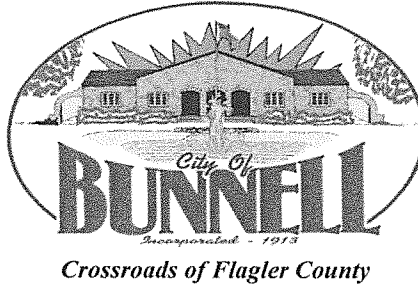


CATHERINE D. ROBINSON
MAYOR

JOHN ROGERS
VICE-MAYOR

DAN DAVIS
CITY MANAGER



COMMISSIONERS:

ELBERT TUCKER

BILL BAXLEY

BONITA ROBINSON

March 22, 2017

SR 100 LLC
Attn: Bob Nickolaus
600 Packard Ct.
Safety Harbor, FL 34695

RE: Special Exception request to allow a multi-family housing project on property with a B-1, Business district zoning designation located in the 4000 Block of East Moody Blvd.

Bob:

At its March 21, 2017 meeting, the Planning Board approved the special exception request from SR 100 LLC to allow a multi-family housing project on property in the 4000 Block of East Moody Blvd. The following conditions were included in the approval of the proposed project:

1. The rear setback for the project is 130 feet.
2. The multi-family buildings are not to exceed 2-story.
3. No access to Palm Coast is allowed.
4. The residential portion of the project is not to exceed 250 units.

This approval of the proposed project grants the zoning approval needed to allow residential use on these properties which have a B-1, Business district zoning designation.

The City looks forward to the proposed development and is ready to assist you with the site plan review process for this project. The City's site plan requirements can be found in Chapter 22 of our Land Development Code.

If I can be of further assistance, please let me know. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "KBates", is written over the word "Sincerely,".

Kristen Bates
Acting Community Development Director
(386) 437-7516
kbates@bunnellcity.us

The City of Bunnell is an Equal Opportunity Service Provider.

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Erica C. Johnson

OF COUNSEL
Larry D. Marsh
Maja Sander Bowler
William A. Parsons
Peter R.J. Thompson*

RETIRED
Thomas S. Hart

*Practice limited to federal
immigration matters

November 28, 2017

VIA EMAIL

Kristen Bates
Interim Director, Community Development Department
201 W. Moody Blvd.
Bunnell, FL 32110

Re: Special Exception Modification Request - SR 100, LLC

Dear Kristen:

SR 100, LLC (the "Owner") owns property in the City of Bunnell generally located along State Road 100 with the tax parcel ID of 12-12-30-2150-00010-0010 (the "Property"). The Property is located in the B-1 zoning district and subject to a Special Exception that was executed in March 2017. The Special Exception allows the development of multifamily units within the business district and provides additional development restrictions.

The Owner is proposing that the site be developed as an aesthetically attractive, upscale, gated multifamily community with quality living space and amenities for residents. However, there are a number of Property features that require a unique strategy for this type of development and the Owner has submitted an application for a variance to the building height requirement.

This application will serve as a request to modify the conditions included in the existing special exception. Specifically, the existing special exception limits the maximum building height to two (2) stories. The Owner would request that this condition be modified to state that the maximum height will be three (3) stories, consistent with the variance request submitted concurrently with this application.

This request will not negatively affect the surrounding area but will provide a benefit to the surrounding businesses and the City as a whole. It will allow the Owner to develop the property in a manner that will allow an economically feasible, functional, and quality multifamily community.

Kristen Bates
November 28, 2017
Page 2

Thank you for your attention to this application. We respectfully request your favorable review and recommendation of this application and look forward to addressing the Planning, Zoning, and Appeals Board at its meeting on December 19, 2017.

In the meantime, please do not hesitate to contact me if you have any questions.

Sincerely,



Robert A. Merrell III

Direct Dial (386) 323-9263
Email Rob.Merrell@CobbCole.com
Fax (386) 944-7955

RAM:ljs
Enclosures
cc:



240 Apartments
 424 Parking Spaces
 1.76 spaces/unit
 48 attached garages
 tandems not counted

Shade Tree at Bunnell - Conceptual Site Plan

Developer - Framework

Architect/Land Planner - Charlan Brock Associates

Nov. 9, 2017



CONCEPTUAL APARTMENT BUILDING ELEVATION



Shadetree at Bunnell





City of Bunnell, Florida

Agenda Item No. 5.

Document Date: 12/7/2017
Department: Community Development
Subject: Public Hearing Case Number 17-035: Variance Request to increase the maximum height for a proposed project to be located in the 4000 Block of East Moody Boulevard from 35 feet to 42 feet 2 inches.
Property Address: 4000 Block of E. Moody Blvd.
Zoning Designation: B-1, Business district
Future Land Use Designation: Commercial-Medium
Agenda Section: New Business:

ATTACHMENTS:

Description	Type
Zoning Map	Location Map(s)
Applicant letter	Exhibit
Concept Sketch	Exhibit

Summary/Highlights:

The is a variance request to increase the maximum height for a proposed multi-family housing project to be built on property with a B-1, Business district zoning designation.

This is a companion item to the request for a special exception modification item found elsewhere on this agenda.

Background:

The applicant, SR 100 LLC, has requested a variance to increase the maximum height for portions of the multi-family buildings to be built on this property. The applicant would like for the center portion of the buildings to have a maximum height of 42 feet 2 inches.

From the Bunnell Land Development Code:

Sec. 34-117. - B-1 Business district.

(f) *Height regulations.* No building shall exceed 35 feet in height or 40 feet in height for mixed-use buildings.

The Land Development Code does provide for variances based upon the following criteria being met:

Sec. 34-54. - Standards for variances.

In granting a variance, the planning, zoning and appeals board shall ascertain that the following criteria are met:

(1) Variances shall be granted only where special circumstances or conditions (such as exceptional narrowness, topography, or siting) fully described in the findings of the board, do not apply

generally in the district.

(2) Variances shall not be granted to allow a use otherwise excluded from the particular district in which requested.

(3) For reasons fully set forth in the finding of the board, the aforesaid circumstances or conditions are such that the strict application of the provisions of this chapter would deprive the applicant of reasonable use of his land.

(4) Any variance granted under the provisions of this section shall be the minimum adjustment necessary for the reasonable use of land.

(5) The granting of any variance is in harmony with the general purpose and intent of this chapter and will not be injurious to the neighborhood, detrimental to the public welfare, or in conflict with the comprehensive plan for development.

The existing conservation areas on the three sides of this property which prohibit the development of the entire property and the special exception additional regulations would meet the above criteria.

Sec. 34-55. - Requirements for the granting of a variance.

Before the planning, zoning and appeals board shall have the authority to grant a variance, the person claiming the variance has the burden of showing:

(1) That the granting of the variance will not be contrary to the public interest;

(2) That the literal enforcement of this chapter will result in unnecessary hardship;

(3) That by granting the variance the spirit of this chapter will be observed; and

(4) That by granting the variance, substantial justice will be done.

As required by the Land Development Code *Sec. 2-87.- Hearing notification requirements*, an advertisement regarding this agenda item was run in the Wednesday, December 6, 2017 edition of the News Tribune and City of Bunnell property owners within 300 feet of the property as identified by the Flagler County Property Appraiser website were mailed hearing notification letters.

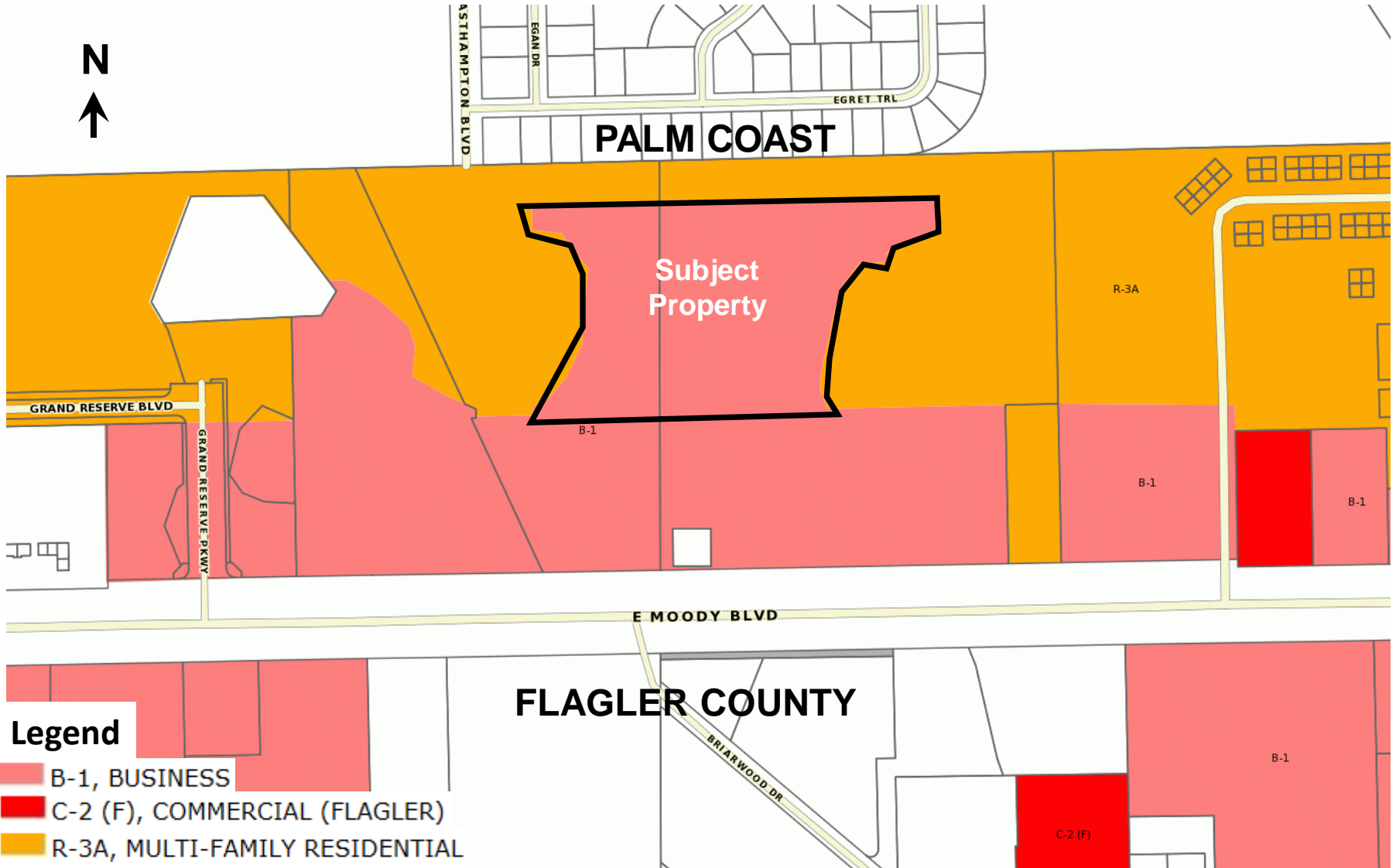
The applicant can provide additional information about their request and the potential project.

Staff Recommendation:

Approval of the variance request contingent on the applicant demonstrating they meet the requirements for the granting of a variance as required by the Land Development Code.

City Attorney Review:

SR 100 LLC Variance Request- Zoning Map



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immigration matters

November 28, 2017

VIA EMAIL

Kristen Bates
Interim Director, Community Development Department
201 W. Moody Blvd.
Bunnell, FL 32110

Re: Variance Request - SR 100, LLC

Dear Kristen:

SR 100, LLC (the "Owner") owns property in the City of Bunnell generally located along State Road 100 with the tax parcel ID of 12-12-30-2150-00010-0010 (the "Property"). The Property is located in the B-1 zoning district and subject to a Special Exception that was executed in March 2017. The Special Exception allows the development of multifamily units within the business district and provides additional development restrictions.

The Owner is proposing that the site be developed as an aesthetically attractive, upscale, gated multifamily community with quality living space and amenities for residents. However, there are a number of Property features that require a unique strategy for this type of development.

Section 34-117 requires the buildings within the Business District ("B-1") be limited to a height of 35 feet, or 40 feet where the building is considered mixed-use. (LDC, 34-117(f)). The Special Exception, described above, also imposes a height restriction on the Property of two (2) stories. The Special Exception offers only the structural limit, not a numerical one making interpretation of the limitation more restrictive than the code. The Owner is requesting a variance to the height restrictions imposed on the Property to allow multifamily development at a maximum height of 42' 2". This increase will be applied to the center of each building and encompass four (4) units of each.

The remaining rooflines will comply with the requirements of both the Special Exception and the LDC requirements, but the roof articulation and varied rooflines will provide additional architectural and aesthetic interest to the overall building design. This will also provide for

Kristen Bates
November 28, 2017
Page 2

additional open space and the inclusion of some individual parking garages which allow for the development of a more upscale, attractive, and suitable multifamily project.

To justify the request, the Owner has identified a number of characteristics existing on the Property that require the use of unique strategies for providing upscale, quality multifamily community

The 29.95 acre Property is bookended by wetlands and a number of conservation areas. These areas total 15.02 acres of land, including buffer areas, that are immediately subtracted from the total amount of land on which the Owner can develop. While requiring some creative design approaches to work around these areas, they will be preserved in their natural state and continue to provide both ecological and aesthetic value to the surrounding area. Approving the requested height increase will allow the Owner the ability to maintain these areas which providing a suitable recreation center, additional open space, and individual parking garages.

In addition to the limitations imposed by the surrounding wetlands, the Special Exception further limits the amount of developable land by requiring a 130-foot rear setback across the entire project. This compounds with the above limitation and increases the need for creativity in design in order to achieve the type of development that provides customers with the living space and amenities that create a quality, upscale multifamily project.

The request to increase the height limit will not negatively affect the surrounding area but will provide a benefit to the surrounding businesses and the City as a whole. Development of the currently unimproved land will increase the tax base, and will also bring new jobs to the City. It will allow the Owner to develop the property in a manner that will allow an economically feasible, functional, and quality multifamily community.

Thank you for your attention to this application. We respectfully request your favorable review and recommendation of this application and look forward to addressing the Planning, Zoning, and Appeals Board at its meeting on December 19, 2017.

In the meantime, please do not hesitate to contact me if you have any questions.

Sincerely,



Robert A. Merrell III

Direct Dial (386) 323-9263
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