



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, July 15, 2015

5:30 PM

City Offices at City Marketplace (3rd Wednesday)

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.

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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

Chair Beebe called the meeting to order at 5:30PM.

Present: 7 - Chair Beebe, Vice Chair Jones, Board Member Cuff, Board Member Davis, Board Member Dodson-Lucas, Board Member Henderson, and School Board Representative Nies

Excused: 1 - Board Member Dolney

B. Roll Call and Determination of a Quorum

Present: 7 - Chair Beebe, Vice Chair Jones, Board Member Cuff, Board Member Davis, Board Member Dodson-Lucas, Board Member Henderson, and School Board Representative Nies

Excused: 1 - Board Member Dolney

C. Approval of Meeting Minutes

- 1 [15-261](#) MEETING MINUTES OF THE MAY 20, 2015 PLANNING AND LAND DEVELOPMENT REGULATION BOARD MEETING

Attachments: [MeetingMinutes PLDRB 5 20 15](#)

Approved as presented

- 2 [15-269](#) MEETING MINUTES OF THE MAY 20, 2015 PLANNING AND LAND DEVELOPMENT REGULATION BOARD WORKSHOP MEETING

Attachments: [MeetingMinutes PLDRB Workshop 5 20 15](#)

Approved as presented

- 3 [15-279](#) MEETING MINUTES OF THE JUNE 3, 2015 PLANNING AND LAND DEVELOPMENT REGULATION BOARD MEETING

Attachments: [MeetingMinutes June 3, 2015 PLDRB](#)

Approved as presented

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

15-292

SPECIAL EXCEPTION TO ALLOW A CARWASH USE, APPLICATION 2914, FOR 2.2 ACRE PARCEL GENERALLY LOCATED AT 110 CYPRESS POINT PARKWAY, ACROSS FROM PINE CONE DRIVE.

Attachments: [LOCATION MAP](#)
[FUTURE LAND USE MAP](#)
[ZONING MAP](#)
[APPLICANT LETTER](#)
[Superwash 2914 Staff Report 7-15-15](#)
[CONCEPT PLAN ONE](#)
[CONCEPT PLAN TWO](#)
[PRELIMINARY TRAFFIC STUDY](#)
[NOTIFICATION LETTER](#)
[RENDERINGS](#)
[ELEVATIONS](#)
[Survey](#)

Mr. Ray Tyner, City of Palm Coast Planning Manager, introduced Ms. Ida Meehan City of Palm Coast Planner, who made a presentation which is attached to these minutes.

Mr. Clay Ervin, Zev Cohen Associates, Inc., made a presentation representing the owners of Superwash Express, Inc., which is attached to these minutes.

Mr. Davis: Two questions regarding times of operation and consumption of City water as well as reclaiming of any water?

ANS: Mr. Ervin: Yes, sir they do operate seven days a week but they do have limitations on Sunday (hours) and they do not operate at night time. Their hours are 8am-6pm Monday through Saturday and 9am-4pm on Sunday. So they do have limitations on the hours of operation. In regard to water they would love if there was reuse water available from the City of Palm Coast out to their site because that is one of the things they do use. But in order for this to remain efficient they would have to have their own reverse osmosis system on site. Some of information provided (to the PLDRB), indicated that they (the applicant) can give about an 8% reduction in water use because what they are doing is catching the water to reuse in other areas within the carwash (operation).

Mr. Davis: The amount of water they will be using is up in the thousands of gallons (37,000 gallons per the Staff Report), do the restrictions we apply to residents apply to this business which is using or consuming that amount of water?

ANS: Mr. Tyner: The St. John's River Water Management District (SJRWMD) sometimes has restrictions on irrigation water (usage), that would not impact this operation. This would be our third carwash in the City, we have two existing ones. Some of the latest and greatest carwashes utilize the top of the line in reclamation systems. To purchase City water is not cheap, (because) it is treated. I think what you heard from Mr. Ervin was that they have the top notch, probably the latest upgrades (in equipment) to utilize the reclaimed water because they have to pay for water and so for their business to remain profitable they want to recycle as much (water) as they can. They will be required to go through our technical site plan review and make sure that the lines are adjusted appropriately. I can tell you that based on

our level of service standards for our water allocation for the City of Palm Coast, that we have plenty of water to provide them (the applicant) with what (the amount of water) they will need.

Vice Chair Jones: Ray, will the SJRWMD review this application?

ANS: Mr. Tyner: Well, they will for stormwater, but as far as use, they are not going to be required to have a consumptive use, we do the permitting. So when the City of Palm Coast, does it consumptive use permitting for the water allocation, how much water

supply we have, this is all accounted for (in that permitting process). These are properties that are zoned for commercial use (carwashes).

Vice Chair Jones: Ida will you go back to the site plan? This portion (referring to the presentation) we are showing that their property goes all the way from Pine Cone Drive to the easement for Elizabeth Seton, yet there is a large portion here squared out, that I think you mentioned will act as a natural buffer. Who owns that piece?

ANS: Mr. Ervin: It is owned by the property owners association, it is a stormwater pond.

ANS: Ms. Meehan: Cypress Point Property Owners Association and it is designated as a reserved parcel for drainage.

Vice Chair Jones: So it will stay that way?

ANS: Mr. Ervin: You cannot develop that (lot) per the SJRWMD.

Vice Chair. Jones: The piece of property next to it, towards the east, is that the piece of property that is going to be subdivided from this piece of property?

ANS: Mr. Ervin: Yes, sir.

Vice Chair Jones: Do we know what is going to go in there (referring to the parcel reference above)? Because I think I heard someone say that the Pine Cone Drive entrance is going to be shared by both pieces of property?

ANS: Mr. Ervin: Yes, sir. It is a 24 foot wide ingress/egress easement to allow our access to our client's property as well as the remaining portion owned by Prestige Plaza. And the seller was made aware of this prior to us even making an application.

Mrs. Lucas: Do we have any concern, Ida, about the volume of traffic?

ANS: Ms. Meehan: Well they (the applicant) will be required to do a whole transportation study. They are not required to do one at this stage. They have discussed with our Traffic Engineer the possibility of some improvements to the turning lanes in front of the property (adding a turning lane).

Mrs. Lucas: When do you anticipate the traffic analysis will be done, completed and available for review?

ANS: Mr. Ervin: We went through and utilizing ITE trip generation rates, came up with the daily and peak hour trip generation. This type of use is termed "passer by" meaning that the majority of the traffic is already going to be on the roadway and is going here for convenience. That is basically folks who are coming home from work and decide they want to get their car washed, they come in, get that (car washed) and return home. So what we saw was the majority of traffic will be heading out and around and utilizing this (ITE Trip Generation) and coming out of all of this is that 40% of the traffic is new traffic.

Mrs. Lucas: So the traffic study that you will be doing will take a look at a 40% up tick in new traffic?

ANS: Mr. Ervin: Yes, ma'am.

Mrs. Lucas: In that area?

ANS: Mr. Ervin: Yes, ma'am.

Mrs. Lucas: And what the impacts or potential impacts may be?

ANS: Mr. Ervin: Right.

Mrs. Lucas: Including mitigation measures including what you just said?

ANS: Mr. Ervin: Yes, ma'am.

Mr. Cuff: Are there any plans other than the left turn lane on Cypress Point Pkwy. to the site to mitigate any of that (referring to traffic congestion)? Are there any plans for signalization? There should be once both parcels are developed like there is down by the entrance to what is now City Offices.

ANS: Mr. Tyner: I know where Belle Terre (Parkway) is, we do have in our long range plans some capital projects to alleviate that section of Belle Terre (Parkway).

Vice Chair Jones: Would a detailed traffic study suggest a traffic signal?

ANS: Mr. Ervin: I can tell you what they will be looking at is the spacing requirements between (traffic) signals and the warrants. There are very specific DOT (Department of Transportation) standards regarding turning movement counts. There are basically nine items that you have to check though to verify if clarifies for that, so if you meet all that and you have the turning movement counts that shows that it is required you also have to check your spacing between Belle Terre (Parkway) and the next signal down the lane. So we just have to make sure that those are on line and at that point if they meet all those criteria than a signal could be warranted.

Mr. Henderson: Has anyone thought of using the "employee entrance" (applicant referred to in their presentation) as the main entrance, because it would relieve the pressure since there would be only one way in and there wouldn't be any cross traffic. And when they come out there is only one way out - a right turn. That would take the pressure off both situations. Have you thought of it?

ANS: Mr. Ervin: Quite candidly, we thought that by not using this (referring to the employee entrance) we would eliminate the pressure that we would receive because of the church and the existing office building over here since they do have access that correlates right over to ours. We were trying to minimize that because of the impacts to the schools. And we were also trying emphasize this, to line up with Pine Cone Dr. which is typically what you would want to see that in a T intersection. Right now you have a partial T (intersection), this way we could get a full T intersection in there and also because this is going to subdivided from this parcel (referring to the map) and we were hoping to ensure cross access to eliminate the number of driveways that you would have on Cypress Point Parkway and try to focus them into a location that is basically a T intersection with public right of ways and minimize the impact on the church.

Mr. Ervin: (Addressed to the Applicants) If the traffic study shows that a right in and right out would resolve some of these issues are you willing to accept the fact that you would have a right in and right out of Cypress Point Pkwy.?

ANS: Mr. Jack Barrett (applicant): I don't have that memorized but If you go east there is another median opening, if that is the case, we don't have an issue with people going right and then making a U-Turn if they wish to go west. If you require that, it will not be an issue with us.

Mr. Henderson: Is there a possibility of using recycled water?

ANS: Mr. Barrett: I would love that, if you bring it to me, I might even help you, I believe it is on the other side of Route 95.

ANS: Mr. Tyner: No we have it on Palm Coast Pkwy.

ANS: Mr. Barrett: We were the first carwash in the United States, when we were

down in the Orlando area, to put grey water into our carwash and we encourage that and if it is close by we will work with you to get it there.

Mr. Henderson: And the run off from your business (will be handled in what manner)?

ANS: Mr. Ervin: We are self-contained, we checked the permitting and we aren't sure if it will be permitted to accept ours (runoff), but we are going to be reviewing in detail and we have warned our client that they may need to keep all stormwater on site and treat it ourselves as opposed to discharging directly into the pond.

Mrs. Lucas: I was wondering why the potential for negative traffic impacts was not included in this report and some suggestion of how they might be mitigated even before a full traffic study?

ANS: Mr. Tyner: We know that a detail site plan will be forthcoming, the first step that the applicant is going through is the special exception process. And basically the special exception process is following our criteria and the Land Development Code for a special exception. A special exception is not an approval of the site plan. A special exception basically, if I had to generalize it is, is this use appropriate for this location? That is the question. Is a carwash facility appropriate for this location? And we looked at the criteria that is spelled out in the Land Development Code and in our analysis, yes a carwash is appropriate for this location. That is where it ends. The site plan itself, that is when the applicant does the engineering design. That is where (the applicant) gets into the dollars that they will need to engineer and permit the site, to turn in the site plan to make sure it meets those criteria. To make sure it meets our health and safety standards. The first step is the special exception. The PLDRB has done special exceptions in the past, I'll give you an example, we did a dog kennel years ago. We had neighbors to the south and then some of the criteria that was added to that special exception was to add more buffers because sound was a concern to surrounding neighbors and there were some conditions put on that special exception. But really the question is, is this location appropriate for a carwash? And we believe it is, it is mixed use, it is zoned COM2, commercial. It is surrounded by mixed use, office. The single family residential (area) is far to the south with good buffering. That is the criteria we went through. But all that said, the engineering and design and transportation will be analyzed in the future.

Vice Chair Jones: If we accept this special exception for this location which is zoned COM2, will the properties that are adjacent to this carwash which are now COM2, do they get any special rights as a result of this special exception?

ANS: Mr. Tyner: No, it only applies to this property (Superwash Express).

Vice Chair Jones: So we are not painted into a corner with another piece of property as a result of this (approving this special exception)?

ANS: Mr. Tyner: Right.

Chair Beebe opened the meeting up to public comment at 6:34PM and no one approached the podium for public comment therefore, the public comment section was closed at 6:35PM.

Mr. Cuff: When can (one) put conditions on this special exception and who makes the determination that a left turn lane is required or right turn in and out is necessary?

Ms. Katie Reischmann (legal representative to the City and the PLDRB): I think what you could do is attach a condition indicating that you want that (the issue of increase traffic) closely looked at in light of the traffic concerns and that you are expressing concern.

Approved as amended

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

Excused: 1 - Board Member Dolney

5 [15-287](#)

ORDINANCE 2015-XX AMENDING THE UNIFIED LAND DEVELOPMENT CODE TO INCLUDE HEIGHT, SETBACK AND DISTANCE STANDARDS FOR WIRELESS COMMUNICATION FACILITIES

Attachments: [Cell Tower Ordinance final Workshop](#)
 [Zoning Map Palm Coast Pkwy Overlay](#)

Mr. Tyner introduced the proposed revision to the Land Development Code, Chapter 3, to include height, setback and distance standards for Wireless Communication Facilities. Mr. Tyner introduced Constance Bentley, Planner with the City of Palm Coast, to the PLDRB. Ms. Bentley made a presentation which is attached to these minutes.

Mr. Henderson: If we change this ordinance, that would mean that other cell towers (vendors) could come in and go into those areas that are now restricted, am I correct?

ANS: Ms. Bentley: If we change the ordinance as we are recommending, those areas in blue (referring to the map in the presentation) have those 150 foot setbacks and a cell tower would not be allowed to be put into the areas in blue. Today, a cell tower in a commercial zoning district could have the same setbacks as other structures along Palm Coast Parkway. So we are recommending even a further distance from Palm Coast Parkway of 150 feet.

Mrs. Lucas: What is that area in white (represented on the map in the presentation)?

ANS: Ms. Bentley: It is the water treatment plant.

Mr. Henderson: What I'm concerned about is that if we approve this ordinance change, that means that from then on, anywhere in this area they can put a cell tower, am I reading that correctly?

ANS: Mr. Tyner: Anywhere not within the blue (referring to the map). They will still need to meet, what Constance was talking about, the priority, she showed the slide where the gap is, so they would have to pick. Ironically, its dead center where our City facility is (located).

Mrs. Lucas: What kind of monetary benefit is there potentially for the City?

ANS: Mr. Viscardi (IT Director for the City of Palm Coast): Typically we will enter into a ground lease with the company. So they will pay us X dollars for the right to put up a tower (cell) on City Property. Then you work out the conditions with them to do that (install a tower on City property). Typically we will get X dollars for the vendor to put up the tower (cell), then for each tenant on that tower we will get a certain percentage (from the cell tower owner) of the income they will get from each tenant.

Mrs. Lucas: Is there a real or imagined impact (from having a cell tower on your facility)?

ANS: Mr. Viscardi: I don't think that there has been any conclusive study, I think if you were wearing your cell phone 24 hours a day, and even with that, the technology is such that, it uses so much less energy. Again, I don't think there has been an conclusive study that show any type of harm.

Mrs. Lucas: Is there any prohibition for a resident to add a tower onto their property?

ANS: Vice Chair Jones: Yes, that it can't be within 150 feet of a (residential) dwelling.

Mrs. Lucas: What about maintenance, when you have a number of tenants on one tower, there are privacy (issues). What provisions are included that if something happens to one tenant that repairs are going to be done in timely fashion?

ANS: Mr. Viscardi: You have a number of different players, you have the actual tower company and anything that is physical to the actual tower (the structure), they would maintain. But, then you have each of the carriers and their people take care of their actual equipment.

Vice Chair Jones: Is there any opportunity for you to carry some of that traffic on Fibernet?

ANS: Mr. Viscardi: We will certainly pitch that (option).

Mr. Cuff: Who generates the level of service maps, that you are showing us, where does that data come from (referring to data provided in the presentation)?

ANS: Ms. Bentley: That comes from the wireless provider and we submit that data to our consultant. The City's consultant has reviewed that diagram and agrees with it, that the signals are as depicted on that diagram. So, we do have a consultant who reviews all the cell tower's (proposals).

Mr. Cuff: Who is that independent consultant?

ANS: Ms. Bentley: City Scape.

Mr. Cuff: The City's current ordinance regulating cell towers encourage co-location and in addition to encourage use of the concealed towers, isn't that correct?

ANS: Ms. Bentley: You are talking about multi-carrier cell towers, and if it is on the City leased property that is where we discuss that with the company. There really isn't anything in the code that they have to have a multi-carrier cell tower. There are other governing agencies for cell towers, such as the FCC, and we can't make regulations that are not consistent with their regulations. We have to working with that (the FCC regulations), too.

Mr. Cuff: Does the City require the tower to be removed once it is no longer in service?

ANS: Mr. Viscardi: We haven't fully developed a lease for any of the sites along here (Palm Coast Parkway Corridor) yet?

ANS: Ms. Katie Reischmann (legal council to the City and the PLDRB): We usually ask for that (removal of the cell tower at the end of the lease) but they (the cell tower companies) refuse to take it completely away (at the end of the lease) but we (City) always say that we (City) can take it away. Certainly, we negotiate for a removal bond but very often it is difficult to get them (the cell tower companies) to accept that (clause).

Mrs. Lucas: Is there any discussion with these types of projects (cell towers) before us of the employment opportunities for Palm Coast citizens?

ANS: Mr. Viscardi: That would be a Beau (Beau Falgout- City Administrator) City area, Economic Development area. I know it is always brought up with regard to construction projects (New City Hall), how much local labor would be able to work on that project? But with something like a cell tower, it is a little different, because it is not manned. They (the cell tower companies) put it up, turn it on, and walk away. So it (the question) really (is) are there technicians in the area, such as working for AT&T, in that capacity.

Mr. Davis: Can we state in the amendment, documentation that if the tower becomes obsolete that the tower be removed (at the cost of the owner of the tower or by the City who then bills the owner)?

Vice Chair Jones: Is that a negotiating point or something we can put into the Code (City Code of Ordinances)?

ANS: Ms. Reischmann: I don't think that would be appropriate for Code unless we went back to our consultant, we would have to tailor appropriately for the Code.

However, it is always in our minds when we are dealing with a lease to a tower, which is often on City property (to have the tower removed at the end of the lease).

Mrs. Lucas: Are there any concerns with security about towers?

ANS: Ms. Reischmann: Yes, there are definitely, but that comes with the territory of faster, better service.

Chair Beebe opened the meeting to the public for public comment at 7:28PM. No one approached the podium and the public comment section was closed at 7:29PM.

Approved

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

Excused: 1 - Board Member Dolney

E. Board Discussion and Staff Issues

Mr. Tyner informed the PLDRB members that City Staff is working on revisions to the Land Development Code and is working with VCard to look at our Landscape Chapter.

F. Adjournment

The meeting was adjourned at 7:31PM

Respectfully submitted:

Irene Schaefer, Recording Secretary

[15-321](#)

ATTACHMENTS TO MINUTES

Attachments: [Special Exception presentation - Superwash \(COPC\)](#)
[PLDRB Superwash SE Presentation 07-15-2015 \(Applicant\)](#)
[Development Order for Superwash Express, Inc.](#)
[WCF Presentation to PLDRB- ver2](#)