

ORDINANCE NO. 2009-20
LU MAJ-08-05 COBBLESTONE VILLAGE

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM COAST, FLORIDA, PROVIDING FOR THE AMENDMENT OF THE *COMPREHENSIVE PLAN OF THE CITY OF PALM COAST, FLORIDA*, AS PREVIOUSLY AMENDED, PURSUANT TO SECTION 163.3187, *FLORIDA STATUTES*; AMENDING THE FUTURE LAND USE MAP (FLUM) DESIGNATION FOR 6.11 +/- ACRES OF CERTAIN REAL PROPERTY DESCRIBED AS TAX PARCEL IDENTIFICATION NUMBER 18-11-31-1230-00000-00B0 FROM CONSERVATION TO MIXED USE AND FOR A 21.53 +/- COMBINED ACRES OF CERTAIN REAL PROPERTY DESCRIBED AS TAX PARCEL IDENTIFICATION NUMBER 07-11-31-7025- RP M-0012 AND A PORTION OF 07-11-31-7025 RP M-0010 AS DESCRIBED IN MORE DETAIL IN THE LEGAL DESCRIPTION WHICH IS AN EXHIBIT TO THIS ORDINANCE FROM GREENBELT TO CONSERVATION; PROVIDING FOR EXHIBITS, CONFLICTS, RATIFICATION OF PRIOR ACTS, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Palm Coast enacted Ordinance Number 2004-08, adopting the *City of Palm Coast 2020 Comprehensive Plan* which includes the City of Palm Coast Future Land Use Map (FLUM) which Plan and FLUM have been amended from time-to-time; and

WHEREAS, the City of Palm Coast Planning and Land Development Regulation Board (PLDRB), acting as the City's Local Planning Agency, considered amending the FLUM at a public hearing on September 17, 2008; and

WHEREAS, the PLDRB voted to recommend denial of the FLUM amendment relating to Application Number LU-MAJ-08-05; and

WHEREAS, the City Council of the City of Palm Coast has determined that amending the FLUM is necessary and appropriate; and

WHEREAS, the City Council of the City of Palm Coast has determined that amending the FLUM designation assigned herein for the properties is consistent with the goals, objectives and policies and the overall land use plan of the City's *Comprehensive Plan*; and

WHEREAS, the City Council of the City of Palm Coast hereby reaffirms its commitment to the goal of enacting and implementing sound growth management practices within the City; and

WHEREAS, the City Council of the City of Palm Coast finds that this Ordinance is in the best interests of the health, safety, and welfare of the citizens of Palm Coast.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF PALM COAST, FLORIDA, THAT THE FUTURE LAND USE MAP IS AMENDED AS FOLLOWS:

SECTION 1. LEGISLATIVE AND ADMINISTRATIVE FINDINGS.

(a). The above recitals (whereas clauses) are hereby adopted as the legislative and administrative findings of the City Council of the City of Palm Coast which are based on the staff report, the City Council agenda memorandum and all supporting data and analysis related to this amendment.

(b). The City Council of the City of Palm Coast hereby adopts and incorporates the exhibits into this Ordinance as if fully set forth herein verbatim.

(c). The City of Palm Coast has complied with all requirements and procedures of Florida law in processing and advertising this Ordinance.

(d). This Ordinance is internally consistent with the goals, objectives and policies of the *City of Palm Coast Comprehensive Plan*.

SECTION 2. FUTURE LAND USE MAP AMENDED.

The 6.11 +/- combined acres of land, identified as Tax Parcel Identification Number 18-11-31-1230-00000-00B0, generally located south of Palm Coast Parkway and east of Cypress Point Parkway, as legally described in "Exhibit A" and as depicted in "Exhibit B", attached hereto, is hereby amended from the FLUM designation of Conservation to FLUM designation of Mixed Use.

SECTION 3. FUTURE LAND USE MAP AMENDED.

The 21.53 +/- combined acres of land, identified as Tax Parcel Identification Numbers: 07-11-31-7025- RP M-0012 and a portion of 07-11-31-7025 RP M-0010, generally located south of Palm Coast Parkway and east of Belle Terre Parkway, as legally described in "Exhibit A" and as depicted in "Exhibit B", attached hereto, is hereby amended from the FLUM designation of Greenbelt to FLUM designation of Conservation.

SECTION 4. CONFLICTS/RATIFICATION OF PRIOR ACTIONS.

All ordinances or parts of ordinances in conflict herewith are hereby repealed. The prior actions of the City Council and its agencies in enacting, amending and implementing the *City of Palm Coast Comprehensive Plan* are hereby ratified and affirmed.

SECTION 5. CODIFICATION/INSTRUCTIONS TO CODE CODIFIER.

It is the intention of the City Council of the City of Palm Coast, Florida, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the codified version of the *City of Palm Coast Comprehensive Plan* and/or the *Code of Ordinances of the City of Palm Coast, Florida*. The actual text of the Sections to this Ordinance need not be codified. The Code codifier of the City is given broad and liberal authority to appropriately codify the Exhibits into the provisions of the *City of Palm Coast Comprehensive Plan* and its FLUM in a format that can be readily published and distributed in a useable and manageable format. The City Manager, in conjunction with the City Clerk and the City Attorney, are hereby granted the authority to take any and all necessary and appropriate actions to accomplish the provisions of this Section.

SECTION 6. SEVERABILITY.

If any section, subsection, sentence, clause, phrase or provision of this Ordinance is held to be unconstitutional or otherwise invalid by a court of competent jurisdiction, such unconstitutionality or invalidity shall not be construed as to render unconstitutional or invalid the remaining provision of the Ordinance.

SECTION 7. EFFECTIVE DATE.

This Ordinance shall become effective upon approval by the City Council of Palm Coast at the second required public hearing, and the earlier of:

(a). The date the Florida Department of Community Affairs, issues a Final Order to find the amendment to be in compliance; or

(b). The date that the Administration Commission issues a Final Order determining the amendment to be in compliance.

No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the Florida Department of Community Affairs, Division of Community Planning, Plan Processing Team.

An adopted amendment whose effective date is delayed by law shall be considered part of the adopted plan until determined to be not in compliance by final order of the Administration Commission. Then, it shall no longer be part of the adopted plan unless the local government adopts a resolution affirming its effectiveness in the manner provided by law.

APPROVED on first reading after due public notice and public hearing the 7th day of October 2008.

ADOPTED on second reading after due public notice and public hearing the 6th day of October 2009.

ATTEST:

CITY OF PALM COAST, FLORIDA

Clare M. Hoeni, City Clerk

Jon Netts, Mayor

Attachments:

Exhibit “A” – Legal Description of 6.11 and 21.53 acre parcel.

Exhibit “B” – Revised FLUM.

**Subject Title: FUTURE LAND USE MAP AMENDMENT LU-MAJ-08-05
(Cobblestone LLC.)**

EXHIBIT "A"

LEGAL DESCRIPTION

Parcel #1

Tract B as shown on the Subdivision Plat of Cobblestone Village recorded on December 13, 2006, in the Office of the Clerk of the Circuit Court, Flagler County, Florida, at Map Book 36, Page 5, and as file #2006062012.

Parcel #2

LEGAL DESCRIPTION:

A PORTION OF RESERVED PARCEL "M", PINE GROVE - SECTION 25 PALM COAST AS RECORDED IN MAP BOOK 9, PAGES 1-19, PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHEAST CORNER OF LOT 10, BLOCK 42, PINE GROVE - SECTION 25 PALM COAST AS RECORDED IN MAP BOOK 9, PAGES 1-19, SAID PUBLIC RECORDS, SAID POINT ALSO BEING ON THE SOUTHERLY RIGHT OF WAY LINE OF PUTTER DRIVE, A 50 FOOT RIGHT OF WAY PER SAID PINE GROVE - SECTION 25; THENCE RUN ALONG SAID SOUTHERLY RIGHT OF WAY LINE N45°08'27", 328.51 FEET TO THE NORTHWEST CORNER OF LOT 1, BLOCK 45, SAID PINE GROVE - SECTION 25; THENCE ALONG THE WESTERLY LINE OF SAID LOT 1, S44°51'33"E, 125.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 1; THENCE ALONG THE SOUTHERLY LINE OF SAID LOT 1, N45°08'27"E, 50.00 FEET TO THE BEGINNING OF A CURVE CONCAVE WESTERLY HAVING A RADIUS OF 325.00 FEET AND CENTRAL ANGLE OF 95°25'21", THENCE NORTHERLY ALONG THE EASTERLY LINE OF SAID BLOCK 45 AND THE ARC OF SAID CURVE, 541.27 FEET TO THE EASTERLY LINE OF LOT 6, BLOCK 45, SAID PINE GROVE - SECTION 25; THENCE ALONG THE EASTERLY LINE OF SAID BLOCK 45, N47°12'29"W, 97.57 FEET TO THE SOUTHERLY LINE OF RESERVED PARCEL "U", SAID PINE GROVE - SECTION 25; THENCE ALONG SAID SOUTHERLY LINE, S74°51'33"E, 263.96 FEET, THENCE DEPART SAID SOUTHERLY LINE S23°39'17"E, 1489.83 FEET TO THE NORTHERLY LINE OF BLOCK 40, SAID PINE GROVE - SECTION 25 AND THE BEGINNING OF A NON TANGENT CURVE CONCAVE NORTHERLY HAVING A RADIUS OF 1365.00 FEET, A CENTRAL ANGLE OF 02°12'22" AND A CHORD BEARING S88°04'38"W; THENCE WESTERLY ALONG THE NORTH LINE OF SAID BLOCK 40 AND THE ARC OF SAID CURVE, 52.56 FEET; THENCE CONTINUE ALONG THE NORTHERLY LINE OF SAID BLOCK 40, S89°10'50"W, 313.36 FEET TO THE NORTHWEST CORNER OF SAID BLOCK 40; THENCE ALONG THE WEST LINE OF SAID BLOCK 40, S00°49'10"E, 125.00 FEET TO THE NORTH RIGHT OF WAY LINE OF PARKVIEW DRIVE A 50 FOOT RIGHT OF WAY PER PINE GROVE - SECTION 25; THENCE ALONG SAID NORTH RIGHT OF WAY LINE S89°10'50"W, 20.00 FEET TO THE SOUTHEAST CORNER OF BLOCK 41, SAID PINE GROVE - SECTION 25; THENCE ALONG THE EAST LINE OF SAID BLOCK 41, N00°49'10"W, 125.00 FEET TO THE NORTHEAST CORNER THEREOF; THENCE ALONG THE NORTHERLY LINE OF SAID BLOCK 41, S89°10'50"W, 6.00 FEET TO THE BEGINNING OF A CURVE CONCAVE SOUTHERLY HAVING A RADIUS OF 925.00 FEET AND A CENTRAL ANGLE OF 20°59'45", THENCE CONTINUE ALONG SAID NORTHERLY LINE OF BLOCK 41 AND THE ARC OF SAID CURVE, 338.96 FEET; THENCE S68°11'05"W, 41.90 FEET TO THE SOUTHEAST CORNER OF LOT 6, SAID BLOCK 41 AND THE WESTERLY LINE OF SAID RESERVED PARCEL "M"; THENCE ALONG THE WESTERLY LINE OF SAID RESERVED PARCEL "M", N40°46'04"W, 208.33 FEET TO THE SOUTHERLY LINE OF LOT 1, BLOCK 42, SAID PINE GROVE - SECTION 25, THENCE ALONG SAID SOUTHERLY LINE OF LOT 1, BLOCK 42, N50°43'23"E, 25.12 FEET TO THE SOUTHEAST CORNER OF SAID BLOCK 42; THENCE ALONG THE EASTERLY LINE OF SAID BLOCK 42, N39°16'37"W, 103.87 FEET TO THE BEGINNING OF A NON TANGENT CURVE CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 6781.20 FEET, A CENTRAL ANGLE OF 02°45'16" AND A CHORD BEARING N41°44'35"W; THENCE NORTHERLY ALONG SAID EASTERLY LINE OF BLOCK 42 AND ALONG THE ARC OF SAID CURVE, 326.01 FEET; THENCE CONTINUE ALONG SAID EASTERLY LINE, N41°42'08"W, 55.85 FEET TO THE SOUTHERLY LINE OF LOT 8, SAID BLOCK 42; THENCE ALONG THE SOUTHERLY LINE OF LOTS 8, 9 AND 10, SAID BLOCK 42 N45°08'27"E, 240.00 FEET TO THE SOUTHEAST CORNER OF SAID LOT 10, BLOCK 42; THENCE ALONG THE EASTERLY LINE OF SAID LOT 10 N44°51'33"W, 125.00 FEET TO THE POINT OF BEGINNING. CONTAINING ±871,200 SQUARE FEET OR 20.000 ACRES MORE OR LESS.

Parcel #3

A PORTION OF RESERVED PARCEL "M", ACCORDING TO THE SUBDIVISION MAP PINE GROVE - SECTION-25, PALM COAST, AS RECORDED IN MAP BOOK 9, PAGES 1 THROUGH 19, PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA AND BEING WITHIN SECTION 13, TOWNSHIP 11 SOUTH, RANGE 30 EAST, FLAGLER COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHEAST CORNER OF LOT 21, BLOCK 34, SAID PINE GROVE - SECTION-25, PALM COAST; THENCE RUN ALONG THE NORTHERLY LINE OF SAID LOT 21, S56°43'59"W, 102.34 FEET TO THE NORTHWEST CORNER OF SAID LOT 21; THENCE ALONG THE WESTERLY LINE OF SAID LOT 21, S20°59'47"E, 120.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 21; THENCE ALONG THE SOUTHERLY LINE OF SAID LOT 21, N69°00'13"E, 156.27 FEET TO THE RIGHT OF WAY LINE OF PEYTON PLACE, A 50 FOOT RIGHT OF WAY PER SAID PINE GROVE - SECTION-25 AND THE BEGINNING OF A NON TANGENT CURVE CONCAVE EASTERLY HAVING A RADIUS OF 40.00 FEET, A CENTRAL ANGLE OF 29°44'42" AND A CHORD BEARING OF S35°52'02"E; THENCE SOUTHERLY ALONG SAID RIGHT OF WAY LINE AND THE ARC OF SAID CURVE, 20.77 FEET TO THE WESTERLY LINE OF LOT 1, BLOCK 35, SAID PINE GROVE - SECTION-25; THENCE ALONG THE WESTERLY LINE OF SAID LOT 1, S39°15'31"W, 20.47 FEET TO A POINT LYING 30.00 FEET SOUTHERLY OF THE SOUTHERLY LINE OF SAID LOT 1, S39°15'31"W, PERPENDICULAR THERETO; THENCE S69°00'13"W PARALLEL WITH SAID SOUTHERLY LINE, 149.77 FEET; THENCE N89°59'16"W, 210.27 FEET; THENCE N58°22'58"W, 132.88 FEET TO THE EASTERLY BOUNDARY LINE OF THAT LAND DESCRIBED IN OFFICIAL RECORDS BOOK 521, PAGE 864, SAID PUBLIC RECORDS; THENCE ALONG SAID EASTERLY BOUNDARY LINE, N33°01'48"E, 80.33 FEET TO THE BEGINNING OF A CURVE CONCAVE SOUTHEASTERLY HAVING A RADIUS OF 255.00 FEET AND A CENTRAL ANGLE OF 63°58'23"; THENCE NORTHERLY ALONG SAID EASTERLY BOUNDARY LINE AND THE ARC OF SAID CURVE, 284.72 FEET TO THE SOUTHERLY LINE OF BELLEAIRE WATERWAY, A 120 FOOT RIGHT OF WAY AND THE BEGINNING OF A CURVE CONCAVE NORTHERLY HAVING A RADIUS OF 700.00 FEET, A CENTRAL ANGLE OF 04°24'25" AND A CHORD BEARING OF S85°12'02"E; THENCE EASTERLY ALONG SAID SOUTHERLY LINE AND THE ARC OF SAID CURVE, 53.84 FEET TO THE WESTERLY LINE OF THAT LAND DESCRIBED IN OFFICIAL RECORDS BOOK 526, PAGE 324, SAID PUBLIC RECORDS; THENCE ALONG SAID WESTERLY LINE, S20°59'47"E, 51.76 FEET TO THE POINT OF BEGINNING. CONTAINING 1.53 ACRES, MORE OR LESS.

EXHIBIT "B"
ORDINANCE No. 2009-_____

