**COMMUNITY DEVELOPMENT DEPARTMENT**
**STAFF REPORT**
**August 8, 2012**

## OVERVIEW

**Case Number:** Application # 2411

**Applicant:** Grand Haven North, LLC

**Property Description:** The southwest corner of Colbert Lane and Blare Drive.

**Property Owner:** Grand Haven North, LLC

**Real Estate ID #:** 11-31-0000-01030-0020; 17-11-31-0000-01031-0000 and 17-11-31-0000-01030-0000

**Current FLUM designation:** Conservation and Development of Regional Impact

**Current Zoning designation:** COM-2 (General Commercial); COM-1 (Neighborhood Commercial) and Master Planned Development

**Current Use:** Vacant

**Size of subject property:** 9.30+/- acres

**Requested Action:**

(1) Small-scale FLUM amendment for three (3) parcels totaling 9.30+/- acres as follows:

*Parcel 1* (8.18 +/- ac.) – 3.48+/- acres From Conservation to Mixed Use

*Parcel 2* (5.0+/- ac.) – From Development of Regional Impact to Mixed Use (3.07 acres) and Conservation (1.93 acres)

*Parcel 3* (.82+/-ac.) From Development of Regional Impact to Mixed Use

(2) Associated Comprehensive Plan Policy related to the FLUM amendment.

**Proposed Language:**

Policy 6.1.10.10: To address the impacts of the Grand Haven North FLUM amendment on the area's environmental resources, a minimum of sixteen (16) acres of similarly situated, adjacent land shall be designated as "Conservation" on the Future Land Use Map.

**Summary:**

Current FLUM Designation: 5.82+/- acres of DRI, 3.48+/- acres of Conservation,
Proposed FLUM Designation: 7.37+/- acres of Mixed Use, 1.93+/- acres of Conservation

**Recommendation:**

Recommend APPROVAL to City Council for FLUM amendment Application #2411.

## ANALYSIS

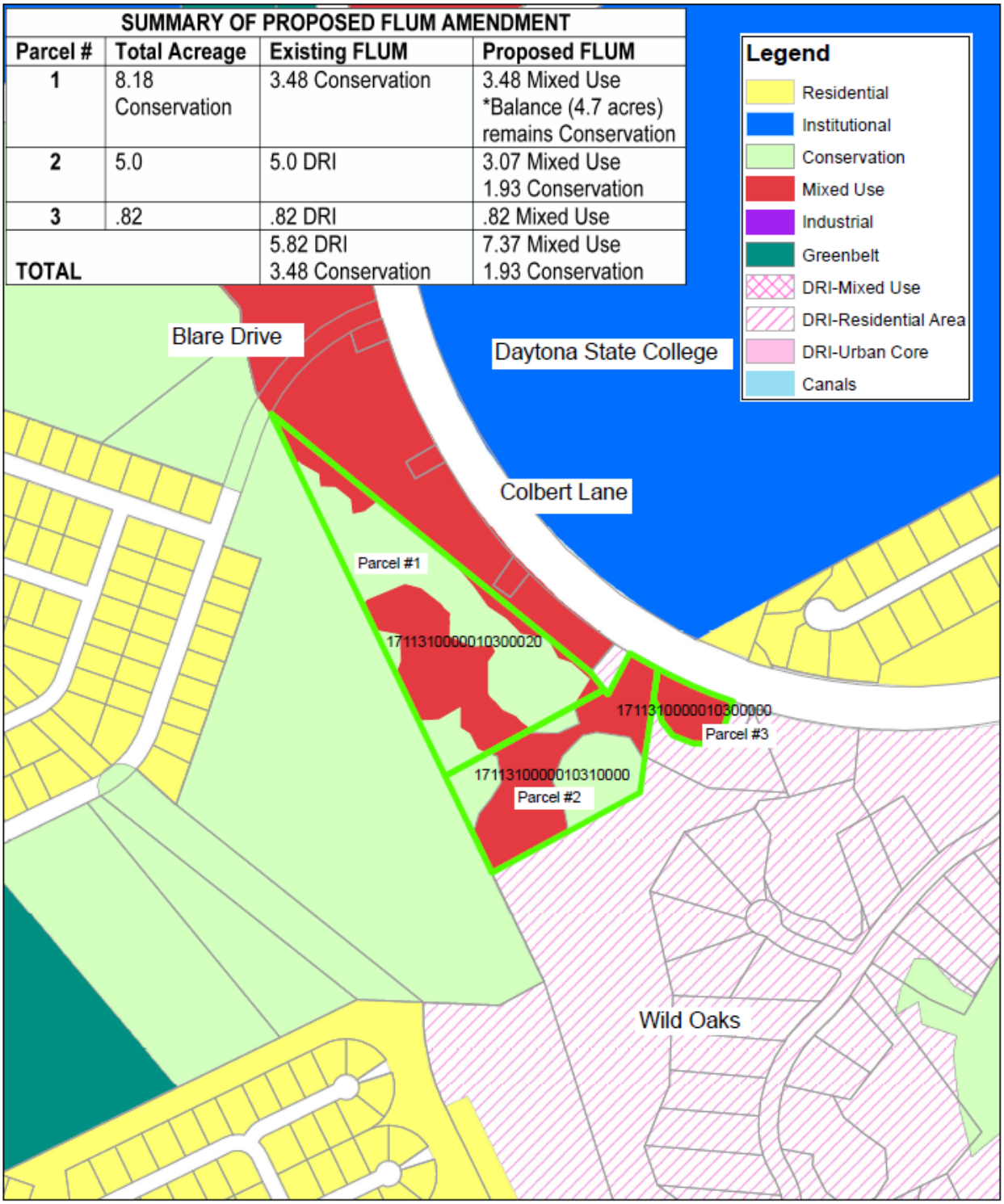
### Background

The proposed amendment will change the Future Land Use Map designation for approximately 9.3 acres of land designated Development of Regional Impact (5.82+/-acres) and Conservation (3.48 +/- acres) to Mixed Use (7.37+/- acres) and Conservation (1.93+/- acres). The subject properties are part of a proposed Master Planned Development that will encompass approximately 71.4 acres. (See Map: Summary of Proposed FLUM Amendment).

The 5.82+/- acres of Development of Regional Impact (DRI) land at the southern portion of the subject properties is currently part of the approved Grand Haven DRI and PUD. The Grand Haven DRI was approved by Flagler County Board of County Commissioners in January, 1989 (aka The River Club). The Grand Haven PUD-Master Plan approved by the City on November 2003 permitted 1,901 dwelling units and 85,000 sq. ft. of commercial uses. The property and development became a part of the City of Palm Coast upon the City's incorporation in 1999.

Currently, all of the permitted dwelling units within the Grand Haven PUD have been allocated, while no portion of the 85,000 sq. ft. of commercial use has yet to be built.

In addition to the proposed FLUM amendment, the applicant has proposed a Comprehensive Plan policy with the objective of mitigating the environmental effects of the proposed amendment on the environmental resources of the properties subject to the FLUM amendment. The policy as proposed will require the protection of a minimum of 16 acres of similarly situated, adjacent lands (adjacent to the lands subject to the FLUM amendment) by designating such lands as "Conservation" on the Future Land Use Map.




## DENSITY/INTENSITY AND POPULATION

The proposed FLUM designation of Mixed Use allows a maximum residential density of 15 units/acre and non-residential maximum floor area ratio (FAR) intensity of .55. By applying the maximum development potential to the of the proposed FLUM category to the acreage proposed for amendment, the proposed FLUM amendment will result in an allowable net development of 111 residential dwelling units and 176,570 sq. ft. of non-residential development as summarized in See Table 1 and 1a below.

Due to the availability of 85,000 sq. ft. of commercial area allocated under the approved Grand Haven DRI and PUD, the potential net intensity for non-residential uses may be reduced by 85,000 sq. ft. to 91,570 sq. ft.

**TABLE 1 - FLUM DESIGNATION MAXIMUM DENSITY/INTENSITY ALLOWED (RESIDENTIAL USE)**

| | | # of Acres | Maximum Density | Maximum # of units* |
|---|---|---|---|---|
| **Proposed FLUM:** | **Mixed Use** | 7.37 | 15 units/acre | 111 |
| | **Conservation** | 1.93 | 0.00 | 0 |
| **Current FLUM:** | **DRI** | 5.82 | N/A | 0 |
| | **Conservation** | 3.48 | N/A | 0 |
| **NET CHANGE** | | | Increase | 111 |

***Footnotes:***
***(1) Max. # of units = # of Acres X Maximum Density***

**TABLE 1a - FLUM DESIGNATION MAXIMUM DENSITY/INTENSITY ALLOWED (NON-RESIDENTIAL USE)**

| | | # of Acres | Maxium F.A.R. | Maximum square ft. |
|---|---|---|---|---|
| **Proposed FLUM:** | **Mixed Use** | 7.37 | 0.55 | 176570 |
| | **Conservation** | 1.93 | 0.00 | 0 |
| **Current FLUM:** | **DRI** | 5.82 | 0.00 | 85000 |
| | **Conservation** | 3.48 | 0.00 | 0 |
| **NET CHANGE** | | | Increase | 91,570 |

***Footnotes:***
**** Max # of units and commercial square footage is limited as proposed by the applicant.***

## PUBLIC FACILITIES AVAILABILITY/IMPACT ANALYSIS (MAXIMUM DEVELOPMENT POTENTIAL)

*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 of 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 Impact Analysis (Non-Residential Use) - Based on Theoretical Yield of Maximum Development Potential**

- **Transportation Facilities** – The proposed FLUM amendment will result in a net increase of 258 P.M. peak hour trips. The net increase in vehicular trips does not cause the failure of any road segments within the study area.

- **Potable Water** – The maximum development under the proposed FLUM designation results in a net increase of 15,567 gallons/day (.016 MGD) of demand for potable water. An analysis of the available treatment capacity for potable water indicates adequate capacity to accommodate the projected demand from the proposed FLUM amendment.

- **Sanitary Sewer** – The maximum development under the proposed FLUM designation results in a net increase of 9,157 gallons/day (.009 MGD) of wastewater flow. An analysis of the available wastewater treatment capacity indicates adequate capacity to accommodate the projected demand from the proposed FLUM amendment.

- **Drainage** – Stormwater/Drainage facilities are reviewed at the time of site plan approval.

- **Solid Waste, Recreation and Parks, and Public Education Facilities** – Not Applicable.

**TABLE 2: PUBLIC FACILITIES IMPACT ANALYSIS MAXIMUM DEVELOPMENT POTENTIAL (NON-RESIDENTIAL USES)**

| Intensity[1] | | Transportation (ADT)[2] | Potable Water (GPD)[3] | Wastewater (GPD)[4] | Solid Waste (8.61 lbs./capita/ day)[6] | Recreation and Parks (8 acres/ 1000 pop.)[6] | Public Education (students)[6] | Stormwater Drainage[5] |
|---|---|---|---|---|---|---|---|---|
| **Size of Property: Total 9.3 acres** | | | | | | | | |
| **Commercial Development Potential Proposed FLUM Designation:** Mixed Use (7.37 acres) & Conservation (1.93 acres) | | | | | | | | |
| 7.37 acres (321037 sq. ft. X .55 FAR)= | 176570 sq. ft. | 830 | 30,017.0 | 17,657.0 | N/A | N/A | N/A | N/A |
| **Commercial Development Potential Current FLUM Designation:** DRI (5.82 acres) and Conservation (3.48 acres) | | | | | | | | |
| N/A | 85000 sq. ft. | 572 | 14,450.0 | 8,500.0 | N/A | N/A | N/A | N/A |
| **Net Change** | 91570 sq. ft. | 258 | 15567 | 9157 | N/A | N/A | N/A | N/A |
| | | **MGD** | **0.016** | **0.009** | | | | |

Footnotes:

[1] Calculation of Maximum Square Footage: Lot Size (acre)*Maximum FAR

[2] Transportation: Peak Hour Trips (PHT)

Mixed Use: ITE Code 820: Shopping Center = P.M. Peak Hour Generator (Fitted Curve Equation)

[3] Potable Water: Commercial = 17 gpd/100 sq. ft.

[4] Wastewater: Commercial = 10 gpd/100 sq. ft.

[5] Stormwater: Stormwater Treatment will be reviewed for consistency with adopted LOS, during site plan approval process.

[6] Solid waste, Recreation and Parks, and Public Education = N/A No LOS Requirement for Non-residential

**Public Facilities Impact Analysis (Residential Development) - Based on Theoretical Yield of Maximum Development Potential**

- **Transportation Facilities** – The proposed FLUM amendment will result in a net increase of 111 P.M. peak hour trips. The net increase in vehicular trips will not have a significant impact on the transportation facilities.

- **Potable Water** – The maximum development under the proposed FLUM designation results in a net increase of 33,300 gallons/day (.033 MGD) of demand for potable water. An analysis of the available treatment capacity for potable water indicates adequate capacity to accommodate the projected demand from the proposed FLUM amendment.

- **Sanitary Sewer** – The maximum development under the proposed FLUM designation results in a net increase of 21,845 gallons/day (.022 MGD) of wastewater flow. An analysis of the available wastewater treatment capacity indicates adequate capacity to accommodate the projected demand from the proposed FLUM amendment.

- **Solid Waste** – The proposed FLUM designation will result in a net increase of 2,074 lbs/capita/day of solid waste. The current capacity available at the Volusia County landfill can accommodate the potential increase.

- **Recreation and Parks** – The proposed FLUM designation will result in an additional demand of 2.1 acres of recreation and park facilities. The available recreation and park acreages available can accommodate the potential increase in demand.

- **Public Education Facilities** – The proposed FLUM amendment will result in a net increase of 16 additional elementary school students, 9 middle school students, and 12 high school students, for a total net increase of 37 students. An analysis of available school facility for the next 5-years indicates that there is adequate capacity to accommodate the potential increase in student population. (See Table 3 below).

- **Drainage** – Stormwater/Drainage facilities are reviewed at the time of site plan approval.

**TABLE 2A PUBLIC FACILITIES IMPACT ANALYSIS**
**MAXIMUM DEVELOPMENT POTENTIAL - RESIDENTIAL DEVELOPMENT**

| Density[1] | # of units | Transportation (ADT)[2] | Potable Water (GPD)[3] | Sanitary Sewer (GPD)[4] | Solid Waste (8.61 lbs./capita /day)[5] | Recreation and Parks (8 acres/ 1000 pop.)[6] | Public Education (students)[7] | Stormwater Drainage[8] |
|---|---|---|---|---|---|---|---|---|
| **Proposed FLUM designation: Mixed Use (7.37 acres) and Conservation (1.93 acres)** | | | | | | | | |
| **Mixed Use** | 111 | 113 | 33,300 | 21,845 | 2,074 | 2 | 37 | N/A |
| **Conservation** | 0 | 0 | 0 | 0 | 0 | 0 | 0 | N/A |
| **Current FLUM designation: DRI (5.82 acres) and Conservation (3.48 acres)** | | | | | | | | |
| **DRI** | 0 | 0 | 0 | 0 | 0 | 0 | 0 | N/A |
| **Conservation** | 0 | 0 | 0 | 0 | 0 | 0 | 0 | N/A |
| **Net Change** | | **113** | **33,300** | **21,845** | **2,074** | **2.1** | **37** | **N/A** |
| | | **MGD** | **0.033** | **0.022** | | | | |

***Footnotes:***

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

***[2] Transportation: Peak Hour Trips (PHT) = # of units*1.02 trips Peak Hour Generator / dwelling unit***

***[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 production = # of units*2.17*8.61 lbs/capita/day***

***[6] Recreation and Parks: = # of units * 2.4 *8 acres/1000 persons***

***[7] Public Education Residential: = Based on multiplier provided by Flagler County School District. See Table 3.***

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

**Table 3 PUBLIC SCHOOL FACILITIES IMPACT**

| Proposed FLUM-Mixed Use (7.37 acres) and Conservation (1.93 acres) | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| **Type of Unit** | **# of Units(1)** | **Elementary School Multiplier** | **# of Elementary School Students** | **Middle School Multiplier** | **# of Middle School Students** | **High School Multiplier** | **# of High School Students** | **District-wide Multiplier** | **Total # of Students** |
| Single Family | 111 | 0.146 | 16 | 0.082 | 9 | 0.104 | 12 | 0.332 | 37 |
| Multi-Family | | 0.051 | | 0.02 | | 0.018 | | 0.09 | |
| Mobile Home | | 0.056 | | 0.018 | | 0.026 | | 0.101 | |
| **Total Student Generation** | | | **16** | | **9** | | **12** | | **37** |
| **Current FLUM- DRI (5.82 acres) and Conservation (3.48 acres)** | | | | | | | | | |
| Single Family | 0 | 0.146 | 0 | 0.082 | 0 | 0.104 | 0 | 0.332 | 0 |
| Multi-Family | | 0.051 | | 0.02 | | 0.018 | | 0.09 | |
| Mobile Home | | 0.056 | | 0.018 | | 0.026 | | 0.101 | |
| **Total Student Generation** | | | **0** | | **0** | | **0** | | **0** |
| **Net Change** | **111** | | **16** | | **9** | | **12** | | **37** |

***Footnotes:***

***(1) # of units = Size of Parcel X Maximum Density***

## 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*
- *D. Protected wildlife species.*
- *E. Proximity to wellfields, aquifer recharge areas, impacts to potable water supply*
- *F. Historical and cultural resource.*

**Overview:**

Application 2411 proposes a Small Scale Future Land Use Amendment for approximately 9.3 acres of property. In respect to the considerations provided herein, this review is focused mainly on the approximately 8.18 acre, Parcel #1 (See Map on Page 3) which currently has a Conservation Land Use designation and the Continuing Care Facility/Senior Living Facility development as part of the companion MPD application.

The surrounding land uses are Mixed Use and DRI designations. The southern extent of the site area measuring 5.82 acres is encompassed within the original development scope of the Grand Haven PUD which brings encumbrances regarding resource preservation or other applicable standards according to Map H associated with the Master Development Plan.

In addition to documentation provided by the applicant, the following materials were utilized as part of staff's evaluation.

- Graham Swamp Conservation Area Management Plan - St. Johns River Water Management District (SJRWMD)
- SJRWMD Global Information System (GIS) data currently being utilized to assess the agency's publically-owned lands
- Flood Insurance Study and Flood Insurance Rate Map data – Federal Emergency Management Agency (FEMA)
- Guide to Natural Communities of Florida 2010 Edition - Florida Natural Areas Inventory (FNAI)
- Grand Haven DRI materials
- City of Palm Coast GIS data
- City of Palm Coast Comprehensive Land Use Plan (CLUP)
- City of Palm Coast Comprehensive Plan
- City of Palm Coast Unified Land Development Code

In respect to the remaining area of the site that is currently Mixed Use, no change is requested and is only considered as a bordering land use. As stated previously, the focus of this evaluation is the proposed change within the 8.18 acres of existing Conservation designation and the applicant's proposed exchange parcel measuring 16.23 acres.

The following sections discuss site conditions, original application materials, applicant's response to City's comments dated April 24, 2012, and additional data obtained since last correspondence. Staff has evaluated this information and is provided in the following Section.

## A. TOPOGRAPHY AND SOIL CONDITIONS

The subject parcel is vegetated and completely vacant. The site is bounded by Colbert Lane to the east, Blare Drive to the north, vacant area to the west, and the Wild Oaks @ Grand Haven development to the south. Due to adjacent roadway improvements and natural basin topography of the parcel, a significant grade change exists along the eastern extent and fosters conveyance of surface water drainage flow into contiguous areas of Graham Swamp. According to an Environmental Resource Solutions, Inc. (ERS) assessment and the St. Johns River Water Management District (SJRWMD), the project area is absent of State jurisdictional wetlands. The wetlands detailed in the Environmental Assessment provided as part of the applicant's submittal reflect the boundaries of U.S. Army Corps of Engineers (USACE) jurisdictional boundaries. These resources are connected to wetlands and habitats comparable to Graham Swamp. Further description of these features may be found in the Section D, Vegetative Communities.

According to City GIS LiDAR 1-foot contour data, Colbert Lane road elevations are approximately 11 feet with the lowest grade within the scope of proposed development being 6 feet; a 5-foot difference of elevation that will require extensive fill and alteration of the natural site topography.

As detailed within the February 2012 ERS Preliminary Listed Species Survey (PLSS), the *Soil Survey of Flagler County, Florida* (U.S.D.A., Soil Conservation Service, 1997) indicates four (4) soil types within the property. Please see the table sampled from the referenced ERS report.

Table 1. Onsite soil types.

| Soil Identification Number | Soil Type | General Description | Hydric Component Percentage | General Water Table Elevation (below ground surface) |
|---|---|---|---|---|
| 4 | Wabasso fine sand | Nearly level, poorly drained soil found in broad flatwoods areas. | 20% | 6-18" |
| 6 | Favoretta clay | Nearly level, poorly drained soil found in narrow to broad flatwoods areas near major streams and drainageways. | 90% | 0-12" |
| 7 | Favoretta, Chobee and Winder soils, frequently flooded | Nearly level, poorly drained and very poorly drained soils found in drainageways and on flood plains along major streams on the flatwoods. | 100% | 0-6" |
| 9 | EauGallie fine sand | Nearly level, poorly drained soil found in broad flatwood areas. | 15% | 6-18" |

The listed soil types and referenced "Hydric Component Percentage" appear consistent with the existing conditions and LiDAR data:

**Analysis:** Development of the site will change the topography of the existing grade due to unsuitable soils potentially existing and the expected large amount of fill material to meet buildable grade. At this time, technical data and associated engineering / construction plans are not available to verify that development will not adversely affect off-site conditions. Technical data and associated engineering information shall be required during the Site Plan or Platting process.

## B. FLOODPLAIN

Federal Emergency Management Agency's (FEMA), Flood Insurance Rate Map (FIRM) source indicates that the subject property lies within the Special Flood Hazard Area (SFHA) and has a designation of an "AE" Zone or an area of a 1% chance of annual flood with a Base Flood Elevation (BFE) determined.

**Analysis:** The entire subject property area lies within an "AE" zone and will be required to have the lowest floor and all equipment elevated to a minimum of 1 foot above BFE (10.02.06, LDC). According to the proposed site layout, it cannot be determined that there is sufficient area to maintain pre-developed hydraulic conditions. Further, the elevation change to meet this requirement will alter the natural surface drainage pattern that currently exists.

As part of the City of Palm Coast Community Rating System (CRS) designation of "6", the City maintains a level of open space associated with SFHA areas. Modification of this open space is assessed during the CRS ISO visit. In 2008, credits were applied based on acreage of SFHA protected through "Conservation" land use designation and low-density zoning districts. A modification of this acreage will be assessed during future community visits associated with the as part of the City's current rating assessment. Currently, the potential effect of this land use change is unknown due to a modified CRS Manual taking affect.

The Flood Insurance Study (12035CV000A) and Flood Insurance Rate Map 120325C0137D) were assessed to determine the level of potential fill impact for the site.

Based on documentation, the site's Based Flood Elevation (BFE) is 9 feet (NGVD 1929). With conversion of the 6-foot LiDar elevation (NAVD 1988) to NGVD, the existing elevation is approximately 7.02 feet. The finished floor elevation would be at approximately 10 feet (NGVD 1929) which is 3 feet higher than existing grade.

Of the potential uses that are permitted within a "Mixed Use" FLUM designation, staff recognizes that all uses with the exception for "Critical Facilities" as defined by FEMA and the Unified Land Development Code (LDC) are permissible and shall adhere to City regulations. Note that the LDC requires that "Critical Facilities" are directed away from SFHA (10.02.06.E).

FINDING: In the event that a "Critical Facility" is a proposed use, it is recommended that any agreement and/or site plan application ensure that development access is associated directly with Colbert Lane and intrusion into the floodplain is minimized and limited to the highest elevations within the Mixed-Use designation. Further, it shall be demonstrated that the proposed improvements and parent parcels be removed from the special flood hazard area by pursuing and securing a CLOMR-F approval from FEMA prior to site plan submittal. It shall be demonstrated that all associated transportation requirements are in compliance with existing and subsequent land development code regulations.

## C. VEGETATIVE COMMUNITIES

According to the ERS PLSS report, the subject property is dominated by two (2) vegetative community types. The report details that Hardwood-Conifer Mixed Uplands (FLUCFCS Code 434) and Mixed Wetland Hardwoods (617) exist within the site and offsite swap / exchange parcel.

**Analysis:** The proposed City FLUM change to Mixed Use (MU) within the existing 8.18 acres of Conservation designation will elevate the current level of development potential and alter the ecological function from its current condition throughout the site. Both reference community types are comprised of a hardwood component indicative of Graham Swamp floodplain system. Independent of the grandfathered wetland limits within the site, the uniqueness of this system and overall ecological function are critical considerations throughout the Comprehensive Plan and review of this proposed FLUM change.

Within a July 16, 2012 ERS report, the project biologist evaluated similarities and contrasts between Graham Swamp and existing onsite resources. In summary, the assessment rendered *"that the subject site should not be considered part of Graham Swamp as distinct differences in vegetative composition (and therefore in community types per FLUCFCS), soils characteristics, hydrological conditions and functional values per UMAM area evident."*

Four (4) main policies from the Comprehensive Plan Conservation and Coastal Management element apply to the proposed FLUM change from Conservation to Mixed Use (MU) that includes 6.1.9.1, 6.1.9.9, 6.1.10.9, and 6.1.10.6. Each policy is described and discussed in the following section.

Policy 6.1.9.1 - The City shall continue enforcement of wetland protection through land development regulations to ensure effective protection of high quality, functional, and integrated wetland systems. Land development wetland regulations shall consider type, value, function, size, condition and location of

wetland systems. The City shall permit appropriate mitigation requirements consistent with State regulatory requirements to allow regulatory permitted impacts to low-quality, isolated wetland systems if it is demonstrated that mitigation will promote infill development, discourage urban sprawl and improve the overall wetland function within the Northern Coastal Basin. Mitigation within the City shall be preferable to mitigation occurring outside of the City.

The March 6, 2012 ERS report states that no jurisdictional wetlands of the State exist within the site according to grandfathered wetland methodologies. According to correspondence from the SJRWMD, State jurisdictional wetlands do not exist within Parcel 170 with the exception of an isolated wetland within the southern extent of the site. According to the July 16, 2012 ERS report, the USACE jurisdictional wetlands to remain are of a high quality according to the preliminary Uniform Mitigation Assessment Methodology (UMAM) assessment.

The Applicant stated in their cover letter for the proposed land use change amendment:

*"The proposed development will have no adverse impact on the area's vegetative communities, wildlife corridors, or wetland resources".*

Further discussion was provided within Section 2 subsection i) Vegetative Communities regarding the Parcel 170 and the off-site "Swap" parcel measuring approximately 16.23 acres.

*"Both parcels are nearly identical in dominant species along with the fact that they are contiguous in nature, placing that conservation over 16 acres at the appropriate time, will actually improve and preserve the vegetative community".*

Both parcels were further described within the Environmental Assessment conducted by ERS that inventories these similarities between the properties as follows:

*"The upland habitat is dominated by live oak (Quercus virginiana), saw palmetto (Serenoa repens), slash pine (Pinus elliottii), sabal palm (Sabal palmetto), yaupon holly (Ilex vomitoria), wild grape (Vitus rotundifolia), pignut hickory (Carya glabra), and bracken fern (Pteridium aquilinum).*

*The wetland habitat type associated with the project site is dominated by red maple (Acer rubrum), boxelder (A. negundo), musclewood (Carpinus caroliniana), swamp bay (Persea palustris), sabal palm, laurel oak (Q. laurifolia), sugarberry (Celtis laevigata), and sawgrass (Cladium jamaicense).*

*To offset the loss of the Conservation zoning over the 8.18-acre parcel, the applicant proposes that a nearby parcel also under his ownership be rezoned from its current less restrictive Greenbelt zoning to the more restrictive Conservation zoning. This nearby parcel is located a few hundred feet to the west, and contains the same habitat types (Hardwood – Conifer Mixed and Mixed Wetland Hardwood). The habitats on this site contain, respectively, the same dominant species as the proposed Mixed Use parcel. Like the proposed commercial site, this parcel is contiguous to and contains similar habitat to the large and significant Graham Swamp system".*

This study found that a small amount of ecological value would be lost if the requested Land Use change is approved and, if not changed, a much larger loss of value would occur. Note that in the table below, upland and wetland acreages given for the swap parcel are based on aerially-interpreted estimates.

Table 3. Comparison of loss of ecological value of the two Land Use scenarios.

| **No Land Use Change** | | | **Land Use Change** | |
|---|---|---|---|---|
| **Subject site** | **Uplands** | **Wetlands** | **Uplands** | **Wetlands** |
| Acreage | 3.36 | 4.82 | 3.36 | 4.82 |
| Change in ecological value | -0.161 | | -0.482 | |
| **Swap parcel** | | | | |
| Acreage | 7.89 | 8.34 | 7.89 | 8.34 |
| Change in ecological value | -0.834 | | +0.360 | |
| **Net change in ecological value** | **-0.995** | | **-0.122** | |

As the above comparison shows, the requested Land Use change would result in the reduction of ecological value loss of 0.873 units. Conversely, by precluding future development of the swap parcel, a net benefit to ecological function can be realized at a magnitude of more than eight to one.

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.

According to the Policy 6.1.9.9, the current “Conservation” designation is intended to provide protection of environmentally sensitive lands with corridors that consist of large wetland systems with other significant features including, but not limited to critical wildlife habitats, oak hammocks and other large areas of consisting of native vegetation. The applicant proposes to retain USACE wetlands within the Conservation FLUM designation.

Special attention should be given to specimen trees and uniqueness of the hardwood system component throughout the site beyond the “Conservation” designation area. Retaining an intact canopy is a critical element within the consideration of the land use change and development impact. Coupled with the intense amount of fill that will be required to develop the site, a large portion of this system will be impacted and permanently severed from the larger swamp system. Surrounding “Conservation” land uses and preserved areas reflect the larger landscape of this system. With consideration that the existing Conservation land use is proposed to be reduced by 3.48

acres in a jagged configuration, the current proposal will directly affect wetlands and vegetative community integrity and the proposed FLUM change will alter the existing on-site ecological function. The project biologist state that the land use change will affect resources but will have a net benefit to the system with the land use change of the exchange parcel (16.23 acres) from Greenbelt to Conservation land use.

> 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 Preserving Zoning classification, shall be utilized by the City, as appropriate, for the purpose of protection high quality wetlands, lakes, designated hammock areas and other environmentally sensitive areas.
>
> Policy 6.1.10.9 - The City shall consider the presence of environmentally sensitive lands in formulating all actions relating to development.

Staff has reviewed the before-mentioned Comprehensive Plan Policies and understands that the proposed City FLUM change to Mixed Use (MU) will elevate the current level of development potential and significantly alter the natural state of the site.

FINDING: The proposed onsite Conservation designation has been refined to mimic the USACE jurisdictional wetland boundaries to remain. Additional measures shall be pursued to retain specimen tree species to sustain a healthy and contiguous hardwood canopy that compliments the wetland system to remain. At this time, field data is not available to ensure these resources are protected.

**D. PROTECTED SPECIES DISTRIBUTION/ WILDLIFE UTILIZATION**

The submitted February 2012 ERS Preliminary Listed Species Survey (PLSS) report documents that nine (9) species of listed or management status have the possibility of existing with the site area; however “no listed species were observed, and none are highly likely occur.”

The report states that:

> *“Some listed species such as the indigo snake, wading birds, and black bear may pass through the site or temporarily attempt to forage there. However, since onsite habitats are not suitable for long-term support, these species are unlikely to occur. These species are highly mobile, and if present during construction, they can easily relocate to larger areas of similar habitat to the west of the site”.*

**Analysis:** The subject property is suitable for limited foraging and mobility. It should be noted that the site consists of similar habitat to the Graham Swamp system. Onsite land uses should minimize attractants for wildlife (garbage, outdoor pet feeding, etc.) to avoid future nuisances from the referenced listed and common species. Additionally, mobility impediments shall also be addressed during design considerations.

FINDING: The reduction and reconfiguration of the onsite Conservation designation will alter existing wildlife utilization. According to the project biologist, the exchange / swap of land use will provide a net benefit.

## E. GROUNDWATER RESOURCE PROTECTION

According to City maintained data, the nearest proposed and/or existing production well is greater than 1.0 mile from the site. It is highly unlikely that the land use activities associated with the proposed FLUM change will impact the potable water supply.

## F. HISTORICAL AND CULTURAL RESOURCES

Staff conducted a Geographic Information System (GIS) search of the Florida Department of State, Division of Historical Resources' Florida Master Site File to determine if any historical or archeological resources were located on the subject property or with the immediate vicinity. The search concluded the site area had not been surveyed for historical resources. However, the City does require all developments during the site plan review to provide a State Historical Protection Officer (SHIPO) determination letter that details the potential for historical resources existing on the subject property.

> **Analysis:** It cannot be concluded at this time that historical resources exist on the subject property due to lack of reference material and on-site investigations; however, existing regulations protect against impact to historical resources during development. [40C-4.302(1)(a)6., F.A.C.]

## 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: Mixed Use, Conservation
South: Development of Regional Impact (DRI)
East: Mixed Use, Institutional, Residential
West: Conservation

**Surrounding Zoning Designation:**

North: General Commercial (COM-2), Preservation, Palm Coast Parkway Overlay
South: Master Planned Development (MPD)
East: Public Semi-Public (PSP), Single Family Residential (SFR-4)
West: Preservation

**Surrounding Property Existing Uses:**

North: Vacant lands
South: Vacant lands
East: Daytona State College
West: Vacant lands

The proposed FLUM amendment for the properties is similar to the other surrounding land uses. The lands to the north (Mixed Use), south (DRI), and east (Mixed Use and Institutional) allow uses consistent with the uses under the proposed Mixed Use designation. Properties to the west of the subject parcel are designated as Conservation on the FLUM.

The proposed amendment will have the net effect of changing approximately 5.82+/- acres of DRI, and 3.48+/- acres of Conservation to 7.37+/- acres of Mixed Use, 1.93+/- acres of Conservation. This is a net loss of approximately 1.55+/- acres of Conservation property. In order to address the net loss of "Conservation" property, the applicant proposes to create a policy that would designate a minimum of 14 acres of land as "Conservation".

## CONSISTENCY WITH COMPREHENSIVE PLAN

The proposed amendment was evaluated for consistency with the following relevant goals, objectives, and policies from the City's Comprehensive Plan.

- *Policy 1.1.1.1 (C) - Mixed Use – This FLUM designation represents existing and future commercial corridors and commercial centers throughout the City that provide general retail, professional services, and offices. A blending of residential and institutional uses is also allowed in this land use designation . . .*

  The location is generally consistent with serving the purposes of Mixed Use.

- *Policy 1.4.2.1 -The City shall provide an appropriate balance of commercial, retail, office, and industrial land uses on the FLUM to balance jobs and housing.*

  The FLUM amendment is consistent if it serves to expand the non-residential uses balanced with residential uses in the area. The immediate area is surrounded by a mix of uses ranging from single-family homes, a college, and open space areas designated for preservation. Land uses appropriate in the area would provide a choice of housing type and neighborhood services to the immediate community.

## FINDINGS

In review of the proposed comprehensive plan amendments, staff found that:

1. The proposed amendment is generally consistent with the goals, objectives, and policies of the City's adopted Comprehensive Plan.

2. The proposed amendment is generally compatible with the surrounding land uses.

## RECOMMENDATION

Staff recommends approval of the application with the proposed policy.