City of Palm Coast, Florida
Agenda Item

Agenda Date: August 16, 2023

Department	COMMUNITY DEVELOPMENT	**Amount**	
Division	PLANNING	**Account #**	

Subject: THE CASCADES REZONING - APPLICATION # 5107

Presenter: Bill Hoover, AICP, Senior Planner

Attachments: Staff Report, Ordinance, Maps, Survey, Environmental Report, Neighborhood Meeting

Background:
The applicant is proposing to rezone 375 +/- acres of vacant land located on the NW side of Seminole Woods Blvd. about ½ mile NE of US Highway 1 from the Planned Unit Development (PUD) and New Rural Communities (NRC) Zoning Districts to the Single-Family Residential-1 (SFR-1), Multi-Family Residential – 2 (MFR-2) and Preservation (PRS) Zoning Districts.

The fishhook shaped property (44 +/- acres with a current zoning of New Rural Communities) on the northern end of the project is owned by JTL Grand Landings Development, LLC (Fishhook Parcel) who purchased it in July 2014. Later, it was annexed into the City and has a current City FLUM designation of Residential. The remaining four parcels (331 +/- acres with a current zoning of Planned Unit Development) are owned by Byrndog PCP, LLC who purchased the land in August 2022. These four parcels are scheduled to be heard by the City Council on August 1 and August 15, 2023, regarding an application for annexation into the City. A separate FLUM application for these four parcels requests that the parcels be redesignated Residential except for some key wetland areas that would be designated Conservation. It should be noted that the FLUM application also includes the Fishhook Parcel and offers a maximum cap of 850 residential units to be developed throughout the five parcels.

JTL Grand Landings Development, LLC wants to rezone their Fishhook Parcel to SFR-1 and Byrndog PCP, LLC wants to rezone their four parcels to SFR-1, MFR-2 and PRS. The areas designated Residential on the FLUM would be rezoned to SFR-1 except for two separated areas with frontage along Seminole Woods Boulevard that would be rezoned to MFR-2.

The developer is preserving key wetland areas of about 67 +/- acres and will be constructing single-family homes with a minimum lot width of 50 feet and developing two separated multi-family projects along Seminole Woods Boulevard. This is not leap-frog development as ITT single-family lots have already been developed on the opposite side of Seminole Woods Boulevard and to the southwest of the project is the Integra Woods apartment community. Both of the proposed multi-family projects will be across from single-family homes that back up to Seminole Woods Boulevard (a minor arterial roadway) so the residents of those single-family homes will be subject to some vehicular noise along this major roadway. The two multi-family communities will be required to provide a 25-foot wide Landscape Buffer “G” which will assist in providing some needed screening between the single-family residences and the

multi-family residences.

Public Participation: The applicant has scheduled a neighborhood meeting at 6:00 PM at the Hilton Garden Inn on August 9, 2023. All neighboring residents within 300 feet of the project's boundaries were invited by US Mail to this meeting. Three signs along Seminole Woods Boulevard will be erected 14 days prior to each public hearing. Additionally, news ads will be run at least 10 days prior to each public hearing.

Recommended Action:

..Recommendation

Planning staff recommends that the Planning and Land Development Regulation Board determine the proposed rezoning (Application No. 5107) is consistent with the Comprehensive Plan and recommend approval to City Council to rezone 375 +/- acres from the Planned Unit Development (PUD) and New Rural Communities (NRC) Zoning Districts to the Single-Family Residential-1 (SFR-1), Multi-Family Residential – 2 (MFR-2) and Preservation (PRS) Zoning Districts.

ORDINANCE NO. 2023-XX_____
REZONING APPLICATION NO. 5107
THE CASCADES AT GRAND LANDINGS

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM COAST, FLORIDA, AMENDING THE OFFICIAL ZONING MAP, AS ESTABLISHED IN SECTION 2.06 OF THE CITY OF PALM COAST UNIFIED LAND DEVELOPMENT CODE, FOR 375± ACRES OF CERTAIN REAL PROPERTY DESCRIBED AS TAX PARCEL IDENTIFICATION NUMBERS [30-12-31-0000-01020-0040, 31-12-31-0000-01070-0030, 32-12-31-0650-000B0-0020, 29-12-31-0000-01010-0021, and 29-12-31-0000-01010-0025], GENERALLY LOCATED ON THE NORTHWESTSIDE OF SEMINOLE WOODS BLVD. ABOUT ½ MILE NORTHEAST OF US HIGHWAY 1 AND BEING MORE PARTICULARLY DESCRIBED IN ATTACHED EXHIBIT A, FROM FLAGLER COUNTY DESIGNATIONS OF PLANNED UNIT DEVELOPMENT AND NEW RURAL COMMUNITIES TO THE SINGLE FAMILY RESIDENTIAL-1 (SFR-1), MULTI-FAMILY RESIDENTIAL-2 (MFR-2), AND PRESERVATION (PRS) ZONING DISTRICTS; PROVIDING FOR SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

WHEREAS, the City of Palm Coast, as the governing body of the City, 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 Section 2.06.03F, 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.

NOW, THEREFORE, IT IS HEREBY ORDAINED BY 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 375 +/- acres of land, identified as tax parcel identification number 30-12-31-0000-01020-0040, 31-12-31-0000-01070-0030, 32-12-31-0650-000B0-0020, 29-12-31-0000-01010-0021, and 29-12-31-0000-01010-0025, located on the northwest side of Seminole Woods Blvd. about ½ mile northeast of US Highway 1., legally described in "Exhibit A" and as depicted in "Exhibit B," attached hereto, is hereby amended from the Flagler County designation of Planned Unit Development and New Rural Communities-Planned Unit Development to Single Family Residential-1 (SFR-1), Multi-family Residential-2 (MFR-2), and Preservation (PRS).

SECTION 3. 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 4. CONFLICTS. All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed.

SECTION 5. EFFECTIVE DATE. This Ordinance shall become effective immediately upon the effective date of Ordinance No. _____, as Adopted by the City Council of the City of Palm Coast, Florida and pursuant to the City Charter. If Ordinance No. _____ does not become effective, then this Ordinance shall become null and void.

Approved on first reading this _____day of _____, 2023.

Adopted on second reading after due public notice and hearing City of Palm Coast this ____ day of _____ 2023.

CITY OF PALM COAST, FLORIDA

ATTEST: DAVID ALFIN, MAYOR

_____

_____

KALEY COOK, CITY CLERK

APPROVED AS TO FORM AND LEGALITY

_____

NEYSA BORKERT, ESQ.
CITY ATTORNEY

Attachments:

Exhibit “A” – Legal Description of property subject to Official Zoning Map amendment
Exhibit “B” – Revised Official Zoning Map

EXHIBIT "A"
LEGAL DESCRIPTION

[Insert Legal Description here]

EXHIBIT "B"
ORDINANCE 20__-____

(Sketch of Legal Description)

COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT FOR THE CASCADES REZONING
PLANNING AND LAND DEVELOPMENT REGULATION BOARD
AUGUST 16, 2023

OVERVIEW

Application Number:	5107
Applicant:	Michael D. Chiumento, III
Property Description:	375 +/- acres located on the northwest side of Seminole Woods Blvd. about ½ mile northeast of US Highway 1
Property Owners:	Byrndog PCP, LLC and JTL Grand Landings Development, LLC
Parcel ID #:	30-12-31-0000-01020-0040, 31-12-31-0000-01070-0030, 32-12-31-0650-000B0-0020, 29-12-31-0000-01010-0021, and 29-12-31-0000-01010-0025
Parcel Address:	NA
Current FLUM:	Flagler County's Residential - Low Density / Rural Estate and about 4 +/- acres of Conservation and one parcel is Residential
Current Zoning:	Flagler County's Planned Unit Development (PUD) and New Rural Communities
Current Use:	Vacant but primarily silviculture (Pine timberlands) and wetlands
Size of Property:	375 +/- acres
Requested Action:	Rezoning from the Planned Unit Development (PUD) and New Rural Communities (NRC) Zoning Districts to the Single-Family Residential-1 (SFR-1), Multi-Family Residential – 2 (MFR-2) and Preservation (PRS) Zoning Districts

ANALYSIS

REQUESTED ACTION

The applicant is proposing to rezone 375 +/- acres of vacant land located on the northwest side of Seminole Woods Blvd. about ½ mile northeast of US Highway 1 from the Planned Unit Development (PUD) and New Rural Communities (NRC) Zoning Districts to the Single-Family Residential-1 (SFR-1), Multi-Family Residential – 2 (MFR-2) and Preservation (PRS) Zoning Districts.

BACKGROUND/SITE HISTORY

The fishhook shaped property (44 +/- acres with a current zoning of New Rural Communities) on the northern end of the project is owned by JTL Grand Landings Development, LLC (Fishhook Parcel) who purchased it in July 2014. Later, it was annexed into the City and has a current City FLUM designation of Residential.

The remaining four parcels (331 +/- acres with a current zoning of Planned Unit Development) are owned by Byrndog PCP, LLC who purchased the land in August 2022. These four parcels are scheduled to be heard by the City Council on August 1 and August 15, 2023, regarding an application for annexation into the City. A separate FLUM application for these four parcels requests that the parcels be redesignated Residential except for some key wetland areas that would be designated Conservation. It should be noted that the FLUM application also includes the Fishhook Parcel and offers a maximum cap of 850 residential units to be developed throughout the five parcels.

PROJECT DESCRIPTION

JTL Grand Landings Development, LLC wants to rezone their Fishhook Parcel to SFR-1 and Byrndog PCP, LLC wants to rezone their four parcels to SFR-1, MFR-2 and PRS. The areas designated Residential on the FLUM would be rezoned to SFR-1 except for two separated areas with frontage along Seminole Woods Boulevard that would be rezoned to MFR-2.

LAND USE AND ZONING INFORMATION

USE SUMMARY TABLE:

CATEGORY:	EXISTING:	PROPOSED:
Future Land Use Map (FLUM)	Residential and Flagler County Residential – Low Density and Conservation	Residential with a cap of 850 residential units and Conservation
Zoning District	Flagler County zoning designations of Planned Unit Development (PUD) and New Rural Communities (NRC)	Single-Family Residential-1 (SFR-1), Multi-Family Residential–2 (MFR-2) and Preservation (PRS)
Use	Vacant land	Residential and Preservation
Acreage	375 +/- acres	375 +/- acres

SURROUNDING LAND USES:

NORTH:	FLUM:	Residential
	Zoning:	Grand Landings Master Planned Development (MPD) SFR-1 uses
EAST:	FLUM:	Flagler County Agricultural/Timberlands
	Zoning:	Flagler County Agricultural and New Rural Communities (NRC)
SOUTH:	FLUM:	Residential
	Zoning:	Single-Family Residential 2 and 3 (SFR-2 and SFR-3)
WEST:	FLUM:	Flagler County Conservation
	Zoning:	Flagler County Planned Unit Development (PUD) wetland areas

SINGLE-FAMILY RESIDENTIAL SITE DEVELOPMENT REQUIREMENTS

Criteria	(Standards for SFR-1)
Min. Lot Area	6,000 sq. ft.
Min. Lot Width	50 ft.
Max. Impervious Surface Ratio	0.75
Min. Front Setback	20 ft.
Min. Rear Setback	10 ft.
Min. Interior Side Setback	5 ft.
Max. Building Height	35 ft.
Min. Living Area	1,200 sq. ft.
Max. Density*	7 units/per acre*

*Density in the Single-Family Residential - 1 (SFR-1) Zoning District is calculated based on Table 3-3 and Section 3.05.03.A of the Land Development Code, which allow up to 7 units/per acre on upland areas and up to 1.75 units/per acre on wetland areas that are preserved. The FLUM redesignation to Residential also caps the overall five parcels to a maximum of 850 units.

MULTI-FAMILY RESIDENTIAL SITE DEVELOPMENT REQUIREMENTS

Criteria	(Standards for MFR-2)
Min. Development Size	4 acres
Min. Lot Width	100 ft.
Max. Impervious Surface Ratio	0.70
Min. Front Setback	25 ft.
Min. Rear Setback	20 ft.
Min. Interior Side Setback	10 ft.
Max. Building Height	60 ft.
Min. Living Area	650 sq. ft.
Max. Density*	12 units/per acre*

*Density in the Multi-Family Residential - 2 (MFR-2) Zoning District is calculated based on Table 3-3 and Section 3.05.03.A of the Land Development Code, which allow up to 12 units/per acre on upland areas and up to 3 units/per acre on wetland areas that are preserved. The proposed FLUM redesignation to Residential also caps the overall five parcels to a maximum of 850 units.

ANALYSIS BASED ON UNIFIED LAND DEVELOPMENT CODE, CHAPTER 2, SECTION 2.05.05

The Unified Land Development Code, Chapter 2, Part II, Section 2.05.05 states: *When reviewing a development order application, the approval authority shall determine whether sufficient factual data was presented in order to render a decision. The decision to issue a development order shall be based upon the following, including but not limited to*:

A. The proposed development must not be in conflict with or contrary to the public interest;

Staff Finding: The proposed SFR-1 and MFR-2 zoning districts are allowed zoning districts in areas designated Residential on the Future Land Use Map (FLUM) and will be compatible with the variety of other uses currently allowed within close proximity to the site. Additionally, the proposed Preservation (PRS) zoning district is an allowed zoning district in areas designated Conservation on the FLUM.

B. The proposed development must be consistent with the Comprehensive Plan and the provisions of this LDC;

Staff Finding: The request is consistent with the following policies and goal of the Comprehensive Plan:

- **Chapter 1 Future Land Use Element:**

  Goal 1.1: Preserve the character of residential communities, prevent urban sprawl and protect open space and environmental resources, while providing a mix of land uses, housing types, services, and job opportunities in mixed use centers and corridors.

  The developer is preserving key wetland areas of about 67 +/- acres and will be constructing single-family homes with a minimum lot width of 50 feet and developing two separated multi-family projects along Seminole Woods Boulevard. This is not leap-frog development as ITT single-family lots have already been developed on the opposite side of Seminole Woods Boulevard and to the southwest of the project is the Integra Woods apartment community. Both of the proposed multi-family projects will be across from single-family homes that back up to Seminole Woods Boulevard (a minor arterial roadway) so the residents of those single-family homes will be subject to some vehicular noise along this major roadway. The two multi-family communities will be required to provide a 25-foot wide Landscape Buffer “G” which will assist in providing some needed screening between the single-family residences and the multi-family residences.

  -Policy 1.1.1.2 – The future land use designations shall permit the zoning districts listed and generally described in the following table.

  The proposed FLUM Amendment will designate the wetland areas of the subject property as Conservation and the Preservation (PRS) zoning district is allowed in Conservation areas. Single-Family Residential-1 (SFR-1) and Multi--Family Residential-2 (MFR-2) are allowable zoning districts for areas with the proposed FLUM Amendment designation of Residential.

  -Policy 1.1.1.4 – The following principles and locational criteria shall be used for siting the multi-family residential zoning district with the Residential FLUM designation.

  The two proposed MFR-2 areas are located along a minor arterial roadway (Seminole Woods Boulevard) and central services are in close proximity. The two multi-family communities will be within about ½ mile of future commercial services that will be located at the northern side of the intersection between US Highway 1 and Seminole Woods Boulevard. The 25’ Landscape Buffer “G” will allow the two MFR-2 sites to meet the screening standards established in this policy. The project meets the overall criteria described in this policy.

-Policy 1.1.4.5 – Land use patterns will be required to be efficient and not disproportionately increase the cost of providing and maintaining public facilities, as well as providing housing and transportation strategies that will foster energy conservation.

The proposed MFR-2 zoning would provide the opportunity for vehicular energy efficiency by having a significant number of homes in a community on upland tracts located along Seminole Woods Boulevard. The proposed 50-foot wide SFR-1 lots are also an efficient way to develop single-family detached housing.

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

Staff Finding: Potable water and sewer service lines are available nearby to serve the project but will need to be extended to the site by the developer.

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

Staff Finding: The proposed rezoning to SFR-1 and PRS will be easily compatible with neighboring properties while the proposed MFR-2 will be primarily compatible with the overall neighborhood due to its required 25-foot wide Landscape Buffer "G".

E. The proposed development must comply with all other applicable local, state and federal laws, statutes, ordinances, regulations, or codes.

Staff Finding: The subject property will be required to comply with the City's Land Development Code, Comprehensive Plan, and the requirements of all other applicable local, state and federal agencies throughout the development process.

ANALYSIS BASED ON UNIFIED LAND DEVELOPMENT CODE, CHAPTER 2, SECTION 2.06.03

The Unified Land Development Code, Chapter 2, Part II, Sec. 2.06.03 states: "*The Planning and Land Development Regulation Board and City Council shall consider the following criteria, in addition to the findings listed in Subsection 2.05.05, when reviewing a rezoning application*":

A. *Whether it is consistent with all adopted elements of the Comprehensive Plan and whether it furthers the goals and objectives of the Comprehensive Plan;*

Staff Finding: As noted previously in the analysis prepared for LDC Chapter 2, Part II, Section 2.05.05 of this staff report, the requested zoning districts are in conformance with the Comprehensive Plan elements, and their goals, objectives and policies.

B. *Its impact upon the environment and natural resources*;

Staff Finding: The applicant is proposing to preserve 67 +/- acres of wetlands and meet all environmental development standards throughout the project.

C. Its impact on the economy of any affected area;

Staff Finding: Impacts to the Palm Coast economy are anticipated to be positive since the project will provide numerous construction jobs over the first few years and will provide additional tax revenues to the City. Additionally, the residential homes will increase demand for commercial services at US Highway 1 and Seminole Woods Boulevard.

D. *Its impact upon necessary governmental services such as schools, sewage disposal, potable water, drainage, fire and police protection, solid waste, or transportation;*

Staff Finding: The impact on the necessary governmental services, including: wastewater, potable water, drainage, fire and police protection, solid waste and transportation systems will be covered by concurrency regulations and impact fees paid by the developer during the Preliminary Plat or Technical Site Plan review processes.

E. *Any changes in circumstances or conditions affecting the area*;

Staff Finding: Housing costs and infrastructure costs have increased substantially over the last few years and the City has a substantial shortage of both multi-family and single-family housing units.

F. *Compatibility with proximate uses and development patterns, including impacts to the health, safety, and welfare of surrounding residents*;

Staff Finding: As previously described the proposed rezoning will be compatible with the existing and future planned uses in the overall neighborhood.

G. *Whether it accomplishes a legitimate public purpose*:

Staff Finding: The proposed development area of the subject property is located within the Residential designation on the FLUM and the proposed zoning districts of SFR-1 and MFR-2 are allowable zoning districts within that FLUM designation. Lands within the Conservation designation on the FLUM are proposed to be rezoned to Preservation. Staff believes the proposed uses are appropriate for this neighborhood with the required 25-foot wide Landscape Buffer “G” along Seminole Woods Boulevard mitigating those uses from single-family homes across Seminole Woods Boulevard.

PUBLIC PARTICIPATION

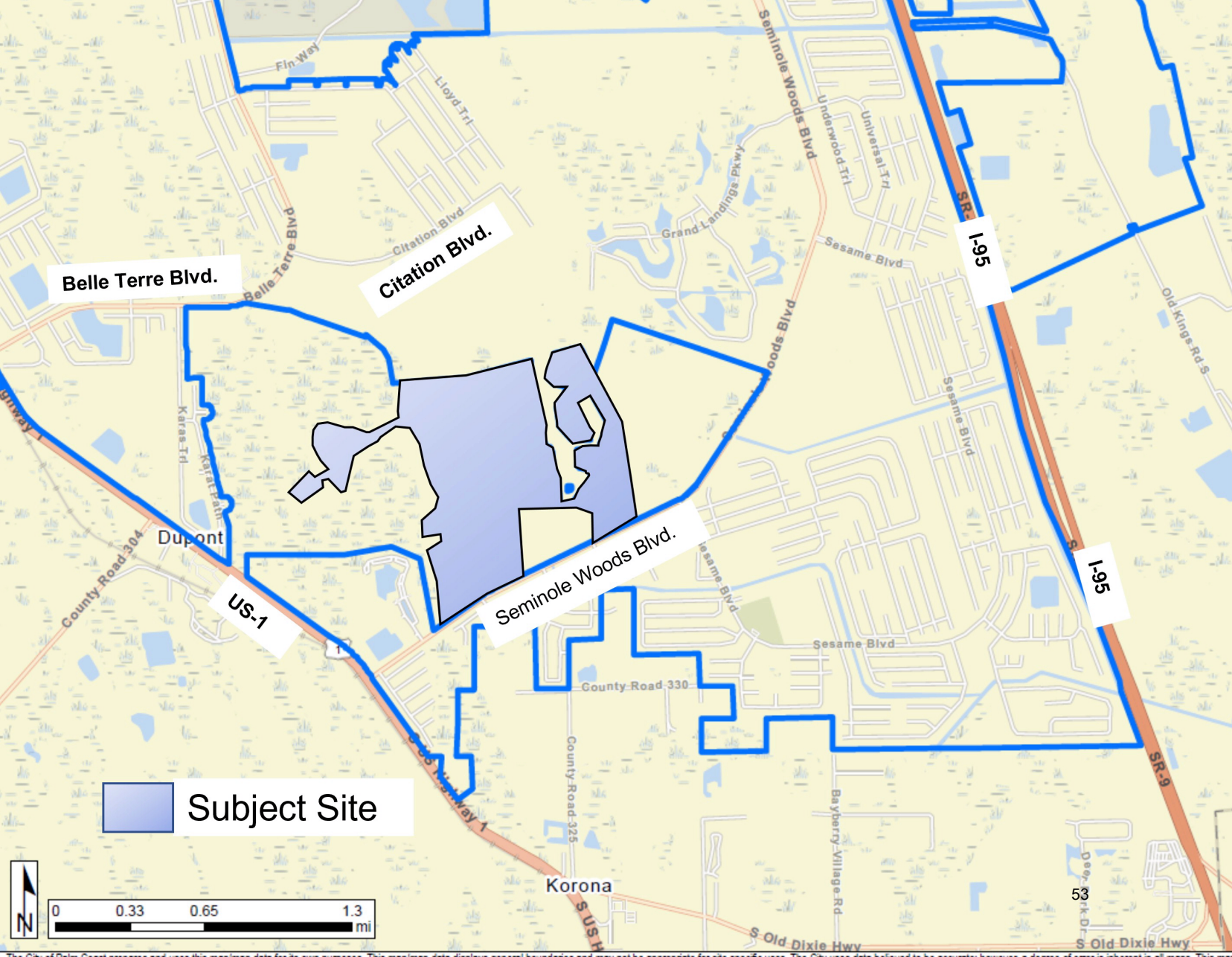
Unified Land Development Code Chapter 2, Part II, Section 2.05.02 requires developers or property owners who are requesting to rezone property within the City to notify neighboring property owners within 300 feet of the subject property boundaries and hold a neighborhood meeting.

To comply with this standard, the developer notified the neighboring property owners via standard USPS mail of an upcoming neighborhood meeting that was held on August 9, 2023 at 6:00 P.M. at the Hilton Garden Inn nearby SR 100 and Town Center Boulevard.

The developer erected three signs along Seminole Woods Boulevard notifying the general public of the upcoming public hearing for the Planning and Land Development Regulation Board and will do so again prior to each City Council public hearing.

RECOMMENDATION

Planning staff recommends that the Planning and Land Development Regulation Board determine the proposed rezoning (Application No. 5107) is consistent with the Comprehensive Plan and recommend approval to City Council to rezone 375 +/- acres from the Planned Unit Development (PUD) and New Rural Communities (NRC) Zoning Districts to the Single-Family Residential-1 (SFR-1), Multi-Family Residential – 2 (MFR-2) and Preservation (PRS) Zoning Districts.


Belle Terre Blvd.
Citation Blvd.
Seminole Woods Blvd.
I-95
US-1
Dupont
Korona
Sesame Blvd
County Road 330
County Road 304
Subject Site
0
0.33
0.65
1.3
mi

CARTER ENVIRONMENTAL SERVICES

42 Masters Drive, St. Augustine, FL 32084
Tel: 904.540.1786
www.carterenv.com

October 18, 2022

BY EMAIL:
walker@douglaspd.com

Walker Douglas
Douglas Property & Development, Inc.
145 City Place, Suite 300
Palm Coast, FL 32164

SUBJECT: Environmental Assessment
Douglas - Cascades
Palm Coast, Flagler County, Florida
PINs: 29-12-31-0000-01010-0021, 29-12-31-0000-01010-0025, 30-12-31-0000-01020-0040, 31-12-31-0000-01070-0030, 32-12-31-0650-000B0-0020, 31-12-31-0000-01070-0000, & 30-12-31-0000-01020-0050

Dear Mr. Douglas,

Thank you for contacting Carter Environmental Services (CES). We appreciate the opportunity to be of service to you. The purpose of our work on the referenced property was to determine if there are any natural resource concerns that could potentially affect future development of the site. Specifically, this environmental assessment was focused on assessing the presence of or potential utilization by any threatened, endangered, or species of special concern (SSC) as listed by the U.S. Fish and Wildlife Service (FWS) or the Florida Fish and Wildlife Conservation Commission (FWC). CES also assessed the onsite wetlands from August through October of 2021. The results of this environmental assessment follow. Additionally, note that from 2006 to 2012, the site was permitted by the St. Johns River Water Management District (SJRWMD) under Permit No. 103071, sequences 1-4. All permit modifications have since expired, and no construction ever took place.

I trust that this information will be helpful in your preliminary planning. Please contact me if you have any questions or need additional information.

Sincerely,

Ryan A. Carter, PWS
Vice President

Enclosures: Location Map – Figure 1
Soils Map – Figure 2
FLUCFCS Map – Figure 3
FWC Bald Eagle Nest Locator Map – Figure 4
FNAI Biodiversity Matrix

1.0 CURRENT SITE CONDITIONS

The site appears to have been managed for silviculture for at least the past three decades, with pines growing on the northeastern portion of the site most recently harvested around 2015. From 2006 to 2012, the site was permitted by SJRWMD under Permit No. 103071, sequences 1-4. All permit modifications have since expired, and no construction ever took place.

The subject property totals approximately 379.85 acres and is generally bound by timberland and vacant commercial land to the north; wooded Flagler County-owned wetlands and timberland to the west; timberland and vacant land to the east; and Flagler County-owned timberland as well as Seminole Woods Boulevard, followed by single-family-home neighborhoods to the south (Figure 1). More specifically, the property is located in Sections 29, 30, & 32, Township 12 South, Range 31 East in Flagler County, Florida. On inspection, the property was observed to be comprised of both uplands and wetlands, with two upland community types and one wetland community, as documented by CES biologists. The species observed within the onsite communities were consistent with what is frequently found in pine plantations and hydric flatwoods in the area.

1.1 Wetlands

The site was previously permitted by SJRWMD under Permit No. 103071, sequences 1-4. We have a current application under review for wetland impacts at a portion of the site. That application has been assigned sequence 5 of this same permit number (103071-5).

1.2 Soils and Hydrology

Following a literature review, seven (7) soil types were mapped on-site (Figure 2). CES biologists were able to verify the presence and general extent of these soils on-site and they are consistent with the soil types found in the vicinity.

1.3 Vegetative Communities

CES characterized the habitat types on-site using the Florida Department of Transportation's *Florida Land Use Cover Form Classification System* (FLUCFCS). The locations and acreages of each type are depicted on the enclosed FLUCFCS Map (Figure 3).

CES staff noted two upland habitat types occurring on the property. Descriptions of these communities are as follows:

Pine Plantation (FLUCFCS 441) – This dominant community has a canopy of planted slash pine (*Pinus elliottii*) with an understory and groundcover of bitter gallberry (*Ilex glabra*), saw palmetto (*Serenoa repens*), and bracken fern (*Pteridium aquilinum*). On the subject property, large portions on the northeast section were more recently harvested (circa 2015).

Graded & Drained Roadway (FLUCFCS 8145) – This land classification category falls under the broader transportation category, which includes roads and highways. On the subject property, a semi-maintained dirt road spans the property from north to south on the eastern portion site.

CES staff noted one wetland habitat type occurring on the property. A description of this community is as follows:

Hydric Pine Flatwoods (FLUCFCS 625) – This community has a canopy of slash pine. The understory and groundcover are vegetated with scattered dahoon holly (*Ilex cassine*), loblolly bay (*Gordonia lasianthus*), fetterbush (*Lyonia lucida*), highbush blueberry (*Vaccinium corymbosum*), Virginia chain fern (*Woodwardia virginica*), and pipewort (*Eriocaulon* spp.).

2.0 PROTECTED SPECIES

A preliminary detailed characterization of the project site was conducted to identify probable habitat types and conditions on the site. References included the *Soil Survey of Flagler County, Florida,* aerial photographs, and the U.S. Geological Survey topographic map.

A review of federally and state-listed wildlife species was conducted using the most recent lists of endangered and threatened species for Flagler County, Florida. The lists were obtained from the following references:

- **U.S. Fish and Wildlife Service** (FWS)

  Flagler County Federally Listed Species, 2022.
- **Florida Fish and Wildlife Conservation Commission** (FWC)

  FWC 2018 list of Imperiled Species. Accessed online 2022.
- **Florida Natural Areas Inventory** (FNAI)

  Biodiversity Matrix online database. 2022. (See attached)

Based on these sources, a preliminary list of potentially occurring wildlife species was developed by understanding the preferred habitat for each of the species and the probability of the habitat occurrence in the project area. Biologists then conducted a limited pedestrian survey of the property to look for the presence of or potential utilization by any threatened, endangered or species of special concern (SSC) as listed by the U.S. Fish and Wildlife Service (FWS) or the Florida Fish and Wildlife Conservation Commission (FWC).

2.1 Protected Animal Species

2.1.1 Gopher Tortoise (*Gopherus polyphemus*)

CES determined it possible for gopher tortoises to exist on portions of the site based on the mapped soils, and during a site visit several burrows were identified near the northwestern boundary of the project area. Prior to initiation of any construction, CES will identify and map all potential gopher tortoise habitat on the site based on aerial photographs, soils maps, NWI maps, and other in-house resources. We will then conduct a pedestrian survey covering 100 percent of the project site's potential habitat pursuant to the methodologies of FWC to determine the extent of the on-site tortoise population. CES will ultimately relocate all tortoises to an FWC-permitted recipient site per permit requirements.

2.1.2 Wading Birds

A review of the current FWC internet database of wading bird colonies (FWC Wading Bird Rookeries, 2022) revealed no known colonies within a one-mile radius of the on-site wetlands. Also, the site is not located within an FWC-recognized wood stork (*Mycteria americana*) foraging area, with the nearest mapped wood stork colony located 13.7 miles to the southwest, at Lake Disston.

2.1.3 Bald Eagle (*Haliaeetus leucocephalus*)

Using the FWC Eagle Nest Locator Database (2022), CES found two bald eagle nests on record within a 5-mile radius the property, with the nearest nest located approximately 2.3 miles east of the property boundary (Figure 4). Further, no nests were located by CES biologists, and the likelihood of any bald eagles utilizing this site is low. While the bald eagle is not listed as threatened, endangered or as an SSC, it is protected by the Bald and Golden Eagle Protection Act and the Migratory Bird Treaty Act. Based on these acts, certain activities are regulated by FWS when they occur near an active nest during nesting season (1 October to 15 May).

2.2 Protected Plant Species

In addition to protected animal species, CES biologists reviewed the site for protected plant species, none of which were observed. No coordination would be required with any

regulatory agency if protected plant species were observed in the future. Currently no regulations exist for protected plant species occurring on privately owned land, unless the landowner is harvesting and engaging in the commercial sale of the protected plant species.

3.0 FUTURE DEVELOPMENT

3.1 Federal Permitting

3.1.1 U.S. Army Corps of Engineers (ACOE)

Per the state (DEP) assumption on December 22, 2020, ACOE retains jurisdiction over navigable and coastal waters, including wetlands less than 300 feet from navigable/tidal waters. CES asserts that the wetlands on this property do not fall under current ACOE jurisdiction**. No coordination will be required with ACOE at this time.**

3.1.2 U.S. Fish and Wildlife Service (FWS)

FWS handles permitting associated with adverse impacts to federally listed wildlife or its habitat. Generally, separate coordination is required with FWS and federal permits are contingent upon receiving authorization from FWS. **There are no anticipated impacts to any federally listed species at this time, and no coordination will be necessary with FWS.**

3.2 State Permitting

3.2.1 St. Johns River Water Management District (SJRWMD)

Most new developments require a permit from SJRWMD. The type of permit required varies with the project acreage and acreage of wetland impact proposed. Many new developments that entail less than one acre of wetland impact will require a Standard Environmental Resource Permit. This permit is typically staff approved and frequently takes three to five months to process.

Developments that entail more than one acre of wetland impact will require an Individual Environmental Resource Permit. This permit is approved by SJRWMD staff and frequently takes seven months or more to process.

Additionally, SJRWMD requires that the applicant provide reasonable assurance that the proposed development will not cause adverse secondary impacts to the remaining wetlands on-site. An undisturbed upland buffer (minimum 15-foot width and 25-foot average width) around the remaining wetlands on-site is commonly used to provide assurance to SJRWMD that secondary impacts will not occur. On March 22, 2022, CES applied to SJRWMD for and Environmental

Resource Permit on your behalf, and the application has been assigned no. 103071-5 through the permitting process. **Based on wetlands being present on the site and expectations of impacts, a permit will be required for the proposed project on the site, requiring continued coordination with SJRWMD.**

3.2.2 Florida Department of Environmental Protection (DEP)

As of December 2020, DEP assumed authority to issue permits in the state under Section 404 of the federal Clean Water Act. Generally speaking, FDEP now has permitting responsibility for non-navigable and non-coastal waters, including wetlands more than 300 feet from navigable/tidal waters. **As impacts to DEP jurisdictional wetlands are proposed, coordination with DEP and a State 404 permit will be required.**

3.2.3 Florida Fish and Wildlife Conservation Commission (FWC)

FWC handles permitting associated with adverse impacts to state listed wildlife or its habitat. Generally, separate coordination is required with FWC and state permits are contingent upon receiving authorization from FWC. **As gopher tortoise burrows have been observed on the site, a relocation permit will be required and all tortoises within 25 feet of proposed construction will be relocated prior to construction.**

3.3 Local Permitting

3.3.1 City of Palm Coast

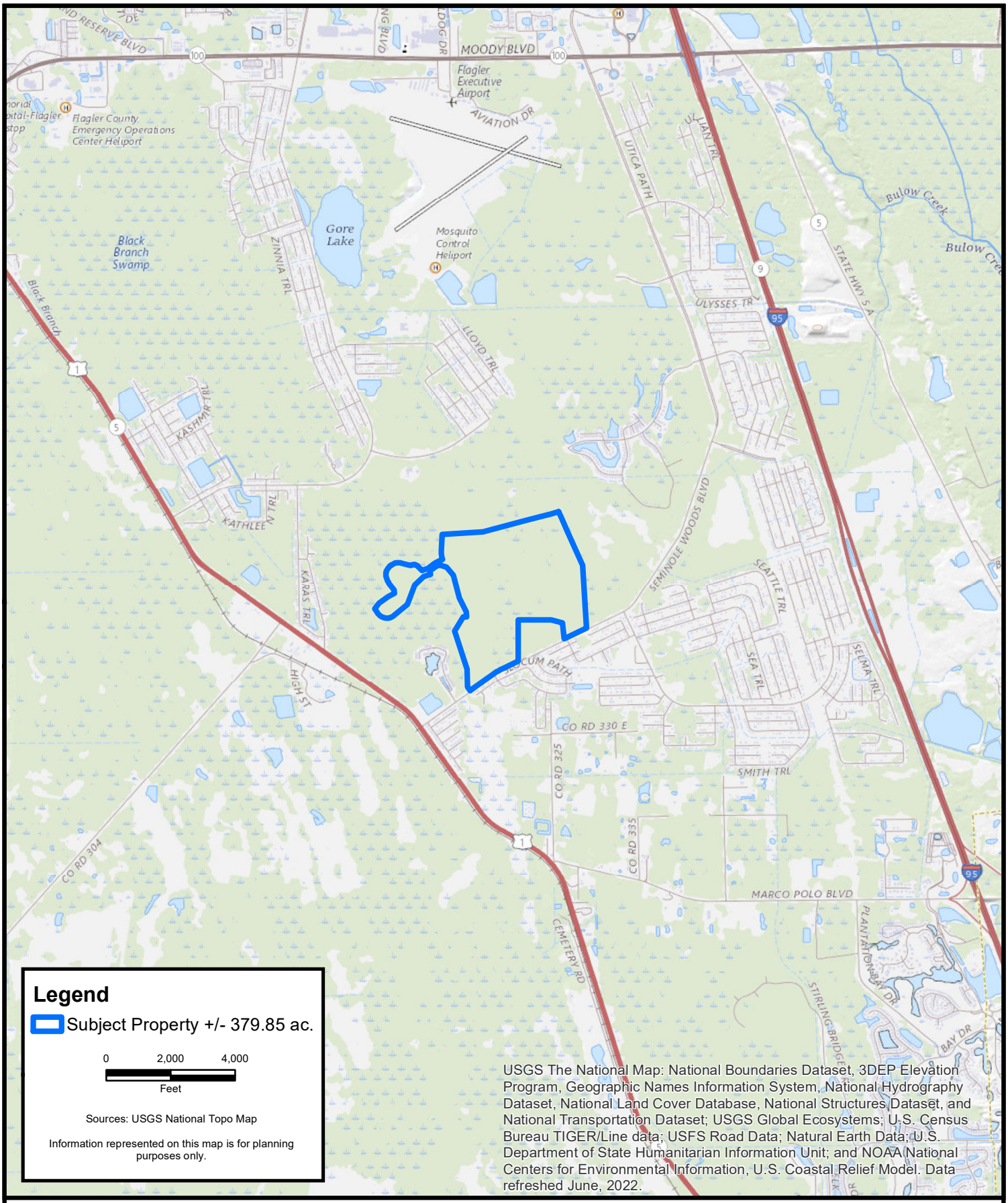
In addition to any State and Federal permitting required for the project, coordination will be required with the City of Palm Coast. Wetland impacts are typically assessed by the City, with emphasis placed on avoiding impacts to higher-quality wetlands and concentrating any wetland impacts to areas that provide a lesser ecological value. Impacts to higher-quality wetlands may not be allowed. Figure 3 depicts the onsite wetlands. **Because wetland impacts are proposed in conjunction with this project, a wetland quality assessment will be prepared for the City.**

4.0 RECOMMENDATIONS

Based on the assessment outlined above, this project has avoided many of the environmental issues associated with new developments and demonstrates responsible development practices by avoiding impacts to the majority of on-site wetlands. Gopher tortoise was the sole protected species located on the site; per the description above, all tortoise burrows on site will be mapped and all tortoises on site within 25 feet of proposed construction will be relocated to an FWC-

approved recipient site. No other protected species have been identified onsite, and the likelihood of any occurring is low.

Please call me at (904) 540-1786 if you have any questions or need additional information.



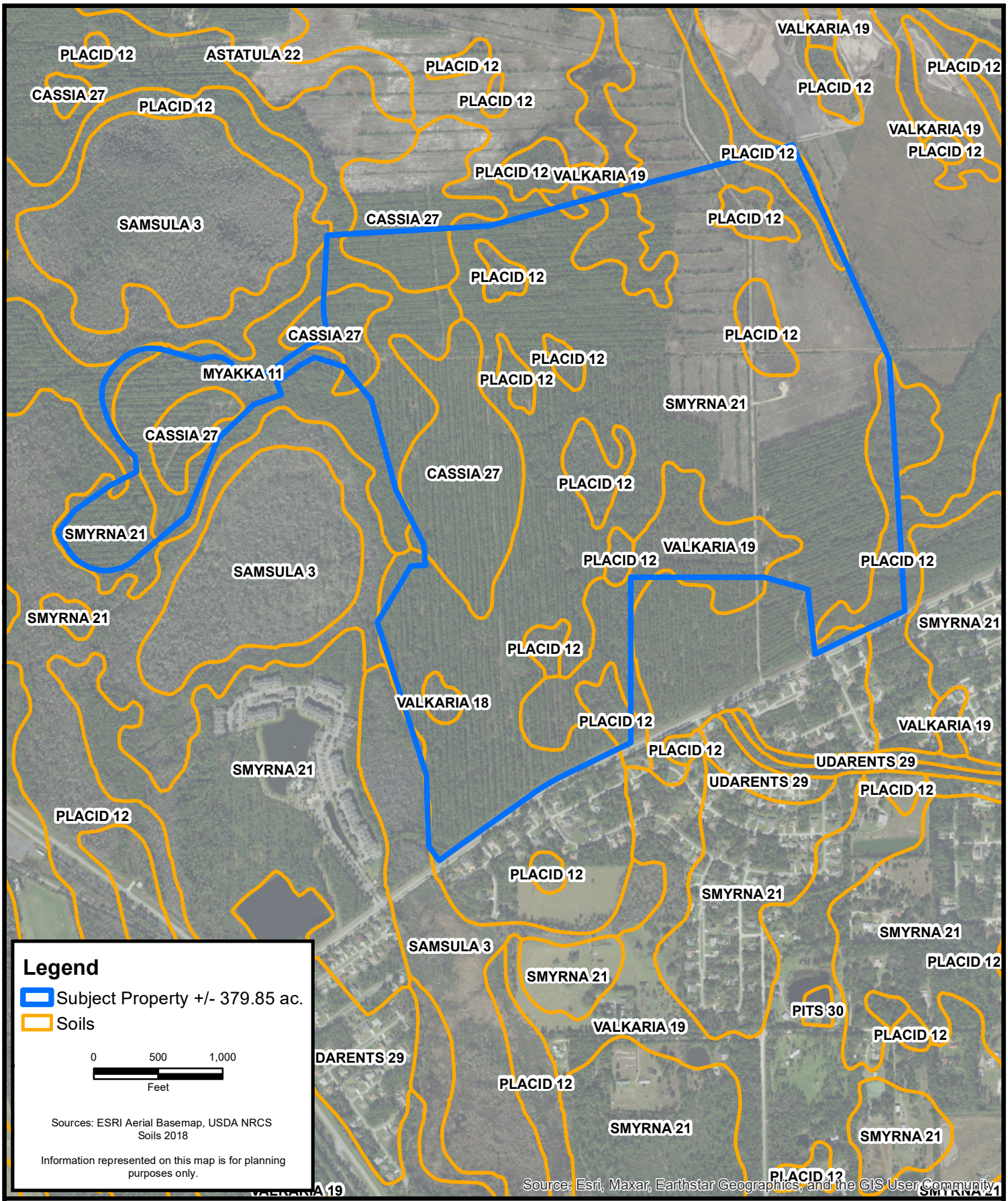
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CARTER ENVIRONMENTAL SERVICES, INC.
CES
42 Masters Drive
St. Augustine, FL 32084
904-540-1786
www.carterenv.com

Location Map

Douglas - Cascades

Project: 5.21253	Palm Coast, Florida	Date: Oct 18 2022	Figure: 1



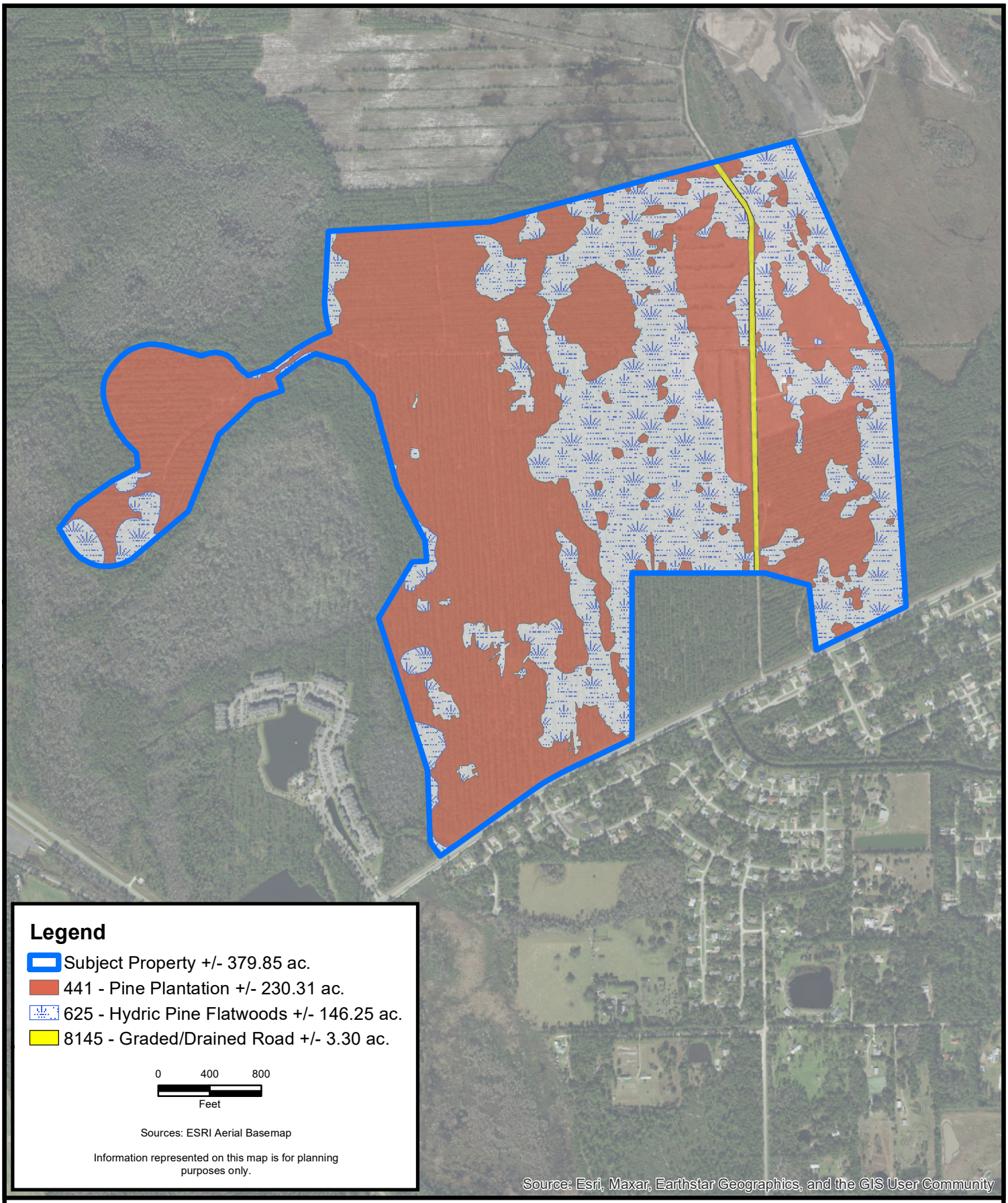
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904-540-1786
www.carterenv.com

Soils Map

Douglas - Cascades

Project: 5.21253	Palm Coast, Florida	Date: Oct 18 2022	Figure: 2



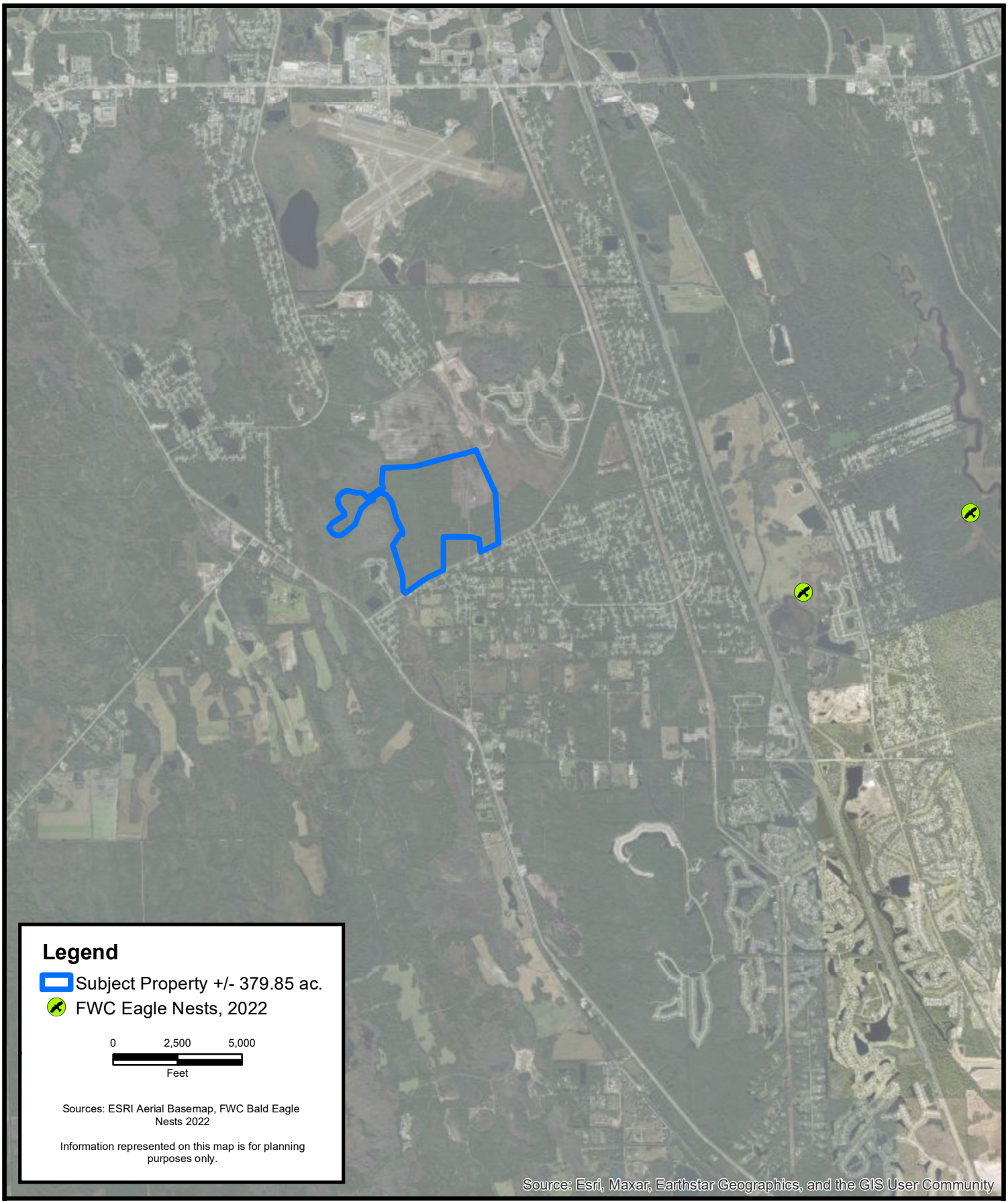
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42 Masters Drive
St. Augustine, FL 32084
904-540-1786
www.carterenv.com

FLUCFCS/Existing Conditions Map

Douglas - Cascades

Project: 5.21253	Palm Coast, Florida	Date: Oct 18 2022	Figure: 3



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CES
42 Masters Drive
St. Augustine, FL 32084
904-540-1786
www.carterenv.com

FWC Bald Eagle Nests

Douglas - Cascades

Project: 5.21253	Palm Coast, Florida	Date: Oct 18 2022	Figure: 4

1018 Thomasville Road
Suite 200-C
Tallahassee, FL 32303
850-224-8207
850-681-9364 fax
www.fnai.org

Florida Natural Areas Inventory

Biodiversity Matrix Query Results

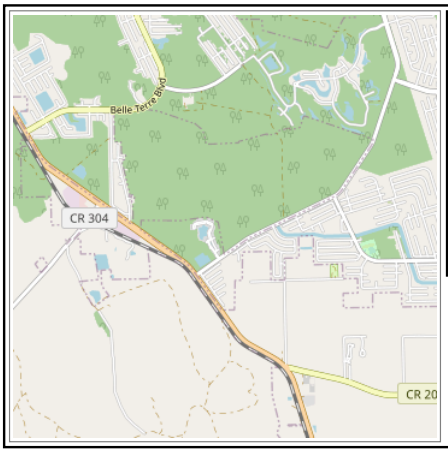
UNOFFICIAL REPORT

Created 10/18/2022

(Contact the FNAI Data Services Coordinator at 850.224.8207 or kbrinegar@fnai.fsu.edu for information on an official Standard Data Report)

NOTE: The Biodiversity Matrix includes only rare species and natural communities tracked by FNAI.

Report for 4 Matrix Units: 50194 , 50195 , 50524 , 50525



Descriptions

DOCUMENTED - There is a documented occurrence in the FNAI database of the species or community within this Matrix Unit.

DOCUMENTED-HISTORIC - There is a documented occurrence in the FNAI database of the species or community within this Matrix Unit; however the occurrence has not been observed/reported within the last twenty years.

LIKELY - The species or community is *known* to occur in this vicinity, and is considered likely within this Matrix Unit because:

1. documented occurrence overlaps this and adjacent Matrix Units, but the documentation isn't precise enough to indicate which of those Units the species or community is actually located in; *or*
2. there is a documented occurrence in the vicinity and there is suitable habitat for that species or community within this Matrix Unit.

POTENTIAL - This Matrix Unit lies within the known or predicted range of the species or community based on expert knowledge and environmental variables such as climate, soils, topography, and landcover.

Matrix Unit ID: 50194

0 **Documented** Elements Found

0 **Documented-Historic** Elements Found

3 **Likely** Elements Found

Scientific and Common Names	Global Rank	State Rank	Federal Status	State Listing
Mesic flatwoods	G4	S4	N	N
Mycteria americana Wood Stork	G4	S2	T	FT
Ursus americanus floridanus Florida Black Bear	G5T4	S4	N	N

Matrix Unit ID: 50195

0 **Documented** Elements Found

0 **Documented-Historic** Elements Found

3 **Likely** Elements Found

Scientific and Common Names	Global Rank	State Rank	Federal Status	State Listing
Mesic flatwoods	G4	S4	N	N
Mycteria americana Wood Stork	G4	S2	T	FT
Ursus americanus floridanus Florida Black Bear	G5T4	S4	N	N

Matrix Unit ID: 50524

0 **Documented** Elements Found

0 **Documented-Historic** Elements Found

3 **Likely** Elements Found

Scientific and Common Names	Global Rank	State Rank	Federal Status	State Listing
Mesic flatwoods	G4	S4	N	N
Mycteria americana Wood Stork	G4	S2	T	FT
Ursus americanus floridanus Florida Black Bear	G5T4	S4	N	N

Matrix Unit ID: 50525

0 **Documented** Elements Found

0 **Documented-Historic** Elements Found

3 **Likely** Elements Found

Scientific and Common Names	Global Rank	State Rank	Federal Status	State Listing
Mesic flatwoods	G4	S4	N	N
Mycteria americana Wood Stork	G4	S2	T	FT
Ursus americanus floridanus Florida Black Bear	G5T4	S4	N	N

Matrix Unit IDs: 50194 , 50195 , 50524 , 50525

20 **Potential** Elements Common to Any of the 4 Matrix Units

Scientific and Common Names	Global Rank	State Rank	Federal Status	State Listing
Alligator mississippiensis American Alligator	G5	S4	SAT	FT(S/A)
Antigone canadensis pratensis Florida Sandhill Crane	G5T2	S2	N	ST
Arnoglossum diversifolium variable-leaved Indian-plantain	G2	S2	N	T
Asplenium x heteroresiliens Morzenti's spleenwort	G2	S1	N	N
Calopogon multiflorus many-flowered grass-pink	G2G3	S2S3	N	T
Centrosema arenicola sand butterfly pea	G2Q	S2	N	E
Conradina grandiflora large-flowered rosemary	G3	S3	N	T
Corynorhinus rafinesquii Rafinesque's Big-eared Bat	G3G4	S1	N	N
Deeringothamnus rugelii Rugel's pawpaw	G1	S1	E	E
Floodplain swamp	G4	S4	N	N
Gopherus polyphemus Gopher Tortoise	G3	S3	C	ST
Gymnopogon chapmanianus Chapman's skeletongrass	G3	S3	N	N
Lechea cernua nodding pinweed	G3	S3	N	T
Litsea aestivalis pondspice	G3?	S2	N	E
Matelea floridana Florida spiny-pod	G2	S2	N	E
Nemastylis floridana celestial lily	G2	S2	N	E
Neofiber alleni Round-tailed Muskrat	G2	S2	N	N
Nolina atopocarpa Florida beargrass	G3	S3	N	T
Pteroglossaspis ecristata giant orchid	G2G3	S2	N	T
Rudbeckia nitida St. John's blackeyed susan	G3	S2	N	E

Disclaimer

The data maintained by the Florida Natural Areas Inventory represent the single most comprehensive source of information available on the locations of rare species and other significant ecological resources statewide. However, the data are not always based on comprehensive or site-specific field surveys. Therefore, this information should not be regarded as a final statement on the biological resources of the site being considered, nor should it be substituted for on-site surveys. FNAI shall not be held liable for the accuracy and completeness of these data, or opinions or conclusions drawn from these data. FNAI is not inviting reliance on these data. Inventory data are designed for the purposes of conservation planning and scientific research and are not intended for use as the primary criteria for regulatory decisions.

Unofficial Report

These results are considered unofficial. FNAI offers a Standard Data Request option for those needing certifiable data.

Michael D. Chiumento
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William J. Bosch
Vincent L. Sullivan
Diane A. Vidal
Kareen Movsesyan
Jared T. Trent
Sydney L. Nix
Eric R. Sloan, *of-counsel*
Andrew C. Grant, *of-counsel*

Michael D. Chiumento III
Managing Partner
Michael3l@legalteamforlife.com

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Fax: (386) 445-6702

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Palm Coast, FL 32137

By Appointment Only:
57 W. Granada Blvd.
Ormond Beach, FL 32174

July 27, 2023

To Whom It May Concern:

Byrndog PCP, LLC is the owner of the property shown on the map in **Exhibit "A"** attached hereto. Currently the owner has a rezoning application into the City of Palm Coast to amend the existing zoning from the Planned Unit Development (PUD) and New Rural Communities (NRC) Zoning Districts to the Single-Family Residential-1 (SFR-1), Multi-Family Residential – 2 (MFR-2) and Preservation (PRS) Zoning Districts. The location of the three proposed zoning districts is shown on **Exhibit "B"**.

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Sincerely yours,

Michael D. Chiumento III

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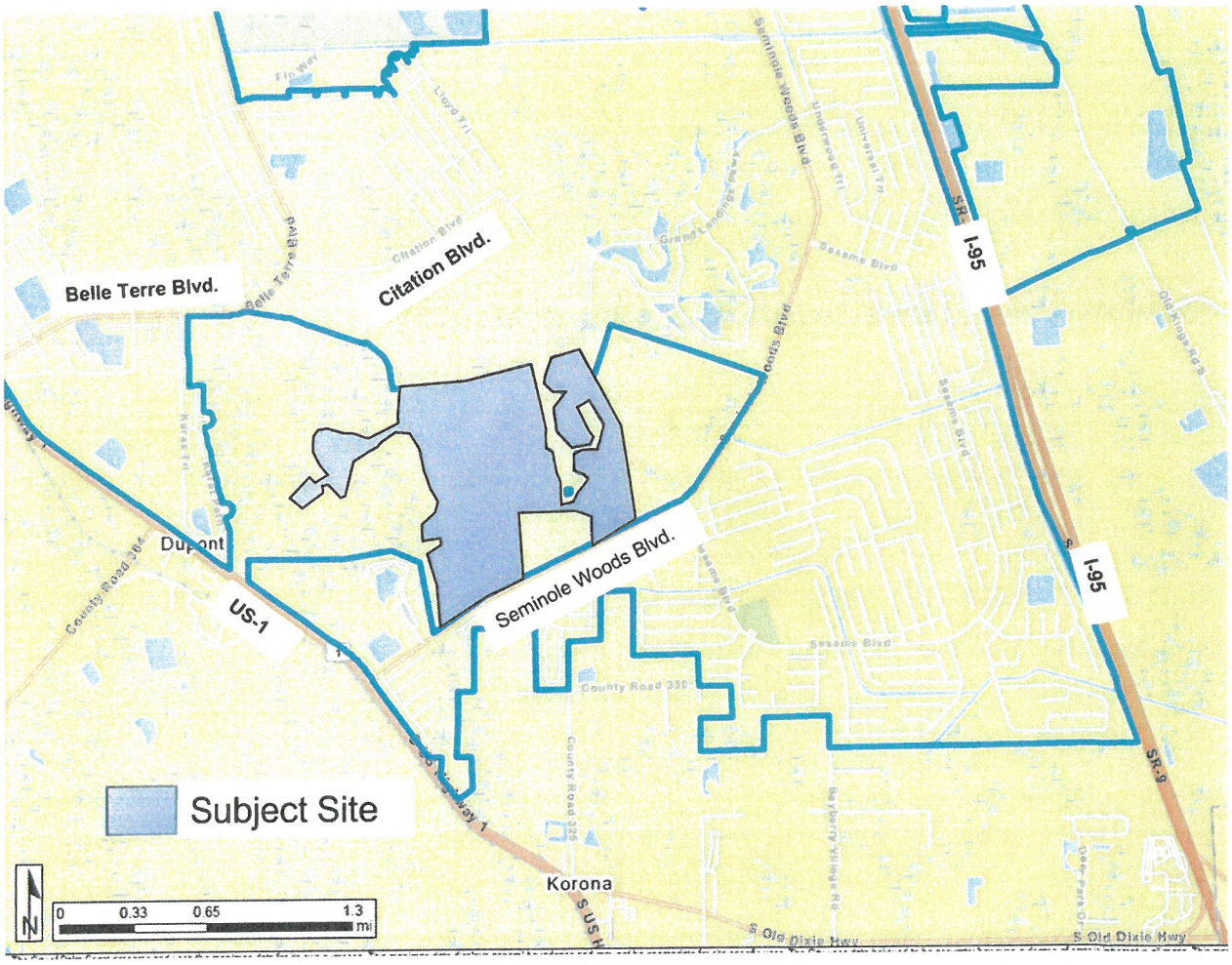
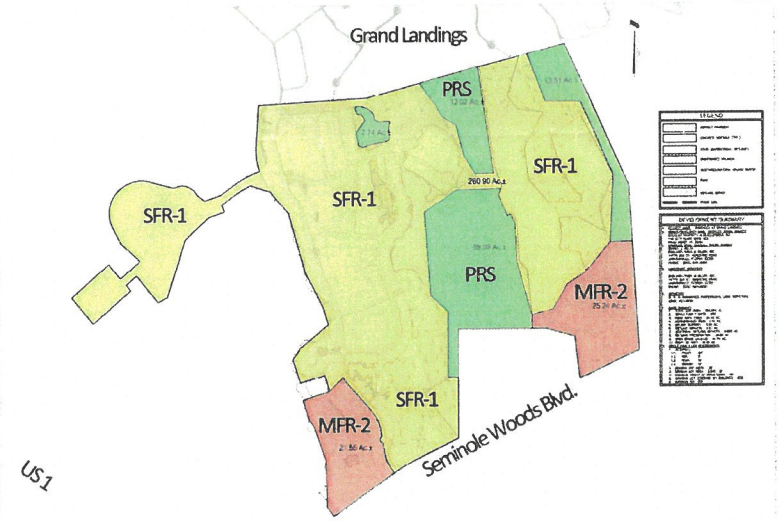

Belle Terre Blvd.
Citation Blvd.
Seminole Woods Blvd.
Dupont
US-1
I-95
I-95
SR-9
Korona
Subject Site
0 0.33 0.65 1.3 mi
N

EXHIBIT "B"



THE CASCADES	
Proposed Zoning Designation	Acres
Preservation (PRS)	67.36
Single Family Residential-1 (SFR-1)	260.9
Multi-family Residential-2 (MFR-2)	46.79
Total	375.05

CHIUMENTO LAW
LEGAL TEAM FOR LIFE

145 City Place, Suite 301
Palm Coast, FL 32164

ORLANDO FL 328
28 JUL 2023 PM 3 L

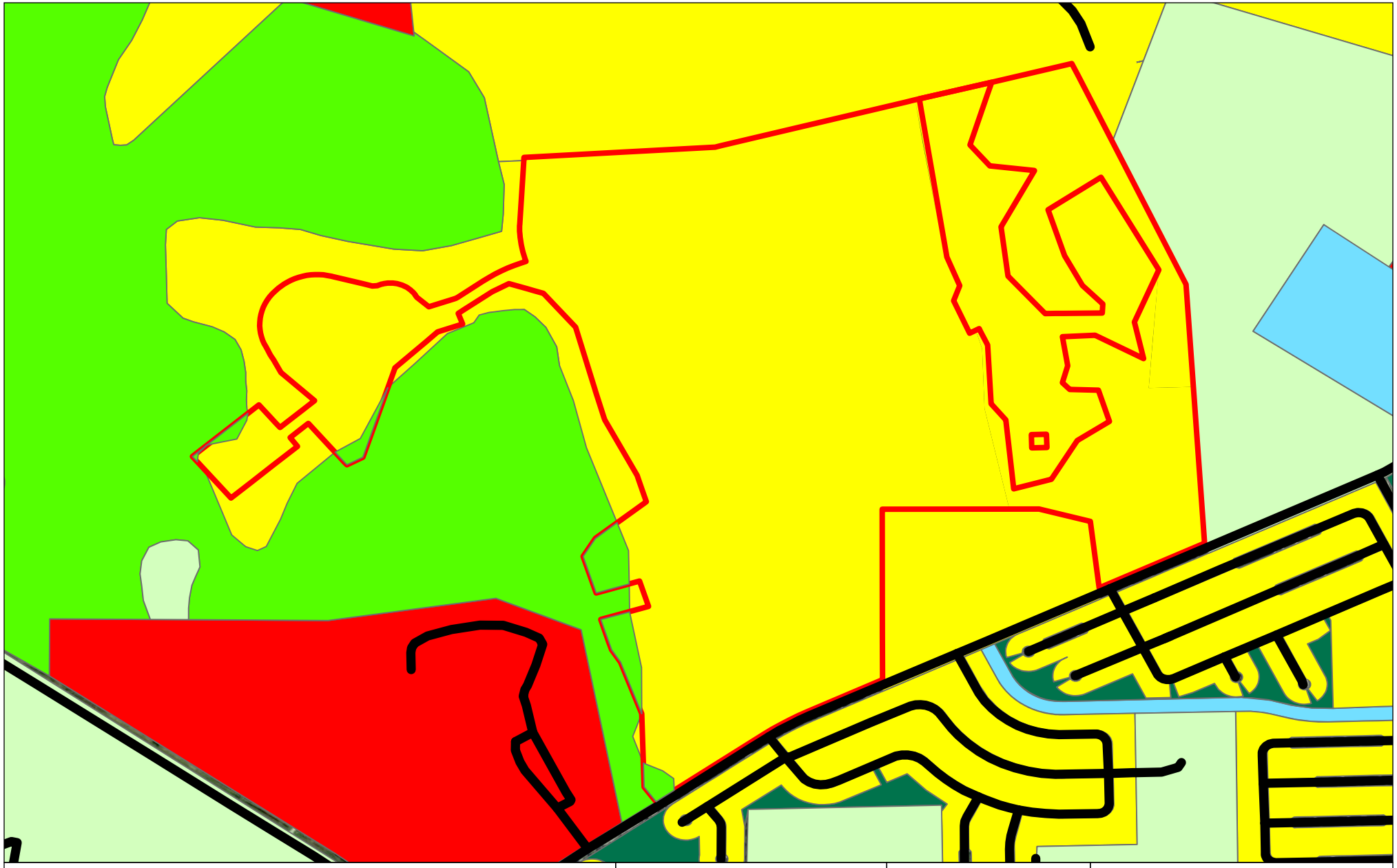


Irene/Planning

CITY OF PALM COAST
160 LAKE AVENUE
PALM COAST, FL 32164

32164-240099

70



Current FLUM Map

Subject Site

Flagler County
Flum Classification

EducationalUse

Agriculture/
Timberland

Commercial High
intesity

Conservation

Residential

FLUM Classification

Canals

Greenbelt

Mixed Use

Residential

Feet 0 1,000

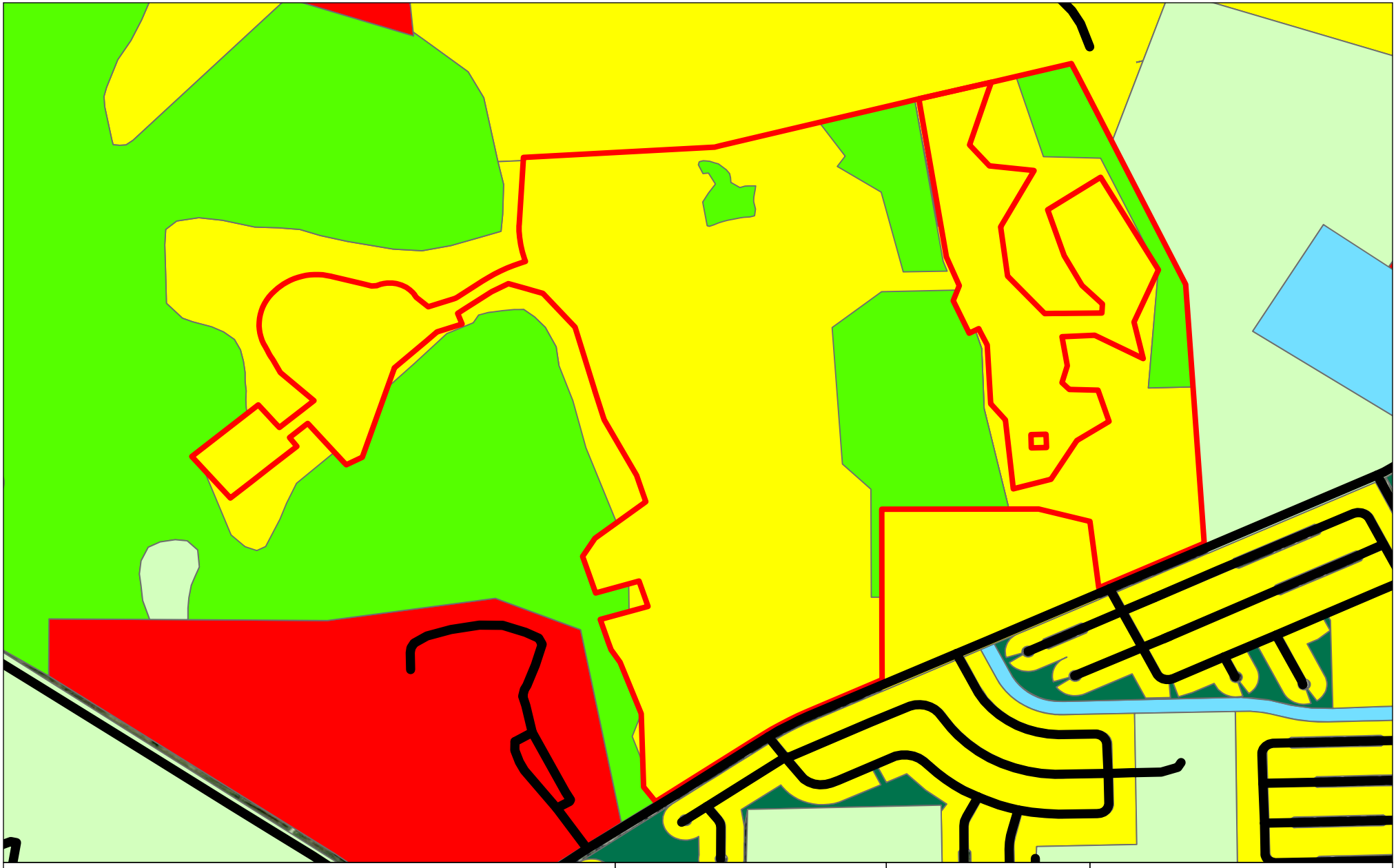
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Creation Date:
8/2/2023

Map Provided By:
Planning Division

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FLUM Amendment

Subject Site
Streets

Flagler County
Flum Classification
EducationalUse

Agriculture/
Timberland
Commercial High
intesity
Conservation
Residential

Proposed FLUM
Classification
Conservation
Residential

FLUM Classification
Canals
Greenbelt
Mixed Use
Residential

Feet 0 1,000

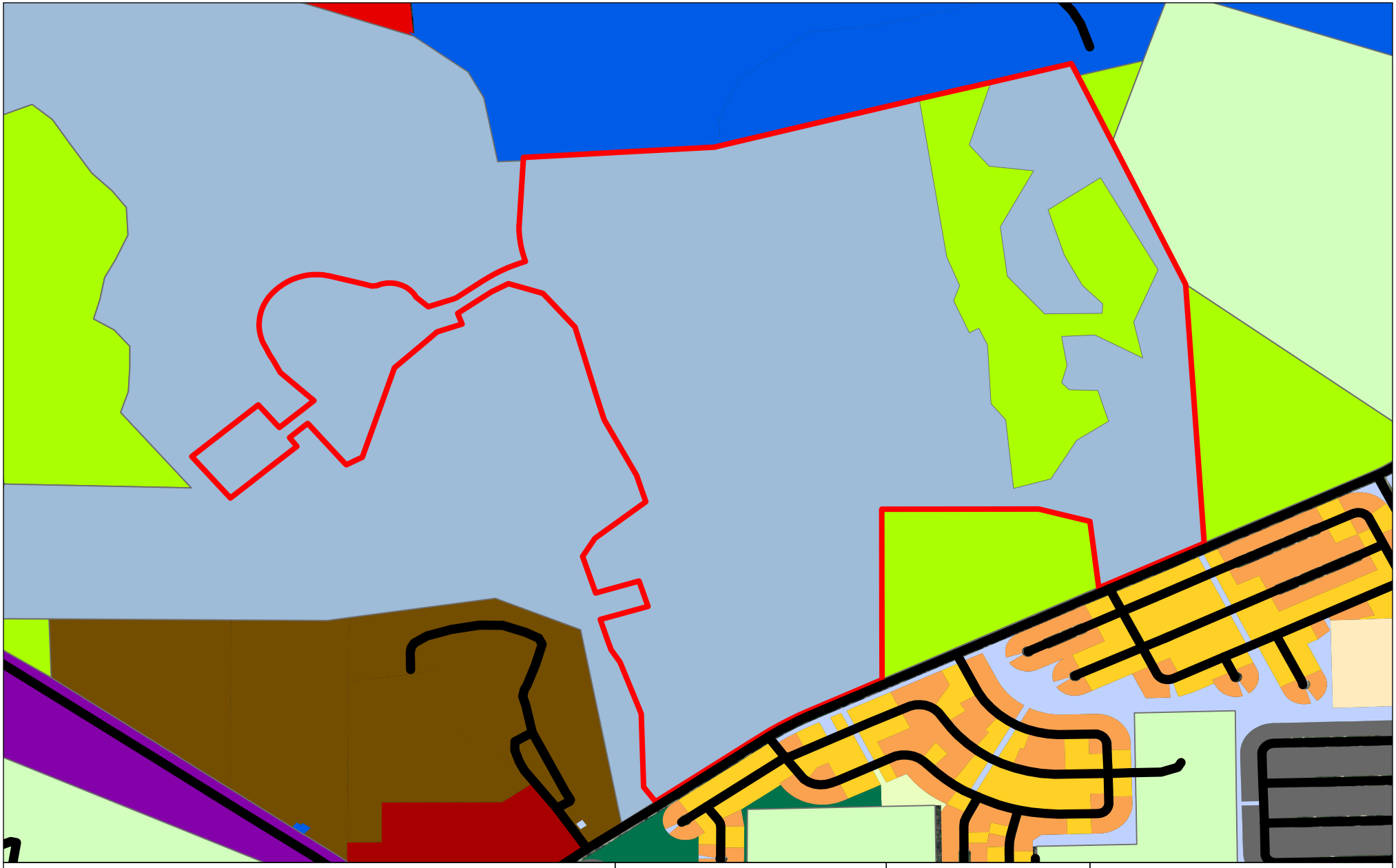
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Current Zoning Map

Subject Site

Flagler County Zoning Districts
- PUD
- NRCPUD
- AC
- I

Palm Coast Zoning Districts
- COM-2
- COM-3
- DPX
- EST-1
- MFR-2
- PRS
- PSP
- SFR-2
- SFR-3
- SFR-5
- MPD post 11-16-08 designation

Feet 0 1,000

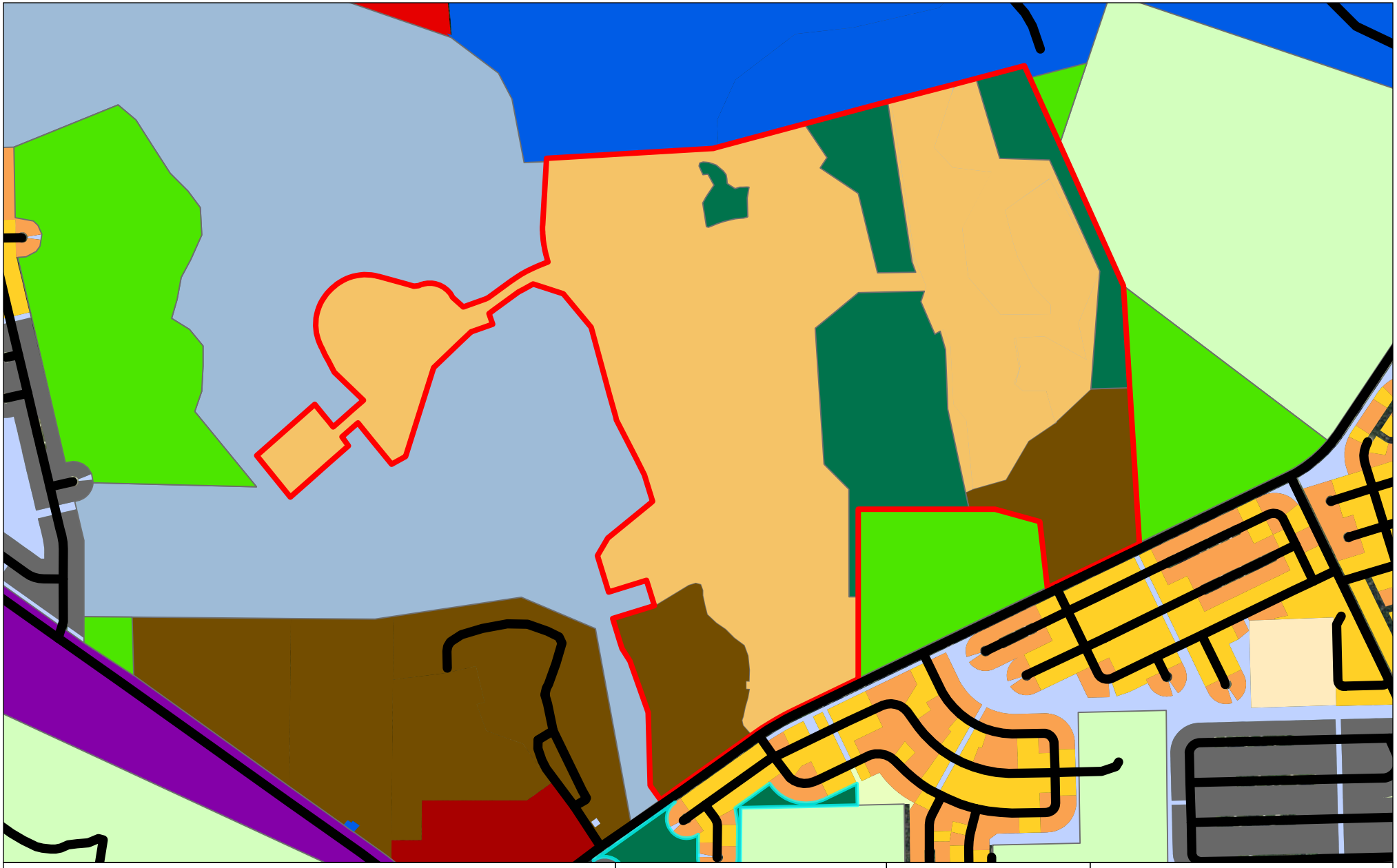
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Proposed Zoning Map

Subject Site
Streets

Palm Coast Zoning Districts
COM-2
COM-3
DPX
EST-1
MFR-2
PRS
PSP
SFR-2
SFR-3
SFR-5

MPD post 11-16-08 designation

Flagler County Zoning Districts
AC
NRCPUD
PUD
I

Proposed Zoning
PRS
SFR1
MFR2

Feet 0 1,000

Dataframe Rotation: 0° off True North

Creation Date: 8/2/2023

Map Provided By: GIS Division

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July 27, 2023

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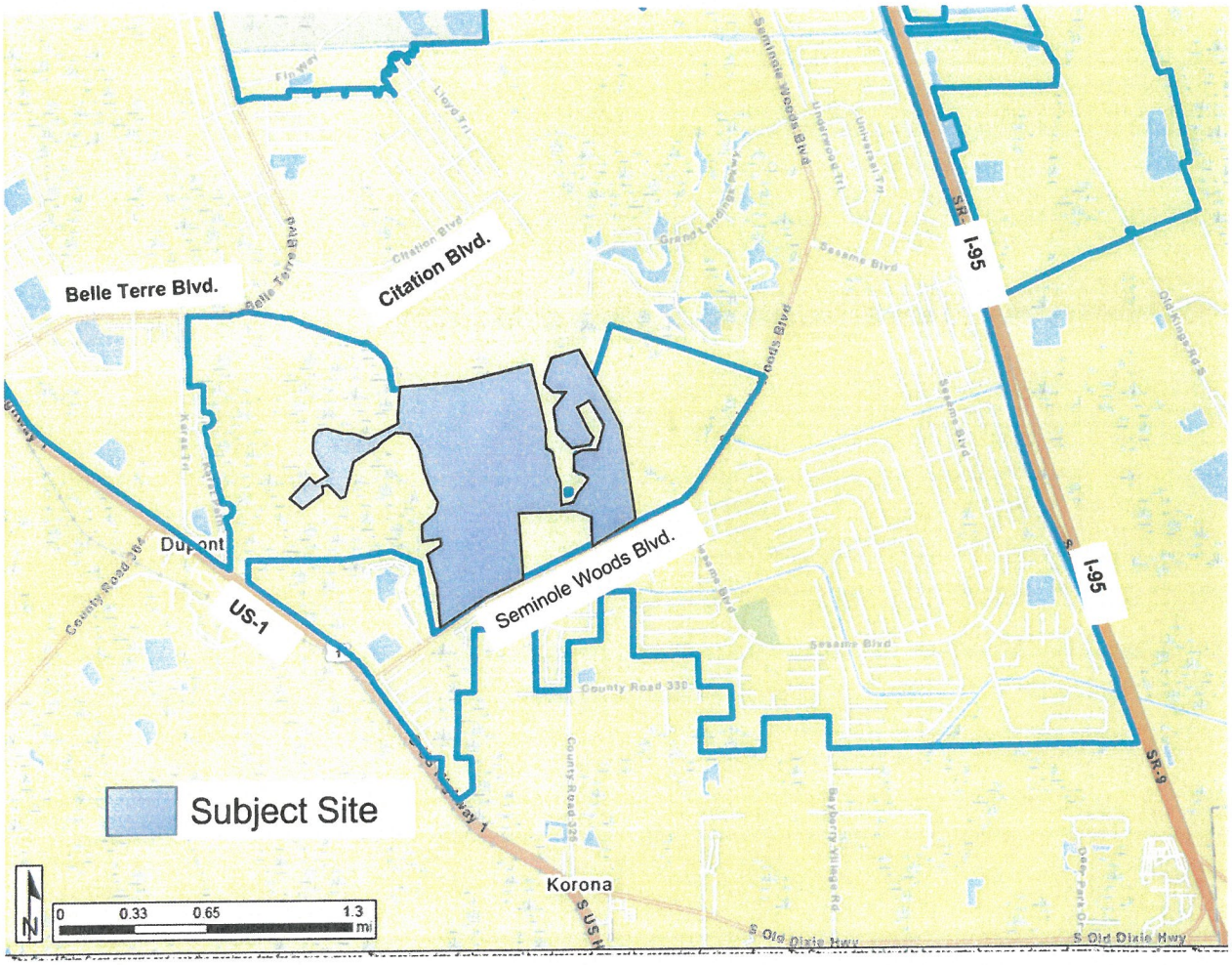
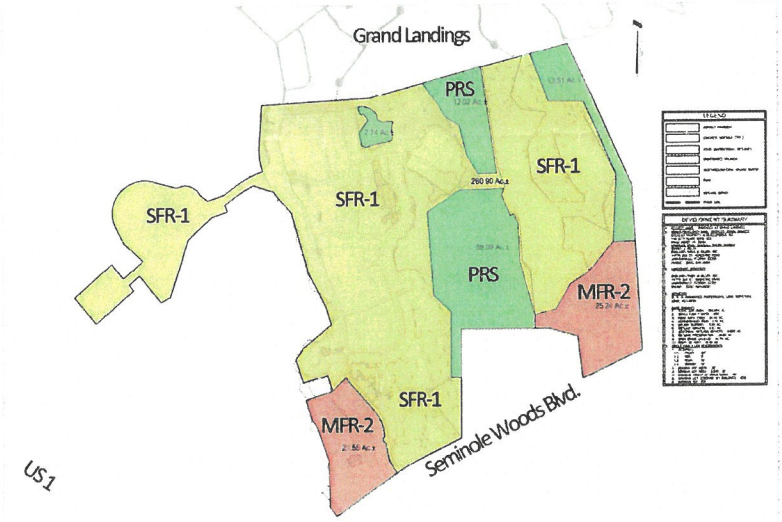

Belle Terre Blvd.
Citation Blvd.
Seminole Woods Blvd.
I-95
I-95
US-1
Dupont
Korona
Subject Site
SR-9
S Old Dixie Hwy
0 0.33 0.65 1.3 mi
N

EXHIBIT "B"



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CHIUMENTO LAW
LEGAL TEAM FOR LIFE

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Palm Coast, FL 32164

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32164
B75105.22

Irene/Planning

CITY OF PALM COAST
160 LAKE AVENUE
PALM COAST, FL 32164

32164-240099

78

NOTIFICATION AFFIDAVIT FOR OFFICIAL ZONING MAP AMENDMENT (REZONING)

COUNTY OF FLAGLER X
STATE OF FLORIDA X

Before me this 26 day of July, 2023 personally appeared Jared Trent who after providing personally known as identification and who ____ **did**, ✓ **did not** take an oath, and who being duly sworn, deposes and says as follows: "I have read and fully understand the provisions of this instrument".

Three (3) signs have been posted on the subject property subject to a rezoning as described
(# of signs) with **Application #** 5107 & 5109

✓ At least fourteen (14) calendar days before the hearing date advertising the date, time, and location of the Planning & Land Development Regulation Board (PLDRB)

AND/OR

_____ At least fourteen (14) calendar days before the hearing date advertising the date, time, and location of the City Council 1st public hearing.

AND/OR

_____ At least ten (10) calendar days before the hearing date advertising the date, time, and location of the City Council 2nd public hearing.

Signature of Responsible Party

Jared Trent
Print Name & Mailing Address

Signature of Person Taking Acknowledgment

KAROLYN N. SHEEKEY
MY COMMISSION # GG 963036
EXPIRES: June 21, 2024
Bonded Thru Notary Public Underwriters

SEAL

Name of Acknowledger (Typed, Printed or Stamped)

This document, once executed, must be returned to a Land Development Technician in the City of Palm Coast Community Development Department prior to the hearing date. Failure to provide document by that time will result in the application not being placed on the agenda for a public hearing.

Please attach a photo of posted sign(s).


City of Palm Coast
NOTICE OF PUBLIC HEARING
Application Number: 5037-2109
X
X


City of Palm Coast
NOTICE OF PUBLIC HEARING
Application Number: 5103 #5109
The City of Palm Coast Planning Board will hold a public hearing on the application at
5:30 P.M. on Aug 16, 2023
The City of Palm Coast City Council will hold a public hearing on the application at
9:00 A.M. on Sept 19, 2023
Description of Request:
Future Land Use Map (FLUM)

City of Palm Coast

NOTICE OF PUBLIC HEARING

Application Number: 5182451109

The City of Palm Coast Planning Board will hold a public hearing on the application at

6:30 PM on July 18, 2023

The City of Palm Coast City Council will hold a public hearing on the application at

9:00 AM on Sept 19, 2023 for the 1st Hearing

____ M. on _____ for the 2nd Hearing

___ City Council public hearing not required

Description of Request

___ Special Exception ___ Scenic Use

X Rezoning ___ Public Use

X Future Land Use Amendment (FLUM)

PUD for Scenic Isles and Multi-Family Amendment (Single Family Detached)

To Increase Development Density FFA and Multi-Family Attached

Zoning for Scenic Isles and Multi-Family Amendment (Single Family Detached)

To Increase Development to Into Scenic Isles Increase 2.9 Acres (Mod)

Current Zoning: PUD Property Size: 35.9± (Acres)

Applicant Name/Contact for Scenic Isles Development, Inc.

Public Hearing to be held at

[illegible]

For more information please call City of Palm Coast Planning Division at (386) 986-3736

Do not remove poster until after the date of public hearing