



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 29, 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.

Chair Beebe called the meeting to order at 5:32PM. Mr. Jones, Mr. Partelow (Chair of the BEAC), and Mrs. Salkovitz who are members of the Beatification Environmental Advisory Committee (BEAC) joined the members of the Planning Land Development Regulation Board (PLDRB) for this evening's workshop.

B. Roll Call

Present: 5 - Chairman Beebe, Board Member Cuff, Board Member Davis, Board Member Dodson-Lucas, and Board Member Henderson
Excused: 3 - Vice Chair Jones, Board Member Dolney, and 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 tonight's agenda item.- Section 11.03 of the proposed changes to the Unified Land Development Code - Chapter 11 - Landscape proposed changes will be reviewed line by line with the members of the Planning & Land Development Regulation Board (PLDRB) and the Beautification & Environmental Advisory Committee (BEAC).

*Chair Beebe addressed some questions from last week's meeting:
Chair Beebe asked Mr. William Butler, Landscape Architect for the City of Palm Coast, a question regarding section 11.02.01 C2 (page 33 of the strike out & non-strike out draft) , this section addresses protection of specimen trees, and the clarification was regarding the old code had a requirement of 16" caliber for certain trees and the new proposal has a requirement of 18" caliber, the prior week's notes had a comment that staff indicated that Bill (Butler) had a comment with regard to the intent of the original code.*

Chair Beebe: Do you know where we are in the code, Bill?

ANS: Mr. Butler: I believe in your notes on the table you will see that it is mentioned that our code {Land Development Code (LDC)} followed Ormond Beach's code and Ormond Beach had an 18" specimen tree instead of 16' specimen tree for certain tree varieties. That seemed to work well (for Ormond Beach) , and when we did the code in 2008 it was proposed as 18" but when it was presented to the Public, Boards, and the Council for review, a motion was made to reduce it to 16". Which I didn't have a problem with, after all it is the public's code, and however, staff did recommend 18" to keep in line with Ormond Beach. Now we are asking again to go back to the 18". Personally, I don't have a real problem with it, it is a couple of inches. It will be less specimen trees on a site. Look at the other things, too. We are doing a couple of other things in the code that may affect our specimen tree density. We are requiring less percentage to be protected. So, we are kind of getting it on both ends, a little bit. But that is the history, both those requirements (under the) minimum specimen tree table are based on the Ormond Beach code, that is the background on that (item).

Mr. Seib: How big a deal is it, because we are still talking about protecting these trees? Looking at this list: elm, hickory, oak, green ash beautiful trees, sycamore wonderful shade tree, maple beautiful color, these are wonderful trees, maybe we should stick with the 16" because it is in place now. If there are a lot of complaints coming from people, the builders about this (issue) interfering with them, I can't see how letting them (remain) at 18" instead of 16" will be that big of a deal, if we are just talking 2". So, what we have in place now might be the best way to go.

Mr. Henderson: Is there a difference in survivability for one size or the other?

ANS: Mr. Butler: We are talking about existing trees in this section, not planted trees. And to answer your question, a planted tree, the smaller the tree (is) the better survival rate. The bigger the tree, the more chances (of the tree succumbing to

issues). *Good question, but not related to this particular issue.*

Mr. Partelow: Procedurally, today and for the rest of these procedures, are we under Robert's Rules (of order) or anything of that sort?

ANS: Mr. Tyner: Yes, we are under Robert's Rules of Order. There is no vote since this is a workshop, but what staff is looking for with this joint workshop is a consensus. With consensus we will go back and draft the document or make changes to the document based on your conversation.

Mr. Partelow: Then we will take a vote on this issue.

ANS: Mr. Tyner: Well, yes a consensus.

Mr. Partelow: If so, I would be in favor of keeping the existing code (16" for specimen trees).

Mrs. Salkovitz: I would be in agreement (referring to keeping the 16" for specimen trees).

Chair Beebe inquired of the PLDRB members does anyone on the Planning Board have strong feelings either way, 16" vs. 18" (diameter of specimen tree)?

Mr. Davis: Why can't we say between 16(") and 18(")?

ANS: Chair Beebe: 16" would encompass 18" so that won't accomplish anything. Keep in mind, that language in this area doesn't mean you can't take those trees out, just because we make it 16" or 18", you can still remove those trees. This language doesn't say you can't remove them, it is dealing with the process later on (after they are removed) regarding replacement, mitigation things like that.

ANS: Mr. Butler: Typical example would be a single family lot where you have a minimum number of trees, 4,6,8, whatever 1 tree per every 2,500 feet, you can remove all the trees that are over that (minimum number), except for specimen trees. You can still remove them but you would have to mitigate them. Under the proposed code at 18", if you had a 16" or 17" Oak you could remove it not mitigate for it, even if it is perfectly healthy. Under the 16" existing code, before it would be mitigated. So if you change it (the proposed code) back to 16" then you would on dealing with 2" (difference) of where a tree might go in regard to mitigation. If you return the proposed code back to 16" than you would require mitigation.

Mr. Seib: So Bill, when you are talking about mitigation for these particular trees, if we go with that, what going on right now with the current regulations, if a person removes one of these trees (today), then the (person) would have to come to you or the Land Use Administrator to say they will plant X number of trees or replant this type of species (of tree).

ANS: Mr. Butler: It would be one tree, and it would be done through a tree removal permit, any time you remove a tree you have to do that (obtain a permit) and that would be part of the tree mitigation process. We would approve the removal if the existing site still had the minimum number of trees and then we would require a 3 1/2 " replacement tree.

Mr. Partelow, Mrs. Salkovitz, and Mr. Seib believe the code should remain on 16" vs. changing the code to 18".

Chair Beebe mentioned there was one more question for Mr. Butler which is under code 11.02 page 40 of the draft, the question was why under the historic tree column (on Table 11-2) are we removing any reference to height everywhere else in the proposed code, but in this particular case there is now language added for 14' high, we just didn't understand why.

ANS: Mr. Butler: That can be removed (from the column in Table 11-2). We go by the

grading standard which doesn't stipulate height just the caliber size.

Chair Beebe clarified that under section 11.02 under historic trees (column) the middle (row) where it references 3 1/2" caliber, then new language was 14' high, I'm going to take out that.

Mr. Seib: The 14' high (section) is coming out?

ANS: Chair Beebe: Correct, that is the only section coming out.

Chair Beebe invited members of the public who had questions on the chapters covered last week at this time.

Bob Cocktail of Royal Oak Dr. addressed the joint PLDRB & BEAC members regarding tree removal on the adjacent property. He requested a clarification addressing of tree removal on undeveloped property.

ANS: Mr. Butler: I'd like to take that (answer), what kind of trees are they?

ANS: Mr. Cocktail: They are pine trees.

ANS: Mr. Butler: That is already covered (in the proposed code) Sir. There is a provision that if you have a pine tree, (what is the section)?

ANS: Chair Beebe Page 38- E4 addresses the issue. Chair Beebe reading from the proposed code, "any pine tree within thirty (30) feet of a structure or within a distance from a structure less than the tree's height may be removed as a safety precaution providing the property owner where the tree is located is agreeable to the removal and applies for the permit."

Mr. Cocktail: Now that would apply to the free standing tree on the other side (of my property), I would not remove them if I thought they were healthy, but they are dropping tree, one side dropped a branch about 4" in diameter.

ANS: Mr. Butler: Well, that is why we put pines in because they drop their lower branches, they break off and die. Oaks don't do that. Had the tree been an Oak tree, we wouldn't allow that to be done. You do have a right to defend your own property, you have a right to prune the branches that hang over your property, even though it isn't your tree, you have a right to do what needs to be done, prune it from utility lines.

Mr. Cocktail: I have one last question, I did have some one come in and prune the tree, but they said they were prevented from going any farther by percentage of the tree, is that an accurate interpretation (of the code)?

ANS: Mr. Butler: Generally, we allow you to go only 1/3 of the tree length. So, the taller it is the higher they can go, so if it was a tall pine they probably would be ok.

Mr. Cocktail: So the last branches were well above the last third of the tree.

ANS: Mr. Butler: So I think you would be ok.

Chair Beebe: When did you receive the information that you were not allowed?

Mr. Cocktail: Admittedly, it was around this time last year, when the branch has fallen, and I thought it was becoming a concern, I began to look into it a little more closely. One property owner I was able to contact. The other lives in Puerto Rico and doesn't respond to anything.

Mr. Partelow: So I guess, the owner has to apply for the permit, according to this?

ANS: Mr. Cocktail: But the owner is in Georgia and I did receive permission. She said, by all means if you wish to take the tree down as long as there was no cost to her. I assured her that I would absorb all the cost.

Mr. Partelow: So does he need a permit then?

ANS: Mr. Butler, yes he needs a permit, we would need a letter from her (the owner).

I'm going to give you my card, contact me after the meeting sometime later this week, and I'll get you hooked up with Urban Forestry, we help you with that.

Mr. Peterson: I spoke to this (issue) last week, because this involved my neighbor, I'd like to see you remove the section that the owner "and applies for the permit", referring to page 38- E4. I don't see why the property owner needs to apply since there is a liability attached when the property owner gives his/her approval. Let someone else who wants it done (removal of the tree) or who is doing the cutting, apply for the permit.

ANS: Mr. Butler: If we issue a permit to someone other than the property owner we don't know if they have permission.

ANS: Mr. Peterson: Ok, Bill, if the property owner is agreeable to the removal (of the tree).

ANS: Mr. Butler: Ok, do we have written permission?

ANS: Mr. Tyner: We will get with legal to see if there is another mechanism.

ANS: Mr. Partelow: A notarized letter.

Sara Lockhart, 2 Marlin Dr., addressed the joint PLDRB & BEAC members regarding there were charts that were in the previous sections that you reviewed and I wanted to call your attention to the Comprehensive Plan, and Ray (Tyner) touched on this quite well in his opening comments, there are streets that are called out that are going to be canopy streets or Greenways, and I want someone to take a look and make sure those match those streets that are referenced in the Land Development Code. Some of those greenways that are called out in the Comprehensive Plan are also actually park areas that then would be connected. Colbert Lane, in particular, where we are talking about ending that at 2,200 ft. south of the south right of way of Palm Coast Pkwy. actually has 7 trailhead or park access connections on it. So, I'd like to see us keep that buffer down at least through Grand Haven which has a 25' buffer. But something went haywire back when the County had a project because the sidewalk would have been adjacent to the residential area went to the west side of the properties. So you have to run across Colbert Ln. to get to the sidewalk. Just another couple of comments, please look at the Technical Manual, trees that are listed in the Technical Manual are different from the trees that are listed before you. I'd question why you include Date Palms here also why don't we like pine trees? I'd like us to have a minimum size, unless, that 24" would apply, is that how I should read that (section), Bill (Butler)? Because the Bald Eagles use Pine Trees, all the Bald Eagle nests are in Pine Trees.

Bill Butler: So are you saying to include pine trees as a specimen tree?

ANS: Ms. Lockhart: I think we need a number, if you want me to get you an average of what the pine trees are those birds are in, I can at least get you that. The reason I bring that up is because, there are probably some really good edge areas that may come through in development potential areas in Matanzas Woods and Cypress Knoll. Remember there was that large pine tree that you would aim at Cypress Knoll (Golf Course) and I would hate to see that go because it was a huge tree. The other concern I had, was when we talk about the classification development, I think we need a foot note, and I'll work with Staff on this, that just says, when it comes to Planned Unit Developments, Master Planned Developments, and DRIs (Developments of Regional Impact) may contain certain landscape standards that have to be addressed. I know we looked at this for single family, but I went backed and checked the Old Kings Rd. or Old South Kings Rd. DRI and they talk about using 35' landscape buffer in order to do the run on preservations or preserve some of the upland areas. And that is one of the roads that was coming out of that list, I don't think we realized that we annexed the property so that it could be included there. The last one is tree thinning, which is on page 10 (correction page #39) section G, the very beginning of that section reads on properties where the landscaping has been

planted for a minimum of ten (10) years or where the property owner has retained or planted more trees than required, I think that any property that has had landscaping plan for a minimum of 10 years, would always be with the property owners request or permission, you may want to add the property owner or their designate agent, so that way there is a legal connection back as to how you got permission to take that tree down.

Mr. Davis: Chair Beebe, do we have two different sets of books with regulations?

ANS: Mr. Tyner: There is a technical manual which would be revised and updated once the code is approved. We would definitely have to go back to the technical manual to make it consistent with whatever is approved.

Mr. Davis: So they would both conform to each other?

ANS: Mr. Tyner: Yes, that is something we would have to do, soon after City Council approves the new Landscape Chapter, right away we will be working on the Technical Manual.

Mr. Davis: Which one (Land Development Code or Technical Manual) has precedence over the other?

ANS: Mr. Tyner: The Land Development Code has precedence.

Mr. Partelow: The other issue we brought up last week, was regarding utilities companies having the right to trim or take down trees that interfered with the lines, I think it was Mr. Peterson mentioned that when a utility company comes in they will take down half that tree that interferes with the line and the home owner has no recourse to remove the rest of the tree.

Mr. Tyner: Actually we were discussing, Bill (Butler), it appears if we add, that FP&L (Florida Power and Light) removed or effectively removed the tree, then the property owner should be able to would have the authorize to remove the tree.

Mr. Peterson: How would you define effectively removed, though?

ANS: Mr. Butler: There is a definition for it in the code, I'll read it (found in Chapter 14 - Glossary page 62): A condition of the tree caused by excessive damage or improper pruning of roots or tree canopy. This includes, but not limited to, topping, lion's tailing, hat-racking, or elevation of lower tree branches to a height more than one-third of the total height of the tree (unless tree is a standard form tree).

Mr. Henderson: I was speaking to a friend of mine and she was talking about exactly what you are talking about, if you have a faulty tree and half is hanging over there, or see a tree and you have two branches on one side, with that type of tree are you going to leave them or what are you going to do? Does the tree fit the definition?

ANS: Mr. Butler: To me, it would qualify for removal. Because a tree shouldn't be there anyway, it is a maintenance problem for a utility company, they usually don't look very good, and if the owner wishes to remove it, we would probably issue a permit to remove the tree and there wouldn't be any mitigation for it. In the past, if they were required to have four trees and this was their fourth tree, they would be required to replace it. However, under the proposed code they would just have three trees (no mitigation would be required).

Chair Beebe introduced Chapter 11.03 - Page 41 - Landscaping Buffers and Irrigation Requirements

Chair Beebe, also mentioned that last week, we had a comment from Mr. Peterson under section A - Tree Density- one tree for every 2,500 square feet or fraction thereof of property area excluding ponds, lakes, and canals. Mr. Peterson

recommended last week, to change that from one tree for every 2,500 to one tree for every 3,000 square feet. Do we have any comments?

Mr. Seib: I do have a thought, I think we stick with one (tree) for every 2,500 square feet. I think Mr. Peterson mentioned because the homes people built, that is the choice that person makes to build a massive home on the lot. But it is our choice in the community to maintain the standards we have and I think that standard stood the test of time. It is not excessive and it is not a danger. If you are talking about the trees that are planted, the Oak or Magnolia tree, they are trees that beautify and maintain what we have in our community. I don't think they will be a problem and they will be over the home for a long, long time. I like this the way the code is and I think we should stick with it.

Mr. Butler also mentioned that we (further in the proposed code) reduced the number of shade trees required on single family lots to one tree. I believe it is based on acreage and the smallest will be one (tree), so that enables you to put more trees on there (the property) without crowding them. So if you keep the same ratio then we are actually going to keep more room.

Section C - Protected Trees and Plants: Mr. Butler explained this section with regard to the elimination of class 1 and 2 (no longer counting existing pine trees towards credit).

Section D - Native Vegetation: Mr. Tyner requested the addition of the phrase (if available) be added to the third sentence in the paragraph as follows: MFR/COM, IND and SUBD developments are required to use reuse water (if available).

Section E- Alternative Landscape Betterment Plan: Mr. Butler discussed that this section would require the PLDRB to review a Tier 1 Alternative Landscape Betterment difficult site plan, and that this language will be added to this section stipulating that the PLDRB would be required to review the entire site plan for any plan that included the use of this section.

Section F- Freestanding Sign Landscaping: Section 1 - Monument Signs

Mr. Davis: What do we consider a monumental (sign)?

ANS: Chair Beebe: A monumental sign (not monumental). So it's your private entrance sign. If you're in a sub-division it is your sign that reads Canopy Walk (for instance). Your identity sign out front (of the property).

Section G- Retention and Detention Ponds: Mr. Butler suggested we add back in the bracket (without geometric straight sides) and add the words: (if possible) into the first paragraph 3rd sentence).

Mr. Cuff: One thing I hadn't noticed before referring to section (all wet ponds shall incorporate a combination of aquatic and non-aquatic native plants around portions of the perimeter to filter runoff of fertilizers, herbicides, and pesticides); what portion, 1%, 15%?

ANS: Mr. Butler: I did circle that one, too.

Mr. Cuff: Maybe it is defined somewhere else.

ANS: Mr. Butler: No it isn't.

ANS: Chair Beebe: I know it was kicked around during some of the workshops that F-Card had and we tried to come up with some sort of percentage and we never did (come up with a percentage).

ANS: Mr. Hoover: I've seen 25% and 33% out there in some other cities.

Discussion continued regarding this item and it was decided that Bill Hoover is to address and add a minimum percentage to this item (littoral zone reference used by

other cities).

Mr. Seib: So this will be changed to add a percentage?

ANS: Mr. Hoover: Yes, we will research and add a minimum percentage.

Section H -Screening Plantings: Mr. Tyner suggested adding the wording from the "approved" public right-of-way to the last sentence on page 42 to read as follows: If the structures are in areas that are visible from the public rights -of-way the screening shall be provided between the structures and the approved rights-of-way.

Mr. Butler discussed the difference between short and tall screen and suggested adding the wording to this section for a medium screening replacing the reference in the first sentence from a short screen planting to read have a medium screen planting.

Mr. Henderson: What a minute, does air conditioning (HVAC units require) a short screen? No, it a tall screen, right?

ANS: Mr. Butler: If it is visible from the right of way, it is a tall screen.

Mr. Henderson: It is 4'?

ANS: Mr. Butler: It is 30".

Discussion ensued about the effectiveness of a short screen referencing Table 11-3 (found on page 48) and maintenance to these screening plants.

Mr. Davis: Does this code (section) pertain only to home owners or does it pertain to utility companies such as Brighthouse and electrical (FP&L), regarding the big transformers that they set in the corner of people's lots?

ANS: Chair Beebe: FP&L has restrictions regarding plantings around their transformers, so you have to follow those requirements. But all those other items that are listed here, HVAC, generators, lift stations, electrical panels, those items, fall into this category here and not just single family it is commercial and multifamily as well.

Mr. Butler discussed when he reviews a commercial site plan and they have a transformer I require plantings around it but I know that we have to maintain the clearance spacing around the unit and access requirements and ensure they (the applicant) does that. Chair Beebe mentioned that there is an FP&L document that details their clearance requirements.

Section 11.03.02 Specific Landscaping Requirements

Section A subsection # 2, page 45-Mr. Tyner addressed Wildfire Hazard Assessment - as defined by the FRAS (Forest Resource Assessment and Strategy) map. Mr. Butler discussed the Wildfire Hazard Assessment is provided free of charge by the U.S. Forestry Service.

Section B - IND Developments, page 45

Chair Beebe: Is there any explanation on the little different requirements for industrial, it was pretty straight forward, I know there was a desire to keep things separate on this new re-write rather than lumping them together?

ANS: Mr. Hoover: (During our FCARD meetings) What we heard was there we some points regarding overly landscaping industrial buildings on a road with other industrial buildings there so you are looking to make it more profitable to have a business there. When you go to other communities, you want to have standards where

businesses coming in here can be competitive (rather than) going to another region or city.

Mr. Tyner related that if you go down Hargrove Grade vs. Palm Coast Pkwy. the standards you would use would be different (to evaluate the landscaping on the different roads) and that is what we are trying to balance with this proposal.

Section C - subsection #2, page #46

Mr. Seib: This is referencing the homes fronting specific arterial and collector roads?

ANS: Mr. Butler: No, this would only be the common areas along that road and that buffer. That common area would be maintained by the Association (Home Owners Association) not the home owners.

Mr. Davis: Not to through you off, Mr. Speaker (addressing Chair Beebe), what about vacant lots, that are owned by individuals, due they fall under anything here? (Referring to Section C - subsection #3 - Wildfire Hazard Assessment)

ANS: Mr. Tyner: (That is addressed under) our Code of Ordinance under our Code Division regulates the single family lots to ensure they have appropriate buffers, that type of thing for our Fire Wise Program.

ANS: Mr. Butler: That has been in place since either 2002 or 2003, our Wildfire Mitigation Ordinance requires the vacant property owners to keep the vegetation mowed within 30' away from an adjacent structure. So the vacant property owner would have to mow a certain width (area) to keep that (vegetation) away from the home if a wildfire does come.

Chair Beebe: Now, Bill, is this the section (referring to subsection D - Number and Type of Trees) you were referring to earlier, when referring to Mr. Peterson's question?

ANS: Mr. Hoover: Correct, it used to be that 40% of your trees had to be shade (trees).

ANS: Mr. Butler: We didn't change 2,500 square feet (referring to Table 11-3 on page #48) as a better source of definition regarding density.

Mr. Davis: Do we list anywhere what a shade tree is?

ANS: Mr. Butler: Yes, there is a definition.

Mr. Davis: A pine, isn't one (referring to a shade tree)?

ANS: Mr. Butler: No.

Mrs. Salkovitz: Bill, it reads here that at least 2 shade trees will be provided on lots 1/3 of an acre or larger and 4 shade trees will be provided on lots 1 acre or larger. But I thought you said they would be only required to have 1 shade tree?

ANS: Mr. Butler: Yes, but that is only on a standard lot (80 x120), a quarter sized lot which is what most of our lots in Palm Coast are. I used that as an example.

Chair Beebe: So that is where you would have 1 shade tree?

ANS: Mr. Butler: Yes, any larger lots would require more shade trees.

Mr. Seib: Bill, what is a shade tree? A species of shade tree?

ANS: Mr. Butler: An oak, an elm, a maple, sycamore, cedar, ball cypress, that is all listed in our technical manual. It is defined in the code as any tree that obtains a height of 35' or more. That is the definition of it (shade tree) but in the technical manual we have included a definition of a shade and understory tree list.

Mr. Seib: So any over story tree would be considered a shade tree?

ANS: Mr. Butler: Yes.

Mrs. Salkovitz: Is there a shrub requirements somewhere else? Species, how high are they?

ANS: Mr. Butler: That is in the table (referring to 11-3 on page 48).

Mr. Butler discussed the changes to this section of the code.

Mrs. Salkovitz: How did they (City Staff) come up with that figure, that calculation (referring to the number of shrubs under section D - subsection #2 - Foundation Plantings page 46)?

ANS: Mr. Butler: It is an average.

Mr. Tyner: Well, what percentage would the shrubs do (cover a home)? It depends on how big the house is. If it is a small house it might cover 60%; a larger house may not be 60%. That is what the old code was (60%).

Discussion ensure regarding this section 2 - Foundation Plantings and clarification that this code refers to the minimum standards.

Mrs. Salkovitz: Is there some reason why the fences are addressed somewhere else?

ANS: Mr. Hoover: they are addressed in another chapter (referring to the Chapter 4 of the Unified Land Development Code).

Mr. Butler addressed subsection 3-Minimum Planting Requirements and its intent.

Mr. Butler and Chair Beebe discussed the 10% tolerance note #1 under table 11-3 Minimum Planting and Maintenance Requirements found on page #48, with the BEAC and PLDRB members due to shortages in the availability of certain caliber trees.

Along with a discussion of the potential discretion of the Land Use Administrator's discretion.

The definition of short, medium and tall screenings will be added to table 11-3 Minimum Planting and Maintenance Requirements on page #48.

Mr. Hoover: Is the 10% tolerance level is that sufficient? Because if you are going from 3 1/2 to 2.75 that is more like 20%.

ANS: Chair Beebe: I believe I remember in the discussions with FCARD that we were trying to determine what percentage to use. Is it 10%, 15% or 12%.

Mr. Butler along with Chair Beebe suggested using a reference based on availability (of shrubs) and at the discretion of the Land Use Administrator.

In section A subsection #4 page # 49 it was requested to include clarification in this section that interior parking lot areas still require 1 shade tree.

In section 11.03.04 Parking Lot Landscaping Requirements - Mr. Butler discussed the height of the screened parking lot must be higher than the lot it is intended to screen. Mr. Hoover to add back into the Table 11-3 the height requirement.

Mr. Tyner discussed the experiences with size of the parking lot island and larger trees.

Mr. Butler discussed a graph, that he once saw, shows the health of the tree is related to the size of the island.

Mr. Butler discussed the rationale behind this section on Landscape Islands section B- Internal Parking Lot Landscaping, subsection 1 - Landscape Islands letter a.

Mr. Davis: Mr. Beebe, going back to the parking lot with putting a stop,(section 2- Placement of Landscape Islands subsection b) didn't Home Depot and Lowe's had a problem with that (requiring a stop) because contractors coming to pick and if you put a stop there they can't drive through and some have a longer trailer. In speaking with Home Depot, they went to the City to get a waiver to remove the stop.

ANS: Mr. Butler: That is only for a grass parking lot, that we require a parking stop, in order to define the parking stop.

Mr. Butler discussed section 3 - Design Requirements for Landscape Islands subsection d-tree credits- the increase to the number of credits because the developer is spending more money on the project.

Chair Beebe: How was section 5 - Driveway Medians changed regarding, is it a change from the word shall to may?

ANS: Mr. Butler: Yes, change from shall to may, it used to be required.

Chair Beebe gave an explanation of the new tables 11-4 - Perimeter Buffer Requirements and 11-5 found on pages 53 and 54 - Buffer Design Standards and how they would be used together to determine based on the zoning district the required landscape buffer needed for the project.

Chair Beebe: (In regard to Table 11-4 Perimeter Buffer Requirements give us a use for note #1 (MDP zoning district) found on page 53?

ANS: Mr. Tyner, I would change the words "Land Use Administrator" to the "MPD development agreement".

Chair Beebe: As an example, if you have an MPD (Master Planned Development) and the specific area you were looking at was a commercial use, that is what you are going to default to in this chart here (referring to Table 11-4 on page 53), is that correct?

ANS: Mr. Tyner: Yes.

Chair Beebe: If it was a residential use, a single family use, it would default to that (meaning a single family use)?

ANS: Mr. Tyner: Yes.

Chair Beebe noted #2 under the Table 11-4, under the PSP zoning district needs to be cleaned up- directed to Mr. Hoover.

Mr. Seib: What category do these removed roads now fit into?

ANS: Mr. Butler: They drop down one row into other arterial or collector roads (referring to Table 11-4 on page #53).

Mrs. Salkovitz: Bill was talking about medium screen in the Table 11-5 it is missing?

ANS: Mr. Butler: Yes, we will have to add the medium screen to this Table (referring Table 11-5 on page 54).

Mr. Partelow: What is the point of the change 4/100' or 1/50' (referring to the Table 11-5 column Maximum Shade Tree Spacing per Linear Feet) what is the point?

ANS: Chair Beebe: Well 4/100' in the existing code, you would have had to have 4 (shade trees) for every 100' of frontage. You could say that there is one (shade tree)

every 25' really. Now, the new code, is requiring per 1 (shade tree) for every 50'. Then in conjunction with the increased spacing (this does help the crowding issue with the existing code).

Mr. Seib: The strike through is the current standard?

Chair Beebe: Yes.

Mr. Seib: Aren't businesses coming into (the City) under this current standard now, which is the 35' buffer at this time, so why are these (current setback regulations) excessive?

Mr. Hoover: I can answer that, over at the Publix @ Beach Village (on SR 100); there is an out parcel there, in front of the center, with apartments to the left of Publix, so there is a lot with a local road that goes around it (the lot) and out to SR 100, this lot is not very big. They are getting hit on the front with the buffer (35') and against this local street they are getting hit with a 20' buffer. Plus a 20' on the back. It got to the point, where we almost lost this new development coming in, except they had one thing that saved them. They didn't have to put a buffer on one side because they were in a common master planned association where there is shared storm water and some other facilities. If you look at their site, they are paying commercial prices to come into Palm Coast to provide services but yet so much of your lot (is taken up by the current required buffers), it is not a very big building and they are not getting nearly what they wanted (in size of their building) but they were just able to get a building into that lot.

Mr. Seib: But now, with the regulation (buffer setback) in place there are a lot of irregularly shaped lots for commercial properties, correct? And the people who have built already they had to conform to it (the current regulations). So if they have to arrange their building differently and/or a different size, then all the folks who are here now, have done that.

ANS: Mr. Tyner: The problem we experience in the Planning Division, when you are talking with a 25" or 35" buffer as well as have building setbacks along with easements for utilities we have been trying to be reasonable with our standards. Also with regard to the code we have also increased our standards for example on Palm Coast Pkwy. where the Oak trees are located. In some areas we have relaxed the regulations and in others we have made them stricter. Also the Planning Board provided a variance for a business on Old Kings Road where the existing buffer is 25'. The buffer it has been a struggle with developments trying to squeeze everything into their developments. Also Mr. Hoover, did a lot of research with other municipalities and counties to analyze their buffer requirements.

Mr. Hoover discussed with the PLDRB & BEAC members how other communities consider a 25' buffer very strict.

Mr. Butler discussed his experiences working with the existing buffer requirements when there is also a lack of right of way space in a development.

Chair Beebe discussed the practical changes to the code with regard to the proposed 25' buffer having the same number of trees as the existing 35' buffer saying you can make them look the same.

Mr. Seib discussed his preference for a wider setback.

Mr. Seib: If an existing property does any building renovations (changes to their building) will they not be subject to the new requirements? Eventually, the whole community will end up being closer to the roadway.

ANS: Chair Beebe: Keep in mind this is a permanent buffer not a building setback, they are two different things. The building setback determines how close to your

property line you can build your building. And that (building setbacks) is not changing. They (landscape buffers and building setbacks) are two different things.

Mr. Seib: So, this is just the vegetative buffer?

ANS: Chair Beebe: Yes, this is the parameter buffer.

Mr. Seib: So the parking lot could come closer (to the street)?

ANS: Chair Beebe: That is right. They (parking lots) cannot come into the buffer.

Chair Beebe discussed the feedback from the development community is that if you want to continued growth of some sort, commercial and/or multifamily (development), then you have to be competitive with your surrounding area. And right now if someone is looking at a 2 acre commercial property in Palm Coast and the same size lot in Ormond Beach, they (the developer) can get a lot more onto that lot in Ormond Beach than they can with our code here. Now, if you don't want anyone else to come into the community than you might say we don't want to change it (the code).

Mr. Seib: What we hear almost daily, is they (developers) are fighting to come here.

Mr. Hoover discussed the example of a restaurant building here vs. in other community regarding what that developer can put on a lot here vs. another community and that the numbers (financially) it might be better for that developer to build elsewhere.

Mr. Tyner addressed the PLDRB & BEAC members regarding maintaining the Palm Coast feel while encouraging development and he feels that we have maintained that feel with this proposed draft.

Chair Beebe opened the meeting up to the public to speak at 7:43PM.

Ms. Karen Rafko requested a clarification with regards to the buffers and the landscape islands particularly within parking lots, do you have specific information on how to deal with stormwater.

Chair Beebe discussed that there is a maximum amount of stormwater that can take up your buffer and it is 20%, I believe of your perimeter buffer. It varies on the width of the buffer, but you can't use your whole perimeter buffer for stormwater.

Mr. Butler discussed the use of parking islands as a treatment drain, we don't require it but we are not saying you can't do that but the code does allow it. However, if you do that the trees in there would have to be like a Ball Cypress which is tolerate wet conditions. That is what we call low impact development and we encourage that, we have some MPD agreements and they require low impact development and that is one of the tools we discuss with the developer. We encourage it but we don't require it.

Mr. Peterson: In regard to reducing the # of trees within 2500 sq.ft. (remove a fraction thereof) within the single family residence. Maybe you should grandfather the HVAC units. Mr. Henderson discussed using a screening via a plastic lattice Mitigation should be replaced with a tree with a current new home tree standard. So if a historic tree is cut then a home owner would be allowed to replace with whatever the new home tree stand is for a new home. Still requiring a permit.

Mr. Tyner: If a resident a historical Oak tree with a permit.

Mr. Peterson: Any tree can be cut not based on an arborist's determination.

Mr. Peterson: Page 42 - Screen Plantings -you ought to remove the restriction from screening from a neighbor on a single family home.

Mr. Peterson: Page 49 - Parking Lot Landscape Requirements- Mr. Peterson described the landscaping issue at Walgreen from Palm Coast Pkwy., your vision is

obstructed by the hedge. Mr. Butler that is a code enforcement issue.

Mr. Peterson: Also at Belle Terre Pkwy., the hedge on the Kohl's is a problem. Mr. Butler that is a code enforcement issue.

Mr. Peterson: Page 51 subsection C, how does this affect Walmart, Target, they don't have a five foot width. Mr. Butler, Walmart came in before the 2008 code and Target should have this item.

Ms. Sara Lockhart: I'm not ready to give up on shade trees or buffers. We don't need to look to other communities for what they are doing, look to our comprehensive plan.

Ms. Lockhart read from the City of Palm Coast Comprehensive Plan.

A 10' reduction in the buffer to me, fails to implement what we originally adopted and subsequently adopted in the code and I would like you to take a look at this list of roadways and locations to see that there are roads that are in here in conjunction with this Comprehensive Plan section. This finding states that the City streetscapes, i.e. the view the driver or pedestrian has from street level, is often cited by residents and visitors as one of the communities most attractive assets. Ms. Lockhart also expressed her concern over the 25' buffer with regard to right of way expansion.

Mr. Mark Wheeler, of Palm Coast, discussed invasive plants specifically as listed by Florida Exotic Pest Plant Council, suggested an ordinance that treats these trees and shrubs as follows: you don't need a permit to remove them but you get no credit for having them. Second step would be to prohibit their sale in Palm Coast.

Mr. Seib: What are some examples of invasive/exotic plants?

ANS: Mr. Weaver: Brazilian Pepper, Hawthorne Tree, Chinese Towel, Camphor Trees, and petunia.

Received and Filed

C. Board Discussion and Staff Issues

Adjournment

The meeting was adjourned at 8:04PM.

Respectfully submitted:

Irene Schaefer, Recording Secretary