

*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, May 16, 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 04 18 Planning, Zoning and Appeals Board Minutes

### **New Business:**

- 4.** Public Hearing Case Number 2017-11 Variance Request to reduce the front setback at 1208 Sherman St.
- 5.** Public Hearing Case Number 2017-12: 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 Single Family Medium Density.
- 6.** Public Hearing Case Number 2017-13: 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 R-2, Multiple-Family Residential district.
- 7.** Public Hearing Case Number 2017-14: Ordinance 2017-XX Request to Vacate a Portion of Hardy St.
- 8.** Public Hearing Case Number 2017-15: Ordinance 2017-XX Amending the Land Development Code Section 2-87 Hearing Notification Requirements.

### **Old Business: None**

### **9. Public Comment**

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

### **10. Board comment**

### **11. 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

Colony Park petition

Type

Minutes

Exhibit



*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, April 18, 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; Jerry Jones; Randy Morris; Jan Reeger; Howard Kane (alternate)  
**Excused:**  
**Not Present:**  
**Non-Voting:** Charlie Cino; Kristen Bates
  - 2. Disclosure of Ex-Parte communications.**  
Randy Morris and Shannon Strickland stated they had been contacted regarding agenda item 5. Board Attorney Charlie Cino confirmed both would decide the matter based on what is stated in the meeting and not just the comments or concerns voiced to them prior to the meeting.
  - 3. Approval of Minutes**  
2017 03 21 Planning, Zoning and Appeals Board minutes.  
**Motion:** Approve the minutes of the March 21, 2017 meeting.  
**Moved By:** Shannon Strickland  
**Second By:** Randy Morris  
**Vote:** Motion carried by unanimous vote.
- New Business:**
- 4. Public Hearing Case Number 2017-08: Variance Request to reduce the rear and side setback from 10 feet to 1 foot at 303 N. Anderson St.**  
This item was introduced by Acting Community Development Director Kristen Bates. The applicant requested permission to reduce the rear and side setback on their property from 10 feet to 1 foot. They would like to install a new shed on the property. The existing shed is ½ a foot from the rear and side property lines.  
  
The applicants, Thomas & Debbie MacNamara, were present to answer questions.  
  
Randy Morris questioned if the adjacent property owner, Faye Massey, was notified. Staff confirmed that all property owners within 300 feet of this property as identified

by the Flagler County Property Appraiser website were notified by letter and an advertisement was run in the News Tribune. Mrs. MacNamara informed the Board she has talked with Faye Massey and she has not objected to this request. Staff also confirmed no objections have been registered with the City regarding the request. There was discussion by the Board about visibility of the proposed shed to adjacent properties.

Public Comment: None

**Motion:** Approve the variance request to reduce the rear and side setback from 10 feet to 1 foot.

**Moved By:** Shannon Strickland

**Second By:** Randy Morris

**Vote:** Motion carried by unanimous vote.

5. Public Hearing Case Number 2017-09: Special Exception Request to allow a church to operate on property on E. Woodland St. in the R-1, Single Family Residential zoning district.

This item was introduced by Acting Community Development Director Kristen Bates. The applicant, Slavic Baptist Church of Palm Coast, requested permission to build and operate a church in the R-1, Single Family Residential zoning district. This use is permitted by the Land Development code with permission from the Planning Board. Staff received a petition (attached) just prior to the start of the meeting objecting to the proposed development.

Auatoly Bystrov and Yuriy Kulev, from the Slavic Baptist Church of Palm Coast, were present to answer questions. The applicants explained their request. Their church has been renting space from other churches in Bunnell and would like to build their own location. They currently have a congregation of 120. Services are held Sunday morning and Sunday afternoon, Wednesday night and choir practice is held on Friday nights. They do offer a food pantry, but no other community services.

Randy Morris voices the following concerns about the proposed location of the church:

1. Most the property is wet or swampy, making development expensive and difficult;
2. The traffic in this neighborhood is already a problem and this use would increase the problems;
3. The intersection of E. Woodland St. and SR West is already dangerous;
4. There are children in the neighborhood and this use would increase the traffic in the area which could affect the safety of the children living in this area;
5. The ability of the City to meet the water and sewer needs for this type of facility without affecting the water pressure to the neighborhood.

There was discussion by the Board about how many homes would be permitted if developed for residential use occurred. Given the density requirements and the size of the property, 60 single family homes could be built and single family homes do not go through the site plan review process. Jan Reeger and Shannon Strickland pointed out the possible impact of 60 new homes may have a greater impact to the neighborhood than the requested use.

Public Comment:

Joy Allen- Stated she is opposed to the proposed project. She is concerned over the locations of the 2 access points along E. Woodland St. and requested access to the property come from the City's undeveloped street from N. State St. She also requested, if allowed, the project be surrounded by a natural woodland buffer.

Larry White- Appreciated the concerns raised by the Board. He believes the applicants have not been provided all the details about how difficult it may be to develop this property because of the type of soil, the possible flood zone designation and how wet the property is.

Frank Germack- Confirmed this property does assist with the drainage from Saw Mill Estates and if developed, that water would have nowhere to go.

Marsha Zeller- Stated she is concerned about the possibility of increased traffic, flooding the project would cause and environmental matters. She is also concerned how this project would affect the Halloween in Colony Park event which has grown over the years.

There was additional Board discussion regarding the ability to access the property from N. State St, the need for a traffic analysis, the need for information about the level of service ratings from the Florida Department of Transportation regarding the intersection of E. Woodland St. and SR 11 West, the level of service E. Woodland St. can provide without improvements, the flood zone rating of the property, the soil make-up of the property and whether the St. Johns Water Management District would permit the development of the property.

**Motion:** Continue the matter to the next scheduled meeting to allow the applicant to provide additional information.

**Moved By:** Shannon Strickland

**Second By:** Jan Reeger

**Vote:** Motion carried by unanimous vote.

6. Public Hearing Case Number 2017-10: Ordinance 2017-XX Amending the Capital Improvements Element of the Comprehensive Plan.  
This item was introduced by Acting Community Development Director Kristen Bates. This is the annual update for the Capital Improvements Element of the City's Comprehensive Plan. This schedule includes construction projects or studies for construction projects costing more than \$10,000.00. It does not include what the City would be doing for regular maintenance of infrastructure.

There was discussion by the Board about the schedule.

Public Comment:

None

**Motion:** Approve Ordinance 2017-XX Amending the Capital Improvements Element of the Comprehensive Plan.

**Moved By:** Jan Reeger

**Second By:** Shannon Strickland

**Vote:** Motion carried by unanimous vote.

**Old Business: None**

**7. Public Comment**

None.

**8. Board comment**

Jerry Jones advised he will not be at the next meeting.

The Board commented on the difference between the comments and attitude of the audience present at the meeting tonight and the one last month.

Staff advised interviews were held for the new Community Development Coordinator. The new staff member may be at the next meeting.

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

**Motion:** Adjourn.

**Moved By:** Jan Reeger

**Second By:** Jerry Jones

**Vote:** Motion carried by unanimous vote.

---

Thea Mathen, Chair

IT CAME TO OUR ATTENTION THAT THERE IS A POSSIBLY A CHURCH THAT WILL BE BUILT ON THE NORTH SIDE OF WOODLAND AVE ACROSS FROM N ANDERSON ST. THOSE OF US ARE CONCERNED ABOUT THE TRAFFIC, [REDACTED] AND PROPERTY VALUES FALLING. THERE WILL BE A MEETING AT CITY HALL 04/18/2017 FOR MORE INFORMATION. THOSE OF YOU WHO ARE AGAINST THIS HAPPENING PLEASE COME TO THE MEETING OR SIGN THIS PETITION.

CONCERNED CITIZENS OF COLONY

PARK

just & slawthy [unclear] 805 N. Anderson St.

Marsha Deller, 812 N. Anderson St, Beemell IL 4/12/17

Don Brolok 811 N. ANDERSON ST 4/12/17

Jan M. Abner 808 N. Anderson St 4/12/17

Paula [unclear] 808 N. Anderson St 4/12/17

Elaine McClure 806 N. Anderson St 4/12/17

Hymn W. Edmonson 807 N. Anderson St. 4/12/17

Chris Duff 800 N. Anderson St 4-12-17

Gregory [unclear] 800 N. Anderson 4-12-17

Paula [unclear] 703 N. ANDERSON 4-12-17

Debra Hyatt 602 Holden Ave 4-12-17

James E. [unclear] 602 Holden Ave 4-12-17

Howard Allen 703 N. [unclear] 4-12-17



Name	address	date
Lois S. Higginbotham	804 N. Anderson St.	4-13-11
Angie New	705 N. Bacher St.	4/13/11
Lisa Wolfe	800 N Bacher St	4/13/11
Jeremy Froeber	701 E woodland Ave	4/13/11
Lisa Motti	701 E. Woodland Burell	4/13/11
Wena Smith	807 N. Bacher St.	4/13/11
Carey Smith	807 N. Bacher St	4/13/11
Debra Stadte	904 N. Bacher	4/13/11
Ruby J. Rosen	908 N BACHER	4/13/11
Kenneth R.	712 N. Chapel.	4/13/11
Ken Kubler	711 N Chapel.	4/13/11
Harold Zabelke	706 N. CHAPEL	4-15-17
Valerie Shea-Zabelke	706 N Chapel St	4-15-17
Cheryl S. Chubbs	701 N. CHAPEL ST	4-15-17
Shirley Chamber	701 N. Chapel St	4-15-17
Debra Jones	702 E Woodland	4-16
David W Jones	702 E Woodland	4-16

Lillian P Allen 703 N Baker 4-12-17

~~REDACTED~~



## City of Bunnell, Florida

### Agenda Item No. 4.

Document Date: 4/19/2017  
Department: Community Development  
Subject: Public Hearing Case Number 2017-11 Variance Request to reduce the front setback at 1208 Sherman St.  
Property Address: 1208 Sherman St.  
Zoning Designation: R-1, Single Family Residential district  
Future Land Use Designation: Single Family Low Density  
Agenda Section: New Business:

#### ATTACHMENTS:

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

#### Summary/Highlights:

This is a request to reduce the front setback at 1208 Sherman St. from 25 feet to 4 feet.

#### Background:

The applicant, Doris Williams, has requested permission to reduce the front setback at her property located at 1208 Sherman St. from 25 feet to 4 feet to allow for the installation of a 20 foot by 21 foot carport.

From the Bunnell Land Development Code:

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

*(d) Area regulations. Area regulations within the R-1 Single-family residential district shall be as follows:*

*(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.*

**Staff Recommendation:**

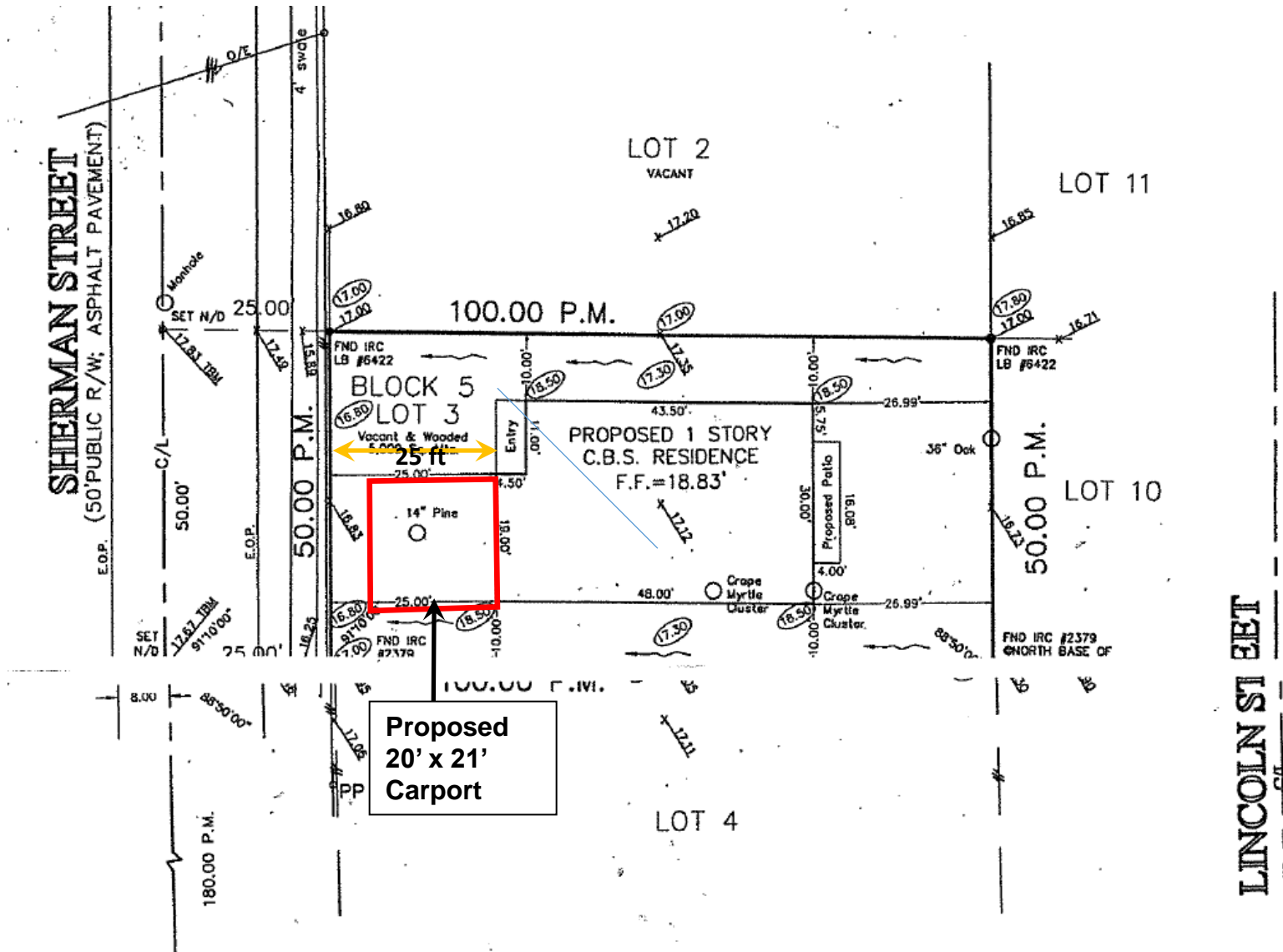
Approval of the variance request contingent on the applicant demonstrating she meets the requirements for the granting of a variance as required by the Land Development Code.

**City Attorney Review:**

# 1208 Sherman St. Variance Request- Location Map



SHERMAN STREET





## City of Bunnell, Florida

### Agenda Item No. 5.

Document Date: 4/25/2017  
Department: Community Development  
Subject: Public Hearing Case Number 2017-12: 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 Single Family Medium Density.  
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 Land Use Map	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 just the single designation of Bunnell Single Family Medium Density. This request would affect two unaddressed parcels of property.

#### Background:

The applicant, Manuel Madaleno, is the new 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 Single Family Medium Density to all portions of these properties. If approved, the applicant would like to develop the properties by building duplexes.

This request is consistent with the City's Comprehensive Plan and vision for Deen Road to be a residential area.

The applicant can further explain this request to the Board.

**Staff Recommendation:**

Approval of 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 Single Family Medium Density.

**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 A SINGLE FAMILY- MEDIUM DENSITY 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, Manuel Madaleno, 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 May 16, 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 Single Family- Medium Density land use designation to the real properties which are the subject of this Ordinance as set forth herein.
- (b) The properties which are the subject of this Comprehensive Plan amendment are 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

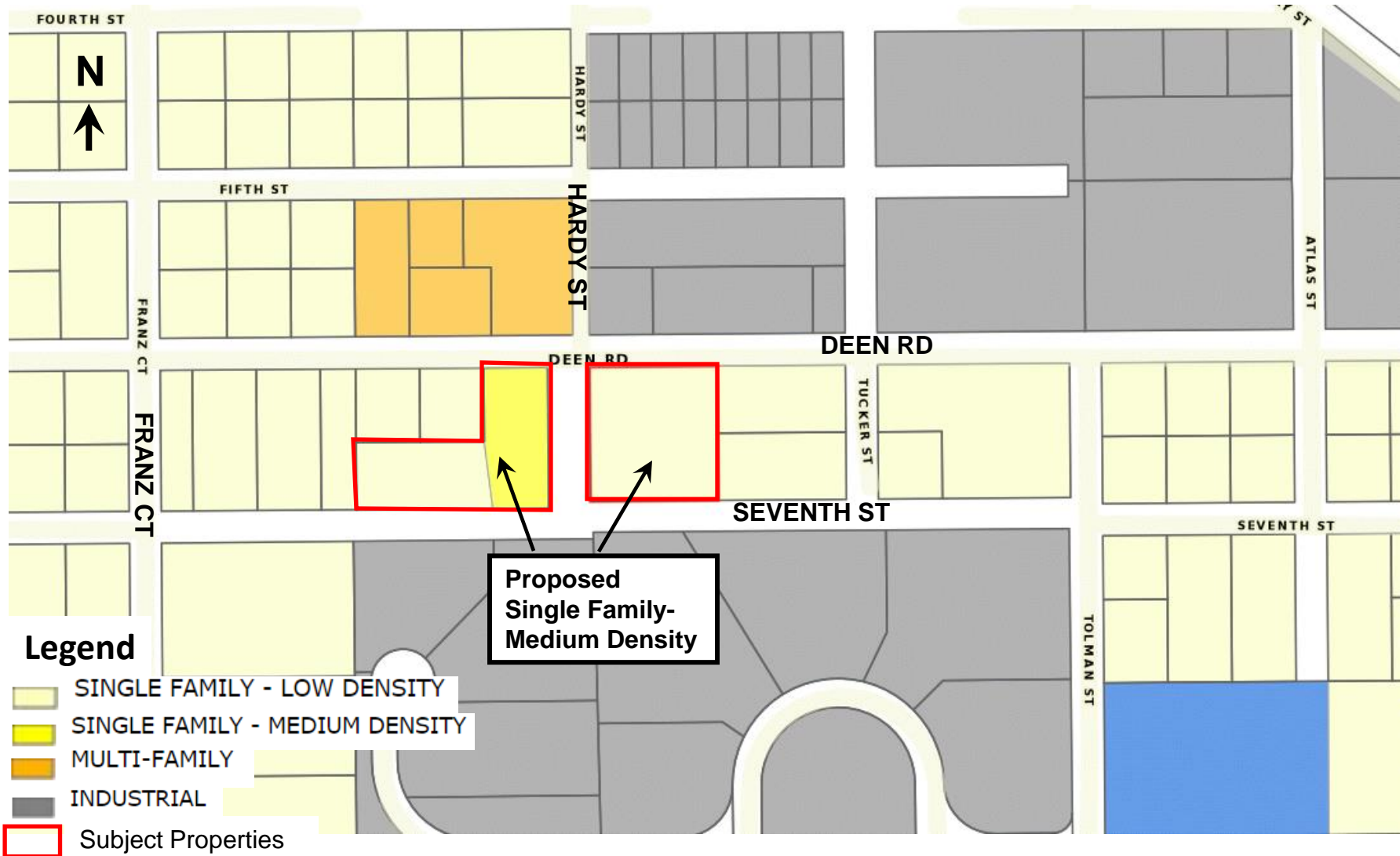
Seal:

## EXHIBIT A

### Location Map



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





## City of Bunnell, Florida

### Agenda Item No. 6.

Document Date: 4/25/2017  
Department: Community Development  
Subject: Public Hearing Case Number 2017-13: 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 R-2, Multiple-Family Residential 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 R-2, Multiple Family Residential. 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, Manuel Madaleno, is the new owner of approximately 1.92 acres of property within the City of Bunnell. The subject 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 R-2, Multiple-Family Residential district to both of these properties. He plans to develop the property for residential use by building duplexes on the properties.

This request is consistent with the City's Comprehensive Plan and the City's vision for Deen Road to be a mostly residential street.

The applicant can explain his request further.

#### Staff Recommendation:

Approval of 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 R-2, Multiple-Family

Residential 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 R-2, 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**, Manuel Madaleno, 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**, Manuel Madaleno 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 R-2, Multiple Family Residential district (“R-2”) 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 May 16, 2017 the Planning, Zoning and Appeals Board of the City of Bunnell reviewed this request and recommended 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 R-2, Multiple-Family Residential district (“R-2”) 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

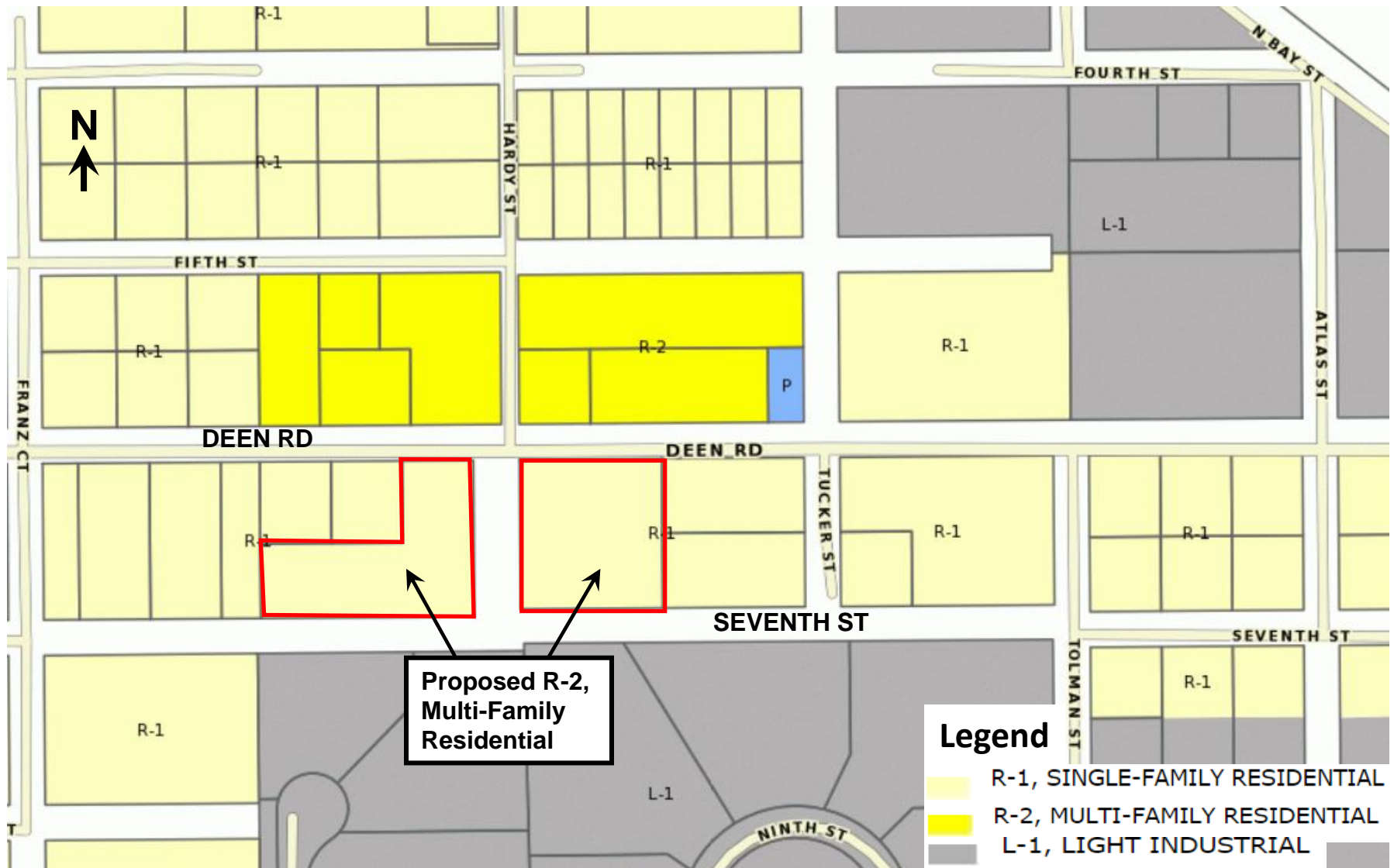
Seal:

## Exhibit “A”

### Location Map



# Madaleno Zoning Change Request on Deen Rd.- Adjacent Zoning Map





## City of Bunnell, Florida

### Agenda Item No. 7.

Document Date: 4/26/2017  
Department: Community Development  
Subject: Public Hearing Case Number 2017-14: 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	Concept Sketch

#### Summary/Highlights:

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

#### Background:

The applicant, Manuel Madaleno, 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. Madaleno recently purchased the parcels immediately to the east and west of this undeveloped 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.

If vacated, half of the right-of-way (25 feet) would be added to each of the adjacent properties. Mr. Madaleno would use this right-of-way in the development of the adjacent parcels. He would like to build duplexes on these properties.

The Planning Board heard a request to vacate this right-of-way from the previous property owner at its February 21, 2017 meeting and recommended approval of the request. However, the Commission did not adopt the Ordinance which would have vacated this right-of-way. The original proposed ordinance died for lack of a second at the March 13, 2017 Commission meeting.

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**, Manuel Madaleno 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 May 16, 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

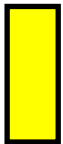
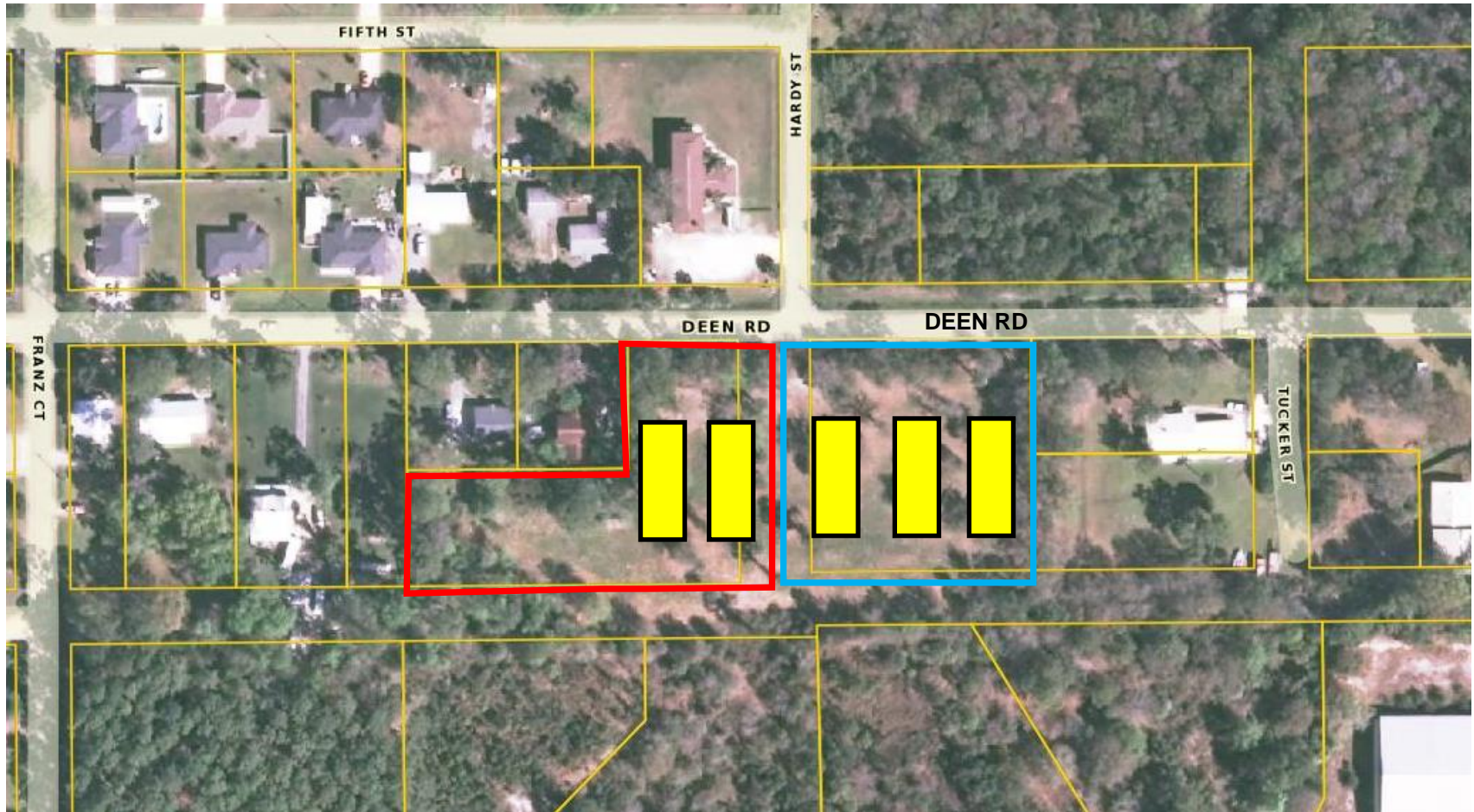


# Request to Vacate a Portion of Hardy St.- Location Map





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



= Proposed Duplex



## City of Bunnell, Florida

### Agenda Item No. 8.

Document Date: 4/24/2017  
Department: Community Development  
Subject: Public Hearing Case Number 2017-15: Ordinance 2017-XX Amending the Land Development Code Section 2-87 Hearing Notification Requirements.  
Property Address: N/A  
Zoning Designation: N/A  
Future Land Use Designation: N/A  
Agenda Section: New Business:

#### ATTACHMENTS:

Description	Type
Proposed Ordinance	Ordinance

#### Summary/Highlights:

This is a request to amend the Bunnell Land Development Code Section 2-87 Hearing notification requirements.

#### Background:

In 2012, this section of the Land Development Code was amended to require the following:

1. Newspaper advertisements for special exception requests and variance requests in a paper with general circulation.
2. Mailing hearing notification letters to all property owners within 300 feet of the affected property as documented on the Flagler County Property Appraiser website.

It has come to the City's attention that mailing hearing notification letters to all property owners within 300 feet of the subject property may also include notification to property owners in other jurisdictions. The property owners in adjacent jurisdictions do not vote in Bunnell and do not pay any property taxes in Bunnell.

The proposed amendment would require hearing notification letters be mailed only to adjacent property owners of properties within 300 feet of the subject property as documented by the Flagler County Property Appraiser website if the adjacent property is under City of Bunnell jurisdiction.

All City agendas are posted on the City website. Interested parties living in adjacent jurisdictions would still be able to obtain information about development in Bunnell by checking the City's website and reviewing the agendas and supporting documentation for items on posted agendas.

**Staff Recommendation:**

Approval of Ordinance 2017-XX Amending the Land Development Code Section 2-87 Hearing Notification Requirements.

**City Attorney Review:**

## **ORDINANCE 2017-XX**

### **AN ORDINANCE OF THE CITY OF BUNNELL, FLORIDA AMENDING THE BUNNELL LAND DEVELOPMENT CODE SECTION 2-87 HEARING NOTIFICATION REQUIREMENTS; PROVIDING FOR CONFLICTING PROVISIONS, SEVERABILITY AND APPLICABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Bunnell Land Development Code provides for procedures for the notification and advertisement of public hearings for the Planning Board; and

**WHEREAS**, said procedures are in need of revision; and

**WHEREAS**, Section 163.3174(4)(c), Florida Statutes, requires the local planning agency to review proposed land development regulations and amendments, and make recommendations to the governing body as to the consistency of the proposal with the adopted comprehensive plan, or element or portion thereof; and

**WHEREAS**, the Planning, Zoning and Appeals Board reviewed this Ordinance at its May 16, 2017 meeting and recommends adoption; and

**WHEREAS**, the City Commission of the City of Bunnell finds it is in the best interest and welfare of the citizens of the City to enact this Ordinance; and

**WHEREAS**, the City of Bunnell has complied with all requirements and procedures of Florida law in processing and advertising this Ordinance; and

**WHEREAS**, for purposes of this Ordinance, underlined type shall constitute additions to the original text, \*\*\* shall constitute ellipses to the original text and ~~striketrough~~ shall constitute deletions to the original text.

**NOW THEREFORE BE IT ORDAINED BY THE COMMISSION OF THE CITY OF BUNNELL, FLAGLER COUNTY, FLORIDA THAT:**

#### **Section 1.**

The Bunnell Land Development Code Section 2-87, is hereby amended as follows:

#### **Sec. 2-87. - Hearing notification requirements.**

(a) Notification and advertisement for comprehensive plan amendments, municipal annexations, municipal contractions, zoning changes and changes to the Land Development Code shall be made in accordance with Florida Statutes. In addition, notification shall be posted on the City of Bunnell website ten days in advance of the hearing.

(b) Variance notification and advertisement procedures are as follows:



(1) Notice of the planning board hearing date, time, and location shall be published once in a newspaper of general circulation not less than ten days in advance of the hearing. In addition, notification shall be posted on the City of Bunnell website ten days in advance of the hearing.

(2) Mail copy of the hearing date, time, and location shall be sent to ~~adjacent~~ property owners of adjacent properties within the City limits that are within 300 feet of the proposed variance request as documented by the property appraiser website. Notice shall be mailed out at least ten days prior to the hearing date.

(3) Failure of a property owner to appear during the public meeting to object or make comments on the request may preclude the ability of such person to contest the change at a later date.

(c) Special exception notification and advertisement procedures are as follows:

(1) Notice of the planning board hearing date, time, and location shall be published once in a newspaper of general circulation not less than ten days in advance of the hearing. In addition, notification shall be posted on the City of Bunnell website ten days in advance of the hearing.

(2) Mail copy of the hearing date, time, and location shall be sent to ~~adjacent~~ property owners of adjacent properties within the City limits that are within 300 feet of the proposed special exception request as documented by the property appraiser website. Notice shall be mailed out at least ten days prior to the hearing date.

~~(3)-a.~~ Failure of a property owner to appear during the public meeting to object or make comments on the request may preclude the ability of such person to contest the change at a later date.

(d) Vacation of public property notification and advertisement procedures are as follows:

(1) Notification and advertisement for the vacation of public property shall be made in accordance with the Bunnell Code of Ordinances section 54-1. In addition, notification shall be posted on the City of Bunnell website ten days in advance of the hearing.

Secs. 2-88—2-110. - Reserved.

## **Section 2. Implementing Administrative Actions.**

The City Manager, or designee, is hereby authorized and directed to implement the provisions of this Ordinance and to take any and all necessary administrative actions to include, but not be limited to, the adoption of administrative forms, policies, procedures, processes and rules.

## **Section 3. Codification.**

The provisions of this Ordinance, including its recitals, shall become and be made a part of the *Bunnell Land Development Code* and the Sections of this Ordinance may be re-numbered or re-lettered to accomplish such intention and the word "Ordinance", or similar words, may be changed to "Section," "Article", or other appropriate word; provided, however, that Sections 2, 3, 4, 5 and 6 shall not be codified. The Code codifier is granted liberal authority to codify the provisions of this Ordinance.

## **Section 4. Conflicts.**

All ordinances or parts thereof in conflict with this Ordinance are hereby repealed to the extent of such conflict.

**Section 5. Severability.**

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance, or application hereof, is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion or application shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

**Section 6. Effective Date.**

This Ordinance shall take effect immediately upon enactment.

First Reading: approved 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: