



**COMMUNITY DEVELOPMENT DEPARTMENT  
STAFF REPORT FOR APPLICATION #3247  
FEBRUARY 15, 2017**

**OVERVIEW**

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**Application Number:** 3247

**Applicant:** Stephen B. Cejner, Managing Member, of PC Farm Partners II, LLC

**Property Description:** 50.0 +/- acres of property located on the west side of North US Highway 1, one-half mile south of Palm Coast Parkway.

**Property Owners:** Lind Marie Bara Weaver  
**Parcel ID #:** 151130000001010000  
**Parcel Address:** 5719 North US Highway 1  
**Current FLUM designation:** Mixed Use  
**Current Zoning designation:** Suburban Estates (EST-1)  
**Current Use:** Equestrian uses and vacant  
**Size of subject property:** 50.0 +/- acres

**Requested Action:** Rezoning from Suburban Estates (EST-1) with about 8 acres being rezoned to General Commercial (COM-2) and about 42 acres being rezoned to Multi-Family Residential (MFR-2)

**Recommendation:** Approval

**ANALYSIS**

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**REQUESTED ACTION**

PC Farm Partners II, LLC (contracted purchaser and intended developer) is proposing to rezone 50+/- acres at 5719 North US Highway 1, currently used for equestrian and agricultural uses and located on the west side of North US Highway 1 about one-half mile south of Palm Coast Parkway, from Suburban Estates (EST-1) with about 8 acres being rezoned to General Commercial (COM-2) and about 42 acres being rezoned to Multi-Family Residential (MFR-2).

**BACKGROUND/SITE HISTORY**

This property was originally included in the 68,000 acres of land developed by ITT Community Development Corporation. When Palm Coast was incorporated in 1999, Flagler County had this property designated "Agricultural and Conservation" on its Future Land Use Map (FLUM) and its zoning "AC" Agricultural. In 2000, the current property owner purchased the site and agricultural uses were already occurring on the property. In 2004, the City's FLUM designated a large block of land on the west side of U.S. Highway 1 where it intersects with Palm Coast Parkway, "Mixed Use" as it was intended for higher intensity uses due to its close proximity to this major intersection. This "Mixed Use" area specifically included the subject parcel. Later the property was rezoned by the City to Suburban Estates (EST-1) to align with the Comprehensive Plan and FLUM while the agricultural uses that continued became legal non-conforming uses (grandfathered in).

## PROJECT DESCRIPTION

The applicant intends to plat and develop the proposed MFR-2 lands for an assisted living facility, an independent living facility, and an age restricted community for persons 55 and older. The MFR-2 Multi-Family Residential District allows residential units at up to 12 units/per upland acre or beds for assisted living facilities at 27.6 beds/per upland acre (2.3 beds replace a unit). Areas zoned MFR-2 but designated for conservation allow residential density at 3 units/per acre and 6.9 beds/per acre. The three residential projects combined would total a maximum of 262 residential units and 158 beds for the assisted living facility. The proposed five COM-2 lots are intended to be sold as commercial outparcels to end users.

## LAND USE AND ZONING INFORMATION

### USE SUMMARY TABLE:

CATEGORY:	EXISTING:	PROPOSED:
Future Land Use Map (FLUM)	Mixed Use	Mixed Use
Zoning District	Suburban Estates (EST-1)	About 8 acres for General Commercial (COM-2) and about 42 acres for Multi-Family Residential (MFR-2)
Overlay District	None	None
Use	Southern 60% for equestrian uses and northern 40% vacant land	MFR-2 land for an assisted living facility, independent living facility, and a 55+ restricted community and the COM-2 land for various commercial uses
Acreage	50.0 +/- acres	50.0 +/- acres
Access	North US Highway 1	North US Highway 1

### SURROUNDING LAND USES:

NORTH:	FLUM:	Mixed Uses
	Zoning:	Suburban Estates (EST-1)
SOUTH:	FLUM:	Institutional and Conservation
	Zoning:	Public/Semi-Public (PSP) and Preservation (PRS)
EAST:	FLUM:	US Highway 1 then Residential
	Zoning:	US Highway 1 then Single-Family Residential (SFR-3 and SFR-2)
WEST:	FLUM:	Agriculture and Timberlands, and Conservation
	Zoning:	Agriculture (AC) (Flagler County zoning but has been annexed into City)

**SITE DEVELOPMENT REQUIREMENTS  
(Previous Standards Versus Proposed Standards)**

Criteria	(Previous Standards for EST-1)	(Proposed Standards for MFR-2 Area)	(Proposed Standards for COM-2 Area)
Min. Lot/Development Size	1 acre	4 acres	20,000 sq. ft.
Min. Lot Width	100 ft.	100 ft.	100 ft.
Max. Impervious Surface Ratio	0.50	0.70	0.70
Min. Front Setback	25 ft.	25 ft.	25 ft.
Min. Rear Setback	25 ft.	20 ft.	10 ft.
Min. Rear Street Setback	20 ft.	25 ft.	20 ft.
Min. Interior Side Setback	10 ft.	10 ft.	10 ft.
Max. Building Height	35 ft.	60 ft.	100 ft.
Max. Floor Area Ratio	NA	NA	0.40
Max. Density (units/acre)	1	12	NA

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

The Unified Land Development Code, Chapter 2, Part II, Section 2.05.05 states: *When reviewing a development order application, the approval authority shall determine whether sufficient factual data was presented in order to render a decision. The decision to issue a development order shall be based upon the following, including but not limited to:*

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

**Staff Finding:** The proposed development is not in conflict with, or contrary to, the public interest as the proposed mixed use project with MFR-2 and COM-2 zoning will be compatible with the variety of other uses that are allowed in close proximity to the major intersection of Palm Coast Parkway and North US Highway 1.

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

**Staff Finding:** The request is consistent with the following objectives and policies of the Comprehensive Plan:

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

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

The FLUM designates the subject property as *Mixed Use* and General Commercial (COM-2) and Multi-Family Residential (MFR-2) are allowed zoning districts for the *Mixed Use* designation on this FLUM table.

*-Policy 1.1.4.1 – The Mixed Use land use designation is intended to provide opportunities for residents to work, shop, engage in recreational activities, and attend school and religious services in reasonably close proximity to residential dwellings.*

The proposed COM-2 Zoning should provide retail shopping for residents in the communities along Pine Lakes Parkway, residents that will reside in the on-site MFR-2 lands, and motorists along North US Highway 1. These short trip lengths for residents will discourage urban sprawl.

*-Policy 1.2.1.8 – The City shall protect potable water wellfields by, at a minimum, requiring buffers with a minimum radius of 500 feet from the wellhead in accordance with State law. The City shall protect wellfields by establishing wellhead protection zones and regulating activities and uses therein.*

The overall project is located within two separate primary wellhead protection zones with one located in the very southwest corner of the site (Well No. SW-58) and one located past the northwest corner of the site (Well No. SW-59). When technical site plans for the proposed project are submitted they will have to meet the specific standards of Section 10.03 Wellfield Protection in the LDC and also those of FDEP.

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

**Staff Finding:** A public roadway (North US Highway 1) is available to serve the site. Water and sewer service are available but will need to be extended to the site by the developer at the developer's expense. Water should be expanded from along Commerce Boulevard while sewer is available along the west side of North US Highway 1 north of Hargrove Grade. Hence, the development will not have any significant financial liability for the City.

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

**Staff Finding:** The proposed rezoning will be compatible with the overall neighborhood as it is located within a Mixed Use designation on the FLUM and is in close proximity to the major intersection of North US Highway and Palm Coast Parkway where a variety of land uses will occur of varying intensity.

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

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

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

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

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

**Staff Finding:** As noted previously in the analysis prepared for LDC Chapter 2, Part II, Section 2.05.05 of this staff report, the requested rezoning is in conformance with the Comprehensive Plan elements, and their goals, objectives and policies.

*B. Its impact upon the environment and natural resources;*

**Staff Finding:** The site has some key environmental issues and concerns about natural resources that the developer must address as the project goes through the development process. This includes some wetlands, with the higher quality wetlands located predominantly along the west central and northwest portions of the site that must be permitted through Army Corps of Engineers (ACOE) and St. Johns River Water Management District (SJRWMD). It also includes establishing specific base flood elevations for the site and mitigating any flood zone storage capacity utilized by the project through FEMA. The northwest and southwest corners of the site are within the 500-foot protection zone from two City water wells and the project will have to comply with the water quality standards of FDEP and Section 10.03 of our LDC. These development constraints will be addressed in detail during the platting and site planning review processes.

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

**Staff Finding:** Impacts to the Palm Coast economy are anticipated to be positive since the project will provide numerous construction jobs over the first few years and the residents moving into the new residences will increase demand for retail and services in Palm Coast. Additionally, commercial businesses constructed on the proposed COM-2 lots will provide retail and commercial services for onsite residents, residents along the corridor of Pine Lakes Parkway, and motorists traveling along North US Highway 1.

D. *Its impact upon necessary governmental services such as schools, sewage disposal, potable water, drainage, fire and police protection, solid waste, or transportation;*

**Staff Finding:** The impact on the necessary governmental services including schools, wastewater, potable water, drainage, fire and police protection, solid waste and transportation systems will be covered by concurrency regulations and impact fees paid by the developer during the platting or site plan process. Water and sewer lines will need to be extended to the site by the developer at the cost of the developer. A traffic impact study was provided by the applicant that showed the project at build-out could generate 5,016 gross weekday daily trips and 3,562 new weekday daily trips after adjustments for passerby trips are made. The traffic impact study showed North US Highway 1 would still be operating at Level of Service (LOS) C with all of the project's traffic included.

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

**Staff Finding:** Since equestrian and agricultural uses were introduced on the site, the land was incorporated into the City of Palm Coast and in 2004 Palm Coast recognized the subject property for more intensive land uses by designating it part of a larger "Mixed Use" area on the FLUM, that is located on the west side of North US Highway 1 nearby the key intersection with Palm Coast Parkway. As Palm Coast has grown to the west the property's location close to the intersection of North US Highway 1 and Palm Coast Parkway makes it suitable for the proposed zoning.

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

**Staff Finding:** An existing church is located directly to the south of the subject property and most of the properties located north of the site and along the west side of North US Highway remain undeveloped but are designated "Mixed Use" on the FLUM which allows for a variety of higher intensity uses to be developed. Further to the north a substantial number of properties are developed for light industrial uses. Nearby single-family residential uses are located east of North US Highway 1 and this 300-foot wide right-of-way provides a substantial buffer between the proposed rezoning and the existing residential uses. Lands located directly west of the site are undeveloped and are either designated "Conservation" or "Agriculture and Timberlands" on the FLUM. Based on this information Planning staff has determined the proposed rezoning will be compatible with neighboring uses and development patterns.

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

**Staff Finding:** The subject property is located within the "Mixed Use" designation on the FLUM and the "Mixed Use" designation specifically allows the COM-2 General Commercial and MFR-2 Multi-Family Zoning Districts. Hence, the project's compatibility with the Comprehensive Plan demonstrates that the proposed rezoning would be for a positive community purpose.

## PUBLIC PARTICIPATION

Unified Land Development Code Chapter 2, Part II, Section 2.05.02 requires developers or property owners who are requesting to rezone property within the City to notify neighboring property owners within 300 feet of the subject property boundaries and hold a neighborhood meeting.

To comply with this standard, the developer notified the neighboring property owners via standard USPS mail on December 27, 2016, of an upcoming neighborhood meeting that would be held on January 10, 2017 at 6:00 P.M. at Christ the King Evangelical Lutheran Church, 5625 N. US Highway 1 (which is located directly south of the subject property). On January 30, 2017, the applicant provided details to the Planning staff showing three persons attended this meeting and the developer provided materials to those attendees describing the proposed uses and also responded to questions from attendees.

The developer erected two City provided signs on the subject property on January 25, 2017 notifying neighbors of the upcoming public hearing for the Planning and Land Development Regulation Board on February 15, 2017 and City Council meetings on March 7 and 21, 2017. City staff has not received any public comments regarding this application.

## **RECOMMENDATION**

Planning staff recommends that the Planning and Land Development Regulation Board recommend to City Council approval to rezone 50 +/- acres from Suburban Estates (EST-1) with 42 +/- acres being rezoned to Multi-Family Residential (MFR-2) and 8 +/- acres being rezoned to General Commercial (COM-2) for the Winds Chant Country Manor, Application No. 3247.