

City of Palm Coast, Florida Agenda Item

Agenda Date: February 18, 2025

Department	COMMUNITY DEVELOPMENT	Amount
Division	PLANNING	Account #
Subject:	ORDINANCE 2025-XX VOLUNTARY ANNEXATION OF APPROXIMATELY 38.811 ACRES OF PROPERTY OWNED BY FLAGLER PINES PROPERTIES, LLC	
Presenter:	Phong Nguyen, Senior Planner	
Attachments:	<ol style="list-style-type: none">1. Presentation2. Ordinance3. Petition To Voluntarily Annex Real Property To The City4. Business Impact Estimate	
Background:	<p>This is a quasi-judicial item, please disclose any ex parte communication.</p> <p>Property Owner, Flagler Pines Properties, LLC filed a petition to voluntarily annex real property into the City of Palm Coast municipal boundaries.</p> <p>The subject parcel is approximately 38.811 acres and is generally located along SR 100 on the southside and west of Seminole Woods Boulevard and south of McCormick Drive.</p> <p>The annexation of the subject property is being accomplished in accordance with Florida Statutes, Chapter 171. The proposed annexation meets the criteria set forth in Subsection 171.043, Florida Statutes regarding the character of the area to be annexed:</p> <ul style="list-style-type: none">• The property’s boundary is contiguous to the City’s existing boundary.• The property is reasonably compact and is not part of another incorporated municipality and will be used for urban purposes.• The proposed annexation will not create an enclave. <p>Additionally, the subject area is within the Palm Coast Service Area for water and sewer services, and per Ordinance 2003-23 and 2007-03, is required to annex in order to receive utility service from the City.</p> <p>Staff find the annexation request meets the statutory requirement for a voluntary annexation.</p>	
Recommended Action:	ADOPT ORDINANCE 2025-XX VOLUNTARY ANNEXATION OF APPROXIMATELY 38.811 OF PROPERTY OWNED BY FLAGLER PINES PROPERTIES, LLC	



VOLUNTARY ANNEXATION OF FLAGLER LANDINGS

Presented by: Phong Nguyen, PTP, Senior Planner


LOCATION OF PROPERTY



38.811 +/- ACRES

WEST OF
SEMINOLE
WOODS
BOULEVARD
ON SOUTH SIDE
OF SR 100

Close Up Map

 Subject Property

2022 MAXAR Imagery

0 700
Feet



Map Provided by the Planning Division

Date: 1/23/2025

Voluntary Annexation

Florida Statutes – Chapter 171.044

(1) The owner or owners of real property in an unincorporated area of a county which is contiguous to a municipality and reasonably compact may petition the governing body of said municipality that said property be annexed to the municipality.

Finding: the subject area is contiguous on its property lines *to the City of Palm Coast municipal boundaries, and the property is reasonably compact.*



Voluntary Annexation cont.

(5) Land shall not be annexed through voluntary annexation when such annexation results in the creation of enclaves.

Finding: the annexation of the property does not create an enclave (i.e., a parcel or area does not become enclosed within the boundaries of the City of Palm Coast).



Voluntary Annexation cont.

Notice requirements:

(2)...at least once each week for 2 consecutive weeks.

Finding: **February 5, 2025**– First Published Notice

February 12, 2025 – Second Published Notice

(6)...the municipality must provide a copy of the notice, via certified mail, to the board of the county commissioners of the county wherein the municipality is located.

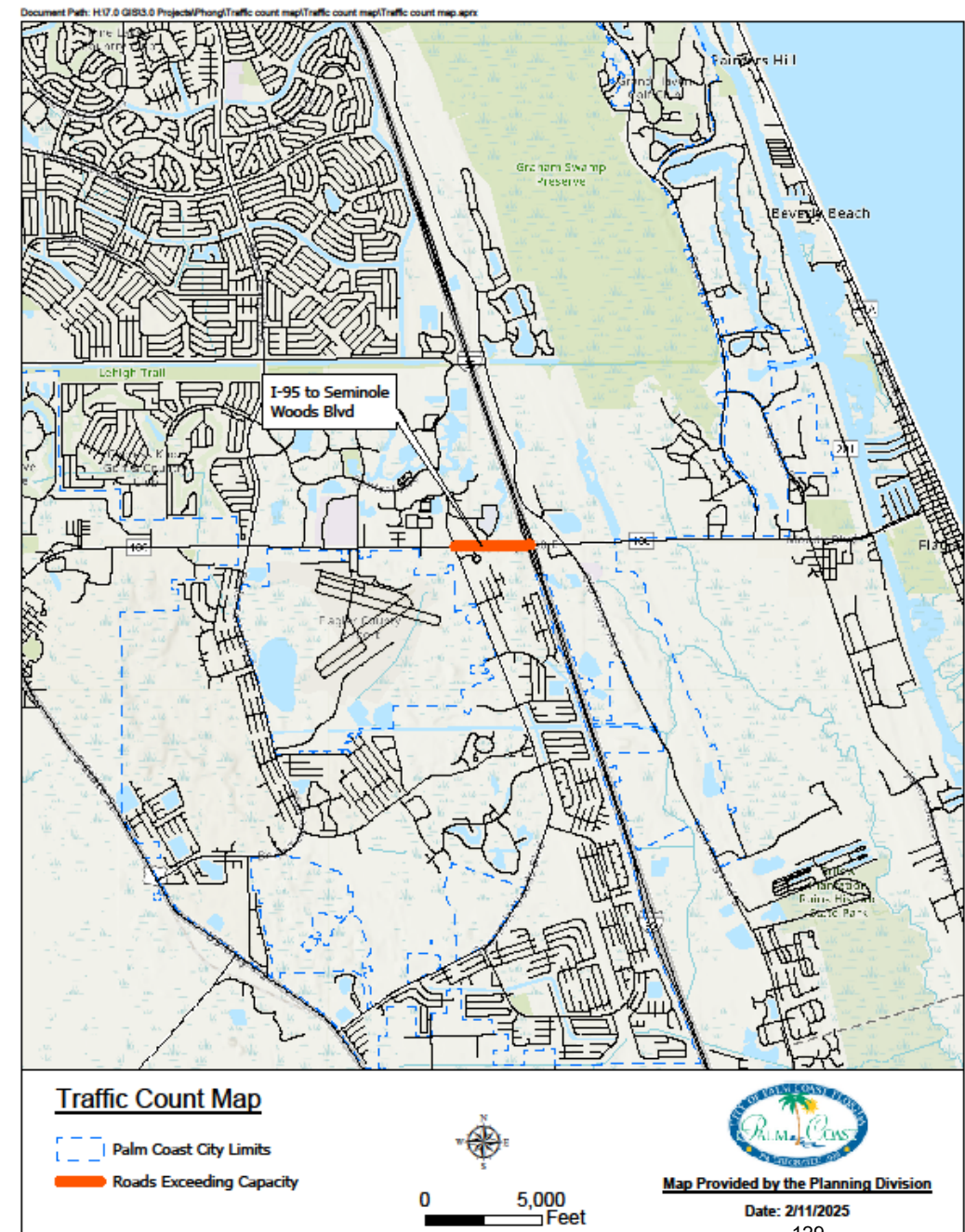
Finding: Notice has been provided to BOCC
on **January 6, 2025**.



Traffic on SR 100:

Currently, only 2 segments on SR 100 from I-95 to Seminole Woods is over capacity at adopted LOS D. The remainder of SR 100 is at or below the adopted LOS D.

Based on preliminary proposed development, it is projected to exceed current capacity on the directly access segment of SR 100 from Seminole Woods to Bulldog. This will then result in the development require to mitigate project impacts through proportionate share as provided by Statutes.



The City of Palm Coast prepares and uses this map/map data for its own purposes. This map/map data displays general boundaries and may not be appropriate for site specific uses. The City uses data believed to be accurate; however, a degree of error is inherent in all maps. This map/map data is distributed AS-IS without warranties of any kind, either expressed or implied including, but not limited to, warranties of suitability to a particular purpose or use. This map/map data is intended for use only at the published scale. Detailed on-the-ground surveys and historical analyses of sites may differ substantially from this map/map data.



Next Steps

- _ Ordinance 2nd Reading – March 4th, 2025
- _ Comprehensive Future Land Use Map Amendment
- _ Rezoning
- _ Technical Site Plan
- _ Development Permit



Finding

Staff finds that the petition from Flagler Pines, LLC to annex approximately 38.811 acres more or less area meets the criteria established in Florida Statutes Chapter 171.044 Voluntary Annexation.



The Applicant's Representative is available to answer any questions.



Thank you!





Close Up Map

 City Limits

 Future Annexation ± 57 Acres

 Annexed Property ±38 Acres

0 800
Feet



Map Provided by the Planning Division

Date: 2/4/2025

2022 MAXAR Imagery

The City of Palm Coast prepares and uses this map/map data for its own purposes. This map/map data displays general boundaries and may not be appropriate for site specific uses. The City uses data believed to be accurate; however, a degree of error is inherent in all maps. This map/map data is distributed AS-IS without warranties of any kind, either expressed or implied including, but not limited to, warranties of suitability to a particular purpose or use. This map/map data is intended for use only at the published scale. Detailed on-the-ground surveys and historical analyses of sites may differ substantially from this map/map data.



ORDINANCE 2025-_____
ANNEXATION OF FLAGLER LANDINGS

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM COAST, FLORIDA, TO ANNEX PROPERTY TO BE INCLUDED WITHIN THE CORPORATE AREA AND CITY LIMITS OF THE CITY OF PALM COAST; PROVIDING FOR THE ANNEXATION OF APPROXIMATELY 38.811 ACRES OF PROPERTY DESCRIBED IN EXHIBIT “A” TO THIS ORDINANCE AND LYING IN THE AREAS PROXIMATE TO THE EXISTING CITY LIMITS OF THE CITY OF PALM COAST, FLAGLER COUNTY, FLORIDA; PROVIDING FOR ANNEXATION IN ACCORDANCE WITH THE VOLUNTARY ANNEXATION PROVISIONS OF SECTION 171.044, *FLORIDA STATUTES*; PROVIDING FOR ANNEXATION OF REAL PROPERTY/AMENDMENT OF CORPORATE/CITY LIMITS; PROVIDING FOR RIGHTS AND PRIVILEGES RESULTING FROM ANNEXATION/EFFECT OF ANNEXATION UPON LAND USES; PROVIDING FOR EFFECT ON AD VALOREM TAXES; PROVIDING FOR EFFECT ON BUSINESSES AND OCCUPATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, a Petition for Annexation has been filed with the City of Palm Coast, Florida, which petition contains the name of the property owner of the area described in Exhibit “A”, and requests annexation into the incorporated area and City Limits of the City of Palm Coast, Florida; and

WHEREAS, the City’s staff has certified that the property owner has signed the petition for Annexation; and

WHEREAS, the City Council hereby finds that the property described hereinafter is reasonably compact and contiguous to the corporate areas of the City of Palm Coast, Florida, and it is further determined that the annexation of said property will not result in the creation of any enclaves, and it is further determined that the property otherwise fully complies with the requirements of State law; and

WHEREAS, the City of Palm Coast, Florida, is in a position to provide municipal services to the property described herein, and the City Council of the City of Palm Coast, Florida, deems it in the best interests of the City to accept said Petition for Annexation and to annex said property; and

WHEREAS, pursuant to, and in compliance with the law, notice has been given by publication once a week for two consecutive weeks in a newspaper of general circulation

notifying the public of this proposed Ordinance and of public hearings to be held at City Hall in the City of Palm Coast; and

WHEREAS, the provisions of this ordinance and the actions taken herein are consistent with the City’s Comprehensive Plan and State law; and

WHEREAS, public hearings were held pursuant to the requirements of State law and in conformity with the published notice described above at which hearings the parties in interest and all others had an opportunity to be, and were in fact, heard; and

WHEREAS, it is the City’s best interest to annex property which provides economic and other benefits to the City wherever possible.

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

SECTION 1. LEGISLATIVE AND ADMINISTRATIVE FINDINGS.

(a) The property that is the subject of this Ordinance and the Petition for Annexation is described in Section 2 of this Ordinance.

(b) The above recitals (whereas clauses) are hereby adopted as the legislative and administrative findings of the City Council of the City of Palm Coast. The City Council of the City of Palm Coast finds and determines that there is competent substantial evidence to support the findings and determinations made in this Section.

(c) The City Council of the City of Palm Coast adopts as legislative and administrative findings the fact that the land area described in Section 2 of this Ordinance (hereinafter referred to as the “Area”) is reasonably compact and contiguous to the present Corporate Limits of the City of Palm Coast, and that no part of the Area is within the boundary of another municipality or the County in any manner or configuration that would contravene the provisions of Florida law or be contrary to sound and generally accepted land use planning practices and principles. The City Council of the City of Palm Coast finds that the annexation of the Area does not create an enclave and that the Area otherwise fully meets the criteria established in Chapter 171, *Florida Statutes*.

(d) The City Council of the City of Palm Coast has applied the laws of the State of Florida, Chapter 171, *Florida Statutes*, as well as the case law analyzing, construing and applying said statutory provisions, and the legislative intent pertaining to said statutory provisions as set forth in legislative reports.

(e) The City Council of the City of Palm Coast finds and determines that there is competent substantial evidence to support the findings and determinations made in this

Section and that no other action of the City is required to fully implement an annexation of the Area as set forth herein.

SECTION 2. ANNEXATION OF PROPERTY/AMENDMENT OF CORPORATE/CITY LIMITS. The lands described in Exhibit “A” and shown on the map in Exhibit “B”, attached hereto, (“Area”) be and they are hereby annexed to and included within the corporate limits of the City of Palm Coast, Florida.

SECTION 3. RIGHTS AND PRIVILEGES RESULTING FROM ANNEXATION/EFFECT OF ANNEXATION UPON LAND USES.

(a) Upon this Ordinance becoming effective, the property owner shall be entitled to all the rights and privileges and immunities as are from time to time granted to property owners of the City of Palm Coast, Florida, as further provided in Chapter 171, *Florida Statutes*, and shall further be subject to the responsibilities of ownership as may from time to time be determined by the City Council of the City of Palm Coast, Florida, and the provisions of Chapter 171, *Florida Statutes*.

(b) Upon annexation, the Area shall retain the zoning classification established by the Land Development Code of Flagler County, the land development approvals granted by Flagler County, and a land use designation as assigned by the Flagler County Comprehensive Plan in accordance with the provisions of Section 171.062, *Florida Statutes*, until otherwise changed or amended by an appropriate ordinance or by a number of ordinances as may be enacted by the City Council of the City of Palm Coast, Florida.

SECTION 4. EFFECT ON AD VALOREM TAXES. All property lying within the boundaries of the Corporate/City Limits of the City of Palm Coast, Florida, as hereby revised, shall hereafter be assessed for payment of municipal ad valorem taxes pursuant to law.

SECTION 5. EFFECT ON BUSINESSES AND OCCUPATIONS. All persons who are lawfully engaged in any occupation, business, trade or profession, within the Area upon the effective date of this Ordinance, under a valid license or permit issued by Flagler County, Florida, shall have the right to continue such occupation, business, trade or profession within the corporate limits of the City of Palm Coast, as revised, upon the securing of a valid business tax receipt from the City of Palm Coast, which receipt shall be issued upon payment of the appropriate fee there, without the necessity of taking or passing any additional examination or test relating to the qualifications of such licenses.

SECTION 6. SEVERABILITY. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of a court of competent

jurisdiction, such constitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance.

SECTION 7. CONFLICTS. All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

SECTION 8. EFFECTIVE DATE. This Ordinance shall become effective immediately upon adoption by the City Council of the City of Palm Coast, Florida, and pursuant to the City Charter.

APPROVED on first reading the 18th day of February 2025.

ADOPTED on second reading after due public notice and public hearing this 4th day of March 2025.

ATTEST:

CITY OF PALM COAST

KALEY COOK, CITY CLERK

MICHAEL NORRIS, MAYOR

APPROVED AS TO FORM AND LEGALITY

MARCUS DUFFY, CITY ATTORNEY

EXHIBIT "A"
LEGAL DESCRIPTION OF ANNEXATION AREA

A PARCEL OF LAND IN GOVERNMENT SECTION 8, TOWNSHIP 12 SOUTH,
RANGE 31
EAST, BEING A PORTION OF THE LANDS DESCRIBED IN OFFICIAL RECORDS
BOOK
1387, PAGE 1869 OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA
AND
BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
AS A POINT OF REFERENCE, COMMENCE AT THE NORTHWEST CORNER OF
LOT 1,
AIRPORT COMMERCE CENTER PHASE 2. AS RECORDED IN PLAT BOOK 38.
PAGES 2-4- PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA. SAID POINT
BEING ON THE SOUTHERLY RIGHT-OF-WAY LINE OF STATE ROAD 100 (A 200*
RIGHT-OF-WAY); THENCE ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF
STATE ROAD 100 (A 200' RIGHT-OF-WAY) S89° 09'05"W A DISTANCE OF 1223.50
FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE
DEPARTING SAID RIGHT-OF-WAY LINE S02° 27'0L'E A DISTANCE OF 593.68
FEET; THENCE S38° 32'07"W A DISTANCE OF 410.00 FEET; THENCE S00° 50'03"E
A DISTANCE OF 150.01 FEET; THENCE S89° 09'52"W A DISTANCE OF 1414.74
FEET; THENCE N00° 50'55"W A DISTANCE OF 1060.02 FEET TO A POINT ON
THE SOUTHERLY RIGHT-OF-WAY LINE OF STATE ROAD 100 (A 200' RIGHT-
OF-WAY); THENCE ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF STATE
ROAD 100 (A 200' RIGHT-OF-WAY) N89° 09'05"E A DISTANCE OF 1658.33 FEET
TO THE POINT OF BEGINNING OF THIS DESCRIPTION.

THE ABOVE-DESCRIBED PARCEL OF LAND CONTAINING 38.811 ACRES, MORE
OR
LESS.

EXHIBIT "B"
DEPICTION OF ANNEXATION AREA



Legend

- Legal Description
- Subject Site
- Palm Coast City Limits
- Parcels

The City of Palm Coast prepares and uses this map/map data for its own purposes. This map/map data displays general boundaries and may not be appropriate for site specific uses. The City uses data believed to be accurate; however, a degree of error is inherent in all maps. This map/map data is distributed AS-IS without warranties of any kind, either expressed or implied including, but not limited to, warranties of suitability to a particular purpose or use. This map/map data is intended for use only at the published scale. Detailed on-the-ground surveys and historical analyses of sites may differ substantially from this map/map data.

Prepared by:
Jay W. Livingston, Esq.
Livingston & Sword, P.A.
391 Palm Coast Parkway SW #1
Palm Coast, Florida 32137

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

**PETITION TO VOLUNTARILY ANNEX
REAL PROPERTY TO THE CITY OF PALM COAST FLORIDA**

Petitioner, FLAGLER PINES PROPERTIES LLC, A Florida limited liability company (“Petitioner”), whose mailing address is 4 Lambert Cove, Flagler Beach, Florida 32136, hereby voluntarily petitions the City of Palm Coast, Florida (the “City”) to annex real property to the City pursuant to and in accordance with the provisions of Chapter 171.044, Florida Statutes, and states:

1. Petitioner is the sole owner of real property whose Flagler County Tax Parcel Identification Number is 08-12-31-0650-000B0-0070 and is more particularly described in **EXHIBIT “A”** (“Property”), attached hereto and by this reference made a part of this Petition, as evidenced by that certain Warranty Deed recorded in Official Records Book 1387, Page 1869, Public Records of Flagler County, Florida.
2. When the Property is annexed into the City, Petitioner agrees to and will abide by and comply with all the existing and future laws, rules, and regulations which presently and from time to time in the future may be in effect within the City.
3. Petitioner agrees that this is a continuous and perpetual request of the property owner for annexation to the City that will be fulfilled when the City determines the Property meets with the requirements of law.
4. This Petition shall be recorded in the Public Records of Flagler County, Florida and shall constitute an irrevocable petition to annex into the City of Palm Coast, which shall run with the Property and shall be binding on all subsequent purchasers, successors in interest and assigns of the Property.
5. This Petition may be executed in counterparts by the owners of the Property.

SIGNATURES ON FOLLOWING PAGES

WITNESSES:

FLAGLER PINES PROPERTIES, LLC
A Florida limited liability company

Cheryl R Ditolla
Print Name: CHERYL R DITOLLA
Address: 1769 E MOODY BLVD
Bldg 2, BUNNELL, FL 32110

By: [Signature]
James Gardner, Jr., Managing Member

Michelle Morgan
Print Name: Michelle Morgan
Address: 1769 E. Moody Blvd
Bldg 2 Bunnell, FL
32110

STATE OF FLORIDA

COUNTY OF FLAGLER

The foregoing instrument was acknowledged before me by means of physical presence or ___ online notarization, this 14th day of OCTOBER, 2024, by Jame Gardner, Jr., the Managing Member of FLAGLER PINES PROPERTIES, LLC, a Florida limited liability company, on behalf of the company. He is personally known to me or ___ produced N/A as identification.



Cheryl R Ditolla
NOTARY PUBLIC

EXHIBIT "A"

A PARCEL OF LAND IN GOVERNMENT SECTION 8, TOWNSHIP 12 SOUTH, RANGE 31 EAST, BEING A PORTION OF THE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 1387, PAGE 1869 OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

AS A POINT OF REFERENCE, COMMENCE AT THE NORTHWEST CORNER OF LOT 1, AIRPORT COMMERCE CENTER PHASE 2, AS RECORDED IN PLAT BOOK 38, PAGES 2-4, PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA, SAID POINT BEING ON THE SOUTHERLY RIGHT-OF-WAY LINE OF STATE ROAD 100 (A 200' RIGHT-OF-WAY); THENCE ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF STATE ROAD 100 (A 200' RIGHT-OF-WAY) S89°09'05"W A DISTANCE OF 1223.50 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE DEPARTING SAID RIGHT-OF-WAY LINE S02°27'01"E A DISTANCE OF 593.68 FEET; THENCE S38°32'07"W A DISTANCE OF 410.00 FEET; THENCE S00°50'03"E A DISTANCE OF 150.01 FEET; THENCE S89°09'52"W A DISTANCE OF 1414.74 FEET; THENCE N00°50'55"W A DISTANCE OF 1060.02 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF STATE ROAD 100 (A 200' RIGHT-OF-WAY); THENCE ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF STATE ROAD 100 (A 200' RIGHT-OF-WAY) N89°09'05"E A DISTANCE OF 1658.33 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION.

THE ABOVE-DESCRIBED PARCEL OF LAND CONTAINING 38.811 ACRES, MORE OR LESS.



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

**BUSINESS IMPACT ESTIMATE
PURSUANT TO F.S. 166.041(4)**

**Meeting Date: March 4, 2025
Ordinance Number: 2025-XX
Posted To Webpage: January 24, 2025**

This Business Impact Estimate is given as it relates to the proposed ordinance titled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM COAST, FLORIDA, TO ANNEX PROPERTY TO BE INCLUDED WITHIN THE CORPORATE AREA AND CITY LIMITS OF THE CITY OF PALM COAST; PROVIDING FOR THE ANNEXATION OF APPROXIMATELY 38.811 ACRES OF PROPERTY DESCRIBED IN EXHIBIT "A" TO THIS ORDINANCE AND LYING IN THE AREAS PROXIMATE TO THE EXISTING CITY LIMITS OF THE CITY OF PALM COAST, FLAGLER COUNTY, FLORIDA; PROVIDING FOR ANNEXATION IN ACCORDANCE WITH THE VOLUNTARY ANNEXATION PROVISIONS OF SECTION 171.044, *FLORIDA STATUTES*; PROVIDING FOR ANNEXATION OF REAL PROPERTY/AMENDMENT OF CORPORATE/CITY LIMITS; PROVIDING FOR RIGHTS AND PRIVILEGES RESULTING FROM ANNEXATION/EFFECT OF ANNEXATION UPON LAND USES; PROVIDING FOR EFFECT ON AD VALOREM TAXES; PROVIDING FOR EFFECT ON BUSINESSES AND OCCUPATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE

The sections below are not required to be completed if the ordinance involves any one of the following types of regulations. Please check if applicable:

- 1. Ordinances required for compliance with federal or state law or regulation;
- 2. Ordinances relating to the issuance or refinancing of debt;
- 3. Ordinances relating to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;

4. Ordinances required to implement a contract or an agreement, including, but not limited to, any federal, state, local, or private grant, or other financial assistance accepted by a municipal government;

5. Emergency ordinances;

6. Ordinances relating to procurement; or

7. Ordinances enacted to implement the following:

a. Part II of chapter 163, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements, and development permits;

b. Sections 190.005 and 190.046;

c. Section 553.73, relating to the Florida Building Code; or

d. Section 633.202, relating to the Florida Fire Prevention Code.

Part I. Summary of the proposed ordinance and statement of public purpose:

The public purpose of this annexation is to bring commercial business to the City of Palm Coast.

Part II. Estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the City of Palm Coast: (fill out subsections a-c as applicable, if not applicable write “not applicable”)

- (a) Estimate of direct compliance costs that businesses may reasonably incur if the proposed ordinance is enacted: The direct compliance costs will be to each business that locates within this property; the direct costs are that of any business that locates within the City of Palm Coast limits.
- (b) Identification of any new charges or fee on businesses subject to the proposed ordinance, or for which businesses will be financially responsible: There are no current businesses located on this parcel.
- (c) An estimate of the City of Palm Coast’s regulatory costs, including an estimate of revenues from any new charges or fees that will be imposed on businesses to cover such costs. This will be the same costs for any business that locates within the City of Palm Coast limits.

Part III. Good faith estimates of the number of businesses likely to be impacted by the ordinance:

Part IV. Additional Information (if any): N/A