. I understand that a separate permit must be secured for ELECTRICAL WORK, PLUMBING, SIGNS, WELLS, POOLS, FURNACES, BOILERS, HEATERS, TANKS, and AIR CONDITIONERS, etc.

OWNER'S AFFIDAVIT: I certify that all the foregoing information is accurate and that all work will be done in compliance with all applicable laws regulating construction and zoning

Signature of Property Owner**OR Signature of Contractor** required if identified above

X _____ sworn
to and subscribed (affirmed) before me this

_____ day of _____ in the year _____

by _____
(Printed name of affiant)

Personally Known ☐ or Produced ID ☐

Type of Identification: _____

Notary Public Signature

X _____ sworn
to and subscribed (affirmed) before me this

14th day of Oct in the year 2019

by Daniel Priotti
(Printed name of affiant)

Personally Known ☒ or Produced ID ☐

Type of Identification: _____

Notary Public Signature

CARMEN J POLLITZ
MY COMMISSION # GG102007
EXPIRES May 07, 2021



EXHIBIT D
LICENSE AGREEMENT – SALTWATER ACCESS
ON FOLLOWING PAGE(S)



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

Tax Id: 07-11-31 7004 00190-0130
[LICENSEE'S PROPERTY]

LICENSE AGREEMENT **SALT WATER ACCESS**

THIS LICENSE AGREEMENT, entered into this 28 day of October, 2019, by and between the **City of Palm Coast**, a Florida municipal corporation ("Licensor" or "City"), whose mailing address is 160 Lake Avenue, Palm Coast, Florida 32164 and Gregory & Suzanne Stautenburg ("Licensee"),
(Print all property owners as shown on the deed)
whose address is 17 Coolidge Ct (License Address).

NOW, THEREFORE, in consideration of Ten (\$10.00) Dollars and other good and valuable consideration, the parties agree as follows:

1. City grants to Licensee the right to enter upon and use the City's real property described in **Exhibit "A"** (the "Property"), for the purpose of a dock and access to the dock.

Specific uses may include, but are not limited to, constructing and maintaining a dock upon the Property to the extent such is approved by the City of Palm Coast and in compliance with any policies adopted by the City.

2. The term of this License Agreement shall be from the date of this License Agreement, until the Licensee or Licensee's successors no longer own the property described in **Exhibit "B"** ("Licensee's Property"). Upon the termination of this License Agreement, the Licensee shall immediately surrender the Property to the City.

3. Nothing in this License Agreement grants the Licensee any interest, ownership, or otherwise in the Property.

4. This License Agreement may not be assigned by the Licensee except by sale of Licensee's Property.

5. Licensee understands and agrees that should any modifications on the Property, or any failure to maintain the same, in the sole judgment of City, result in the Property becoming an eyesore, hazard, or otherwise in violation of the policies of the City, City will have the right, upon

reasonable notice, to revoke this License Agreement and require the Licensee to immediately remove the dock at the Licensee's sole expense. If Licensee fails to remove the dock, the City may remove the dock, and Licensee must immediately thereafter reimburse City for said cost and expense.

6. In the event Licensee fails to reimburse City as provided in Paragraph 5 above, a lien shall be imposed on the Licensee's Property, in the amount of such costs.

7. Licensee shall indemnify and hold harmless City, its agents, successors, and assigns, from any claim whatsoever, including but not limited to, costs and attorney's fees arising from the entry onto the Property, the existence of any structure on the Property or its use, or any environmental contamination, including from lead based paint and asbestos. Licensee agrees to release City from and against any and all claims, of whatsoever nature or form, arising out of or pertaining to any damages arising from the City's maintenance work or dredging on or about the Property.

8. Licensee acknowledges that it has inspected the Property and that the Property is suitable for Licensee's intended use. City makes no representations or warranties as to the safety or suitability of the Property for such intended use. Licensee agrees to assume all risks in its use and be solely responsible for security of or loss to any personal property of Licensee brought onto the Property.

9. Licensee expressly acknowledges and agrees that the Property is to be accepted by Licensee in an "AS IS WHERE-IS" condition. Licensee, as its sole cost and expense, shall be responsible for all maintenance, repairs, utilities and upkeep to the Property. Other than the proposed dock, Licensee shall make no additions on the Property and no structural alterations, improvements, or additions, to the structures, or improvements on the Property. Licensee agrees to promptly pay, before delinquency, all charges for water, gas, electricity, television, cable and all other utility services used on the Property when due. Licensee shall keep the Property free and clear of any liens or encumbrances which may arise as a result of actions by the Licensee.

10. Licensee shall make any and all repairs to the Property deemed reasonably necessary by City proximately arising out of or in connection with Licensee's entry upon the Property under this License Agreement. The provisions of this section shall survive termination or expiration of this License Agreement.

11. Nothing contained in this License Agreement shall create or be deemed to create any partnership or joint venture relationship between City and Licensee, and Licensee shall have no power or right to obligate or bind City in any manner whatsoever.

12. City shall have the right to enter upon the Property at all times for any official City related purpose, including, without limitation, inspecting the Property or making improvements or repairs. City shall provide reasonable advance notice before performing maintenance work or repair on the Property, except in the event of an emergency, as determined by the City.

13. Licensee shall not permit any activity to be conducted on the Property involving the generation, storage, use, or discharge of hazardous substances, as defined under any federal, state or local law, ordinance, rule or regulation, nor permit any hazardous substance to be brought onto or used on, about, or in connection with the Property. . Licensee hereby agrees that Licensee shall report promptly in writing to City any incident which would require the filing of a notice under the environmental laws, and that Licensee shall provide City with copies of any notices or other correspondence which Licensee receives from any government agency with respect to hazardous substances at the Property.

14. In the event Licensee shall fail to perform any of the terms or conditions of this License Agreement, City shall have all equitable and legal rights and remedies permitted by law, including, without limitation, the right to terminate this License Agreement effective immediately. No waiver by City of any default or breach of this License Agreement shall be considered a waiver of any other or subsequent default or breach.

15. This License Agreement shall be interpreted and enforced under the laws of the State of Florida. City and Licensee, in the event of litigation under this License Agreement, hereby waive, to the fullest extent permitted by law, any right to a trial by jury.

16. This License Agreement constitutes the entire understanding between City and Licensee. Neither this License Agreement nor any provision hereof may be changed, modified, waived, discharged or terminated except by an instrument in writing signed by the party against whom the enforcement of any such change, modification, or amendment is sought.

17. In the event of any dispute hereunder or of any action to interpret or enforce this License Agreement, the prevailing party shall be entitled to recover its reasonable costs, fees and expenses, including, but not limited to, witness fees, expert fees, consultant fees, attorney's fees, costs and expenses and other professional fees whether suit be brought or not. This provision shall survive the termination or expiration of this License Agreement.

18. Any notices which may be permitted or required shall be in writing and shall be deemed to have been duly given as of the date and time the same are personally delivered, transmitted electronically (i.e., telecopier device) or within three (3) days after depositing with the United States Postal Service, postage prepaid by registered or certified mail, return receipt requested, or within one (1) day after depositing with Federal Express or other overnight delivery service from which a receipt may be obtained, and addressed as follows:

To Licensee at the following address (Mailing Address):

_____	Street Address/Alternate Name
<u>17 Coolidge Ct</u>	Street Address
<u>Palm Coast, FL 32137</u>	City, State, Zip Code

To City at the following address:

City of Palm Coast
Attn: City Manager
160 Lake Avenue
Palm Coast, Florida 32164

or to such other address as either party hereto shall from time to time designate to the other party by notice in writing as herein provided.

19. If any provision of this License Agreement or the application thereof to any person or circumstances shall, for any reason and to any extent, be invalid or unenforceable, the remainder of this License Agreement and the application of such provision to other persons or circumstances shall not be affected thereby but rather shall be enforced to the greatest extent permitted by law.

20. Covenants Running with the Land. All the provisions, agreements, rights, powers, covenants, conditions and obligation contained in this License Agreement shall be binding upon the parties, their successors and assigns, lessees and all other persons acquiring any interest in the Licensee's Property, whether by operation of law or in any manner whatsoever, including without limitation future owners of the Licensee's Property, and shall inure to the benefit of the owners and the respective parcels and their heirs, successors and assigns. All of the provisions in this License Agreement shall constitute covenants running with the land pursuant to Florida law.

IN WITNESS WHEREOF, the parties have executed this License Agreement on the date(s) indicated below.

WITNESSES:

[Signature]
Donalea Clutter
(print)
AO RL
Amanda Rollins
(print)

LICENSEE

By: [Signature]
Print name: Gregory Stoutenburg
Address: 17 Coolidge Ct
Palm Coast, FL 32137

WITNESSES:

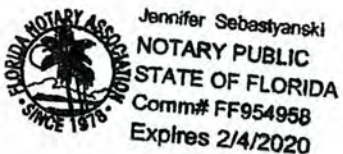
[Signature]
Donalea Clutter
(print)
AO RL
Amanda Rollins
(print)

LICENSEE

By: [Signature]
Print name: Suzette Stoutenburg
Address: 17 Coolidge Ct
Palm Coast FL 32137

STATE OF Florida
COUNTY OF Flagler

The foregoing instrument was acknowledged before me this 28 day of October, 2019, by Gregory and Suzette Stoutenburg (check one) ☐ who is personally known to me or ☒ who produced Florida Driver licenses as identification.



Jennifer Sebastyski
Notary Public - State of Florida
Print Name: Jennifer Sebastyski
My Commission expires: 2/4/2020

APPROVED BY THE CITY OF PALM COAST:

By: _____

Date: _____

*Ray Tyner, Deputy Chief Development Officer

or

Jason DeLorenzo, Chief Development Officer

*Upon delegation from City Manager on file with the City Clerk of the City of Palm Coast.

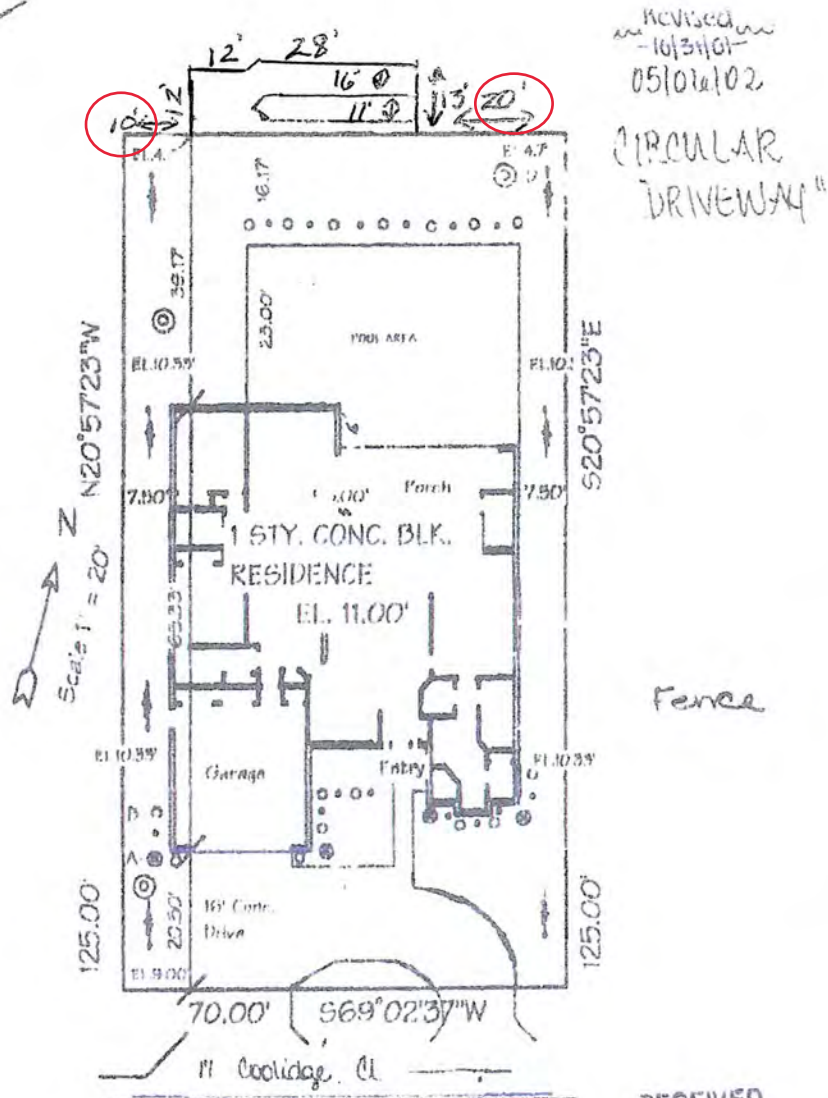
EXHIBIT "A"
[CITY'S PROPERTY] PAGE 1 OF 2

EXHIBIT "A"
[CITY'S PROPERTY] PAGE 2 OF 2

EXHIBIT "B"
[LICENSEE'S PROPERTY]

EXHIBIT E
SITE PLAN FOR BOATHOUSE
ON FOLLOWING PAGE(S)

Permit # 2019100614
 Zoning Approval
 12'x12' Dock with 13'x28' Boat Slip
 10/31/19 TD



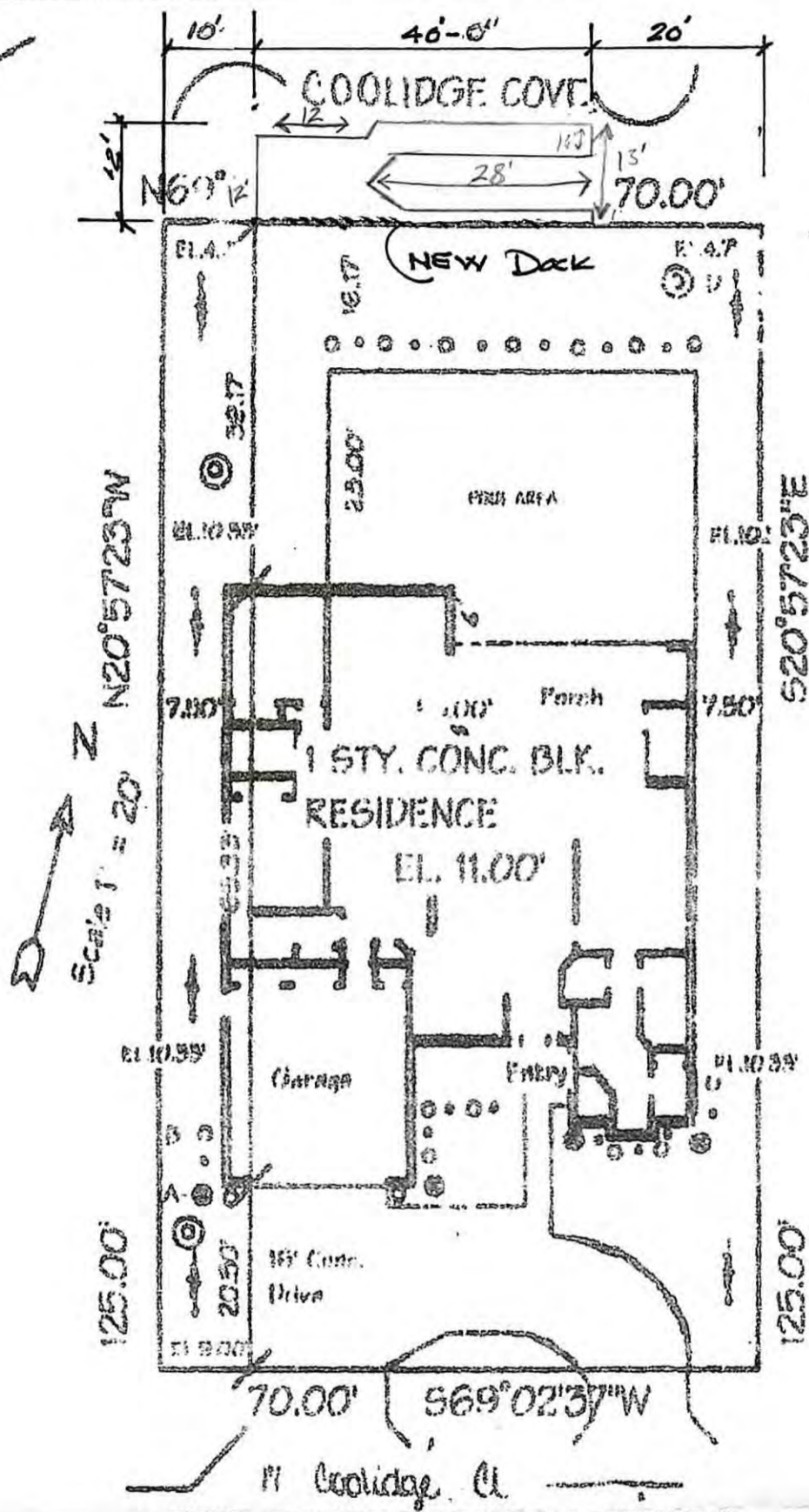
PLOT PLAN

SEC. 4 BLK. 19 LOT 13

PLANT INDEX

- A - 4 Crape Myrtle @ 5' High
- B - 15 Ligustrum Jeninse @ 24\"/>

R 19 13



REVISER
-10/3/10
05/01/11
CIRCULAR
DRIVE

Fence

PLOT PLAN

SEC. 4 Bk. 19 10113

PLANT INDEX

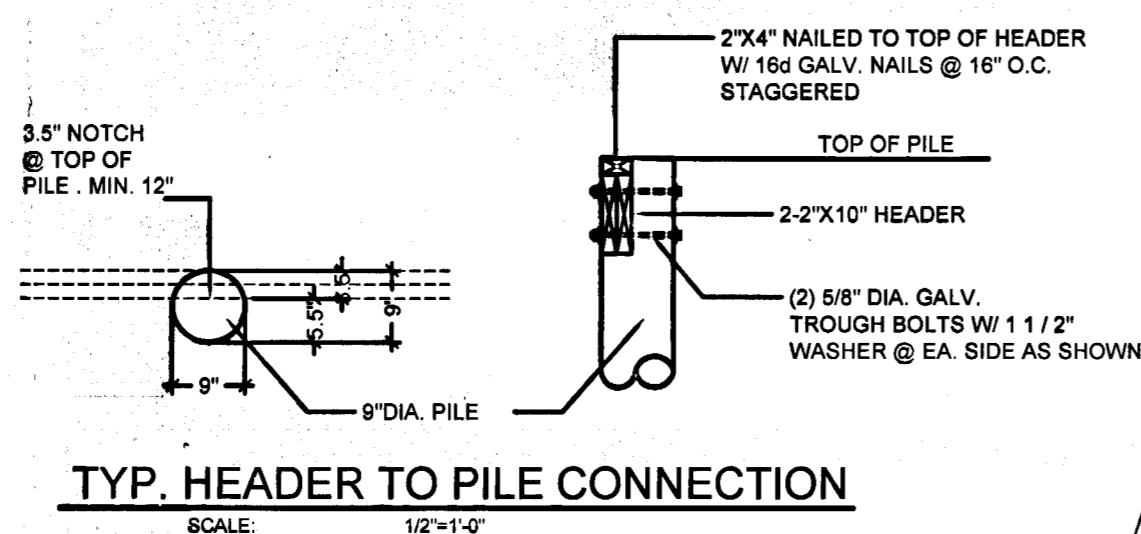
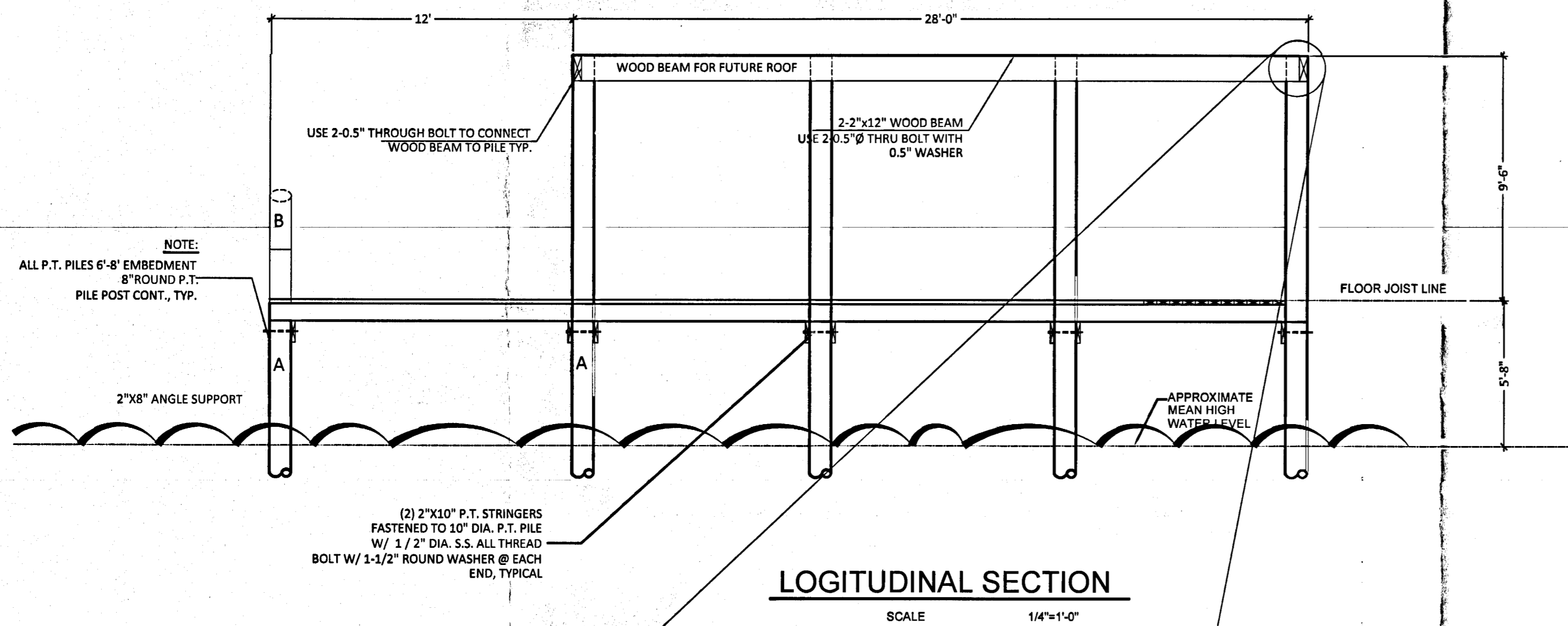
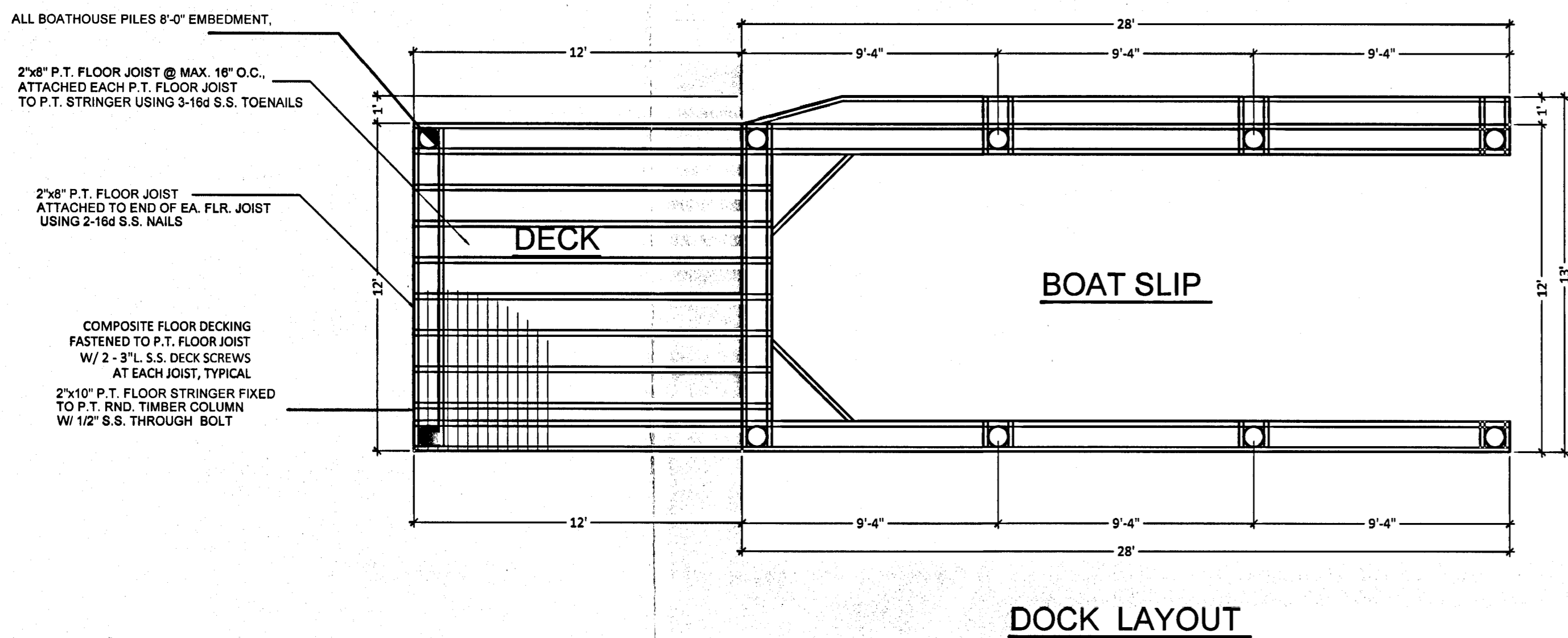
- A - 4 Crape Myrtle @ 5' High
- B - 15 Ligustrum Jemense @ 24" High
- C - 14 Red Ruffle Azaleas @ 18" High
- D - 4 Replacement Oak Trees 8' Min. + 2 1/2" Cal. @ 4 1/2" Above Ground.
- E - Index Trees

RECEIVED

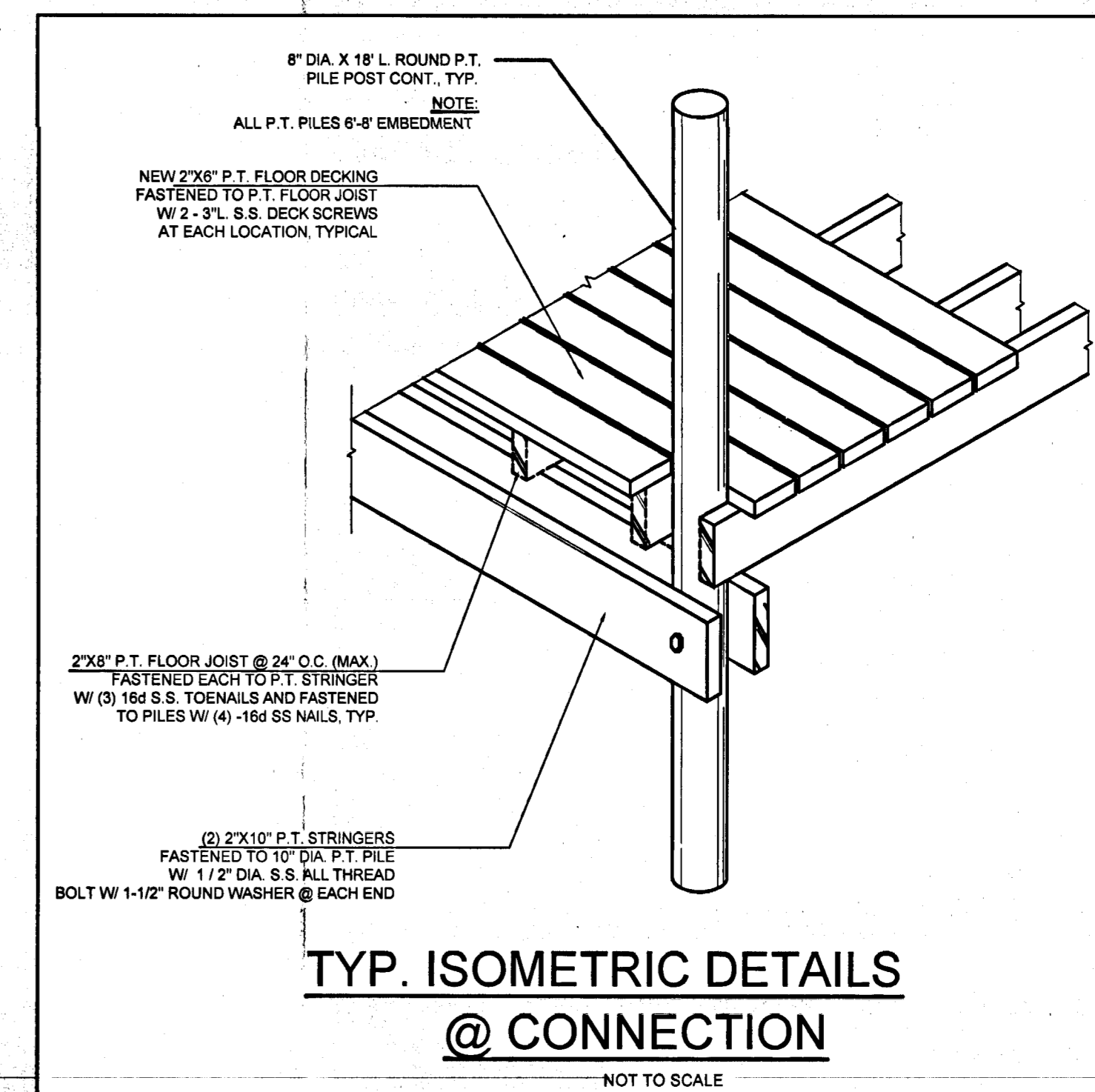
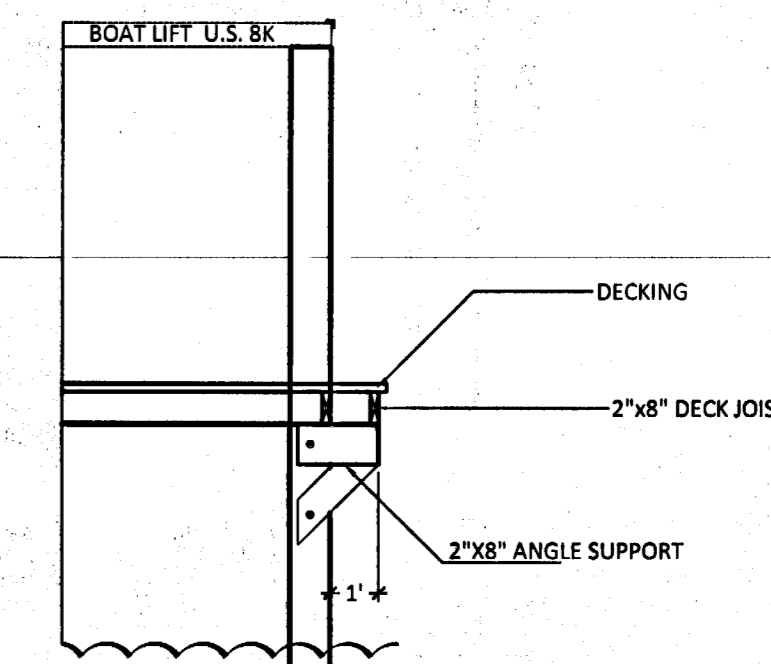
JUN 13 2011

PLANNING
DIVISION

EXHIBIT F
BUILDING PLANS FOR BOATHOUSE
ON FOLLOWING PAGE(S)



- A = 8" BUTT PILE BELOW DECK
- B = 8" BUTT PILE 4' ABOVE DECK
- C = 9" BUTT PILE 6'-7' ABOVE DECK



TAMIR - DAVIS & ASSOCIATES, INC.

ENGINEER:
PERRY TROIA
FL LIC # 36189
ADDRESS: 25 PALM HARBOR VILLAGE WAY, SUITE 100
PALM COAST, FLORIDA 32137

TEL: 386-445-8888
FAX: 386-445-0455
EMAIL: RT@TAMIR-DAVIS.COM

Aqua Construction.

This Structure is in Compliance with the 6th Edition of the 2017 Florida Building Code, including the 2014 National electrical code, building code adopted NFPA 70, one and two family dwellings, in chapter 35 of the Florida building code, Residential. THIS BUILDING HAS BEEN DESIGNED FOR ULTIMATE WIND SPEED OF 130 MPH IN THE CATEGORY II AS PER ASCE 7: TABLE 1-1

Typical Dock Layout

SCALE: 1/4" = 1'-0"

REVISION: 08-18-19

DATE: 08-18-19

REVISION:

DATE:

FILENAME: Aqua Dock

ADDRESS/POB: 17 COOLIDGE CT, Palm Coast, FL

IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO VERIFY THE PLANS FOR ANY ERRORS OR OMISSIONS PRIOR TO START OF CONSTRUCTION. ANY CHANGES REQUESTED BY THE CONTRACTOR SHALL BE IN WRITING AND APPROVED BY TAMIR-DAVIS & ASSOCIATES. ASSOCIATES FROM ANY LEGAL AND/OR FINANCIAL RESPONSIBILITY FOR THE PROJECT.

EXHIBIT G

JULY 2, 2020 EMAIL FROM DAN PRIOTTI

ON FOLLOWING PAGE(S)

From: dan@aguaconstruction.com
To: [Barbie Bembry](#)
Subject: 17 COOLRIDGE
Date: Thursday, July 2, 2020 12:57:40 PM

Ms. Bembry

There was a misread from the building and zoning on a set of plans turned in for 17 coolridge boat house, Original plans showed future roof and at 40" This prmit was approved, We went ahead and built the dock, Owners wanted to go ahead and do roof as well. We proceeded to do the roof and turn in the revisions, The revisions were not accepted as roof for this sixe lot could only be 34' which was very confusing as the original plans were approved for future roof. Just wanted you to be aware of this..

As we sit now. I have uploaded correct plans to meet what the city required, Could you please forward it to who needs to read this so we can get this quickly and get this final inspection before it closes up and expires.

Thank you

Dan Priotti CGC CPC
Agua Construction
2550 N. State St unit 14
Bunnell, FL 32110
c-386-931-0008

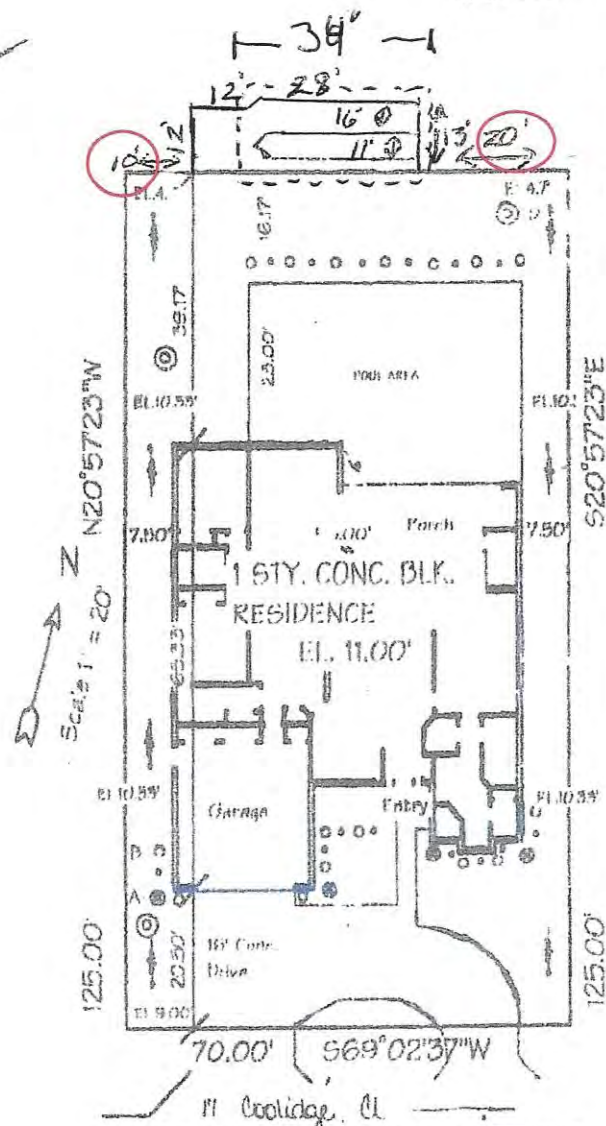
EXHIBIT H
REVISED PLANS FOR BOATHOUSE
ON FOLLOWING PAGE(S)

Dotted line are Roof 34" max
on this lot

REVISED
-10/31/01-
05/01/02

CIRCULAR
DRIVEWAY

Revised Zoning Approval
Adding 13'x34' Roof -
Roof not to project more
than 13' into waterbody
7/2/20 TD



RECEIVED

2019

$$= 1.43 \times 10^{-45}$$

PLOT PLAN

SFC.4 BIK.19 10113

PLANT INDEX

- A - 4 Crape Myrtle @ 5' High
B - 15 Ligustrum Jenesse @ 24" High
C - 14 Red Ruffle Azaleas @ 18" High
D - 4 Replacement Oak Trees 5' Min. + 2 1/2" Calip. @ 4 1/2' Above Ground.
E - Index Trees

7 R -19 -13

EXHIBIT I
MARITIME CONSTRUCTION INC.
ON FOLLOWING PAGE(S)

EXHIBIT J
NEIGHBOR LETTERS OF SUPPORT
ON FOLLOWING PAGE(S)

June 1, 2021

To Whom It May Concern,

I reside with my family at 20 Coolidge Court in Palm Coast and we are neighbors of Greg and Suzette Stoutenburg who live at 17 Coolidge Court.

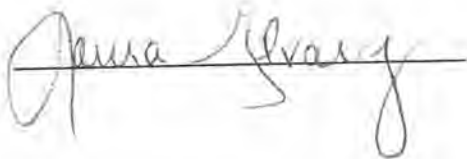
This is to share that we are in support of retaining the current boathouse that was built at 17 Coolidge Court in late 2019. We feel that the boathouse contributes to the beauty and value of the neighborhood and we do not want to see it torn down. The construction required to remove and rebuild the roof would create unnecessary construction waste and potentially pollute our beautiful canal.

We are very much in support of a variance in this case, and we ask that the boathouse be allowed to remain as is.

If you need more information, please do not hesitate to contact us.

Signed,

Laura Gilvary

A handwritten signature in black ink, appearing to read "Laura Gilvary", written over a horizontal line.

June 1, 2021

To Whom It May Concern,

We reside at 19 Coolidge Court in Palm Coast and are neighbors of Greg and Suzette Stoutenburg who live at 17 Coolidge Court.

This is to share that we are in support of retaining the current boathouse that was built at 17 Coolidge Court in late 2019. We feel that the boathouse contributes to the beauty and value of the neighborhood and we do not want to see it torn down. The construction required to remove and rebuild the roof would create unnecessary construction waste and potentially pollute our beautiful canal.

We are very much in support of a variance in this case, and we ask that the boathouse be allowed to remain as is.

If you need more information, please do not hesitate to contact us.

Signed,

Ken & Pam Miller

Pamela Miller

June 1, 2021

To Whom It May Concern,

We reside at 18 Coconut Court in Palm Coast and are neighbors, across the canal, from Greg and Suzette Stoutenburg who live at 17 Coolidge Court.

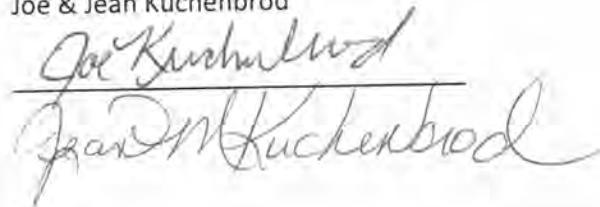
This is to share that we are in support of retaining the current boathouse that was built at 17 Coolidge Court in late 2019. We feel that the boathouse contributes to the beauty and value of the neighborhood and we do not want to see it torn down. The construction required to remove and rebuild the roof would create unnecessary construction waste and potentially pollute our beautiful canal.

We are very much in support of a variance in this case, and we ask that the boathouse be allowed to remain as is.

If you need more information, please do not hesitate to contact us.

Signed,

Joe & Jean Kuchenbrod

Handwritten signatures of Joe and Jean Kuchenbrod. The signature of Joe is written above a horizontal line, and the signature of Jean is written below the line.

George and Mary Mayer
16 Coolidge Court
Palm Coast, FL 32137
(386) 445-9714

June 1, 2021

To Whom It May Concern

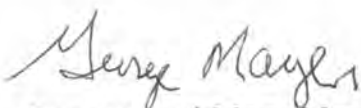
We live at 16 Coolidge Court and are neighbors of Greg and Suzette Stoutenberg who reside at 17 Coolidge Court.

We fully support their retaining the current boathouse built at 17 Coolidge in late 2019. We feel it contributes to the beauty and value of the neighborhood and do not want to see it torn down. The demolition required to remove and rebuild the roof would create unnecessary construction waste and potentially pollute their canal.

We support the variance in the case and ask that the boathouse be allowed to remain as it is.

If you need further information, please contact us at the above address or telephone number.

Sincerely yours,


George and Mary Mayer



June 1, 2021

To Whom It May Concern,

We reside at 24 Cortes Court in Palm Coast and are neighbors of Greg and Suzette Stoutenburg who live at 17 Coolidge Court. We have a view of the canal directly behind their house.

This is to share that we are in support of retaining the current boathouse that was built at 17 Coolidge Court in late 2019. We feel that the boathouse contributes to the beauty and value of the neighborhood and we do not want to see it torn down. The construction required to remove and rebuild the roof would create unnecessary construction waste and potentially pollute our beautiful canal.

We are very much in support of a variance in this case, and we ask that the boathouse be allowed to remain as is.

If you need more information, please do not hesitate to contact us.

Signed,

Dan & Teresa Kvachuk

The image shows two handwritten signatures in black ink. The top signature is written over a horizontal line and appears to be 'Dan Kvachuk'. The bottom signature is more stylized and appears to be 'Teresa Kvachuk'.

EXHIBIT K

LIST OF ADJACENT PROPERTY OWNERS

Stephen Michael Murphy
Carolyn Holmes Douglas
15 Coolidge Court
Palm Coast, Florida 32137
07-11-31-7004-00190-0140

Richard R. Ferrell
Nidia P. Ferrell
18 Coolidge Court
Palm Coast, Florida 32137
07-11-31-7004-00190-0060

George R. Mayer
Mary A. Mayer
16 Coolidge Court
Palm Coast, Florida 32137
07-11-31-7004-00190-0050

George O'Brien
Joan W. O'Brien
5095 Verbena Drive
Acworth, GA 30102
07-11-31-7004-00200-0050

Kenneth B. Miller
19 Coolidge Court
Palm Coast, Florida 32137
07-11-31-7004-00190-0120

Laura M. Gilvary
20 Coolidge Court
Palm Coast, Florida 32137
07-11-31-7004-00190-0070

Joseph M. Kuchenbrod
Kean M. Kuchenbrod
18 Coconut Court
Palm Coast, Florida 32137
07-11-31-7004-00200-0060

John A. Cottet
Ida F. Faustino
20 Coconut Court
Palm Coast, Florida 32137
07-11-31-7004-00200-0070



city of PALM COAST

GENERAL - APPLICATION

DATE 09/01/2021

APPLICATION TYPE VARIANCE - OTHER

PROJECT NAME		Stoutenburg Variance			
LOCATION OF SUBJECT PROPERTY (PHYSICAL ADDRESS)		17 COOLIDGE CT PALM COAST FL 32137			
PROPERTY APPRAISER'S PARCEL NUMBER		07-11-31-7004-00190-0130			
LEGAL DESCRIPTION		PALM COAST SECTION 4 BL 19 LOT 13 OR 132 PG 180 OR 548 PG 1308 OR 751/426 OR 1853/320- OR 2208/266			
SUBDIVISION NAME		SECTION 4-COUNTRY CLUB COVE			
SECTION	07	BLOCK	00190	LOT	0130
PROPERTY ACRES		PROPERTY SQ FT			
FUTURE LAND USE MAP DESIGNATION		EXISTING ZONE DISTRICT		R-1B	
OVERLAY DISTRICT					
COMMUNITY PANEL NUMBER		MAP PANEL DATE			
FLOOD ZONE					
PRESENT USE OF PROPERTY		URBAN SINGLE-FAMILY RESIDENTIAL			
DESCRIPTION OF REQUEST / PROPOSED DEVELOPMENT (MAY ATTACH ADDITIONAL SHEETS)					
Variance Request for Boathouse Roof					
PROPOSED NUMBER OF LOTS		IS THERE EXISTING MORTGAGE?		Yes	



city of PALM COAST

OWNER	APPLICANT / AGENT
Name: STOUTENBURG GREGORY L & SUZETTE K H&W	Name: JAY LIVINGSTON
Mailing Address: 17 COOLIDGE COURT 17 COOLIDGE COURT PALM COAST, FL 32137	Mailing Address: 391 PALM COAST PARKWAY SW #1 PALM COAST, FL 32137
Phone Number: (386) 276-2701	Phone Number: (386) 439-2945
E-mail Address: SUZETTE@GREGANDSUZ.COM	E-mail Address: JAY.LIVINGSTON314@PROTONMAIL.CH
MORTGAGE HOLDER	ENGINEER OR PROFESSIONAL
Name:	Name:
Mailing Address:	Mailing Address:
Phone Number:	Phone Number:
E-mail Address:	E-mail Address:
ARCHITECT	TRAFFIC ENGINEER
Name:	Name:
Mailing Address:	Mailing Address:
Phone Number:	Phone Number:
E-mail Address:	E-mail Address:
SURVEYOR	LANDSCAPE ARCHITECT
Name:	Name:
Mailing Address:	Mailing Address:
Phone Number:	Phone Number:
E-mail Address:	E-mail Address:
ATTORNEY	
Name:	
Mailing Address:	
Phone Number:	
E-mail Address:	

APPLICANT / OWNER'S AFFIDAVIT: I certify that all the foregoing information is accurate and that all work will be done in compliance with all applicable laws regulating construction and zoning

APPLICANT / OWNER'S ELECTRONIC SUBMISSION STATEMENT: Under penalty of perjury, I declare that all the information contained in this development application is true and correct. By signing this Electronic Submission Form, I consent to use electronic communications, electronic records, and electronic signatures rather than paper documents for the form(s) provided on this web site. I understand that my electronic signature is legally binding, as stated by [2016 Florida Statutes Title XXXIX Chapter 668 Section 50](#)

Signature of Property Owner or Applicant

JAY LIVINGSTON



Community Development Department
Planning Division

160 Lake Avenue
Palm Coast, FL 32164
386-986-3736

October 6, 2021

RE: Request for Variance, Application No. 4870- AMENDED LETTER AS TO FORM: IN-PERSON MEETING ONLY

Dear Sir or Madam,

The Community Development Department, in accordance with Section 2.05.03 of the City of Palm Coast Unified Land Development Code, herein advises you that:

A request has been made by JAY LIVINGSTON for property located at 17 Coolidge Court, of Palm Coast Section 4, Block 19, Lot 13 for a Variance. The request is for a variance to the dimensional standards applicable to roofs located over a dock slip, dock lift, or water on a saltwater canal. The maximum allowable roof length for a boathouse at 17 Coolidge Court is 34 feet, as regulated by the City's Land Development Code. The length of the boathouse roof that was constructed is 45 feet. The variance is a request that the length be permitted to exceed the allowable length by 11 feet.

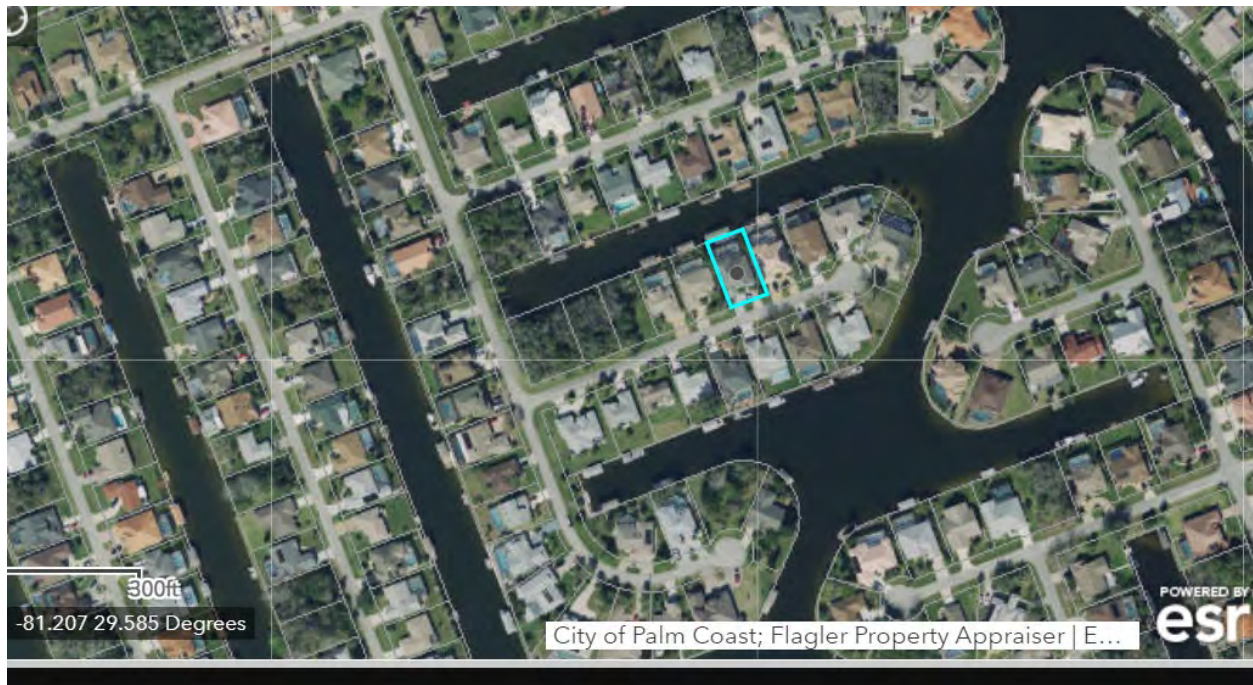
This request is to be heard before the Planning and Land Development Regulation Board. You are hereby notified that a public hearing, required by law, will be held at the Palm Coast City Hall Community Wing, 160 Lake Avenue, Palm Coast, Florida on Wednesday, October 20, 2021 beginning at 5:30 pm or as soon thereafter as possible.

You are welcome to attend and express your opinion or place concerns in writing and email them to PLDRB@palmcoastgov.com. The e-mail should indicate that they are intended for public participation and may be submitted up until 5 pm the day before the meeting. The City reserves the right to redact or reject Documentary Evidence containing obscene material or material that is confidential pursuant to state law.

Cordially,
ESTELLE LENS
Project Manager

NOTE: Pursuant to Section 286.0105 of Florida Statutes the City of Palm Coast Community Development Department hereby notifies all interested persons that if a person decides to appeal any decision made by the PLDRB with respect to any matter considered at such meeting or hearing, he or she may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is based. In accordance with the Americans with Disabilities Act, persons needing assistance to participate in these proceedings should contact City Clerk's Office at 386-986-3713 at least 48 hours prior to the meeting. To obtain the decision of this hearing, please contact the Planning Division at 386-986-3736 the day after the above public hearing during the afternoon.





Addresses – Abutting:

15 Coolidge Ct.

Murphy Steven Michael
& Carolyn Holmes Douglas Jtwros
15 Coolidge Court
Palm Coast, FL 32137

19 Coolidge Ct.

Miller Kenneth B
19 Coolidge CT
Palm Coast, FL 32137

16 Coolidge Ct.

Mayer George R & Mary A
Mayer H&W
16 Coolidge Court
Palm Coast, FL 32137

18 Coolidge Ct.

Farrell Richard R & Nidia P
H&W Trustees
18 Coolidge Court
Palm Coast, FL 32137

20 Coolidge Ct.

Gilvary Laura M
20 Coolidge Court
Palm Coast, FL 32137

16 Coconut Ct.

O'Brien George & Joan W H&W
5095 Verbena Drive
Asworth, GA 30102

18 Coconut Ct.

Kuchenbrod Joseph & Jean M
Kuchenbrod H&W
18 Coconut Court
Palm Coast, FL 32137

20 Coconut Ct.

Cottet John A Trustee & Ida F
Faustino Trustee
20 Coconut Court
Palm Coast, FL 32137

9171 9690 0935 0266 6810 71

9171 9690 0935 0266 6810 64

9171 9690 0935 0266 6810 71

9171 9690 0935 0266 6810 64

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9171 9690 0935 0266 6810 57

9171 9690 0935 0266 6810 40

9171 9690 0935 0266 6810 57

9171 9690 0935 0266 6810 26

9171 9690 0935 0266 6810 33

9171 9690 0935 0266 6810 26

9171 9690 0935 0266 6810 33

9171 9690 0935 0266 6810 02

9171 9690 0935 0266 6810 19

9171 9690 0935 0266 6810 02

9171 9690 0935 0266 6810 19

Track Another Package +

Tracking Number: 9171969009350266681033

Remove X

Your item was delivered to an individual at the address at 1:24 pm on October 8, 2021 in PALM COAST, FL 32137.

 **Delivered, Left with Individual**

October 8, 2021 at 1:24 pm
PALM COAST, FL 32137

Feedback

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See More v

Tracking Number: 9171969009350266681019

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Your item was delivered to an individual at the address at 1:22 pm on October 8, 2021 in PALM COAST, FL 32137.

 **Delivered, Left with Individual**

October 8, 2021 at 1:22 pm
PALM COAST, FL 32137

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Tracking Number: 9171969009350266681026

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Your item was picked up at a postal facility at 10:13 am on October 9, 2021 in PALM COAST, FL 32137.

 **Delivered, Individual Picked Up at Postal Facility**

October 9, 2021 at 10:13 am
PALM COAST, FL 32137

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Feedback

Tracking Number: 9171969009350266681002

Remove 

We attempted to deliver your item at 1:30 pm on October 8, 2021 in PALM COAST, FL 32137 and a notice was left because an authorized recipient was not available. You may arrange redelivery by using the Schedule a Redelivery feature on this page or may pick up the item at the Post Office indicated on the notice beginning October 9, 2021. If this item is unclaimed by October 23, 2021 then it will be returned to sender.

Notice Left (No Authorized Recipient Available)

October 8, 2021 at 1:30 pm
PALM COAST, FL 32137

Schedule Redelivery 

See More 

Tracking Number: 9171969009350266681071

Remove X

Your item was delivered to the front desk, reception area, or mail room at 1:36 pm on October 8, 2021 in PALM COAST, FL 32137.

Delivered, Front Desk/Reception/Mail Room

October 8, 2021 at 1:36 pm
PALM COAST, FL 32137

Get Updates ▼**See More** ▼

Feedback

Tracking Number: 9171969009350266681040

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Your item was delivered to an individual at the address at 1:25 pm on October 8, 2021 in PALM COAST, FL 32137.

Delivered, Left with Individual

October 8, 2021 at 1:25 pm
PALM COAST, FL 32137

Get Updates ▼**See More** ▼

Tracking Number: 9171969009350266681064

Remove X

Your item was delivered to an individual at the address at 3:06 pm on October 9, 2021 in PALM COAST, FL 32137.

✓ Delivered, Left with Individual

October 9, 2021 at 3:06 pm
PALM COAST, FL 32137

Get Updates ✓**See More** ✓**Tracking Number:** 9171969009350266681057

Remove X

Your item was delivered to an individual at the address at 4:01 pm on October 12, 2021 in ACWORTH, GA 30102.

✓ Delivered, Left with Individual

October 12, 2021 at 4:01 pm
ACWORTH, GA 30102

Get Updates ✓**See More** ✓

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Can't find what you're looking for?

Go to our FAQs section to find answers to your tracking questions.

FAQs



Community Development Department
Planning Division

160 Lake Avenue
Palm Coast, FL 32164
386-986-3736

October 6, 2021

RE: Request for Variance, Application No. 4870- AMENDED LETTER AS TO FORM: IN-PERSON MEETING ONLY

Dear Sir or Madam,

The Community Development Department, in accordance with Section 2.05.03 of the City of Palm Coast Unified Land Development Code, herein advises you that:

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This request is to be heard before the Planning and Land Development Regulation Board. You are hereby notified that a public hearing, required by law, will be held at the Palm Coast City Hall Community Wing, 160 Lake Avenue, Palm Coast, Florida on Wednesday, October 20, 2021 beginning at 5:30 pm or as soon thereafter as possible.

You are welcome to attend and express your opinion or place concerns in writing and email them to PLDRB@palmcoastgov.com. The e-mail should indicate that they are intended for public participation and may be submitted up until 5 pm the day before the meeting. The City reserves the right to redact or reject Documentary Evidence containing obscene material or material that is confidential pursuant to state law.

Cordially,
ESTELLE LENS
Project Manager

NOTE: Pursuant to Section 286.0105 of Florida Statutes the City of Palm Coast Community Development Department hereby notifies all interested persons that if a person decides to appeal any decision made by the PLDRB with respect to any matter considered at such meeting or hearing, he or she may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is based. In accordance with the Americans with Disabilities Act, persons needing assistance to participate in these proceedings should contact City Clerk's Office at 386-986-3713 at least 48 hours prior to the meeting. To obtain the decision of this hearing, please contact the Planning Division at 386-986-3736 the day after the above public hearing during the afternoon.



9171 9690 0935 0266 6810 71

9171 9690 0935 0266 6810 64

9171 9690 0935 0266 6810 71

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9171 9690 0935 0266 6810 26

9171 9690 0935 0266 6810 33

9171 9690 0935 0266 6810 02

9171 9690 0935 0266 6810 19

9171 9690 0935 0266 6810 02

9171 9690 0935 0266 6810 19

Track Another Package +

Tracking Number: 9171969009350266681033

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Your item was delivered to an individual at the address at 1:24 pm on October 8, 2021 in PALM COAST, FL 32137.

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October 8, 2021 at 1:24 pm
PALM COAST, FL 32137

Feedback

Get Updates ∨

See More ∨

Tracking Number: 9171969009350266681019

Remove X

Your item was delivered to an individual at the address at 1:22 pm on October 8, 2021 in PALM COAST, FL 32137.

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October 8, 2021 at 1:22 pm
PALM COAST, FL 32137

Get Updates ∨

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Tracking Number: 9171969009350266681026

Remove 

Your item was picked up at a postal facility at 10:13 am on October 9, 2021 in PALM COAST, FL 32137.

 **Delivered, Individual Picked Up at Postal Facility**

October 9, 2021 at 10:13 am
PALM COAST, FL 32137

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Feedback

Tracking Number: 9171969009350266681002

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We attempted to deliver your item at 1:30 pm on October 8, 2021 in PALM COAST, FL 32137 and a notice was left because an authorized recipient was not available. You may arrange redelivery by using the Schedule a Redelivery feature on this page or may pick up the item at the Post Office indicated on the notice beginning October 9, 2021. If this item is unclaimed by October 23, 2021 then it will be returned to sender.

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October 8, 2021 at 1:30 pm
PALM COAST, FL 32137

Schedule Redelivery 

See More 

Tracking Number: 9171969009350266681071

Remove X

Your item was delivered to the front desk, reception area, or mail room at 1:36 pm on October 8, 2021 in PALM COAST, FL 32137.

Delivered, Front Desk/Reception/Mail Room

October 8, 2021 at 1:36 pm
PALM COAST, FL 32137

Get Updates ▼**See More** ▼

Feedback

Tracking Number: 9171969009350266681040

Remove X

Your item was delivered to an individual at the address at 1:25 pm on October 8, 2021 in PALM COAST, FL 32137.

Delivered, Left with Individual

October 8, 2021 at 1:25 pm
PALM COAST, FL 32137

Get Updates ▼**See More** ▼

Tracking Number: 9171969009350266681064

Remove X

Your item was delivered to an individual at the address at 3:06 pm on October 9, 2021 in PALM COAST, FL 32137.

✓ Delivered, Left with Individual

October 9, 2021 at 3:06 pm
PALM COAST, FL 32137

Get Updates ✓**See More** ✓**Tracking Number:** 9171969009350266681057

Remove X

Your item was delivered to an individual at the address at 4:01 pm on October 12, 2021 in ACWORTH, GA 30102.

✓ Delivered, Left with Individual

October 12, 2021 at 4:01 pm
ACWORTH, GA 30102

Get Updates ✓**See More** ✓

Feedback

Can't find what you're looking for?

Go to our FAQs section to find answers to your tracking questions.

FAQs

From: [PLDRB](#)
To: [Irene Schaefer](#); [Ray Tyner](#)
Subject: FW: Greg and Suzette Stoutenburg
Date: Tuesday, October 12, 2021 1:58:10 PM
Attachments: [image007.png](#)
[image008.png](#)
[image009.png](#)
[image010.png](#)
[image011.png](#)
[image012.png](#)

From: Estelle Lens
Sent: Tuesday, 12 October 2021 13:58:07 (UTC-05:00) Eastern Time (US & Canada)
To: PLDRB
Subject: FW: Greg and Suzette Stoutenburg

Estelle Lens, A.I.C.P
Planner
160 Lake Avenue
Palm Coast, FL 32164
Tel: 386-986-2655
www.palmcoastgov.com
Beta: www.palmcoast.gov



From: mayercta@aol.com <mayercta@aol.com>
Sent: Tuesday, October 12, 2021 1:45 PM
To: Estelle Lens <ELens@palmcoastgov.com>
Subject: Greg and Suzette Stoutenburg

Good afternoon,

We are writing in support of Greg and Suzette Stoutenburg who reside at 17 Coolidge Court.

We understand that they are being asked to remove a portion of their dock that is not in compliance with the city guidelines. We would ask that they be given a variance so that no construction or destruction need happen. The dock is not causing any problems on our quiet street.

We hope that you will consider their petition carefully at the hearing on October 20th and decide in their favor.

If you need any additional information, please do not hesitate to contact us.

Sincerely,

George and Mary Mayer
mayercta@aol.com

16 Coolidge Court
Palm Coast

City of Palm Coast, Florida

Agenda Item

Agenda Date: October 20, 2021

Department	PLANNING	Amount
Item Key	12244	Account
		#
Subject	SABAL PALMS PHASE 2 - TECHNICAL SITE PLAN TIER 2 - APPLICATION # 4780	
Presenter: Estelle Lens, Planner		
Background: The applicant has submitted a Technical Site Plan application for an Independent Living Facility. This is Phase 2 of the Sabal Palms project. It is proposed for 100 Units, (132 beds), which makes it a Tier 2 Technical Site Plan and requires approval by the Planning and Land Development Regulation Board (PLDRB). Phase 2 comprises 6.88 acres of the 18.67 acre site and is located at 2125 Palm Harbor Parkway. The site is zoned COM-1, Neighborhood Commercial. The Title is vested in Protea Senior Living Palm Coast, LLC, a California limited liability company successor-in-interest to Moreno Eucalyptus, LLC, a California limited liability company. Phase 1 of the Sabal Palms Project was a Tier 2 Technical Site Plan for an Assisted Living Facility approved by the PLDRB on January 20, 2016. Phase 1 consists of 5.40 acres, 82 units, (100 beds), and has already been constructed. Sabal Palms Phase 2 is an Independent Living Facility that will consist of 100 units with 132 beds. The 6.88 acres site will have a full access onto Palm Harbor Parkway with a secondary access through the parking areas of Phase 1. Outdoor amenities will include a pool and spa area, pickle ball court, six hole-putting course, and garden area. Indoor amenities will include a dining hall, theatre, card room, billiard room, sports bar, lounge and ice cream parlor. Sidewalks will provide interconnectivity between phases 1 and 2 that will share amenities. A variety of floorplans will include studio, one bedroom and two bedroom units. The site will include areas with 100-200 foot wetland and upland natural buffers from adjacent residential lots.		
Recommended Action: Planning Staff recommends that the Planning and Land Development Regulation Board approve the Technical Site Plan – Tier 2 for Sabal Palms Phase 2, Application No. 4780, and find that it is consistent with the City’s Comprehensive Plan and Land Development Code subject to the following condition: <ul style="list-style-type: none">Finalizing and recording a dedicated easement for fire lines on adjacent properties		



**COMMUNITY DEVELOPMENT DEPARTMENT
TECHNICAL SITE PLAN - TIER 2
STAFF REPORT FOR OCTOBER 20, 2021
PLANNING AND LAND DEVELOPMENT REGULATION BOARD**

OVERVIEW

Project Name:	Sabal Palms, Phase 2 – Independent Living Facility
Application Number:	AR # 4780
Property Owner:	Protea Senior Living Palm Coast II, LLC
Applicant:	Kimberly A. Buck
Size of subject property:	18.67 +/- acres (Phase II = 6.88 acres)
Location:	2125 Palm Harbor Parkway
Current FLUM designation:	Mixed Use
Current Zoning designation:	COM-1, Neighborhood Commercial
Current Use:	Vacant
Parcel ID #:	07-11-31-7010-RP0A0

REQUESTED ACTION

The applicant has submitted a Technical Site Plan application for an Independent Living Facility. This is Phase 2 of the Sabal Palms project. It is proposed for 100 Units, (132 beds), which makes it a Tier 2 Technical Site Plan and requires approval by the Planning and Land Development Regulation Board (PLDRB). Phase 2 comprises 6.88 acres of the 18.67 acre site and is located at 2125 Palm Harbor Parkway.

BACKGROUND/SITE HISTORY

The site is zoned COM-1, Neighborhood Commercial. The Title is vested in Protea Senior Living Palm Coast, LLC, a California limited liability company successor-in-interest to Moreno Euclyptus, LLC, a California limited liability company.

Phase 1 of the Sabal Palms Project was a Tier 2 Technical Site Plan for an Assisted Living Facility approved by the PLDRB on January 20, 2016. Phase 1 consists of 5.40 acres, 82 units, (100 beds), and has already been constructed.

Sabal Palms Phase 2 is an Independent Living Facility that will consist of 100 units with 132 beds. The 6.88 acres site will have a full access onto Palm Harbor Parkway with a secondary access through the parking areas of Phase 1. Outdoor amenities will include a pool and spa area, pickle ball court, six hole-putting course, and garden area. Indoor amenities will include a dining hall, theatre, card room, billiard room, sports bar, lounge and ice cream parlor. Sidewalks will provide interconnectivity between phase 1 and 2 that will share amenities. A variety of floorplans will include studio, one bedroom and two bedroom units. The site will include areas with 100-200 foot wetland and upland natural buffers from adjacent residential lots.

LAND USE AND ZONING INFORMATION

The subject site is designated Mixed Use on the Future Land Use Map and is zoned COM-1, Neighborhood Commercial.

SURROUNDING ZONING AND FLUM CATEGORIES

Direction	FLUM Category	Zoning District
North	Residential, Mixed Use	SFR-3, MPD
East	Residential, AG – Timber (County)	DPX, AC - Agriculture (County)
South	Residential	SFR-3, SFR-2, DPX
West	Residential	SFR-3, SFR-2

SITE DEVELOPMENT REQUIREMENTS

Site development for the property must be in accordance with the requirements of the City of Palm Coast Land Development Code and must comply with the City's Comprehensive Plan. The following table compares the required development standards with the proposed development standards:

**SITE DEVELOPMENT REQUIREMENTS
COM-1, Neighborhood Commercial**

Criteria	Required	Provided
Minimum Development Site Area	20,000 sq. ft.	299,831 sq. ft.
Maximum Impervious Surface Ratio	0.70	0.31
Maximum Building Height	50 feet	39 feet 10 inches
Minimum Building Setbacks	Front (North): 25 feet Interior Side (East): 10 feet Interior Side (West): 10 feet Rear (South): 10 feet	73.07 feet 47.00 feet 47.00 feet 191.79 feet
Minimum Parking: Independent Living Facility 1.25 spaces per unit (0.33 per unit being garage paces)	100 units X 1.25 = 125 100 units X 0.33 = 33 Broken down: 88 standard + 4 HC = 92 31 garage + 2 HC = 33 Total = 125	85 surface + 6 HC = 91 32 garage + 2 HC = 34 Total = 125
Minimum Landscape Buffers	Front (North): 25 feet Sides: 10/20 feet Rear (North): 10 feet	25 feet 10/164 feet 191.79 feet

TECHNICAL SITE PLAN PROCESS

The Technical Site Plan review application process is specified in Chapter 2, Section 2.11 of the Unified Land Development Code (LDC). This review process ensures that site development takes place in an orderly and efficient manner through a process that provides adequate review based on the size and complexity of the proposed development. The purpose of detailed site plan review is to ensure compliance with all development regulations; therefore, the level of detail shall be that of construction plans and technical specifications. Approval of a Technical Site Plan Development Order authorizes an applicant to apply for a site development permit.

The application incorporates a review/approval process coordinated by and through City staff, the Planning and Land Development Review Board (PLDRB) and City Council based upon the scale of development. As provided in Table 2-1 of Sec. 2.04 of the LDC, residential projects over 41 units and not exceeding 100 units is classified as Moderate or Tier 2 projects, thus the scale of this development requires approval from the PLDRB.

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

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

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

Planning Staff Finding: The proposed development is not in conflict with or contrary to the public interest, as the site's specified land use and zoning allow an Independent Living Facility as an element of a continuing care retirement community. This is Phase 2 of the Sabal Palms retirement community with Phase 1 being an assisted living facility which is already constructed. This will be an attractive, high quality continuation of the retirement community, fully in compliance with the City's codes and ordinances.

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

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

Chapter 1 Future Land Use Element:

- **Goal 1.1** – Preserve the character of residential communities, prevent urban sprawl and protect open space and environmental resources, while providing a mix of land uses, housing types, services, and job opportunities in mixed use centers and corridors.
- **Objective 1.1.1** – The City's Future Land Use Map (FLUM) shall provide areas for mixed use development in identified commercial centers and corridors while maintaining the established suburban residential development pattern in single family areas and protecting the community's environmental resources.

- **Policy 1.1.1.1 – C – Mixed Use** - This FLUM designation represents existing and future mixed use corridors and employment centers throughout the City that provide general retail, professional services and office. A blending of residential and institutional are a permitted use within this designation. The Mixed Use designation provides opportunities for residents to work, shop, engage in recreational activities, and attend school and religious activities in reasonable proximity to residential dwellings.
- **Objective 1.1.4 Discourage Urban Sprawl – Promote compact and contiguous development, a mixture of land uses, and discourage urban sprawl.**

The City's Comprehensive Plan promotes a diversity of uses and housing choices so residents have the option of meeting some of their daily living requirements close to home. This independent living facility, as Phase 2 of the Sable Palms retirement community, will allow some residents to age-in-place, or nearby to neighborhoods they lived in for many years, furthering the maintenance of social networks and community ties. Additionally, residents will be able to meet much of their daily needs on-site through a host of amenities.

Chapter 2 Transportation Element:

- **Objective 2.2.2** – Enforce standards that encourage and/or require establishment of sidewalk connections or multi-use paths between new residential and commercial development.
- **Policy 2.2.2.1** – Through the development review process, the City shall ensure that developers construct connections that link residential areas, recreational facilities, and commercial developments to reduce traffic on collector and arterial roadways.
- **Policy 2.2.4** – The City shall continue to enforce requirements for bicycle and pedestrian interconnectivity between residential developments and adjacent commercial developments as a means of reducing traffic on collector and arterial roadways.

The proposed site plan provides improved internal and external sidewalk interconnectivity over the existing conditions. Sidewalks are provided internally, improving the connections between various areas within the site. Additionally, sidewalk connections are provided from the buildings to public sidewalks along Palm Harbor Parkway ensuring accessible and safer pedestrian access from nearby residential areas.

Chapter 3 Housing Element:

- **Objective 3.3.5** - Protect predominantly residential areas from the intrusion of incompatible or more intensive land uses.
- **Objective 3.4.1** – Increase the diversity of the housing types, prices, and opportunities.
- **Policy 3.4.1.1** – Through the FLUM and zoning district regulations of the LDC, the City shall make provisions to supply land that can be developed with various types of residential uses, including single-family homes of various sizes, duplexes, multi-family dwellings, and residential units in mixed use developments.

This independent living facility will offer new living opportunities for residents within Palm Coast and the surrounding area.

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

Planning Staff Findings: The proposed development does not impose a significant financial liability or hardship for the City. The project must meet the City's requirements for adequate public facilities and must construct the onsite infrastructure required to support the proposed development. Additionally, any roadway, utility or other public infrastructure required by the future development is in place or must be funded or provided by the applicant should any infrastructure needs exist.

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

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

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

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

SUMMARY OF FINDINGS

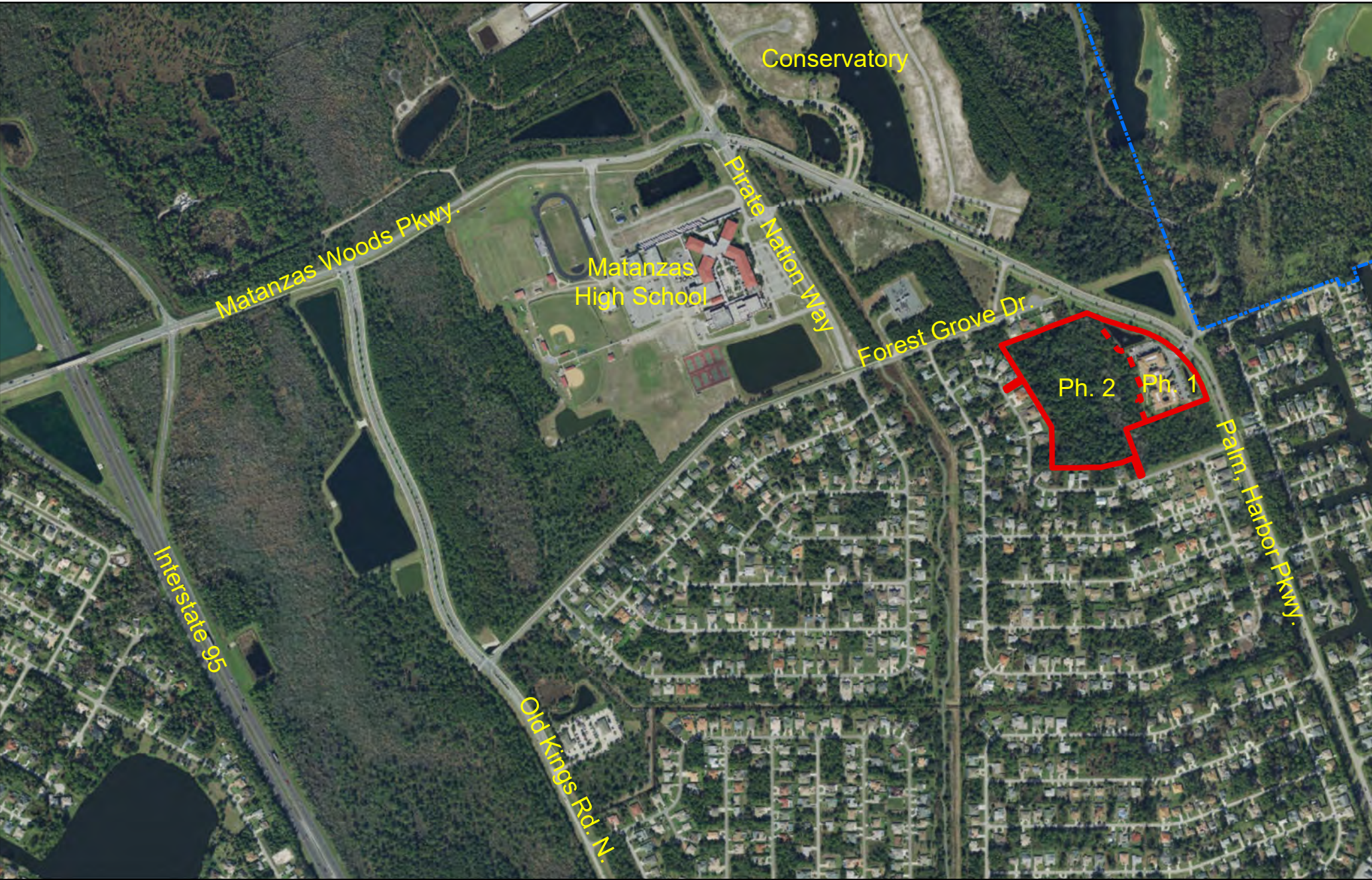
After review and evaluation of the proposed project for conformance with the requirements of the City of Palm Coast Comprehensive Plan and the Land Development Code, staff finds that the proposed development complies with all such requirements subject to the following condition below:

RECOMMENDATION

Planning Staff recommends that the Planning and Land Development Regulation Board approve the Technical Site Plan – Tier 2 for Sabal Palms Phase 2, Application No. 4780, and find that it is consistent with the City's Comprehensive Plan and Land Development Code subject to the following condition:

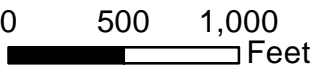
- Finalizing and recording a dedicated easement for fire lines on adjacent properties

Sabal Palms Phase 2 Distant Aerial



Legend




- Palm Coast City Limits
- Sabal Palms
- Phase Line



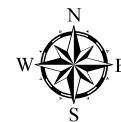
Sabal Palms Phase 2 Close-in Aerial



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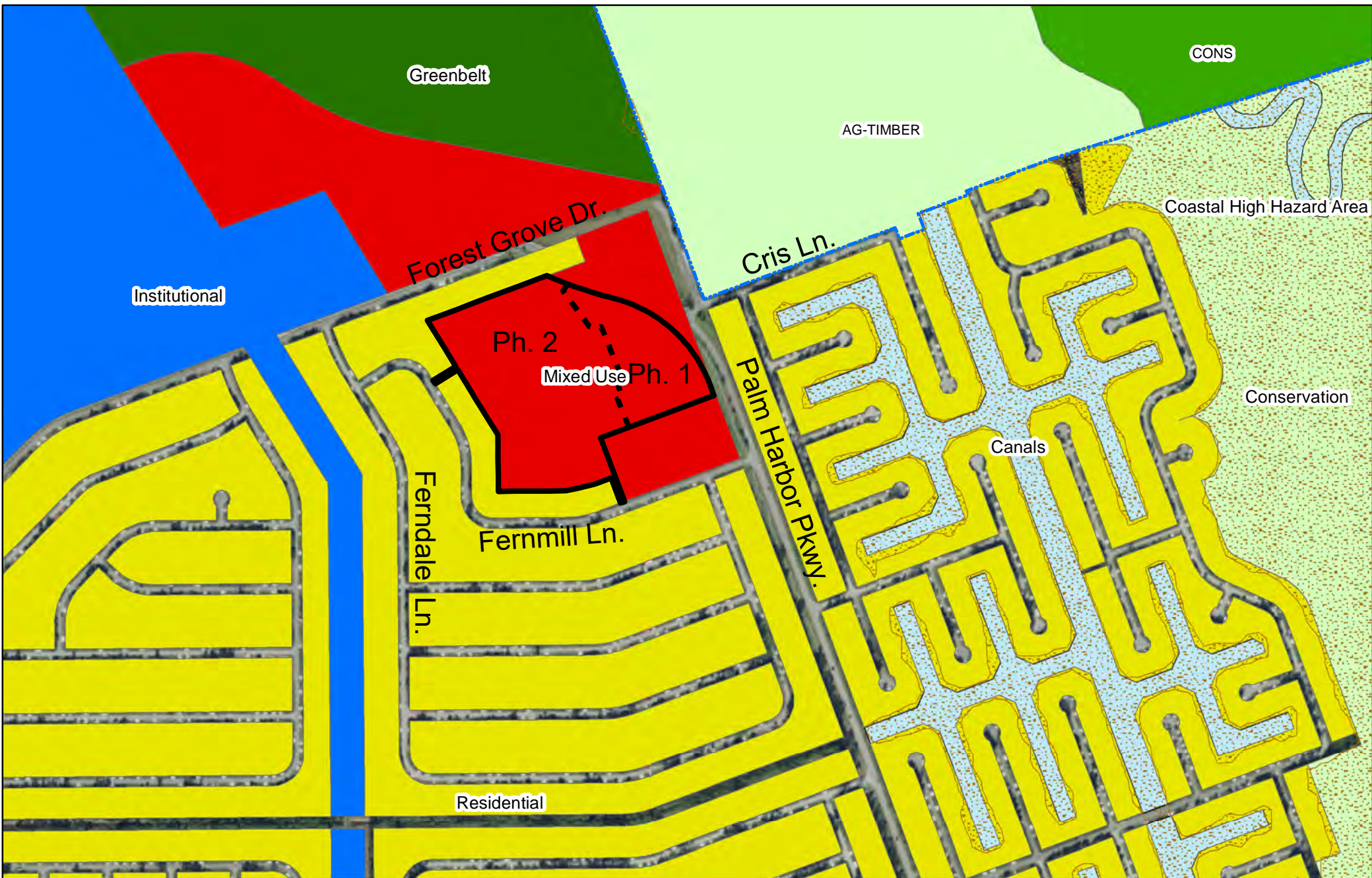
-  Palm Coast City Limits
-  Sabal Palms
-  Phase Line

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Feet



Map Provided By: Planning Division

Sabal Palms Phase 2 FLUM



Legend



Palm Coast City Limits



Sabal Palms



Phase Line

FLUM



Canals



Coastal High Hazard Area



Conservation



Greenbelt



Institutional



Mixed Use



Residential

Flagler County FLUM



AGRICULTURE & TIMBERLANDS



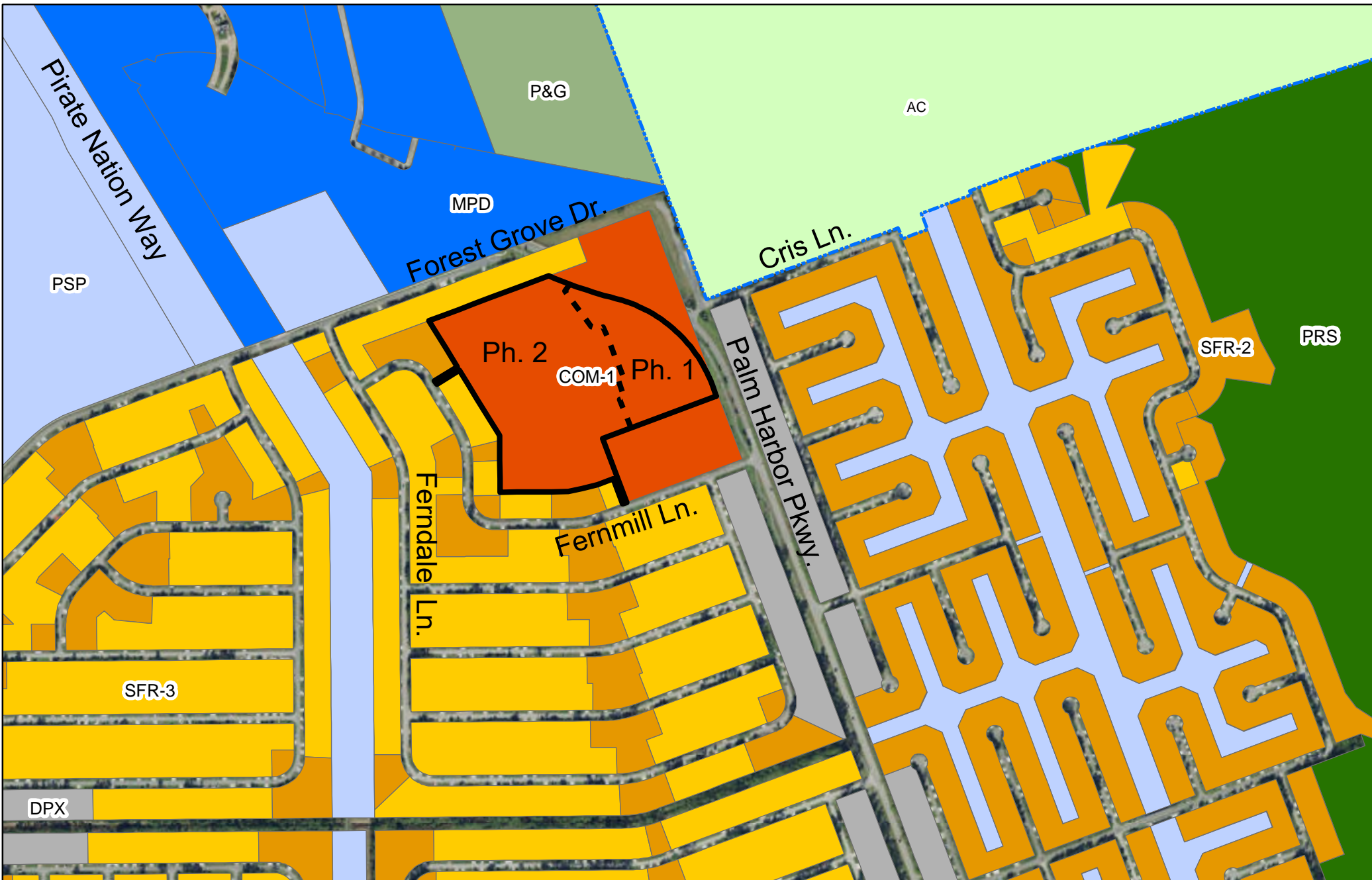
CONSERVATION

0 375 750 Feet

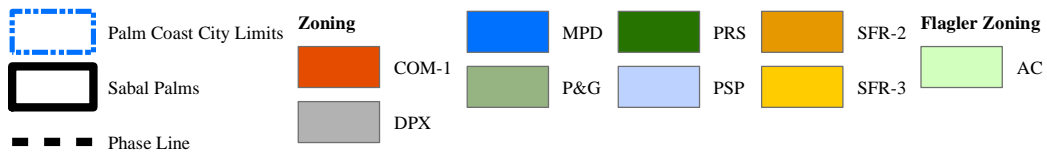


Map Provided By: Planning Division

Sabal Palms Phase 2 Zoning Map



Legend



City of Palm Coast, Florida Agenda Item

Agenda Date: October 20, 2021

Department	PLANNING	Amount
Item Key	12241	Account
		#
Subject REZONING GRAND LANDINGS NORTH - APPLICATION #4873		
Presenter: Jordan Myers, Environmental Planner		
Background:		
<p>This rezoning application for Grand Landing North is a quasi-judicial item.</p> <p>JTL Grand Landings Development, LLC (as owner and intended developer) is proposing to rezone 70.18 +/- acres of vacant land with a borrow pit located about one mile east of Belle Terre Boulevard and extending north from the existing terminus of Citation Boulevard to the southern boundary of the Flagler County Airport from the Industrial (I) and Planned Unit Development (PUD) Zoning Districts to the Single-Family Residential-1 (SFR-1) Zoning District. The applicant's engineer has submitted a preliminary conceptual site plan of the proposed Grand Landings North single-family. This conceptual site plan shows 138 single-family detached lots (with the lots being a minimum of 50 feet in width and 6,000 sq. ft. in area), five stormwater ponds (including the existing borrow pit), and preservation areas along most of the eastern portion of the project. Based on this conceptual site plan the project would have an expected density of only 1.97 units/per acre.</p> <p><u>Public Participation:</u> The developer notified all neighboring property owners within 300 feet of the subject property via standard USPS mail of a neighborhood meeting that was held on October 12th, 2021 at 6:00 P.M at the Hilton Garden Inn located NW of the intersection of Town Center Boulevard and SR 100.</p> <p>The developer erected City provided signs at the terminus of Citation Boulevard to notify the general public at least two weeks prior to the Planning Board hearing. Newspaper ads were run approximately two weeks before the Planning Board hearing.</p>		
Recommended Action:		
<p>Planning staff recommends that the Planning and Land Development Regulation Board determine the proposed rezoning (Application No. 4873) is consistent with the Comprehensive Plan and recommend approval to City Council to rezone 70.18 +/- acres from the Industrial (I) and Planned Unit Development (PUD) Zoning Districts to the Single Family Residential (SFR-1) Zoning District.</p>		



**COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT FOR GRAND LANDINGS NORTH REZONING
PLANNING AND LAND DEVELOPMENT REGULATION BOARD
PUBLIC HEARING ON OCTOBER 20, 2021**

OVERVIEW

Application Number: 4873
Applicant: Michael Chiumento III, Esquire, Palm Coast, FL
Property Description: 70.18 +/- acres located about 1 mile NE of the intersection of Belle Terre Blvd. and Citation Blvd.
Property Owner: JTL Grand Landings Development, LLC, Dallas, TX
Parcel ID #: All or portions of 20-12-31-0650-000A0-0012, 20-12-31-0650-000A0-0020 and 20-12-31-23950-00000-00C0
Parcel Address: At the existing terminus of Citation Blvd.
Current FLUM: Residential
Current Zoning: Industrial (I) and Planned Unit Development (PUD)
Current Use: Vacant with a borrow pit
Size of Property: 70.18 +/- acres
Requested Action: Rezoning from the Industrial (I) and Planned Unit Development (PUD) Zoning Districts to the Single-Family Residential-1 (SFR-1) Zoning District

ANALYSIS

REQUESTED ACTION

JTL Grand Landings Development, LLC is proposing to rezone 70.18 +/- acres of vacant land with a borrow pit from the Industrial (I) and Planned Unit Development (PUD) Zoning Districts to the Single-Family Residential-1 (SFR-1) Zoning District.

The property is located about one mile east of Belle Terre Boulevard and extends north from the existing terminus of Citation Boulevard to the southern boundary of the Flagler County Airport.

BACKGROUND/SITE HISTORY

JTL Grand Landings Development, LLC purchased the subject property on July 9, 2014. JTL Grand Landings Development, LLC developed and is the process of still developing the 893-acre Grand Landings project that is located south and southeast of the subject property.

PROJECT DESCRIPTION

The applicant's engineer has submitted a preliminary conceptual site plan of the proposed Grand Landings North single-family project. This conceptual site plan shows 138 single-family detached lots (with the lots being a minimum of 50 feet in width and 6,000 sq. ft. in area), five stormwater ponds (including the existing borrow pit), and preservation areas along most of the eastern portion of the project. Based on this conceptual site plan the project would have an expected density of only 1.97 units/per acre.

LAND USE AND ZONING INFORMATION

USE SUMMARY TABLE:

CATEGORY:	EXISTING:	PROPOSED:
Future Land Use Map (FLUM)	Residential	Residential
Zoning District	Industrial (I) and Planned Unit Development (PUD)	Single-family Residential-1 (SFR-1)
Use	Vacant land with borrow pit	Single-family community with ponds and preservation areas
Acreage	72.18 +/- acres	72.18 +/- acres

SURROUNDING LAND USES:

NORTH:	FLUM:	Canal
	Zoning:	Public/Semi-Public (PSP)
EAST:	FLUM:	Residential
	Zoning:	Single-Family Residential – 1 (SFR-1)
SOUTH:	FLUM:	Residential
	Zoning:	Master Planned Development (MPD)
WEST:	FLUM:	Residential
	Zoning:	Duplex (DPX)

SITE DEVELOPMENT REQUIREMENTS

Criteria	(Proposed Standards for SFR-1)
Min. Lot/Development Size	6,000 sq. ft. lot size
Min. Lot Width	50 ft.
Max. Impervious Surface Ratio	0.75
Min. Front Setback	20 ft.
Min. Rear Setback	10 ft.
Min. Interior Side Setback	5 ft.
Max. Building Height	35 ft.
Min. Living Area	1200 sq. ft.

Max. Density*

up to 7 units/per acre*

*Density in the Single-Family Residential - 1 (SFR-1) Zoning District is calculated based on Table 3-3 and Section 3.05.03.A of the Land Development Code, which allow up to 7 units/per acre on upland areas and up to 1.75 units/per acre on wetland areas that are preserved.

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 project with SFR-1 zoning is an allowed zoning district in areas designated *Residential* on the Future Land Use Map (FLUM) and will be compatible with the other uses currently allowed within close proximity to the site. The change from Industrial and Planned Unit Development to Single Family Residential is more compatible with the surrounding uses.

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 policies and goal of the Comprehensive Plan:

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

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

The subject property is designated *Residential* and Single-Family Residential-1 (SFR-1) is an allowable zoning district for areas with the *Residential* designation on this FLUM table.

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

The proposed SFR-1 zoning would provide the opportunity for vehicular energy efficiency by having a significant number of homes in a community on upland tracts located west of the wetland areas being preserved. Public services are available to serve the site or will be extended by the developer at the developer's expense.

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

Staff Finding: Potable water and sewer services are available to serve the project and reclaimed water may be available to serve the site by the time they get under construction in

2023. Belle Terre Boulevard and Citation Boulevard have enough available traffic capacity to serve the future residents of Grand Landings North.

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

Staff Finding: The proposed rezoning will be compatible with the overall neighborhood as it is located within an area of primarily residential uses and preserved lands except for primarily vacant and industrial-zoned lands once one travels north to the Flagler County Airport site. The project's residential uses will provide demand for existing and future commercial land uses in nearby non-residential areas.

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

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

ANALYSIS BASED ON UNIFIED LAND DEVELOPMENT CODE, CHAPTER 2, SECTION 2.06.03

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

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

Staff Finding: As noted previously in the analysis prepared for LDC Chapter 2, Part II, Section 2.05.05 of this staff report, the requested zoning district 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: Upon submittal of the Subdivision Master Plan a thorough environmental analysis will be provided by the applicant and reviewed by applicable City staff and other governmental review agencies.

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

Staff Finding: Impacts to the Palm Coast economy are anticipated to be positive since the project will provide numerous construction jobs over the first few years and will provide additional tax revenues to the City. Additionally, the residential homes will increase demand for commercial services in reasonably close proximity to the site.

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: concurrency regulations and impact fees paid by the developer during the Preliminary Plat and construction drawing review process will cover wastewater, potable water, drainage, fire and police

protection, solid waste and transportation systems. All infrastructure required for a future single-family subdivision, such as water, wastewater, stormwater, neighborhood roads, would be constructed at the owner's sole exclusive expense.

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

Staff Finding: This project does not have any circumstances or conditions that would affect it or the surrounding area.

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

Staff Finding: As previously described the proposed rezoning will be compatible with the existing residential uses and future residentially zoned lands.

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

Staff Finding: The subject property is proposed for the SFR-1 Zoning District which is an allowable zoning district within the *Residential* FLUM designation. Staff believes the site is very appropriate for the proposed residential community.

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 meeting.

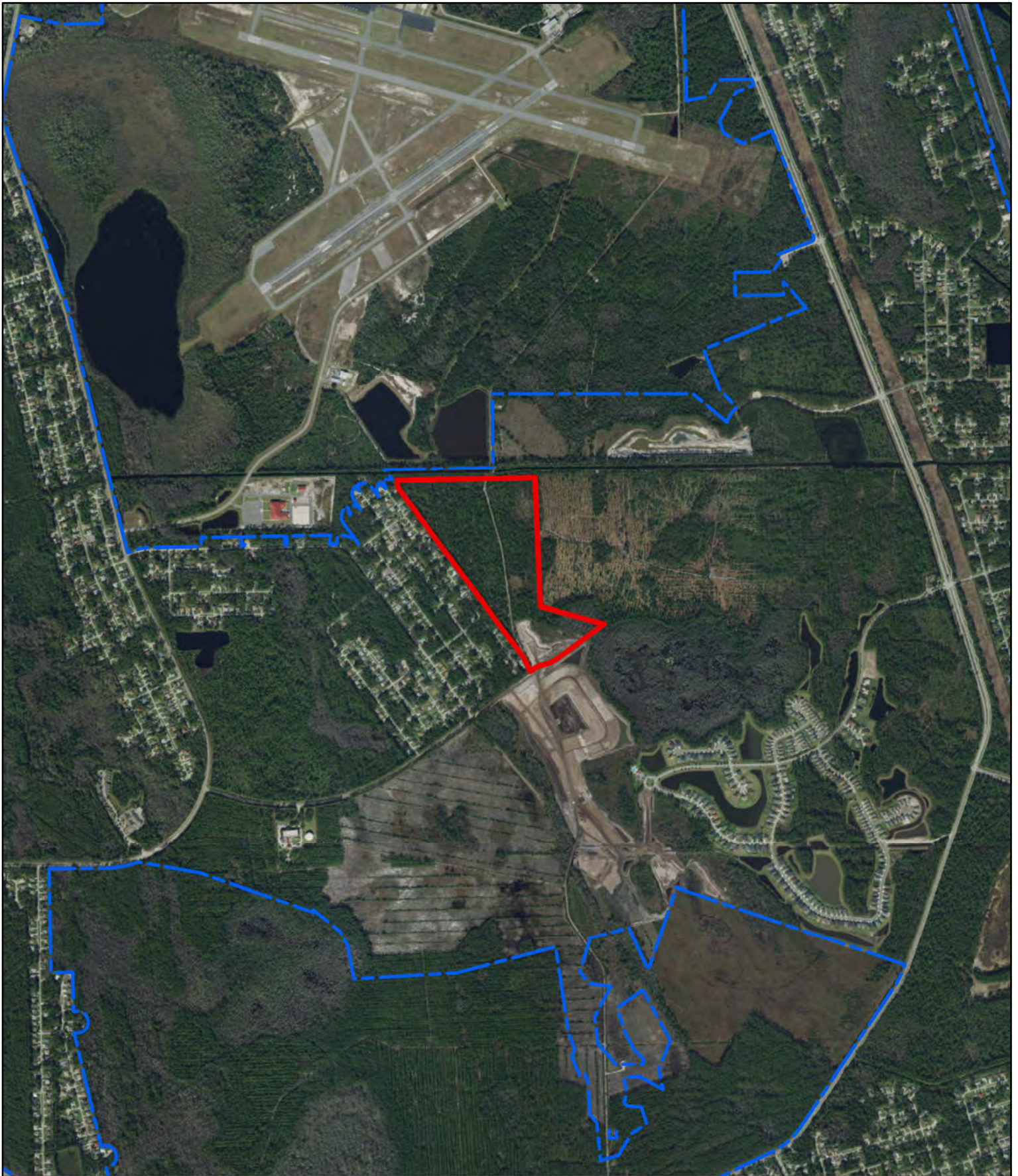
To comply with this standard, the developer notified the neighboring property owners via standard USPS mail of an upcoming neighborhood meeting that was held on October 12, 2021 at 6:00 P.M. at the Hilton Garden Inn nearby SR 100 and Town Center Boulevard.

The developer erected City provided signs at the end of Citation Boulevard, notifying the general public of the upcoming public hearing for the Planning and Land Development Regulation Board by October 6. City staff has discussed the project with several residents living to the north.



RECOMMENDATION

Planning staff recommends that the Planning and Land Development Regulation Board determine the proposed rezoning of Grand Landings North (Application No. 4873) is consistent with the Comprehensive Plan and recommend approval to City Council to rezone 70.18 +/- acres from the Industrial (I) and Planned Unit Development (PUD) Zoning Districts to the Single-Family Residential-1 (SFR-1) Zoning District.

Grand Landings North



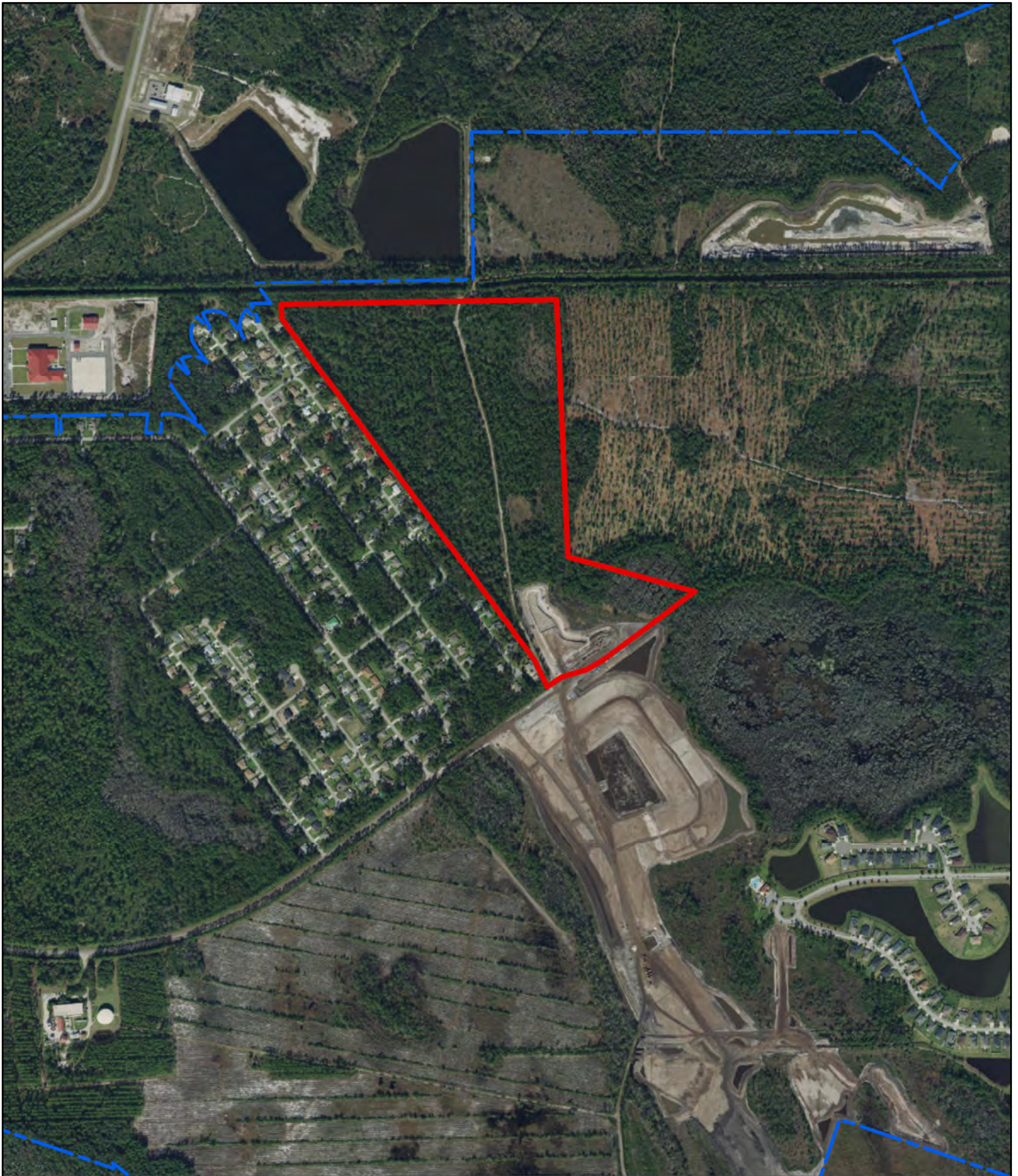
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-  Palm Coast City Limits
-  Grand Landings North



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Grand Landings North



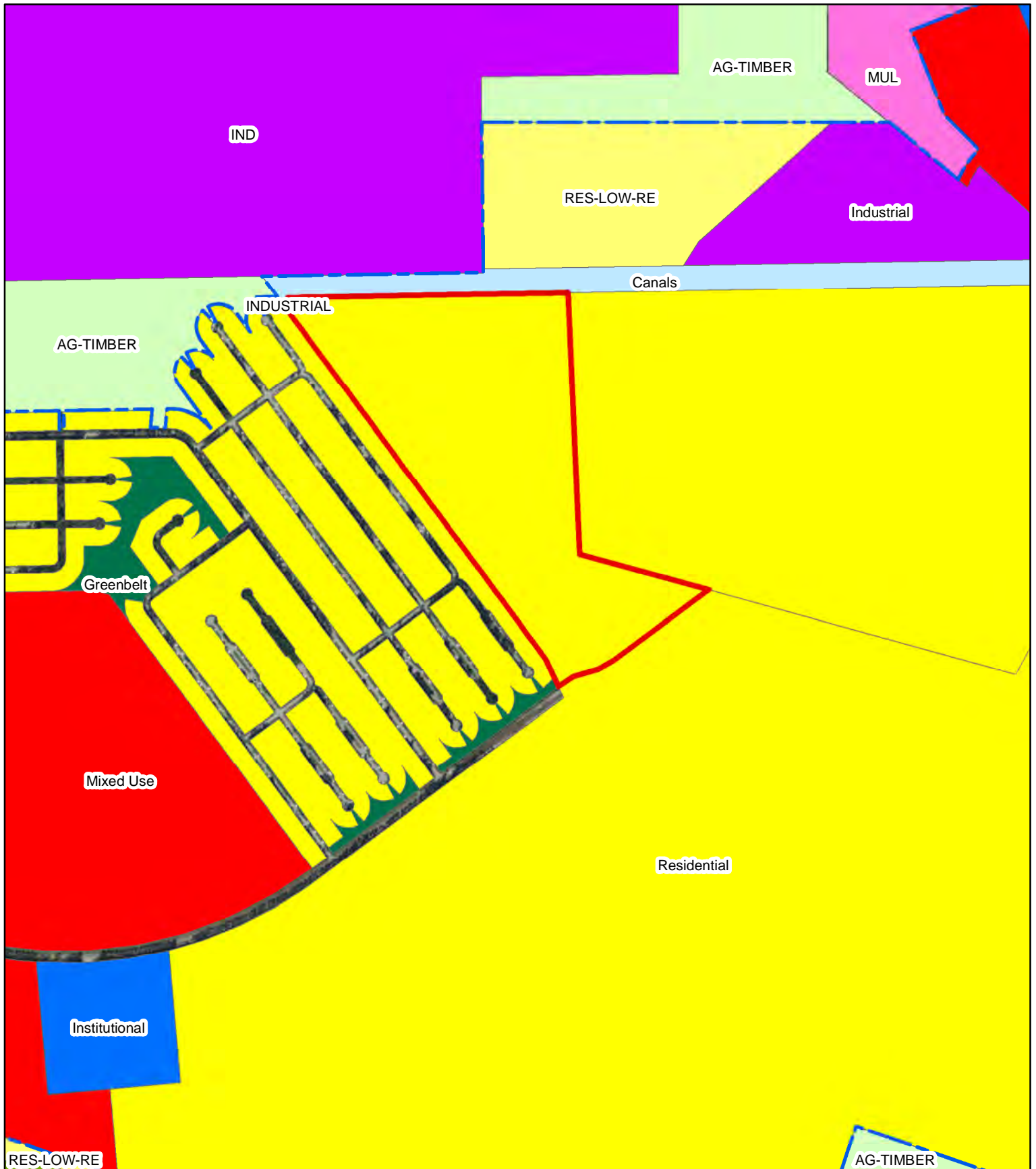
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-  Palm Coast City Limits
-  Grand Landings North

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Grand Landings North



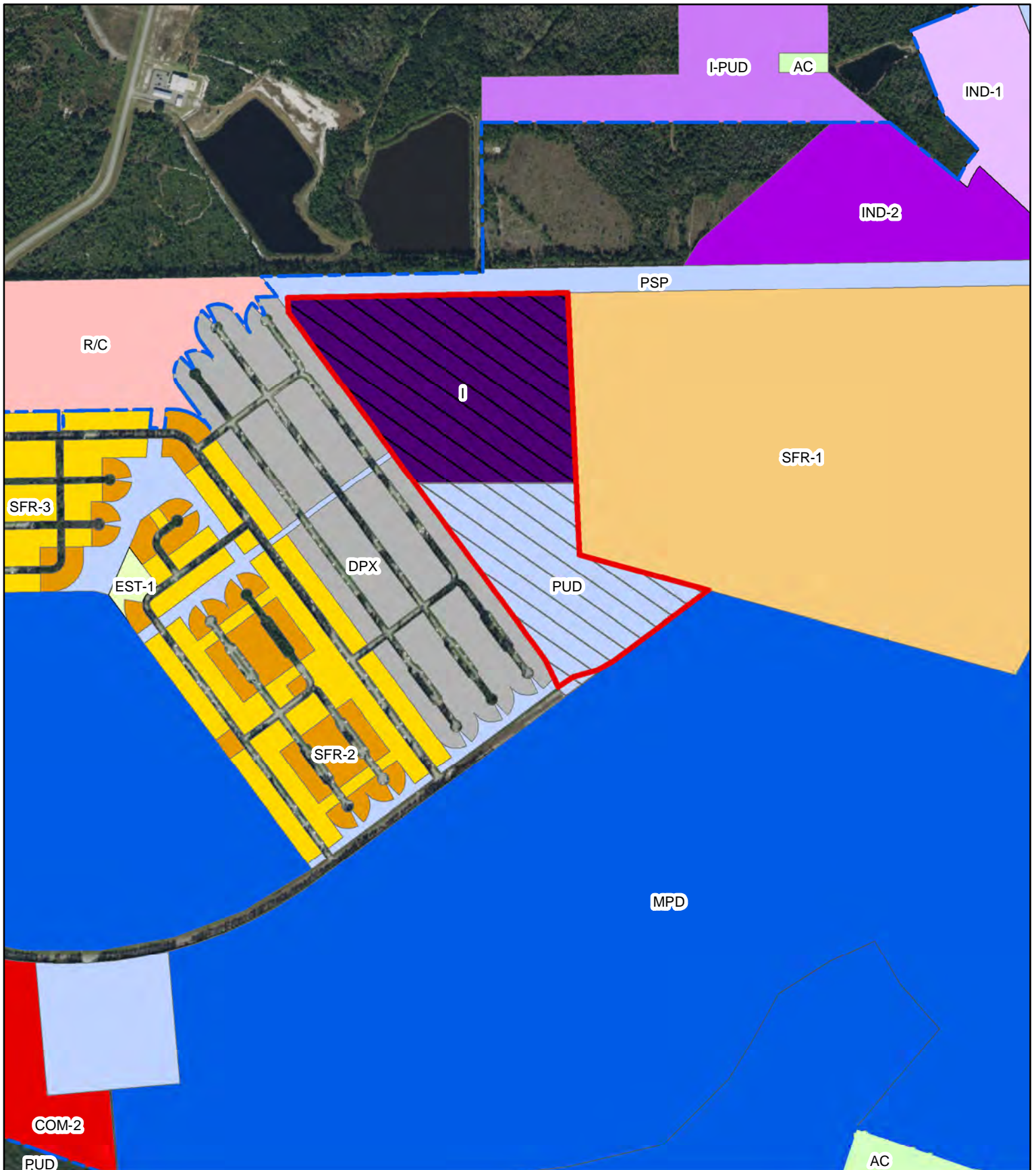
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	Palm Coast City Limits	Palm Coast FLUM		Industrial	Flagler FLUM		IND
	Grand Landings North		AG & TIMBER		Institutional		AG-TIMBER
			Canals		Mixed Use		MUL
			Greenbelt		Residential		RES-LOW-RE
							CONS

0 500 1,000 Feet



Grand Landings North



Legend

Palm Coast City Limits

Grand Landings North

Palm Coast Zoning

COM-2

DPX

EST-1

I

IND-1

IND-2

MPD

PSP

PUD

SFR-1

SFR-2

SFR-3

Flagler Zoning

AC

I-PUD

R/C

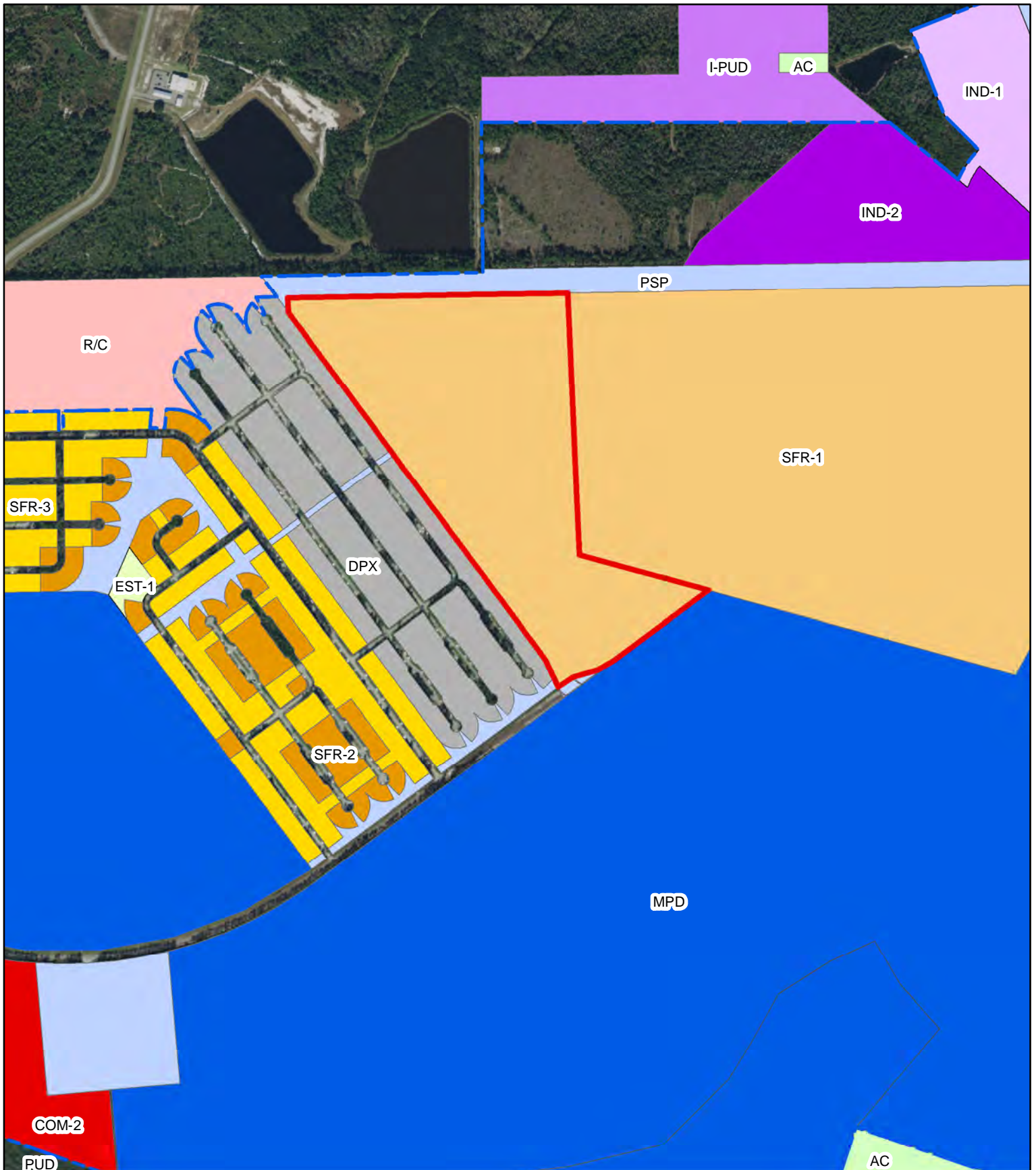
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120

Map Provided By: Planning Division

Grand Landings North



Legend

Palm Coast City Limits

Grand Landings North

Palm Coast Zoning

COM-2

DPX

EST-1

I

IND-1

IND-2

MPD

PSP

PUD

SFR-1

SFR-2

SFR-3

Flagler Zoning

AC

I-PUD

R/C

0 500 1,000 Feet



121

Map Provided By: Planning Division

Chiumento Law, PLLC
Michael D. Chiumento
Michael D. Chiumento III
William J. Bosch
Vincent L. Sullivan
Diane A. Vidal
Cynthia Lane

Vincent L. Sullivan
Associate Attorney
vsullivan@legalteamforlife.com



145 City Place, Suite 301
Palm Coast, FL 32164
Tel. (386) 445-8900
Fax: (386) 445-6702

5048 N. Ocean Shore Blvd.
Palm Coast, FL 32137

By Appointment Only:
57 W. Granada Blvd.
Ormond Beach, FL 32174

MEMORANDUM

TO: Ms. Jordan Myers, C.F.M

CC: Michael Chiumento, III; Development Team; Caroline McNeil; and File

FROM: Vincent Sullivan *VS*

SUBJECT: Neighborhood Meeting for Grand Landings North

DATE: October 13, 2021

Ms. Meyers,

As you know, this Firm held the required neighborhood informational meeting for application #4873 a/k/a Grand Landings North (Citation North) rezoning application.

At the meeting, there were three residents from the community that attended. A copy of the sign in sheet shows two individuals signed into the meeting. A copy of the sign in sheet accompanies this memo.

At the meeting, the following questions were asked and correlating responses were given:

- Is Laguna Forest going to be extended to Seminole Woods?
 - At this time, it is not anticipated that Laguna Forest will be extended.
- Who were the surveyors out at the property on 10/11/2021 working for?
 - It is likely they were working for the property owner.
- Is it possible to get a “dead end” or “no exit” sign on Llosee Court?
 - We would recommend speaking with the traffic engineer with the City of Palm Coast about obtaining such a sign.
- Will the drainage ditch running behind Llosee Court remain?
 - Yes, this drainage ditch is owned by the City and will remain. It is likely, although not guaranteed, that the ditch will be improved by the property owner during the construction process.
- When is the PLDRB meeting scheduled for?

- The PLDRB meeting is set for September 20, 2021 at 5:30 pm.
- Will the flooding in the area be worsened by the development of the property?
 - No, each property is responsible for its own stormwater discharge and it is illegal for any development to discharge stormwater on a neighboring property. It is likely that drainage will improve after construction of the project.

If you have any follow up questions in connection with the neighborhood meeting held on October 12, 2021 at the Town Center Hilton, please do not hesitate to contact me.

JTL Grand Landings – Grand Landings North
 Neighborhood Information Meeting
 Tuesday, October 12, 2021 6:00 p.m.

Name	Property Address	Phone Number	E-Mail Address
Naney Leonard	13110see Ct.	440-670-2065	avonleonards@gmail.com
FRANTSEW	36 Lloyd Dr.	386/864-3384	FRANTSEW.DORZETA@GMAIL.COM

Chiumento Law, PLLC
Michael D. Chiumento
Michael D. Chiumento III
William J. Bosch
Vincent L. Sullivan
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Cynthia Lane

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Managing Partner
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Ormond Beach, FL 32174

October 5, 2021

To Whom It May Concern:

JTL Grand Landings Development, LLC is the owner of the property described in Exhibit "A" attached hereto. Currently the owner has an application into the City of Palm Coast to rezone portions of the Property from Industrial/Planned Unit Development to SFR-1 (also known as single family residential).

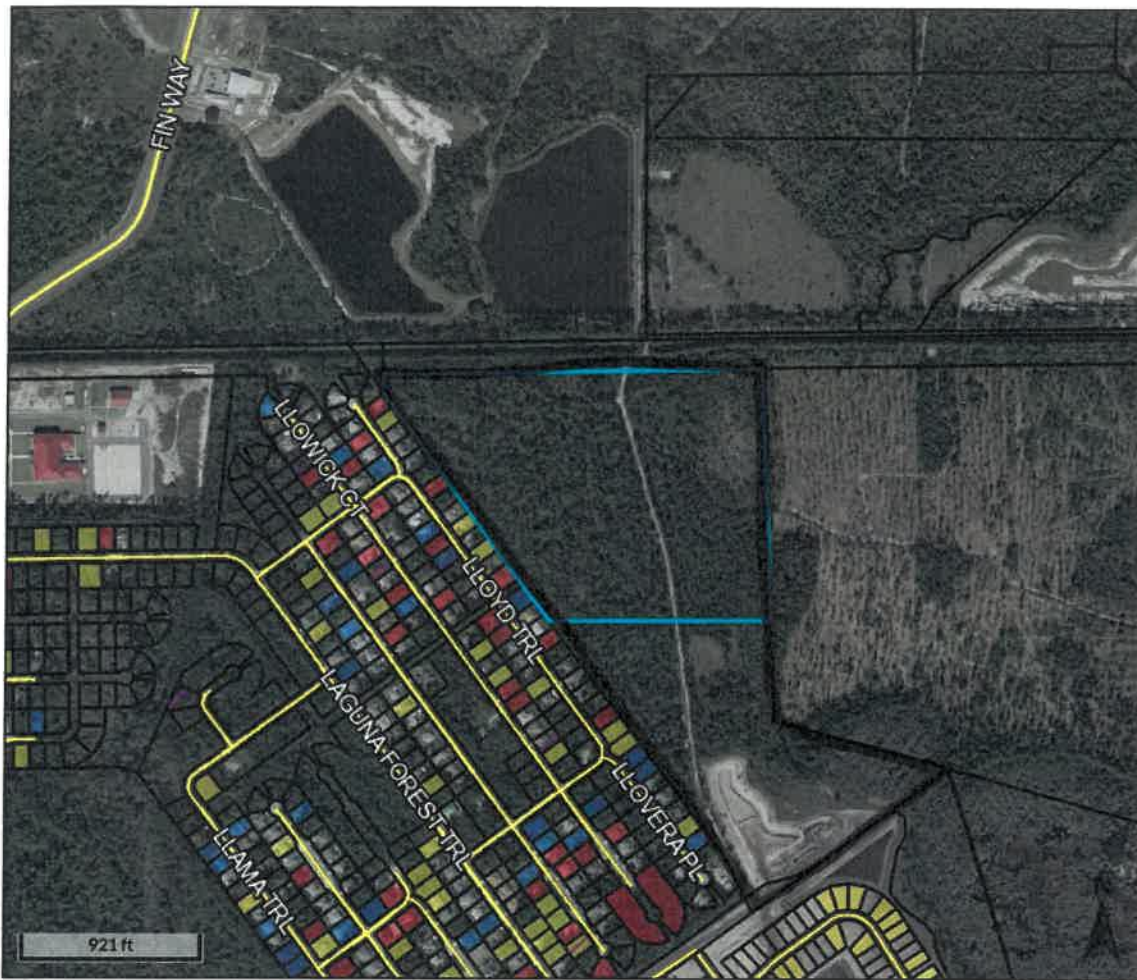
As required by City Code, we will be having a neighborhood meeting on **Tuesday, October 12, 2021 at 6:00 p.m. at Hilton Garden Inn, 55 Town Center Boulevard, Palm Coast, Florida 32164** to answer any of your questions. It is open to the public.

Sincerely yours,

Michael D. Chiumento III
MDC/cm
Encl.

EXHIBIT "A"








PART OF SECTION 20, TOWNSHIP 12 SOUTH, RANGE 31 EAST, FLAGLER COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGIN AT THE SOUTHEAST CORNER OF PARCEL A1, LAGUNA FOREST, SECTION 64, AS RECORDED IN MAP BOOK 18, PAGE 38, PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA; THENCE N25°19'21" W ALONG THE EAST LINE OF SAID LAGUNA FOREST, A DISTANCE OF 205.09 FEET; THENCE N36°30'37" W, CONTINUING ALONG SAID EAST LINE, A DISTANCE OF 2915.74 FEET TO A POINT ON THE WEST LINE OF SECTION 20, AFORESAID; THENCE DEPARTING SAID EAST LINE OF LAGUNA FOREST AND ALONG SAID WEST SECTION LINE, N01°30'02" W A DISTANCE OF 97.86 FEET TO A POINT ON THE SOUTH LINE OF IROQUOIS WATERWAY AS RECORDED IN O.R. BOOK 549, PAGE 966, PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA; THENCE N89°02'13"E ALONG SAID SOUTH LINE, A DISTANCE OF 1887.28 FEET TO A POINT ON THE WEST LINE OF THOSE LANDS DESCRIBED IN O.R. BOOK 553, PAGE 159, PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA; THENCE S02°32'58" E ALONG SAID WEST LINE, A DISTANCE OF 1766.27 FEET TO A POINT ON THE SOUTH LINE OF SAID LANDS; THENCE S74°35'44" E, CONTINUING ALONG SAID LANDS A DISTANCE OF 806.87 FEET TO A POINT ON THE EASTERLY EXTENSION OF CITATION BOULEVARD AS SHOWN ON THE PLAT OF LAGUNA FOREST AFORESAID; THENCE S53°30'00" W ALONG SAID EASTERLY EXTENSION, A DISTANCE OF 1142.52 FEET TO THE POINT OF BEGINNING.



Overview



Legend

-  Parcels
- Yearly Sales**
 -  2019
 -  2020
 -  2021
-  Roads
-  MLS Listings
-  Streams and River

Parcel ID	20-12-31-0650-000A0-0012	Owner	JTL GRAND LANDINGS DEVELOPMENT LLC	Land Value	\$3,720	Last 2 Sales			
Class Code	TIMBERLAND 80-89		16660 DALLAS PARKWAY SUITE 1600 DALLAS, TX 75248	Ag Land Value	\$8,559	Date	Price	Reason	Qual
Taxing	61			Building Value	\$0	7/9/2014	\$3549000	V	Q
District				Misc Value	\$0	9/27/2012	\$1605000	V	U
Acres	43.86	Physical Address	n/a	Just Value	\$313,290	MLS			
				Assessed Value	\$12,279				
				Exempt Value	\$0				
				Taxable Value	\$12,279				

Date created: 10/5/2021

Last Data Uploaded: 10/5/2021 8:20:39 AM

Developed by  Schneider GEOSPATIAL

3DRE LLC
3544 ST JOHNS BLUFF ROAD S APT 1104
JACKSONVILLE, FL 32224

BEGTRUP THOMAS & LORI
43 SEVEN WONDERS TRAIL
PALM COAST, FL 32164

COWARD MINNIE D
PO BOX 2925
BUNNELL, FL 32110

AAE HOLDINGS INC
84 RIVER TRAIL DR
PALM COAST, FL 32137

BENITEO CARLOS J & AUTUMN
23534 OLEANDER AVE
MANTECA, CA 95337

COX JOSEPH & JERRY R COX &
22 LLOYD TRAIL
PALM COAST, FL 32137

AKHREMENKO GERMAN
4508 GREENHOUSE DRIVE APT 2
SACRAMENTO, CA 95842

BRITTON DIONISIO JR & PEARLY &
HAYDEE & ELIZABETH
6025 NW 52 TERRACE
GAINESVILLE, FL 32601

CRANFORD JOE S
41 LLOYD TRAIL
PALM COAST, FL 32164

ALBA ROSARIO LENI
5029 N RUTHERFORD
CHICAGO, IL 60656

CALDERON JOSE R
37 LLOYD TRAIL
PALM COAST, FL 32164

DASILVA RUI
922 GRANDVIEW AVE
UNION, NJ 07083

ALCHIN FLORY
1465 OXFORD DRIVE
BUFFALO GROVE, IL 60089

CARDINALE FRANK & DEBORAH
21 LLOSHIRE PATH A
PALM COAST, FL 32164

DAVENPORT JUSTIN & HILARY
42 LLOYD TRAIL
PALM COAST, FL 32164

ANGELICO THOMAS & GERALYN
PO BOX 352917
PALM COAST, FL 32135

CARTER DARYL M TRUSTEE
PO BOX 568821
ORLANDO, FL 32856

DELATORRE LEON
1030 SW 75TH AVE
MIAMI, FL 33144

BANK OF NEW YORK
1600 SOUTH DOUGLAS RD STE 200-A
ANAHEIM, CA 92806

CARVALHO MANUELA & JOSE
1200 MORRIS AVE FL 2
UNION, NJ 07083

DEVINE THOMAS & SHANEY
7 LLORET PLACE
PALM COAST, FL 32164

BARKDALE JEFFREY & STACY
11 LLOVERA PLACE
PALM COAST, FL 32164

CITY OF PALM COAST
160 LAKE AVENUE
PALM COAST, FL 32164

DFC GRAND LANDINGS
14701 PHILIPS HIGHWAY SUITE 300
JACKSONVILLE, FL 32256

BARRY WILLIAM
27 LLOSHIRE PATH
PALM COAST, FL 32164

CORPUZ FAY CABALLES
29 LLOYD TRAIL
PALM COAST, FL 32164

DICKENSON DAVID THOMAS
2001 WESTHEIMER RD APT 455
HOUSTON, TX 77098

BEGTRUP ADAM & JESSICA H&W &
THOMAS BEGTRUP
7 LLOVERA PLACE
PALM COAST, FL 32164

CORRALES FELIXBERTO
105 SHANNON HILLS DRIVE
WASHINGTON, IL 61571

DICKINSON HAROLD III
13 LLOSHIRE PATH
PALM COAST, FL 32137

DORZEMA FRANTSEAU & MARIE
36 LLOYD TRAIL
PALM COAST, FL 32137

GATES ROBERTS & MARY LOU H&W LIFE
ESTATE
21 LLOVERA PLACE
PALM COAST, FL 32164

JANNICELLI JOSEPH A & ELITHE B
555 STONEHAVEN DR
TOWNSEND, DE 19734

DR HORTON INC.
4220 RACE TRACK ROAD SUITE 100
ST JOHNS, FL 32259

GILLETTE DANIEL
2052 COLT DRIVE
FARMINGTON, UT 84025

JOCSON CYNTHIA
26658 CALAROGA AVENUE
HAYWARD, CA 94545

DREAM FINDERS HOMES LLC
14701 PHILIPS HIGHWAY SUITE 300
JACKSONVILLE, FL 32256

GILLIS GERRY A SR & AUDREY P
7 LLOSHIRE PATH
PALM COAST, FL 32137

KAHN CORY ALAN & BRENDA SUE
30 LLOYD TRAIL
PALM COAST, FL 32164

ENCARNACAO JOAO & ANA
219 MANHATTAN AVENUE
WESTBURY, NY 11590

GLACKIN LILIA
9106 WALNUT LANE
TINLEY PARK, IL 60487

KANGAS CHRISTIAN
37 REVILO AVENUE
SHIRLEY, NY 11967

EVANS TERRI D & TESSA U
16 LLOYD TRAIL
PALM COAST, FL 32164

GODDARD JOSEPH R & BOBBIE JUNE
34 LLOYD TRAIL
PALM COAST, FL 32164

KELLY FRANCIS A JR & GAIL F
104 CARRIAGE HILL DRIVE
NEWINGTON, CT 06111

FLAGLER COUNTY
1769 E MOODY BLVD BLDG 2 SUITE 302
BUNNELL, FL 32110

GREER MAYDA G
16824 NW 77TH PATH
HIALEAH, FL 33016

KENNEDY KURT JASON & PATRICIA
MICHELLE H&W
44 FRANCISCAN LANE
PALM COAST, FL 32137

FRANKUS NICHOLAS
31550 S HENACRES DRIVE
MOLALLA, OR 97038

HALCKISHAK KIRALYNA
5 LLOSEE COURT
PALM COAST, FL 32164

KLINE ROBERT & CHERYL H&W
61 WASHINGTON STREET
STONEHAM, MA 02180

FRISENDA MICHAEL NICHOLAS TRUSTEE
PO BOX 1108
EAST SETAUKET, NY 11733

HENRY HEATHER MICHELLE & RYAN
10 LLOSEE COURT
PALM COAST, FL 32164

KREYMBORG SEAN & DAMARIS H&W
15 LLOVERA PLACE
PALM COAST, FL 32164

GARCIA JUAN & SHIRLEY M
11 LLOSEE COURT
PALM COAST, FL 32164

HOLIDAY BUILDERS INC
2293 W EAU GALLIE BLVD
MELBOURNE, FL 32935

LEONARD DONALD J & NANCY
13 LLOSEE COURT
PALM COAST, FL 32164

GARCIA-JIMENEZ KAREN
18 LLOYD TRAIL
PALM COAST, FL 32164

HUTCHERSON CONSTANCE & RICHARD
235 S RIVERWALK DR
PALM COAST, FL 32137

LONGO DEBORAH & DONALD W&H
PO BOX 882
ALLOWAY, NJ 08001

LUCERO NELIE A
5557 SHOREVIEW DR
RANCHO PALOS VERDES, CA 90275

NASSI ALBERT T TRUSTEE
340 WESTLAKE BLVD STE 260
THOUSAND OAKS, CA 91362

SCHEIBER MICHAEL A LIFE ESTATE
16 LLOVERA PLACE
PALM COAST, FL 32164

LYLE JAMES & NINA
35 LLOSHIRE PATH
PALM COAST, FL 32164

NOVOTNA LUBOSLAVA & BEDRICH
1 LLOSEE COURT
PALM COAST, FL 32164

SCHWARZ KATIE E
45 LLOYD TRAIL
PALM COAST, FL 32164

MACKINSON KIRK & CHRIS
75 LOPEZ ROAD
CEDAR GROVE, NJ 07009

OEGERLE THOMAS D
2 LLOWICK CT
PALM COAST, FL 32164

SG FLAGLER HOLDINGS LLC
185 CYPRESS POINT PKWY SUITE 7
PALM COAST, FL 32164

MARCHANT NORMAN K
5 LLOSHIRE PATH
PALM COAST, FL 32164

OGBORN WILLIAM LESLEY
6 LLOWICK COURT
PALM COAST, FL 32164

SMITH BILLY W
19 LLOYD TRAIL
PALM COAST, FL 32164

MASTROPIERRO JOSEPH N
21 LLOYD TRAIL
PALM COAST, FL 32137

PHIPPS CURTIS & KAREN H&W
9 LLORET PLACE
PALM COAST, FL 32164

SMITH TIMOTHY & LINETTE H&W &
15 LLOSHIRE PATH
PALM COAST, FL 32164

MAXEY JESSE J &
9 LLOSEE COURT
PALM COAST, FL 32137

PROPERTY POTENTIAL LLC
2926 HAMMOCK BEACH PKWY
PALM COAST, FL 32137

SOUTHERN IMPRESSION HOMES LLC
5711 RICHARD STREET SUITE 1
JACKSONVILLE, FL 32216

MAYBANK THOMAS
161 LYNDIA MARIE LANE
MASONVILLE, NY 13804

RAPOSO FELIX N
1808 NW 16TH STREET
MIAMI, FL 33125

STARLING THOMAS N SR & GAIL
38 LLOYD TRAIL
PALM COAST, FL 32164

MCCORMICK-PARKINS BRIGET
6 LLOSEE COURT
PALM COAST, FL 32164

RISO JOHN L & STEPHANIE J H&W
9 LLOVERA PLACE
PALM COAST, FL 32164

STOPKA WALTER
145 HIGH CREST DR
WEST MILFORD, NJ 07480

METCALF MARVIN
30711 ROMERO CANYON
CASTAIC, CA 91384

ROCHA JOSE CARLOS
41 MULOCK PLACE
HARRISON, NJ 07029

SW PROPERTY HOLDINGS LLC
2379 BEVILLE ROAD
DAYTONA BEACH, FL 32119

MID FLORIDA HOUSING
1834 MASON AVE
DAYTONA BEACH, FL 32117

RUGER RICHARD LOUIS JR
7 LLOSEE COURT
PALM COAST, FL 32137

TOMPKINS MONA M & JOHN L
23 LLOSHIRE PATH
PALM COAST, FL 32164

TORRES ROBERTO & INES LOZANO
31 LLOSHIRE PATH
PALM COAST, FL 32164

WEHDE MICHAEL & HOLLY H&W
405 LAMBERT AVE
FLAGLER BEACH, FL 32136

WOLFE RONALD E & SHELBY K TERRY-
WOLFE H&W
50 LLOYD TRAIL
PALM COAST, FL 32164

ZERRAHN RICHARD & NANCY H&W
20 LLOVERA PLACE
PALM COAST, FL 32164



NOTIFICATION AFFIDAVIT FOR OFFICIAL ZONING MAP AMENDMENT (REZONING)

COUNTY OF FLAGLER X
STATE OF FLORIDA X

Before me this 5 day of Oct, 2021 personally appeared
Walker Douglas who after providing personally known as
identification and who did, did not take an oath, and who being duly sworn, deposes
and says as follows: "I have read and fully understand the provisions of this instrument".

Two (2) signs have been posted on the subject property subject to a rezoning as described with
Application # 4813

XX At least fourteen (14) calendar days before the hearing date advertising the date, time, and
location of the Planning & Land Development Regulation Board (PLDRB)

OR

 At least seven (7) days before the hearing date advertising the date, time, and location of
the City Council hearing.

Walker Douglas
Signature of Responsible Party

Walker Douglas
Printed Name

145 City Pl Palm Coast, FL
Mailing Address

Caroline McNeil
Signature of Person Taking Acknowledgement

Caroline McNeil
Name of Acknowledger (Typed, Printed or Stamped)



This document, once executed, must be returned to a Land Development Technician in the City of Palm Coast Community Development Department prior to the hearing date. Failure to provide document by that time will result in the application not being placed on the agenda for a public hearing.



City of Palm Coast, Florida

Agenda Item

Agenda Date: October 20, 2021

Department	PLANNING	Amount
Item Key	12242	Account
		#
Subject	AMENDING THE FUTURE LAND USE MAP DESIGNATION FOR 141.5+/- ACRES OF PROPERTY FROM RESIDENTIAL LOW-DENSITY AND CONSERVATION (COUNTY DESIGNATIONS) TO RESIDENTIAL AND CONSERVATION (CITY DESIGNATIONS) ALONG WITH POLICY TO LIMIT DEVELOPMENT TO 217UNITS	
Presenter : Jose Papa, Senior Planner		
Background : The subject area is an approximately 141.5 +/- acre site located .6 miles north of State Road 100 on the eastside of Roberts Rd. The subject property was annexed into the City of Palm Coast in August of 2021. Consistent with state law, this application proposes to designate the subject property with an appropriate City designation on the Future Land Use Map and Zoning Map. The applicant is proposing a Future Land Use Map (FLUM) Amendment to amend the designation of the subject property from Flagler County Designations of Residential Low-Density and Conservation to City of Palm Coast designations of Residential (120+/- acres) and Conservation (21+/- acres), along with a site specific policy to limit development to 217 dwelling units. In addition to the FLUM amendment, there is a companion zoning map amendment that will change the zoning designation of the property from Flagler County Planned Unit Development (PUD) to City designation of Single-family Residential-1 (SFR-1) and Preservation (PRS). The proposed amendment was reviewed for the following: <ul style="list-style-type: none">• Public Facilities Impact/Availability. 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 limit development on the property to 217 dwelling units compared to 300 dwelling units which was part of the Flagler County approved PUD approval. The reduction in number of potential dwelling units equates to a reduction in the impact on public infrastructure and services.• Impacts on the environmental/cultural resources. There are no additional environmental impacts on the subject parcel since the amendment will not increase the potential developable area of the site.• Compatibility with surrounding land uses. The proposed FLUM designation does not change the potential uses currently allowed on the site. Finally the proposed amendment was reviewed and found to be consistent with comprehensive plan policies regarding:		

- Not disproportionately increasing the cost or maintenance of public infrastructure,
- Directing development where existing infrastructure is available,
- Promoting diversity in housing opportunities (variety of lot sizes with community amenities such as sidewalks, and private recreational amenities),
- Designating urban densities only in areas that have sufficient or planned capacity for water and sewer, and
- Designating high quality wetlands as Conservation

Recommended Action: Staff recommends that the Planning and Land Development Regulation Board (PLDRB) find Application #4867 consistent with the Comprehensive Plan and recommend that City Council approve Application #4867, a FLUM amendment from Flagler County Designations of Residential Low-Density and Conservation to City of Palm Coast designations of Residential and Conservation along with a policy to limit density on the subject property to 217 dwelling units.



**COMMUNITY DEVELOPMENT DEPARTMENT
FUTURE LAND USE MAP AMENDMENT
PLANNING AND LAND DEVELOPMENT REGULATION BOARD
STAFF REPORT
October 20, 2021**

OVERVIEW

Application #: 4867

Applicant: Jay Livingston as Agent

Size of subject property: 141.5+/- acres

Property Description/Location: Approximately .6 miles north of State Road 100 on the eastside of Roberts Road

Property Owner: M. L. Carter Services Inc.

Real Estate ID #: 02-12-31-0000-01010-0151, 02-12-31-0000-01010-0141, 02-12-31-0000-01010-0142, & 02-12-31-0000-01010-0152

Current FLUM Designation: Flagler County designations: Residential Low-Density, Conservation (there is a companion application to designate the subject property as Residential and Conservation)

Current Zoning Designation: Planned Unit Development

Current Use: Vacant

Requested Action: This is a proposed FLUM amendment from the Flagler County Designations of Residential Low-Density and Conservation to City of Palm Coast designations of Residential (120+/- acres) and Conservation (21+/- acres) with a site specific policy to limit development on the subject property to 217 single-family dwelling units.

There is a companion zoning map amendment that will change the zoning on the subject parcel from Planned Unit Development (Flagler County designation) to Single Family Residential-1, and Preservation.

Recommendation: Staff recommends that the Planning and Land Development Regulation Board (PLDRB) find Application #4867 consistent with the Comprehensive Plan and recommend that City Council approve Application #4867, a FLUM amendment from Flagler County Designations of Residential Low-Density and Conservation to City of Palm Coast designations of Residential and Conservation along with a

policy to limit density on the subject property to 217 dwelling units.

Project Planner: José Papa, AICP, Senior Planner

ANALYSIS

BACKGROUND

The application is for a Future Land Use Map (FLUM) amendment for a 141.5 +/- acre area located approximately .6 miles north of State Road 100 on the eastside of Roberts Road.

The property is situated within the City of Palm Coast Utility Service Area. As required by City Code, requests for utility service (water and sewer) will require the annexation of the property with only certain exceptions. The property was annexed into the City on August 17, 2021 (by Ordinance #2021-15).

The property is currently designated as Residential Low-Density (approximately 128 acres - permits 1 to 3 units/gross acre) and Conservation (approximately 13 acres) with a County zoning designation of Planned Unit Development (PUD).

The proposed amendment will change the Future Land Use Map (FLUM) designation for the subject parcels from the stated Flagler County designations to City of Palm Coast designations of Residential and Conservation, along with a site specific policy to limit development on the property to 217 single-family residential units.

There is a companion zoning map amendment to rezone the property from its current Flagler County designation of Planned Unit Development (PUD) to Single-family Residential (SFR-1) and Preservation (PRS).

Neighborhood Meeting

As required by the Land Development Code, a neighborhood meeting was hosted by the applicant. Staff will provide a summary of the neighborhood meeting at the PLDRB public hearing.

DENSITY/INTENSITY AND POPULATION

Note: The analysis for comprehensive plan map amendments takes into consideration the maximum development potential under the current and proposed Future Land Use Map (FLUM) categories and represent the theoretical maximum development potential within the land use category.

The City Residential FLUM designation permits a maximum of 12 dwelling units/acre, but as previously stated, there is a site specific policy to limit development to 217 dwelling units.

The current FLUM designation of the property (Flagler County Residential Low-density) will allow up to 3 dwelling units/acre. However, for this analysis, the maximum number of units permitted by the approved PUD for the property (300 dwelling units) will be used.

As shown on Table 1 below there is a reduction of 83 dwelling units and a potential reduction of 199 persons as a result of the FLUM amendment.

TABLE 1 - FLUM DESIGNATION MAXIMUM DENSITY/INTENSITY ALLOWED (RESIDENTIAL USE)				
	# of Acres	Maximum Density ⁽¹⁾	Maximum # of units ^{(2),(3)}	Population (2.4 persons/dwelling unit)
Proposed FLUM: Residential (City designation)	120	12 du/acre	217	521
Conservation	21	0 du/acre	0	0
Current FLUM: Residential Low-Density (Flagler County designation)	128	3 du/acre	300	720
Conservation	13	0 du/acre	0	0
NET CHANGE	0		-83	-199
Footnotes: ⁽¹⁾ Maximum densities are established by Comprehensive Plan Policy. ⁽²⁾ Maximum densities are established by Comprehensive Plan Policy or based on approved PUD. ⁽³⁾ Maximum density for proposed amendment is 217 dwelling units.				

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

Objective 1.1.3-Evaluation of Amendments to the FLUM

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

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

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

PUBLIC FACILITIES CAPACITY/IMPACT ANALYSIS

As previously stated the analysis for comprehensive plan map amendments takes into consideration the maximum development potential under the current and proposed land use category and represents the theoretical net difference between the maximum development potential within the existing and proposed land use categories. The current FLUM designation of Flagler County Residential Low-Density permits up to 3 dwelling units/acre. However, since the subject parcel was previously approved as a PUD, staff will conduct a comparison based on 300 residential dwelling units as approved in the PUD. The proposed FLUM of Residential will include a policy to limit development to 217 single-family dwelling units. The analysis of theoretical net difference is provided in Table 2 below.

Transportation

The proposed FLUM amendment will result in a net decrease of 83 peak hour trips. A more in-depth traffic study will be required as part of the site plan/plat review process.

Potable Water

The proposed FLUM amendment will have a maximum potential net decrease in demand for potable water of .025 MGD. As part of the site plan/plat review process, the property owner and/or developer will need to coordinate with the City of Palm Coast Utility Department to determine the appropriate engineering requirements (size of water line, pump stations, etc.) for potable water service.

Wastewater

The proposed FLUM amendment will have a maximum potential net decrease in demand for sanitary sewer treatment of .016 MGD. As part of the site plan/plat review process, the property owner and/or developer will need to coordinate with the City of Palm Coast Utility Department to determine the appropriate engineering requirements (size of sewer line, lift stations, etc.) for wastewater service.

Solid Waste

The proposed FLUM amendment will have a maximum potential net decrease of 1,715 lbs. of solid waste per day. The City currently has an interlocal agreement with Volusia County for solid waste disposal. There is adequate capacity at the Volusia County landfill to accommodate the additional demand.

Public Recreation and Open Space

The proposed FLUM amendment will have a maximum potential net decrease in demand of 1.6 acres of park facilities. The City currently has adequate capacity to accommodate the additional demand.

Public Schools

The proposed FLUM amendment will have a potential net decrease in demand of 21 student stations. At the time of site plan review/plat process, the property owner and/or developer will need to coordinate with the School district to determine the current availability of student stations.

Stormwater

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

Table 2 Public Facilities Impact Analysis

*Proposed FLUM amendment will include site specific policy to limit development to 217 single-family dwelling units.

Density ⁽¹⁾	# of units or square feet of development	Transportation (PHT) ⁽²⁾	Potable Water (GPD) ⁽³⁾	Sanitary Sewer (GPD) ⁽⁴⁾	Solid Waste (lbs./day) ⁽⁵⁾	Recreation and Parks (8 acres/ 1000 pop.) ⁽⁶⁾	Public Education (students) ⁽⁷⁾	Stormwater Drainage ⁽⁸⁾
Proposed FLUM designation*								
Residential (120.2+/- ac.) 12 du/acre	217	217	65100	42706	4484	4.2	53	N/A
Conservation (21.3+/- ac.) 0 du/acre								
	Total	217	65100	42706	4484	4	53	N/A

Current FLUM designation* Analysis uses the entitlements provided in the previously approved PUD agreement for the properties.

Residential Low-Density (3 units/acre)	300	300	90000	59040	6199	5.8	74	N/A
Conservation (13+/- ac.) 0 du/acre		**	**	**	**	**	**	**
	Total	300	90000	59040	6199	6	74	
Net Change		-83	-24,900	-16,334	-1,715	-1.6	-21	N/A

Footnotes:

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

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

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

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

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

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

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

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

ENVIRONMENTAL/CULTURAL RESOURCES ANALYSIS

Objective 1.1.3-Evaluation of Amendments to the FLUM

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

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

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

The following sections discuss site conditions and original application materials. Staff has evaluated this information and established the following findings.

A. TOPOGRAPHY AND SOIL CONDITIONS

The analysis area is vacant and naturally vegetated. The site is bounded by Roberts Road to the west, vacant land to the south and north, and the Intracoastal Waterway to the east. According to the August 2021 Environmental Resource Solutions (ERS) assessment, the land use proposal area does contain wetlands; the total analysis area contains 108.59 acres of uplands and 33.27 acres of wetlands. The wetlands detailed on ERS "Wetland Flagging Map" Figure, reflect the

boundaries that were delineated in the field pursuant to state and federal guidelines (Chapter 62-340 F.A.C. and the 1987 Corps of Engineers Wetlands Delineation Manual). Further description of these features may be found in the Section C, Vegetative Communities.

No soil types were provided with the ERS report. Staff researched and found five (5) soil types within the project boundary.

Analysis: There are no indicators of unique topographical reliefs or soils that would be affected by the FLUM change.

FINDING: It is not anticipated that the proposed FLUM change from Low Density Residential (County) and Conservation (County) to Residential (City) and Conservation (City) will negatively impact the local topography or prevent the proposed development permissible within the FLUM designation.

B. FLOODPLAINS

No floodplain information was provided in the ERS report. Federal Emergency Management Agency's (FEMA), Flood Insurance Rate Map (FIRM) source indicates that the subject property lies within some Special Flood Hazard Area (SFHA) and non-SFHA.

Analysis: Areas shown in SFHA are proposed for Conservation and will not be built on.

FINDING: It is not anticipated that the proposed FLUM change will negatively impact the function of a SFHA.

C. VEGETATIVE COMMUNITIES

According to the ERS report, the assessment area is comprised of the following vegetative community types and features.

1. Upland Scrub, Pine and Hardwoods (436): 108.59 acres
2. Wetland Coniferous Forest (620): 33.27 acres

Analysis: There are wetlands located on the property and any impacts will need to be permitted through either St. Johns River Water Management District (SJRWMD) or the Florida Department of Environmental Protection (FDEP). State 404 permitting used to go through the Army Corps of Engineers but has since been transferred to the FDEP. Any wetland impacts proposed through this program will now go through FDEP.

FINDING: There is no anticipated additional impact from the proposed amendment. The proposed amendment does not propose to expand the development area on the subject property.

D. PROTECTED SPECIES DISTRIBUTION/ WILDLIFE UTILIZATION

The submitted ERS report documents that two (2) species of listed or management status have high or moderate likelihood of occurrence with the site area.

Analysis: The subject property is suitable for foraging and mobility. Wildlife utilization may change over time due to various factors. To ensure that the referenced species and any potentially occurring species in the future, the Unified Land Development Code (Section 10.04.03.A, LDC) requires that a listed species study is performed by a Qualified Environmental Professional (QEP) at site plan or preliminary plat. Further, a study is valid

for one year for the property that was investigate to capture any changes in wildlife utilization.

FINDING: The proposed land use change is not anticipated to impact listed species. There is no expansion to the footprint of development area.

E. GROUNDWATER RESOURCE PROTECTION

According to City maintained data, the nearest production well is not within 500 feet of the site but is 3 miles to the southwest. The site is not located within the Secondary Protection Zone or the Primary Protection Zone as defined by Section 10.03.02.B, LDC.

Analysis: The amendment is not within an aquifer recharge area or within a wellhead protection zone(s).

FINDING: The proposed land use change is not anticipated to impact groundwater resources.

F. HISTORICAL RESOURCES

A Phase I report from Dana Ste. Claire report provided the history of the site and noted no cultural resources on site.

Analysis: According to the information provided by Dana Ste. Claire, impacts to historical or archaeological resources are not anticipated as no sites were located.

FINDING: The proposed land use change is not anticipated to impact cultural and historical resources.

LAND USE COMPATIBILITY ANALYSIS

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

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

Surrounding Future Land Use Map Designation:

North: Residential-Low Density (Flagler County Designation)

South: Mixed Use (Flagler Beach designation 18 du/acre)

East: Residential (Flagler County & Flagler Beach designation)

West: Mixed Use (City of Palm Coast)

Surrounding Zoning Designation:

North: PUD (Flagler County)

South: PUD (Flagler Beach-Single-family residential)

East: Single Family Residential (Flagler County & Flagler Beach designation)

West: Master Planned Development (City designation – Residential uses)

Surrounding Property Existing Uses:

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

The proposed FLUM amendment is adjacent to an Industrial designated area to the north. Properties to the east, west, and south are mainly designated for residential development but are currently vacant at this time. Additionally, the properties to the east are part of wetlands that are adjacent to the Intracoastal Waterway. The proposed amendment will designate the wetlands on the subject property to Conservation to serve as buffer between the developed areas and the Intracoastal Waterway.

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 1.1.4.5 – 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: The proposed amendment is consistent with Policy 1.1.4.5, the proposed FLUM amendment is within an established area served by water, and sewer. The site is .6 miles north of State Road 100 and the commercial uses available along State Road 100. A sidewalk system adjacent to the site will provide opportunity for residents to ride or walk to the commercial uses and amenities along State Road 100 or to Flagler Beach.

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.

Policy 1.3.1.3 – the City shall encourage development to locate in the areas where public facilities, infrastructure, and services are available. Where there are deficiencies and where appropriate, the City shall require the developer to provide or extend the facilities as necessary to accommodate development. Applicable impact fees shall be used by the City consistent with State law to offset the costs of the city providing facilities.

Analysis: The proposed amendment is consistent with Policies 1.3.1.1 & 1.3.1.3. The impacts of the proposed FLUM amendment can be accommodated by the existing infrastructure capacity. Additionally, the amendment is located within the City's utility service area and is served by an existing water and sewer line. Any need to extend water or wastewater lines to serve development on the subject parcel will be the responsibility of the developer/property owner.

Objective 3.4.1 – Diversity in Housing Opportunities - Increase the diversity of the housing types, prices, and 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 developments

Analysis: The proposed amendment will allow the potential to diversify the housing opportunities in the City consistent with the Objective and Policy stated above. The proposed FLUM amendment along with the companion Zoning Map amendment will provide an opportunity to provide residential units in a “planned development community” that will provide private amenities such as sidewalks, parks for use by residents within the subdivision development.

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

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

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

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

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.

Analysis: The proposed amendment includes the designation of approximately 21 acres of high quality wetlands as Conservation. These wetlands are located on the eastern boundary of the subject property and abut the Intracoastal Waterway. The amendment is consistent with this policy.

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 Preservation Zoning classification, shall be utilized by the City, as appropriate, for the purpose of protecting high quality wetlands, lakes, designated hammock areas and other environmentally sensitive areas.

Analysis: As previously discussed, the proposed amendment includes the designation of approximately 21 acres as Conservation. These lands are located on the eastern boundary of the subject property and abut the marshlands located on the westside of the Intracoastal Waterway. The amendment is consistent with this policy and will further be reflected in the companion Zoning map amendment which proposes to designate the 21 acres as Preservation on the Zoning Map.

RECOMMENDATION

Staff recommends that the Planning and Land Development Regulation Board (PLDRB) find Application #4867 consistent with the Comprehensive Plan and recommend that City Council approve Application #4867, a FLUM amendment from Flagler County Designations of Residential Low-Density and Conservation to City of Palm Coast designations of Residential and Conservation along with a policy to limit density on the subject property to 217 dwelling units.

ORDINANCE NO. 2021-_____
GRAND RESERVE EAST COMPREHENSIVE PLAN AMENDMENT
(APPLICATION #4867)

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 141.5+/- ACRES OF CERTAIN REAL PROPERTY FROM RESIDENTIAL LOW DENSITY & CONSERVATION (FLAGLER COUNTY DESIGNATION) TO RESIDENTIAL AND CONSERVATION (CITY OF PALM COAST DESIGNATION) AS DESCRIBED IN MORE DETAIL IN THE LEGAL DESCRIPTION WHICH IS AN EXHIBIT TO THIS ORDINANCE INCLUDING A SITE SPECIFIC POLICY TO LIMIT DEVELOPMENT ON THE SUBJECT PROPERTIES TO 217 SINGLE-FAMILY RESIDENTIAL UNITS; 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 Designation of Residential Low-Density and Conservation to City of Palm Coast designation of Residential and Conservation; and

WHEREAS, the proposed future land use map amendment will include a note on the Future Land Use Map to limit development on the subject property to 217 single-family residential units; 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

map amendments at a public hearing on October 20, 2021 and voted to recommend **Approval/Denial** of the proposed Comprehensive Plan Amendment; and

WHEREAS, on _____ and _____, 2021 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.

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

SECTION 2. FUTURE LAND USE MAP AMENDED.

The 141.5+/- acres subject area, generally located .6 miles north of State Road 100 and east of Roberts Rd., as depicted and legally described in "Exhibit A", attached hereto, is hereby amended from Flagler County Designations of Residential Low-Density and Conservation to City of Palm Coast designation of Residential and Conservation with a note on the FLUM limiting the subject property to 217 dwelling units/acre as depicted on "Exhibit B".

SECTION 3. CONFLICTS.

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

SECTION 4. CODIFICATION.

It is the intention of the City Council of the City of Palm Coast, Florida, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinance of the City of Palm Coast, Florida; that the Sections of this Ordinance may be renumbered or re-lettered to accomplish such intention; that the word, "Ordinance" may be changed to Section," "Article," or other appropriate word.

SECTION 5. SEVERABILITY.

If any section, subsection, sentence, clause, phrase or provision of this Ordinance is held to be unconstitutional or otherwise invalid by a court of competent jurisdiction, such unconstitutionality or invalidity shall not be construed as to render unconstitutional or invalid the remaining provision of the Ordinance.

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 _____, 2021.

ADOPTED on second reading after due public notice and hearing the ____ day of _____, 2021.

ATTEST:

CITY OF PALM COAST, FLORIDA

Virginia Smith, City Clerk

David Alfin, Mayor

EXHIBIT A
LEGAL DESCRIPTION

A PORTION OF SECTION 2, TOWNSHIP 12 SOUTH, RANGE 31 EAST, FLAGLER COUNTY, FLORIDA, BEING A PORTION OF BUNNELL DEVELOPMENT COMPANY'S LAND AT BUNNELL FLORIDA, RECORDED IN MAP BOOK 1, PAGE 1, AND BEING A PORTION OF THOSE LANDS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 1973, PAGE 339, ALL OF THE PUBLIC RECORDS OF SAID COUNTY, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FOR A POINT OF BEGINNING, COMMENCE AT THE SOUTHWESTERLY CORNER OF LOT 35, RIVER OAKS, ACCORDING TO THE PLAT THEREOF RECORDED IN MAP BOOK 27, PAGES 15 THROUGH 17 OF SAID PUBLIC RECORDS, SAID CORNER LYING ON THE NORTHERLY LINE OF THOSE LANDS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 2092, PAGE 1226, OF SAID PUBLIC RECORDS; THENCE SOUTH 88°13'31" WEST, ALONG SAID NORTHERLY LINE, 42.48 FEET TO THE NORTHWESTERLY CORNER THEREOF; THENCE SOUTH 01°05'50" EAST, ALONG THE WESTERLY LINE THEREOF, AND ITS SOUTHERLY PROLONGATION, 1319.27 FEET TO THE SOUTHWESTERLY CORNER OF THOSE LANDS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 2027, PAGE 98 OF SAID PUBLIC RECORDS; THENCE NORTH 88°58'17" EAST, ALONG THE SOUTHERLY LINE THEREOF, 456.54 FEET TO THE NORTHWESTERLY CORNER OF LOT 34, OF SAID RIVER OAKS; THENCE SOUTH 16°32'49" EAST, ALONG THE WESTERLY LINE OF SAID RIVER OAKS, 1387.30 FEET TO THE NORTHEASTERLY CORNER OF THOSE LANDS DESCRIBED AS EAST PARCEL AND RECORDED IN SAID OFFICIAL RECORDS BOOK 1973, PAGE 339; THENCE SOUTH 88°27'11" WEST, ALONG THE NORTHERLY LINE THEREOF, 2017.46 FEET TO A POINT LYING ON THE EASTERLY RIGHT OF WAY LINE OF ROBERTS ROAD, AN 80 FOOT RIGHT OF WAY AS PRESENTLY ESTABLISHED, SAID POINT LYING ON A NON-TANGENT CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 1459.72 FEET; THENCE NORTHWESTERLY ALONG SAID EASTERLY RIGHT OF WAY LINE AND ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 13°04'29", AN ARC LENGTH OF 333.10 FEET TO A POINT ON SAID CURVE, SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF NORTH 28°56'25" WEST, 332.38 FEET; THENCE NORTH 22°24'01" WEST, CONTINUING ALONG SAID EASTERLY RIGHT OF WAY LINE AND ALONG A NON-TANGENT LINE, 2403.92 FEET TO THE SOUTHWESTERLY CORNER OF THOSE LANDS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 2093, PAGE 791, OF SAID PUBLIC RECORDS; THENCE NORTH 67°12'59" EAST, DEPARTING SAID EASTERLY RIGHT OF WAY LINE AND ALONG THE SOUTHEASTERLY LINE OF LAST SAID LANDS, 2228.20 FEET TO THE SOUTHEASTERLY CORNER THEREOF, SAID CORNER LYING ON THE WESTERLY LINE OF SAID RIVER OAKS; THENCE SOUTH 16°46'29" EAST, ALONG SAID WESTERLY LINE, 710.04 FEET TO THE POINT OF BEGINNING.

CONTAINING 141.47 ACRES, MORE OR LESS.

RECREATION & OPEN SPACE

IND

CONS

RES-LOW-RE

Conservation

CONS

RES-LOW-RE

Undefined

Salt Water Marsh

Mixed Use

Residential

Low Density

Mixed Use Overlay

Park

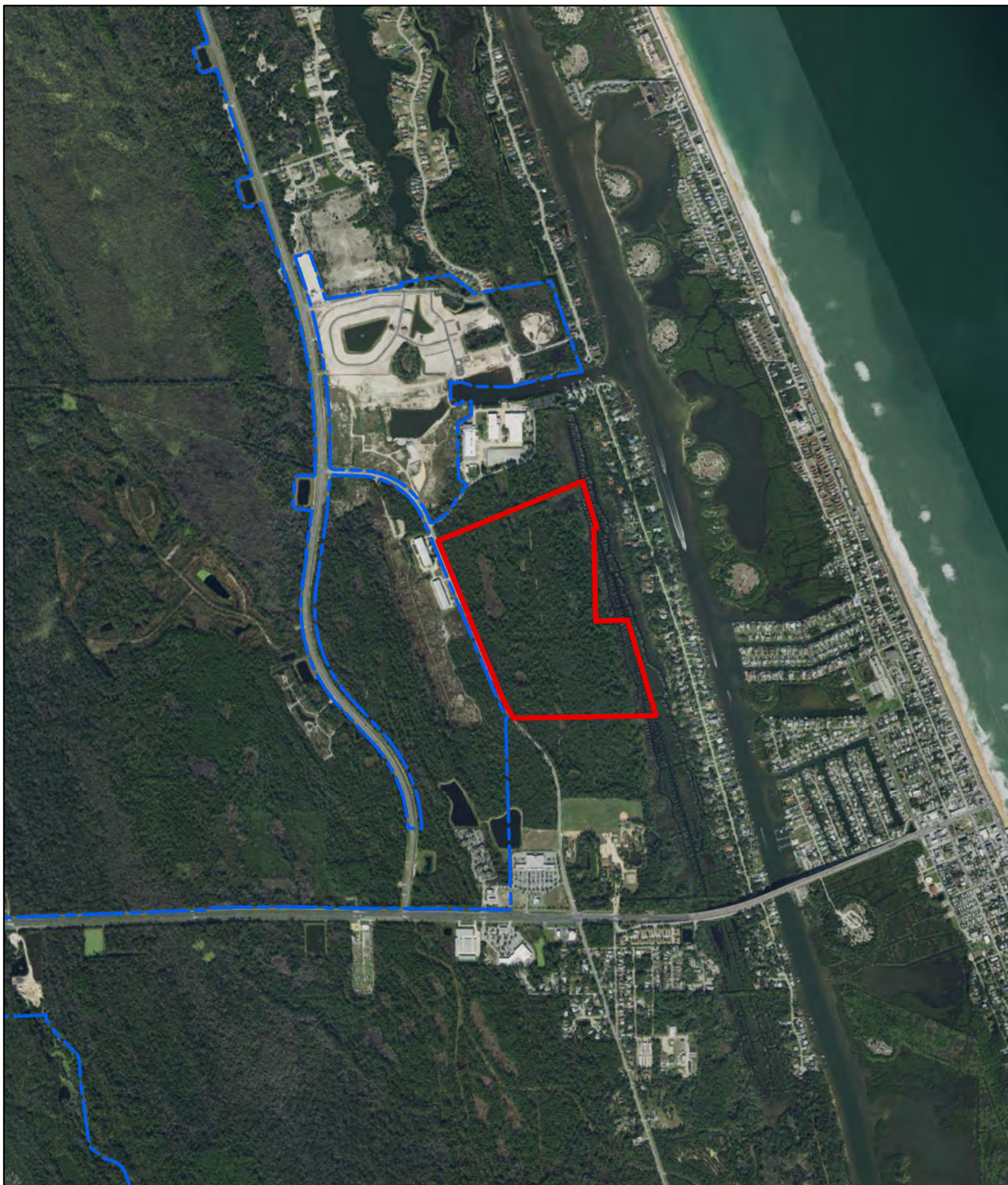
Commercial

Medium Density



Residential COM-HIGH

Property Subject to Application #4867 is limited to 217 dwelling units

Grand Reserve East



Legend

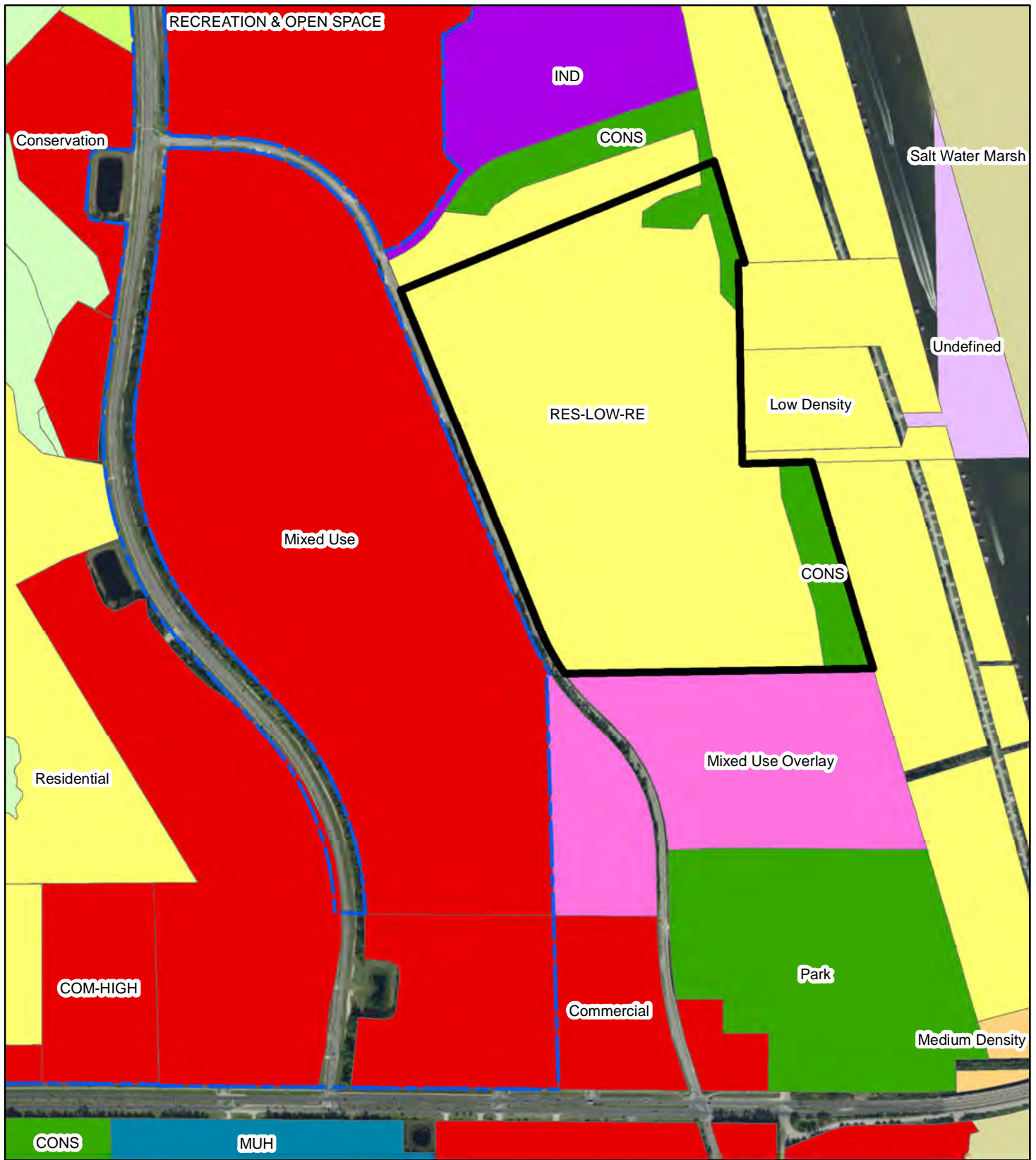
-  Palm Coast City Limits
-  Boundary

0 875 1,750 3,500
Feet



Map Provided by Planning Division

Grand Reserve East - Existing FLUM



Legend

Palm Coast City Limits

Grand Reserve East

Palm Coast FLUM

Conservation

Mixed Use

RECREATION & OPEN SPACE

Residential

Flagler FLUM

COMMERCIAL: HIGH INTENSITY

CONSERVATION

INDUSTRIAL

MIXED USE: HIGH INTENSITY

RESIDENTIAL: LOW DENSITY / RURAL ESTATE

Flagler Beach FLUM

Commercial

Low Density

Medium Density

Mixed Use Overlay

Park

Salt Water Marsh

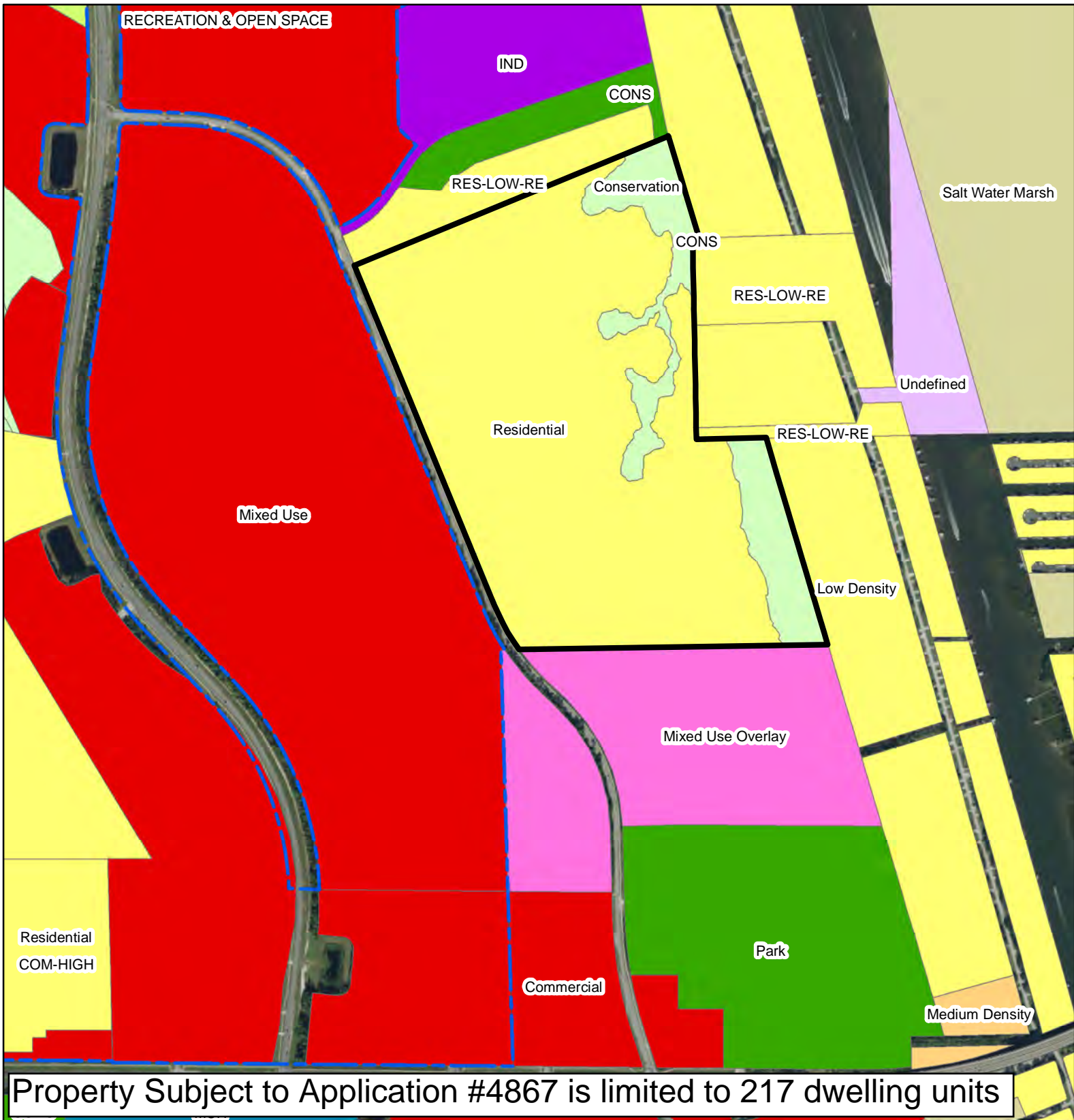
Undefined

0 375 750 1,500 Feet



Map Provided by Planning Division

Grand Reserve East - Proposed FLUM



Legend



Palm Coast City Limits

 Boundary

Palm Coast FLUM

FLUM Category

 CONSERVATION

Conservation

Mixed Use

RECREATION & OPEN SPACE

 Res: Low Density/Rural Estate

Residential

Flagler FLUM

LandUse

Com: High Intensity

CONSERVATION

Industrial

Mixed Use: High Intensity

Res: Low Density/Rural Estate

Flagler Beach FLUM

FLU

Commercial

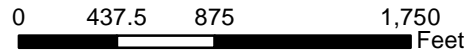
Low Density

Medium Density

Mixed Use Overlay

 Park Salt Water Marsh

Undefined



Map Provided by Planning Division

City of Palm Coast, Florida

Agenda Item

Agenda Date: October 20, 2021

Department	PLANNING	Amount
Item Key	12243	Account
		#
Subject	AMENDING THE ZONING MAP DESIGNATION FOR 141.5+/- ACRES FROM COUNTY DESIGNATION OF PLANNED UNIT DEVELOPMENT (PUD) TO CITY DESIGNATION OF SINGLE-FAMILY RESIDENTIAL-1 (SFR-1) AND PRESERVATION (PRS)	
Presenter : Jose Papa, Senior Planner		
Background: This subject parcel is an approximately 141 acre parcel located approximately .6 miles north of State Road 100 on the eastside of Roberts Road. The proposed amendment will amend the zoning designation from Flagler County designation of Planned Unit Development (PUD) to City of Palm Coast designations of Single Family Residential (SFR-1) and Preservation (PRS).		
This application is a companion application to a proposed Comprehensive Plan Amendment to change the subject property's designation from Residential-Low Density and Conservation to Residential and Conservation along with a site specific policy to limit development to 217 dwelling units.		
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:		
<ul style="list-style-type: none">- the proposed rezoning is not in conflict or contrary to the public interest, the zoning change to SFR-1 and PRS does not introduce new uses on the subject property, these uses are consistent with the anticipated uses to the south and west,- the proposed rezoning is consistent with the Comprehensive Plan, the proposed rezoning will reduce impacts on public infrastructure and services, is located in an area served by existing utilities, provides an opportunity to diversify the housing options in the City, and protects high-quality wetlands as called out by Comprehensive Plan policy,- the proposed rezoning will not create additional impact on the environment since the site was already previously designated for single-family development under the current zoning district, on the contrary, the amendment will protect a greater amount of environmentally sensitive lands, and- the proposed amendment will not relieve the development of needing to meet all other applicable local, state, & federal permitting requirements.		

Public Process**Neighborhood Meeting**

Staff will provide a summary of the Neighborhood Meeting at the PLDRB Public Hearing.

Recommended Action: Staff recommends that the Planning and Land Development Regulation Board (PLDRB) find the proposed rezoning (Application #4868) consistent with the Comprehensive Plan and recommend that City Council approve the rezoning of 141.5+/- acres from Planned Unit Development (PUD) to the Single-Family Residential-1 (SFR-1) and Preservation (PRS) zoning district.



**COMMUNITY DEVELOPMENT DEPARTMENT
ZONING MAP AMENDMENT STAFF REPORT
PLANNING AND LAND DEVELOPMENT REGULATION BOARD
October 20, 2021**

OVERVIEW

Application Number: 4868
Applicant: Jay Livingston as Agent
Property Description: 141.5 +/- acres located .6 miles north of State Road 100 on the eastside of Roberts Rd.
Property Owner: M.L. Carter Services Inc.
Parcel ID #: 02-12-31-0000-01010-0151, 02-12-31-0000-01010-0141, 02-12-31-0000-01010-0142, & 02-12-31-0000-01010-0152
Parcel Address: Not yet established
Current FLUM: Residential Low-Density and Conservation (Proposed for Residential and Conservation via FLUM Amendment)
Current Zoning: Flagler County designation of Planned Unit Development (PUD)
Current Use: Vacant
Size of Property: 141.5 +/- acres
Requested Action: Rezoning from the Flagler County Planned Unit Development (PUD) Zoning District to the Single-Family Residential – 1 (SFR-1) Zoning District and Preservation Zoning District.

ANALYSIS

REQUESTED ACTION

Jay Livingston as Agent has applied to rezone 141.5+/- acres of vacant land located approximately .6 miles north of State Road 100 on the eastside of Roberts Rd. There is a companion Future Land Use Map Amendment application to change the Land Use designation of the subject property from Flagler County designation of Residential Low-Density and Conservation to Residential and Conservation along with a site specific policy to limit development to 217 single-family dwelling units.

BACKGROUND/SITE HISTORY

The property is situated within the City of Palm Coast Utility Service Area. As required by City Code, request for utility service (water and sewer) will require the annexation of the property with only certain exceptions. The property was annexed into the City on August 17, 2021 (by Ordinance #2021-15).

The property is currently designated as Planned Unit Development (Flagler County designation). The proposed amendment will change the Zoning Map designation for the subject parcels from the stated Flagler County designation to City of Palm Coast designations of Single-Family Residential-1 (SFR-1) and Preservation.

The PUD was approved by Flagler County in June 2006 and amended in November 2007. The approved PUD permitted a total of 300 single-family detached or attached units. The attached units shall not exceed 20% of the total permitted lots nor shall 50' detached lots exceed 15% of the total permitted lots. The PUD called for enhanced buffering at the north end of the property adjacent to the property owned at the time by Sea Ray. Additionally, the approved PUD plan called for open space area at the eastern boundary of the site adjacent to the Intracoastal Waterway.

PROJECT DESCRIPTION

As previously stated, the amendment proposes to change property's zoning from Planned Unit Development (PUD) to Single-Family Residential – 1 (SFR-1) and Preservation (PRS). The proposed SFR-1 Zoning District allows for a minimum 50' wide lots with minimum area of 6,000 sq. ft. As part of the companion FLUM amendment, the development will be limited to a maximum of 217 dwelling units. Development regulations such as setbacks, open space, road widths, etc. will follow the City's Land Development Code.

LAND USE AND ZONING INFORMATION

USE SUMMARY TABLE:

CATEGORY:	EXISTING:	PROPOSED:
Future Land Use Map (FLUM)	Residential Low-Density and Conservation (Flagler County designation)	Residential and Conservation (City designation) includes policy to limit development to 217 dwelling units
Zoning District	Planned Unit Development (PUD) (Flagler County designation)	Single-family Residential-1 (SFR-1) and Preservation (City designations)
Use	Vacant land	Single-family community with amenities
Acreage	141.5 +/- acres	141.5 +/- acres

SURROUNDING LAND USES:

NORTH:	FLUM: Zoning:	Residential-Low Density (Flagler County) Planned Unit Development (Flagler County)
EAST:	FLUM: Zoning:	Residential (Flagler Beach and Flagler County Designation) Single Family residential (Flagler Beach and Flagler County Designation)
SOUTH:	FLUM: Zoning:	Mixed Use (Flagler Beach designation) Planned Unit Development (Flagler Beach designation)
WEST:	FLUM: Zoning:	Mixed Use (Palm Coast Designation) Master Planned Development (MPD) (Palm Coast Designation)

SITE DEVELOPMENT REQUIREMENTS

Criteria	(Proposed Standards for SFR-1)
Min. Lot/Development Size	6,000 sq. ft. lot size
Min. Lot Width	50 ft.
Max. Impervious Surface Ratio	0.75
Min. Front Setback	20 ft.
Min. Rear Setback	10 ft.
Min. Interior Side Setback	5 ft.
Max. Building Height	35 ft.
Max. Floor Area Ratio	NA
Max. Density*	up to 7 units/per acre*

*Density in the Single-Family Residential - 1 (SFR-1) Zoning District is calculated based on Table 3-3 and Section 3.05.03.A of the Land Development Code, which allow up to 7 units/per acre on upland areas and up to 1.75 units/per acre on wetland areas that are preserved. However, in this case the FLUM Amendment will restrict the number of units to 217 or about 1.8 dwelling units/acre.

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 project with SFR-1 zoning is an allowed zoning district in areas designated *Residential* on the Future Land Use Map (FLUM) and will not create a conflict with protecting public interest. The proposed zoning designation is compatible with other designations and existing uses adjacent to the subject property.

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

Staff Finding: The proposed zoning map amendment includes a companion Future Land Use Map amendment. The consistency of the proposed FLUM amendment with policies in the Comprehensive Plan are presented below as part of the analysis for the proposed zoning map amendment.

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

Analysis: The proposed FLUM Amendment designates the subject property as *Residential* and Single-Family Residential-1 (SFR-1) is an allowable zoning district for areas with the *Residential* designation on this FLUM table.

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: The proposed zoning map amendment is consistent with Policy 1.1.4.5, the expansion of residential uses adjacent to available water and sewer mains is appropriate.

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 rezoning is consistent with Policy 1.3.1.1, the public facilities impacts can be accommodated by the existing infrastructure capacity. There are existing water and sewer mains adjacent to the property.

Objective 3.4.1 – Diversity in Housing Opportunities - Increase the diversity of the housing types, prices, and 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 developments

Analysis: The proposed rezoning will allow the potential to diversify the housing opportunities in the City consistent with the Objective and Policy stated above. The proposed Zoning Map amendment will provide an opportunity for residential development within a newly platted subdivision that will provide private amenities such as sidewalks, parks for use by residents within the subdivision development.

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

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

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

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

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 Preservation Zoning classification, shall be utilized by the City, as appropriate, for the purpose of protecting high quality wetlands, lakes, designated hammock areas and other environmentally sensitive areas.

Analysis: Consistent with the companion FLUM amendment to designate 21 acres of high-quality wetlands as Conservation on the FLUM map, the proposed zoning map amendment will designate the same 21 acres as Preservation on the Zoning Map. The proposal to designate the 21 acres as Preservation is consistent with Policy 6.1.10.6 .

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

Staff Finding: Potable water and sewer services are available to serve the project. Utility lines are available adjacent to the site.

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

Staff Finding: The proposed rezoning will be compatible with the overall neighborhood as it is located within an area of primarily residential uses and preserved lands.

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

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

ANALYSIS BASED ON UNIFIED LAND DEVELOPMENT CODE, CHAPTER 2, SECTION 2.06.03

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

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

Staff Finding: As noted previously in the analysis prepared for LDC Chapter 2, Part II, Section 2.05.05 of this staff report, the requested zoning district 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: Upon submittal of the subdivision master plan a thorough environmental analysis will be provided by the applicant and reviewed by applicable City staff and other governmental review agencies. Additionally, there is no additional impact on the environment and natural resources since the development area of the subject property is not being expanded.

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

Staff Finding: Impacts to the Palm Coast economy are anticipated to be positive since the project will provide numerous construction jobs over the first few years and will provide additional tax revenues to the City. Additionally, the residential homes will increase demand for commercial services in reasonably close proximity to the site.

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 will be covered by concurrency regulations and impact fees paid by the developer during the Preliminary Plat and construction drawing review process.

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

Staff Finding: Due to increasing housing costs and especially infrastructure costs typical lot sizes have shrunk over the last 10 – 20 years. Additionally, a strong demand exists for single-family homes.

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

Staff Finding: As previously described the proposed rezoning will be compatible with the existing and future planned commercial uses in the overall neighborhood. Positive impacts should be created by the proposed project as it will create housing opportunity in a “planned community” which offers private amenities such as sidewalks and recreation areas.

G. Whether it accomplishes a legitimate public purpose:

Staff Finding: The subject property is proposed via a FLUM Amendment to be located within the Residential designation on the FLUM and the proposed zoning district of SFR-1 is an allowable zoning district within that FLUM designation. Staff believes the site is very appropriate for the proposed residential community.

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 meeting.

Staff will provide a summary of the neighborhood meeting at the PLDRB public hearing.

RECOMMENDATION

Staff recommends that the Planning and Land Development Regulation Board (PLDRB) find the proposed rezoning (Application #4868) consistent with the Comprehensive Plan and recommend that City Council approve the rezoning of 141.5+/- acres from Planned Unit Development (PUD) to the Single-Family Residential-1 (SFR-1) and Preservation (PRS) zoning district.

ORDINANCE 2021 - _____
GRAND RESERVE EAST ZONING MAP AMENDMENT
(APPLICATION #4868)

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 ZONING DESIGNATION FOR 141.5+/- ACRES, FROM FLAGLER COUNTY DESIGNATION OF PLANNED UNIT DEVELOPMENT (PUD) TO CITY OF PALM COAST DESIGNATION OF SINGLE FAMILY RESIDENTIAL-1 (SFR-1) AND PRESERVATION (PRS); SUBJECT PROPERTY IS MORE PARTICULARLY DESCRIBED IN EXHIBIT “A” AND GRAPHICALLY DEPICTED IN EXHIBIT “B”; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR NON-CODIFICATION AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City of Palm Coast, 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.

WHEREAS, the City now intends to change the zoning of the subject property from Flagler County designation of Planned Unit Development (PUD) to City of Palm Coast designation of Single Family Residential-1 (SFR-1) and Preservation (PRS).

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

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

SECTION 2. Rezoning of Subject Property. The zoning designations for the subject parcel is hereby changed from Flagler County designation of Planned Unit Development (PUD) to City of Palm Coast designations of Single Family Residential-1 (SFR-1) and Preservation (PRS).

SECTION 3. Conflicts. All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

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

SECTION 5. Effective Date. This Ordinance shall become effective immediately upon the effective date of Ordinance No. 2021-XX as adopted by the City Council of the City of Palm Coast, Florida, and pursuant to the City Charter. If Ordinance No. 2021-XX does not become effective, then this Ordinance shall become null and void.

APPROVED on first reading the ____ day of _____, 2021, at a public hearing.

Ordinance No. 2021-_____
Page 2 of 5

ADOPTED on the second reading the ____ day of _____ 2021, at a public hearing.

CITY OF PALM COAST, FLORIDA

David Alfin, Mayor

ATTEST:

Virginia A. Smith, City Clerk

Approved as to form and legality

William E. Reischmann, Jr.
City Attorney

EXHIBIT A
LEGAL DESCRIPTION

A PORTION OF SECTION 2, TOWNSHIP 12 SOUTH, RANGE 31 EAST, FLAGLER COUNTY, FLORIDA, BEING A PORTION OF BUNNELL DEVELOPMENT COMPANY'S LAND AT BUNNELL FLORIDA, RECORDED IN MAP BOOK 1, PAGE 1, AND BEING A PORTION OF THOSE LANDS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 1973, PAGE 339, ALL OF THE PUBLIC RECORDS OF SAID COUNTY, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

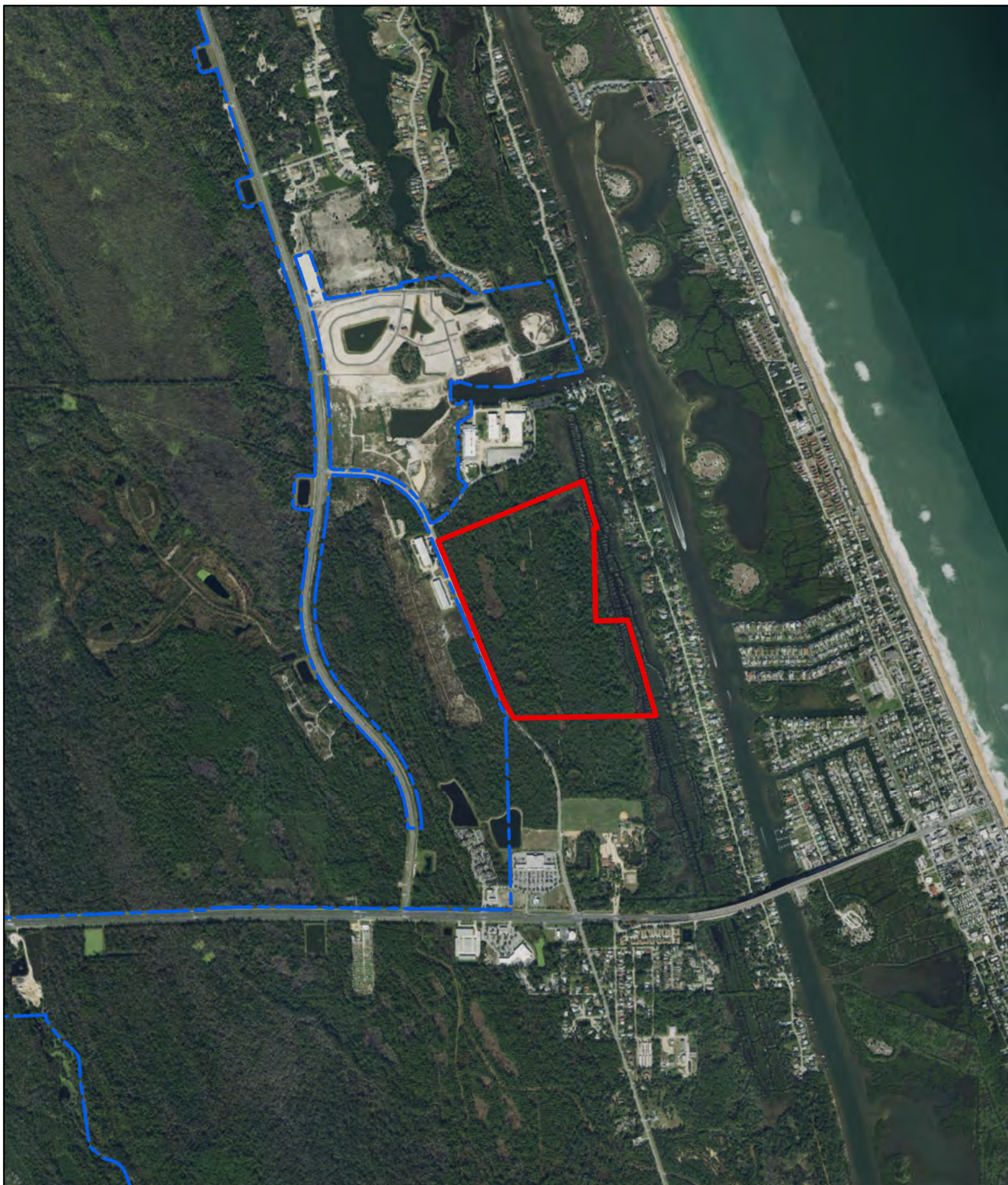
FOR A POINT OF BEGINNING, COMMENCE AT THE SOUTHWESTERLY CORNER OF LOT 35, RIVER OAKS, ACCORDING TO THE PLAT THEREOF RECORDED IN MAP BOOK 27, PAGES 15 THROUGH 17 OF SAID PUBLIC RECORDS, SAID CORNER LYING ON THE NORTHERLY LINE OF THOSE LANDS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 2092, PAGE 1226, OF SAID PUBLIC RECORDS; THENCE SOUTH 88°13'31" WEST, ALONG SAID NORTHERLY LINE, 42.48 FEET TO THE NORTHWESTERLY CORNER THEREOF; THENCE SOUTH 01°05'50" EAST, ALONG THE WESTERLY LINE THEREOF, AND ITS SOUTHERLY PROLONGATION, 1319.27 FEET TO THE SOUTHWESTERLY CORNER OF THOSE LANDS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 2027, PAGE 98 OF SAID PUBLIC RECORDS; THENCE NORTH 88°58'17" EAST, ALONG THE SOUTHERLY LINE THEREOF, 456.54 FEET TO THE NORTHWESTERLY CORNER OF LOT 34, OF SAID RIVER OAKS; THENCE SOUTH 16°32'49" EAST, ALONG THE WESTERLY LINE OF SAID RIVER OAKS, 1387.30 FEET TO THE NORTHEASTERLY CORNER OF THOSE LANDS DESCRIBED AS EAST PARCEL AND RECORDED IN SAID OFFICIAL RECORDS BOOK 1973, PAGE 339; THENCE SOUTH 88°27'11" WEST, ALONG THE NORTHERLY LINE THEREOF, 2017.46 FEET TO A POINT LYING ON THE EASTERLY RIGHT OF WAY LINE OF ROBERTS ROAD, AN 80 FOOT RIGHT OF WAY AS PRESENTLY ESTABLISHED, SAID POINT LYING ON A NON-TANGENT CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 1459.72 FEET; THENCE NORTHWESTERLY ALONG SAID EASTERLY RIGHT OF WAY LINE AND ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 13°04'29", AN ARC LENGTH OF 333.10 FEET TO A POINT ON SAID CURVE, SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF NORTH 28°56'25" WEST, 332.38 FEET; THENCE NORTH 22°24'01" WEST, CONTINUING ALONG SAID EASTERLY RIGHT OF WAY LINE AND ALONG A NON-TANGENT LINE, 2403.92 FEET TO THE SOUTHWESTERLY CORNER OF THOSE LANDS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 2093, PAGE 791, OF SAID PUBLIC RECORDS; THENCE NORTH 67°12'59" EAST, DEPARTING SAID EASTERLY RIGHT OF WAY LINE AND ALONG THE SOUTHEASTERLY LINE OF LAST SAID LANDS, 2228.20 FEET TO THE SOUTHEASTERLY CORNER THEREOF, SAID CORNER LYING ON THE WESTERLY LINE OF SAID RIVER OAKS; THENCE SOUTH 16°46'29" EAST, ALONG SAID WESTERLY LINE, 710.04 FEET TO THE POINT OF BEGINNING.

CONTAINING 141.47 ACRES, MORE OR LESS.



EXHIBIT B
PROPOSED ZONING MAP AMENDMENT



Grand Reserve East



Legend

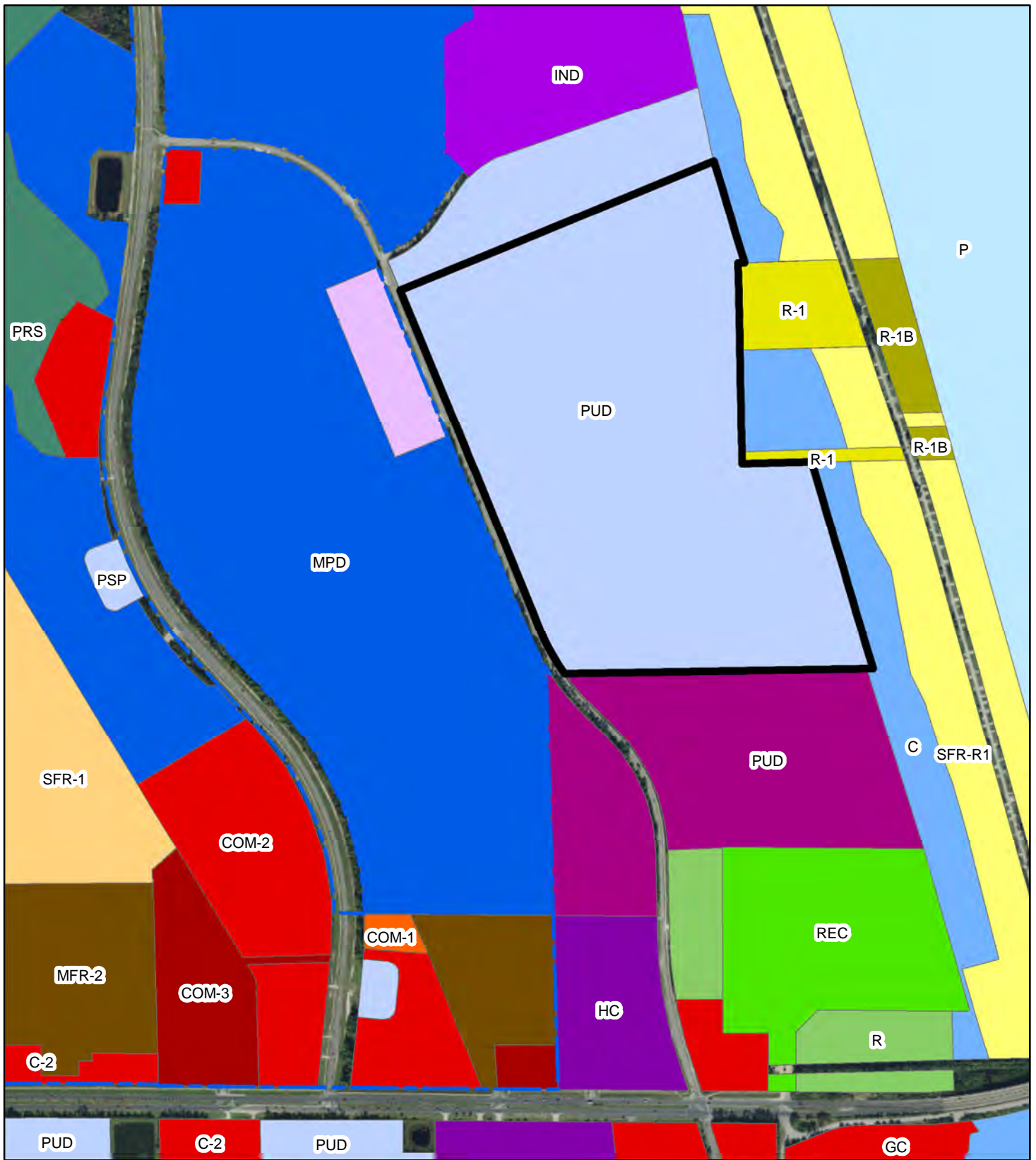
-  Palm Coast City Limits
-  Boundary

0 875 1,750 3,500
Feet



Map Provided by Planning Division

Grand Reserve East - Existing Zoning



Legend

- Palm Coast City Limits
- Grand Reserve East
- Palm Coast Zoning**
- C-2
- COM-1

- COM-2
- COM-3
- IND-1
- MFR-2
- MPD
- PRS
- PSP
- SFR-1

- Flagler Zoning**
- C-2
- IND

- PUD
- R-1
- R-1B

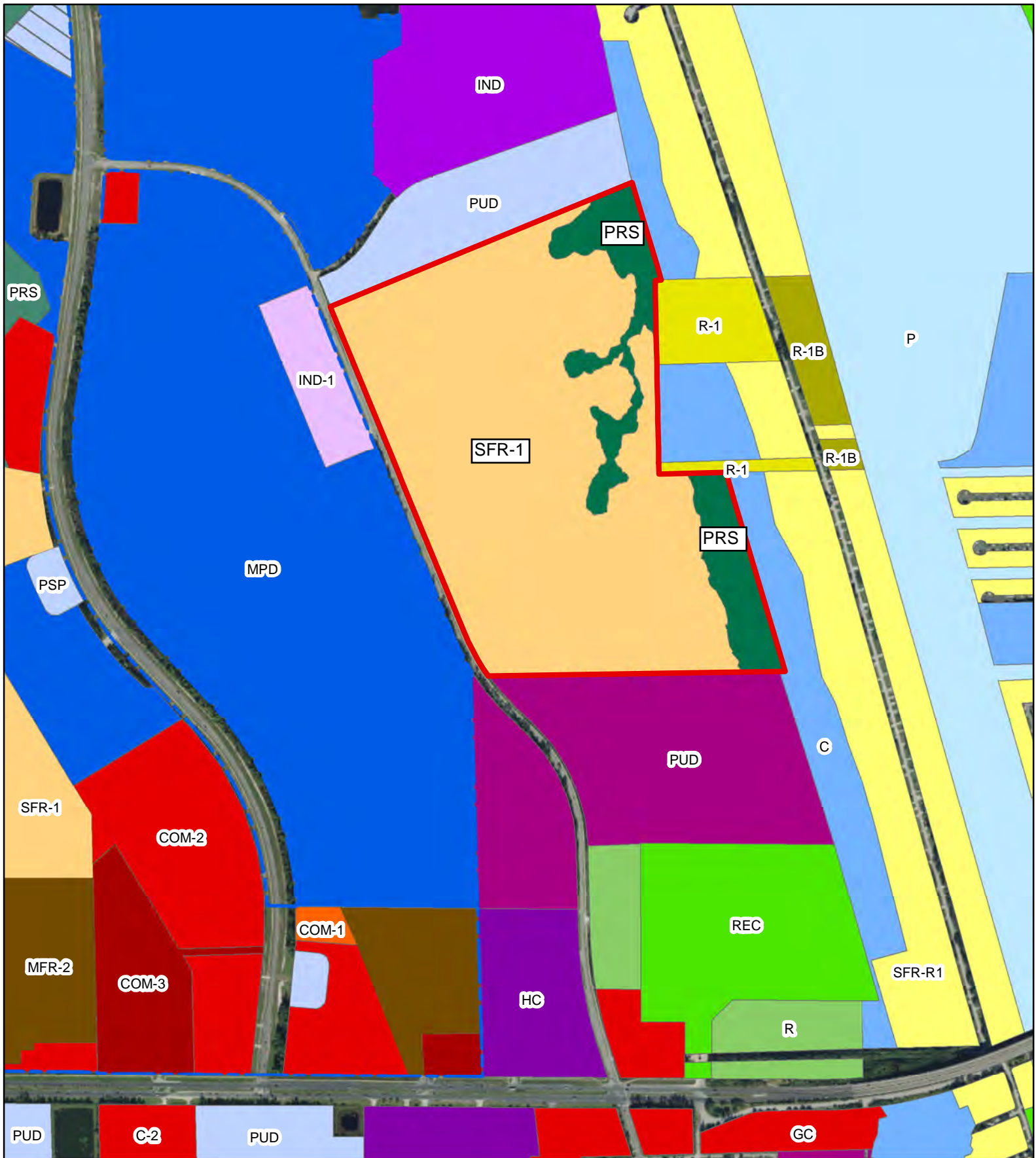
- Flagler Beach Zoning**
- C
- GC
- HC
- P

- PUD
- R
- REC
- SFR-R1

0 375 750 1,500 Feet



Grand Reserve East - Proposed Zoning



Legend

- Palm Coast City Limits
- Boundary

Palm Coast Zoning

Zone	Zone
 COM-1	 MPD
 COM-2	 PRS
 COM-3	

 IND-1	 PSP
 MFR-2	 PUD
	 SFR-1

Flagler Zoning

ZONECODE	ZONECODE
 C-2	 PUD
 IND	 R-1
	 R-1B

Flagler Beach Zoning

ZONING_CO	ZONING_CO
 C	 PUD
 GC	 R
 HC	 REC
	 SFR-R1

 P
 PUD
 R
 REC
 SFR-R1

0 437.5 875 1,750 Feet



Map Provided by Planning Division

City of Palm Coast, Florida Agenda Item

Agenda Date: October 20, 2021

Department	PLANNING	Amount
Item Key	12264	Account
		#
Subject	ELECTION OF A VICE CHAIR TO THE PLANNING AND LAND DEVELOPMENT REGULATIION BOARD	
Presenter: Irene Schaefer, Recording Secretary		
Background: Since Mr. Robert DeMaria retired from the Planning and Land Development Regulation Board (PLDRB) in April 2021the position of Vice Chair has remained open.		
Recommended Action: Elect a Vice Chair to the PLDRB.		