



# City of Flagler Beach

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## Planning and Building Department

**Date:** June 27, 2024,

**To:** Chairman and Board Members of Planning and Architectural Review Board

**From:** Lupita McClenning, City Planner, City of Flagler Beach

**Subject:** Conceptual Site Plan: Application # PFS24-0001

Legacy Pointe Cottages

2401 Leslie Street

Construct a residential rental community consisting of 22 coastal cottages. All units are 2 bedrooms, 1 bathroom

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### ***Background:***

A multi-family development proposal located at 2401 Leslie Steet was formally presented to the PARB and approved by the City Commission approximately three (3) years ago. In accordance with Section 08.05.03.(9), a site plan shall expire if no substantial performance of work described in the building permit has been performed within two (2) years of the date of issuance. The approved site plan expired.

The site plan for the proposed development was amended and resubmitted as a major site plan (SP#23-04-01) for consideration by the PARB during the regular meeting of May 2<sup>nd</sup>, 2024. Final Site Plan 23-04-01 was approved by the PARB with conditions.

Based on comments from the PARB at the May 2<sup>nd</sup> meeting, the applicant chose to modify the elements of site plan SP#23-04-01 and instead submit a conceptual plan for the board's consideration of a multi-family development that the applicant believes better aligns with needs, established goals, and design standards for the City of Flagler Beach.

This site plan is submitted as a Conceptual Plan for the Board's consideration and so as to move forward with a preliminary site plan that reflects the installation of all improvements required and, in a manner, consistent with standards of the City's Code.

Per Section 8.05.05 - *Minimum Site Improvements* – improvements include stormwater management systems, utilities, parking, and loading areas, lighting, sidewalks, and landscaping and buffering, and ingress/egress roadway improvements.

### ***Parcel Description***

Address: 2401 Leslie Street., Flagler Beach, FL

Parcel ID: 11-12-31-0650-000D0-0050

Area: 137,812.959 GIS sq. ft.

Conceptual Site Plan: Application # PFS24-0001 Legacy Pointe Cottages

## **Conceptual Site Plan: Legacy Pointe Cottages**

- Applicant **proposes to construct 22 buildings consisting of multi-family units for a total of 17,248 SQFT.**
- The proposed size of **each unit is 25' x 32'4" x 8'.**
- **Each unit is proposed to be 784 SQFT.**

### ***Parcel Description***

**The property is 3.16 acres** of vacant, undeveloped land located at 2401 Leslie St. Flagler Beach, FL.

FLUM Map Designation: Medium Density Residential (MDR) See

Zoning Map Designation: General Commercial (GC) See

### ***Existing Conditions:***

- The 3.16-acre lot consists of a vacant wooded parcel.
- The project is located at the termination of Leslie Street and Joyce Street on the west side of John Anderson Highway.
- **Site access is provided by an existing paved road on Leslie Street; and a secondary ingress/egress is Joyce Street, an unpaved road.**

### ***Surrounding Properties***

- Property to the west is developed and zoned Highway Commercial (HC).
- Property to the east is developed and zoned Single-Family Residential (SFR-1).
- Property to the south is developed multifamily development zoned Medium Density Residential (MDR).
- Property to the north is 1.20 acres of undeveloped land.

### **Land Development Regulations Compliance**

#### **Sec. 8.05.02. – Site Plan Approval**

In accordance with Section 8.05.02, Site Plan Approval, **a major site plan is required for the following development:**

- Multi-family residential projects consisting of three (3) or more units;**
- Two-family projects consisting of two (2) or more two-family buildings — four (4) units;
- New non-residential buildings or structures;**
- Additions to any existing multi-family residential project or existing non-residential structure, which do not meet the criteria for a minor site plan approval;
- Accessory structures associated with any existing multi-family residential project or existing non-residential structure, which does not meet the criteria for a minor site plan approval;
- Conversion of a transient lodging facility that converts to multi-family residential or non-residential;
- Parking lots containing seven (7) or less automobile parking spaces that are not associated with a structure requiring a major site plan approval;
- Parking lots containing more than seven (7) automobile parking spaces;**

- i. Multi-family residential, commercial, and recreational patios and decks;
- j. Conversion of residential unit(s) to non-residential use not associated with a structure requiring a major site plan approval; and
- k. Conversion of non-residential unit(s) to multi-family units not associated with a structure requiring a major site plan approval.

The planning and architectural review board shall be the entity responsible for reviewing and making a recommendation to the city commission regarding the approval of major site plans.

***Sec. 8.05.05. - Minimum site improvements.***

All site development plans shall reflect the installation of all improvements required in this Code, in a manner consistent with standards of this Code.

- A. Improvements include stormwater management systems, utilities, parking, and loading areas, lighting, sidewalks, and landscaping and buffering, and any other facility required by this Code.
- B. Easements and miscellaneous dedications. The following minimum number and size of easements and dedications shall be reflected on the site plan drawing.
  - 1. *Drainage facilities.* A drainage easement shall be granted to the city where a proposed subdivision is traversed by any existing or proposed watercourse, canal, ditch, storm sewer, or other drainage way
  - 2. *Utilities.* A utility easement shall be granted to the City wherever a proposed utility line or other facility is planned or located on or adjacent to any property not otherwise dedicated to or owned by the city. The size and location of such easements shall be determined by the city.
  - 3. *Conservation easements.* Conservation easements over all required tree preservation areas shall be granted to the city or other appropriate governmental agency.

***Sec 2.04.02.8 - Zoning Schedule Permitted Uses: General Commercial***

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| <ul style="list-style-type: none"> <li>1. Off-street parking facilities or structures.</li> <li>2. Business and financial services. Professional offices.</li> <li>3. Funeral homes.</li> <li>4. Automotive service stations. Retail building supplies.</li> <li>5. Restaurants.</li> <li>6. Retail sales of food, hardware and other household items normally required to serve the residents of the community.</li> <li>7. Medical services and facilities (not to include pharmacies and medical marijuana treatment center dispensaries which are not permitted</li> </ul> | <ul style="list-style-type: none"> <li>uses within the General Commercial zoning district).</li> <li>8. Essential public services and facilities.</li> <li>9. Park and recreational facilities. Veterinary hospitals with no kennels.</li> <li>10. There shall be no overnight stays of animals, except for emergency care.</li> <li>11. <b>All principal uses permitted in the MDR District.</b></li> <li>12. Mini-warehouses.</li> <li>13. Mixed Use Buildings within the defined Mixed Use District boundary (See Note 12. Section 2.04.02.9, Zoning Schedule Two)</li> </ul> |
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**Permitted Uses: Medium Density Residential**

1. Single-family dwellings.
2. Two-family dwellings.
3. Townhouse dwellings.
4. **Multifamily dwellings.**
5. Parks and recreational facilities.
6. Essential public services and facilities.
7. Community residential homes in accordance with chapter 419, F.S.

**Sec 2.04.02.9 - Lot Dimensions - Schedule II Development Standards Table**

Zoning District	Min. Lot Size (Sq. Ft.)	Min. Lot Width at Building Setback Line (Feet)	Min. Lot Depth (Feet)	Density Sq. Ft. Per Dwelling Unit	Min. Front Yard (Feet)	Min. Side Yard (Feet) (See Note 1)	Min. Rear Yard (Feet) (See Note 2)	Max. Building Height (Feet)	Maximum Impervious Surface Coverage (% of Total Lot Area) (See Note 13)
General Commercial (See Note 12)	4000	50	80	When use is residential, <b>MDR Schedule 2 area/dwelling unit (sq. ft.) shall apply.</b>	25' if parking provided; 10' if not	None, except along A1A is 10% of lot width	10	35	75 (CBD 85%)

**Sec. 6.00.03. - Lot design standards.**

The following standards shall apply to subdivisions within the city:

1. Lot Standards and Building Setbacks shall be in accordance with Section 2.04.02.9, Zoning Schedule II; Lot, Yard and Bulk Regulations.
2. All public utility easements shall be a minimum of fifteen (15) feet in width.
3. All street blocks shall be a minimum of four hundred (400) feet in length.

Schedule II Residential Standards 2.04.02.9									
Zoning District	Min Lot Size	Min Lot Width	Min Lot Depth	Density per DU	Min Front Yard	Min Side Yard	Min Rear Yard	Max Height	Max Impervious
MDR Multifamily	9000 SQFT	100'	75'	5 DU/AC	25'	10% of lot width	25'	35'	65%

**Sec. 2.05.08.2. - Minimum square footage of dwelling units**

All dwelling units in multifamily residential buildings shall have a minimum of five-hundred-fifty (550') square feet of livable enclosed floor space.

#### ***Sec. 6.00.04. - Subdivision improvements.***

- a. All street markers shall be in place showing plainly the names of the streets. Where such markers are placed at intersections, the name of each intersecting street shall be displayed on said marker.
- b. **The minimum width of right-of-way for subdivision streets in the city shall be as follows:**
  - a. **Fifty (50) feet for secondary streets;**
  - b. Sixty (60) feet for collectors;
  - c. Seventy (70) feet for thoroughfares.

All streets shall be paved by the owners, and the minimum width of the paving shall be as follows:

- a. **Twenty-eight (28) feet for secondary streets;**
- b. Thirty-two (32) feet for collectors;
- c. Forty-two (42) feet for thoroughfares.

The owners shall also install curbs and gutters along said streets, and the minimum paved area as described above shall be measured from the back of one (1) curb to the back of the opposite curb. Paving shall consist of a six-inch base and a double surface treatment.

The owner shall install a water distribution system including fire hydrants. Said system shall meet the engineering requirements and specifications required by the city for the municipal water distribution system. The plans and specifications of such water distribution system shall be submitted to and approved by the city prior to the commencement of construction of said system.

#### ***Sec. 6.00.11. - Stormwater Management.***

A stormwater management plan shall be provided. This plan shall be prepared in accordance with the interim performance and design standards specified in the city's adopted stormwater management ordinance, and in compliance with *Section 9.04.02 Stormwater Design Criteria*, consistent with regulations and policies of the St. Johns River Water Management District (SJRWMD) and the Florida Department of Environmental Protection (FDEP).

Drainage calculations shall consider all relevant information that would affect the stormwater management system including, but not limited to, the following: drainage basin characteristics, system hydraulics, operating conditions and other external influences upstream and downstream from the stormwater system that may impact or be impacted by the proposed system.

#### ***Sec. 2.06.06.06 - Site planning design principles.***

##### **Utilities.**

All utilities on the development site shall be placed underground. Ground-mounted equipment such as transformers, utility pads, cable television and telephone boxes, cell tower equipment boxes, and

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similar utility services shall be placed underground whenever practicable. Where undergrounding of ground-mounted equipment is not feasible, equipment shall be screened from view with a hedge or solid fence or wall a minimum of four (4) feet in height and must be sited to comply with the site vision clearance standards.

## ***Sec 2.02.02 - Parking***

### **Off-street parking.**

Multifamily developments shall provide parking designed in accordance with the following standards:

Off-street vehicle parking spaces and bicycle parking shall be provided as specified section 2.06.02.1, off-street parking. Schedule of off-street parking requirements.

Parking lots shall be placed to the side or rear of buildings where possible.

Parking lot landscaping shall be provided as specified in subsection 2.06.02.1(6); and

Parking lots shall be connected to all building entrances by means of internal pedestrian walkways.

In all districts and in connection with every use there shall be provided, at the time any building is constructed off-street parking space in accordance with the requirements as set forth herein.

1. Size and access—An off-street parking space shall consist of a parking space having minimum dimensions of ten (10) feet in width by twenty (20) feet in length for the parking of each automobile, exclusive of access drives or aisles thereto. Minimum width for the maneuvering of an automobile into a parking space shall be in conformance with this ordinance. The parking plan must be so arranged that each automobile may be placed and removed from the property without the necessity of moving any other automobile to complete the maneuver.

Street or sidewalk areas may not be used for off-street parking purposes as herein defined. Individual ingress and egress drives extending across the public sidewalks and curbs and connecting the off-street parking spaces to the public street areas shall not exceed a maximum of twelve (12) feet for a one-way drive and twenty-four (24) feet for a two-way drive. The number and placement of such drives is to be subject to the approval of the planning and architectural review board before being installed.

2. Number of parking spaces required—There shall be provided at the time of the erection of any structure minimum off-street parking facilities with adequate provisions for ingress and egress, in accordance with paragraph (1) of this section and the schedule of off-street parking requirements.

*a. Applicant submitted a parking plan that includes 1.5 parking spaces per unit. Applicant is pending the adoption of the updated land development code for new parking requirements with anticipated adoption of parking code before submitting for building permits. A total of 41 parking spaces are proposed in the concept plan.) Without parking incentive or exception or updated parking ordinance a total 44 parking spaces is required.*

3. Location of parking spaces—Parking spaces for all uses or structures which are provided as required parking in conformance with the schedule of off-street parking and other applicable provisions shall be located within two hundred (200) feet and have the same zoning district, as the principal use or structure they are intended to serve.

### ***Section 05.04 - Landscape***

Landscaping includes not only trees and plantings, but paving, benches, fountains, exterior lighting fixtures, fences, and any other item or exterior furniture.

All landscaped areas shall be provided with an approved irrigation system.

All landscaping materials shall be either bonded or guaranteed by the owner of the premises for a period of one (1) year after the approval or acceptance thereof by the city.

All landscaping and plantings designated on the plans approved by the planning and architectural review board shall be installed in accordance with the specified height, spread and quality before a certificate of occupancy is issued.

#### **Landscaping Parking Areas.**

Landscaping—All parking areas shall be properly screened, landscaped, and lighted in accordance with Section 5.04.00 Landscaping/Trees.

Ten (10) percent minimum of the gross parking area is to be devoted to living landscaping, which includes grass, ground cover, plants, shrubs and trees. The gross parking area is to be measured from the edge of the parking and/or driveway paving and sidewalks, extended [extending] five (5) feet in all directions, but is not to include any area enclosed by the building or covered by a building overhang.

#### **Interior Landscape of Parking.**

Interior landscaping—Interior areas of parking lots shall contain planter islands located so as to best relieve the expanse of paving. A maximum of twelve (12) parking spaces in a row will be permitted without a planter island.

Interior areas of vehicular use areas shall contain planter islands located so as to best relieve the expanse of pavement. When a strict application of this section will seriously limit the function of an area the required landscaping may be relocated with the approval of the planning and architectural review board.

#### **Lighting Parking Lots.**

All parking lots and vehicular use areas shall be well lighted.

Lighting is to be designed not only from the standpoint of safety and resistance to vandalism, but for visual effect. It should avoid any annoyance to the neighbors from brightness or glare. Low lights of a modest scale can be used along with feature lighting emphasizing plants, trees, barriers, entrances and exits. The fixtures are to be selected not only for their functional value but for their aesthetic qualities. They are to be considered furniture of the parking lot visible both day and night.

## **Sidewalks**

Pedestrian circulation. To ensure safe, direct, and convenient pedestrian circulation, all multifamily developments shall contain a system of pathways designed based on the standards below:

1. The pathway system shall extend throughout the development site, and connect to all future phases of development, adjacent public parks and commercial uses, and the public sidewalk system; within the development shall provide safe, reasonably direct connections between dwelling units and parking areas, recreational facilities, storage areas, and common areas;
2. Where pathways are parallel and adjacent to a driveway or street (public or private), they shall be raised six (6) inches and curbed or separated from the driveway/street by a minimum five (5) foot strip with bollards, a landscape berm, or other physical barrier;
3. Pedestrian pathways shall be separated a minimum of six (6) feet from all building facades with residential living areas on the ground floor, except at building entrances;
4. Where pathways cross a parking area, driveway, or street ("crosswalk"), they shall be clearly marked with contrasting paving materials, humps/raised crossings, or painted striping; and
5. Pathway surface shall be concrete, asphalt, brick/masonry pavers, or other durable firm surface, at least five (5) feet wide, and shall conform to federal Americans with Disabilities Act (ADA) requirements.

### ***Sec 2.06.06.07 - Supplemental Standards Multifamily***

#### **Common open space.**

In all developments with more than twenty (20) units, a minimum area of fifteen (15) percent of the total site area (inclusive of required setback areas) shall be designated, and permanently reserved, as usable common open space.

The site area is defined as the lot or parcel on which the development is planned, after subtracting the required dedication of street right-of-way and other land for public purposes (e.g., public park). Sensitive lands and historic buildings or landmarks open to the public can be counted toward meeting the common open space requirements.

The development shall designate, within the common open space, a minimum of two hundred fifty (250) square feet of active recreation area (e.g., children's play areas, play fields, swim pool, sports courts, etc.) for every twenty (20) units or increments thereof. For example, a fifty (50) unit development shall provide a minimum of five hundred (500) square feet for active recreation. Indoor or covered recreation space may be counted toward this requirement but should not exceed thirty (30) percent of the required common space area.

### ***Sec. 3.04.00. - Determination of Concurrency Finding***

- (a) Schedule of availability. In order to pass the test of concurrency, components of infrastructure must be available to the proposed development in accordance with the following schedule taken from Chapter 9J-5.0055:



- 1) 9J-5.0055(2)(a). For potable water, sewer, solid waste and drainage, at a minimum infrastructure must satisfy the following standards to meet the concurrency requirement:
  - a. The necessary facilities and services are in place at the time a development permit is issued; or
  - b. A development permit is issued subject to the condition that the necessary facilities and services will be in place when the impacts of the development occur; or
  - c. The necessary facilities are under construction at the time a permit is issued; or
  - d. The necessary facilities and services are guaranteed in an enforceable development agreement that includes the provisions of Rules 9J-5.0055(2)(a)a. 3. An enforceable development agreement may include, but is not limited to, development agreements pursuant to F.S. § 163.3220, or an agreement or development order issued pursuant to F.S. Ch. 380. The agreement must guarantee that the necessary facilities and services will be in place when the impacts of the development occur.
  
- 2) *9J-5.0055(2)(b)*. For open space and recreation, the proposed development must satisfy the following standards to meet the concurrency requirement:
  - a. Comply with the standards defined above for potable water, sewer, solid waste and drainage; or
  - b. At the time the development permit is issued, the necessary facilities and services are the subject of a binding executed contract which provides for the commencement of the actual construction of the required facilities or the provision of services within one (1) year of the issuance of the development permit; or
  - c. The necessary facilities and services are guaranteed in an enforceable agreement which requires the commencement of the actual construction of the facilities or the provision of services within one (1) year of the issuance of the applicable development permit. An enforceable development agreement may include, but is not limited to, development agreements pursuant to F.S. § 163.3220, or an agreement or development order issued pursuant to F.S. Ch. 380.

### ***Compliance with Comprehensive Plan***

In accordance with Sec 6.00 all proposed development shall conform to the City's Comprehensive Plan, associated Future Land Use Map, the City's Concurrency Management Plan and land development regulations.

#### **Goal A.1**

##### **Policy A.1.1.1**

The City shall not issue a building permit or other development orders until the City Manager or his or her designee certifies that required public facilities and services will be provided concurrent with the needs of development. No Certificate of Occupancy shall be issued until facilities and services are in operation.

Medium Density Residential - Provides for a range of densities from above 5 units per acre to 18 units per acre.

### ***Comp Plan and Zoning Category***

The proposed development meets the Comprehensive Plan minimum requirements for a multi-family development as prescribed in the Land Development Code for the City of Flagler Beach, FL.

### ***Next Steps***

Following courtesy review applicant submit site plan application and meet with City Engineer, and city staff members for review of technical requirements for a major site plan including submitting stormwater management, utilities, lighting, sidewalks, landscaping plans, and demonstrating compliance with road ingress/egress right-of-way improvements for Joyce St. including review of the LOS and/or improvements to Leslie St to accommodate Legacy Pointe development and concurrency requirements in accordance with 9J-5.

Consider amending the parking requirement in the code to allow for 1.5 parking spaces and reserve the right to include, "a payment in lieu of," in seeking relief from parking.