

**RESOLUTION 2019-88
SEVENTH AMENDMENT TO THE PALM COAST PARK
DEVELOPMENT OF REGIONAL IMPACT DEVELOPMENT ORDER**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM COAST, FLORIDA, APPROVING THE SEVENTH AMENDMENT TO THE PALM COAST PARK DEVELOPMENT OF REGIONAL IMPACT DEVELOPMENT ORDER TO CHANGE THE DESIGNATED USES ON TRACT 10B FROM PUBLIC/SEMIPUBLIC TO RESIDENTIAL AND TRACT 16 FROM BUSINESS/INSTITUTIONAL TO RESIDENTIAL; AND ALONG WITH HOUSEKEEPING CHANGES BASED ON PREVIOUSLY APPROVED AMENDMENTS TO THE DEVELOPMENT ORDER; AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO RECORD THE SEVENTH AMENDMENT TO THE PALM COAST PARK DRI DO IN AN APPROVED FORM; PROVIDING FOR EXECUTION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR IMPLEMENTING ACTIONS AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on December 7, 2004 the City Council of the City of Palm Coast approved the Palm Coast Park Development of Regional Impact Development Order (DRI DO) by means of the adoption of Resolution Number 2004-48, which Resolution and DRI DO were recorded at Official Records Book 1177, Page 1796 of the Public Records of Flagler County, Florida; and

WHEREAS, on February 15, 2005 the City Council of the City of Palm Coast approved the Notice of Clarification to provide notice to the effect that City Council was in agreement that the term "Mitigation Pipeline Amount" contained on lines 20 and 21 or Page 39 of the DRI DO means the same thing as, and is synonymous with, the term "Developer's Proportionate Share Contribution" to ensure that the DRI DO fully conforms with the requirements of State Law said action being taken by means of the adoption of Resolution Number 2005-03 as recorded at Official Records Book 1215, Page 1424 of the Public Records of Flagler County, Florida; and

WHEREAS, On July 17, 2007, the City Council adopted an Amended and Restated DRI DO (Resolution # 2007-05), to clarify that certain public uses are permitted in the DRI (fire stations, public schools), also clarifying that public schools are allowed anywhere in the DRI, and clarifying conditions for recreational facilities, the Amended and Restated DRI DO being duly recorded on July 23, 2007, in Official Records Book 1600, Page 49, of the Public Records of Flagler County Florida; and

WHEREAS, on October 4, 2011, the City Council adopted the 2nd Amended and Restated DRI DO (Resolution # 2011-93), an amendment incorporating changes to phasing dates, acreage of total development, acreage of common area, updating map exhibits, and certain conditions related to recreation, the 2nd Amended and Restated DRI DO being duly recorded on October 20, 2011, in Official Records Book 1838, Page 834, of the Public Records of Flagler County, Florida; and

WHEREAS, on September 5, 2017, City Council approved Resolution # 2017-100, the 3rd DRI Amendment to allow conversion of 94 acres of land designated for Business/Institutional uses to Residential use, the DRI-DO being duly recorded on January 16, 2018, in Official Records Book 2253, and Page 339; of the Public Records of Flagler County, Florida; and

WHEREAS, on January 16, 2018, City Council approved Resolution # 2018-07, an update to the 3rd DRI amendment (the fourth amendment) to relocate borrow/soil extraction activities to more appropriate locations within the DRI; and

WHEREAS, on October 16, 2018, City Council approved Resolution # 2018-140, the Fifth amendment to the Palm Coast Park DRI-DO to allow 1,000 additional residential units and add conditions related to impacts of the additional units, and amend the permitted land uses on certain tracts, and

WHEREAS, on March 5, 2019 the City Council approved Resolution # 2019-20, the sixth amendment to the Palm Coast Park DRI DO, which deletes an approximately 6 acre parcel from the DRI, and

WHEREAS, on September 17, 2019 the City Council authorized the Mayor to execute the Seventh Amendment to the Palm Coast Park DRI DO, amending the permitted uses on Tract 10B from Public/Semipublic to Residential and Tract 16 from Business/Institutional to Residential, along with housekeeping amendments based on previously approved amendments to the DO, and authorized the City Manager, or designee, to take other implementing actions relative to the implementation of this Resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PALM COAST, FLORIDA:

SECTION 1. FINDINGS OF THE CITY COUNCIL.

(a). The above recitals (whereas clauses) are hereby adopted as the findings of the City Council of the City of Palm Coast.

(b). The City Council of the City of Palm Coast hereby adopts and incorporates into this Resolution the City staff report and City Council agenda memorandum and packet relating to the application relating to the proposed 7th Amendment to the DRI DO. The exhibits to this Resolution are incorporated herein as if fully set forth herein verbatim.

(c). The City of Palm Coast has complied with all requirements and procedures of Florida law in processing and advertising this Resolution and the associated 7th Amendment to the DRI DO.

(d). This Resolution and the approval of the 7th Amendment to the Palm Coast Park DRI DO are consistent with the goals, objectives and policies of the *Comprehensive Plan of the City of Palm Coast*.

SECTION 2. APPROVAL OF 7TH AMENDMENT TO THE PALM COAST PARK

DRI DO. The City Council of the City of Palm Coast hereby approves the 7th Amendment to the Palm Coast Park DRI, which amends the permitted uses on Tract 10B from Public/Semipublic to Residential and Tract 16 from Business/Institutional to Residential, along with housekeeping amendments based on previously approved amendments to the DO, and authorizes the City Manager, or designee, to take other implementing actions relative to the implementation of this Resolution as set forth in Exhibit "A" to this Resolution.

SECTION 3. AUTHORIZATION TO EXECUTE. The 7th Amendment to the DRI DO shall be executed by the Mayor and the City Clerk, subsequent to execution by the DRI property owner(s) and subsequent to the document having been finalized and revised into a clear and recordable form. Upon full execution, the City Manager, or designee, shall cause the document to be recorded in the Official Records of Flagler County (Land Records) in accordance with the provisions of State Law at the expense of the DRI property owner(s).

SECTION 4. CONFLICTS. All resolutions or parts of resolutions in conflict with any of the provisions of this Resolution are hereby repealed.

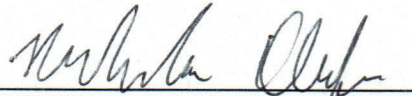
SECTION 5. SEVERABILITY. If any section, sentence, phrase, word or portion of this Resolution is determined to be invalid, unlawful or unconstitutional, said determination shall not be held to invalidate or impair the validity, force or effect of any other section, sentence phrase, word or portion of this Resolution not otherwise determined to be invalid, unlawful or unconstitutional.

SECTION 6. IMPLEMENTING ACTIONS. The City Manager or designee is hereby authorized to take any actions necessary to implement the action taken in this Resolution including the incorporation of the amendment into the existing Palm Coast Park DRI-DO.

SECTION 7. EFFECTIVE DATE. This Resolution shall become effective immediately upon adoption.


DULY PASSED AND ADOPTED by the City Council of the City of Palm Coast, Florida, on this the 17th day of September, 2019.

CITY OF PALM COAST, FLORIDA




NICK KLUFAS, VICE MAYOR

ATTEST:



VIRGINIA A. SMITH, CITY CLERK

Approved as to form and legality



William E. Reischmann, Jr., Esq.

Exhibit A. – 7th Amendment to the Palm Coast Park DRI-DO

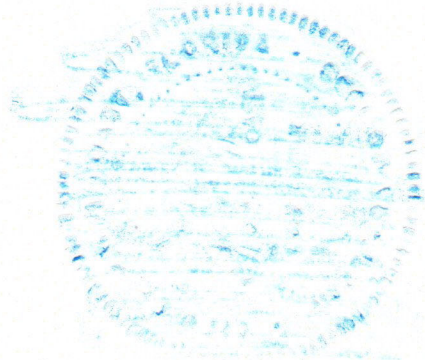


EXHIBIT A
Seventh Amendment to the Palm Coast Park DRI-DO