



City of Flagler Beach

Planning & Zoning Department
P.O. Box 70 * 800 S Daytona Ave.
Flagler Beach, FL 32136
www.cityofflaglerbeach.com

To: Planning and Architectural Review Board Members
From: Lupita McClenning, City Planner
Date: August 29, 2024
Re: Zoning Amendment Master Planned Development (MPD) District

Application Number:	Application No. PRZ24-0002
Applicant:	Michael D. Chiumento, Esq.
Property Owner(s):	Veranda Bay Investments, LLC Palm Coast Intracoastal, LLC Highway 100 Commercial LLC
Site Location:	East and West side of John Anderson Highway & South of State Road 100.
Property ID #:	See Legal Description. Exhibit A
Current FLUM Designation:	Flagler County Designations – Agriculture, Conservation, and Mixed Use: High Intensity. City of Flagler Beach Designations – Low and Medium Density
Current Zoning Designation:	Flagler County Designations – Planned Unit Development (PUD)
Current Use:	160.99 acres under development as mixed use residential; remainder of property is vacant and undeveloped.
Total Acreage:	899.09 +/- acres
Applicant Request:	Amend the Zoning Map Designation for the 899.09 acres to Master Planned Development (MPD) District

Section 8.04.12, of the Land Development Code

In accordance with Section 8.04.12, of the Land Development Code the Planning and Architectural Review Board (PARB) of the city shall undertake the rules assigned to it within this section which includes, but is not limited to, the following duties:

- To review requests and applications for planned unit developments as stipulated within the provisions of this section;
- To advise the city commission on all matters related to land use planning and community development as directed by the city commission;
- To review all requests for rezoning (amendments), hold required public hearings to receive citizen input and recommend approval or denial of such requests to the city commission. A public hearing constitutes published notice, both at city hall and in local newspapers, and the apprising of property owners within a radius of five hundred (500) feet of the property under consideration for rezoning by certified mail of the intent to rezone.

FL Statute 163, Section 3164 of the Community Planning

As defined by FL Statute 163, Section 3164 of the Community Planning Act:

- "Compatibility" means a condition in which land uses or conditions can coexist in relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted directly or indirectly by another use or condition.
- "Level of service" means an indicator of the extent or degree of service provided by, or proposed to be provided by, a facility based on and related to the operational characteristics of the facility. Level of service shall indicate the capacity per unit of demand for each public facility.
- "Master development plan" or "master plan," for the purposes of this act and 26 U.S.C. s. 118, means a planning document that integrates plans, orders, agreements, designs, and studies to guide development as defined in this section and may include, as appropriate, authorized land uses, authorized amounts of horizontal and vertical development, and public facilities.
- "Urban sprawl" means a development pattern characterized by low density, automobile-dependent development with either a single use or multiple uses that are not functionally related, requiring the extension of public facilities and services in an inefficient manner, and failing to provide a clear separation between urban and rural uses.

Background and Intent

In 2005, Flagler County adopted Ordinance 2005-22, which rezoned and approved a PUD Development Agreement for a mixed-use development.

The +/- 899 acres of land (was permitted to be developed as a mixed-use development as a Planned Unit Development (PUD).

The owners also own two parcels of land, totaling +/- 54.8 acres, located directly adjacent to the PUD property within the City of Flagler Beach and which have a land use designation of residential uses.

The owners desire to rezone and amend the PUD property and the +/- 54.8 acres and create a single integrated mixed-use community zoned Master Planned Development (MPD) district consistent with the City of Flagler Comprehensive Plan, Future Land Use Map (FLUM) and a newly crafted Master Development Agreement, (MDA).

Project Description

The applicant proposes to amend the Zoning Map for approximately 899.09 +/- acres from Flagler County zoning designations of Planned Unit Development (PUD) to the City of Flagler Beach zoning designation of Master Planned Development (MPD) district to include Low Density Residential (LDR), and General Commercial (GC) through a Master Development Agreement (MDA).

The intent of the development is to develop the property into Low Density Residential, General Commercial, and a Marina Village. The residential uses include multiple housing types including single-family and multi-family units, and commercial uses with an anticipated build out in 2035.

This Project is a mixed-use, low-density development focused on providing significant Open Space, including preserved lands. The Project provides for low density residential development, commercial development along State Road 100 ("SR100") and a marina village.

Property designated as Commercial, generally located adjacent to SR100, is intended to provide shopping, office and other commerce and economic development opportunities for the Project's residents and the general public. This area may also be developed into a mixed-use center where residential uses are integrated with the general commercial uses to further the concept of "work, shop and play".

The commercial area identified adjacent to the Intracoastal Waterway ("ICW") is intended to be developed into a commercial or private marina which may include a

ship store, restaurants, retail uses or other commercial uses integrated with residential uses.

The Project is preserving a minimum of forty percent (40%) of the Project (+/- 300 acres) as Open Space, which includes, but is not limited to, preserved lands subject to passive recreation, buffers and wetlands.

Additionally, approximately 1,100 acres of land were previously dedicated to Flagler County for preservation, access to the Intracoastal Waterway (ICW) and public safety, which benefits and creates value for all of Flagler County, including the residents of the City of Flagler Beach.

Project Location

The subject property is located east and west of John Anderson Highway and south State Road 100. The site is bordered to the north by State Road 100 (a major arterial road); to the east by the boundaries of the City of Flagler Beach; to the south and to the west by the boundaries of unincorporated Flagler County. *See Aerial Map.*

Surrounding Zoning Designations

North: Commercial, Multifamily Residential, and Public/Semipublic (City of Palm Coast designations); Highway Commercial, Medium Density Residential, Single Family Residential, Light Industrial, and General Commercial (City of Flagler Beach designations); and Agricultural and Rural Residential (Flagler County designations).

South: Planned Unit Development (Flagler County designation).

East: Conservation, and Preservation (City of Flagler Beach designations).

West: Planned Unit Development, General Commercial & Shopping Center, and Agricultural (Flagler County designations)

Permitted Uses:

Residential

- Single Family Residential, Town House, Multi-family, and Mixed-Use.

Commercial

- General Commercial and office uses to meet the community-wide demand for retail, services, business, and employment opportunities.

City Planner Note: The Commercial square footage of 230,694 SQFT was submitted from the Applicant in the Large Scale FLUM Findings noted in Engineering Exhibit I.

Development Phasing

The Project may be developed in multiple phases.

Prior to the issuance of any permit for any phase of the Project (and prior to any construction of any improvement, building, or structure), a Preliminary Plat or Site Plan shall be submitted to the City.

Each Tract of the Project will include infrastructure to support the proposed uses, including water and wastewater service, drainage, private roads, vehicular, and pedestrian access facilities.

All infrastructure necessary to support each phase that is constructed shall be constructed concurrently with, or prior to construction of that phase of the Project, as approved by the City, and prior to the issuance of building permits for that phase. Adequate emergency vehicle access and turnarounds shall be provided at all times.

Residential Dimensional Standards

<u>Type</u>	<u>SF</u>	<u>Multi-family</u>	<u>Town House</u>	<u>Multi-family Marina</u>
Min. Distance Between Buildings	10'	10'	10'	10'
Min. Bldg. Setback to Water	20'	20'	20'	10'
Max. Bldg. Height**	35'	35'	35'	35'
Min. Front Bldg. Setback to Property Line	15'	15'	10'	10'
Min. Bldg. Rear Yard Setback	10'	10'	10'	10'
Minimum Front Setback from Right of Way	20'	N/A	20'	N/A
Minimum Bldg. Side Street or Rear Yard Setback	10'	10'	10'	10'
Min. Lot Size (SF)	4,000 sf	N/A	1,600 sf	N/A
Minimum Lot Width	40'	N/A	16'	N/A
Max. Impervious Surface Ratio**	80%	80%	80%**	80%**

**In the event the City increases its max building height limitations, the Declarant may elect to increase its maximum building height to such new limit

Commercial and/or Mixed Use (Residential above Commercial) Dimensional Standards

Commercial /Mixed Use	Standards
Min. Lot Width	80'***
Min. Lot Size	12,000 sf
Minimum Building Side Setback	0'
Minimum Building Street-Side Setback	10'
Minimum Building Front Setback	10'
Maximum Building Height****	35'
Minimum Building Rear Setback	10'
Minimum Building Setback to MPD Property Line	20'
Maximum Floor Area Ratio*	100%
Maximum Impervious Surface Ratio*	80%**

* Maximum Floor Area and Impervious Surface Ratios shall be applicable to each Tract.

**Minimum open space shall be forty percent (40%) of the entire MPD gross area.

*** If Town Houses are developed within a Commercial District, the dimensional standards for Town Houses shall control.

**** In the event the City increases its max building height limitations, the Declarant may elect to increase its maximum building height to such new limit.

Consistency with Section 2.07.10 Land Development Code

Section 2.07.10.01 Purpose

- A. The Master Planned Development (MPD) district is established and intended to encourage innovative land planning and site design concepts that support a high quality of life and achieve a high quality of development, environmental sensitivity, energy efficiency, and other City goals and objectives by:

1. Reducing or diminishing the inflexibility or uniform design that sometimes results from strict application of zoning and development standards designed primarily for individual lots;
2. Allowing greater freedom in selecting the means of providing access, open space, and design amenities;
3. Allowing greater freedom in providing a well-integrated mix of residential and nonresidential land uses in the same development, including a mix of housing types, lot sizes, and densities;
4. Providing for efficient use of land resulting in smaller networks of utilities and streets and thereby lowering development and housing costs; or
5. Promoting quality design and environmentally sensitive development that respects surrounding established land use characteristics and respects and takes advantage of a site's natural and man-made features.

Section 2.07.10.03 *General Requirements MPD*

1. Comprehensive plan consistency. The MPD shall be consistent with the Comprehensive Plan. With exception of the Preservation and Conservation classification, a Master Planned Development District is allowed within all Comprehensive Plan Future Land Use Map categories.
2. Other ordinances. All building and housing codes of the City are applicable to the Master Planned Development District; however, requirements for dimensional standards, parking, open space, and other regulations established in the master planned development plan may differ from those specific to the underlying zoning district in which the development is located.

Section 2.07.10.11 *Density and Intensity*

The densities for residential development and the intensities for non-residential development applicable in each development area of the MPD shall be as established in the MPD Master Plan, and shall be consistent with Comprehensive Plan and Land Development Code.

Section 2.07.10.12

The dimensional standards applicable in each development area of the MPD shall be as established in the MPD Master Plan and shall include at minimum the following types of dimensional standards:

1. Minimum lot area;
2. Minimum lot width;
3. Minimum and maximum setbacks;
4. Maximum lot coverage;
5. Maximum building height;
6. Maximum individual building size;
7. Maximum gross floor area, and

Standards used by Planning Staff

The following standards are recommended the City Planner in reviewing, recommending, and acting upon the application for a zoning amendment so as to balance the interest of the City against the unrestricted use of property:

1. The zoning proposal is suitable in view of the use of adjacent and nearby property and the zoning proposal will not affect the existing uses or usability of adjacent or nearby uses;
2. The property to be affected by the zoning proposal will have a reasonable and economic use;
3. The zoning proposal will not result in uses which will or could cause an excessive or burdensome use of existing transportation facilities, utilities, educational facilities or public safety;
4. The zoning proposal is consistent with the standards in the Land Development Code, specifically Section 02.07.10
5. The zoning proposal is consistent with the policies and intent of the Comprehensive Plan;
6. There is existing or changing conditions affecting the use and development of the property which give supporting grounds for approval (or disapproval) of the zoning proposal; and
7. Granting the request would not have an effect in that it becomes the opening mechanism for further rapid growth, urbanization or other land-use change beyond what is indicated in the Comprehensive Plan.

Beginning on Page 10 and there forward Below is the Zoning Request and Report submitted by Michael D. Chiumento III, PA the applicant.

City Planner Comments to the report are highlighted in yellow.

A rezoning request with a companion Large Scale Future Land Use Map amendment to allow the property owners to develop the property for low density residential and commercial uses. The residential uses shall include multiple types of housing opportunities from low density residential development to medium and high-density multi-family uses. The proposed rezoning will allow for the owners to effectively utilize the property for such development which will utilize the natural features of the area as a focal point.

In 2005, Flagler County adopted Ordinance 2005-22, which rezoned and approved the PUD Development Agreement for a mixed-use development. As negotiated in the 2005 Development Agreement, the +/- 899 acres of land (the "PUD Property") is permitted to be developed as a mixed-use development and is currently being annexed into the City of Flagler Beach, Flagler County, Florida. The owners also own two parcels of land, totaling +/- 54.8 acres, which are located directly adjacent to the PUD Property within the City of Flagler Beach (the "Owner Property") which have a land use designation of residential uses.

The owners desire to rezone and amend the presently approved development plan for the PUD Property and Owner Property (collectively, the "Subject Property") by creating a single integrated mixed-use community under a Master Planned Development Agreement (the "MPD Agreement"). The project would be consistent with the proposed Future Land Use Map designation.

MASTER PLANNED DEVELOPMENT

Land Development Regulations **Sec. 2.07.10.01** provides as follows:

"The Master Planned Development (MPD) district is established and intended to encourage innovative land planning and site design concepts that support a high quality of life and achieve a high quality of development, environmental sensitivity, energy efficiency, and other City goals and objectives by:

1. Reducing or diminishing the inflexibility or uniform design that sometimes results from strict application of zoning and development standards designed primarily for individual lots;
2. Allowing greater freedom in selecting the means of providing access, open space, and design amenities;
3. Allowing greater freedom in providing a well-integrated mix of residential and nonresidential land uses in the same development, including a mix of housing types, lot sizes, and densities;
4. Providing for efficient use of land resulting in smaller networks of utilities and streets and thereby lowering development and housing costs; or

5. Promoting quality design and environmentally sensitive development that respects surrounding established land use characteristics and respects and takes advantage of a site's natural and man-made features.”

The application to rezone and craft a “new” MPD Agreement is consistent with the requirements of the MPD zoning district as more particularly discussed below.

DEVELOPMENT AGREEMENT HIGHLIGHTS

PERMITTED USES/DENSITY

The owners agree to fully comply with the following use restrictions on the Subject Property. The following uses are permitted on the Subject Property:

- (a) Residential uses – Single Family Residential, Town House, Multi-family, and Mixed-Use.
- (b) Maximum units – The number of residential units shall be capped at 2,735.
- (c) Commercial uses – General Commercial and Office uses to meet the community-wide demand for retail, services, business, and employment opportunities.
- (d) Maximum density – The maximum Commercial density shall be capped at 480,000 sq. ft.

City Planner Note: The Commercial square footage of 230,694 SQFT was submitted from the Applicant in the Large Scale FLUM Findings noted in Engineering Exhibit I.

PROJECT DESCRIPTION

This Project is a mixed-use, low-density development focused on providing significant Open Space, including preserved lands. The Project provides for low density residential development, commercial development along State Road 100 ("SR100") and a marina village. The residential uses shall include multiple types of housing opportunities such as low-density residential development, medium density multi-family uses, and high-density multi-family uses; none exceeding thirty-five feet (35') in height. Property designated as Commercial, generally located adjacent to SR100, is intended to provide shopping, office and other commerce and economic development opportunities for the Project's residents and the general public. However, this area may also be developed into a mixed-use center where residential uses are integrated with the general commercial uses to further the concept of “work, shop and play”. The commercial area identified adjacent to the Intracoastal Waterway (“ICW”) is intended to be developed into a commercial or private marina which may include a ship store, restaurants, retail uses or other commercial uses integrated with medium density to high density residential uses. The Project will preserve a minimum of forty percent (40%) of the Project (+/- 300 acres) as Open Space, which includes, but is not limited to, preserved lands subject to passive recreation, buffers and wetlands. Recognizing that approximately 1,100 acres of land were previously dedicated to the County for (i) preservation, (ii) access to the ICW, and (iii) public safety, the Parties agree that the Project benefits the entire Flagler County community, including the residents of the City of Flagler Beach.

Open Space and Common Areas

Common areas are located throughout the Subject Property and shall include open space, preserved lands, and wetlands.

Maintenance

Maintenance of all common areas shall be the responsibility of (i) the existing community development district, (ii) a property owners association or (iii) other entity accepted by the Land Use Administrator (collectively the “Association”).

Concept Plan Amendments

The owners may increase or decrease the amount of a particular land use without modifying or amending the MPD Agreement, but only within the minimum and maximum standards provided for on the **Land Use Conversion Matrix** attached to the MPD Agreement, provided that the changes are consistent with the uses allowed under the MPD Agreement.

City Planner Comment: The Land Use Conversion Matrix needs to be provided to the City for a shared understanding of the outcome/results of a small scale land use amendment.

DEVELOPMENT PHASING

The Project may be developed in multiple phases. Prior to the issuance of any permit for any phase of the Project (and prior to any construction of any improvement, building, or structure on the Subject Property), the owners shall submit a Preliminary Plat or Site Plan for the relevant phase. Each Tract of the Project will include infrastructure to support the proposed uses, including water and wastewater service, drainage, private roads, vehicular, and pedestrian access facilities. All infrastructure necessary to support each phase that is constructed on the Subject Property shall be constructed concurrently with, or prior to construction of that phase of the Project, as approved by the City, and prior to the issuance of building permits for that phase. Adequate emergency vehicle access and turnarounds shall be provided at all times.

LAND DEVELOPMENT REGULATIONS, PARTIAL NON-APPLICABILITY

The development of the Project shall proceed in accordance with the terms of the MPD Agreement. **In the event of a conflict between the terms of the MPD Agreement and the MPD Master Plan, the provisions of the MPD Agreement shall prevail.** In the event of an inconsistency or conflict between the terms of the MPD Agreement and the LDR, the terms and provisions of the MPD Agreement shall prevail. Where specific requirements are not contained in the MPD Agreement, the LDR shall apply to the extent that it does not conflict with the provisions of the MPD Agreement or the general intent of the MPD Master Plan.

City Planner Comment: Recommend the full MPD Agreement be provided to PARB and City Commission.

Wetlands and Wetland Buffers

Wetland permitting, including their impacts and/or mitigation, for the project may occur and shall only be subject to Federal and State permits. The City agrees that any approval, impact or effect to wetlands, wetland buffers, and wetland setbacks provided by said permits shall be accepted by the City and deemed consistent with the City’s Comprehensive Plan. **The Project shall therefore be exempt from Section 4 of the LDR.**

City Planner Comment: Section 4 of the City's LDR is Environmental and Cultural Resource Protection. It includes submittal requirements for wetland impact analysis report, as well as floodplain management. City Planner Comment: Additionally, in accordance with Section 8.05.03 all documents provided to the St. Johns River Water Management District shall be provided concurrently to the city.

Stormwater

The owners shall be responsible for designing, permitting, constructing, and maintaining the means of conveyance of stormwater runoff within the Project including, but not limited to, all stormwater lines, ditches, culverts, and other stormwater facilities that are necessary to convey and treat stormwater runoff (the "Stormwater System").

Roadways / Rights-of-Way

Ingress and egress to the Project shall be provided, constructed, and dedicated to the City as a public roadway between SR100 and John Anderson Highway, as generally depicted on the MPD Master Plan (the "Spine Road"). Prior to dedication, at the owner's sole discretion, the owners (or its assigns) may reserve an easement over the Spine Road for purposes of signage, enhanced landscape maintenance, Tract access and construction. Moreover, the development of Tracts may be gated from the Spine Road and other public rights of way.

All roads shall be designed and constructed to meet the applicable provisions of the LDR and the City of Flagler Beach Standard Construction Details Manual. Emergency vehicles shall always be permitted through the Subject Property and adequate emergency vehicle access and turn-arounds shall always be provided.

Landscaping

Landscaping requirements adjacent to SR100 and John Anderson Highway shall be subject to this Development Agreement and the LDR. All other landscaping design and requirements shall be at the sole discretion of the Declarant. No potable water shall be used for irrigation after sufficient stormwater or reclaimed water source becomes available in adequate quantities.

Table – 1. Minimum Development Dimensional Standards

<u>Type</u>	<u>SF</u>	<u>Multi-family</u>	<u>Town House</u>	<u>Multi-family Marina</u>
Min. Distance Between Buildings***	10'	10'	10'	10'
Min. Bldg. Setback to Water	20'	20'	20'	10'
Max. Bldg. Height****	35'	35'	35'	35'
Min. Front Bldg. Setback to Property Line	15'	15'	10'	10'

<u>Type</u>	<u>SF</u>	<u>Multi-family</u>	<u>Town House</u>	<u>Multi-family Marina</u>
Min. Bldg. Rear Yard Setback	10'	10'	10'	10'
Minimum Front Setback from Right of Way	20'	N/A	20'	N/A
Minimum Bldg. Side Street or Rear Yard Setback	10'	10'	10'	10'
Min. Lot Size (SF)	4,000 sf	N/A	1,600 sf	N/A
Minimum Lot Width	40'	N/A	16'	N/A
Max. Impervious Surface Ratio**	80%	80%	80%**	80%**

*Except as provided in Section 10 of the MPD Agreement.

**Maximum Floor Area and Impervious Surface Ratios shall be applicable to each Tract.

*** Shall be measured as the distance between walls of adjacent structures.

**** In the event the City increases its max building height limitations, the Declarant may elect to increase its maximum building height to such new limit. Notwithstanding, residential structures presently under construction or constructed may exceed this height limitation.

Commercial or Mixed-Use with Residential Above Commercial **Site Development Requirements**

Min. Lot Width	80'***
Min. Lot Size	12,000 sf
Min. Bldg. Side Setback	0'
Min. Bldg. Street-Side Setback	10'
Min. Bldg. Front Setback	10'
Max. Bldg. Height****	35'
Min. Bldg. Rear Setback	10'
Minimum Bldg. Setback to MPD Property Line	20'
Maximum Floor Area Ratio*	100%
Max. Impervious Surface Ratio*	80%**

* Maximum Floor Area and Impervious Surface Ratios shall be applicable to each Tract.

**Minimum open space shall be forty percent (40%) of the entire MPD gross area.

*** If Town Houses are developed within a Commercial District, the dimensional standards for Town Houses shall control.

**** In the even the City increases its max building height limitations, the Declarant may elect to increase its maximum building height to such new limit.

Fire Services

Fire protection requirements for the site will be met through a system of fire hydrants installed on the site by the owners in accordance with City standards. The locations of the fire hydrants will be shown on the final site plans. The water requirements for the fire system will be served by the City of Flagler Beach.

Parking

Residential and Commercial uses shall provide parking as required by the City of Flagler Beach LDR.

Water, Sewer and Drainage

The common areas shall be owned and maintained by (i) the existing community development district, (ii) a property owners association or (iii) other entity accepted by the LUA.

Water, wastewater, and reuse services shall be served and provided by the City of Flagler Beach. The water, wastewater, and reuse infrastructure shall be constructed by the owners, comply with all applicable City Codes and be conveyed to the City.

City Planner Comment: Hence the importance of knowing the density and intensity of proposed development to understand the demand on public infrastructure.

Public Safety

The City will provide fire (having a first response agreement with Flagler County as part of its service network), police, and EMS facilities, including the equipment and services necessary to serve the Annexed Property at a level consistent with the City's adopted level of service. All such public services are available to support the development of the Annexed Property.

City Planner Comment: the demand for public safety was not analyzed in the report.

FUTURE LAND USE AND ZONING INFORMATION

The following table summarizes the existing and proposed land use and zoning information:

USE SUMMARY TABLE:

CATEGORY	EXISTING	PROPOSED
Future Land Use Map (FLUM)	Agriculture, Conservation, and Mixed use: High Intensity (Flagler County designations); Low and Medium Density (City of Flagler Beach designations)	Low Density Residential and Commercial
Zoning District	Planned Unit Development (Flagler County designation);	Master Planned Development

	Reserved, and Single Family Residential (City of Flagler Beach designations)	
Overlay District	N/A	N/A
Use	160.99 +/- acres are currently under development as mixed use residential; remainder is vacant	Low Density Residential and Commercial development generally consistent with the attached Master Planned Development Agreement
Acreage	899.09	899.09
Access	John Anderson Highway and State Road 100	John Anderson Highway and State Road 100

SURROUNDING LAND USES AND COMPATABILITY

North: FLUM: Mixed Use (City of Palm Coast designation); Medium Density, Commercial, Other Public Facilities, Mixed Use, Low Density (City of Flagler Beach designations); Agriculture, Conservation (Flagler County designations).
Zoning: Commercial, Multifamily Residential, and Public/Semipublic (City of Palm Coast designations); Highway Commercial, Medium Density Residential, Single Family Residential, Light Industrial, and General Commercial (City of Flagler Beach designations); and Agricultural and Rural Residential (Flagler County designations).

South: FLUM: Agriculture, and Conservation (Flagler County designations).
Zoning: Planned Unit Development (Flagler County designation).

East: FLUM: Salt Water Marsh (City of Flagler Beach designation).
Zoning: Conservation, and Preservation (City of Flagler Beach designations).

West: FLUM: Agriculture, Conservation, and Mixed-Use High Intensity (Flagler County designations).
Zoning: Planned Unit Development, General Commercial & Shopping Center, and Agricultural (Flagler County designations).

SUMMARY OF FINDINGS:

Following a compliance review of the 2035 Comprehensive Plan and current Land Development Regulations it is recommended that Application No. XXXX be recommended for approval.

ANALYSIS:

The purpose of this section is twofold:

1. To identify elements of the City of Flagler Beach Comprehensive Plan that are relevant to the requested land use change, and
2. To review, evaluate and present a finding of consistency or inconsistency for each of the respective elements cited and to aid and assist staff in forming a recommendation of approval or denial.

FUTURE LAND USE ELEMMENT

Policy A.1.2.2

Application filing procedures shall require topographic, soil condition, flood hazard zone, and wetland zone surveys filed in support of a land use amendment, zoning change, or land subdivision.

Analysis:

The Applicant has provided a Preliminary Environmental Assessment report (“PEA”) conducted by Atlantic Ecological Services. The document assesses the presence of protected species, the materials submitted also include a topographic map, soil map, and habitat map. Applicant has also provided a Cultural Resources report which resulted in an area of archeological/ historical resources being identified. In-place preservation appears to be a feasible option, however further planning modification may necessitate impact of this portion of the site.

City Planner Comment: See Section 8 of the Staff Report and Findings of the Large-Scale Land Use Amendment.

Policy A.1.1.3

The LDRs shall address the location and extent of the land uses in accordance with the categories, densities, and intensities of land uses contained in this Element and depicted on the Future Land Use Map.

Analysis: The requested land use and associated density is appropriate with that of the surrounding community. The proposed residential development intensity is 3.2 units per acre.

Policy A.1.4

The City shall seek to improve its ad valorem tax base by encouraging development.

Policy A.1.4.1

The City shall investigate opportunities for annexation of commercial and value-added properties.

Analysis: The proposed rezoning is consistent with Object A.1.4 and Policy A.1.4.1, the development of the subject area under Commercial and Low-Density Residential designations will encourage development and improve the City’s ad valorem tax base. Creating a commercial or mixed-use node at major roadway networks (SR 100/Colbert Lane) is preferred to create an efficient use of infrastructure and avoid urban sprawl.

Policy A.1.8

The City supports reducing uses that are inconsistent with the Future Land Use plan and will coordinate all new development and rezoning with the land use categories, densities, and intensities as outlined in the City’s adopted Comprehensive Plan.

Analysis: The requested land uses are consistent with the proposed FLUM designations and are consistent with Policy A.1.8. The Commercial and Low-Density Residential designations encompass compatible uses to those of the adjacent areas. Moreover, the proposed changes create

commercial and economic development opportunities adjacent to other non-residential uses minimize the impact to existing residents.

Goal A.2

The City shall preserve, protect and enhance the natural environment, natural and historical resources, and the City's unique sense of place.

Analysis: The applicant has provided a Preliminary Environmental Assessment study conducted by Atlantic Ecological Services, as well as an Archaeological Site Evaluation report. The environmental report assesses the presence of protected species, the quality of soils and groundwater conditions as it relates to the contamination threats to the environment and/or human health. The materials submitted also include a topographic map and general wetland study.

The objective of the study was to identify the presence of animal and/or plant species and habitats of significant value that utilize the property. The proposed FLUM amendment will not change the need to relocate the species of significant value that have been identified prior to any development activities. This need remains no matter the FLUM designation.

Furthermore, the archaeological report demonstrates that, although there are locations of archaeological concern, in-place preservation appears to be a feasible option.

TRANSPORTATION ELEMENT

Policy B.1.1.1

The City hereby adopts a LOS standard D for each individual roadway facility within the City, consistent with the standards contained in the FDOT Quality/Level of Service Handbook.

Analysis: The applicant submitted a Traffic Study which included the subject site. The traffic study took into account the potential traffic impacts from the project and concludes that the development buildout conditions do not adversely impact the roadway segments (roads will maintain an acceptable LOS). An intersection capacity analysis was also conducted and concludes that none of the failures to meet LOS are contributable to the development.

The study includes a recommendation for certain modifications/ implementations in the future in order to maintain safe roadway operation, including a planned spine road connection from SR 100 at Colbert Lane to John Anderson Highway.

City Planner Comment: See Section 7.5 through 7.5.3 for analysis of the transportation impact study and Exhibit H of the Submittal for recommendations from the Traffic Impact Study to maintain acceptable Level of Service (LOS).

Policy B.1.1.7

The City shall encourage existing and new developments to be connected by roadways, bikeways, and pedestrian systems that encourage travel between neighborhoods and access too multi-modal systems without requiring use of the major thoroughfare system.

Analysis: The proposed rezoning is consistent with Policy B.1.1.7, the expansion of Commercial and Low-Density Residential uses along an arterial roadway is appropriate. Moreover, John Anderson Highway presently has and is planned for multiuse pedestrian trails to allow residents to use alternative forms of transportation.

HOUSING ELEMENT

Policy C.1.1.3

To reduce the high cost of land for development of affordable housing, the City shall consider the use of innovative land development techniques such as zero-lot-line, Master Planned Development, use of smaller sized lots and density bonuses for development of affordable housing units.

Analysis: The proposed rezoning is consistent with Policy C.1.1.3, the potential of additional residential use along a major arterial (State Road 100) is appropriate. Furthermore, the proposed development plan is a Master Planned Development and will assist in the development of affordable housing.

PUBLIC FACILITIES ELEMENT

Policy D.1.2.3

Consistent with public health and safety, sanitary sewer, solid waste, drainage, adequate water supplies, and potable water facilities shall be in place and available to serve new development no later than the issuance by the local government of a certificate of occupancy or its functional equivalent. Prior to approval of a building permit or its functional equivalent, the local government shall consult with the applicable water supplier to determine whether adequate water supplies to serve the new development will be available no later than the anticipated date of issuance by the local government of a certificate of occupancy or its functional equivalent.

Policy D.1.5.3

The City shall permit development only where the capacity of public facilities meets concurrency requirements as established by Section 163.3180, F.S. and that the developer shall be required to guarantee that adopted LOS be maintained.

Analysis: Under the provisions of the Interlocal Agreement (Water and Wastewater Service Area – John Anderson Corridor) between Flagler County and the City of Flagler Beach (May 16, 2016), the City of Flagler Beach is responsible for the provision of utility services to the subject property. The City of Flagler Beach has sufficient existing utility capacity (and the means to develop additional capacity, if necessary) to accommodate the future demand for utility services within the City and for the additional development of the subject property.

City Planner Comment: Hence the importance of knowing the density and intensity of proposed development to understand the demand on public infrastructure.

COASTAL MANAGEMENT AND CONSERVATION ELEMENT

Policy E.1.4.7

The City shall continue to enforce the permitting and mitigation requirements of county, state, and federal agencies in developing in natural, wetland, and mangrove areas.

Analysis: Any and all mitigation, if necessary, will be coordinated through the department of environmental protection.

City Planner Comment: It's a City policy to enforce the permitting and mitigation of state and federal agencies.

Policy E.1.6.4

The City shall continue to utilize the Future Land Use Map as the basis for development and redevelopment. The siting, design and development of structures shall be consistent with regulations contained in the Florida Building code, as amended from time to time.

Analysis:

The proposed rezoning is consistent with Policy E.1.6.4, all development shall be consistent with the Florida Building Code.

ANALYSIS: CRITERIA PARAMETERS

A. The proposed rezoning does not conflict with or is contrary to the public interest.

Finding: The proposed zoning classifications are consistent with the Official Zoning Map and 2035 Future Land Use Map designation for the subject property and adjacent lands. The proposed land use and development should contribute favorably to the development pattern for future growth in the area.

B. The proposed rezoning is consistent with the Goals, Objectives and Policies of the Comprehensive Plan.

Finding: The requested changes are consistent with and furthers the Goals, Objectives and Policies of the Comprehensive Plan as follows:

Policy A.1.1.13 9J-5.006(3)(b)3

Coordinate all new development and rezoning with the land use categories, densities and intensities as outlined in the City's adopted Comprehensive Plan.

The LDRs shall address the location and extent of land uses in accordance with the categories, densities, and intensities of land uses contained in this Element and depicted on the Future Land Use Map.

Policy A.1.13.2 9J-5.006(3)(c)2

The City of Flagler Beach shall discourage the issuance of variances, special use permits, building permits or zoning changes in any case where the proposed land use is not consistent with the City of Flagler Beach duly adopted Comprehensive Plan.

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

Finding: On the contrary, this rezoning effort stabilizes conditions that could otherwise hamper development and/or redevelopment and the taxable value of the subject property.

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

Finding: The requested rezoning does not pose an unreasonable hazard, or nuisance, or constitute a threat to the general health, welfare, or safety of the City's inhabitants. The changes in zoning for the property under consideration is in harmony with the proposed Future Land Use Map designations and consistent with the designations as it relates to adjoining properties.

RECOMMENDATION

The Planning and Architectural Review Board (PARB) finds Application #XXXX consistent with the Comprehensive Plan and recommends that City Commission approve the rezoning from Planned Unit Development (Flagler County designation), Reserved, and Single Family Residential (City of Flagler Beach designations) to Low Density Residential and Commercial based upon findings of fact which demonstrate the zoning change request is following all applicable Objectives and Policies of the City of Flagler Beach Comprehensive Plan.

January 30, 2024

VERANDA BAY

Water Demand

SUMMARY

The improvements associated with this project include the overall Water Demand Volumes for the Veranda Bay Conceptual Master Plan.

ANALYSIS

Design Type and Number of Service Connections, Calculation Units, Total Average Daily Flow, and Peak Hour Flow, in the Entire Area to be served by the Water Distribution System being constructed with this project are calculated below. The US Census estimate for people per residential unit is 2.08 and the Flagler Beach Comprehensive Plan includes a water LOS of 125 gallons per capita. The LOS flow for each residential unit is 125 gal/person * 2.08 people/unit = 260 gpd/unit.

WATER					
Phase	Type of Service Connection	Water Demand Calculation Units	Average Daily Water Demand Per Service Connection	Total Average Daily Flow (gpd)	Peak Hour Flow ^a (gph)
VERANDA BAY EAST					
A1	Low Density Single-Family Residential (SFR) Units	122 units	260 gpd/unit	31,720	3,965
	Clubhouse and Amenity Center	6,200 sq. ft.	0.10 gpd/sq.ft.	620	78
A2	Low Density Single-Family Residential (SFR) Units	89 units	260 gpd/unit	23,140	2,893
A3	Low Density Single-Family Residential (SFR) Units	124 units	260 gpd/unit	32,240	4,030
B	Low Density Single-Family Residential (SFR) Units	72 units	260 gpd/unit	18,720	2,340
C	Medium Density Single Family -Townhomes	96 units	260 gpd/unit	24,960	3,120
D	Low Density Single-Family Residential (SFR) Units	80 units	260 gpd/unit	20,800	2,600
E	Multi-Family Condos/ Apts	152 units	260 gpd/unit	39,520	4,940
	Yacht Club/ Clubhouse/Mixed Use	10,000 sq. ft.	0.10 gpd/sq.ft.	1,000	125
VERANDA BAY WEST					
F	Low Density Single-Family Residential (SFR) Units	250 units	260 gpd/unit	65,000	8,125
G	Low Density Single-Family Residential (SFR) Units	220 units	260 gpd/unit	57,200	7,150
H	Medium Density Residential - Multi Family	980 units	260 gpd/unit	254,800	31,850
I	Town Center - Commercial/Retail/Office	220,694 sq. ft.	0.10 gpd/sq.ft.	22,069	2,759
J1	Office / Retail	10,000 sq. ft.	0.10 gpd/sq.ft.	1,000	125
J2	High Density Residential/Hotel Site	250 units	260 gpd/unit	65,000	8,125
K	Medium Density Multi-Family	300 units	260 gpd/unit	78,000	9,750
TOTAL WATER DEMAND				735,789	91,974

a. Explanation of Peaking Factor(s) or Method(s) Used to Estimate Peak Hour Flow:

Peaking Factor = 3.0 (typical)

Peak Hour Flow = Total Average Daily Flow x 3.0 x (1 day/24 hrs)

January 30, 2024

VERANDA BAY Sewer Demand

SUMMARY

The improvements associated with this project include the overall Sewer Demand Volumes for the Veranda Bay Conceptual Master Plan.

ANALYSIS

Design Type and Number of Service Connections, Calculation Units, Total Average Daily Flow, and Peak Hour Flow, in the Entire Area to be served by the Water Distribution System being constructed with this project are calculated below. The US Census estimate for people per residential unit is 2.08 and the Flagler Beach Comprehensive Plan includes a water LOS of 119 gallons per capita. The LOS flow for each residential unit is 119 gal/person * 2.08 people/unit = 248 gpd/unit.

SEWER					
Phase	Type of Service Connection	Sewer Demand Calculation Units	Average Daily Sewer Demand Per Service Connection	Total Average Daily Flow (gpd)	Peak Hour Flow ^a (gph)
VERANDA BAY EAST					
A1	Low Density Single-Family Residential (SFR) Units	122 units	248 gpd/unit	30,256	3,782
	Clubhouse and Amenity Center	6,200 sq. ft.	0.10 gpd/sq.ft.	620	78
A2	Low Density Single-Family Residential (SFR) Units	89 units	248 gpd/unit	22,072	2,759
A3	Low Density Single-Family Residential (SFR) Units	124 units	248 gpd/unit	30,752	3,844
B	Low Density Single-Family Residential (SFR) Units	72 units	248 gpd/unit	17,856	2,232
C	Medium Density Single Family -Townhomes	96 units	248 gpd/unit	23,808	2,976
D	Low Density Single-Family Residential (SFR) Units	80 units	248 gpd/unit	19,840	2,480
E	Multi-Family Condos/Apts	152 units	248 gpd/unit	37,696	4,712
	Yacht Club/ Clubhouse/Mixed Use	10,000 sq. ft.	0.10 gpd/sq.ft.	1,000	125
VERANDA BAY WEST					
F	Low Density Single-Family Residential (SFR) Units	250 units	248 gpd/unit	62,000	7,750
G	Low Density Single-Family Residential (SFR) Units	220 units	248 gpd/unit	54,560	6,820
H	Medium Density Residential - Multi Family	980 units	248 gpd/unit	243,040	30,380
I	Town Center - Commercial/Retail/Office	220,694 sq. ft.	0.10 gpd/sq.ft.	22,069	2,759
J1	Office / Retail	10,000 sq. ft.	0.10 gpd/sq.ft.	1,000	125
J2	High Density Residential/Hotel Site	250 units	248 gpd/unit	62,000	7,750
K	Medium Density Multi-Family	300 units	248 gpd/unit	74,400	9,300
TOTAL SEWER DEMAND				702,969	87,871

a. Explanation of Peaking Factor(s) or Method(s) Used to Estimate Peak Hour Flow:

Peaking Factor = 3.0 (typical)

Peak Hour Flow = Total Average Daily Flow × 3.0 × (1 day/24 hrs)

January 30, 2024

VERANDA BAY

Solid Waste Demand

SUMMARY

The improvements associated with this project include the overall Solid Waste Demand Quantities for the Veranda Bay Conceptual Master Plan. Max units were assumed per the Conceptual Master Plan. Demand is based on the LOS established in the City of Flagler Beach Comprehensive Plan and the US Census Bureau estimate of 2.08 people/unit and each individual discards 3.7 lbs of solid waste a day, therefore the daily demand per unit is 2.08 people(s) * 3.7 lbs (Solid Waste) = 7.70 lbs/day-unit.

SOLID WASTE				
Phase	Type of Service Connection	Solid Waste Demand Calculation Unit	Average Daily Solid Waste Demand Per Person Connection	Total Daily Solid Waste (lbs)
VERANDA BAY EAST				
A1	Low Density Single-Family Residential (SFR) Units	122 units	7.70 lbs/day-unit	939
	Clubhouse and Amenity Center	6,200 sq. ft.	0.01 lbs/day/sf	62
A2	Low Density Single-Family Residential (SFR) Units	89 units	7.70 lbs/day-unit	685
A3	Low Density Single-Family Residential (SFR) Units	124 units	7.70 lbs/day-unit	955
B	Low Density Single-Family Residential (SFR) Units	72 units	7.70 lbs/day-unit	554
C	Medium Density Single Family -Townhomes	96 units	7.70 lbs/day-unit	739
D	Low Density Single-Family Residential (SFR) Units	80 units	7.70 lbs/day-unit	616
E	Multi-Family Condos/Apts	152 units	7.70 lbs/day-unit	1,170
	Yacht Club/ Clubhouse/Mixed Use	10,000 sq. ft.	0.01 lbs/day/sf	100
VERANDA BAY WEST				
F	Low Density Single-Family Residential (SFR) Units	250 units	7.70 lbs/day-unit	1,925
G	Low Density Single-Family Residential (SFR) Units	220 units	7.70 lbs/day-unit	1,694
H	Medium Density Residential - Multi Family	980 units	7.70 lbs/day-unit	7,546
I	Town Center - Commercial/Retail/Office	220,694 sq. ft.	0.01 lbs/day/sf	2,207
J1	Office / Retail	10,000 sq. ft.	0.01 lbs/day/sf	100
J2	High Density Residential/Hotel Site	250 units	7.70 lbs/day-unit	1,925
K	Medium Density Multi-Family	300 units	7.70 lbs/day-unit	2,310
TOTAL SOLID WASTE DEMAND				23,528