

Crossroads of Flagler County

Board Members:
Carl Lilavois, Chair
Gary Masten, Co-Chair
Robin Tyler
Manuel Madaleno
Nealon Joseph (Alternate)

PLANNING, ZONING AND APPEALS BOARD AGENDA

Thursday, July 7, 2022

6:00 PM

1769 East Moody Boulevard (GSB),
First Floor Conference Room
Bunnell, FL 32110

-
- 1. Call Meeting to Order for Planning and Zoning Meeting and Roll Call**
 - 2. Disclosure of Ex-Parte communications.**
 - 3. Approval of Minutes**
 - a. June 7, 2022 Planning, Zoning and Appeals Board Minutes
 - New Business:**
 4. Public Hearing - Ordinance 2022-XX Requesting to change the Future Land Use Map in the Comprehensive Plan for 0.48± acres of land, owned by Carl Lilavois, Bearing the Parcel ID: 15-12-30-0850-02630-0030 from the "Single Family Low Density" to the "Multi-Family" future land use category.
 5. Public Hearing - Ordinance 2022-XX Requesting to change the official zoning map for 0.48± acres of land, owned by Carl E. Lilavois, Bearing the Parcel ID 15-12-30-0850-02630-0030 from the "R-1, Single Family Residential" district to the "R-3B, Multi-family Residential" district.
 6. Public Hearing-Ordinance 2022-XX Requesting to change the Future Land Use Map in the Comprehensive Plan for 26.57+/- acres of land, owned by Oare Warehouse LLC, Bearing the Parcel ID(s): 12-12-30-0650-000C0-0041 and 12-12-30-0650-000C0-0042 from the "Commercial Medium" to the "Residential Mixed Use" future land use categories.
 7. Public Hearing - Ordinance 2022-XX Requesting to change the official zoning map for 26.57+/- acres of land, owned by Oare Warehouse LLC, Bearing the parcel ID(s): 12-12-30-0650-000C0-0041 and 12-12-30-0650-000C0-0042 from the "B-1, Commercial District" to "R-3B, Multiple-Family Residential District"
 8. Public Hearing - Ordinance 2022-XX Requesting to change the Future Land Use Map in the Comprehensive Plan for 74.98 +/- acres of land, owned by Oare Warehouse LLC from the City of Palm Coast "COM-L, Commercial - Low Intensity District" to the City of Bunnell "MF, Multi-Family District" future land use designation.
 9. Public Hearing - Ordinance 2022-XX Requesting to change the official zoning map

for 74.98 +/- acres of land, owned by Oare Warehouse LLC, Bearing the Parcel ID: 12-12-30-0650-000C0-0070 from City of Palm Coast COM-1 (COPC) to City of Bunnell R-3B (Multiple-Family Residential)

Old Business: None

10. Public Comment

Comments regarding items not on the agenda. Citizens are encouraged to speak; however, comments should be limited to three minutes.

11. Board comment

12. Adjournment of Planning and Zoning Meeting

NOTICE: If any person decides to appeal any decision made by the Planning, Zoning and Appeals Board with respect to any item considered at any meeting of this board; He or She will need a record of the proceedings, and for this purpose, He or She may need to ensure that a verbatim record of the proceedings is made, which record is to include the testimony and evidence upon which the appeal is based. (286.0105 Florida Statutes). Any person requiring a special accommodation at this meeting because of disability or physical impairment should contact the City Clerk at (386) 437-7500 at least 48 hours prior to the meeting date.



City of Bunnell, Florida

Agenda Item No. a.

ATTACHMENTS:

Description

June 7, 2022 Planning, Zoning and Appeals Board Minutes

Type

Cover Memo



Board Members:
Carl Lilavois, Chair
Gary Masten, Co-Chair
Manuel Madaleno
Nealon Joseph

Crossroads of Flagler County

PLANNING, ZONING AND APPEALS BOARD
MINUTES
Tuesday, June 7, 2022
6:00 PM

1769 East Moody Boulevard (GSB),
Chambers Meeting Room
Bunnell, FL 32110

1. Call Meeting to Order for Planning and Zoning Meeting and Roll Call

The meeting was called to order at 6:00 PM and led the Pledge of Allegiance

Present: Carl Lilavois, Chair; Gary Masten, Co-Chair; Manuel Madaleno

Excused: Nealon Joseph

Absent: N/A

Non-Voting: City Attorney John Cary; City Planner Mark Karet; Code Enforcement Officer Gary Harris; Community Development Coordinator Christine Hancock; Permit Technician Adrian Calderin; Community Development Director Bernadette Fisher

2. Disclosure of Ex-Parte communications.

None

3. Approval of Minutes

a. April 5, 2022 Planning, Zoning and Appeals Board Minutes

b. May 3, 2022 Planning, Zoning and Appeals Board Minutes

Motion: Approve the April 5, 2022 and May 3, 2022 Planning, Zoning and Appeals Board Meeting Minutes.

Moved By: Gary Masten

Seconded By: Manuel Madaleno

Board Discussion: None

Public Discussion: None

Roll Call Vote:

Carl Lilavois - Yes

Gary Masten - Yes

Manuel Madaleno - Yes

Vote: Motion carried by unanimous vote

New Business:

4. Public Hearing - Ordinance 2022-XX Requesting to change the Future Land Use Map in the Comprehensive Plan for 5± acres of land, owned by Marion Keith Milne Jr, Bearing the Parcel ID: 21-13-31-0650-

000A0-0070 from the "Rural Estates" to the "Agricultural" future land use category.

Chair Lilavois read the short title into the record. City Planner Karet introduced and explained item 4 and item 5 together. The applicant wishes to place a mobile home on the property but must have City zoning. City Planner Karet stated the zoning and FLUM change will be consistent with the area surrounding the subject property.

Motion: Approve Ordinance 2022-XX Requesting to change the Future Land Use Map in the Comprehensive Plan for 5± acres of land, owned by Marion Keith Milne Jr, Bearing the Parcel ID: 21-13-31-0650-000A0-0070 from the "Rural Estates" to the "Agricultural" future land use category.

Moved By: Gary Masten

Seconded By: Manuel Madaleno

Board Discussion: None

Public Discussion: None

Roll Call Vote:

Carl Lilavois - Yes

Manuel Madaleno - Yes

Gary Masten - Yes

Vote: Motion carried by unanimous vote.

5. Public Hearing - Ordinance 2022-XX Requesting to change the official zoning map for 5± acres of land, owned by Marion Keith Milne Jr, Bearing the Parcel ID: 21-13-31-0650-000A0-0070 from the Flagler County "MH-1, Rural Mobile Home" district to the City of Bunnell "AG, Agricultural" district.

Chair Lilavois read the short title into record. City Planner Karet introduced and explained item 5 with item 4.

Motion: Approve Ordinance 2022-XX Requesting to change the official zoning map for 5± acres of land, owned by Marion Keith Milne Jr, Bearing the Parcel ID: 21-13-31-0650-000A0-0070 from the Flagler County "MH-1, Rural Mobile Home" district to the City of Bunnell "AG, Agricultural" district.

Moved By: Gary Masten

Seconded By: Manuel Madaleno

Board Discussion: None

Public Discussion: None

Roll Call Vote:

Carl Lilavois - Yes

Manuel Madaleno - Yes

Gary Masten - Yes

Vote: Motion carried by unanimous vote

6. PZA Case 2021-52 Whistle Stop Farms Minor Subdivision

City Planner Karet introduced and explained the item. The applicant wishes to divide the subject property located near County Road 13 and Opossum Lane into six new lots. Staff explained this has been reviewed by the City Technical Review Committee and has been found it to be in compliance with the Land Development Code. The

Flagler County School Board has raised a concern about approving the final plat without a proportionate mitigation agreement being in place.

Motion: Approve PZA Case 2021-52 Whistle Stop Farms Minor Subdivision.

Moved By: Manuel Madaleno

Seconded By: Gary Masten

Board Discussion: Co-Chair Masten asked City Planner Karet if the applicant is aware of the gun range located within 100 yards of this property. Staff confirmed the applicant is aware of the gun range operation.

Public Discussion: The applicant's representative, Dennis (last name not provided), stated most of the intended uses for these new lots will be agricultural and one of the contract owners plans to store agricultural equipment on his lot; all are well aware of the gun range in the area.

Roll Call Vote:

Carl Lilavois - Yes

Manuel Madaleno - Yes

Gary Masten - Yes

Vote: Motion carried by unanimous vote

7. PZA Case 2022-64 Request for Site Plan Approval for New Construction in Palm Industrial Park

City Planner Karet introduced and explained the item. Major site plan approval is required because it involves more than 5,000 square feet of new impervious surface. This has been reviewed by the City Technical Review Committee and has been found to be compliant with the Land Development Code.

Motion: Approve PZA Case 2022-64 Request for Site Plan Approval for New Construction in Palm Industrial Park.

Moved By: Gary Masten

Seconded By: Manuel Madaleno

Board Discussion: None

Public Discussion: None

Roll Call Vote:

Carl Lilavois - Yes

Manuel Madaleno - Yes

Gary Masten - Yes

Vote: Motion carried by unanimous vote

Old Business:

8. Public Hearing: PZA 2022-66 Application by First Coast Roll Off, LLC for a special exception to allow a Source-separated Organics Processing Facility (SOPF) in the AGS, Agricultural & Silviculture district.

City Planner Karet introduced and explained the item. This item was continued from the May 2022 Planning, Zoning and Appeals Board Meeting. The applicant plans to process organic material on the property; the material will be from offsite properties. The material will be turned into a product to be used for paper mills, chips for electricity plants, and/or soil. Staff has looked at similar facilities in surrounding counties. In Flagler County, there are four facilities, three have agriculture zoning and one has industrial zoning. There

are two in St. Johns County, both are zoned open/rural. In Volusia County there are 22 facilities, 15 of them have agriculture zoning and three have industrial zoning. Staff recommended approval of the request with the condition the applicant follow all Department of Environmental Protection (DEP) regulations and practices.

Board and Public Discussion:

The applicant's attorney, Zack Brune, explained the City has an unusual AG classification; the subject property is zoned AG&S. Under this zoning, this special exception would be compatible with the permitted uses set forth in the Code for this designation. The applicant's planned use and activities would be no less detrimental than that of a sawmill, which is a permitted use in the AG&S zoning. The facility would be heavily regulated by the State, with the criteria stated under Florida Administrative Code 62.709.

The applicant, John Adams, addressed the Board and clarified concerns and statements made in the April 5, 2022 Planning, Zoning and Appeals Board meeting.

Mark Spalding spoke in opposition of the request. He is concerned about a fire breaking out and spreading across the nearby farmland.

Alex Schaefer spoke in opposition to the request. He stated the dangers of a fire are very real and to put a fire out, if one did break out, would require a large amount of water that is otherwise not substantially available in the area. He also mentioned there has been work done to the property prior to this meeting.

John Spalding spoke in opposition to the request. He cited the Espanola fire that happened in 2011 and how it destroyed 1200 acres of land. He argued if a fire spread, it would destroy much of the land. Member Madaleno asked Mr. Spalding if he previously owned this property. Mr. Spalding stated he did, but it was sold to someone else first and then sold to this applicant.

TJ Bratcher spoke in opposition to the request. His main concern was water runoff and possible contamination of the waterways from any burning of mulch the applicant may do on the property. He also stated the applicant's business is regulated by DEP and therefore is not an agricultural use despite the zoning designation.

Charlie Faulkner spoke in opposition to the request. He restated the threat of possible fire this type of operation creates.

Patrick Kennedy represented some of the citizens that are opposed to the request. He argued the applicant does not have substantial evidence to support the approval of this special exception. He further explained how this proposed special exception does not comply with the City's Comprehensive Plan.

Lynn Lafferty spoke in opposition to the request. She said she looked up the City's code and said nowhere does it say that this proposed business for this land is a permitted special exception.

John Adams and Attorney Zack Brune addressed, explained and rebutted all the arguments made in opposition to the request from the Public.

Motion: Approve Public Hearing: PZA 2022-66 Application by First Coast Roll Off, LLC for a special exception to allow a Source-separated Organics Processing Facility (SOPF) in the AGS, Agricultural & Silviculture district.

Moved By: Gary Masten

Seconded By: None

Vote: Motion died for lack of second

Motion: Deny Public Hearing: PZA 2022-66 Application by First Coast Roll Off, LLC for a special exception to allow a Source-separated Organics Processing Facility (SOPF) in the AGS, Agricultural & Silviculture district.

Moved By: Manuel Madaleno

Seconded By: Carl Lilavois

Roll Call Vote:

Carl Lilavois - Yes

Gary Masten - No

Manuel Madaleno – Yes

Vote: Motion carried 2-1.

9. Ordinance 2022-16 Requesting to change the official zoning map for 17,527± acres of land within the City of Bunnell.

City Planner Karet introduced and explained the item. He stated land annexed into the City 15+ years ago was never switched over to City zoning from their Flagler County zoning designations; some properties never had zoning designations to begin with. The proposed changes to the zoning designations will match up with the Future Land Use designations currently on the properties. Any land that has a conservation zoning designation on a portion of the property is not included in the proposed ordinance.

Motion: Approve Ordinance 2022-16 Requesting to change the official zoning map for 17,527± acres of land within the City of Bunnell.

Moved By: Manuel Madaleno

Seconded By: Gary Masten

Board Discussion: None

Public Discussion:

Lloyd Connor stated he bought property four years ago planning to build houses on it for him and his family. He called the City before about subdividing the property into one-acre parcels and was told he cannot do it. He asked why he is in this mass rezoning action. City Planner Karet explained the property still carries a Flagler County zoning designation and that a City designation is needed; the proposed designation is the City's AG&S district which is compatible with the current City future land use designation. Staff also advised to proceed with development of the property, a City zoning designation is needed.

Lloyd Connor's neighbor (name was not provided) asked why his property is being restricted to one unit instead of the 1-3 units on his certificate of occupancy that was issued in 2017. City Planner Karet said the restrictions have been in place since annexation.

Roll Call Vote:

Carl Lilavois - Yes
Gary Masten - Yes
Manuel Madaleno – Yes

Vote: Motion carried by unanimous vote.

10. Public Comment

None

11. Board comment

None

12. Adjournment of Planning and Zoning Meeting

Motion: Adjourn

Moved By: Gary Masten

Seconded By: Manuel Madaleno

Roll Call Vote:

Carl Lilavois - Yes
Gary Masten - Yes
Manny Madaleno - Yes

Vote: Motion carried by unanimous vote.

PZA Chair

*****The City adopts summary minutes. Audio files in official City records are retained according to the Florida Department of State GS1-SL records retention schedule*****



City of Bunnell, Florida

Agenda Item No. 4.

Document Date: 6/28/2022
Department: Community Development
Subject: Public Hearing - Ordinance 2022-XX Requesting to change the Future Land Use Map in the Comprehensive Plan for 0.48± acres of land, owned by Carl Lilavois, Bearing the Parcel ID: 15-12-30-0850-02630-0030 from the "Single Family Low Density" to the "Multi-Family" future land use category.

Property Address: 307 South Main Street
Zoning Designation: R-1 Single Family Residential
Future Land Use Designation: Single Family Low Density
Agenda Section: New Business:

ATTACHMENTS:

| Description | Type |
|--|-----------------|
| Main Street Maisonettes FLUM Amendment Ordinance | Ordinance |
| Main Street Maisonettes Location Map | Location Map(s) |

Summary/Highlights:

The applicant is requesting a small scale amendment to the City of Bunnell Comprehensive Plan to change the Future Land Use Map (FLUM) designation on a 0.48± acre property from the "Single Family Low Density" to the "Multi-Family" future land use designation.

There is a companion rezoning request to amend the official zoning map to change the zoning on the property from the "R-1 Single Family Residential" district to the "R-3B- Multi-Family Residential" district.

Background:

The applicant, Carl Lilavois, owns 0.48± acre property located at 307 East South Main Street in the City of Bunnell. The applicant plans to place an 8-unit multi-family building on the property.

The parcel's current FLUM designation is "Single Family Low Density". The "Single Family Low Density" future land use category allows single family residences at densities of up to four (4) dwelling units per acre.

The proposed FLUM designation is "Multi-Family". The "Multi-Family" designation allows multi-family dwellings at densities from 8 dwelling units up to 20 dwelling units per acre.

Under the current FLUM designation, 1 dwelling units can be built on the the subject property based on its 0.48 acre size. The proposed FLUM would allow up to 9 units or 7 additional units to be constructed.

There is adequate capacity in the existing facilities and services to accommodate this the increase number of allowed dwelling units. At the time of site plan approval project specific concurrency determinations will be made.

Staff Recommendation:

Approve the applicant's request to amend the Future Land Use Map to change the designation on the subject property from "Single Family Medium Density" to "Multi-Family".

City Attorney Review:

Approved as to form and legality.

ORDINANCE 2022-XX

AN ORDINANCE OF THE CITY OF BUNNELL, FLORIDA AMENDING THE CITY OF BUNNELL COMPREHENSIVE PLAN, AS PREVIOUSLY AMENDED; PROVIDING FOR AMENDMENT TO THE FUTURE LAND USE MAP IN THE FUTURE LAND USE ELEMENT OF THE CITY OF BUNNELL COMPREHENSIVE PLAN RELATIVE TO CERTAIN REAL PROPERTY CONTAINING 0.48± ACRES, OWNED BY CARL E. LILAVOIS, BEARING PARCEL ID: 15-12-30-0850-02630-0030 LOCATED IN THE WEST QUADRANT OF THE INTERSECTION OF SOUTH MAIN STREET AND WEST BOOE STREET WITHIN THE BUNNELL CITY LIMITS FROM “SINGLE FAMILY LOW DENSITY” TO “MULTI-FAMILY”; PROVIDING FOR LEGISLATIVE FINDINGS AND INTENT; PROVIDING FOR ASSIGNMENT OF THE LAND USE DESIGNATION FOR THE PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR RATIFICATION OF PRIOR ACTS OF THE CITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION AND DIRECTIONS TO THE CODE CODIFIER AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the real property which is the subject of this Ordinance is described by Tax Identification Parcel Number 15-12-30-0850-02630-0030, located in the City of Bunnell; and

WHEREAS, the owner of the property, Carl Lilavois, have requested this change to the future land use; and

WHEREAS, the City of Bunnell’s Planning, Zoning and Appeals Board, as the City’s local planning agency, held a public hearing on July 7, 2022 to consider amending the Future Land Use Map of the Future Land Use Element of the *City of Bunnell Comprehensive Plan* and recommended approval of the proposed Future Land Use Map amendment to the *Comprehensive Plan* for the subject property as requested by the property owner; and

WHEREAS, Section 163.3187, *Florida Statutes*, relates to the amendment of adopted local government comprehensive plans and sets forth certain requirements relating to small scale amendments and which are related to proposed small-scale development activities and provides, among other things, that such amendments may be approved without regard to statutory limits on the frequency of consideration of amendments to the *City of Bunnell Comprehensive Plan*; and

WHEREAS, the City of Bunnell has complied with all requirements and procedures of Florida law in processing this amendment to the *City of Bunnell Comprehensive Plan* including, but not limited to, Section 163.3187, *Florida Statutes*.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF BUNNELL, FLORIDA:

Section 1. Legislative findings and intent.

(a) The City Commission of the City of Bunnell hereby adopts and incorporates into this Ordinance the City staff report and City Commission agenda memorandum relating to the application relating to the proposed amendment to the City of Bunnell *2035 Comprehensive Plan* pertaining to the subject property.

(b) The City of Bunnell has complied with all requirements and procedures of Florida law in processing and advertising this Ordinance.

(c) This Ordinance is internally consistent with the goals, objectives and policies of the City of Bunnell *2035 Comprehensive Plan*.

(d) The exhibits to this Ordinance are incorporated herein as if fully set forth herein verbatim.

Section 2. Amendment to Future Land Use Map.

(a) The Future Land Use Plan Element of the City of Bunnell *2035 Comprehensive Plan* and the City's Future Land Use Map are hereby amended by assigning the "Multi-Family" land use designation to the real property which is the subject of this Ordinance as set forth herein.

(b) The property which is the subject of this Comprehensive Plan amendment is described as follows:

LEGAL DESCRIPTION: PART OF SE 1/4 OF NE 1/4 A/K/A BLOCK 263 LOTS 3 & 4 & 5 & 6 OR 153 PG 578 OR 194 PG 86 OR 329 PG 53, OR 333 PG 471 OR 452 PG 377 OR 554 PG 1325 OR 1506 PG 1122-DC OR 2089/399-ACM OR 2089/400 OR 2692/1345-BLA

ADDRESS: 307 SOUTH MAIN STREET

TAX PARCEL IDENTIFICATION NUMBER: 15-12-30-0850-02630-0030

Section 3. Implementing Administrative Actions.

The City Manager, or designee, is hereby authorized to implement the provisions of this Ordinance as deemed appropriate and warranted.

Section 4. Ratification of Prior Actions.

The prior actions of the City Commission and its agencies in enacting and causing amendments to the *2035 Comprehensive Plan of the City of Bunnell*, as well as the implementation thereof, are hereby ratified and affirmed.

Section 5. Severability.

If any section, sentence, phrase, word, or portion of this Ordinance proves to be invalid, unlawful or unconstitutional, it shall not be held to impair the validity of the ordinance or

effect of any other action or part of this Ordinance.

Section 6. Conflicts.

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 7. Codification/Instructions to Code Codifier.

It is the intention of the City Commission of the City of Bunnell, Florida, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the codified version of the City of Bunnell *2035 Comprehensive Plan* and/or the *Code of Ordinances of the City of Bunnell*, Florida in terms of amending the Future Land Use Map of the City.

Section 8. Effective Date.

The small-scale Comprehensive Plan amendment set forth herein shall not become effective, in accordance with Section 163.3187(5)(c), *Florida Statutes*, until 31 days after the enactment of this Ordinance. If challenged within 30 days after enactment, the small-scale amendment set forth in this Ordinance shall not become effective until the State land planning agency or the Administration Commission, respectively, issues a final order determining that the subject small-scale amendment is in compliance with controlling State law.

First Reading: approved on this _____ day of _____ 2022.

Second Reading: adopted on this _____ day of _____ 2022.

CITY COMMISSION, City of Bunnell, Florida.

By: _____
Catherine D. Robinson, Mayor

Approved for form and content by:

Vose Law Firm, City Attorney

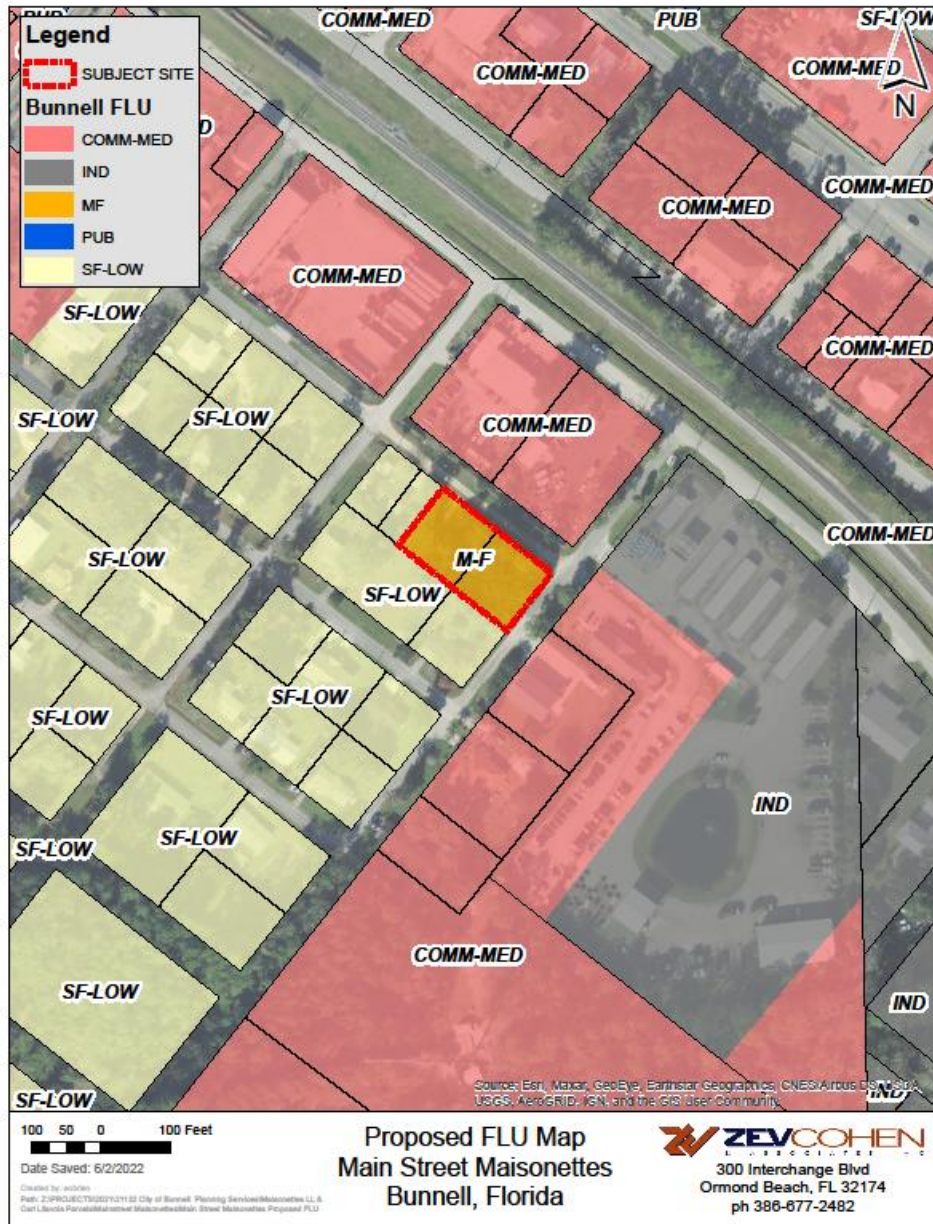
Attest:

Kristen Bates, City Clerk, CMC



Seal:

EXHIBIT A

Proposed Future Land Use Amendment

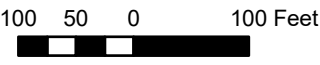


Legend

-  SUBJECT SITE
-  BUNNELL CITY LIMITS
-  FLAGLER COUNTY PARCELS
-  STREETS



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



Date Saved: 6/2/2022

Created by: eobrien
 Path: Z:\PROJECTS\2021\21132 City of Bunnell Planning Services\Maisonettes LL & Carl Lilavois Parcels\Mainstreet Maisonettes\Main Street Maisonettes Aerial Location

Aerial Map
Main Street Maisonettes
Bunnell, Florida



300 Interchange Blvd
Ormond Beach, FL 32174
ph 386-677-2482



City of Bunnell, Florida

Agenda Item No. 5.

Document Date: 6/29/2022
Department: Community Development
Subject: Public Hearing - Ordinance 2022-XX Requesting to change the official zoning map for 0.48± acres of land, owned by Carl E. Lilavois, Bearing the Parcel ID 15-12-30-0850-02630-0030 from the "R-1, Single Family Residential" district to the "R-3B, Multi-family Residential" district.

Property Address: 307 South Main Street
Zoning Designation: R-1 Single Family Residential
Future Land Use Designation: Single Family Low Density
Agenda Section: New Business:

ATTACHMENTS:

| Description | Type |
|---|-----------------|
| Main Street Maisonettes Proposed Rezoning Ordinance | Ordinance |
| Main Street Maisonettes Location Map | Location Map(s) |

Summary/Highlights:

The applicant is requesting an amendment to the official zoning map to change the zoning on a 0.48± acre property from the R-1, Single Family Residential" district to the "R-3B, Multi-Family Residential" district.

There is a companion FLUM amendment application requesting to change the Future Land Use Map (FLUM) designation on the property from "Single Family Low Density" to "Multi-Family".

Background:

The applicant, Carl Lilavois, owns a 0.48± acre property located at 307 South Main Street per the Flagler County Property Appraiser's website. The property is vacant and wooded. The applicant plan to develop the property with an 8-unit apartment building. If the rezoning is approved, a survey will be necessary prior to applying for any building permits to confirm the available site area.

The property is currently zoned "R-1 Single Family Residential". The R-1 zoning district is described in the LDC as a single-family residential area of low density. The R-1 has a minimum lot size of 10,000 SF. The R-1 maximum yield on the subject property is a gross density of 2 units assuming the site is split into 2 parcels.

The proposed zoning classification is “R-3B, Multi-Family Residential” district. This district provides for higher density residential developments. The R-3B has a 7,260 SF minimum lot size and requires 2,000 SF for each additional unit over 2. The R-3B maximum yield on the subject property is a gross density of up to 8 dwelling units depending on the site area. The proposed R-3B zoning is consistent with the proposed FLUM designation.

Care must be taken when introducing a new use into an established zoning pattern. There must be a compelling reason for doing so beyond the direct benefits that the applicant requesting the rezoning will receive. In this case, the subject parcel is an area of mixed zoning with a pocket of R-1 single family surrounded by the B-1 Business and the L-1 Light Industrial districts. This specific parcel is facing L-1 zoning to the east across Main Street and B-1 and L-1 to the south across West Booe Street. This does not make for an ideal location for low density residential development. Typically you would like to see some type of transitional zoning such as multi-family uses or offices, etc. between low density residential and industrial zoning. The applicant's request moves in the direction of establishing more compatible uses in the area and therefore is of general benefit to the public.

Staff Recommendation:

Approve the applicants' request to rezone the subject property from the “R-1, Single Family Residential” district to the “R-3B, Multi-Family Residential” district.

City Attorney Review:

Approved as to form and legality.

ORDINANCE 2022-XX

AN ORDINANCE OF THE CITY OF BUNNELL, FLORIDA PROVIDING FOR THE REZONING OF REAL PROPERTY TOTALING .48± ACRES, OWNED BY CARL E. LILAVOIS, BEARING PARCEL ID: 15-12-30-0850-02630-0030 LOCATED IN THE WEST QUADRANT OF THE INTERSECTION OF SOUTH MAIN STREET AND WEST BOOE STREET WITHIN THE BUNNELL CITY LIMITS FROM THE “R-1 SINGLE FAMILY” TO THE “R-3B MULTI-FAMILY”; AN ORDINANCE OF THE CITY OF BUNNELL, FLORIDA PROVIDING FOR THE REZONING OF REAL PROPERTY TOTALING

WHEREAS, Carl E. Lilavois, the owner of certain real property, which land totals 0.48± acres in size located at 307 South Main Street and is assigned Tax Parcel Identification Number 15-12-30-0850-02630-0030 by the Property Appraiser of Flagler County; and

WHEREAS, Carl E. Lilavois has applied to the City of Bunnell pursuant to the controlling provisions of State law and the *Code of Ordinances of the City of Bunnell*, to have the subject property rezoned to the “R-3B, Multi-family Residential” district zoning classification from the existing “R-1, Single Family Residential” district zoning classification; and

WHEREAS, the City’s Community Department has conducted a thorough review and analysis of the demands upon public facilities and general planning and land development issues should the subject rezoning application be approved and has otherwise reviewed and evaluated the application to determine whether is comports with sound and generally accepted land use planning practices and principles as well as whether the application is consistent with the goals, objectives and policies set forth in the City’s *Comprehensive Plan*; and

WHEREAS, on July 7, 2022 the Planning, Zoning and Appeals Board of the City of Bunnell reviewed this request and recommended approval of the proposed ordinance to the City Commission; and

WHEREAS, professional City planning staff, the City’s Planning, Zoning and Appeals Board and the City Commission have determined that the proposed rezoning of the subject property as set forth in this Ordinance is consistent with the *Comprehensive Plan of the City of Bunnell*, the land development regulations of the City of Bunnell, and the controlling provisions of State law; and

WHEREAS, the City Commission of the City of Bunnell, Florida has taken, as implemented by City staff, all actions relating to the rezoning action set forth herein in accordance with the requirements and procedures mandated by State law.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF BUNNELL, FLORIDA:

Section 1. Legislative Findings and Intent.

- (a) The City Commission of the City of Bunnell hereby adopts and incorporates into this Ordinance the City staff report and City Commission agenda memorandum relating to the application relating to the proposed rezoning of the subject property as well as the recitals (whereas clauses) to this Ordinance.
- (b) The subject property, which is 0.48± acres in size, is located 307 South Street in the City of Bunnell.
- (c) The City of Bunnell has complied with all requirements and procedures of Florida law in processing and advertising this Ordinance.

Section 2. Rezoning of Real Property/Implementing Actions.

- (a) Upon enactment of this Ordinance the following described property, as depicted in the map attached to this Ordinance, and totaling 0.48± acres in size, shall be rezoned to the “R-3B, Multi-family Residential” district zoning classification from the existing “R-1, Single Family Residential” district zoning classification;

LEGAL DESCRIPTION: PART OF SE 1/4 OF NE 1/4 A/K/A BLOCK 263 LOTS 3 & 4 & 5 & 6 OR 153 PG 578 OR 194 PG 86 OR 329 PG 53, OR 333 PG 471 OR 452 PG 377 OR 554 PG 1325 OR 1506 PG 1122-DC OR 2089/399-ACM OR 2089/400 OR 2692/1345-BLA
ADDRESS: 307 South Main Street

TAX PARCEL IDENTIFICATION NUMBER: 15-12-30-0850-02630-0030

- (b) The City Manager, or designee, is hereby authorized to execute any and all documents necessary to formalize approval of the rezoning action taken herein and to revise and amend the Official Zoning Map or Maps of the City of Bunnell as may be appropriate to accomplish the action taken in this Ordinance.
- (c) Conditions of development relating to the subject property may be incorporated into the subsequent pertinent development orders and such development orders may be subject to public hearing requirements in accordance with the provisions of controlling law.

Section 3. Incorporation of Maps.

The maps attached to this Ordinance are hereby ratified and affirmed and incorporated into this Ordinance as a substantive part of this Ordinance.

Section 4. Conflicts.

All ordinances or part of ordinances in conflict with this Ordinance are hereby repealed

Section 5. Severability.

If any section, sentence, phrase, word, or portion of this Ordinance is determined to be invalid, unlawful or unconstitutional, said determination shall not be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase, word, or portion of this Ordinance not otherwise determined to be invalid, unlawful, or unconstitutional.

Section 6. Non-codification.

This Ordinance shall be not be codified in the *City Code of the City of Bunnell* or the *Land Development Code of the City of Bunnell*; provided, however, that the actions taken herein shall be depicted on the zoning maps of the City of Bunnell by the City Manager, or designee.

Section 7. Effective Date

This Ordinance shall take effect upon the effective date of Ordinance 2022-XX.

First Reading: on this _____ day of _____ 2022.

Second/Final Reading: adopted on this _____ day of _____ 2022.

CITY COMMISSION, City of Bunnell, Florida.

By: _____
Catherine D. Robinson, Mayor

Approved for form and content by:

Vose Law Firm, City Attorney

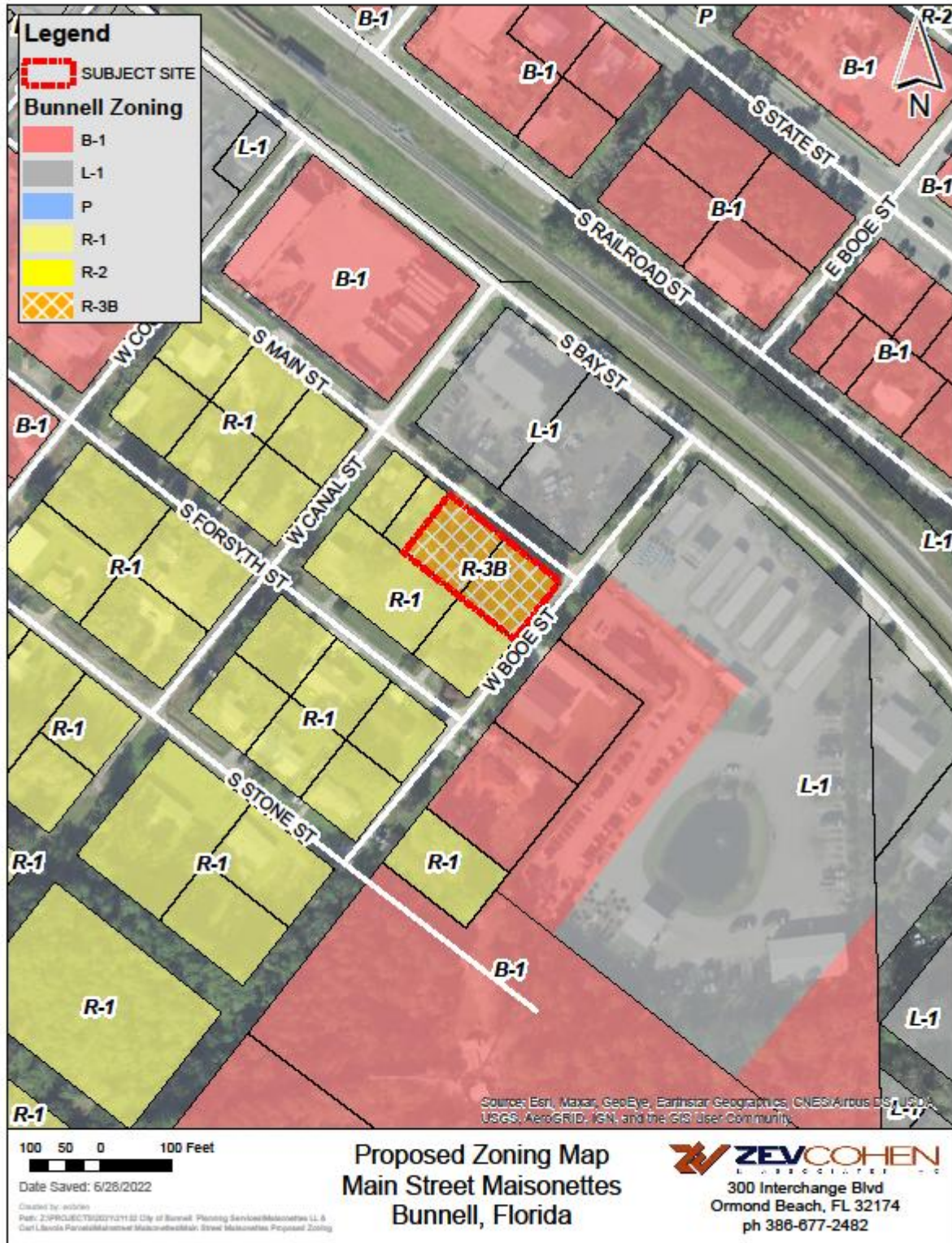
Attest:

Kristen Bates, CMC, City Clerk



Seal:

Exhibit “A”

Proposed Rezoning



Legend

-  SUBJECT SITE
-  BUNNELL CITY LIMITS
-  FLAGLER COUNTY PARCELS
-  STREETS



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



Date Saved: 6/2/2022

Created by: eobrien
 Path: Z:\PROJECTS\2021\21132 City of Bunnell Planning Services\Maisonettes LL & Carl Lilavois Parcels\Mainstreet Maisonettes\Main Street Maisonettes Aerial Location

Aerial Map
Main Street Maisonettes
Bunnell, Florida



300 Interchange Blvd
Ormond Beach, FL 32174
ph 386-677-2482



City of Bunnell, Florida

Agenda Item No. 6.

Document Date: 6/30/2022
Department: Community Development
Subject: Public Hearing-Ordinance 2022-XX Requesting to change the Future Land Use Map in the Comprehensive Plan for 26.57+/- acres of land, owned by Oare Warehouse LLC, Bearing the Parcel ID(s): 12-12-30-0650-000C0-0041 and 12-12-30-0650-000C0-0042 from the "Commercial Medium" to the "Residential Mixed Use" future land use categories.
Property Address: South of E Moody Boulevard, East of Briarwood Drive, and West of Commerce Parkway
Zoning Designation: B-1 (Business District)
Future Land Use Designation: COMM-M (Commercial Medium)
Agenda Section: New Business:

ATTACHMENTS:

| Description | Type |
|---------------------|------------|
| LOT 8 LOCATION MAP | Exhibit |
| LOT 8 FLUM MAP | Exhibit |
| LOT 9 LOCATION MAP | Exhibit |
| LOT 9 FLUM MAP | Exhibit |
| Ordinance 2022 - XX | Cover Memo |

Summary/Highlights:

The applicant is requesting a small scale amendment to the City of Bunnell Comprehensive Plan to change the Future Land Use Map (FLUM) designation on an 15 ± acre property, known as Lot 8 and on a 11.64 ± acre property, known as Lot 9 from the "Commercial Medium" to "Commercial Medium" and "Residential Mixed Use" future land use designations.

There is a companion rezoning request to amend the official zoning map to change the zoning on the property from the "B-1, Business District" to "R-3B, Multiple-Family Residential District".

Background:

The applicant, Charlie Faulkner with Faulkner & Associates, is the representative for the subject property owner Oare Warehouse, LLC. The subject property(ies) commonly known as lots 8 and 9 are approximately 26.57 acres, which is located south of East Moody Boulevard (State Highway

100 E), east of Briarwood Drive and west of Commerce Park in the City of Bunnell. The applicant plans to place a mixed use development which entails commercial along East Moody Boulevard (State Highway 100 E) and multi-family residential for the remaining portion of the site.

The current FLUM designation of the subject site is "Commercial Medium". The "Commercial Medium" future land use category allows recreation, public and institutional uses, PUD developments conservation area, multi-family and residential or non-residential mixed uses.

Under the proposed FLUM designations of COMM-M and RMA, the amendment works in concert with ensuring responsible growth in all aspects. This change promotes more of a live/work, mixed land use that provides needed housing and economic growth. Additionally, this ensures orderly growth with the mixture of uses being along a major thoroughfare, which is the appropriate location for such growth.

Upon receipt of the site plan for review, the specific concurrency determinations will be provided at that time.

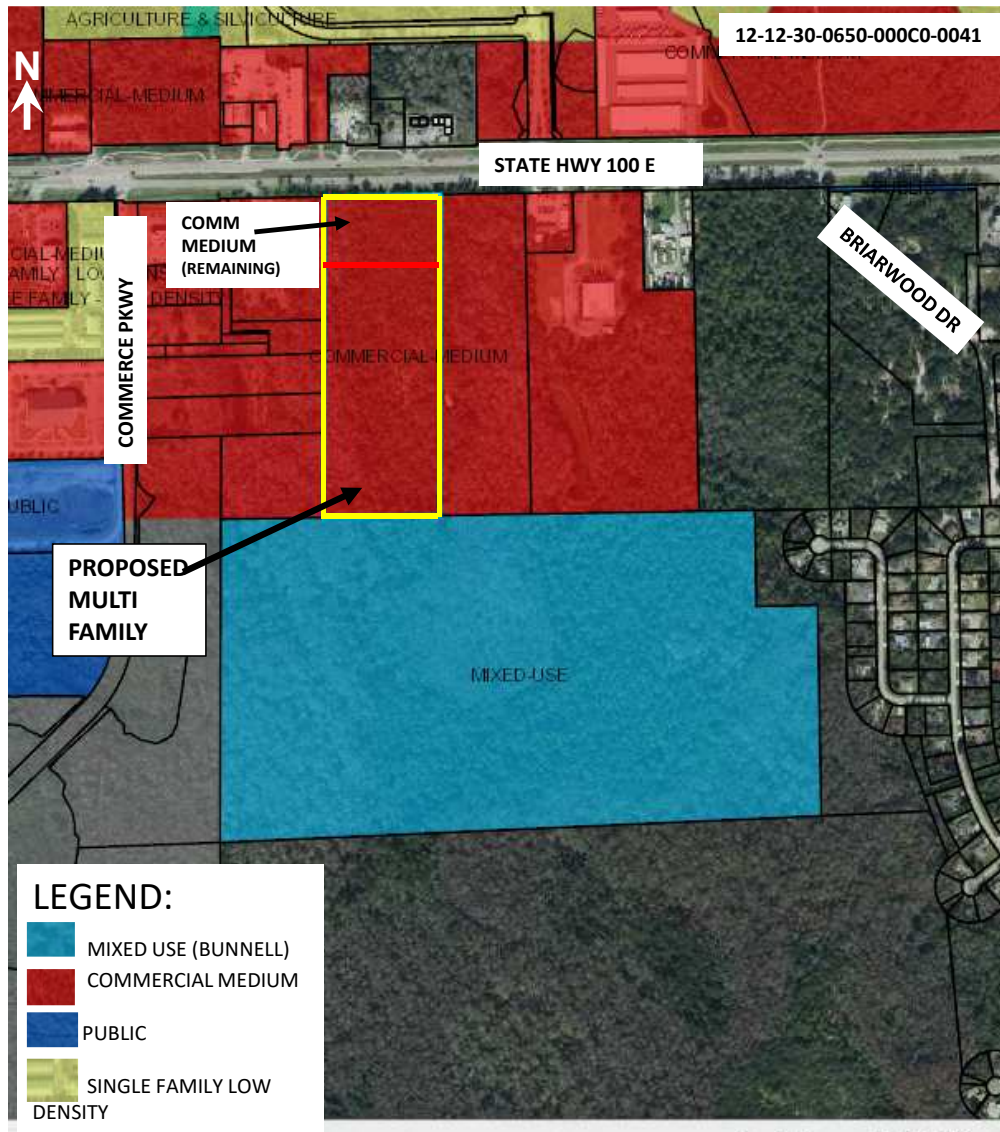
Staff Recommendation:

Approve the applicant's request to amend the Future Land Use Map to by changing the designation on the subject property(ies) from "COMM-M, Commercial Medium" to "COMM-M, Commercial Medium and RMU, Residential Mixed Use".

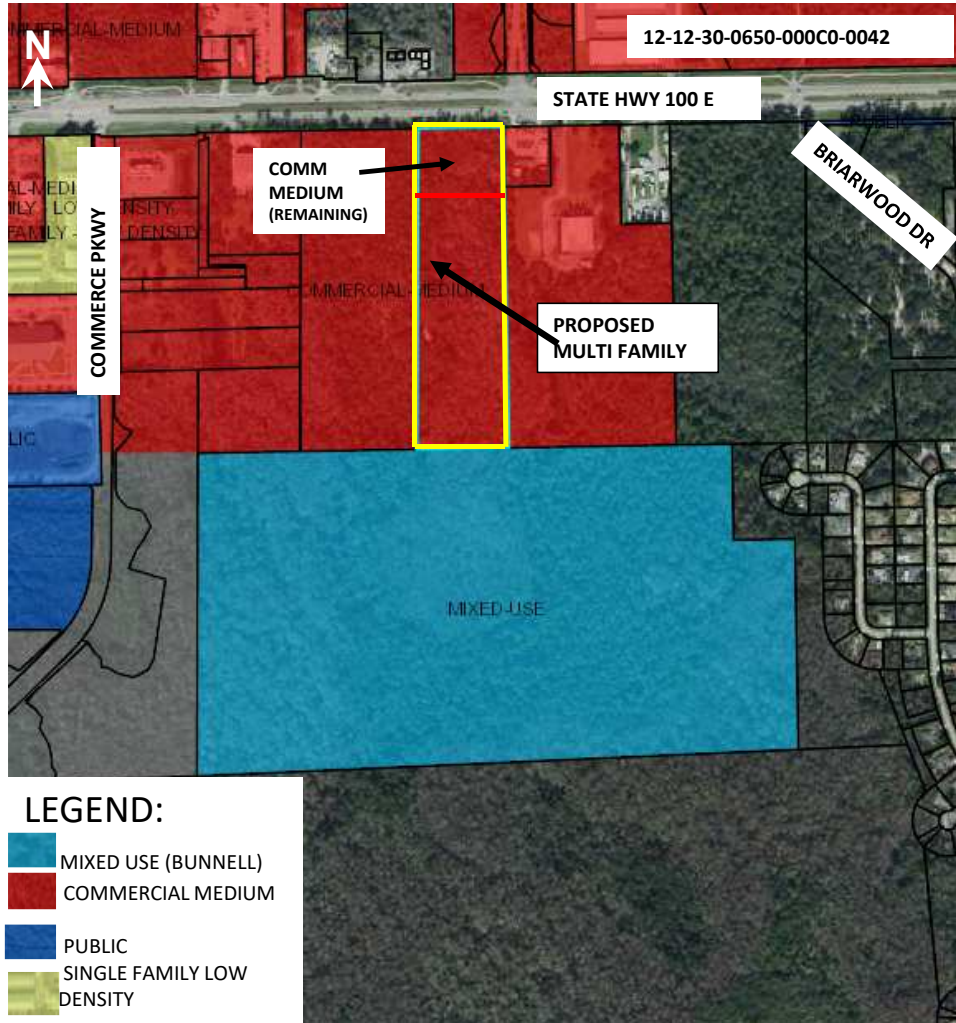
City Attorney Review:

Approved as to form and legality.









ORDINANCE 2022-XX

AN ORDINANCE OF THE CITY OF BUNNELL, FLORIDA AMENDING THE CITY OF BUNNELL COMPREHENSIVE PLAN, AS PREVIOUSLY AMENDED; PROVIDING FOR AMENDMENT TO THE FUTURE LAND USE MAP IN THE FUTURE LAND USE ELEMENT OF THE CITY OF BUNNELL COMPREHENSIVE PLAN RELATIVE TO CERTAIN REAL PROPERTY CONTAINING ±26.57 ACRES, OWNED BY OARE WAREHOUSE LLC, BEARING PARCEL IDS: 12-12-30-0650-000C0-0041 & 12-12-30-0650-000C0-0042 LOCATED SOUTH OF EAST MOODY BOULEVARD (STATE HIGHWAY 100 E) IN THE CITY OF BUNNELL FROM "COMMERCIAL MEDIUM" TO "MULTI-FAMILY"; PROVIDING FOR LEGISLATIVE FINDINGS AND INTENT; PROVIDING FOR ASSIGNMENT OF THE LAND USE DESIGNATION FOR THE PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR RATIFICATION OF PRIOR ACTS OF THE CITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION AND DIRECTIONS TO THE CODE CODIFIER AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the real property which is the subject of this Ordinance is described by Tax Identification Parcel Numbers 12-12-30-0650-000C0-0041 and 12-12-30-0650-000C0-0042 located in the City of Bunnell; and

WHEREAS, the owner of the property, Oare Warehouse LLC, has requested this change to the future land use; and

WHEREAS, the City of Bunnell's Planning, Zoning and Appeals Board, as the City's local planning agency, held a public hearing on July 7, 2022 to consider amending the Future Land Use Map of the Future Land Use Element of the *City of Bunnell Comprehensive Plan* and recommended approval of the proposed Future Land Use Map amendment to the *Comprehensive Plan* for the subject property as requested by the property owner; and

WHEREAS, Section 163.3187, *Florida Statutes*, relates to the amendment of adopted local government comprehensive plans and sets forth certain requirements relating to small-scale amendments, and which are related to proposed small-scale development activities and provides, among other things, that such amendments may be approved without regard to statutory limits on the frequency of consideration of amendments to the *City of Bunnell Comprehensive Plan*; and

WHEREAS, the City of Bunnell has complied with all requirements and procedures of Florida law in processing this amendment to the *City of Bunnell Comprehensive Plan* including, but not limited to, Section 163.3187, *Florida Statutes*.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF BUNNELL, FLORIDA:

Section 1. Legislative findings and intent.

- (a) The City Commission of the City of Bunnell hereby adopts and incorporates into this Ordinance the City staff report and City Commission agenda memorandum relating to the application relating to the proposed amendment to the City of Bunnell 2035 *Comprehensive Plan* pertaining to the subject property.
- (b) The City of Bunnell has complied with all requirements and procedures of Florida law in processing and advertising this Ordinance.
- (c) This Ordinance is internally consistent with the goals, objectives and policies of the City of Bunnell 2035 *Comprehensive Plan*.
- (d) The Exhibits to this Ordinance are incorporated herein as if fully set forth herein verbatim.

Section 2. Amendment to Future Land Use Map.

- (a) The Future Land Use Plan Element of the City of Bunnell 2035 *Comprehensive Plan* and the City's Future Land Use Map are hereby amended by assigning the "Multi- Family" land use designation to a portion of the real property which is the subject of this Ordinance as set forth herein.
- (b) The southern portion(s) of the properties as identified in the Exhibits which are the subjects of this Comprehensive Plan amendment are described as follows:

LEGAL DESCRIPTION: A portion of Section 12, Township 12 South, Range 30 East, Flagler County, Florida, more particularly described as follows:
As a point of Commencement, begin at the intersection of the West line of Section 12 with the South R/W line of S.R. 100, a 200 ft. right of way now laid out; thence N 88 degrees 55'37"E along said South R/W line, a distance of 425.00 feet to the Point of Beginning of this Parcel.

Thence depart the South R/W line of SR 100, S 00 Degrees 10'21"W and parallel to the West line of Section 12, a distance of 1337.35 ft., more or less, to the South line of The NW 1/4 of the SW 1/4 of Section 12; thence easterly along the Southerly line of the NW 1/4 of the SW 1/4 of Section 12, a distance of 488.70 feet; thence N 00 degrees 10' 21"E and parallel to the Westerly line of Section 12, a distance of 1337.35 feet, more or less, to the South R/W line of SR 100; thence S 88 degrees 55' 37" W along the South R/W line of SR 100, a distance of 488.70 feet, more or less, to the Point of Beginning of this description .

TAX PARCEL IDENTIFICATION NUMBER : 12-12-30-0650-000C0-0041

Address: unaddressed parcel

AND

LEGAL DESCRIPTION: A portion of Section 12, Township 12 South, Range 30 East, Flagler County, Florida, more particularly described as follows:
As a point of reference, commence at the intersection of the West line of Section 12 with the South R/W line of S.R. 100, a 200 ft. right of way as now laid out; thence N 88 degrees 55'37"E along said South R/W line, a distance of 1260.31 feet, more or less, to a point on the South R/W line of SR 100, which intersects with the northerly extension of the East line of Tract 4, Block C, Bunnell Development Company Subdivision, which is the Point of Beginning of this Parcel.

Thence S 88 degrees 55'37" West along the South R/W line of SR 100 a distance of 346 feet, more or less, to a point which is 913.70 feet East (as measured along the South R/W line of SR 100) of the west line of Section 12 ; thence depart the South R/W line of SR 100, S 00 degrees 10'21"W and parallel to the West line of Section 12, a distance of 1337.35 ft., more or less, to the South line of The NW 1/4 of the SW 1/4 of Section 12; thence easterly along the Southerly line of the NW 1/4 of the SW 1/4 of Section 12, a distance of 379 feet, more or less to the East line of Tract 4, Block C, Bunnell Development Company Subdivision; thence Northerly along the East line of Tract 4, Block C, Bunnell Development Company Subdivision, and the northerly extension of the East line of Tract 4, Block C, Bunnell Development Company Subdivision a distance of 1337.35 feet, more or less to the South R/W line of SR 100, to the Point of Beginning of this description.

TAX PARCEL IDENTIFICATION NUMBER : 12-12-30-0650-000C0-0042

Address: unaddressed parcel

Section 3. Implementing Administrative Actions.

The City Manager, or designee, is hereby authorized to implement the provisions of this Ordinance as deemed appropriate and warranted.

Section 4. Ratification of Prior Actions.

The prior actions of the City Commission and its agencies in enacting and causing amendments to the *2035 Comprehensive Plan of the City of Bunnell*, as well as the implementation thereof, are hereby ratified and affirmed.

Section 5. Severability.

If any section, sentence, phrase, word, or portion of this Ordinance proves to be invalid, unlawful or unconstitutional, it shall not be held to impair the validity of the ordinance or effect of any other action or part of this Ordinance.

Section 6. Conflicts.

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 7. Codification/Instructions to Code Codifier.

It is the intention of the City Commission of the City of Bunnell, Florida, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the codified version of the City of Bunnell 2035 *Comprehensive Plan* and/or the *Code of Ordinances of the City of Bunnell*, Florida in terms of amending the Future Land Use Map of the City.

Section 8. Effective Date.

The small-scale Comprehensive Plan amendment set forth herein shall not become effective, in accordance with Section 163.3187(5)(c), *Florida Statutes*, until 31 days after the enactment of this Ordinance. If challenged within 30 days after enactment, the small-scale amendment set forth in this Ordinance shall not become effective until the State land planning agency or the Administration Commission, respectively, issues a final order determining that the subject small-scale amendment is in compliance with controlling State law.

First Reading: approved on this _____ day of _____ 2022.

Second Reading: adopted on this _____ day of _____ 2022.

CITY COMMISSION, City of Bunnell, Florida.

By: _____
Catherine D. Robinson, Mayor

Approved for form and content by:

Vose Law Firm, City Attorney

Attest:

Seal:

Kristen Bates, City Clerk, CMC

EXHIBIT A

Proposed Future Land Use Amendment

Parcel:

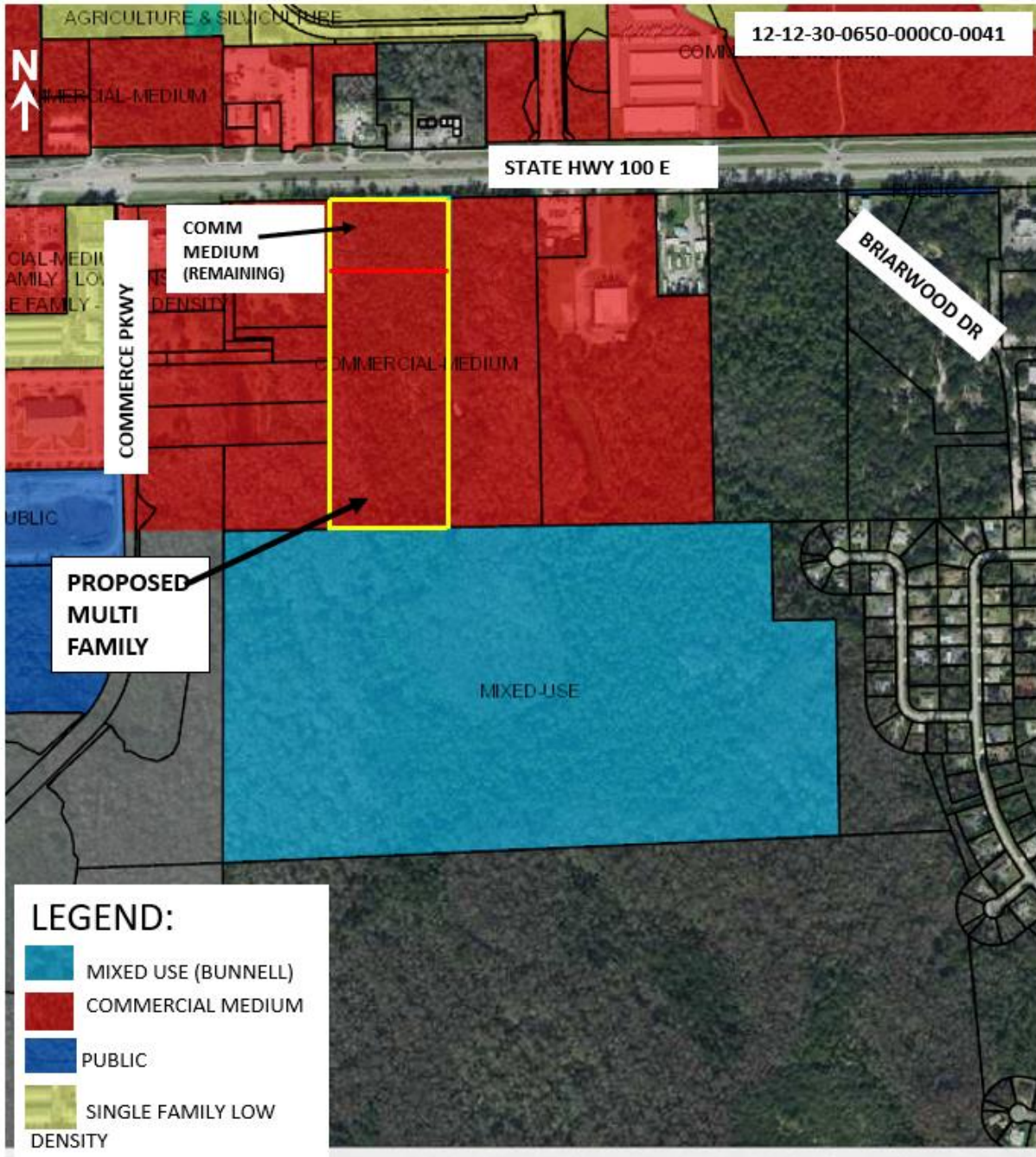
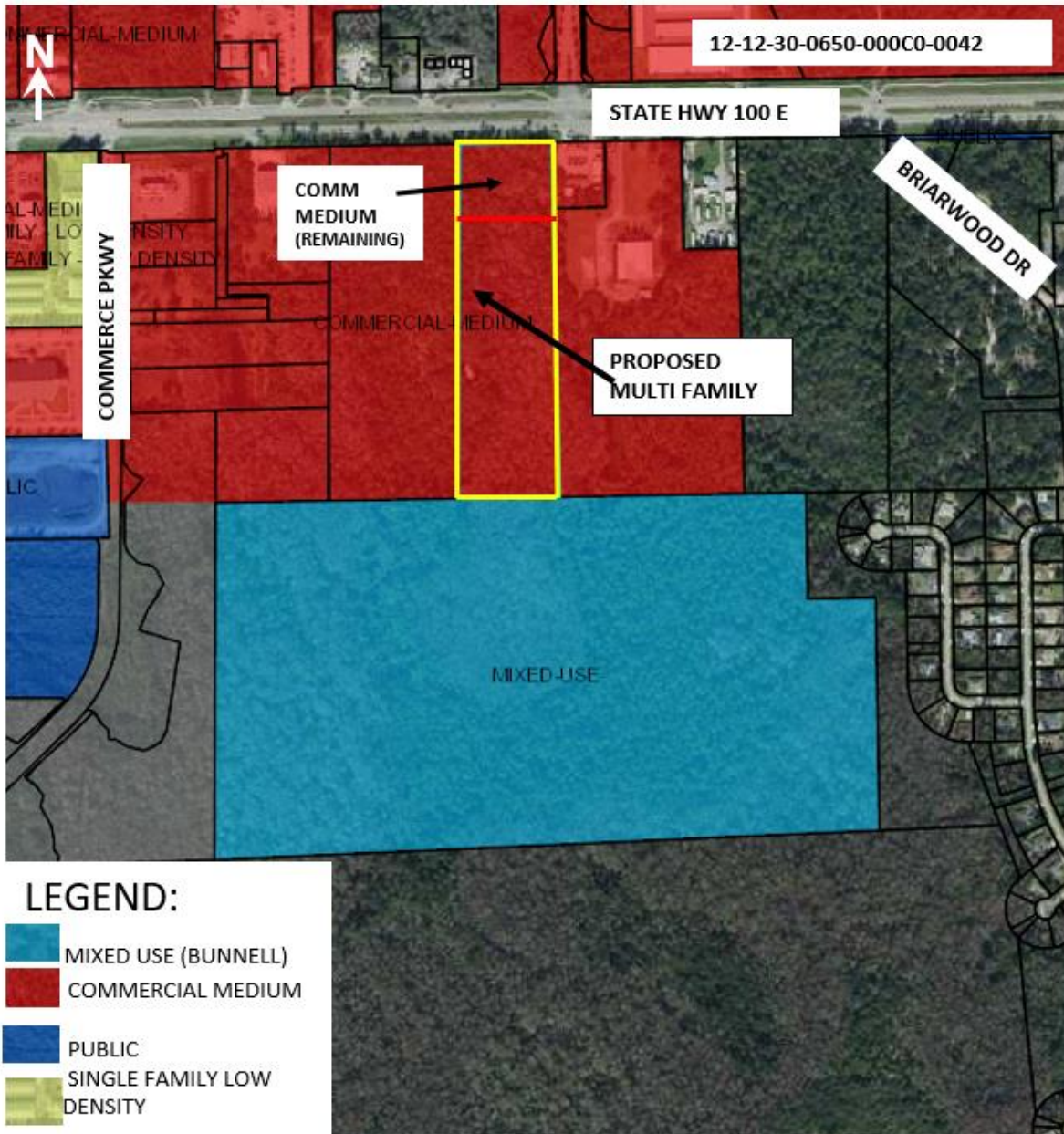


EXHIBIT B

Proposed Future Land Use Amendment

Parcel:





City of Bunnell, Florida

Agenda Item No. 7.

Document Date: 6/30/2022
Department: Community Development
Subject: Public Hearing - Ordinance 2022-XX Requesting to change the official zoning map for 26.57+/- acres of land, owned by Oare Warehouse LLC, Bearing the parcel ID(s): 12-12-30-0650-000C0-0041 and 12-12-30-0650-000C0-0042 from the "B-1, Commercial District" to "R-3B, Multiple-Family Residential District"

Property Address: South of E Moody Boulevard, East of Briarwood Drive, and West of Commerce Parkway
Zoning Designation: B-1 (Business District)
Future Land Use Designation: COMM-M (Commercial Medium)
Agenda Section: New Business:

ATTACHMENTS:

| Description | Type |
|--------------------|------------|
| LOT 8 LOCATION MAP | Exhibit |
| LOT 8 REZONING | Exhibit |
| LOT 9 REZONING | Exhibit |
| LOT 9 LOCATION MAP | Exhibit |
| Ordinance 2022-XX | Cover Memo |

Summary/Highlights:

The applicant is requesting an amendment to the official zoning map to change the zoning designation on a 26.45 ± acre property from the B-1, Business District to the "R-3B, Multi-Family Residential District".

There is a companion FLUM amendment application requesting to change the Future Land Use Map (FLUM) designation on 21.242 AC of the property from "COMM-M, Commercial Medium" to "MF, Multi-Family".

Background:

The applicant, Charlie Faulkner with Faulkner & Associates, is the representative for the subject property owner Oare Warehouse, LLC. The subject property(ies) commonly known as lots 8 and 9

are approximately 26.57 acres, which located south of East Moody Boulevard (State Highway 100 E), east of Briarwood Drive and west of Commerce Park in the City of Bunnell. The applicant plans to place a mixed use development which entails commercial along East Moody Boulevard (State Highway 100 E) and multi-family residential for the remaining portion of the site.

The property is currently zoned "B-1, Business District". The B-1 zoning district is described in the Land Development Code (LDC) as a wide-range of commercial uses, providing medium to high concentration of commercial activity, and ensure compatibility with adjacent properties, and allow the potential for mixed-use commercial and commercial high land use categories.

The propose zoning classification is "R-3B, Multi-Family Residential District". This district provided for a higher residential density development. The R-3B has a minimum lot size requirement of 7,260 SF and for every two (2) units over an additional 2,000 SF shall be provided. The proposed R-3B zoning is consistent with the proposed FLUM designation.

This zoning amendment request is consistent with the establish growth pattern along East Moody Boulevard (State Highway 100 E), which is comprise of multi-family, commercial and single-family within a 1/2 mile distance. One of the factual positives to highlight with the subject request, is the property is located along a major thoroughfare, which is the ideal location for higher density. For growth management purposes, offering a transitional zoning between residential and commercial uses moves development in a direction that establishes a more compatible environment, with a general benefit to the general public.

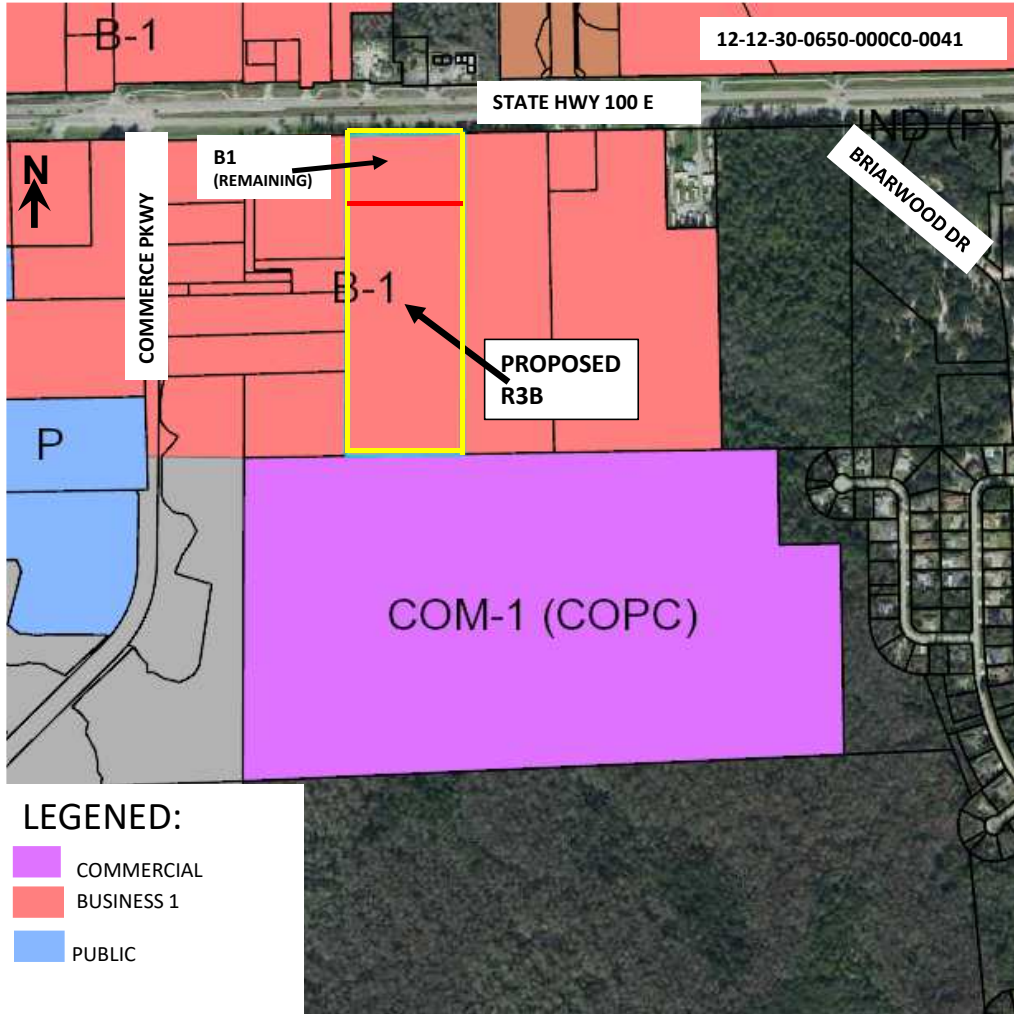
Staff Recommendation:

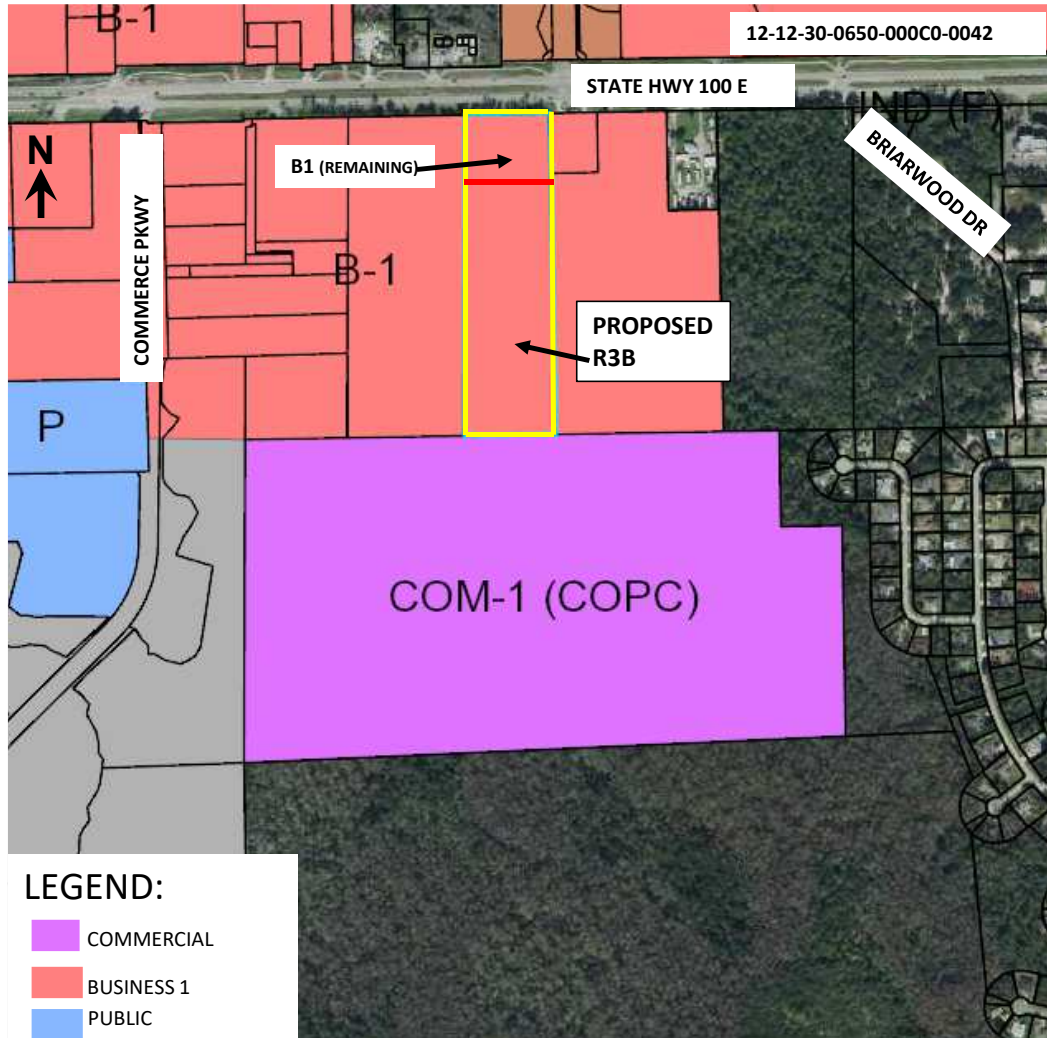
Approve the applicants' request to rezone the subject property(ies) from the "B-1, Business District" to the "R-3B, Multi-Family Residential District".

City Attorney Review:

Approved as to form and legality.









ORDINANCE 2022-XX

AN ORDINANCE OF THE CITY OF BUNNELL, FLORIDA PROVIDING FOR THE REZONING OF REAL PROPERTY TOTALING ±26.57 ACRES, OWNED BY OARE WAREHOUSE LLC, BEARING PARCEL ID: 12-12-30-0650-000C0-0041 & 12-12-30-0650-000C0-0042 LOCATED SOUTH OF EAST MOODY BOULEVARD (STATE HIGHWAY 100 E) IN THE CITY OF BUNNELL LIMITS FROM THE "B-1, BUSINESS DISTRICT" TO "R-3B, MULTIPLE-FAMILY RESIDENTIAL DISTRICT"; PROVIDING FOR THE TAKING OF IMPLEMENTING ADMINISTRATIVE ACTIONS; PROVIDING FOR THE ADOPTION OF MAPS BY REFERENCE; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR NON-CODIFICATION AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Oare Warehouse LLC, the owner of certain real property, which land totals 26.57± acres in size located in the City of Bunnell and is assigned Tax Parcel Identification Numbers 12-12-30-0650-000C0-0041 and 12-12-30-0650-000C0-0042 by the Property Appraiser of Flagler County; and

WHEREAS, Oare Warehouse LLC has applied to the City of Bunnell pursuant to the controlling provisions of State law and the *Code of Ordinances of the City of Bunnell*, to have the portions of the subject property rezoned to the "R-3B, Multi-family Residential" district zoning classification from the existing "B-1 Business District" district zoning classification; and

WHEREAS, the City's Community Department has conducted a thorough review and analysis of the demands upon public facilities and general planning and land development issues should the subject rezoning application be approved and has otherwise reviewed and evaluated the application to determine whether it comports with sound and generally accepted land use planning practices and principles as well as whether the application is consistent with the goals, objectives and policies set forth in the City's *Comprehensive Plan*; and

WHEREAS, on July 7, 2022 the Planning, Zoning and Appeals Board of the City of Bunnell reviewed this request and recommended approval of the proposed ordinance to the City Commission; and

WHEREAS, professional City planning staff, the City's Planning, Zoning and Appeals Board and the City Commission have determined that the proposed rezoning of the subject property as set forth in this Ordinance is consistent with the *Comprehensive Plan of the City of Bunnell*, the land development regulations of the City of Bunnell, and the controlling provisions of State law; and

WHEREAS, the City Commission of the City of Bunnell, Florida has taken, as implemented by City staff, all actions relating to the rezoning action set forth herein in

accordance with the requirements and procedures mandated by State law.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF BUNNELL, FLORIDA:

Section 1. Legislative Findings and Intent.

- (a) The City Commission of the City of Bunnell hereby adopts and incorporates into this Ordinance the City staff report and City Commission agenda memorandum relating to the application relating to the proposed rezoning of the subject property as well as the recitals (whereas clauses) to this Ordinance.
- (b) The subject property, which is 26.57± acres in size, is located south of East Moody Boulevard in the City of Bunnell.
- (c) The City of Bunnell has complied with all requirements and procedures of Florida law in processing and advertising this Ordinance.

Section 2. Rezoning of Real Property/Implementing Actions.

- (a) Upon enactment of this Ordinance the following described properties, as depicted in the maps attached to this Ordinance as Exhibits "A" and "B", and totaling 26.57± acres in size, shall be rezoned to the "R-3B, Multi-family Residential" district zoning classification from the existing "B-1, Business" district zoning classification;

LEGAL DESCRIPTION: A portion of Section 12, Township 12 South, Range 30 East, Flagler County, Florida, more particularly described as follows:

As a point of Commencement, begin at the intersection of the West line of Section 12 with the South R/W line of S.R. 100, a 200 ft. right of way now laid out; thence N 88 degrees 55'37"E along said South R/W line, a distance of 425.00 feet to the Point of Beginning of this Parcel.

Thence depart the South R/W line of SR 100, S 00 Degrees 10'21"W and parallel to the West line of Section 12, a distance of 1337.35 ft., more or less, to the South line of The NW 1/4 of the SW 1/4 of Section 12; thence easterly along the Southerly line of the NW 1/4 of the SW 1/4 of Section 12, a distance of 488.70 feet; thence N 00 degrees 10' 21"E and parallel to the Westerly line of Section 12, a distance of 1337.35 feet, more or less, to the South R/W line of SR 100; thence S 88 degrees 55' 37" W along the South R/W line of SR 100, a distance of 488.70 feet, more or less, to the Point of Beginning of this description .

TAX PARCEL IDENTIFICATION NUMBER: 12-12-30-0650-000C0-0041

ADDRESS: unaddressed parcel

AND

LEGAL DESCRIPTION: A portion of Section 12, Township 12 South, Range 30 East, Flagler County, Florida, more particularly described as follows:

As a point of reference, commence at the intersection of the West line of Section 12 with the South R/W line of S.R. 100, a 200 ft. right of way as now laid out; thence N 88 degrees 55'37"E along said South R/W line, a distance of 1260.31 feet, more or less, to a point on the South R/W line of SR 100, which intersects with the northerly extension of the East line of Tract 4, Block C, Bunnell Development Company Subdivision, which is the Point of Beginning of this Parcel.

Thence S 88 degrees 55'37" West along the South R/W line of SR 100 a distance of 346 feet, more or less, to a point which is 913.70 feet East (as measured along the South R/W line of SR 100) of the west line of Section 12 ; thence depart the South R/W line of SR 100, S 00 degrees 10'21"W and parallel to the West line of Section 12, a distance of 1337.35 ft., more or less, to the South line of The NW 1/4 of the SW 1/4 of Section 12; thence easterly along the Southerly line of the NW 1/4 of the SW 1/4 of Section 12, a distance of 379 feet, more or less to the East line of Tract 4, Block C, Bunnell Development Company Subdivision; thence Northerly along the East line of Tract 4, Block C, Bunnell Development Company Subdivision, and the northerly extension of the East line of Tract 4, Block C, Bunnell Development Company Subdivision a distance of 1337.35 feet, more or less to the South R/W line of SR 100, to the Point of Beginning of this description.

TAX PARCEL IDENTIFICATION NUMBER : 12-12-30-0650-000C0-0042

ADDRESS: unaddressed parcel

(b) The City Manager, or designee, is hereby authorized to execute any and all documents necessary to formalize approval of the rezoning action taken herein and to revise and amend the Official Zoning Map or Maps of the City of Bunnell as may be appropriate to accomplish the action taken in this Ordinance.

(c) Conditions of development relating to the subject property may be incorporated into the subsequent pertinent development orders and such development orders may be subject to public hearing requirements in accordance with the provisions of controlling law.

Section 3. Incorporation of Maps.

The maps attached to this Ordinance are hereby ratified and affirmed and incorporated into this Ordinance as a substantive part of this Ordinance.

Section 4. Conflicts.

All ordinances or part of ordinances in conflict with this Ordinance are hereby repealed

Section 5. Severability.

If any section, sentence, phrase, word, or portion of this Ordinance is determined to be invalid, unlawful or unconstitutional, said determination shall not be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase, word, or portion of this Ordinance not otherwise determined to be invalid, unlawful, or unconstitutional.

Section 6. Non-codification.

This Ordinance shall be not be codified in the *City Code of the City of Bunnell* or the *Land Development Code of the City of Bunnell*; provided, however, that the actions taken herein shall be depicted on the zoning maps of the City of Bunnell by the City Manager, or designee.

Section 7. Effective Date

This Ordinance shall take effect upon the effective date of Ordinance 2022-XX.

First Reading: on this _____ day of _____ 2022.

Second/Final Reading: adopted on this _____ day of _____ 2022.

CITY COMMISSION, City of Bunnell, Florida.

By: _____
Catherine D. Robinson, Mayor

Approved for form and content by:

Vose Law Firm, City Attorney

Attest:

Kristen Bates, CMC, City Clerk

Seal:

Exhibit "A"

Proposed Zoning Map

Parcel:

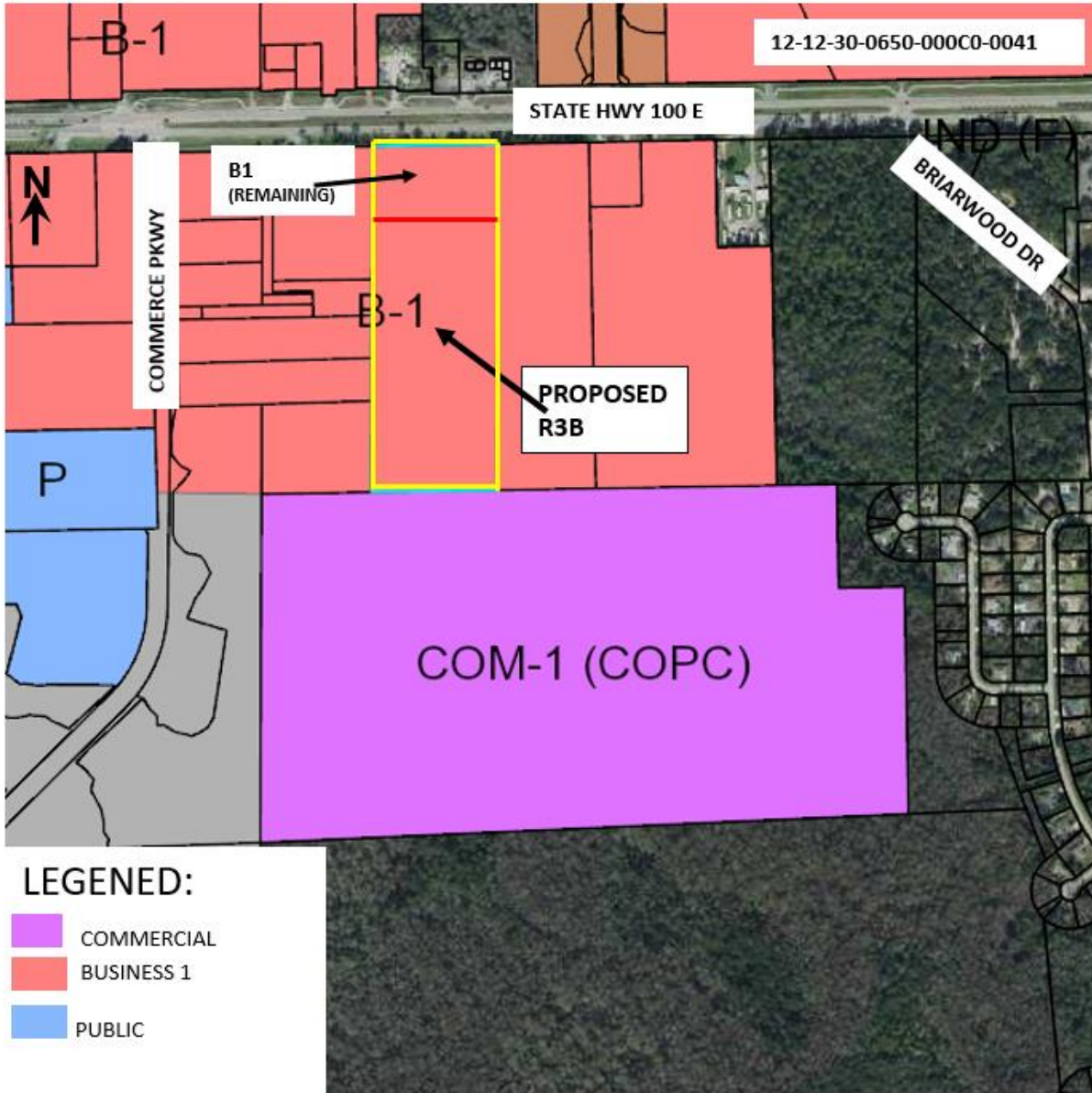
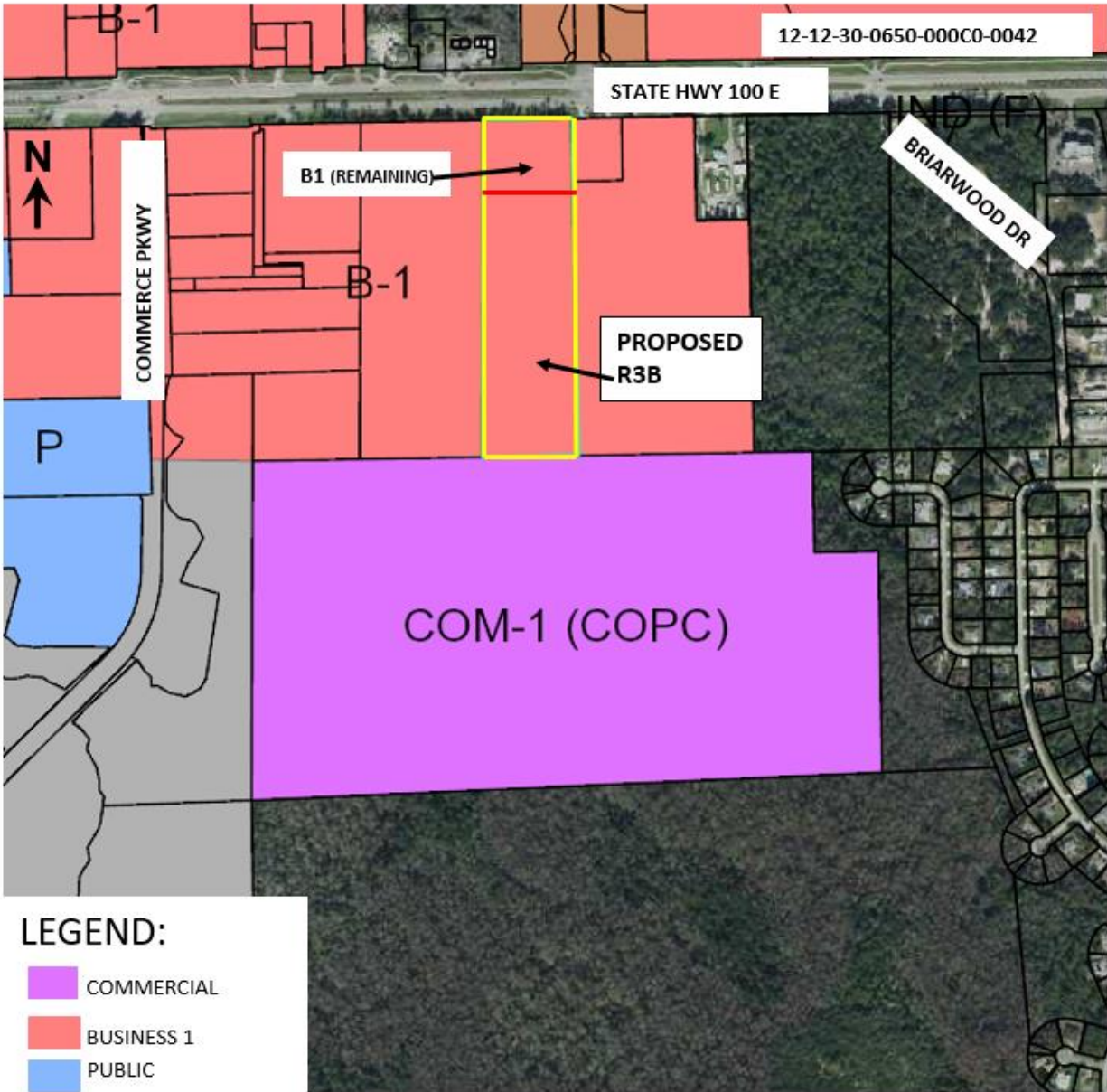


Exhibit "B"

Proposed Zoning Map

Parcel:





City of Bunnell, Florida

Agenda Item No. 8.

Document Date: 6/30/2022
Department: Community Development
Subject: Public Hearing - Ordinance 2022-XX Requesting to change the Future Land Use Map in the Comprehensive Plan for 74.98 +/- acres of land, owned by Oare Warehouse LLC from the City of Palm Coast "COM-L, Commercial - Low Intensity District" to the City of Bunnell "MF, Multi-Family District" future land use designation.

Property Address: 2904 Moody Boulevard East
Zoning Designation: City of Palm Coast Commercial Low District (COM-L)
Future Land Use Designation: City of Palm Coast Residential Mixed Use (RMA)
Agenda Section: New Business:

ATTACHMENTS:

| Description | Type |
|---------------------|------------|
| LOT 10 FLUM MAP | Exhibit |
| LOT 10 LOCATION MAP | Exhibit |
| Lot 10 FLUM | Cover Memo |

Summary/Highlights:

The applicant is requesting a large scale amendment to the City of Bunnell Comprehensive Plan to change the Future Land Use Map (FLUM) designation on a 74.98 ± acres from the City of Palm Coast "COM-L, Commercial-Low Intensity Designation" to the City of Bunnell "MF, Multi-Family Designation".

There is a companion rezoning request to amend the official zoning map to change the zoning on the property from the the City of Palm Coast "Commercial-Low Density District" to the City of Bunnell "R-3B, Multiple-Family Residential District".

Background:

The applicant, Charlie Faulkner with Faulkner & Associates, is the representative for the subject property owned by Oare Warehouse, LLC. The subject property is approximately 74.98 ± acres, located south of East Moody Boulevard (State Highway 100 E), east of Briarwood Drive and west of Commerce Park in the City of Bunnell. The applicant plans to place a mixed use development which entails commercial along East Moody Boulevard (State Highway 100 E) and multi-family residential development.

The current FLUM designation of the subject property is City of Palm Coast "COM-L, Commercial-Low Intensity Designation". The City of Palm Coast "COM-L" future land use category allows for attached units only at a maximum density of 12 dwelling units per acre and is not a City of Bunnell designation.

Under the proposed FLUM designation of "MF, Multi-Family Designation", this particular land use allows a maximum density of 20 dwelling units per acre, which is more appropriate for the location of subject site due to the location being along a major thoroughfare.

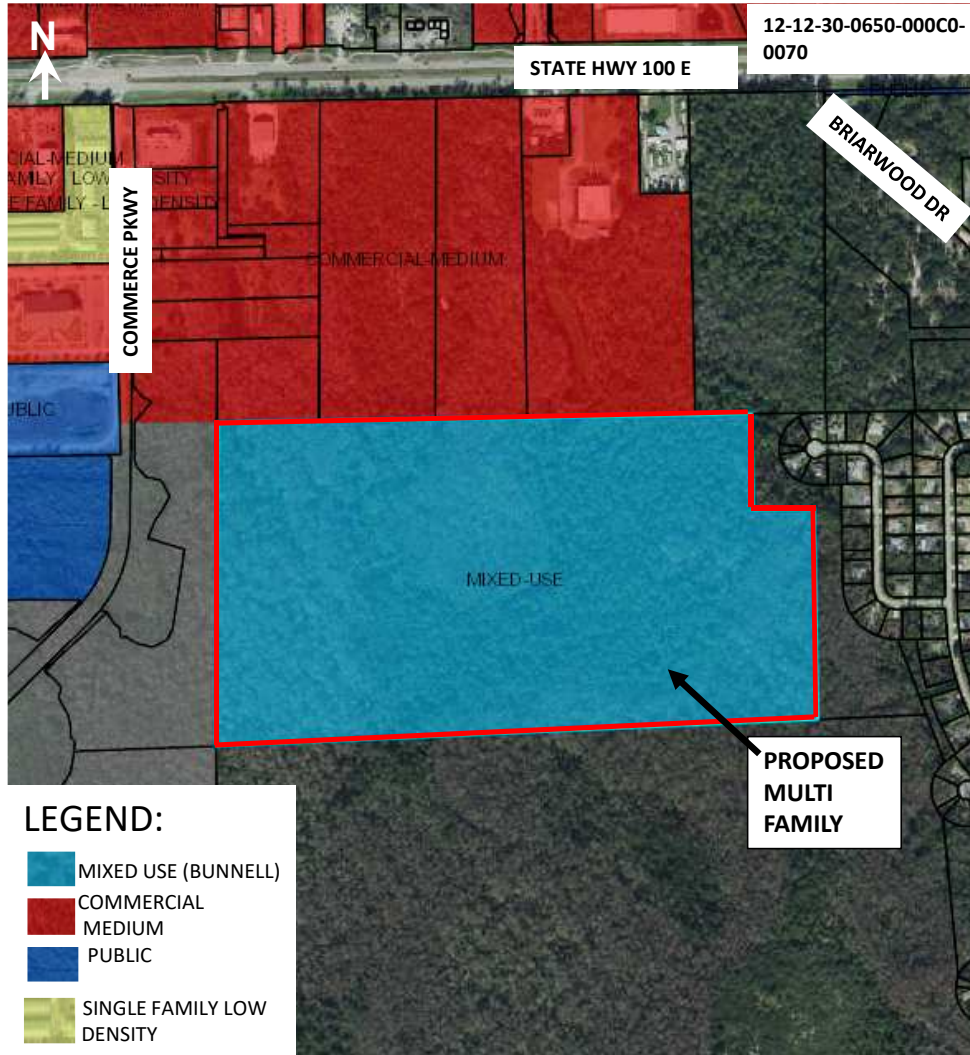
Upon pursuit of site development, during the review process, specific concurrency will be determined.

Staff Recommendation:

Approve the applicant's request to amend the Future Land Use Map to the requested designation on the subject property from the City of Palm Coast "COM-L, Commercial Low Intensity Designation" to the City of Bunnell "MF, Multi-Family Designation".

City Attorney Review:

Approved as to form and legality.





ORDINANCE 2022-XX

AN ORDINANCE OF THE CITY OF BUNNELL, FLORIDA AMENDING THE CITY OF BUNNELL COMPREHENSIVE PLAN, AS PREVIOUSLY AMENDED; PROVIDING FOR AMENDMENT TO THE FUTURE LAND USE MAP IN THE FUTURE LAND USE ELEMENT OF THE CITY OF BUNNELL COMPREHENSIVE PLAN RELATIVE TO CERTAIN REAL PROPERTY CONTAINING 74.98 ACRES, OWNED BY OARE WAREHOUSE LLC, BEARING PARCEL ID: 12-12-30-0650-000C0-0070 LOCATED SOUTH OF EAST MOODY BOULEVARD (STATE HIGHWAY 100 E) IN THE CITY OF BUNNELL LIMITS FROM PALM COAST "MIXED USE" DESIGNATION TO CITY OF BUNNELL "MULTI-FAMILY" DESIGNATION; PROVIDING FOR LEGISLATIVE FINDINGS AND INTENT; PROVIDING FOR ASSIGNMENT OF THE LAND USE DESIGNATION FOR THE PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR RATIFICATION OF PRIOR ACTS OF THE CITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION AND DIRECTIONS TO THE CODE CODIFIER AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the real property which is the subject of this Ordinance is described by Tax Identification Parcel Number 12-12-30-0650-000C0-0070 located in the City of Bunnell; and

WHEREAS, the owner of the property, Oare Warehouse LLC, has requested this change to the future land use; and

WHEREAS, the City of Bunnell's Planning, Zoning and Appeals Board, as the City's local planning agency, held a public hearing on July 7, 2022 to consider amending the Future Land Use Map of the Future Land Use Element of the *City of Bunnell Comprehensive Plan* and recommended approval of the proposed Future Land Use Map amendment to the *Comprehensive Plan* for the subject property as requested by the property owner; and

WHEREAS, Section 163.3187, *Florida Statutes*, relates to the amendment of adopted local government comprehensive plans and sets forth certain requirements relating to small scale amendments and which are related to proposed small-scale development activities and provides, among other things, that such amendments may be approved without regard to statutory limits on the frequency of consideration of amendments to the *City of Bunnell Comprehensive Plan*; and

WHEREAS, the City of Bunnell has complied with all requirements and procedures of Florida law in processing this amendment to the *City of Bunnell Comprehensive Plan* including, but not limited to, Section 163.3187, *Florida Statutes*.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF BUNNELL, FLORIDA:

Section 1. Legislative findings and intent.

(a) The City Commission of the City of Bunnell hereby adopts and incorporates into this Ordinance the City staff report and City Commission agenda memorandum relating to the application relating to the proposed amendment to the City of Bunnell *2035 Comprehensive Plan* pertaining to the subject property.

(b) The City of Bunnell has complied with all requirements and procedures of Florida law in processing and advertising this Ordinance.

(c) This Ordinance is internally consistent with the goals, objectives and policies of the City of Bunnell *2035 Comprehensive Plan*.

(d) The exhibits to this Ordinance are incorporated herein as if fully set forth herein verbatim.

Section 2. Amendment to Future Land Use Map.

(a) The Future Land Use Plan Element of the City of Bunnell *2035 Comprehensive Plan* and the City's Future Land Use Map are hereby amended by assigning the City of Bunnell "Multi- Family" future land use designation to the real property which is the subject of this Ordinance as set forth herein.

(b) The property which is the subject of this Comprehensive Plan amendment is described as follows:

LEGAL DESCRIPTION: 74.98 ACRES BUNNELL DEV CO SUBD BLOCK C TRACTS 7-8-9-10-11-12 BLOCK D TRACTS 1-2-6-7-8-9-10-11 & THAT PART OF SE1/4 NOT SUBD (EXCEPT PART SUBD) EXCEPT OR BOOK 113 PAGE 462 OR 553 PG 1539 OR 950/1943 OR 1034/657 2320/1675-DEANNEX ORD 2018-27 OR 2340/1201-A

TAX PARCEL IDENTIFICATION NUMBER : 12-12-30-0650-000C0-0070

ADDRESS : unaddressed parcel

Section 3. Implementing Administrative Actions.

The City Manager, or designee, is hereby authorized to implement the provisions of this Ordinance as deemed appropriate and warranted.

Section 4. Ratification of Prior Actions.

The prior actions of the City Commission and its agencies in enacting and causing amendments to the *2035 Comprehensive Plan of the City of Bunnell*, as well as the implementation thereof, are hereby ratified and affirmed.

Section 5. Severability.

If any section, sentence, phrase, word, or portion of this Ordinance proves to be invalid, unlawful or unconstitutional, it shall not be held to impair the validity of the ordinance or effect of any other action or part of this Ordinance.

Section 6. Conflicts.

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 7. Codification/Instructions to Code Codifier.

It is the intention of the City Commission of the City of Bunnell, Florida, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the codified version of the City of Bunnell *2035 Comprehensive Plan* and/or the *Code of Ordinances of the City of Bunnell*, Florida in terms of amending the Future Land Use Map of the City.

Section 8. Effective Date.

The small-scale Comprehensive Plan amendment set forth herein shall not become effective, in accordance with Section 163.3187(5)(c), *Florida Statutes*, until 31 days after the enactment of this Ordinance. If challenged within 30 days after enactment, the small-scale amendment set forth in this Ordinance shall not become effective until the State land planning agency or the Administration Commission, respectively, issues a final order determining that the subject small-scale amendment is in compliance with controlling State law.

First Reading: approved on this _____ day of _____ 2022.

Second Reading: adopted on this _____ day of _____ 2022.

CITY COMMISSION, City of Bunnell, Florida.

By: _____
Catherine D. Robinson, Mayor

Approved for form and content by:

Vose Law Firm, City Attorney

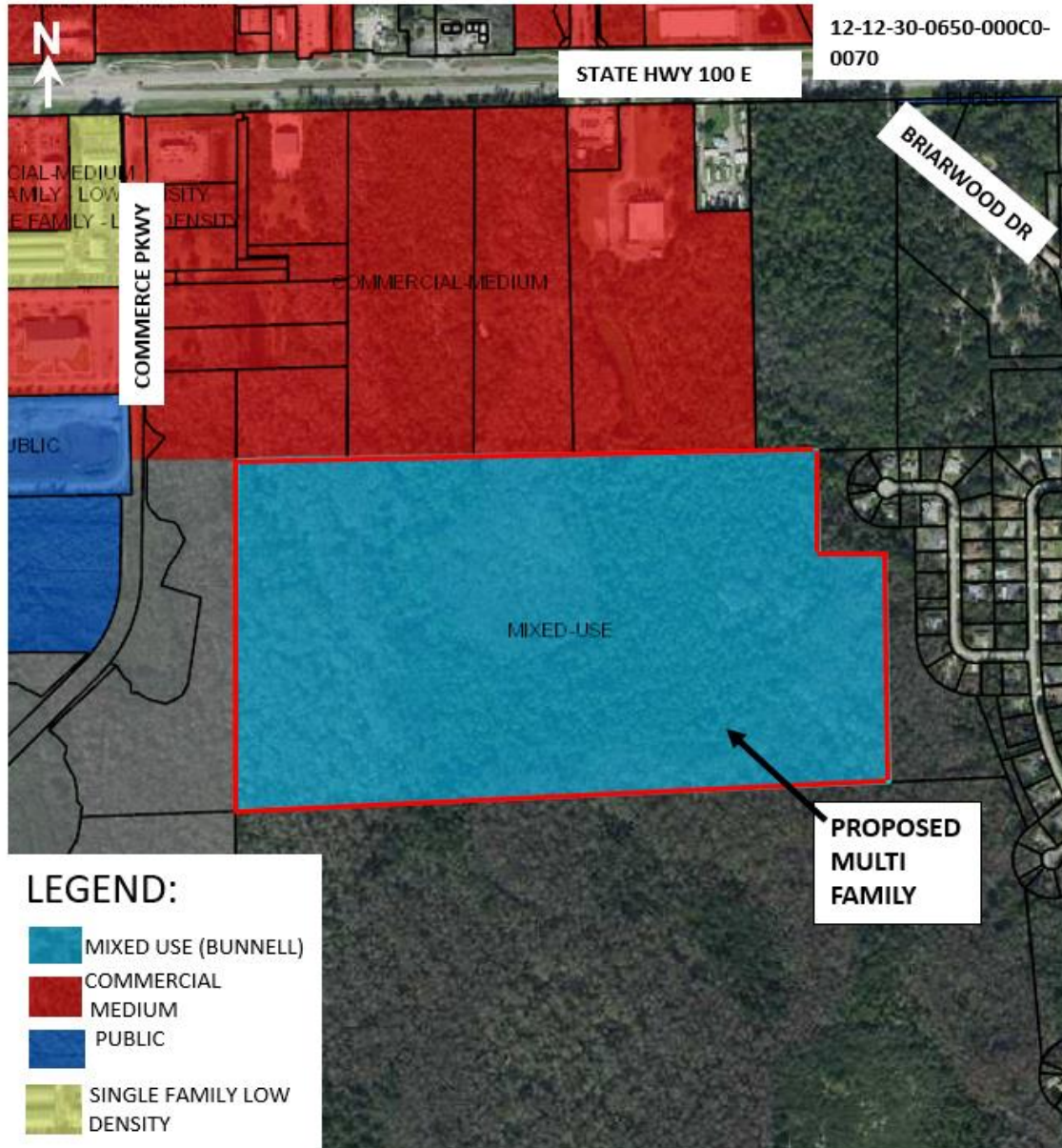
Attest:

Kristen Bates, City Clerk, CMC

Seal:

EXHIBIT A

Proposed Future Land Use Amendment





City of Bunnell, Florida

Agenda Item No. 9.

Document Date: 6/30/2022
Department: Community Development
Subject: Public Hearing - Ordinance 2022-XX Requesting to change the official zoning map for 74.98 +/- acres of land, owned by Oare Warehouse LLC, Bearing the Parcel ID: 12-12-30-0650-000C0-0070 from City of Palm Coast COM-1 (COPC) to City of Bunnell R-3B (Multiple-Family Residential)
Property Address: South of E Moody Boulevard, East of Briarwood Drive, and West of Commerce Parkway
Zoning Designation: COM-1 (COPC)
Future Land Use Designation: Residential Mixed Use (RMA)
Agenda Section: New Business:

ATTACHMENTS:

| Description | Type |
|---------------------|---------|
| LOT 10 Rezoning Map | Exhibit |
| LOT 10 Location Map | Exhibit |
| Ordinance 2022-XX | Exhibit |

Summary/Highlights:

The applicant is requesting an amendment to the official zoning map to change the zoning on a 74.98 ± acre property from the City of Palm Coast "COM-1 (COPC) District" to City of Bunnell "R-3B, Multi-Family Residential District".

There is a companion FLUM amendment application requesting to change the Future Land Use Map (FLUM) designation on the property from "MU, Mixed Use Palm Coast" to "MF, Multiple-Family".

Background:

The applicant, Charlie Faulkner with Faulkner & Associates, is the representative for the subject property owned by Oare Warehouse, LLC. The subject property is approximately 74.95 ± acres, located south of East Moody Boulevard (State Highway 100 E), east of Briarwood Drive and west of Commerce Parkway in the City of Bunnell. The applicant plans to place a mixed use development which entails commercial along East Moody Boulevard (State Highway 100 E) and multi-family residential development.

The current Zoning designation of the subject property is City of Palm Coast "COM-L", Commercial Low Intensity Designation" to the City of Bunnell of "R-3B, Multiple-Family Designation".

Under the proposed Zoning designation of "R-3B, Multiple-Family Designation" this particular zoning allows a maximum density of 20 dwelling units per acre, which is more appropriate for the location of subject property due to the location being along a major thoroughfare.

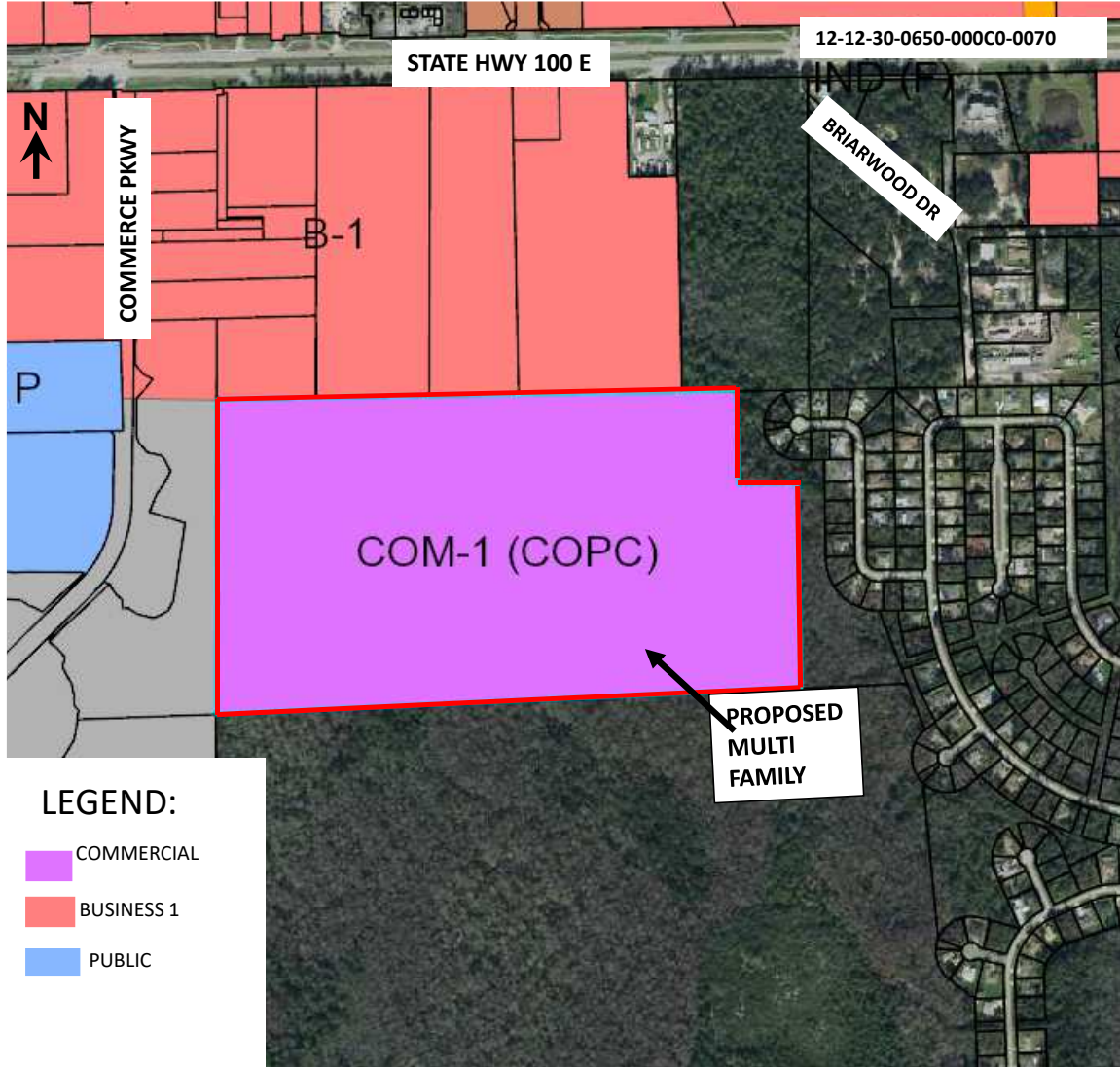
Upon pursuit of site development, during the review process, specific concurrency will be determined.

Staff Recommendation:

Approve the applicant's request to amend the Zoning Map to the requested designation on the subject property from the City of Palm Coast "MU, Mixed Use" to City of Bunnell "R-3B, Multiple-Family".

City Attorney Review:

Approved as to form and legality.





ORDINANCE 2022-XX

AN ORDINANCE OF THE CITY OF BUNNELL, FLORIDA PROVIDING FOR THE REZONING OF REAL PROPERTY TOTALING 74.98 ACRES, OWNED BY OARE WAREHOUSE LLC, BEARING PARCEL ID: 12-12-30-0650-000C0-0070 LOCATED IN THE WHICH IS LOCATED SOUTH OF EAST MOODY BOULEVARD (STATE HIGHWAY 100 E) IN THE CITY OF BUNNELL LIMITS FROM PALM COAST "COM-1, COMMERCIAL DISTRICT TO CITY OF BUNNELL "R-3B, MULTIPLE-FAMILY RESIDENTIAL DISTRICT"; PROVIDING FOR THE TAKING OF IMPLEMENTING ADMINISTRATIVE ACTIONS; PROVIDING FOR THE ADOPTION OF MAPS BY REFERENCE; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR NON-CODIFICATION AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Oare Warehouse LLC, the owner of certain real property, which land totals 26.57± acres in size located in the City of Bunnell and is assigned Tax Parcel Identification Number 12-12-30-0650-000C0-0070, by the Property Appraiser of Flagler County; and

WHEREAS, Oare Warehouse LLC has applied to the City of Bunnell pursuant to the controlling provisions of State law and the *Code of Ordinances of the City of Bunnell*, to have the subject property rezoned from the Palm Coast "COM-1, Commercial District" zoning classification to the City of Bunnell "R-3B, Multi-family Residential" district zoning classification; and

WHEREAS, the City's Community Department has conducted a thorough review and analysis of the demands upon public facilities and general planning and land development issues should the subject rezoning application be approved and has otherwise reviewed and evaluated the application to determine whether is comports with sound and generally accepted land use planning practices and principles as well as whether the application is consistent with the goals, objectives and policies set forth in the City's *Comprehensive Plan*; and

WHEREAS, on July 7, 2022 the Planning, Zoning and Appeals Board of the City of Bunnell reviewed this request and recommended approval of the proposed ordinance to the City Commission; and

WHEREAS, professional City planning staff, the City's Planning, Zoning and Appeals Board and the City Commission have determined that the proposed rezoning of the subject property as set forth in this Ordinance is consistent with the *Comprehensive Plan of the City of Bunnell*, the land development regulations of the City of Bunnell, and the controlling provisions of State law; and

WHEREAS, the City Commission of the City of Bunnell, Florida has taken, as

implemented by City staff, all actions relating to the rezoning action set forth herein in accordance with the requirements and procedures mandated by State law.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF BUNNELL, FLORIDA:

Section 1. Legislative Findings and Intent.

- (a) The City Commission of the City of Bunnell hereby adopts and incorporates into this Ordinance the City staff report and City Commission agenda memorandum relating to the application relating to the proposed rezoning of the subject property as well as the recitals (whereas clauses) to this Ordinance.
- (b) The subject property, which ±73 acres in size, is located south of East Moody Boulevard in the City of Bunnell.
- (c) The City of Bunnell has complied with all requirements and procedures of Florida law in processing and advertising this Ordinance.

Section 2. Rezoning of Real Property/Implementing Actions.

- (a) Upon enactment of this Ordinance the following described property, as depicted in the map attached to this Ordinance, and totaling ±73 acres in size, shall be rezoned to the City of Bunnell “R-3B, Multi-family Residential” district zoning classification from the existing City of Palm Coast “COM-1, Commercial District” district zoning classification;

LEGAL DESCRIPTION: 74.98 ACRES BUNNELL DEV CO SUBD BLOCK C TRACTS 7-8-9-10-11-12 BLOCK D TRACTS 1-2-6-7-8-9-10-11 & THAT PART OF SE1/4 NOT SUBD (EXCEPT PART SUBD) EXCEPT OR BOOK 113 PAGE 462 OR 553 PG 1539 OR 950/1943 OR 1034/657 2320/1675-DEANNEX ORD 2018-27 OR 2340/1201-A

TAX PARCEL IDENTIFICATION NUMBER: 12-12-30-0650-000C0-0041

ADDRESS : unaddressed parcel

- (b) The City Manager, or designee, is hereby authorized to execute any and all documents necessary to formalize approval of the rezoning action taken herein and to revise and amend the Official Zoning Map or Maps of the City of Bunnell as may be appropriate to accomplish the action taken in this Ordinance.
- (c) Conditions of development relating to the subject property may be incorporated into the subsequent pertinent development orders and such development orders may be subject to public hearing requirements in accordance with the provisions of controlling law.

Section 3. Incorporation of Maps.

The maps attached to this Ordinance are hereby ratified and affirmed and incorporated into this Ordinance as a substantive part of this Ordinance.

Section 4. Conflicts.

All ordinances or part of ordinances in conflict with this Ordinance are hereby repealed

Section 5. Severability.

If any section, sentence, phrase, word, or portion of this Ordinance is determined to be invalid, unlawful or unconstitutional, said determination shall not be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase, word, or portion of this Ordinance not otherwise determined to be invalid, unlawful, or unconstitutional.

Section 6. Non-codification.

This Ordinance shall be not be codified in the *City Code of the City of Bunnell* or the *Land Development Code of the City of Bunnell*; provided, however, that the actions taken herein shall be depicted on the zoning maps of the City of Bunnell by the City Manager, or designee.

Section 7. Effective Date

This Ordinance shall take effect upon the effective date of Ordinance 2022-XX.

First Reading: on this _____ day of _____ 2022.

Second/Final Reading: adopted on this _____ day of _____ 2022.

CITY COMMISSION, City of Bunnell, Florida.

By: _____
Catherine D. Robinson, Mayor

Approved for form and content by:

Vose Law Firm, City Attorney

Attest:

~~Kristen Bates, CMC, City Clerk~~

Seal:

Exhibit "A"

Proposed Rezoning

