

ORDINANCE 2017 - 24
PALM COAST 145, LLC, ZONING MAP AMENDMENT

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM COAST, FLORIDA, PROVIDING FOR THE AMENDMENT OF THE OFFICIAL ZONING MAP AS ESTABLISHED IN SECTION 2.06 OF THE CITY OF PALM COAST UNIFIED LAND DEVELOPMENT CODE; AMENDING THE ZONING DESIGNATION FOR APPROXIMATELY 145 ACRES, FROM LIGHT INDUSTRIAL (IND-1), HIGH-INTENSITY COMMERCIAL (COM-3), AND SUBURBAN ESTATE RESIDENTIAL DISTRICT (EST-1) TO MASTER PLANNED DEVELOPMENT (MPD) WITH A DEVELOPMENT AGREEMENT; SUBJECT PROPERTY IS MORE PARTICULARLY DESCRIBED IN EXHIBIT “A” AND GRAPHICALLY DEPICTED IN EXHIBIT “B”; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR NON-CODIFICATION AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Palm Coast, pursuant to the authority vested in Chapter 163 and Chapter 166, 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 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 (PLDRB); 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;
4. The staff report has demonstrated sufficient justification that there are changed circumstances, which would require the rezoning request.

WHEREAS, the City now intends to change the zoning of the subject property from Light Industrial (IND-1), High Intensity Commercial (COM-3), and Suburban Estate Residential (EST-1) to Master Planned Development (MPD) with a Development Agreement.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PALM COAST, FLORIDA:

SECTION 1. Recitals. The foregoing recitals are true and correct and are fully incorporated herein by this reference.

SECTION 2. Rezoning of Subject Property. The zoning designations for the subject parcel is hereby changed from Light Industrial (IND-1), High Intensity Commercial (COM-3), and Suburban Estate Residential (EST-1) to Master Planned Development (MPD) along with a Development Agreement.

SECTION 3. Conflicts. All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

SECTION 4. Severability. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Code are severable, and if any phrase, clause, sentence, paragraph or section of this Code shall be declared unconstitutional by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Code.

SECTION 5. Effective Date. This Ordinance shall become effective immediately upon the effective date of Ordinance No. 2017-23 as adopted by the City Council of the City of Palm Coast, Florida, and pursuant to the City Charter. If Ordinance No. 2017- 23 does not become effective, then this Ordinance shall become null and void.

APPROVED on first reading the 5th day of September 2017, at a public hearing.

ADOPTED on the second reading the 21st day of November 2017, at a public hearing.

CITY OF PALM COAST, FLORIDA

M. Holland

Milissa Holland, Mayor

ATTEST:

Virginia A. Smith

Virginia A. Smith, City Clerk



Approved as to form and legality

William E. Reischmann, Jr.

William E. Reischmann, Jr.
City Attorney

EXHIBIT A LEGAL DESCRIPTION

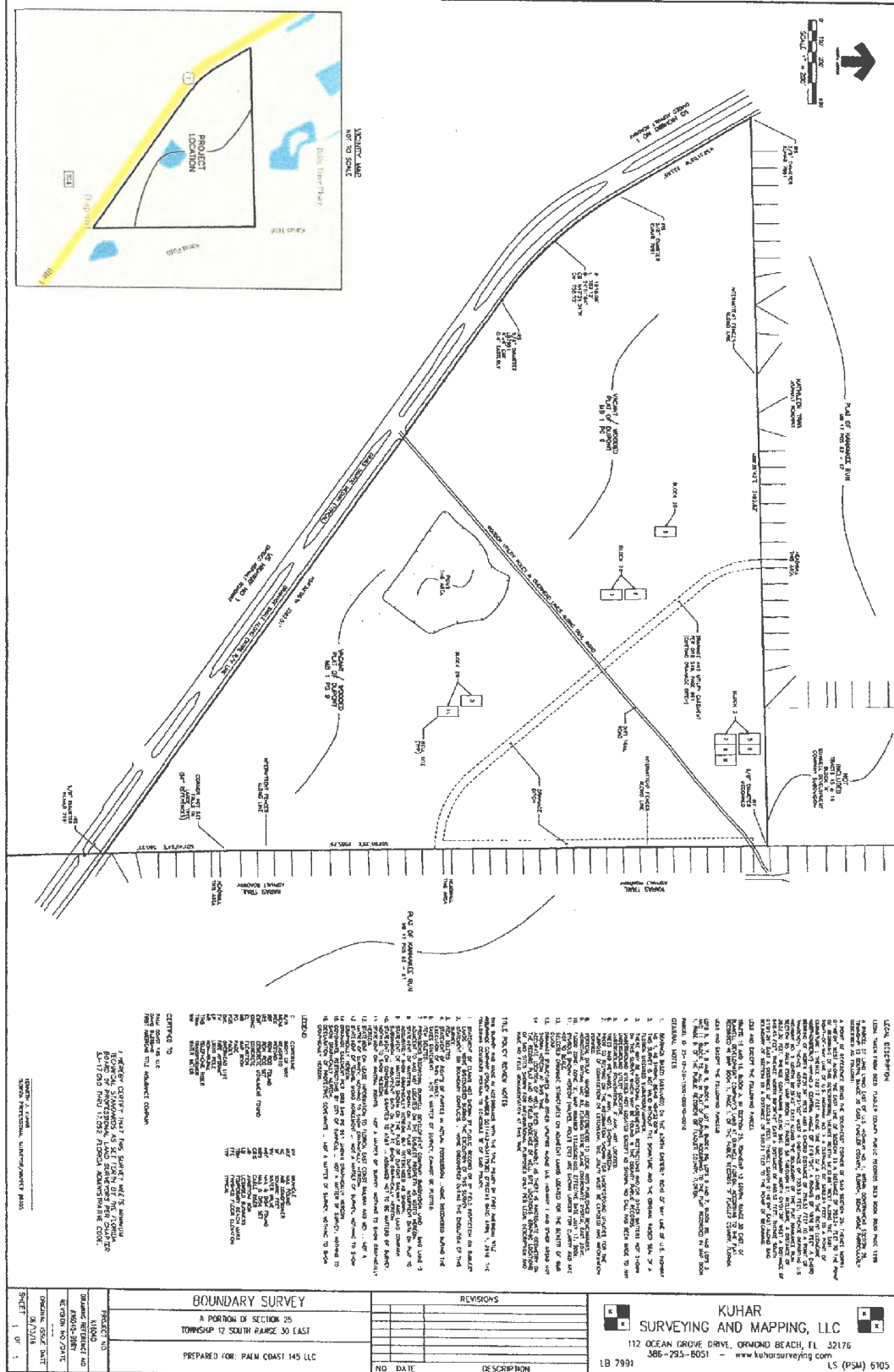


EXHIBIT A – LEGAL DESCRIPTION CONTINUED

LEGAL DESCRIPTION

LEGAL TAKEN FROM DEED, FLAGLER COUNTY PUBLIC RECORDS DEED BOOK 2030 PAGE 1229

A PARCEL OF LAND LYING EAST OF U.S. HIGHWAY NO. 1, WITHIN GOVERNMENT SECTION 25, TOWNSHIP 12 SOUTH, RANGE 30 EAST, FLAGLER COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A POINT OF REFERENCE BEING THE SOUTHEAST CORNER OF SAID SECTION 25; THENCE NORTH 01°49'04" WEST ALONG THE EAST LINE OF SECTION 25 A DISTANCE OF 703.34 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE NORTH 54°32'08" WEST ALONG THE EAST RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 1 A DISTANCE OF 3282.01 FEET TO A POINT OF CURVATURE; THENCE 782.12 FEET ALONG THE ARC OF A CURVE TO THE RIGHT (CONCAVE NORTHEASTERLY) HAVING A CENTRAL ANGLE OF 24°01'04", A RADIUS OF 1818.08 FEET, A CHORD BEARING OF NORTH 42°31'34" WEST AND A CHORD DISTANCE OF 758.55 FEET TO A POINT OF TANGENCY; THENCE NORTH 30°31'02" WEST A DISTANCE OF 733.53 FEET; THENCE DEPARTING U.S. HIGHWAY NO. 1 NORTH 88°39'42" EAST ALONG THE BOUNDARY OF THE PLAT KANKAKEE RUN SECTION 65 PALM COAST, MAP BOOK 17, PAGES 58 THROUGH 67, INCLUSIVE, A DISTANCE OF 2832.30 FEET; THENCE CONTINUING ALONG SAID BOUNDARY NORTH 01°01'39" WEST A DISTANCE OF 848.45 FEET; THENCE NORTH 88°39'42" EAST A DISTANCE OF 880.52 FEET; THENCE SOUTH 01°01'39" EAST A DISTANCE OF 3232.24 FEET; THENCE SOUTH 01°49'04" EAST ALONG SAID BOUNDARY OF SECTION 65 A DISTANCE OF 590.22 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT THE FOLLOWING PARCEL:

TRACTS 15 AND 16, BLOCK A, IN SECTION 25, TOWNSHIP 12 SOUTH, RANGE 30 EAST, OF BUNNELL DEVELOPMENT COMPANY'S LAND AT BUNNELL, FLORIDA, ACCORDING TO THE PLAT RECORDED IN MAP BOOK 1, PAGE 1, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA.

LESS AND EXCEPT THE FOLLOWING PARCELS:

LOTS 5, 6, 7, 8 AND 9, BLOCK 2; LOT 8, BLOCK 20; LOTS 6 AND 7, BLOCK 28, AND LOTS 3 AND 11, BLOCK 70, ALL IN PLAT OF DUPONT, ACCORDING TO THE PLAT RECORDED IN MAP BOOK 1, PAGE 9, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA.

PARCEL ID: 25-12-30-1500-00010-0010

PROPOSED ZONING MAP AMENDMENT

