



**COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION
STAFF REPORT FOR APPLICATION NO. 2648
January 15, 2014
Planning and Land Development Regulation Board**

OVERVIEW

Case Number: Application No. 2648
Agent: Michael Chiumento, III, Attorney
Applicant: Michael Collard Development
Property Owner MCW-RC-FL.Palm Harbor LLC
Palm Harbor Centers Associates
Property Description: Existing 188,702 shopping center, of which 13,292 sq. ft. not
included (6,447 sq. ft. Dr. Office and 6,845 sq. ft. vacant bank)
= 175,410 SQ. FT.
Site Location: Northwest corner of Florida Park Drive and Palm Coast Pkwy.
Property ID #:

Parcel #	Parcel ID	Acreage
1	41-11-31-4975-00000-0010	25.70
2	41-11-31-4975-00000-0020	2.10
3	41-11-31-4975-00000-0040	.89
		28.69
Dr. Office	07-11-31-7001-0RPAB-0010	.27
Bank	41-11-31-4975-00000-0030	.99
	NOT INCLUDED	1.26

Project Name: Island Walk (f.k.a. Palm Harbor Shopping Center)
Current FLUM designation: Mixed Use
Current Zoning designations: General Commercial (COM-2)
Current Use: Shopping Center on Parcel Nos. 1 & 4; Parcel No. 2 – heavily
vegetated.
Total Acreage: 28.69 acres
Recommendation: Approval, subject to development agreement conditions

REQUESTED ACTION

Application Type: Rezoning: Rezone to Master Planned Development District (MPD) to provide for increased parking and drive aisle widths, screening and noise reduction for truck loading, increased impervious coverage, traffic and pedestrian circulation, tree preservation and protection, in order to accommodate the redevelopment of an existing shopping center and an additional 58,538 square feet commercial space.

Requested Action: Planning and Land Development Regulation Board (PLDRB) recommend to City Council approval of Application No. 2648.

PUBLIC PARTICIPATION:

Per **Section 2.05.02 Neighborhood Meeting Requirements; A. Meetings Required.** As the initial step in the review process, Developers are required to conduct a neighborhood meeting for various application types. The purpose of conducting the meeting is to enable residents and property owners the opportunity to gain insight about the development and present questions and concerns to the applicant for incorporation into the overall project, where appropriate.

A copy of the notice to the adjoining neighborhood, along with the sign in sheet and comments must be provided to the City prior to commencement of the public hearing process.

The applicant conducted one Neighborhood Meeting at Daytona State College on October 18, 2013. Approximately 100 people were in attendance.

Per **Section 2.05.03. Public Hearing Notice Requirements: B.** As required per **Table 2-2** of the Unified Land Development Code the applicant posted signs on the property within the required time frame of 14 days for the MPD request.

BACKGROUND /SITE HISTORY:

The shopping center was built to satisfy the Settlement Agreement entered into between ITT and the Federal Trade Commission which required construction of a shopping area and securing a grocery store tenant on behalf of the residents who had purchased lots from ITT with the expectation that a community was being created.

The original shopping center was approved by and constructed within unincorporated Flagler County and contained the original post office and library. After the City incorporated, the site was approved as a Planned Unit Development (Ord. No. 2002-05) to add approximately 26,200 square feet and allow land within the shopping center to be sold without having to meet minimum drainage, landscaping, parking and access requirements for each lot since the design of the shopping center addressed those standards for the entire project and not on a lot by lot basis. Those standards were incorporated, along with use restrictions, in the 2002 PUD.

After the PUD was granted, the original plat was replatted and two lots that currently support Island Doctors and the bank outparcel (currently vacant) were sold and are not part of this application request. There has been limited land development approval activity on the property since the replat was approved in 2007.

ANALYSIS

FUTURE LAND USE AND ZONING INFORMATION

USE SUMMARY TABLE:

CATEGORY:	EXISTING:	PROPOSED:
Future Land Use Map (FLUM)	Mixed Use	Mixed Use
Zoning District	General Commercial (COM-2); Planned Unit Development (PUD) listed as being in effect based upon title policy submitted by applicant	Master Planned Development (MPD)
Overlay District	Palm Coast Parkway	Palm Coast Parkway
Use	Shopping Center; Lot 2 vacant but heavily vegetated	Increase of 58,538 square feet general shopping located on existing Lot 2 and creation of 3 additional outparcels between existing center parking lot and Palm Coast Parkway
Acreeage	29.95	28.69 (excludes existing Dr. Office and Bank parcels)
Access	Harbor Center Drive Old Kings Road Florida Park Drive Harbor Center Way Palm Coast Parkway (1-right turn at Starbucks)	Same

SURROUNDING LAND USES AND COMPATIBILITY:

North: Residential; commercial/office	FLUM: Mixed Use Zoning: Arbor Trace PUD; Office 2, General Commercial
South: General retail	FLUM: Mixed Use Zoning: General Commercial
East: Residential; commercial/office	FLUM: Mixed Use Zoning: Multifamily Residential 1; Office 2
West: General retail	FLUM: Mixed Use Zoning: General Commercial

ANALYSIS BASED ON UNIFIED LAND DEVELOPMENT CODE CHAPTER 2, SECTION 2.05.05 (Development Order)

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

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

Staff Finding: The proposed MPD rezoning and accompanying proposed development can potentially significantly increase the shopping opportunities for the entire County and beyond. In addition, the current shopping center is antiquated and without investment over time could become a source of blight within the community.

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

Staff Finding: The requested use of the property can be consistent with and further the Goals and Objectives of the Comprehensive Plan and LDC provided that the Conditions of Development Agreement are met.

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

Staff Findings: Any improvements associated with public improvements will be ensured via Performance/Maintenance Bond that will be required at the time of Technical Site Plan review.

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

Staff Finding: Staff has recommended development agreement conditions regarding traffic circulation and pedestrian access to address internal and external vehicular and pedestrian safety issues. In addition, subsequent applications and review will ensure that redevelopment of the shopping center will not constitute a threat to the general health, welfare, or safety of citizens.

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

Staff Finding: The proposed development will comply with all local, state and federal laws, statutes, ordinances, regulations, or codes applicable.

ANALYSIS BASED ON UNIFIED LAND DEVELOPMENT CODE CHAPTER 2, SECTION 2.06.03 (Official Zoning Map Amendment: Review Findings)

Staff has addressed each of the established criteria accordingly and provides the following findings to be considered by the PLDRB and City Council:

A. Whether it (rezoning) is consistent with all adopted elements of the Comprehensive Plan and whether it furthers the goals and objectives of the Comprehensive Plan.

Staff Finding: The rezoning request may be compatible with all adopted elements of the Comprehensive Plan and further the goals and objectives of the Comprehensive Plan.

B. Its impact upon the environment or natural resources.

Staff Finding: The site is partially developed as a shopping center. Although most of the center is manmade and vegetation is ornamental, there are significant stands of mature trees that provide a unique character to the center and to the City of Palm Coast. Specific conditions of approval are included within the development agreement to address retention of the tree canopy and the City's character.

In addition, as part of the development agreement, a Cultural Resources Assessment is required at the time of Conceptual Development Plan submittal.

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

Staff Finding: The rezoning should result in a favorable economic impact on the neighboring community the Palm Coast community, and Flagler County. The rezoning and development plan reinforces the need of the community to improve the types of local employment opportunities.

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

Staff Finding: Impact to essential services was conducted by respective City departments during the rezoning and Development Agreement review process. Government services to the site can be further addressed based upon engineering studies for specific users. The developer acknowledges responsibility to upgrade existing systems or provide facilities at no cost to the City.

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

Staff Finding: No changes in circumstances or conditions affecting the area have been identified. The economy continues to improve and evidenced in the growth at other shopping areas, such as European Village, Palm Coast Parkway Plaza (Kohl's), and Town Center.

F. Compatibility with proximate uses and development patterns, including health, safety, and welfare of surrounding residents.

Staff Finding: The development agreement ensures that the redevelopment and expansion of the existing shopping center can be compatible with the surrounding area.

G. Whether it accomplishes a legitimate public purpose.

Staff Finding: Redevelopment of the existing shopping center accomplishes a legitimate public purpose.

ANALYSIS BASED ON UNIFIED LAND DEVELOPMENT CODE CHAPTER 2, SECTION 2.09.04 – Review Findings (Master Planned Developments)

The Planning and Land Development Regulation Board and City Council shall consider the following criteria, in addition to the findings listed in **Subsection 2.05.05**, when reviewing a master planned development application:

A. Consistency with all adopted elements of the Comprehensive Plan and whether it furthers the goals and objectives of the Comprehensive Plan.

Staff Finding: The requested use, Master Planned Development, is consistent with the Comprehensive Plan and furthers the goals and objectives of the Comprehensive Plan through the development agreement.

B. Consistency with the general intent of the LDC.

Staff Finding: The requested use for Master Planned Development is consistent with the LDC because it establishes an overall project land use, intensity, density and location, subject to further refinements as additional site development planning is undertaken by the developer and memorialized within the MPD Agreement.

C. Degree of departure of the proposed development from surrounding areas in terms of character and density/intensity.

Staff Finding: The primary character of a major shopping center will not change. Staff is recommending conditions within the development agreement to address water quality, tree preservation and protection, architectural style, reduction in open space, increase in impervious area, increase in parking and drive aisle widths, screening and noise reduction for truck loading, and traffic and pedestrian circulation.

D. Compatibility within the development and relationship with surrounding neighborhoods.

Staff Finding: Relocation of the existing grocery store tenant to a central position in the shopping center will enhance the visibility within the center. The grocery store tenant is the primary anchor and will have the most frequent visitors. In order to accommodate redevelopment of the shopping center, the loading area for the grocery store will be located closer to the adjacent residential development. To mitigate the necessary movement of the loading area, the development agreement contains conditions related to screening and reduction of noise.

The development agreement contains conditions that require the applicant to provide an internal integrated system of sidewalks to connect to the City's residential areas and to the Arbor Trace development.

E. Adequate provision for future public education and recreation facilities, transportation, water supply, sewage disposal, surface drainage, flood control, and soil conservation as shown in the development plan.

Staff Finding: The conditions within the Master Planned Development Agreement ensure adequate public facilities are available at the time of development.

F. The feasibility and compatibility of development phases to stand as independent developments.

Staff Finding: The conditions within the Master Planned Development Agreement ensure that the phasing and construction of the shopping center redevelopment is logical, maintains compatibility across the phases, and can stand independently as well.

G. The availability and adequacy of primary streets and thoroughfares to support traffic to be generated within the proposed development.

Staff Finding: Access to the development site will utilize existing primary frontage roadways. An internal spine road provides direct access and connectivity within the development.

H. The benefits within the proposed development and to the general public to justify the requested departure from standard development requirements inherent in a Master Planned Development District classification.

Staff Finding: The Master Planned Development use category and accompanying Development Agreement was recommended for this application to accomplish the following private/public benefit:

1. To redevelop an existing shopping center by relocating the major grocery anchor tenant to the center of the complex.
2. Recognize the existing major arterials and their support for the transmission of goods and services.
3. Enabled the opportunity to negotiate terms through a Development Agreement that would otherwise not be available through the General Commercial zoning district.

I. The conformity and compatibility of the development with any adopted development plan of the City of Palm Coast.

Staff Finding: The Master Planned Development Agreement provides opportunities as outlined in the Comprehensive Plan and more specifically the 2035 Comprehensive Plan *vision* for the City of Palm Coast, as noted below:

- Attractive job opportunities, superbly designed commercial areas
- Responsiveness to meeting the diverse needs of the citizens
- Economic and community development opportunities

J. Impact upon the environment or natural resources.

Staff Finding: The site is partially developed as a shopping center. Although most of the center is manmade and vegetation is ornamental, there are significant stands of mature trees that provide a unique character to the center and to the City of Palm Coast. Specific conditions of approval are included within the development agreement to address retention of the tree canopy and the City's character.

In addition, as part of the development agreement, a Cultural Resources Assessment is required at the time of Conceptual Development Plan submittal.

K. Impact on the economy of any affected area.

Staff Finding: The nature and character of the development should result in a positive economic benefit for the City.

RECOMMENDATION:

Planning and Land Development Regulation Board recommend approval to City Council of Application No. 2648, subject to the Conditions in the Master Planned Development Agreement.