



City of Palm Coast

City Hall
160 Lake Avenue
Palm Coast, FL 32164
www.palmcoastgov.com

Meeting Minutes Planning & Land Development Regulation Board

Chair Michael Beebe
Vice Chair James Jones
Board Member Robert Cuff
Board Member Glenn Davis
Board Member Sybil Dodson-Lucas
Board Member Christopher Dolney
Board Member Ray Henderson
School Board Representative Chuck Nies

Wednesday, November 18, 2015

5:30 PM

City Hall Community Wing

RULES OF CONDUCT:

>Public comment will be allowed consistent with Senate Bill 50, codified at the laws of Florida, 2013 – 227, creating Section 286.0114, Fla. Stat. (with an effective date of October 1, 2013). The public will be given a reasonable opportunity to be heard on a proposition before the City's Planning & Land Development Regulation Board, subject to the exceptions provided in §286.0114(3), Fla. Stat.

>Public comment on issues on the agenda or public participation shall be limited to 3 minutes.

> All public comments shall be directed through the podium. All parties shall be respectful of other persons' ideas and opinions. Clapping, cheering, jeering, booing, catcalls, and other forms of disruptive behavior from the audience are not permitted.

>If any person decides to appeal a decision made by the Planning and Land Development Regulation Board with respect to any matter considered at such meeting or hearing, he/she may want a record of the proceedings, including all testimony and evidence upon which the appeal is to be based. To that end, such person will want to ensure that a verbatim record of the proceedings is made.

>If you wish to obtain more information regarding Planning and Land Development Regulation's Agenda, please contact the Community Development Department at 386-986-3736.

>In accordance with the Americans with Disabilities Act, persons needing assistance to participate in any of these proceedings should contact the City Clerk's Office at 386-986-3713 at least 48 hours prior to the meeting.

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>All pagers and cell phones are to remain OFF while the Planning and Land Development Regulation Board is in session.

A. Call to Order and Pledge of Allegiance

At 5:35PM Chair Beebe, called the meeting to order.

Present: 6 - Chair Beebe, Vice Chair Jones, Board Member Cuff, Board Member Davis, Board Member Dolney, and Board Member Henderson

Excused: 2 - Board Member Dodson-Lucas, and School Board Representative Nies

B. Roll Call and Determination of a Quorum

Present: 6 - Chair Beebe, Vice Chair Jones, Board Member Cuff, Board Member Davis, Board Member Dolney, and Board Member Henderson

Excused: 2 - Board Member Dodson-Lucas, and School Board Representative Nies

C. Approval of Meeting Minutes

1 [15-487](#) MEETING MINUTES OF THE OCTOBER 21, 2015 PLANNING AND LAND DEVELOPMENT REGULATION BOARD MEETING

Attachments: [MeetingMinutes PLDRB 10 21 15](#)

Approved as presented

Approved: 6 - Chair Beebe, Vice Chair Jones, Board Member Cuff, Board Member Davis, Board Member Dolney, and Board Member Henderson

Excused: 2 - Board Member Dodson-Lucas, and School Board Representative Nies

D. Public Hearings

Order of Business for Public Hearings (PLDRB may make inquiries at any stage):

Open Hearing

Staff Presentation

Applicant Presentation (if applicable)

PLDRB Questions of Applicant or City Staff (if applicable)

Public Comments/Presentations

Rebuttal by Applicant, City Staff, or Public (if applicable)

Close Hearing

PLDRB Discussion

PLDRB Action

- 2 [15-484](#) DETERMINATION FOR CONSISTENCY WITH THE COMPREHENSIVE PLAN OF A PROPOSED ORDINANCE ESTABLISHING A TEMPORARY MORATORIUM FOR 120 DAYS ON BOTTLE CLUB PERMITTING.

Attachments: [Bottle Club Letters for 11-18-15 PLDRB](#)
 [Bottle Club Resol. 11-17-15](#)
 [Ord 2015-XXXX - Bottle club Moratorium 11-11-15](#)

Mr. Ray Tyner, Planning Manager for the City of Palm Coast, addressed the PLDRB members on this agenda item. He also introduced Mr. Mark Harmon, liaison between the City of Palm Coast and the Flagler County Sheriff's Department, who addressed the PLDRB members on this agenda item.

Mr. Davis: Will this moratorium give the City time to come up with a way to keep these types of established from coming into the City?

ANS: Mr. Tyner: The moratorium gives the City Staff 120 days to work with our attorneys to come up with some regulations and to study the issue of bottle clubs. What the moratorium does is, let's say a bottle club wants to open up in Palm Coast, we would not accept any applications or provide any licensing or permits for that purpose until the 120 days is up. This is what the moratorium does, it puts a hold on any applications that are allowed to come in until we have time to study the issue.

Mr. Dolney: Does Flagler County have any similar ordinance proposed?

ANS: Mr. Tyner: We actually received direction from Mayor Netts when we were at the (City) council meeting yesterday, during the 120 moratorium for City Staff to work with local governments, (Flagler Beach, Flagler County and Bunnell).

Mr. William Hoover addressed the PLDRB regarding his research findings.

Mr. Dolney: Has there been an application submitted for this end use, as of this conversation?

ANS: Mr. Tyner: No.

Ms. Katie Reischmann, legal counsel to the PLDRB, addressed the PLDRB regarding the banning of bottle clubs at the County level.

Vice Chair Jones: Can we (City) actually ban them (bottle clubs)?

ANS: Ms. Reischmann: Yes.

Vice Chair Jones: Then they (bottle clubs) just change the way they do business and become some other category?

ANS: Ms. Reischmann: Yes, they could. The owner could change it into a bar.

Vice Chair Jones: They then would have to be licensed?

ANS: Ms. Reischmann: Right. Actually, bottle clubs are licensed by the State as well.

Vice Chair Jones: Oh, they are?

ANS: Ms. Reischmann: Yes, they just pay \$500.00.

Mr. Dolney: There is no required liquor license?

ANS: Ms. Reischmann: There is a requirement that they be licensed.

Mr. Dolney: But not a COP-3 (Consumption on Premises).

ANS: Ms. Reischmann: No, it is not a real alcohol license, just a requirement that they be licensed. The good news is if one was to ignore this moratorium and open up then they would not be given the State license. And therefore, the State might go after them for ignoring State law. So once this is in place we will have that additional safeguard.

Vice Chair Jones: The study that will be done during the 120 days, will be done by whom?

ANS: Mr. Tyner: It will be done by Planning Staff working with our City attorneys.

Vice Chair Jones: And the Flagler County Sheriff's Department?

ANS: Mr. Tyner: Yes, and the County's Sheriff's Department.

Mr. Henderson: Under our land use housing element, doesn't it say something about protecting the people who live there?

ANS: Vice Chair Jones: Yeah, protect residential areas from inappropriate land uses.

Mr. Henderson: Isn't this one of the areas that you could look at to prevent one of these (bottle clubs).

ANS: Mr. Tyner: Great point, Mr. Henderson. That is why we believe having the moratorium and the ordinance we drafted is consistent with our Comprehensive Plan.

Mr. Henderson: They haven't submitted an application yet? What happens if they submit an application during the moratorium?

ANS: Mr. Tyner: We would not accept it (the application). That is what the moratorium does. The moratorium has already been enacted by the City Council's action of a zoning in progress. So if one (application) came in yesterday or today to zoning, we would not accept it.

Ms. Reischmann addressed the PLDRB members with the effect of and the timing of a moratorium.

Mr. Henderson: What is the likelihood of us being able to abort this attempt of this type of business getting into Palm Coast?

ANS: Ms. Reischmann: We followed the current case law to the letter as far as to prevent someone from being able to claim that they are governed by the rules in place prior to the Council's action yesterday. So to the extend the rules don't change, we should be able to apply the new rules to the new applicant.

Mr. Harmon addressed the PLDRB regarding preventing bottle clubs from getting into the City of Palm Coast. Mr. Harmon also referenced Internet Cafes and the past history within the City.

Mr. Richard Schaefer addressed the PLDRB regarding defining a "bottle club" as a nuisance businesses. And the possibility of expanding the existing regulations regarding Internet Cafes to include bottle clubs.

Ms. Katie Reischmann addressed the question regarding nuisance business and the law.

Chair Beebe closed the public comment section of the meeting at 6:05PM.

Mr. Davis: What about the organizations like the Moose Lodge and the Lions Club that allow you to bring your bottle in? Will that (ordinance) affect them?

ANS: Ms. Reischmann: My understanding is that number one we can effectively exempt out Civic Organizations. Number two I believe that a lot (civic) organizations

have a licenses from the State, which is not a bottle club license.

Mr. Cuff: Does the motion have to include a finding that the proposed ordinance be consistence with our Comprehensive Land Use Plan.

Mr. Tyner: Mr. Cuff, I think that would be beneficial, as it was part of our staff report.

Approved

Approved: 6 - Chair Beebe, Vice Chair Jones, Board Member Cuff, Board Member Davis, Board Member Dolney, and Board Member Henderson

Excused: 2 - Board Member Dodson-Lucas, and School Board Representative Nies

E. Board Discussion and Staff Issues

Mr. Tyner offered to take the PLDRB members on a tour of the new Town Hall.

Chair Beebe: Do we have an update of the re-write of the Landscape portion of our (Land Development) Code?

ANS: Mr. Tyner: Bill (Hoover) has made a lot of the drafts and worked with internal staff. It is all with me, to review with Bill and to go over a few things. Then we will get it (revised proposal) out to F-CARD again and have them take a look at it.

Chair Beebe: Then realistically we won't see anything till after the 1st of the year?

Mr. Tyner: Yeah, I believe it would be after the 1st of the year that we will take this item back to you in a workshop (setting).

Ms. Schaefer reminded the PLDRB members about the upcoming Citizens' Advisory Task Force (CATF) to be held on December 2, 2015 here at City Hall.

F. Adjournment

The meeting was adjourned at 6:14PM.

Respectfully submitted:

Irene Schaefer, Recording Secretary