

*Crossroads of Flagler County*

**Board Members:**  
**Carl Lilavois, Chair**  
**Gary Masten, Co-Chair**  
**Nealon Joseph**  
**Lyn Lafferty**  
**Gary Garner**

## **PLANNING, ZONING AND APPEALS BOARD AGENDA**

**Thursday, July 6, 2023**

**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 6, 2023 Planning, Zoning and Appeals Board Minutes
  - New Business:**
  - 4. FLUMA 2023-03 Requesting to change the Future Land Use Map in the Comprehensive Plan for 0.51+/- acres of land, owned by Coastal Collections LLC, Located at 1138 County Road 305 from Flagler County "Mixed Use: Low Intensity" to City of Bunnell "Commercial-Medium" Future Land Use designation.**
  - 5. ZMA 2023-03 Requesting to Change the official zoning map for 0.51+/- acres of land, owned by Coastal Collections LLC, located at 1138 County Road 305 from Flagler County "C-1, Neighborhood Commercial" to City of Bunnell "B-1, Business District".**
  - 6. Discussion to elect the Chair and Co-Chair**
  - Old Business: None**
  - 7. Public Comment**

Comments regarding items not on the agenda. Citizens are encouraged to speak; however, comments should be limited to three minutes.
  - 8. Board comment**
  - 9. 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 6, 2023 Planning, Zoning and Appeals Board Minutes

Type

Minutes



**Board Members:**  
**Carl Lilavois, Chair**  
**Gary Masten, Co-Chair**  
**Nealon Joseph**  
**Lyn Lafferty**  
**Gary Garner**

*Crossroads of Flagler County*

## **PLANNING, ZONING AND APPEALS BOARD MINUTES**

**Tuesday, June 6, 2023**

**6:00 PM**

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

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

Chair Lilavois called the meeting to order at 6:00pm and led the Pledge of Allegiance.

**Present:** Carl Lilavois, Chair; Gary Masten, Co-Chair; Nealon Joseph; Gary Garner.

**Excused:** Lyn Lafferty.

**Non-Voting:** Adrian Calderin, Community Development Coordinator; Bernadette Fisher, Community Development Director; Joseph Parsons, Building Division Manager; Paul Waters, City Attorney

**2. Disclosure of Ex-Parte communications.**

None.

**3. Approval of Minutes**

**a. May 2, 2023 Planning, Zoning and Appeals Board Minutes**

**Motion:** Approve the May 2, 2023 Planning, Zoning and Appeals Board Meeting Minutes.

**Moved By:** Nealon Joseph

**Seconded By:** Gary Masten

**Board Discussion:** None

**Public Discussion:** None

**Roll Call Vote:**

Carl Lilavois – Yes

Gary Garner – Yes

Nealon Joseph – Yes

Gary Masten – Yes

**Vote:** Motion carried by unanimous vote

**New Business:**

**4. FLUMA 2023-10 Requesting to change the Future Land Use Map in the Comprehensive Plan for 20+/- acres of land, owned by Jam 2018 LLC, located at 379 County Road 200 from "Agriculture and Silviculture (AG&S)" to "Industrial (IND)" Future Land Use designation.**

Community Development Coordinator Calderin stated the applicant had requested their application be pulled from the agenda.

**Motion:** Allow the application to be pulled from the agenda.

**Moved By:** Carl Lilavois  
**Seconded By:** Gary Masten  
**Roll Call Vote:**

Carl Lilavois – Yes  
Gary Garner – Yes  
Nealon Joseph – Yes  
Gary Masten – Yes

**Vote:** Motion carried by unanimous vote

**5. ZMA 2023-10 Requesting to change the official zoning map in the City of Bunnell for 20+/- acres of land, owned by Jam 2018 LLC, Located at 379 County Road 200 from the "AG, Agricultural District" to the "L-1, Light Industrial District".**

Community Development Coordinator Calderin stated the applicant had requested their application be pulled from the agenda.

**Motion:** Allow the application to be pulled from the agenda.

**Moved By:** Carl Lilavois  
**Seconded By:** Gary Masten  
**Roll Call Vote:**

Carl Lilavois – Yes  
Gary Garner – Yes  
Nealon Joseph – Yes  
Gary Masten – Yes

**Vote:** Motion carried by unanimous vote

**Old Business: None**

**6. Public Comment**

City Attorney Waters explained that no discussion of the agenda items can take place as they were pulled from the agenda. He also explained to the public before the meeting that the City Commission meeting takes places the following week and would be another place where they can make public comments to the Mayor and Commissioners of the City.

Rebecca Young expressed her concerns with the applicant pulling their application from the agenda. She asked if the City is compelled to accept their application. City Attorney Waters stated the City has a legal obligation to consider any application that is submitted.

Rick Barton asked if the applicant is going to clean up the mess that is on the property. Community Development Director Fisher explained nothing has been mentioned on what their plans are for the property.

Anna Tindall stated the applicant is currently under a cease and desist from the Florida Department of Environmental Protection (FDEP). He is a repeat offender and that she had dealt with the fires for months that originated from the applicant's property. City Attorney Waters said he would speak to the City Manager on this matter and that FDEP has revoked their approval of the applicant's business. Anna Tindal further expressed her concerns regarding the applicant.

Kent Corbin expressed his concerns with the fires that burned for months and originated from the applicant's property.

Steve Harkins expressed his concerns with the applicant and the idea of a concrete crushing plant being on the property.

Jenny Fries explained how properties not within the City of Bunnell limits would not receive notice of any zoning action being done. She further explained how residents can receive notice of agenda publishing's that are otherwise not within the parameters of being notified.

Jodi Roos asked the Board how they make their decisions. Chair Lilavois said whether people attend the meeting or if they submit the City a letter, they take that into consideration along side the evidence and information that is presented to them. Ms. Roos further asked how the emergency response systems can be increased for situations like the fire that happened on the applicant's property. Board Member Joseph stated these types of issues are based off of many differing factors and it's a slow process to get these types of developments up and running.

Joe Roos explained his concerns about the fires that burned on the applicant's property and how this application was told to him as being temporarily pulled.

Rick Barton asked if Industrial zoning normally abuts residential zoning. Community Development Director Fisher explained the City reviews the Comprehensive Plan and the zoning regulations to make sure what is being proposed is compatible, along with site visits to see what development trends are taking place in the surrounding area, before making a recommendation for approval or denial.

Leo Guglielmo expressed his dislikes towards the applicant and his operations.

Rebecca Young described how the fires originated on the applicant's property and the potential contamination of the wells on the surrounding properties.

David Wayne further described how the fires originated on the applicant's property.

Panda Rodriguez asked if the City would approve any industrial zoning by Plantation Bay. Community Development Coordinator said that area is Unincorporated Flagler County; the City does not have jurisdiction over property located in Flagler County.

Kenneth Hibbard described the conditions he and his wife underwent due to the fires on the applicant's property.

Board Member Joseph and Co-Chair Masten explain to the public in attendance about expressing their concerns to the City Commission and when the meetings take place. Board Member Joseph further praised the public for showing up to the meeting to state their concerns.

Kaitlyn Harkins asked if the minutes of this meeting will be present at the next board meeting. Community Development Coordinator Calderin said the minutes have to be approved at the next board meeting on July 6, 2023 before being released as public record.

Community Development Coordinator Calderin explained how the City advertises rezoning agenda items.

**7. Board comment**

Co-Chair Masten praised the public for attending the public meeting and advised them to attend the City Commission meeting to state the same concerns.

Board Member Joseph thanked everyone for sharing their comments and for attending the meeting.

Chair Lilavois expressed his gratitude for the public showing up and sharing their concerns.

Community Development Director Fisher stated if the applicant wishes to request a rezoning again, it will be a brand-new application and everyone that was notified previously will be notified again.

**8. Adjournment of Planning and Zoning Meeting**

**Motion:** Adjourn

**Moved By:** Nealon Joseph

**Seconded By:** Gary Masten

**Roll Call Vote:**

Carl Lilavois – Yes

Gary Garner – Yes

Nealon Joseph – Yes

Gary Masten – Yes

**Vote:** Motion carried by unanimous vote

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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: 5/23/2023  
Department: Community Development  
Subject: FLUMA 2023-03 Requesting to change the Future Land Use Map in the Comprehensive Plan for 0.51+/- acres of land, owned by Coastal Collections LLC, Located at 1138 County Road 305 from Flagler County "Mixed Use: Low Intensity" to City of Bunnell "Commercial-Medium" Future Land Use designation.

Property Address: 1138 County Road 305  
Zoning Designation: C-1, Neighborhood Commercial (Flagler County)  
Future Land Use Designation: Mixed Use: Low Intensity (Flagler County)  
Agenda Section: New Business

#### ATTACHMENTS:

Description	Type
Proposed Ordinance 2023- XX Coastal Collections LLC FLUM	Ordinance
Location Map	Location Map(s)
Proposed Future Land Use Map	Exhibit

#### Summary/Highlights:

The applicant, Charlie Faulkner with Faulkner & Associates Inc, on behalf of the property owner, Coastal Collections LLC, is requesting a small-scale amendment to the City of Bunnell Comprehensive Plan to change the Future Land Use Map (FLUM) designation on a 0.51+/- acre property from the Flagler County "Mixed Use: Low Intensity" to the City of Bunnell "Commercial-Medium (COM-M)" Future Land Use Designation.

There is a companion rezoning request (Case No. ZMA 2023-10) to amend the official zoning map to rezone the property from Flagler County "C-1, Neighborhood Commercial" to City of Bunnell "B-1, Business District".

The applicant has requested for voluntary annexation of the subject property and is scheduled to be heard by the City Commission for First Reading on July 10, 2023.

This request was advertised in the Observer local news on June 22, 2023. Notices were mailed out to adjacent property owners within the City of Bunnell limits within 300 feet of the subject property on June 21, 2023. Signs detailing the time, location, and what is being requested were posted on the subject property on June 21, 2023.



**Background:**

The property owner owns an unincorporated 0.51+/- acre vacant parcel located at 1138 County Road 305 and bearing Parcel ID: 13-12-28-1800-01280-0350 assigned by the Flagler County Property Appraiser's Office. The property owner plans to build a one-story retail commercial building onto the subject property after it is annexed into the City of Bunnell.

The parcel's current FLUM designation is Flagler County "Mixed Use: Low Intensity". This land use designation, according to Policy A.1.1.3(3)(a) in the Flagler County Comprehensive Plan, allows for low to medium density residential with supporting low intensity professional office and neighborhood commercial uses along with supporting recreational and public facility uses.

The proposed FLUM designation is City of Bunnell "Commercial-Medium (COM-M)". According to FLU Policy 9.2 in the City of Bunnell's Comprehensive Plan, this land use designation allows for 60% impervious surface coverage and shall accommodate uses such as general retail, office and service-related uses, business automotive garages and sales, and mega retail. Some other appropriate uses may include multi-family and residential or non-residential mixed uses. This land use designation is an acceptable transition from the unincorporated FLUM designation as it has similar commercial uses while slightly increasing the intensity that is allowed.

**Staff Recommendation:**

Approve FLUMA 2023-03 Request to change the Future Land Use Map in the Comprehensive Plan from Flagler County "Mixed Use: Low Intensity" to City of Bunnell "Commercial-Medium (COM-M)" for the subject property.

**City Attorney Review:**

Approved

## ORDINANCE 2023-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 0.51+/- ACRES, OWNED BY COASTAL COLLECTIONS LLC, LOCATED AT 1138 COUNTY ROAD 305 IN THE CITY OF BUNNELL LIMITS FROM FLAGLER COUNTY “MIXED USE: LOW INTENSITY” TO CITY OF BUNNELL “COMMERCIAL-MEDIUM (COM-M)”;** PROVIDING FOR LEGISLATIVE FINDINGS AND INTENT; PROVIDING FOR ASSIGNMENT OF THE LAND USE DESIGNATION FOR THE PROPERTY; PROVIDING FOR SERVERABILITY; 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: 13-12-28-1800-01280-0350, located in the City of Bunnell; and

**WHEREAS**, the owner of the property, Coastal Collections 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 6, 2023 to consider amending the Future Land Use Map of the Future Land Use Element of the *City of Bunnell Comprehensive Plan* and recommend 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 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 of 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 as well as the recitals (whereas clauses) to this ordinance.
- (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 “Commercial-Medium” 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:** LOT 35, BLOCK 128, DAYTONA NORTH SUBDIVISION, A SUBDIVISION ACCORDING TO THE PLAT OR MAP THEREOF DESCRIBED IN PLAT BOOK 10, PAGES 1 THROUGH 15, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA.

**TAX PARCEL IDENTIFICATION NUMBER:** 13-12-28-1800-01280-0350

**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 is determined to be invalid, unlawful, or unconstitutional, it shall not be held or 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 the controlling State law.

First Reading: approved on this \_\_\_\_\_ day of \_\_\_\_\_, 2023

Second Reading/Final Reading: adopted on this \_\_\_\_\_ day of \_\_\_\_\_ 2023.

**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

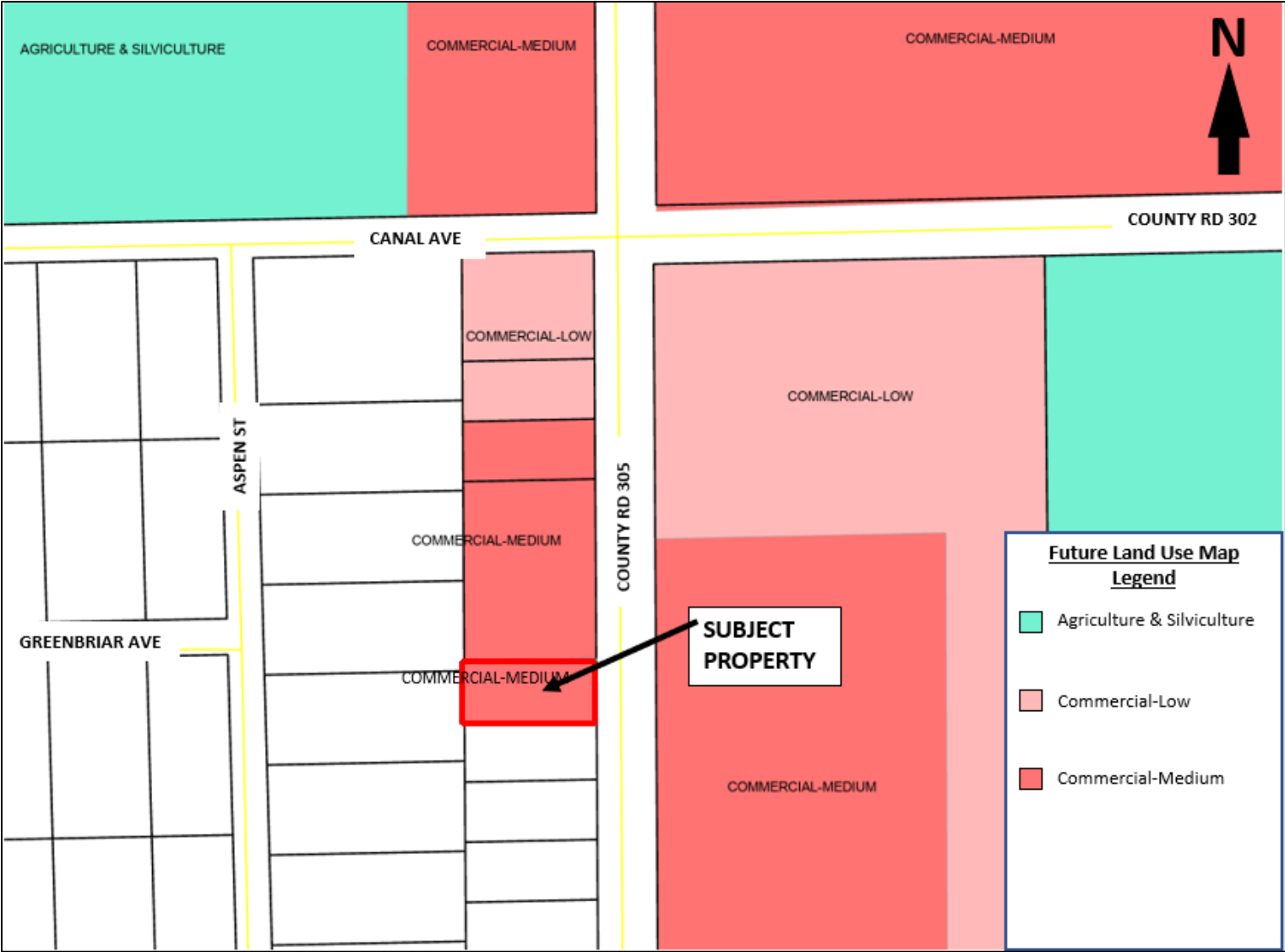
**Exhibit "A"**  
Proposed Future Land Use



Location Map



**Proposed FLUM**





## City of Bunnell, Florida

### Agenda Item No. 5.

Document Date: 5/23/2023  
Department: Community Development  
Subject: ZMA 2023-03 Requesting to Change the official zoning map for 0.51+/- acres of land, owned by Coastal Collections LLC, located at 1138 County Road 305 from Flagler County "C-1, Neighborhood Commercial" to City of Bunnell "B-1, Business District".

Property Address: 1138 County Road 305  
Zoning Designation: C-1, Neighborhood Commercial (Flagler County)  
Future Land Use Designation: Mixed Use: Low Intensity (Flagler County)  
Agenda Section: New Business

#### **ATTACHMENTS:**

Description	Type
Draft Ordinance 2023-XX Coastal Collections LLC Zoning	Ordinance
Location Map	Location Map(s)
Proposed Zoning Map	Exhibit

#### **Summary/Highlights:**

The applicant, Charlie Faulkner with Faulkner & Associates Inc, on behalf of the property owner, Coastal Collections LLC, is requesting an amendment to the Official Zoning Map to change the zoning on an unincorporated 0.51+/- acre property from the Flagler County "C-1, Neighborhood Commercial" to the City of Bunnell "B-1, Business District".

The subject property has a companion request for a FLUM amendment (Case No. FLUMA 2023-03) from Flagler County "Mixed Use: Low Intensity" to City of Bunnell "Commercial-Medium (COM-M)".

The applicant has requested for voluntary annexation and is scheduled to be heard by the City Commission for First Reading on July 10,2023.

This request was advertised in the Observer local news on June 22, 2023. Notices were mailed out to adjacent property owners within the City of Bunnell limits within 300 feet of the subject property on June 21, 2023. Signs detailing the time, location, and what is being requested were posted on the subject property on June 21, 2023.

#### **Background:**



The property owner owns a 0.51+/- acre vacant parcel located at 1138 County Road 305 and bearing Parcel ID: 13-12-28-1800-01280-0350 assigned by the Flagler County Property Appraiser's Office. The owner plans to build a one-story commercial building on the subject property.

This property is currently zoned Flagler County "C-1, Neighborhood Commercial". The purpose of this zoning district, as described in the Flagler County Land Development Code, is to provide a limited commercial convenience facility, servicing nearby residential neighborhoods, planned and developed as an integral unit. The allowable uses allowed in this zoning district are as follows:

1. Adult congregate living facility.
2. Bakeries and similar uses (including preparation of products for sale on the premises).
3. Book and stationary stores.
4. Convenience stores (excluding the sale of distilled spirits with a higher alcoholic content than malt beverages or fermented wines).
5. Day care centers.
6. Hardware stores.
7. Laundry and dry cleaning pickup stations.
8. Laundry and dry cleaning self-service establishments.
9. Newsstands.
10. Barber shops, beauty shops, shoe repair shops.
11. Pharmacies.
12. Private schools.
13. Professional offices.
14. Medical and dental clinics.
15. One single-family dwelling unit to be used only in conjunction with the operation of a permitted business on the same premises; such single-family dwelling unit shall be an integral and contiguous part of the principal business structure and located behind or above that portion of the business structure devoted to service of the public. The building structure must meet all applicable building codes for the respective residential and commercial uses including fire and public safety laws. In no case shall this permitted use be construed to allow multifamily development behind or above a strip commercial center.
16. Other commercial uses of a nature similar to those listed may be permitted upon determination by the planning board that such uses are appropriate in the C-1 district. The standard industrial classification manual will be used as a reference for these determinations.

The proposed zoning classification is City of Bunnell "B-1, Business District". The purpose of this zoning district is to guide and regulate commercial uses including personal and business services and general retail business. It is the intent of this district to allow a wide-range of commercial uses, provide for a medium to high concentration of commercial activity, and ensure compatibility with the adjacent properties, and allow the potential for mixed-use commercial and residential development. The allowable uses in this district are as follows:

1. Any retail business or commercial use which does not involve the manufacturing, harvesting, or processing of products from raw materials.
2. Personal service establishments including, but not limited to, barber shops, beauty salons, shoe repair.
3. Restaurants, cocktail lounges.
4. Hotels, motels, rooming houses, bed and breakfast inns, group homes, nursing homes, day care centers.
5. Hardware or building supply stores without outside storage.

6. Vehicle sales (except seasonal or temporary sales pursuant to subsection 34-117(d), services, parts, fuel and repair.
7. Private clubhouses not operated for gain.
8. Bakery (where goods are prepared for wholesale and/or retail distribution).
9. Dry cleaning, dyeing and laundry establishments.
10. Activities involving the assembly and/or modification of parts which have been manufactured off site to make a completed product. The building area containing these activities shall not exceed 10,000 square feet. This area does not include such uses as offices, display areas, or storage.
11. No outside storage except for whole products to be used outdoors (vehicles, lawn mowers, etc.). Other business related outside storage shall be fully buffered by approved fencing or natural buffers to conceal from public view.
12. Other uses similar in character to those listed above, which will not be noxious or offensive by reason of the emission of odor, dust, vibration, or noise and will not be injurious to the district.
13. Permanent makeup as defined as: A cosmetic technique which employs tattoos (permanent pigmentation of the dermis) as a means of producing designs that resemble makeup, such as eye lining and other permanent enhancing colors to the skin of the face, lips and eyelids. Also to produce artificial eyebrows and to disguise scars and white spots in the skin such as in vitiligo. Also to restore or enhance the breast's areola, such as after breast surgery.
14. Bowling alleys, game rooms or arcades for pool, billiards, and other coin operated machines.
15. Funeral homes with or without crematoriums.
16. Churches and accessory uses.
17. Adult arcade amusement centers in compliance with the Code of Ordinances section 14-121.
18. Tattoo studios or parlors and related uses.

The allowable permitted uses between both zoning districts are similar in nature. The proposed City zoning is an acceptable transition from the rural County commercial zoning with a slight increase to the intensity of the allowable uses. The parcels along County Road 305 that are within City of Bunnell's limits and are adjacent to the subject property are also within the B-1 zoning district, as shown in the Proposed Zoning Map.

**Staff Recommendation:**

Approve ZMA 2023-03 Request to change the official zoning map from Flagler County "C-1, Neighborhood Commercial" to City of Bunnell "B-1, Business District" for the subject property.

**City Attorney Review:**

Approved

## ORDINANCE 2023-XX

**AN ORDINANCE OF THE CITY OF BUNNELL, FLORIDA PROVIDING FOR THE REZONING OF CERTAIN REAL PROPERTY CONTAINING 0.51± ACRES, OWNED BY COASTAL COLLECTIONS LLC, LOCATED AT 1138 COUNTY ROAD 305 IN THE CITY OF BUNNELL LIMITS FROM FLAGLER COUNTY “C-1, NEIGHBORHOOD COMMERCIAL” TO CITY OF BUNNELL “B-1, BUSINESS 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**, Coastal Collections, LLC, the owner of certain real property, which land totals 0.51± acres in size and is assigned Tax Parcel Identification Number 13-12-28-1800-01280-0350 by the Property Appraiser of Flagler County; and

**WHEREAS**, Coastal Collections 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, totaling 0.51± acres located at 1138 County Road 305, rezoned to the City of Bunnell “B-1, Business District” zoning classification from the Flagler County “C-1, Neighborhood Commercial” zoning classification; and

**WHEREAS**, the City’s Community Development 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 6, 2023 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 City of Bunnell has complied with all requirements and procedures of Florida law in processing and advertising this Ordinance.

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

**Section 2. Rezoning of Real Property/Implementing Actions.**

(a) Upon enactment of this Ordinance, the following described property, as depicted in Exhibit "A" attached to this Ordinance, and totaling 0.51± acres in size, shall be rezoned to the City of Bunnell "B-1, Business District" zoning classification from the Flagler County "C-1, Neighborhood Commercial" zoning classification:

**LEGAL DESCRIPTION:** LOT 35, BLOCK 128, DAYTONA NORTH SUBDIVISION, A SUBDIVISION ACCORDING TO THE PLAT OR MAP THEREOF DESCRIBED IN PLAT BOOK 10, PAGES 1 THROUGH 15, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA.

**TAX PARCEL IDENTIFICATION NUMBER:** 13-12-28-1800-01280-0350

(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 to be invalid, unlawful, or unconstitutional.

**Section 6. Non-codificaiton.**

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 2023-XX

First Reading: approved on this \_\_\_\_\_ day of \_\_\_\_\_, 2023

Second Reading/Final Reading: adopted on this \_\_\_\_\_ day of \_\_\_\_\_ 2023.

**CITY COMMISSION, City of Bunnell, Florida.**

By: \_\_\_\_\_  
Catherine D. Robinson, Mayor

Approved for form and content by:

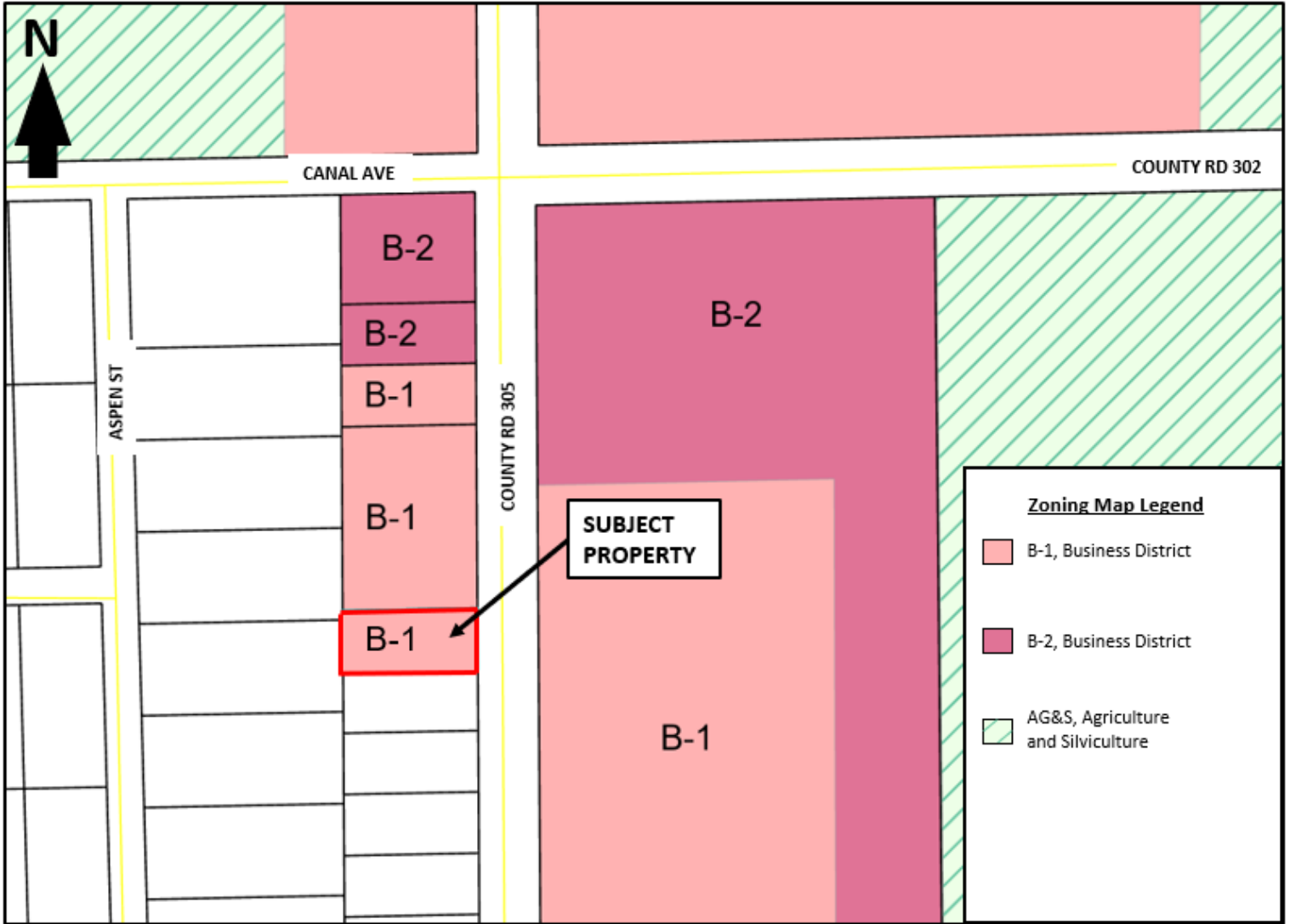
\_\_\_\_\_  
Vose Law Firm, City Attorney

Attest:

\_\_\_\_\_  
Kristen Bates, CMC, City Clerk

# Exhibit "A"

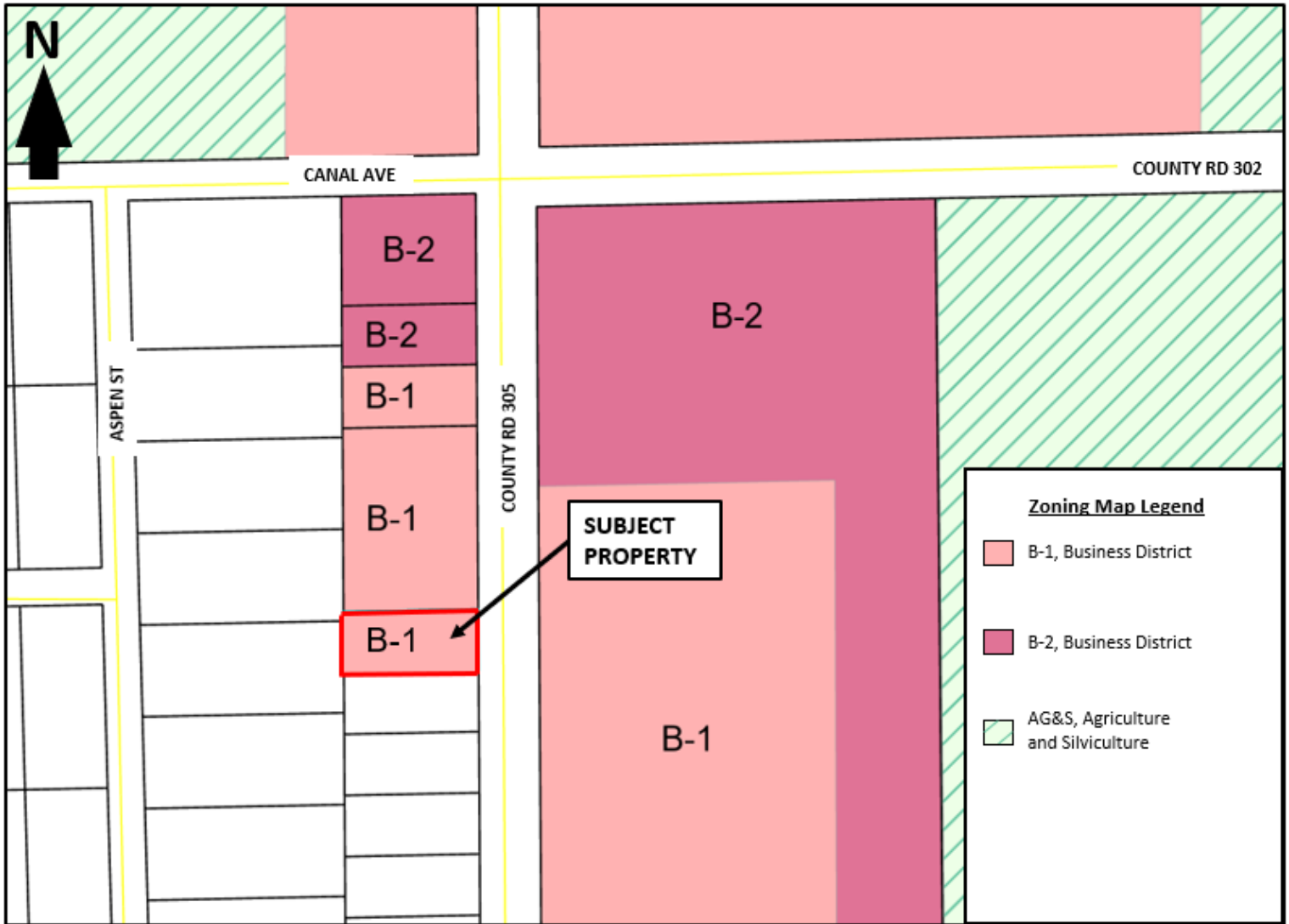
## Amended Zoning Map



Location Map



# Proposed Zoning







## City of Bunnell, Florida

### Agenda Item No. 6.

Document Date: 6/20/2023  
Department: Community Development  
Subject: Discussion to elect the Chair and Co-Chair  
Property Address:  
Zoning Designation:  
Future Land Use Designation:  
Agenda Section: New Business

#### **Summary/Highlights:**

This is a discussion to elect the Chair and Co-Chair positions of the Planning, Zoning and Appeals Board. With no election for Chair and Co-Chair for the PZA Board taking place since 2020, the Board would like to hold an election to put on record who the Chair and Co-Chair will be.

#### **Background:**

At this time, there is no language in the City code to regulate the board elections for Chair and Co-Chair. Staff will work on drafting an ordinance in the near future to formalize this process. With there being no regulations in place, there are no official term limits for the Chair and Co-Chair.

The current Chair of the Planning, Zoning and Appeals Board is Carl Lilavois and the current Co-Chair Gary Masten. Carl Lilavois has been a member of the PZA Board since May 8, 2017 and was recently reappointed on May 22, 2023. Gary Masten has been a member of the PZA Board since May 11, 2020 to fill a vacated seat. He was reappointed on July 25, 2022.

#### **Staff Recommendation:**

#### **City Attorney Review:**

Approved item.