



City of Palm Coast

City Hall
160 Lake Avenue
Palm Coast, FL 32164
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Meeting Minutes Planning & Land Development Regulation Board Workshop

Chairman 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, June 22, 2016

5:30 PM

City Hall Community Wing

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.

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A. Call to Order and Pledge of Allegiance

Chair Beebe called the meeting to order @ 5:33PM. Chair Beebe recognized the members of the BEAC present. Mr. Partelow, Chairman; Mr. John Kapcar, and Mr. Jeffrey Seib.

C. Roll Call and Determination of a Quorum

Present: 7 - Chairman Beebe, Vice Chair Jones, Board Member Cuff, Board Member Davis, Board Member Dodson-Lucas, Board Member Dolney, and Board Member Henderson

Excused: 1 - School Board Representative Nies

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 or City Staff (if applicable)

Close Hearing

PLDRB Discussion

PLDRB Action

1 [16-243](#)

PRESENTATION ON CHAPTER 11 - TREE PROTECTION,
LANDSCAPING, BUFFERS AND IRRIGATION OF THE UNIFIED LAND
DEVELOPMENT CODE

Attachments: [proposed-clean-version-6-14-16](#)
[proposed-draft-with-changes-shown-and-notes-6-14-16](#)
[TableComparingLandscapingStds \(6-24-16\)](#)
[Clear Visibility Triangle - Yellow Highlights Indicated Proposed
Changes Inclusive of Table & Drawing](#)

Chair Beebe introduced Mr. Tyner, Planning Manager for the City of Palm Coast who introduced this agenda item to the Planning & Land Development Regulation Board (PLDRB) and the Beautification & Environmental Advisory Committee (BEAC) members. Mr. Tyner introduced staff member, Bill Hoover, Sr. Planner for the City of Palm Coast. A line by line review of the proposed Landscape Chapter of the Unified Land Development Code (Chapter 11) took place led by Chair Beebe.

Mr. Seib: When I was looking over the struck through version I see for example page 31 - chapter 11, go down to design of new developments (text), the first sentence is struck though and then there is underlining (of other words). What is the reason for the underlining, because I see that some text that is underlined and some text that is not underlined is included in the clean version of the proposed code.

ANS: Chair Beebe: The underlined text is the new suggested draft of the rewrite. The struck through is the existing (text) that they are suggesting be removed.

Mr. Seib: But what about the sentences that are not underlined?

ANS: Chair Beebe: That is existing code that is not being changed.

Mr. Hoover discussed his methodology for completing the recommendations for the changes indicated in the proposed Landscape Code changes to the Unified Land Development Code.

Mr. Seib: Referring to the chart (handout attached to these minutes labeled: Comparison of Florida Communities Site Plan Layouts and Landscaping Standards), when you are talking about retail building square feet, are you talking about the height of the buildings? The number of stories?

ANS: Mr. Hoover: They are all one story.

Mr. Seib: This is the current standard in place right now, correct?

ANS: Mr. Hoover: Existing is the 2nd row up from the bottom (referring to the chart under discussion) and the proposed (changes) are the bottom row. There are a few things in here that we also have been working on from the transportation section of the code. We've included some of the things from that section. The only item I can think of is that we require the loading space be behind the building for aesthetic purposes. We are the only community that requires that but that is a good portion of the reason why the square footage is set at 600 (square.feet).

Mr. Seib: Under the third column from the right, under the current standards, Palm Coast has the lowest planting costs of any of these communities (referring to the chart under discussion). The landscaping, the trees, the vegetation, everything that is in place right now under the current regulations, we still are the least expensive community, is that correct?

ANS: Vice Chair Jones: No, there are several lower (than Palm Coast on the referenced chart).

Mr. Cuff: Where it reads, exceptions may be granted, what is the mechanism for that (granting an exception)? Is that the Land Use Administrator or is that a variance before the Planning & Land Development Regulation Board (PLDRB)?

ANS: Mr. Tyner: It would be the Land Use Administrator and of course if it was Tier 2 or Tier 3 Site Plan it would come before the PLDRB.

Vice Chair Jones: Mr Chairman: If you expand the building, the expansion must conform to the new plan, is that right?

ANS: Chair Beebe: When an existing non-residential building is expanded the required building foundation plantings and their planting areas shall be provided for in the new building area. So, you have an existing building, you expand it, the expansion has to be planted with the required foundation plantings.

Mr. Cuff: What is the aesthetic result of this (item regarding foundation plantings); is the standard, hypothetically, so different that between the existing and the revised code that you would look at a building and say there is the 80% that build 20 years ago and there is the 20% they just added?

ANS: Mr. Tyner: I don't think so, I think you would have more vision with the architectural requirements. For instance, we have really high architectural requirements to make a building stucco and then 90% of building has a trellis sticking out of the side of the building, that would really show a discrepancy there. But as far as landscape, it is really a code (enforcement) issue, too. I lot of the time, the plants are not maintained around the whole (property) but that is not a Land Development Code issue but a Code Enforcement issue if those plants and irrigation are not working. This is not the mechanism to do Code Enforcement, that was the real intent.

ANS: Mr. Hoover: In that case, if I'm a property owner and I'm adding 10% or 20% to the building and I don't have landscaping on the outside there, we (staff) probably would work with them (the property owner) to maybe spread out those plants to cover the rest of the building.

Mr. Henderson: What would be an example of that (the section of code referencing parking or vehicular use expansion), Starbucks?

ANS: Mr. Tyner: No, Starbucks has to maintain (the landscape in any expanded parking areas).

Discussion ensued about the relationship between Code Enforcement and Planning regarding permit submission for building/parking expansions as it relates to the proposed landscape code changes.

Mr. Davis: Why do we have to have the words at breast height then (referring to the mechanism for the measurement of trees which has been defined as 4' 6" or Diameter at Breast Height- D.B.H.)?

ANS: Chair Beebe: Because that is the technical term they use in the Landscaping Industry, diameter at breast height (D.B.H.).

Mr. Davis: But you are telling them (the reader) that it will measured at 4' 6", but breast height may not be at 4' 6"?

ANS: Chair Beebe: That is what D.B.H. is defined as 4' 6" above the ground.

Mr. Seib: Continuing on (in this section) then it reads: "the size of new landscape trees shall be calculated by measurement of the diameter of the trunk at six (6) inches above grade", what is (the meaning of the word) grade?

ANS: Vice Chair Jones: The ground.

Mr. Seib: So it is not D.B.H.?

ANS: Vice Chair Jones: No, this is (referring) to new landscape trees (plantings).

Mr. Seib: So the new trees will be measured from 6" above grade or ground level instead of D.B.H., is that correct?

ANS: Chair Beebe: Correct.

Mr. Seib: Just wondering what they meant by above grade when they were speaking about D.B.H.?

ANS: Vice Chair Jones: I think when a developer is required to put in a new tree, the City specifies the size of the tree. So a tree has to be 4" in diameter and that is measured 6" above the grade (ground) because it is a new tree.

Mr. Seib: So what would be the measurement at D.B.H. for that same tree?

ANS: Vice Chair Jones: It would be much less than 4" because it is a new tree.

Mr. Dolney: Quick question, Ray, where did you put self-storage facilities, in either B or A (referring to section 11.01.04-Classification of Developments)?

ANS: Mr. Hoover: Self-storage would be under B.

Vice Chair Jones: Where would be a MPD (Master Planned Development) be located?

ANS: Mr. Tyner: Basically, this was an issue with had with the existing code, because when you do an MPD, the development agreement spells out the different uses. So in the last code, we actually had an MPD (category) which was very strict, regarding buffers and the requirement of the MPD. But depending on what type of MPD you have, for instance an MPD of only single family residential homes, it would fall under single family, it would fall under D. The section of the MPD that had multi-family (homes) would fall under A. But you have different uses (different land use types) within an MPD.

Vice Chair Jones: So give me an example of the SUBD (formerly class 2 in the referenced section 11.01.04)?

ANS: Mr. Hoover: A SUBD would be a single family project would initially be under the Sub Division but then individual lots when they came in later the standard would be SFR/DPX (single family detached and duplex development on individual lots).

ANS: Mr. Tyner: We are trying to distinguish between a subdivision and a single family, think of it this way, when a new project comes in, let's say Club House Dr., Country Club, before Country Club is approved they have to plat. They have to submit for a master subdivision plan preliminary plat and then a final plat. So we actually have separate code requirements for sub-divisions that come in, like common area. Now Mr. Jones, purchased a single family house after the final plat was approved by City Council, then we have those requirements for the single family area.

Vice Chair Jones: So the SUBD conforms to the common areas of the sub-division but the individual owners would have to conform to the SFR/DPX, ok?

ANS: Mr. Tyner: Yes, that is correct.

Mr. Seib: So we are here, in Town Center (a planned development), when Town Center was approved it was a planned unit development or whatever it might have been called (at that time), it established the standards that would be used and they may not be the same as those represented here (in the proposed code changes - Section 11.01.04), correct?

ANS: Mr. Tyner: That is correct.

At 6:18PM Chair Beebe asked if anyone from the public wished to comment on section 11.01 and no one from the audience asked any questions, so Chair Beebe

proceeded to the next section 11.02.

Mr. Partelow: So we are making it easier to remove trees (referring to the decrease in diameter size of certain specimen trees)?

ANS: Mr. Hoover: That was what staff initially proposed was 18" in the initial draft (referring to the adopted 2008 Chapter 11- Land Development Code) according to Mr. Butler (City of Palm Coast Landscape Architect).

Mr. Seib: So why did it get changed (from 18" to the current 16")?

ANS: Mr. Hoover: So it got changed somewhere (in the past referring to the 2008 adopted code) and we have these tree increments of 6". We actually have 12" (which is 2 x 6) and then we have 18" (which is 3 x 6) and then goes up to 36" which is the most protected type tree. It appears it moves a little bit smoother that way .

Chair Beebe: Does anyone else have a comment on the 16" vs. the 18" (diameter change on specimen trees)?

ANS: Mr. Seib: I agree with Glenn (Mr. Partelow) I would like to see (it kept at 16" diameter on specimen trees) rather than increasing the size. Also why was Sweet Gum removed from the list of specimen trees, it is a hard wood species, it is pretty abundant here, it is a native tree, it goes very well?

ANS: Mr. Hoover, that request (to remove Sweet Gum from the listing of specimen trees) was from F-Card, because it's roots tend to be at the surface and cause tripping hazards. Sweet Gum it is not as high quality on the listing of specimen trees as the others on the list.

ANS: Chair Beebe: Twenty-four inch (diameter) Sweet Gum tree is still a specimen tree it is just not getting that added level of protection at 16 or 18" diameter, is they way I take it.

Mr. Davis: The reason you indicated you removed Sweet Gum (from the list of specimen trees) is that it's roots cause a tripping hazard, then I'll tell you one thing then Live Oak should be removed from the list since their roots are on the top of the ground, so I don't think you can use the determination about the roots above ground (to remove trees from the listing).

Mrs. Lucas: I don't know that I quite understand this argument, (regarding) the 16" vs. 18", maybe Mr. Partelow, you could restate your comment?

ANS: Mr. Partelow: My objection is that, who cares what the previous numbers are, that flow to 18 mathematically (raised to 18" from 16" in diameter), because it sounds better, it flows mathematically, I think that is a poor argument for saving a tree.

Mrs. Lucas: I thought you said it made it easier to (get rid of a tree)?

ANS: Vice Chair Jones: If a tree is 17" (or less) it is not protected, under the new rules.

Mrs. Lucas: Wasn't that your point that it makes it easier to eliminate some (trees under 18" diameter)?

ANS: Mr. Partelow: When it is 18" it makes it easier to eliminate a tree that is 16" or 17" (in diameter).

ANS: Mrs. Lucas: Right.

ANS: Mr. Partelow: 16 is a nice number, why not? It (16") is the code right now. What we are saying is I have an 16" tree on my property and I can cut it because it isn't big enough (to save), it is 18". But (I'm saying) 16" is a good number to keep, too.

ANS: Mr. Tyner: That isn't the only reason that we are saying we should reduce to 16", but unfortunately, Bill Butler couldn't be here tonight. But his comment was it was originally 18" he doesn't know how it got switched to 16".

Mr. Partelow: Why don't we have Bill (Butler) comment on it?

ANS: Mr. Tyner: We could do that.

ANS; Mr. Hoover: Bill (Butler) said he supported 18" diameter.

Mr. Seib: So which is this 1 1/2" to 6", is that above grade, it's a new tree so that would be above grade?

ANS: Vice Chair Jones: No, it was planted to meet the requirements and now the home owner, 10 to 15 years later, wants to take it down. The answer is you can, but you will have to mitigate that (replace the removed tree).

Mr. Davis: Who does the mitigation?

ANS: Mr. Hoover: Probably the homeowner.

ANS: Chair Beebe: Whomever wants to take it (the tree) out.

Mr. Davis: They (the City) ask you to get a permit to remove a tree but they (the City) don't come to inspect to see if you removed the tree or 16 others, so (again) who is to mitigate?

ANS: Mr. Tyner: We have an Urban Forester who handles the permits being issued and would verify that the permit was executed as issued.

Chair Beebe: I think they are trying to clarify the language is that correct, Bill.

ANS: Mr. Hoover: Yes.

Mr. Dolney: What if someone is doing some sort of wetlands mitigation? Wanting to development a stage 2 wetlands area, causing an impact to the wetlands?

ANS: Mr. Tyner: Mitigation is handled by St. Johns River Water Management District (SJRWMD), the City doesn't have jurisdiction over mitigation. We don't interfere with what SJRWMD or the Army Corps of Engineers mitigates on a specific site.

ANS: Chair Beebe: But if you are impacting that wetland and you have history trees you will have to include them in your surveying.

Mr. Dolney: What I'm saying is I have a 10 acre site and it has 2 acres of wetlands, and I want to mitigate them (the 2 acres of wetlands)?

ANS: Chair Beebe: You're using the wrong word (mitigate), you should use impact (the wetlands). If you are impacting the wetlands and it has historic trees you have to deal with them.

Mr. Davis: Tell me what this 6" is (referring to) is that the measurement above grade?

ANS: Chair Beebe: It is an existing tree, that is the diameter at breast height, which is that definition there.

Mr. Davis: I just want to know where the 6" is coming from?

ANS: Chair Beebe: It is a 6" diameter measured at 4' 6" above grade on an existing tree.

ANS: Vice Chair Jones: That is on a protected tree.

ANS: Chair Beebe: Yes.

ANS: Mr. Tyner: Glen, there is a device that measures the diameter of the tree (either 4" or 6") and that instrument tells them they need to (measure) 4' 6" above grade. Then they use a caliper to measure the diameter of that tree.

ANS: Mr. Davis: OK.

Mr. Seib: Who is the Land Use Administrator?

ANS: Chair Beebe: It depends on size of the project.

ANS: Mr. Hoover: Typically it is Mr. Tyner (Planning Manager).

ANS: Vice Chair Jones: But if it were a big enough project, it would go to the City

Manager (Mr. Landon).

ANS: Chair Beebe: That is correct.

Mr. Hoover defined the three tiers used to define size and population required to determine the size of a project and in turn which City Government body (PLDRB or City Council) reviews the application for a Tier 1, Tier 2, and/or Tier 3 project.

Mr. Seib: Do these percentages (referring to the Chart shown in Table 11-1) represent (Specimen & Historic) trees that are partially on the site? For instance less than 3 (trees) per acre (category in the chart), 75% of 1 or 2 it is like 1 3/4 trees.

ANS: Mr. Hoover: Let us say, you have a 4 acre site, and if you had 12 trees you would fall down to the row next to it (referring to the previously mentioned chart) because you have 3 (trees) per acre. You have to multiply by the number of acres and then it gets rounded to the nearest full number.

Mr. Seib: Within one piece of property they may have some areas that it is 25' and some areas that it is 35' (referring to section 11.02.04 0 Section A: Roadway projects and protection of any specimen and/or historic trees in the right-of-way on certain streets)?

ANS: Chair Beebe: Referring to historic and specimen trees in the right-of-way in a roadway project areas.

Mr. Seib: Is that what that sentence is (reading); you can use an average?

ANS: Chair Beebe: Yes, you can use an average of 35' or a minimum of 25'. So for example if you go up to 45' in one area and you come down to 28' in another area.

Mr. Henderson: What does ANSI A-300 standards (mean)?

ANS: Mr. Tyner: It is (referring to) arborist standards (for tree care based on the American National Standards Institute).

Mr. Tyner addressed the PLDRB & BEAC members regarding a real life situation regarding section 11.02.05 subsection C 2.

Mr. Davis: So if you own the property, a utility has the right to enter your property without your permission?

ANS: Mr. Tyner: FP&L may have their own easement and they have a right to go onto your property to remove a tree (in the easement).

Mr. Davis: Not, if they are installing a new line?

ANS: Mr. Tyner: I'm not 100% sure (of the rules regarding FP&L access rights to private property).

Mrs. Lucas: There is some notification required, right?

ANS: Mr. Tyner: Yes, FP&L would need to notify the owners (of the property), indicating that they need to get rid of some vegetation (to clear the power lines).

Mr. Seib: So when the utility removes the tree, the homeowner is not required to replace that tree to meet the required number of trees on that lot?

ANS: Mr. Tyner: Yes.

Mr. Henderson: I'm don't understand that last section (Section 11.02.05- E.4) is the tree located off site.

ANS: Mr. Hoover: Let's say you have a pine tree and it isn't healthy, and it's on your neighbor's property and you maybe concerned that tree may fall on your home, during a storm. So, if you get the neighbor's permission (to remove the tree from his property) and you assume the liability as well as the cost for the removal of that tree

than you may remove that tree from your neighbor's property.

Mrs. Lucas: So if it is a hazard you can't have them (trees from a neighbor's property) removed.

ANS: Mr. Hoover: Normally, you cannot apply for a tree removal permit for a tree not on your property, so this (section) makes it a lot easier to apply for permit if you can get your neighbor's signature. Because the property owner may not want to apply for a permit because they don't want to assume the liability.

Mrs. Lucas: I understand that, but if it is a hazardous tree (which may cause damage to private property), is the neighbor still required to get permission from the property owner (where the tree is located)?

ANS: Chair Beebe: You can't take someone else's tree down; not without the property owner's permission.

Mrs. Lucas: (What) about trees along the property line, are you not allowed to call (the City) about trees (hazard) along my property line (in the swale)?

ANS: Mr. Tyner: Yes, what we are saying is that if you have a pine tree within 30 feet of a structure, which is adjacent to your property, we are saying if you get that property owner's permission you can pull the permit (to remove the hazardous tree).

Mrs. Lucas: (What) If the owner (of the property) is the City of Palm Coast?

ANS: Mr. Tyner: We would send our Certified Arborist to investigate trees on City Property and to determine if a tree is a hazard.

ANS: Mr. Hoover: The city may remove the tree, if it is a hazard, you can call into the City and they will send out the City's Arborist to inspect the tree and (the City would) typically remove it.

Mrs. Lucas: I don't see language that says that (in this section).

Mr. Partelow: The City is going to pay for cutting down (that) pine tree?

ANS: Mr. Tyner: If we have a hazard pine tree on City property, and we are aware of the hazard, then the City will pay to remove that tree.

ANS: Vice Chair Jones: That is a liability to the City.

Mr. Seib: If there is a green belt or conservation area behind your home, that is wooded, with a mixture of trees, you are saying that the tree has to be declared a hazard (to be removed via a permit) by an arborist?

ANS: Mr. Tyner: Yes, if it is on City property.

ANS: Vice Chair Jones: If it is on City property, if it is on private property you need to get your own arborist.

Mr. Seib: That is clear, but in a conservation area the tree has to be declared a hazard, if it is a beautiful pine tree, if it a spruce pine in wonderful condition, that isn't a hazard.

ANS: Mr. Tyner: Yes, our arborist, Carol, would need to declare that tree a hazard.

And typically a conservation easement would have a big buffer from your single family property. But what we are talking about primarily here, is your neighbor with a pine forest (on their property).

Mr. Kapcar: What if the property is owned by someone in Africa (regarding neighbor's permission to remove a hazard tree)?

ANS: Mr. Tyner: I don't know, that would be a Code Enforcement Issue. I know if it is health and safety issue, and the owner can't be reached, there are some legal remedies available (to the City). I don't know the details but it can be done from a legal stand point, because we (City) will not risk health and safety.

Mr. Seib: Is there still a 30' buffer from neighbor's lot for fire mitigation rule regarding a vacant lot and the removal of all vegetation?

ANS: Mr. Tyner: Yes, for fire wise, Code (Enforcement) handles fire wise. Code (Enforcement) has gone out and issued a notice to clear the underbrush and if that notice is ignored and the City has to clear the lot than a lien is placed on that property (by the City).

ANS: Vice Chair Jones: It is the same thing if they (property owner) doesn't cut the grass the City will go out and cut the grass and bill the home owner.

Mr. Tyner provide additional background to the PLDRB and BEAC members regarding Section 11.02.05 subsection G.

Vice Chair Jones: What is the new term, tree inches (mean)?

ANS: Mr. Hoover: 24" of new tree. The total # of inches is 24.

Vice Chair Jones: So if 100% of new tree is 24" and 70% of the tree inches of a specimen tree can be removed?

ANS: Mr. Hoover: Than 17% of the specimen tree can be removed. You would have 4 or 5 trees there and this would be the smallest size tree that you can use.

Mr. Cuff: Under the historic trees column (referencing table 11-2) why is height required (14' high)?

ANS: Mr. Hoover: The developers on these commercial properties like to use trees that are not that tall and then they (developers) trim the tops (off the trees) so we are trying to ensure we get the correct height on these trees - 14'.

Chair Beebe invited the public to make any comments on Section 11.02 @ 6:25PM

Mr. Charlie Faulkner addressed the PLDRB and BEAC members on the process involved in the changes in the section 11.02 referring to caliber of tree and how the smaller caliber size tree will look healthier than the larger tree.

Alan Peterson of Palm Coast addressed the PLDRB and BEAC members, regarding the earlier discussion of the FP&L mitigation. Mr. Peterson would also like you to consider when FP&L severely damages a tree, destroys the tree, they have stripped one whole side of the tree (away); the property owner has to do something with the remaining tree. The property owner should be able to cut down that (same) tree. Mr. Peterson, recommended that if the property owner cut down (1) tree they would have to replace that tree with one tree (not two).

Mr. Tyner: Are you suggesting that if a homeowner cuts down a historical or specimen tree than the property owner only has to meet the new homes standard (as it relates to the number of trees)?

ANS: Mr. Peterson: I should be able to replace the tree with what I want. When a property is sold there is no follow-up (by the City) to verify the number of trees located on that property. The City is not checking the (older) homes for the number of trees located on the property.

Ms. Rafalko of Palm Coast addressed the PLDRB and BEAC members: Why when taking down palms do you recommend replacement with Sabal Palms?

ANS: Chair Beebe: it is a native palm and it does well (in our climate) and it is inexpensive.

ANS: Mr. Partelow: As opposed to a Queen Palm which is not suited to this area.

Mr. Peterson addressed the PLDRB & BEAC members regarding Section 11.03.1 regarding suggested relaxation of this section regarding minimum number of trees on

a single family residential lot.

Board Discussion and Staff Issues

Adjournment

The meeting was adjourned at 7: 39PM.

*Respectfully submitted:
Irene Schaefer, Recording Secretary*