

City of Palm Coast, Florida

Agenda Item

Agenda Date: December 19, 2023

Department	COMMUNITY DEVELOPMENT	Amount
Division	PLANNING	Account #
Subject: REQUEST FOR REHEARING - CASCADES		
Presenter: Jose Papa, AICP, Senior Planner		
Attachments: 1. City Transmittal Request for Rehearing		
Background: This is a legislative item. On November 7, 2023, City Council took action on a Future Land Use Map Amendment and Zoning Map amendment for 375+/- acres of property along Seminole Woods Blvd. The property is commonly referred to as "The Cascades". Mr. Michael D. Chiumento III, as authorized agent for JTL Grand Landings Development, LLC (JTL) has filed a motion for rehearing regarding the agenda item(s). The Motion for Rehearing was sent, in a timely manner, by e-mail on November 17, 2023. Section 2.16(D) of the Land Development Code, states that the request for rehearing may be made by any person aggrieved by the City Council's decision and must be filed with the Land Use Administrator within 10 working days after rendition of the decision. Requests must include the grounds for a rehearing. The pertinent section of the Land Development Code is provided as follows: <i>D. Rehearing.</i> <i>1. If it is alleged that the Planning and Land Development Regulation Board or City Council, as the case may be, has overlooked or misapprehended some facts or points of law, a rehearing of any decision of the Planning and Land Development Regulation Board or City Council may be granted by the Planning and Land Development Regulation Board or City Council either on the motion of any member voting on the prevailing side, or on the motion of any person aggrieved by its decision. That motion shall be in writing, shall be filed with the Land Use Administrator within ten working days after rendition of the decision, and shall state its grounds.</i> <i>2. If the Planning and Land Development Regulation Board or City Council decide to grant a rehearing, the movant shall notify by certified mail or hand delivery upon the City Clerk and all abutting property owners previously notified of the hearing, together with a notice stating the date, time, and place it will be</i>		

orally presented to the Planning and Land Development Regulation Board or City Council.

3. The Planning and Land Development Regulation Board or City Council shall not rehear applications based upon the same facts or issues, but rather on new evidence not heard before or new law.

Mr. Chiumento has provided the attached 'new evidence' as the grounds for the request for a Motion of Rehearing.

**Recommended Action:
CITY COUNCIL TO CONSIDER**

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Vincent L. Sullivan
Diane A. Vidal
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November 17, 2023

City of Palm Coast
Attn: Denise Bevan, City Manager
Ray Tyner, Planning Director
160 Lake Avenue
Palm Coast, FL 32164

RE: Motion for Rehearing – JTL Grand Landings Development, LLC

Dear Ms. Bevan & Mr. Tyner:

I represent JTL Grand Landings Development, LLC (“JTL”). Over the past year, I have worked with City Staff in an effort to rezone a parcel of land (the “JTL Property”) owned by JTL. Since 2014, the City’s land use designation for the JTL Property has been Residential. On November 5, 2023, the City passed a Resolution changing that designation without notice to JTL or the required authorization from JTL. Based on this evidence, JTL’s property rights have been adversely affected. On behalf of JTL, and as the authorized agent, I respectfully request the City Council at its next business meeting vote to rehear this matter as provided in Section 2.16, City Land Development Code.

Thank you for your cooperation and should you need any additional information, please contact me. I will provide you with additional information in the near future.

Sincerely,

Michael D. Chiumento III, Esq.
Managing Partner
MDC/cm

cc: Neysa Borkert
Jose Papa
Jeff Douglas
David West