

Crossroads of Flagler County

Board Members:
Thea Mathen
Shannon Strickland
Jerry Jones
Jan Reeger
Randy Morris
Howard Kane

PLANNING, ZONING AND APPEALS BOARD AGENDA

**Tuesday, February 21, 2017
7:00 PM**

201 West Moody Boulevard,
City Commission Chambers - Building 3
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**

2017 01 17 Planning, Zoning and Appeals Board Minutes

New Business:

- 4.** Public Hearing Case Number 2017-02: Variance Request to reduce the front setback from 25 feet to 10 feet at 601 North Pine St.
- 5.** Public Hearing Case Number 2017-03: Ordinance 2017-XX Request to Vacate a Portion of Hardy St.
- 6.** Public Hearing Case Number 2017-04: Ordinance 2017-XX Changing the Future Land Use Designation on Approximately 1.92 Acres of Property from Bunnell Single Family Low Density and Single Family Medium Density to Bunnell Industrial.
- 7.** Public Hearing Case Number 2017-05: Ordinance 2017-XX Changing the Zoning Designation of Approximately 1.92 Acres of Property from City of Bunnell R-1, Single Family Residential district to City of Bunnell L-1, Light Industrial district.

Old Business: None

8. Public Comment

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

9. Board comment

10. 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's office at (386) 437-7500.



City of Bunnell, Florida

Agenda Item No.

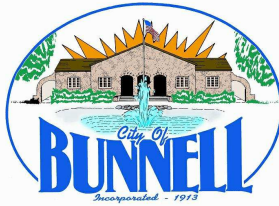
ATTACHMENTS:

Description

Proposed Minutes

Type

Minutes



Crossroads of Flagler County

Board Members:
Thea Mathen
Shannon Strickland
Jerry Jones
Jan Reeger
Randy Morris
Howard Kane

PLANNING, ZONING AND APPEALS BOARD MINUTES

Tuesday, January 17, 2017

7:00 PM

201 West Moody Boulevard,
City Commission Chambers - Building 3
Bunnell, FL 32110

-
- 1. Call Meeting to Order for Planning and Zoning Meeting and Roll Call**
Present: Thea Mathen, Chair; Shannon Strickland, Vice Chair; Randy Morris; Jan Reeger (arrived after Roll Call); Howard Kane (alternate)
Excused: Jerry Jones
Not Present:
Non-Voting: Charlie Cino; Kristen Bates; Yvonne Bolton
 - 2. Disclosure of Ex-Parte communications.**
None
 - 3. Approval of Minutes**
2016 10 18 Planning, Zoning and Appeals Board Minutes
Motion: Approve the minutes of the October 18, 2016 meeting.
Moved By: Shannon Strickland
Second By: Randy Morris
Vote: Motion carried by unanimous vote.

New Business:

- 4. Case Number 2017-01:** Request for Site Plan Approval for the Expansion of the Flagler Playhouse located at 301 E. Moody Blvd.

This item was introduced by Acting Community Development Director Kristen Bates. Flagler Playhouse is planning to expand their existing building on the eastern side of the building. The expansion will include a new lobby and an atrium, in addition to adding shell to existing parking. After the agenda was published, staff received documentation from the Engineer that all comments have been addressed.

Mark Langelo, representing the Flagler Playhouse, was present to answer questions. This project will be paid for through a grant. The plans show 2 buildings being demolished. However, the amount of the grant and the cost of demolition will determine whether the identified buildings will be demolished at this time.

There was Board discussion regarding the use of other structures on the property, the existing parking areas, the sidewalk on the front of the property and the taxable value of the property.

Motion: Approve the Site Plan for the Expansion of the Flagler Playhouse located at 301 E. Moody Blvd. once all comments are addressed.

Moved By: Shannon Strickland

Second By: Randy Morris

Vote: Motion carried 4 to 1.

Yes: Shannon Strickland; Randy Morris; Jan Reeger; Howard Kane

No: Thea Mathen

Old Business: None

5. Public Comment: None

6. Board comment: None

7. Adjournment of Planning and Zoning Meeting

Chair Thea Mathen Adjourned the meeting at 7:18pm

Thea Mathen, Chair



City of Bunnell, Florida

Agenda Item No. 4.

Document Date: 1/31/2017
Department: Community Development
Subject: Public Hearing Case Number 2017-02: Variance Request to reduce the front setback from 25 feet to 10 feet at 601 North Pine St.
Property Address: 601 N. Pine St
Zoning Designation: R-1, Single Family Residential Zoning District
Future Land Use Designation: Single Family- Low Density
Agenda Section: New Business

ATTACHMENTS:

Description	Type
Location Map	Location Map(s)
Concept Sketch	Exhibit

Summary/Highlights:

This is a variance request to reduce the front setback as regulated by Chapter 34 of the Land Development Code in the R-1, Single Family Residential zoning district for property located at 601 North Pine Street.

Background:

The applicant, Penny Buckles, is requesting a variance to reduce the front setback for her property located at 601 North Pine St. The applicant would like to build an addition onto the existing structure which would extend into the required 25 foot front setback.

From the Bunnell Land Development Code:

Sec. 34-111. - R-1 Single-family residential district.

(d) Area regulations.

(1) *Front yard.* There shall be a front yard of not less than 25 feet measured from the property line to the front building line.

The Land Development Code does provide for variances based upon the following criteria being met:

Sec. 34-54. - Standards for variances.

In granting a variance, the planning, zoning and appeals board shall ascertain that the following criteria are met:

- (1) Variances shall be granted only where special circumstances or conditions (such as exceptional narrowness, topography, or siting) fully described in the findings of the board, do not apply generally in the district.
- (2) Variances shall not be granted to allow a use otherwise excluded from the particular district in which requested.
- (3) For reasons fully set forth in the finding of the board, the aforesaid circumstances or conditions are such that the strict application of the provisions of this chapter would deprive the applicant of

reasonable use of his land.

(4) Any variance granted under the provisions of this section shall be the minimum adjustment necessary for the reasonable use of land.

(5) The granting of any variance is in harmony with the general purpose and intent of this chapter and will not be injurious to the neighborhood, detrimental to the public welfare, or in conflict with the comprehensive plan for development.

Sec. 34-55. - Requirements for the granting of a variance.

Before the planning, zoning and appeals board shall have the authority to grant a variance, the person claiming the variance has the burden of showing:

- (1) That the granting of the variance will not be contrary to the public interest;
- (2) That the literal enforcement of this chapter will result in unnecessary hardship;
- (3) That by granting the variance the spirit of this chapter will be observed; and
- (4) That by granting the variance, substantial justice will be done.

As required by the Land Development Code *Sec. 2-87.-Hearing notifications requirements*, an advertisement regarding this agenda item was run in the Wednesday, February 8th edition of the News Tribune and property owners within 300 feet of the property as identified by the Flagler County Property Appraiser website were mailed hearing notification letters.

The applicant can further explain this request to the Board.

Staff Recommendation:

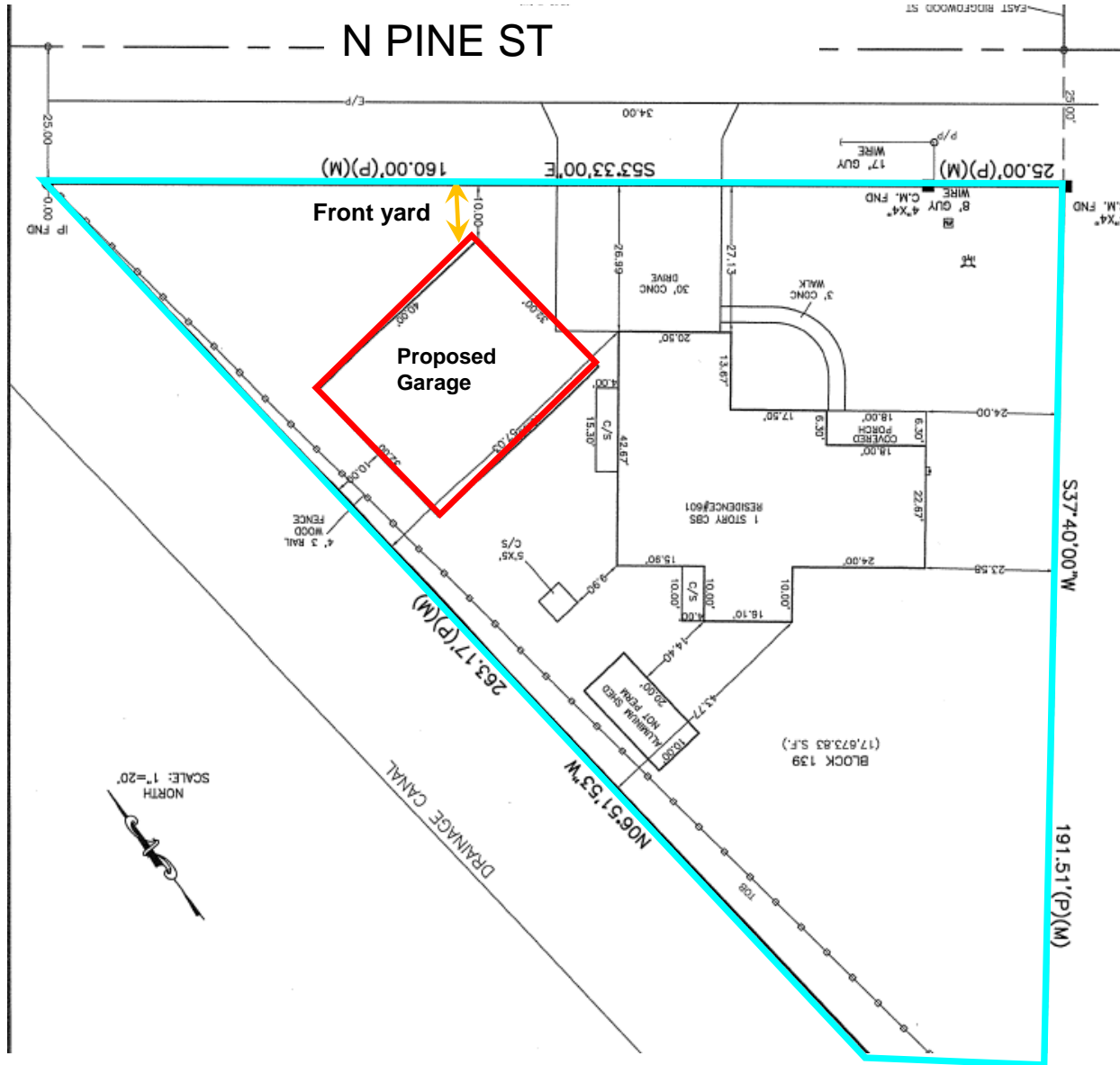
Approval of the variance request contingent on the applicant demonstrating they meet the requirements for the granting of a variance.

City Attorney Review:

601 N. Pine St. Variance Request- Location Map



601 N. Pine St. Variance Request- Concept Sketch





City of Bunnell, Florida

Agenda Item No. 5.

Document Date: 1/19/2017
Department: Community Development
Subject: Public Hearing Case Number 2017-03: Ordinance 2017-XX Request to Vacate a Portion of Hardy St.
Property Address: N/A
Zoning Designation: N/A
Future Land Use Designation: N/A
Agenda Section: New Business

ATTACHMENTS:

Description	Type
Proposed Ordinance	Ordinance
Location Map	Location Map(s)
Concept Sketch	Exhibit

Summary/Highlights:

This is a request to vacate a portion of the right-of-way known as Hardy St.

Background:

The applicant, Stoney Jones, has submitted a request to the City of Bunnell asking a portion of the right-of-way known as Hardy St. be vacated. This portion of Hardy St. is located between Block 1 Tucker Estates Lots 6 and 7 and Block 199 Lots 1 and 16. Mr. Jones owns the parcels to the east and west of this right-of-way.

There are no City utilities located in this right-of-way. The City does not have any plans to utilize this right-of-way.

Mr. Jones would use this right-of-way in the development of the adjacent parcels. At this time, Mr. Jones would like to build a modular building and garage on this property.

The applicant can further explain this request to the Board.

Staff Recommendation:

Approval of Ordinance 2017-XX Request to Vacate a Portion of Hardy St.

City Attorney Review:

ORDINANCE 2017-XX

AN ORDINANCE OF THE CITY OF BUNNELL, FLORIDA VACATING AND ABANDONING A PORTION OF HARDY STREET AS RECORDED IN THE PUBLIC RECORDS OF FLAGLER COUNTY AND WHICH IS GENERALLY LOCATED BETWEEN BLOCK 1 TUCKER ESTATES LOTS 6 AND 7 AND BLOCK 199 LOTS 1 AND 16; PROVIDING FOR LEGISLATIVE FINDINGS AND INTENT; PROVIDING FOR ATTACHMENT AND INCORPORATION OF EXHIBIT; PROVIDING FOR THE TAKING OF IMPLEMENTING ADMINISTRATIVE ACTIONS; PROVIDING FOR RECORDING; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR NON-CODIFICATION AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Stoney Jones has filed an application with the City of Bunnell to vacate a portion of the 50 foot wide right-of-way known as Hardy Street as recorded in the Public Records of Flagler County and which is located between Block 1 Tucker Estates Lots 6 and 7 and Block 199 Lots 1 and 16; and

WHEREAS, the right-of-way was platted and recorded in the Public Records of Flagler County and the portion to be vacated is depicted in Exhibit "A" which is attached hereto and made a part hereof by this reference; and

WHEREAS, the City Commission of the City of Bunnell, Florida finds that the vacating of said portion of the right-of-way (street) will not be detrimental to the City or the public, and that all other conditions required by controlling law have been met; provided, however, that the conditions set forth in this Ordinance are imposed relative to the vacation and abandonment action taken herein in order to protect the public interest.

WHEREAS, there are no City utilities located in this right-of-way; and

WHEREAS, the Planning, Zoning and Appeals Board reviewed this application at their February 21, 2017 meeting and recommended approval.

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 recitals (whereas clauses) to this Ordinance, the City staff report and City

Commission agenda memorandum relating to the application and the proposed vacation of the right-of-way as set forth herein.

(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 consistent with the goals, objectives and policies of the *Comprehensive Plan of the City of Bunnell*.

Section 2. Vacation of right-of-way/implementing actions.

(a). A portion of the 50 foot wide right-of-way known as Hardy Street as recorded in the Public Records of Flagler County and which is located between Block 1 Tucker Estates Lots 6 and 7 and Block 199 Lots 1 and 16 and as depicted in Exhibit “A is hereby vacated by the City of Bunnell.

(b). There are no City utilities located in this right-of-way.

(c). The City Manager, or designee, is hereby authorized to execute the documents necessary to implement the action taken herein.

Section 3. Recordation.

The City shall be responsible to record in the Public Records of Flagler County and copies of all such notices, proofs of publication and this Ordinance as shall be required to perfect title to the subject property of the vacated right-of-way although the City does not warrant or guarantee title and title to the vacated property shall vest in accordance with controlling law. All costs of recording shall be paid by the City upon the City requesting payment of such costs.

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 not be codified.

Section 7. Effective Date.

This Ordinance shall take effect immediately upon passage and adoption.

First Reading: on this ____ day of _____ 2017.

Second Reading: adopted on this ____ day of _____ 2017.

CITY COMMISSION, City of Bunnell, Florida.

By: _____
Catherine D. Robinson, Mayor

Approved for form and content by:

Wade Vose, City Attorney

Attest:

Sandra Bolser, City Clerk

Seal:

EXHIBIT “A”

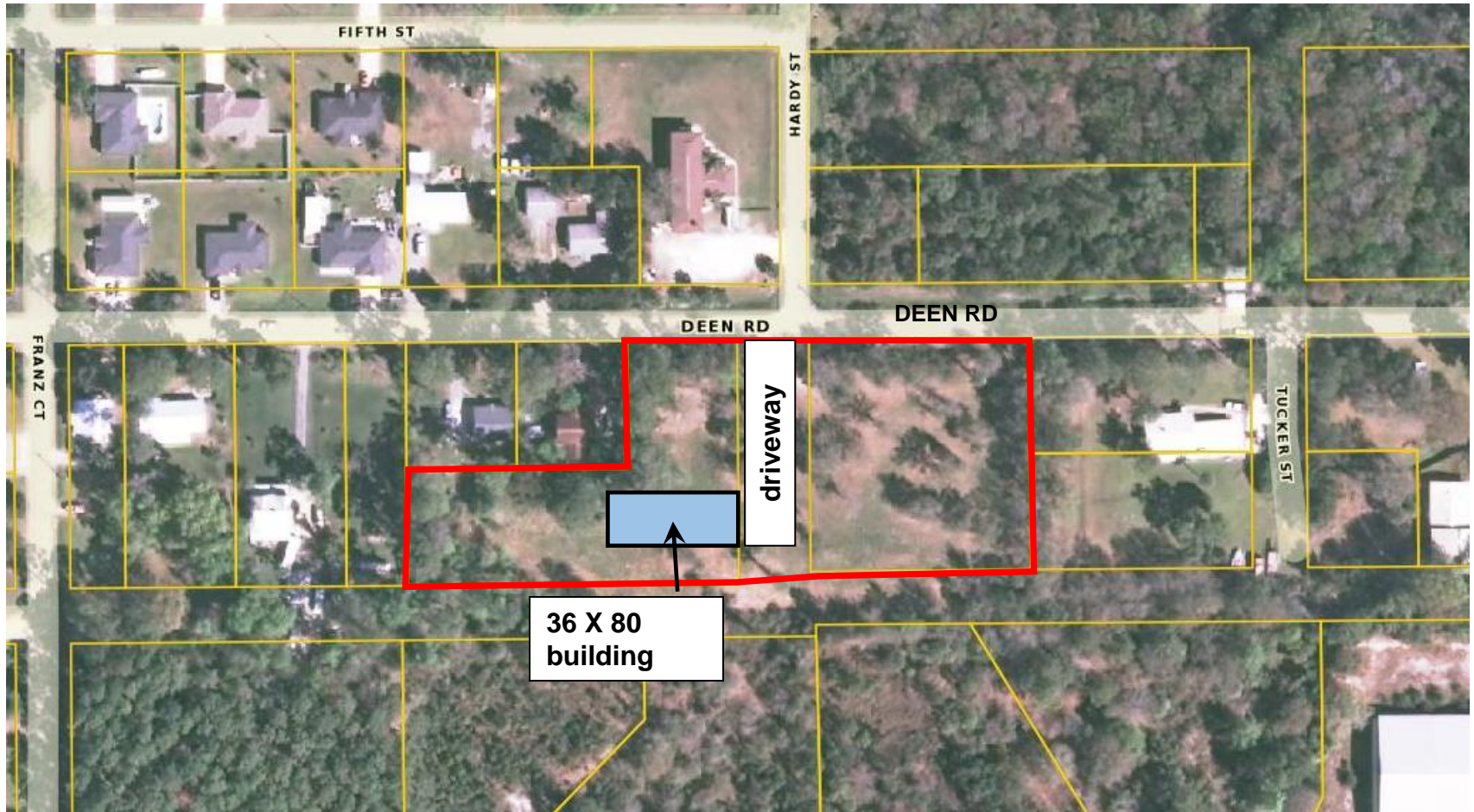
Location Map



Request to Vacate a Portion of Hardy St.- Location Map



Request to Vacate a Portion of Hardy St.- Concept Sketch





City of Bunnell, Florida

Agenda Item No. 6.

Document Date: 1/23/2017
Department: Community Development
Subject: Public Hearing Case Number 2017-04: Ordinance 2017-XX Changing the Future Land Use Designation on Approximately 1.92 Acres of Property from Bunnell Single Family Low Density and Single Family Medium Density to Bunnell Industrial.
Property Address: Parcels: 15-12-30-5800-00010-0050 & 10-12-30-0850-01990-0000
Zoning Designation: R-1, Single Family Residential district
Future Land Use Designation: Single Family Low Density & Single Family Medium Density
Agenda Section: New Business

ATTACHMENTS:

Description	Type
Proposed Ordinance	Ordinance
Maps	Location Map(s)

Summary/Highlights:

This is a request to change the future land use designation of approximately 1.92 acres of property from Bunnell Single Family Low Density and Single Family Medium Density to Bunnell Industrial. This request would affect two unaddressed parcels of property.

Background:

The applicant, Stoney Jones, is the owner of approximately 1.92 acres of property within the City of Bunnell. The properties are two unaddressed parcels located at the intersection of Deen Road and Hardy Street. The parcels are currently separated by an unpaved section of Hardy Street.

The western parcel has a Bunnell Future Land Use designation of Single Family Low Density and Single Family Medium Density. The eastern parcel has a Bunnell Future Land Use designation of Single Family Low Density.

The applicant wishes to apply the Future Land Use designation of Industrial to these properties. If approved, the applicant would like to develop the property into a commercial site which would do farm tractor, semi-truck and commercial truck repairs.

Immediately to the north, east and west of these properties are established residential lots. The City's 2030 Comprehensive Plan intends for the majority of Deen Road to be a residential area. Applying an industrial land use to these specific properties would change the character of the street and affect the adjacent properties. For these reasons, staff cannot recommend approval of this request.

While not required by City Code, staff did notify property owners within 100 feet of these properties of this request.

The applicant can further explain this request to the Board.

Staff Recommendation:

Deny of the request to change the future land use designations on these properties and Ordinance 2017-XX Changing the Future Land Use Designation on Approximately 1.9 Acres of Property from Bunnell Single Family Low Density and Single Family Medium Density to Bunnell Industrial.

City Attorney Review:

ORDINANCE 2017-XX

AN ORDINANCE OF THE CITY OF BUNNELL, FLORIDA AMENDING THE *CITY OF BUNNELL COMPREHENSIVE PLAN*, AS PREVIOUSLY AMENDED; PROVIDING FOR AMENDMENT OF THE FUTURE LAND USE MAP OF THE FUTURE LAND USE ELEMENT OF THE *CITY OF BUNNELL COMPREHENSIVE PLAN* RELATIVE TO CERTAIN REAL PROPERTY CONTAINING APPROXIMATELY 1.92 ACRES AND DESCRIBED IN THIS ORDINANCE TO AN INDUSTRIAL FUTURE LAND USE 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 located at the southern intersection of Hardy Street and Deen Road in the City of Bunnell; and

WHEREAS, the owner of the property, Stoney Jones, has requested this change to the future land use; and

WHEREAS, the City of Bunnell has not had any small scale land use amendments since May 9, 2016 and has not submitted any small scale land use amendments to the Department of Economic Opportunity since May 12, 2016; and

WHEREAS, the City of Bunnell's Planning, Zoning and Appeals Board, as the City's local planning agency, held a public hearing on February 21, 2017 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 *2030 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 *2030 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 *2030 Comprehensive Plan* and the City's Future Land Use Map are hereby amended by assigning the Industrial 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: TUCKER ESTATES SUB BL-1 LOTS 5 TO 12 INCL OR 627 PG 944 OR 920 PG 1591-CD OR 920 PG 1592 OR 961 PG 781- JENNINGS TRUST OR 1172/628 OR 1697/937

ADDRESS: unaddressed parcel in the City of Bunnell

TAX PARCEL IDENTIFICATION NUMBER: 15-12-30-5800-00010-0050

AND

LEGAL DESCRIPTION: TOWN OF BUNNELL LOTS 1,2,3,4,13,14,15,16 BLOCK 199 OR 627 PG 944 OR 920 PG 1592 OR 961 PG 781- JENNINGS TRUST OR 1172/628 OR 1697/937

ADDRESS: unaddressed parcel in the City of Bunnell

TAX PARCEL IDENTIFICATION NUMBER: 10-12-30-0850-01990-0000

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 *2030 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 *2030 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 _____ 2017.

Second Reading: adopted on this _____ day _____ 2017.

CITY COMMISSION, City of Bunnell, Florida.

By: _____
Catherine D. Robinson, Mayor

Approved for form and content by:

Wade Vose, City Attorney
Attest:

Sandra Bolser, City Clerk

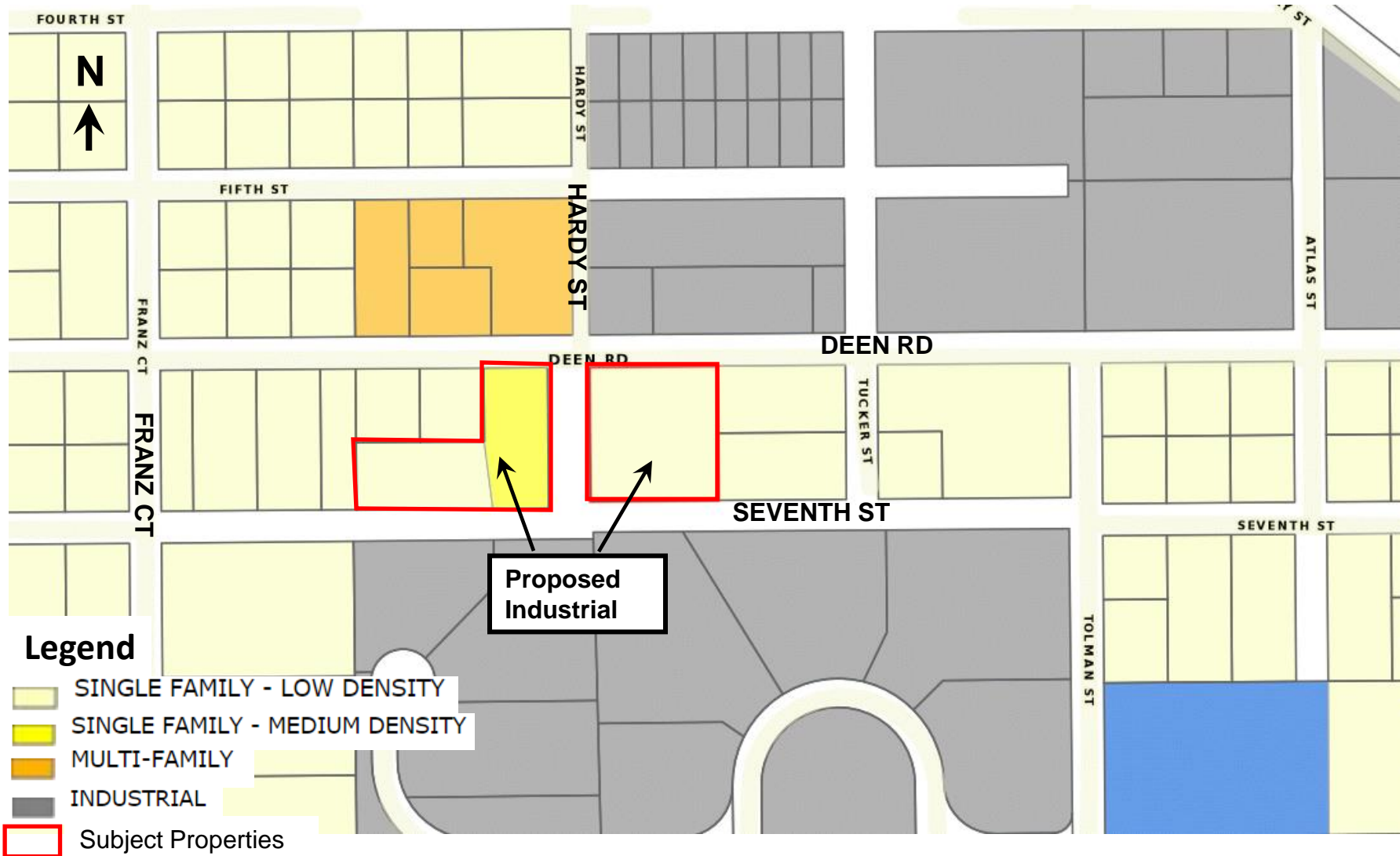
Seal:

EXHIBIT A

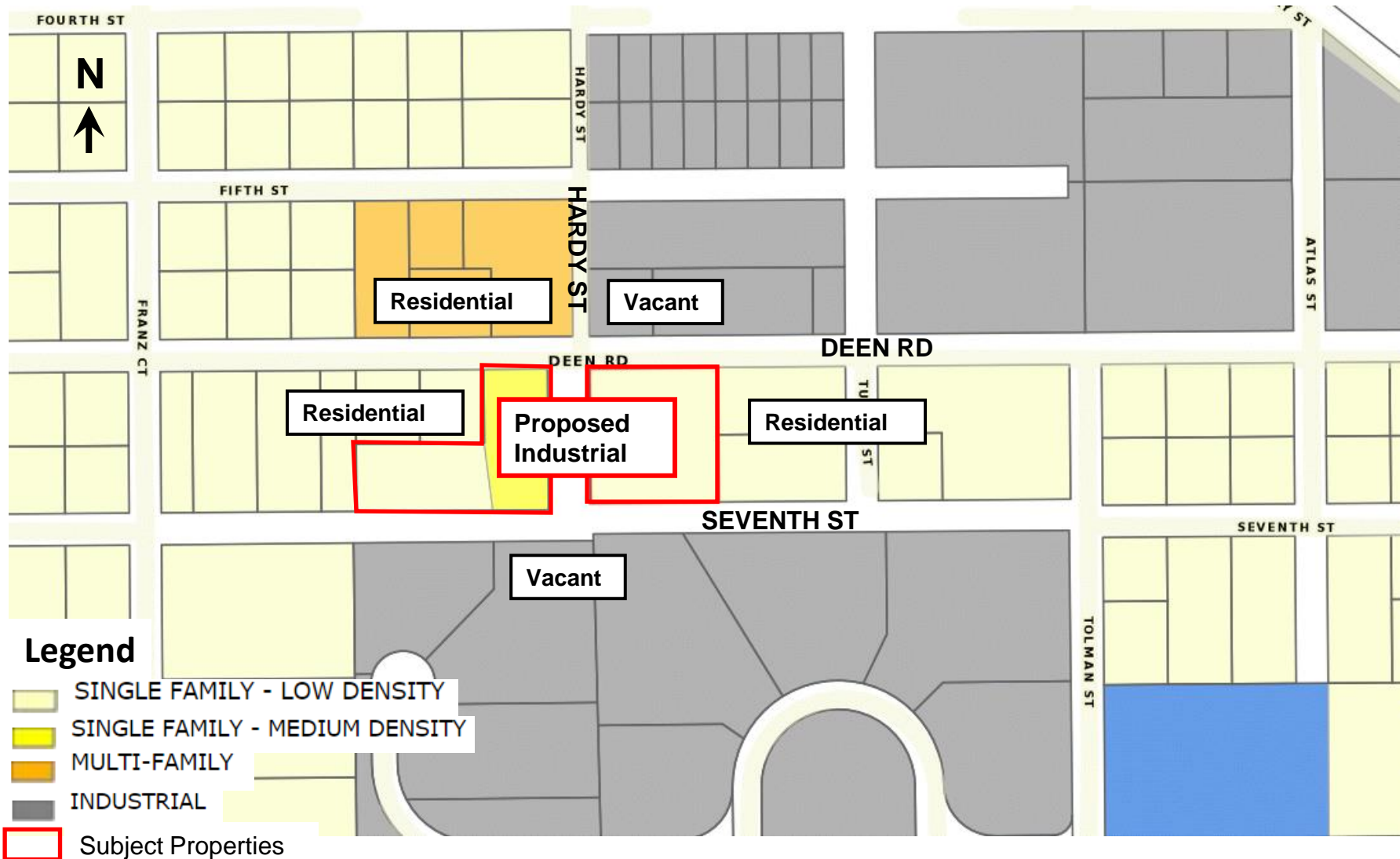
Location Map



Jones FLUM Change Request on Deen Rd.- Adjacent Land Use Map



Jones FLUM Change Request on Deen Rd.- Existing Land Use Map





City of Bunnell, Florida

Agenda Item No. 7.

Document Date: 1/26/2017
Department: Community Development
Subject: Public Hearing Case Number 2017-05: Ordinance 2017-XX Changing the Zoning Designation of Approximately 1.92 Acres of Property from City of Bunnell R-1, Single Family Residential district to City of Bunnell L-1, Light Industrial district.
Property Address: Parcels: 15-12-30-5800-00010-0050 & 10-12-30-0850-01990-0000
Zoning Designation: R-1, Single Family Residential district
Future Land Use Designation: Single Family Low Density & Single Family Medium Density
Agenda Section: New Business

ATTACHMENTS:

Description	Type
Proposed Ordinance	Ordinance
Adjacent Zoning Map	Location Map(s)

Summary/Highlights:

This is a request to change the zoning designation of approximately 1.92 acres of property from R-1, Single Family Residential to L-1, Light Industrial. This is a companion item to the request to change the future land use designation for the same properties found elsewhere on this agenda.

Background:

The applicant, Stoney Jones, is the owner of approximately 1.92 acres of property within the City of Bunnell. The property is two unaddressed parcels located on Deen Road. Both parcels are vacant.

The applicant wishes to apply the zoning designation of City of Bunnell L-1, Light Industrial district to both of these properties. He plans to develop the property for a commercial use which would include repairing tractors, semi-trucks and other commercial trucks/vehicles.

The developed properties immediately to the west, north and east of these properties are used for residential purposes. The adjacent properties which already carry the L-1, Light Industrial district classification are located in the Palm Industrial Park. Palm Industrial Park is separated from these residential zoned properties by a portion of Seventh Street that is currently undeveloped. This undeveloped portion of Seventh Street is currently acting as a buffer between the residential district and the industrial district. The City does not have plans to pave this portion of Seventh Street at this time or in the near future.

Changing the zoning designation of these properties and allowing the proposed use would cause a negative impact on the established residential properties in this area. Staff does not support or recommend approval of this request.

The applicant can explain his request further.

Staff Recommendation:

Denial of the request to change the zoning designation and Ordinance 2017-XX Changing the Zoning Designation of Approximately 1.92 Acres of Property from City of Bunnell R-1, Single Family Residential district to City of Bunnell L-1, Light Industrial district.

City Attorney Review:

ORDINANCE 2017-XX

AN ORDINANCE OF THE CITY OF BUNNELL, FLORIDA PROVIDING FOR THE REZONING OF REAL PROPERTY TOTALING APPROXIMATELY 1.92 ACRES IN SIZE AND UNADDRESSED WITHIN THE BUNNELL CITY LIMITS FROM CITY OF BUNNELL R-1, SINGLE FAMILY RESIDENTIAL DISTRICT TO CITY OF BUNNELL L-1, LIGHT INDUSTRIAL 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, Stoney Jones, the owner of certain real property, which land totals approximately 1.92 acres in size, unaddressed and is assigned Tax Parcel Identification Numbers 15-12-30-5800-00010-0050 and 10-12-30-0850-01990-0000 by the Property Appraiser of Flagler County; and

WHEREAS, Stoney Jones 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 City of Bunnell L-1, Light Industrial district (“L-1”) zoning classification from the existing City of Bunnell R-1, Single Family Residential district (“R-1”) 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 February 21, 2017 the Planning, Zoning and Appeals Board of the City of Bunnell recommended that the City Commission approve the subject rezoning as set forth in this Ordinance; 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 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 rezoning of the subject property as well as the recitals (whereas clauses) to this Ordinance.
- (b) The subject property, which is approximately 1.92 acres in size, is located on Deen Road and is currently unaddressed.
- (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 approximately 1.92 acres in size, shall be rezoned from the existing City of Bunnell R-1, Single Family Residential district (“R-1”) zoning classification to the City of Bunnell L-1, Light Industrial district (“L-1”) zoning classification:

LEGAL DESCRIPTION: TUCKER ESTATES SUB BL-1 LOTS 5TO 12 INCL
OR 627 PG 944 OR 920 PG 1591-CD OR 920 PG 1592 OR 961 PG 781-
JENNINGS TRUST OR 1172/628 OR 1697/937

ADDRESS: unaddressed parcel in the City of Bunnell

TAX PARCEL IDENTIFICATION NUMBER: 15-12-30-5800-00010-0050

AND

LEGAL DESCRIPTION: TOWN OF BUNNELL LOTS 1,2,3,4,13,14,15,16
BLOCK 199 OR 627 PG 944 OR 920 PG 1592 OR 961 PG 781- JENNINGS
TRUST OR 1172/628 OR 1697/937

ADDRESS: unaddressed parcel in the City of Bunnell

TAX PARCEL IDENTIFICATION NUMBER: 10-12-30-0850-01990-0000

- (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 immediately upon enactment.

First Reading: on this _____ day of _____ 2017.

Second/Final Reading: adopted on this _____ day of _____ 2017.

CITY COMMISSION, City of Bunnell, Florida.

By: _____
Catherine D. Robinson, Mayor

Approved for form and content by:

Wade Vose, City Attorney

Attest:

Sandra Bolser, City Clerk

Seal:

Exhibit “A”

Location Map



Jones Zoning Change Request on Deen Rd.- Adjacent Zoning Map

