



**COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION
STAFF REPORT FOR APPLICATION NO. 2241
May 17, 2011
CITY COUNCIL**

OVERVIEW

Case Number: Project No. 2008060002; Application No. 2241

Applicant: Cobb & Cole – Mark A. Watts, Esquire

Property Description: Generally flat, heavily vegetated, contains wetlands

Site Location: Cypress Edge Drive (south side) approximately one-quarter mile east of the northerly intersection of Cypress Point Parkway and Cypress Edge Drive.

Property Owner: Cobblestone Village at Palm Coast, LLC

Real Estate ID #: 18-11-31-1230-00000-0010; 18-11-31-1230-00000-00B0

Project Name: Cobblestone Village Phase II

Current FLUM designation: Mixed Use

Current Zoning designation: Master Planned Development District

Current Use: Vacant

Total Acreage: 7.62+/- acres

Recommendation: Approval

REQUESTED ACTION

Application Type: RZMPD (Master Planned Development District –Development Agreement Amendment)

Required Action: City Council approve, deny application request per Chapter 2 Review Authority, Enforcement and Procedures of the Unified Land Development Code.

UPDATED INFORMATION:

The Planning and Land Development Regulation Board (PLDRB) voted unanimously to recommend approval to City Council at the regularly scheduled meeting of April 16, 2011.

PUBLIC PARTICIPATION:

Per Section 2.05.02 Neighborhood Meeting Requirements; A. Meetings Required. As the initial step of the review/approval process, Developers are required to conduct a neighborhood meeting for various application types. The purpose of conducting the meeting is to enable residents and property owners the opportunity to gain insight of the development and present questions and concerns to the applicant.

A neighborhood meeting was conducted on Wednesday, April 13, 2011. No members of the public attended. To date, the City has not received any correspondence for or in opposition to the proposal.

SITE DEVELOPMENT PLAN SUMMARY:

- TOTAL SITE ACREAGE: 7.62+/- acres
- NUMBER OF BUILDINGS: 4
- TOTAL PARKING SPACES: 365

BACKGROUND /SITE HISTORY

Cobblestone Village is a relatively new commercial development consisting of 45+/- acres. The current facilities include a Belk's department store, Lowe's home improvement center, retail/commercial complex and Golden Corral restaurant. The existing commercial facilities were developed under the guidelines of the COM-2 zoning district and corresponding Land Development Code regulations.

On October 6th, 2009 City Council approved a rezoning request to amend the zoning classification of a portion of Cobblestone Village from COM-2 to Master Planned Development District (MPD). The rezoning affected two platted lots, Lot 1 consisting of 1.51 +/- acres and Tract "B", 6.11 +/- acres (7.62 +/- acres). An accompanying Development Agreement addressed specific terms and conditions related to the development of the property, including permitted uses.

The initial Development Agreement (DA) provided for the following primary use entitlements; one (1) hotel, two (2) freestanding restaurants, and one (1) freestanding building which may be a fast food drive-through type restaurant, or which may be two or more smaller restaurants, or which may consist of up to 5,000 square feet of retail development or any combination thereof.

The amended and restated DA addresses several factors which are summarized below, however, the main focus proposes to alter the approved use entitlements from the above stated, as follows: one (1) hotel, one (1) Medical office building, two (2) freestanding restaurants, and one (1) freestanding building which may be a fast food drive-through type restaurant, or which may be two or more smaller restaurants, or which may consist of up to 5,000 square feet of retail development or any combination thereof. It is further noted that should the medical office building and hotel be developed, the fast food drive-through type restaurant shall be eliminated as a permitted use. In the event the fast food drive-through restaurant precedes development of a hotel, the hotel use shall be eliminated as a permitted use.

In summary, the application under consideration is to amend the Development Agreement to provide for the following:

1. Medical office building - Add to the list of permitted uses.
2. Fast Food drive-through type restaurant - Should the medical office building and hotel be developed, the fast food drive-through type restaurant shall be eliminated as a permitted use. In the event the fast food drive-through restaurant precedes development of a hotel, the hotel use shall be eliminated as a permitted use.
3. Off-site detention area - A portion of the off-site detention area can be credited to the Subject Property for purposes of calculating the Impervious Surface Ratio (ISR) as outlined in section 03.05.03 of the LDC. Any one development site may exceed the maximum permitted ISR, but the overall ISR of the Subject Property upon completion, shall be 0.70 or less.
4. Parking - Phases of the Development may exceed 110% of the minimum parking required to support an individual use, however, the maximum total number of parking spaces for the overall Development shall not exceed 110% of the total number of parking spaces required for the combined land uses.
5. Conceptual development plan - Amend conceptual development plan to incorporate Medical/Office uses including a potential future driveway connection between the subject property and the adjacent WalMart property.
6. Construction of on-site improvements will occur in phases with development and building construction on each individual lot. The balance of the Subject Property will be cleared, rough graded, stabilized and maintained by the Owner pending development.

ANALYSIS

FUTURE LAND USE AND ZONING INFORMATION

The following table summarizes the general existing and proposed land use and zoning information:

USE SUMMARY TABLE:

CATEGORY:	EXISTING:	PROPOSED:
Future Land Use Map (FLUM)	Mixed Use	Mixed Use
Zoning District	Master Planned Development District	Master Planned Development District
Overlay District	Palm Coast Parkway Corridor Overlay District	Palm Coast Parkway Corridor Overlay District

Use	Vacant, heavily wooded	Mixed use commercial, medical complex
Acreage	7.62 +/- acres	7.62 +/- acres
Access	Cypress Edge Drive	Cypress Edge Drive

SURROUNDING LAND USES AND COMPATIBILITY:

North: FLUM: Mixed Use
 Zoning: COM-2
 Supporting: Vacant; wooded

South: FLUM: Conservation
 Zoning: COM-2
 Supporting: Commercial/retail uses

East: FLUM: Mixed Use
 Zoning: COM-2
 Supporting: Vacant; wooded

West: FLUM: Mixed Use
 Zoning: COM-2
 Supporting: Vacant; wooded

INFRASTRUCTURE AND CONCURRENCY EVALUATION

Cobblestone Village, has in place a master system for infrastructure improvements including stormwater, water, sewer, and primary primary roadway system.

The following table illustrates a listing of concurrency elements, current availability status and corresponding conditions affecting the proposed development.

CONCURRENCY AND INFRASTRUCTURE SUMMARY TABLE

Service/Standard:	Availability:	Conditions:
Roads	Yes	Provide off-site operational roadway improvements
Water	Yes	Connect to existing service lines
Sewer	Yes	Connect to existing service lines
Solid Waste Disposal	Yes	None
Drainage	Yes	Provide on-site stormwater retention facilities
Parks and Recreation	N/A	N/A
Schools	N/A	N/A

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

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

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

Planning Staff Finding: The proposed use change is deemed not to be in conflict with or contrary to the public interest and serves to complement the existing approved permitted use entitlements of the development plan.

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

Planning Staff Finding: The requested use is consistent with the Comprehensive Plan as indicated and summarized by the following:

Chapter 1-Future Land Use Element:

Policy 1.1.2.1 – Planned Unit Development (MPD)

Permitted uses within a PUD shall generally follow those allowed within the corresponding zoning districts associated with the Future Land Use Map (FLUM) designation.

Objective 1.4.2 – Create Employment Centers and Jobs

Encourage the development of employment centers within close proximity to housing and transportation corridors to maximize accessibility, convenience to residents, and to improve the economic climate.

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

Planning Staff Findings: The addition of a Medical office use does not subject the City to potential liabilities. Any improvements associated with public improvements will be ensured via Performance/Maintenance Bond (Technical Site Plan Application level)

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 addition of a Medical office use will be newly constructed and developed in compliance with all relevant LDC, Building Code and other agencies regulations as may be required. Due in large to the mandates of the respective authority regulations/policies, the character of development poses no unreasonable hazard, or nuisance, or constitutes a threat to the general health, welfare, or safety of the City's inhabitants.

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

Planning Staff Finding: Local, as well as all other state and federal laws, statutes, ordinances, regulations, or codes specific to the uses housed within the proposed Medical Building/Office, will comply, as applicable.

FINDINGS - Consistency with the Comprehensive Plan and Land Development Code:

The application under consideration is consistent with the City of Palm Coast Comprehensive Plan and the Land Development Code, as required for this application.

ANALYSIS BASED ON UNIFIED LAND DEVELOPMENT CODE CHAPTER 2, SECTION 2.09.04 Review Findings

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

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

Planning Staff Finding: The requested use is consistent with the Comprehensive Plan.

B. Consistency with the general intent of the LDC.

Planning Staff Finding: The requested use is consistent with the LDC as indicated and summarized by the following:

Section 2.09.03 Review Procedures

A. Unified Control

The applicant has provided sufficient evidence that the applicant is in complete, unified, and otherwise unencumbered control of the entire area of the proposed master planned development.

B. Master Planned Development Site Plan

Planning Staff Finding: Review and approval of a previous master site plan has been in accordance pursuant to **Section 2.05 of the LDC.**

C. Master Planned Development Agreement

Planning Staff Finding: Review and approval of a previous master site plan has been in accordance pursuant to **Section 2.14 of the LDC.**

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

Planning Staff Finding: Having assessed the neighboring land uses and manner of development, staff determination is that the proposed use entitlements are in line with the intensity of neighboring land uses.

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

Having assessed the neighboring manner of development, staff determination is that the proposed use entitlements remain compatible and complimentary with the surrounding area(s).

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

Planning Staff Finding: All essential public facilities inclusive of off-site transportation matters will be accomplished by the applicant as provided for in the DA, the Unified Land Development Code and other agencies as applicable (e.g. SJRWMD for flood control, drainage, etc.).

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

The Development Agreement is structured such that each of the approved permitted uses can function as an independent self-sustaining facility complete with infrastructure, landscaping and all other applicable LDC requirements otherwise not stated in the DA.

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

Access to the development site will utilize existing primary roadways and spine road that provides direct access to Cobblestone Village proper. Level of Service for the area designated Master Planned Development does not compromise the original approved application. Minimal off-site operational improvements however will be required during the Technical Site Plan process.

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

Planning Staff Finding: The Master Planned Development use category and accompanying Development Agreement was recommended for this application to accomplish the following private/public benefit:

1. To ensure the character of Cobblestone Village is maintained.
2. Limit land use entitlements, and correspondingly diminish transportation related concerns.
3. Enabled the opportunity to negotiate terms through the original Development Agreement resulting in the acquisition and subsequent donation of wetlands to the City (51+/- acres).
4. The wetland area presently zoned Greenbelt was changed to Conservation on the Future Land Use Map. The newly designated Conservation area will subsequently be placed in a Conservation Easement.

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

Planning Staff Finding: Staff determination is the plan does conform and is compatible with the adopted development plan for the City as outlined in the Comprehensive Plan and more specifically the 2020 Vision for the City of Palm Coast, as noted below:

- Attractive job opportunities, superbly designed commercial areas
- Responsible growth and fiscal planning
- Responsiveness to meeting the diverse needs of the citizens
- Economic and community development opportunities
- Promotion of Mixed Uses in appropriate areas
- Protection of natural resources and environmental ecosystems

J. Impact upon the environment or natural resources.

Planning Staff Finding: The proposed amended Development Agreement does not impose any further impacts to the environment or natural resources than approved in the initial rezoning of the area to Master Planned District.

K. Impact on the economy of any affected area.

Planning Staff Finding: The proposed amended use entitlements are posed to create higher level, technical employment opportunities and expand the community tax base.

RECOMMENDATION:

City Council approve Application 2241 amending the Cobblestone Village MPD Development Agreement as restated and re- illustrated.