

ORDINANCE 2009 - 19
OFFICIAL ZONING MAP AMENDMENT
APPLICANT INITIATED APPLICATION NO. 1783
BERNARD MEADOWS SECTION 81- RESERVED PARCEL F-3
BERNARD MEADOWS SECTION 81 – TRACT ‘A’

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM COAST, FLORIDA, PROVIDING FOR THE AMENDMENT OF THE *OFFICIAL ZONING MAP* AS PREVIOUSLY ESTABLISHED IN SECTION 2.06 OF THE *CITY OF PALM COAST UNIFIED LAND DEVELOPMENT CODE*; AMENDING THE OFFICIAL ZONING MAP FOR 5.61+/- ACRES OF CERTAIN REAL PROPERTY DESCRIBED AS TAX PARCEL IDENTIFICATION NUMBER 18-11-31-0000-02010-0000 OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA CONTAINING 2.86 ACRES MORE OR LESS FROM GENERAL OFFICE (OFC-2) TO GENERAL COMMERCIAL (COM-2) AND PARCEL ID NUMBER 07-11-31-7081-0RPOF-0031 OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA CONTAINING 2.75 ACRES MORE OR LESS FROM SINGLE FAMILY RESIDENTIAL (SFR-3) TO GENERAL COMMERCIAL (COM-2) AND PRESERVATION (PRS) AS DESCRIBED IN MORE DETAIL IN THE LEGAL DESCRIPTION WHICH IS AN EXHIBIT TO THIS ORDINANCE; PROVIDING FOR EXHIBITS, CONFLICTS, RATIFICATION OF PRIOR ACTS, NON-CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE

WHEREAS, the City Council of the City of Palm Coast, as the governing body of the City, pursuant to the authority vested in Chapter 163 and Chapter 125, Florida Statutes and the City of Palm Coast Unified Land Development Code, is authorized and empowered to consider applications relating to zoning; and

WHEREAS, the notice and public hearing requirements, as provided for in Chapter 2 (Review Authority, Enforcement, and Procedures) of the City of Palm Coast Unified Land Development Code (Ordinance No. 2008-23) have been satisfied; and

WHEREAS, the City Council of the City of Palm Coast has considered the evidence and testimony presented by the applicant and other interested parties, the recommendations of the various City reviewing departments, and the recommendation of the Planning and Land Development Regulation Board; and

WHEREAS, the City Council has considered the findings in the staff report and the following findings of fact:

1. The rezoning is consistent with the purposes, goals, objectives, and policies of the City of Palm Coast Comprehensive Plan;

2. The rezoning is compatible, as defined in the Unified Land Development Code, and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for rezoning;
3. The rezoning will result in a logical, timely, and orderly development pattern;

NOW, THEREFORE, BE IT ENACTED by the City Council of the City of Palm Coast, Florida:

SECTION 1. Legislative and Administrative Findings. The above recitals (whereas clauses) are hereby adopted as the legislative and administrative findings of the City Council.

SECTION 2. Official Zoning Map Amended. The 5.61± acres of land, identified as Tax Parcel Identification Number 18-11-31-0000-02010-0000, located south of, and adjacent to, Palm Coast Parkway, and east of and adjacent to Old Kings Road and north of and adjacent to Blairsville Drive and legally described in “Exhibit A” and as depicted in “Exhibit B”, attached hereto, is hereby amended from the General Office (OFC-2) zoning district to General Commercial (COM-2) zoning district and Tax Parcel Identification Number 07-11-31-7081-0RPOF-0031, located south of and adjacent to Palm Coast Parkway and north of, and adjacent to Blairsville Drive, lying approximately 265 feet east of Old Kings Road, and legally described in “Exhibit C” and as depicted in “Exhibit D”, attached hereto, is hereby amended from the Single Family Residential (SFR-3) zoning district to the General Commercial (COM-2) and Preservation (PRS) zoning district.

SECTION 3. Severability. If any Section or portion of a Section of this Ordinance proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other Section or part of this Ordinance.

SECTION 4. Non-Codification. 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 not be codified in the *Code of Ordinances of the City of Palm Coast* or the *Unified Land Development Code of the City of Palm Coast*; provided, however, that the actions taken herein shall be depicted on the Official Zoning Map of the City of Palm Coast by the City Manager, or designee.

SECTION 5. Conflicts. All Ordinances or parts of Ordinances in conflict with any of the provisions of this Ordinance are hereby repealed.

SECTION 6. Effective Date. This Ordinance shall become effective upon final adoption and effective date of Ordinance 2009-_____.

Approved on first reading 1st day of September 2009.

Adopted on the second reading after due public notice and hearing City of Palm Coast this 6th day of October 2009.

CITY OF PALM COAST, FLORIDA

ATTEST:

Jon Netts, Mayor

Clare M. Hoeni, City Clerk

Attachments:

Tax Parcel Identification Number 18-11-31-0000-02010-0000 and portion of Tax Parcel Identification Number 07-11-31-7081-0RPOF-0031

Exhibit "A" – Legal Description of property subject to Official Zoning Map amendment

Exhibit "B" – Revised Official Zoning Map

Tax Parcel Identification Number 07-11-31-7081-0RPOF-0031

Exhibit "C" – Legal Description of property subject to Official Zoning Map amendment

Exhibit "D" – Revised Official Zoning Map

EXHIBIT "A"
LEGAL DESCRIPTION

**TAX ID PARCEL #18-11-31-0000-02010-0000 AND
PORTION OF TAX ID PARCEL #07-11-31-7081-0RPOF-0031
OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA**

LEGAL DESCRIPTION PER OFFICIAL RECORDS BOOK 591, PAGE 590, PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA.

A PARCEL OF LAND LYING EAST OF OLD KINGS ROAD (104' R/W) IN GOVERNMENT SECTIONS 18 AND 41, TOWNSHIP 11 SOUTH, RANGE 31 EAST, INCLUDING A PORTION OF RESERVED PARCEL "F-3" OF THE SUBDIVISION PLAT OF BERNARD MEADOWS SECTION-81, PALM COAST, MAP BOOK 23, PAGES 23 THROUGH 40, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A POINT OF REFERENCE BEING THE NORTHEAST CORNER OF SAID SECTION-18 THENCE SOUTH 14°00'13" EAST ALONG THE EASTERLY LINE OF SECTION 18 A DISTANCE OF 429.64 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF PALM COAST PARKWAY AND THE POINT OF BEGINNING OF THIS DESCRIPTION, THENCE NORTH 79°00'00" EAST ALONG SAID RIGHT-OF-WAY A DISTANCE OF 93.83 FEET, THENCE DEPARTING PALM COAST PARKWAY SOUTH 08°26'24" WEST A DISTANCE OF 182.19 FEET, THENCE SOUTH 14°00'13" EAST A DISTANCE OF 238.00 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF BLAIRSVILLE DRIVE (50' R/W), THENCE SOUTH 64°00'00" WEST A DISTANCE OF 30.00 FEET TO A POINT OF CURVATURE, THENCE 168.84 FEET ALONG THE ARC OF A CURVE TO THE LEFT (CONCAVE SOUTHEAST) HAVING A CENTRAL ANGLE OF 33°05'58", A RADIUS OF 292.26 FEET, A CHORD BEARING OF SOUTH 47°27'01" WEST AND A CHORD DISTANCE OF 166.50 FEET TO A POINT OF REVERSE CURVATURE, THENCE 197.00 FEET ALONG THE ARC OF A CURVE TO THE RIGHT (CONCAVE NORTHERLY) HAVING A CENTRAL ANGLE OF 90°00'00", A RADIUS OF 125.41 FEET, A CHORD BEARING OF SOUTH 75°54'02" WEST AND A CHORD DISTANCE OF 177.36 FEET TO A POINT OF TANGENCY, THENCE NORTH 59°05'58" WEST ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF BLAIRSVILLE DRIVE A DISTANCE OF 48.17 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF OLD KINGS ROAD (104' R/W), THENCE DEPARTING BLAIRSVILLE DRIVE NORTH 30°54'02" EAST ALONG SAID OLD KINGS ROAD A DISTANCE OF 118.26 FEET TO A POINT OF CURVATURE, THENCE 350.81 FEET ALONG THE ARC OF A CURVE TO THE LEFT (CONCAVE WESTERLY) HAVING A CENTRAL ANGLE OF 50°00'00", A RADIUS OF 402.00 FEET, A CHORD BEARING OF NORTH 05°54'02" EAST AND A CHORD DISTANCE OF 339.79 FEET TO A POINT OF TANGENCY, THENCE NORTH 19°05'58" WEST A DISTANCE OF 69.34 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF PALM COAST PARKWAY, THENCE NORTH 79°00'00" EAST A DISTANCE OF 170.17 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINING 2.8562 ACRES MORE OR LESS.

A PARCEL OF LAND LYING EAST OF OLD KINGS ROAD (104'R/W) IN GOVERNMENT SECTION 41, TOWNSHIP 11 SOUTH, RANGE 31 EAST, BEING IN A PORTION OF RESERVED PARCEL "F-3" OF THE SUBDIVISION PLAT OF BERNARD MEADOWS SECTION 18 AND 41, PALM COAST, MAP BOOK 23 PAGES 24 THROUGH 40, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF LOT ONE, SUBDIVISION PLAT OF BERNARD MEADOWS SECTION 81, PALM HARBOR AT PALM COAST SECTION 18 AND 41, PALM COAST, MAP BOOK 23 PAGES 24 THROUGH 40. SAID POINT ALSO BEING ON THE NORTHERLY RIGHT-OF-WAY LINE OF BLAIRSVILLE DRIVE, THENCE RUN SOUTH 64°00'00" WEST ALONG THE AFOREMENTIONED NORTHERLY RIGHT-OF-WAY LINE FOR A DISTANCE OF 56.73 FEET TO THE POINT OF BEGINNING. THENCE CONTINUE ALONG SAID NORTHERLY RIGHT-OF-WAY LINE SOUTH 64°00'00" WEST FOR A DISTANCE OF 73.97 FEET; THENCE DEPARTING SAID LINE RUN NORTH 14°00'13" WEST FOR A DISTANCE OF 238.00 FEET; THENCE RUN NORTH 08°26'24" EAST FOR A DISTANCE OF 151.56 FEET; THENCE RUN SOUTH 10°58'07" EAST FOR A DISTANCE OF 233.52 FEET; THENCE RUN SOUTH 25°42'50" EAST FOR A DISTANCE OF 132.39 FEET TO THE POINT OF BEGINNING.

CONTAINING 16,206 SQUARE FEET OR 0.37 ACRES MORE OR LESS.

EXHIBIT "B"

Revised Official Zoning Map

TAX ID PARCEL NUMBER 18-11-31-0000-02010-0000 AND PORTION
OF 07-11-31-7081-0RPOF-0031 OF THE PUBLIC RECORDS OF
FLAGLER COUNTY, FLORIDA.

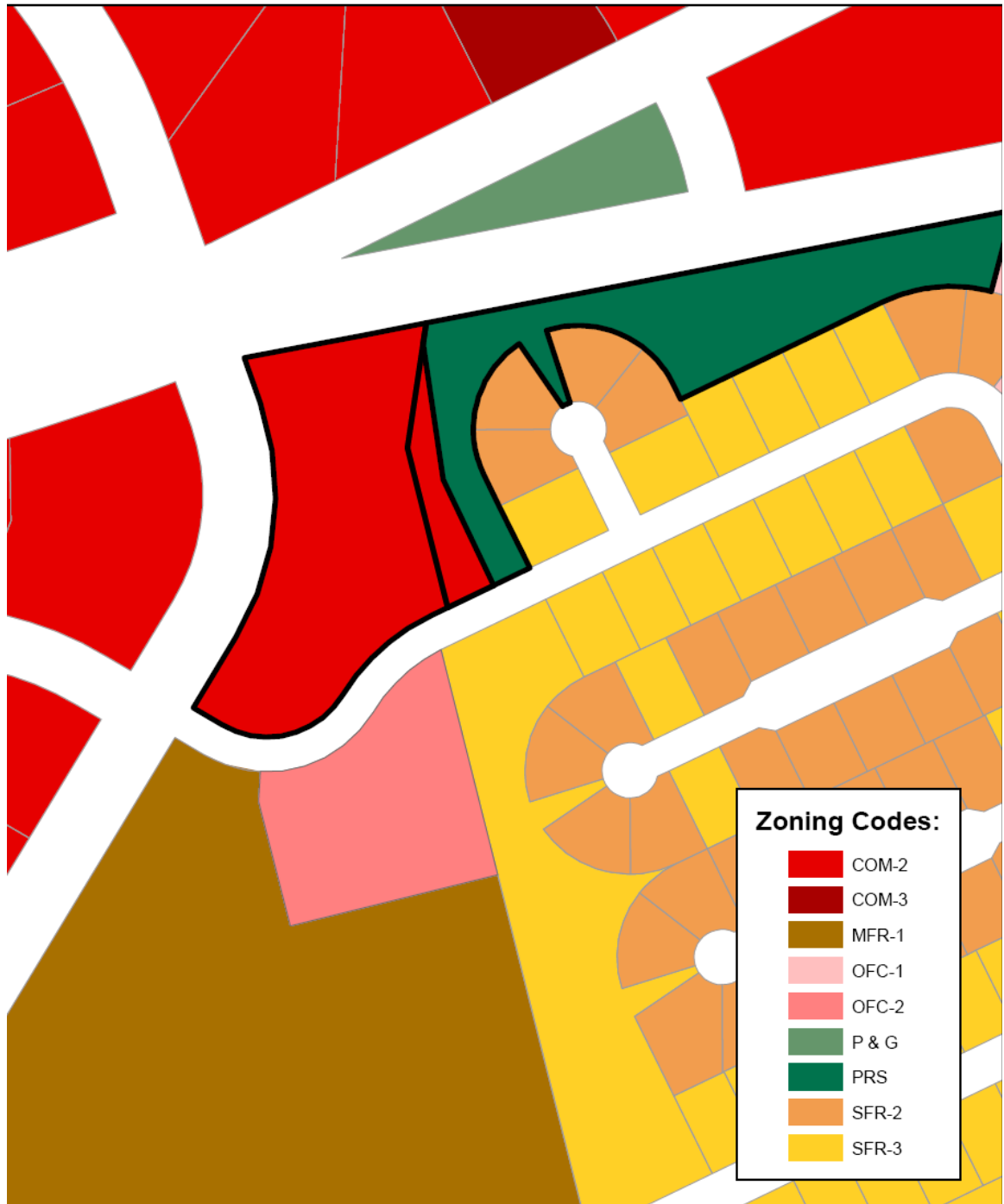


EXHIBIT "C"
LEGAL DESCRIPTION

**TAX ID PARCEL NUMBER 07-11-31-7081-0RPOF-0031 OF THE
PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA.**

A PARCEL OF LAND LYING EAST OF OLD KINGS ROAD (104' R/W) IN GOVERNMENT SECTION 41, TOWNSHIP 11 SOUTH, RANGE 31 EAST, BEING IN A PORTION OF RESERVED PARCEL "F-3" OF THE SUBDIVISION PLAT OF BERNARD MEADOWS SECTION 81, PALM HARBOR AT PALM COAST, IN SECTION 41, PALM COAST, MAP BOOK 23 PAGES 23 THROUGH 40, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF LOT ONE, SUBDIVISION PLAT OF BERNARD MEADOWS SECTION 81, PALM HARBOR AT PALM COAST IN SECTION 41, PALM COAST, MAP BOOK 23 PAGES 23 THROUGH 40. SAID POINT ALSO BEING ON THE NORTHERLY RIGHT-OF-WAY LINE OF BLAIRSVILLE DRIVE, THENCE RUN SOUTH 63°57'09" WEST ALONG THE AFOREMENTIONED NORTHERLY RIGHT-OF-WAY LINE FOR A DISTANCE OF 56.73 FEET; THENCE NORTH 25°29'54" WEST FOR A DISTANCE OF 132.24 FEET; THENCE NORTH 10°57'15" WEST FOR A DISTANCE OF 233.50 FEET; THENCE NORTH 07°34'04" EAST A DISTANCE OF 30.52 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF PALM COAST PARKWAY, THENCE ALONG SAID RIGHT-OF-WAY LINE NORTH 78°59'31" EAST A DISTANCE OF 852.63 FEET; THENCE LEAVING SAID RIGHT-OF-WAY LINE RUN SOUTH 14°33'45" WEST A DISTANCE OF 121.68 FEET TO A POINT ON A CURVE, THENCE 159.65 FEET ALONG THE ARC OF A CURVE TO THE LEFT (CONCAVE SOUTHERLY) HAVING A CENTRAL ANGLE OF 40°38'14", A RADIUS OF 225.00 FEET, A CHORD BEARING OF SOUTH 84°40'18" WEST AND A CHORD DISTANCE OF 156.32 FEET; THENCE SOUTH 63°56'08" WEST FOR A DISTANCE OF 319.93 FEET; THENCE RUN NORTH 26°17'30" WEST FOR A DISTANCE OF 25.23 FEET TO A POINT OF CURVATURE, THENCE 213.65 FEET ALONG THE ARC OF A CURVE TO THE LEFT (CONCAVE SOUTHWESTERLY) HAVING A CENTRAL ANGLE OF 81°36'34", A RADIUS OF 150.00 FEET, A CHORD BEARING OF NORTH 66°51'02" WEST AND A CHORD DISTANCE OF 196.05 FEET; THENCE SOUTH 17°40'28" EAST A DISTANCE OF 109.88 FEET TO A POINT ON A CURVE, ALSO BEING THE RIGHT-OF-WAY LINE OF BLAIR COURT, THENCE 11.60 FEET ALONG THE ARC OF A CURVE TO THE LEFT (CONCAVE SOUTHERLY) HAVING A CENTRAL ANGLE OF 16°36'38", A RADIUS OF 40.00 FEET, A CHORD BEARING OF SOUTH 63°16'30" WEST AND A CHORD DISTANCE OF 11.56 FEET; THENCE NORTH 34°16'59" WEST A DISTANCE OF 110.75 FEET TO A POINT ON A CURVE, THENCE 214.56 FEET ALONG THE ARC OF A CURVE TO THE LEFT (CONCAVE SOUTHEASTERLY) HAVING A CENTRAL ANGLE OF 81°57'24", A RADIUS OF 150.00 FEET, A CHORD BEARING OF SOUTH 14°41'50" WEST AND A CHORD DISTANCE OF 196.73 FEET; THENCE RUN SOUTH 25°56'24" EAST FOR A DISTANCE OF 150.04 FEET TO THE POINT OF BEGINNING.

CONTAINING 103,461 SQUARE FEET OR 2.38 ACRES MORE OR LESS.

EXHIBIT "D"

Revised Official Zoning Map

**TAX PARCEL IDENTIFICATION NUMBER 07-11-31-7081-0RPOF-0031 OF THE
PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA**

