



# City of Palm Coast

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

## Meeting Minutes Planning & Land Development Regulation Board

*Chair James A. Jones*  
*Vice Chair Glenn Davis*  
*Board Member Sybil Dodson-Lucas*  
*Board Member Christopher Dolney*  
*Board Member Pete Lehnertz*  
*Board Member Jake Scully*  
*Board Member Clinton Smith*  
*School Board Representative David Freeman*

---

Wednesday, January 18, 2017

5:30 PM

City Hall Community Wing

---

### RULES OF CONDUCT:

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

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

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

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

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

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

>The City of Palm Coast is not responsible for any mechanical failure of recording equipment

>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 Jones called the meeting of the Planning and Land Development Regulation Board (PLDRB) to order @ 5:33PM.*

### B. Roll Call and Determination of a Quorum

**Present:** 5 - Chair Jones, Vice Chair Davis, Board Member Dolney, Board Member Smith, and School Board Representative Freeman

**Excused:** 3 - Board Member Dodson-Lucas, Board Member Lehnertz, and Board Member Scully

### C. Approval of Meeting Minutes

- 1     [17-26](#)     MEETING MINUTES OF THE DECEMBER 21, 2016 PLANNING AND LAND DEVELOPMENT REGULATION BOARD MEETING
- A motion was made by Board Member Dolney and seconded by Board Member Davis that the minutes be Approved as presented. The motion was adopted by the following vote:**
- Approved:** 4 - Chair Jones, Vice Chair Davis, Board Member Dolney, and Board Member Smith
- Excused:** 3 - Board Member Dodson-Lucas, Board Member Lehnertz, and Board Member Scully

### D. Public Hearings

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

Open Hearing

Staff Presentation

Applicant Presentation (if applicable)

PLDRB Questions of Applicant or City Staff (if applicable)

Public Comments/Presentations

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

Close Hearing

PLDRB Discussion

PLDRB Action

- 2     [17-19](#)     A COMPREHENSIVE PLAN AMENDMENT FOR A 145+/- ACRE PARCEL FROM GREENBELT, INDUSTRIAL, AND CONSERVATION TO RESIDENTIAL, INDUSTRIAL, AND CONSERVATION ALONG WITH A POLICY TO LIMIT DEVELOPMENT ON SUBJECT PARCEL TO 348 DWELLING UNITS AND 350,000 SQ. FT. OF NON-RESIDENTIAL USE.
- Mr. Ray Tyner, Planning Manager introduced this agenda item which will be presented by Jose Papa, Senior Planner with the City of Palm Coast. Mr. Papa's presentation is attached to these minutes. Chair Jones questioned whether or not both items #2 or #3 would be presented together or individually. Mr. Tyner stated that both items will be presented together however they will be voted on separately by the PLDRB members.*
- Chair Jones explained the order of the PLDRB meeting to those present in the audience.*
- Mr. David Blessing, developer for this project addressed the PLDRB members and his presentation is attached to these minutes, starting with slide #19 in the attached presentation.*
- Mr. Smith: I have one question, I'm a little confused about the 400 feet. I understand*

*in here (the staff report) it indicates 400' + to a structure. But when I look at the site plan it has a 100' buffer then open space between that and where the units can go, what can go into the open space?*

*ANS: Mr. Mike Beebe, 33 Old Kings Rd. N, Palm Coast, agent for the property owner, that could be a combination of a stormwater facility. It could be natural vegetation that exceeds the 100' (buffer), it could be new landscaping, it could be wetlands. Anything that open space requires in the (City's) Land Development Code (LDC).*

*Mr. Smith: But it won't be any parking or any improved hard surface?*

*ANS: Mr. Beebe: No. I'm trying to show the road system on our proposed concept plan that would fall within that area you are talking about. However, currently we don't show parking just the outlining road system that serves the property.*

*Ms. Katie Reischmann, legal counsel to the City and the PLDRB, asked that any of the PLDRB members divulge if they have had any ex parte communications with anyone. Each of PLDRB members answered no to having any ex parte communications for the record.*

*Mr. Ray Tyner gave his background, and that of the City of Palm Coast staff members present at this meeting for the record (which included Jose Papa- Senior Planner, Sean Castello - Traffic Engineer, and Denise Bevan - Environmental Expert).*

*Once exhibit B - conceptual master plan - was displayed on the projection system, Mr. Beebe continued to speak to address Mr. Smith's questions regarding open space.*

*ANS: Mr. Beebe: The green areas are open space (referring to the presentation), conservation, and wetlands. What is in white is our circulation system going around within that zone that your inquired about, Mr. Smith. There are proposed lakes.*

*Chair Jones: Are any parking areas associated with the piece of property labeled multi-family?*

*ANS: Mr. Beebe: Correct any parking would be depicted in brown (referring to the presentation) which is labeled multi-family on the plan. And within the commercial areas which are designated in red.*

*Chair Jones: Open space would be impervious, right?*

*ANS: Mr. Beebe: It would be pervious.*

*Chair Jones: When we talked earlier about this property (referring to the December 21, 2016 PLDRB when this agenda item was continued), Mr. Papa, the possible uses of this property you used assumptions for potable water, solid waste disposal, where did those assumptions come from?*

*ANS: Mr. Papa: Those levels of service standards are found within our Comprehensive Plan that 1000 square feet of non-residential development would have the impact of .1 gallons per day and .17 gallons per day of potable water requirements.*

*Chair Jones: So they are standards that come from the State?*

*ANS: Mr. Papa: There are established within the City and are based on historical usage within the City. But memorialized within our Comprehensive Plan.*

*Chair Jones: Second question are the uses of the commercial properties going to change under the MPD (Master Planned Development)? For example it is now zoned as Industrial (IND) 1 and we are going to zone it as Commercial (COM) 2, is that right?*

*ANS: Mr. Papa: Well, the zoning will be a Master Planned Development (MPD) but within the MPD agreement those uses would be limited to those uses that are generally permitted within our Com 2 or general commercial zoning district, yes sir.*

*Chair Jones: What kind of uses would be currently put to use (permitted) in those pieces of property for example that would not be allowed in a Com 2 or general commercial (zoning district)?*

*ANS: Mr. Papa: Strictly the type of light industrial uses such as outdoor storage, mini warehousing that type of thing.*

*Chair Jones: I noticed on the other side of US 1 a little further south there are number of automobile and metal refurbishes, could that kind of business be put on that piece of property now?*

*ANS: Mr. Papa: Currently, I believe those could be, they would be considered outdoor storage and potentially would (be an allowed use).*

*Chair Jones: And those would not be allowed under this Development Order (DO)?*

*ANS: Mr. Papa: Right, the general commercial mainly limits it (the commercial parcels) to retail and office uses. It is a way to generalize what type of uses.*

*Chair Jones: And the developer could currently build 101 houses there?*

*ANS: Mr. Papa: 91 if I remember correctly, the number of acres that are currently in estate 1 (EST-1) zoning, is what they would be allowed (to develop).*

*Chair Jones: And that is one acre zoning?*

*ANS: Mr. Papa: Yes, sir.*

*At 6:16PM Chair Jones opened the meeting to public comment.*

*Mr. Tim O'Donnell, 8 Karanda Place addressed the PLDRB members and is not in favor of agenda items # 2 and #3. He did provide a handout to the members of the PLDRB and to the developer and it is attached to these minutes. His concerns are the effects on traffic and reducing housing values.*

*Mr. Lewis R. Cesareello, 9 Karanda Place addressed the PLDRB members and is not in favor of agenda items #2 and #3. He did provide a handout to the members of the PLDRB and to the developer and it is attached to these minutes. His concern is the height of the 3 story buildings.*

*Mr. Sean Smitley, quoted a bible verse, and indicated that he didn't know what the correct answer is regarding items #2 and #3 however he hopes any decisions are made for the right reasons.*

*Mr. David Agata, 32 Karas Trail, addressed the PLDRB members and is not in favor of agenda items #2 and #3. His concerns are regarding possible section 8 housing. Impact on housing values and environmental impact based on 348 rental units.*

*Ms. Terri Howe, 29 Karas Trail, addressed the PLDRB members and is not in favor of agenda items #2 and #3. Her concerns are on environmental impact and impact on housing values.*

*Mr. Len Dignard, 41 Kathleen Trail, addressed the PLDRB members and is not in favor of agenda items #2 and #3. His concerns are on buffer impacts, and the change to apartment zoning from estate housing. Questioned the section 8 housing restrictions missing from the Master Planned Development (MPD).*

*Ms. Sarah Sieling, 21 Kathleen Trail, addressed the PLDRB members and is not in favor of agenda items #2 and #3. Her concerns are on the lack of changes being documented in the Master Planned Development agreement and the impact of the development on crime and lowering property values. An email sent to the PLDRB members from Ms. Sieling is attached to these minutes.*

*Mr. David Bennett, 29 Kathleen Trail, addressed the PLDRB members and is not in favor of agenda items #2 and #3. His concerns are on the lack of job opportunities in the area influencing the crime rate with 348 rental units.*

*Mr. Tom Cramton, 22 Karas Trail, addressed the PLDRB members and is not in favor of agenda items #2 and #3. His concerns are regarding water restrictions and lack of businesses in the area to support the new population.*

*Mr. Roger Sieling, 21 Kathleen Trail, addressed the PLDRB members and is not in favor of agenda #2 and #3. He provided pictures as well as an email to the PLDRB members which are attached to these minutes. His concerns are in regard to the drainage ditch impact, and the impact on the environment including potential impact on the aquifer. Potential impact on creation of sink holes as well as impact on legitimate expansion (believing this development will prevent legitimate expansion).*

*Mr. Frank Ciofalo, 25 Karas Trail, addressed the PLDRB members and is not in favor of agenda #2 and #3. His concerns are on impact to the Fire Department and fire needs of the new development along with clarification of who is responsible for funding any additional fire needs as a result of this development.*

*Mr. Chuck Johnson, 26 Kathleen Trail, addressed the PLDRB members and is not in favor of agenda #2 and #3. He referenced his prior run for Mayor of Palm Coast fifteen years ago and he is intending to run again, while keeping his legal eye on both the developers involved in items #2 and #3. His concerns are on impact to the environment.*

*Ms. Anne Marie Haynes, 9 Kansas Path, addressed the PLDRB members and is not in favor of agenda #2 and #3. Her concerns are on impact to the environment with rental properties vs. home ownership. Impact on PEP system in the area with this development. Her concerns are on impact on housing values as well as an increase in traffic based on the development.*

*Mr. Peter Protroski, 67 Karas Trail, addressed the PLDRB members and is not in favor of agenda #2 and #3. His concerns are in regard to the impact on new proposed lakes being added to property and impact on drainage ditch (referencing presentation). His concerns are on impact on Fire Department and fire needs of the new development. He also referenced a prior Flagler Live article regarding moving away from multi-family housing in some areas of Palm Coast. As well as impact on the environment with addition of 348 apartments.*

*Chair Jones closed the public portion of the meeting @ 6:59PM.*

*Chair Jones followed up on some of the public participants' questions on impact to the fire needs from the proposed development. Do we have any information on whether or not this would trigger a fire addition, is that correct?*

*ANS: Mr. Papa: That is correct. The fire rescue goes through a periodic analysis of where their needs are and they have to take into account where growth is occurring and where there might be levels of deficiencies in response time. While it is true that every single development has an impact on fire rescue I think those types of discussions occur when you look at the development at a closer to the ground look.*

*Of course the issue of whether or not we have apparatus to serve two and three storied buildings, we have two storied single family homes and we do have three storied office buildings and apartment buildings including one here in Town Center. I don't work for the Fire Department but I would venture to say they have the apparatus to serve (these needs).*

*Chair Jones: Jose, a requirement such as fire or parks are generally funded out of impact fees, right?*

*ANS: Mr. Papa: There is a fire impact fee that would cover capital improvements to any new fire facility.*

*Chair Jones: So the developer would be contributing substantial impact fees to the City that could be used for the expansion of Fire and Rescue as well as parks?*

*ANS: Mr. Papa: There would be impact fees for any residential and non-residential development and park impact fees for the residential.*

*Chair Jones: So the question was answered as to who would pay for that (any needed new fire or park facilities or services), the impact fees pay for that?*

*ANS: Mr. Papa: The impact fees pays certainly for a portion of the development.*

*Mr. Jay Livingston, attorney for the applicant, addressed the PLDRB members regarding the MPD agreement and the language in it, as it relates to Section 8, Government Subsidized Housing. He stated there was no misrepresentation, we put the language into the MDP agreement, I actually drafted it myself, that said the developer would be obligated to restrict through private covenants and that provision could not be amended without the City's approval. So that the City would serve as a gate keeper and that provision could never be amended. Now that was removed for legal reasons and we didn't have a chance to have a discussion about that (provision being removed from the MPD agreement).*

*ANS: Mr. Tyner: That is correct. They did submit that revision and staff got together (to review) and our analysis of it is that we potentially could jeopardize the City with federal funding. But we can certainly talk to our attorneys a little further prior to going on.*

*Chair Jones: So that would jeopardize other issues of funding?*

*ANS: Mr. Tyner: Yes. The applicant was faithful and brought that to our attention but that is something we feel we cannot do.*

*Ms. Katie Reischmann, legal counsel for the City, addressed the PLDRB members and stated that this issue comes up quite a bit and it does violate the Fair Housing Act to have a provision that says there will not be any subsidized housing in your governmental agreements. We do look at including provisions about student housing and things like that but you cannot specifically state those words regarding subsidized housing or that does violate federal law.*

*ANS: Mr. Livingston: We need to be clear about this though because this is an important point, the restriction is that you (City) cannot put it into your approved agreement, not that a restriction in the covenants and agreements would violate federal law.*

*Chair Jones: If you put into the covenants and restrictions of the property?*

*ANS: Mr. Livingston: And if the City was able to tell us we had to, not only are we willing to, but we drafted that language into the MPD agreement. What Ms. Reischmann is saying is that there would be an impact on the City if that restriction was put in, not that the restriction itself would be a violation (of federal law) if it were to be in our private covenants. I don't want to speak for you, I just want to be clear about that.*

*ANS: Ms. Reischmann: Mr. Chairman, what they (the applicant) puts into their covenants and restrictions does not bind the City.*

*Chair Jones: So you can put in the covenants and restrictions to eliminate the rentals to no government subsidies but you cannot put in the Development Order.*

*ANS: Ms. Reischmann: That is correct.*

*Mr. Livingston: I just want to be clear about this, it is not a fact that what we put in would be illegal or that it could not exist, it is just that the City cannot endorse it through Ordinances, is probably the best way to put it.*

*ANS: Chair Jones: Yes.*

*Vice Chair Davis: asked the City Attorney, Katie Reischmann, what are the responsibilities of the PLDRB members regarding their duties as it relates to this matter before the board?*

*ANS: Ms. Reischmann: Certainly, Mr. Davis and I was looking to do that for the board's benefit. The board is an appointed board not an elected board, just to clarify that. You are all charged with very important responsibilities, not to look to a lot of popular comment and so forth. You have to look to the code (LDC), you have limited power, you can't do whatever you want to do, whatever you feel is in your heart. You are constrained by the City code. It isn't a freewheeling kind of a position. So as Mr. Papa listed and Mr. Tyner referred to, there is very detailed staff reports, and I know the public is aware of that. The code provide exactly what the standards are for the Board in making their decision. There are very, very different standards between the two decisions you are making (referring to agenda items #2 and #3). The one is to the Comp. (Comprehensive) Plan change and that is only as to the 90 acres of greenbelt going to 81 residential and 9 industrial. So that is just a portion of the project. So as to the first part of your decision, the Comprehensive Plan change, your decision can be based on what you feel might happen in the future. It is talking about the future, in terms of traffic, burden on the public facilities and all those different factors that you look to generally with any development. Then we get to the second decision, so if the first decision is yes, and then we move on to the second decision which is rezoning.*

*Chair Jones: The first decision yes, do the facilities meet the code?*

*ANS: Ms. Reischmann: Well it is not so much that Mr. Chairman, it is do you feel that this is a future land use of 81 acres of residential and 9 (acres) industrial is something that makes sense for the City in the future. Based on what you've heard about the City's possibility to service from 90 acres of greenbelt to 81 acres of residential and 9 acres of industrial. So it is looking at just those limit acres and those limited changes in labels.*

*ANS: Chair Jones: Ok.*

*ANS: Ms. Reischmann: Then you get into more detail with the rezoning and you are looking at a much different decision. In that decision you are very constrained, as Mr. Davis was referencing, you have to look at evidence presented. And it must be competent evidence to support your decision. And what supports your decision as competent evidence is testimony or written material from a source that has generally expert knowledge or it can be a private citizen, who is talking about some of the things that all of us as citizens can talk about, such as compatibility of the land use with another land use. Those kinds of things. Traffic is not something that a layperson can testify to, a lot of the issues the public generally talks about, they don't want this, they feel that it might reduce their property values, they are concerned about the environment, and they are concerned about stormwater. All of those things, it is not that you don't listen to them, but you have to evaluate all of that testimony when you are looking at your quasi-judicial portion of the hearing and decide how is that competent. Is that (testimony) from a source, is that someone*

*who has expert knowledge and how does that compare with what I've heard from the staff, who are your experts. Not that they are your only experts but they do supply expertise on the subjects that they spoke about, and remember this is not the end of the line for this project, as you well know, this is a rezoning that is all it is. There is a lot more to come whether this project can truly accomplish what they are claiming it can in terms of the number of units.*

*Vice Chair Davis: So, the best place for citizen concern would be (City) Council?*

*ANS: Ms. Reischmann: Well, the best place for citizen concern is really at the Comp. (Comprehensive) Plan level here tonight and not to say you don't hear from citizens on the rezoning, that is part of your obligation. But you have to consider each citizen and what their occupation is and to what their special knowledge is as to the testimony they give. And they can talk, anyone can talk about compatibility, the aesthetic of something. But as far as traffic and stormwater and those kinds of things then you need to know their special expertise.*

*Mr. Smith discussed with the fellow board members his concern over the 100' buffer and the elimination of the greenbelt, as well as the lack of guarantee that the open space will be anything other than grass. Discussion ensued between the board members about the buffer being extended to more than 400' on two sides of the property. More discussion about part of the open space is comprised of an open pond which is of concern to Mr. Smith.*

*Mr. Beebe was asked to address Mr. Smith's concerns regarding the 100' buffer by Chair Jones and his response is shown here.*

*ANS: Mr. Beebe: The requirement in the Land Development Code (LDC) for buffering is much less restrictive than 100', the greenbelt designation does not mean that the land is greenbelt undisturbed designation. In that existing greenbelt designation you could built a single family home within single family to single family within 10' of the property.*

*ANS: Mr. Smith: I understand that.*

*ANS: Mr. Beebe: So we felt like that by memorializing a 100' buffer we were going way beyond what was normally done in a development like this. We felt 100' is substantial. With respect to the pond vs. the buffer, that (plan) is conceptual, we feel like enhancing that existing on-site drainage ditch that goes from north to the east would be improvement, but we don't have to do that. I mean, that is just conceptual bubble plan at this time. We have the ability to do, we have to leave the stormwater ditch, it has to stay there, it is in an easement, and it is part of the City's overall stormwater system. But we could leave it as is and increase existing vegetation along there, that is a possible to do, that is not an issue on our end. We felt that would enhance the property but if there is a problem with that we have no problem with going back and adjusting that eastern property line and we will leave the ditch exactly as it is. And if that easement is an existing 15' easement we will add an additional 85' of natural buffer along there if that satisfies your concerns.*

*Mr. Dolney: Would you pull up the Plat rending with the pond retention and the multi-family layout (referring to the presentation), one more time?*

*ANS: Mr. Beebe: So that area up in the upper right-hand corner is an existing drainage ditch and I can't remember if it is 25' or what the actual width of that is. We could leave that as is and do the remaining of the 100' (buffer) in natural vegetation.*

*Mr. Dolney: Just to piggyback off what Clint (Mr. Smith) was saying, this pond in the northeasterly corner of the parcel that will run north to south, rather than making that a pond have you floated the idea of leaving it existing vegetation? And of that vegetation what is the approximate growth rate? I saw the pines and you said you stood on a 12' ladder and showed it. Another gentlemen who stated being in a tree*



*stand, which would be completely inappropriate for a residential end use, like this. But if someone were out there would they see tree leaves or open space?*

*ANS: Mr. Beebe: That is the area I was referring to in my answer to Mr. Smith. There is an existing drainage ditch there that is an easement that has to be maintained. Let us say it is 25' wide, I'm not sure exactly what it (the width) is, we have to leave the 25' we could then instead of showing the ponding we show there, we could do an additional 75' of existing natural vegetation and preserve that. As to what is actually there, in terms of the size of the pine trees, I'm not going to stand up here and say I know because I don't. You saw a little bit of character of what the property looks like from a pine tree standpoint. That is fairly typical but I'm not going to tell you that there is 80' pines there, I don't know for sure what is there, but we would preserve those, if that is something would make you a little more comfortable.*

*Mr. Tyner: Just so I'm clear, so this area (referring to the presentation) is the easement, the existing ditch, so what your concerns is Clint, keeping that (area) natural and then adding on and keeping it consistent with what you are doing here (again referring to the presentation) is to bring the rest of that buffer here.*

*ANS: Mr. Beebe: Yes, no problem with that, no problem what so ever.*

*Mr. Tyner informed the board that if they recommended approval on the MPD portion of the code they can recommend approval subject to specific conditions that you would want to see.*

*Mr. Dolney: Such as this (referring to specific conditions being recommended if approved)?*

*ANS: Mr. Tyner: Yes, such as this.*

*ANS: Mr. Beebe: We could revise that bubble plan before the next public hearing to reflect that (keeping the buffer natural).*

*Mr. Dolney: So the southeasterly corner of the proposed multi-family zoning and that end of the property line, do you have any idea what the setbacks distance would be for this corner? We already know it is 424' for the northwesterly corner, do have any idea what the southeasterly corner setback would be for the proposed improvements?*

*ANS: Mr. Beebe: Along the southeast (corner) where there is no ditch?*

*ANS: Mr. Dolney: Right.*

*ANS: Mr. Beebe: That is 100' buffer. That is a 100' buffer there.*

*Mr. Dolney: Right and the buildings will go from northwest to the southeast. On the southeasterly side what would be the side back from the property line, assuming the existing vegetation would remain in place?*

*ANS: Mr. Beebe: There is 100' buffer along that eastern and northern property line.*

*Mr. Blessing: Could you draw on there your question, I think I understand your question?*

*ANS: Mr. Dolney: What is the setback from here to here (annotation noted on the presentation)?*

*ANS: Mr. Blessing: That is the 424'.*

*ANS: Chair Jones: No, No he means to the multi-family.*

*ANS: Mr. Dolney: On the southeasterly corner, the 424' is on the northwest.*

*ANS: Mr. Blessing: The multi-family that is the closest distance to a property line, that corner right there, it is 424' and it is a two-storied building.*

*Mr. Dolney: And to piggyback off what Mr. Tyner illustrated earlier, all this would remain existing native vegetation?*

*ANS: Mr. Blessing: Absolutely, yes sir.*

*Mr. Dolney: This is probably for Mr. Papa, what is the current impact fees for multi-family on a per unit basis?*

*ANS: Mr. Papa: I don't have that information off the top of my head.*

*Mr. Dolney: And who would pay for those impact fees?*

*ANS: Mr. Papa: Every developer is required to pay impact fees and depending on the type of development that could vary. Everyone has to pay transportation (impact fees) but not everyone has to pay school impact fees. Non-residential does not have to pay school impact fees only residential.*

*Mr. Dolney: Would multi-family pay those (referring to school impact fees)?*

*ANS: Mr. Papa: Yes, sir they would.*

*Vice Chair Davis discussed the fact that everything that is discussed is not in writing and some of the changes are not documented and in his opinion there are too many unknowns.*

*Chair Jones discussed the fact it is too early for a final site plan and that the final site plan would be going to back to the Planning Department.*

*Chair Jones: If this is approved by City Council and the state, what is the next step?*

*ANS: Mr. Papa: There will be the requirement to come back with, depending on the type of development (order), there will be the sub-division master plan and then eventually that gets into site plan approval and (at that point) you would get those details. The buffer and exactly where the buildings are going to be and that would require the review of additional departments within the City, including our stormwater, traffic engineering, utilities would get more involved to make sure any lift stations or pump stations that might be required are to be included as part of that approval.*

*Chair Jones: At that point of time we would see a final plan that would be specific about buffers and trees left in place and those kinds of things?*

*ANS: Mr. Papa: Yes, sir that is correct.*

*Mr. Smith: I have one other question and maybe this is for Mr. Blessing or Mr. Beebe, I keep looking at the open space shown on here has there been any consideration for changing some of the open space to buffer?*

*ANS: Mr. Blessing: Sure, absolutely, we would be willing to doing that, again I love trees, I want to keep as many trees as I can. I think it adds beauty to the neighborhood, it adds interest. In all fairness, I love Mike, but he drew the water. He enhanced the waterway to add features. But if we want to keep it wooded I love it. I will add it to the MPD. I will say we won't touch a tree within whatever distance we decide it will be. I have no issue with that.*

*Mr. Smith: One other question, maybe for Mr. Livingston. The outparcels that are shown on here, I assume those are old Bunnell company development platted lots, or whatever. My understanding is that you still have to provide access to them, some of them are in the conservation area, have you thought about that at all?*

*ANS: Mr. Livingston: Yes and contact has been made. There are a few stragglers, there are four that I was able to identify, five actually one in the orange (referring to the presentation). The zoning and the comprehensive plan change can go through but before there is any platting or site planning, you are right, we would have to purchase those lots, consolidate them into the ownership or there would have to have access provided to them. I checked the records on all of them and they are all vacant. They go back to the old DuPont plat I believe, but I would have to double check. I don't have that plat title search with me tonight. But all the owners are paying taxes, it is a nominal sum every year but they are paying taxes. So, there*

*really wouldn't be any type of hard site planning done until they are consolidated or plan was revised to accommodate the access issue that you raised.*

*ANS: Mr. Smith: Ok, thank you.*

*Chair Jones: Ok, any other questions?*

*ANS: A person from the public, I have one question.*

*ANS: Chair Jones, I'm sorry the public portion of the meeting has been closed. We are not going to reopen it.*

*Chair Jones: How about a motion?*

*ANS: Mr. Tyner and this would be for the Comp. (Comprehensive) Plan.*

*Mr. Dolney started to make a motion to accept the Comprehensive Plan subject to the revisions in the MPD relating to open space. At that point Ms. Reischmann clarified that the board was only voting on agenda item #2 - the Comprehensive Plan amendment and that the open space issue would apply to agenda item #3 - the zoning map amendment. At that point Mr. Dolney amended his motion.*

*Ms. Reischmann inquired of Vice Chair Davis why in the vote for the second agenda item - Comprehensive Plan Amendment he abstained from voting. Ms. Reischmann explained that an abstention is typically done when a board member has a conflict of interest or something of that nature. Since Vice Chair Davis' issue is that he believes there isn't enough information available at this time, Ms. Reischmann suggested the Vice Chair Jones change his vote to no at this time. Vice Chair Davis changed his vote to No - denied at the end of this discussion.*

**A motion was made by Board Member Dolney and seconded by Board Member Smith to approve as stated consistent with staff recommendations. The motion was adopted by the following vote:**

**Approved:** 3 - Chair Jones, Board Member Dolney, and Board Member Smith

**Denied:** 1 - Vice Chair Davis

**Excused:** 3 - Board Member Dodson-Lucas, Board Member Lehnertz, and Board Member Scully

**3**      [17-20](#)

**A ZONING MAP AMENDMENT FOR A 145+/- ACRE PARCEL FROM HIGH INTENSITY COMMERCIAL (COM-3), LIGHT INDUSTRIAL (IND-1), AND SUBURBAN ESTATE RESIDENTIAL (EST-1) TO MASTER PLANNED DEVELOPMENT (MPD)**

*This item was presented and discussed with agenda item #2 per agreement with the PLDRB members.*

*At the time the vote was discussed Mr. Smith mentioned that personally he would like them (the applicant) to go back and come back to address some of the concerns we discussed.*

*Chair Jones: Will the site plan come back to us? Can we specify that the site plan come back to us to make sure those buffer requirements are taken care of?*

*Ans: Mr. Tyner: Yes, it would met the density requirements, but I would suggest, because the way the site plan is now and the way the Master Plan Development (MPD) agreement is spelled out it is not requiring that buffer on the eastside, so when we were discussing about ensuring that his remains a natural buffer in this area, I would make that a recommendation or a condition.*

*Chair Jones: A condition ok, so what are the words? Would that satisfy you, Clint?*

*ANS: Mr. Smith: It depends what the requirement is, there are two things bothering me and one is the pond and one is the width of the buffer. The owner has stated that he may consider changing the open space to buffer or at least some of it. So specifically what would that be, that is why I thought he could bring it back. There is nothing wrong with the MPD coming back but if you want to vote on it tonight that's fine.*

*Discussion ensued between the board members asking for more specifics on the buffer language whether it is changes to the greenbelt or open space.*

*Ms. Reischmann discussed the history of this item with regard to typically if the board doesn't see the language it would like the board would normally vote to continue the item, however, this board has seen this item twice. She suggested that the board consider adding a condition that the open space would be converted to buffer to the fullest extent practical and possible. Then allow the applicant to work on that with staff before the item goes to the City Council (no date has been set for this item to go before the City Council) and that would give everyone time to work on that in light of the board's directive. So you could make a wish list of what you would like to see and direct the applicant to get with staff before the City Council meeting.*

*Mr. Tyner clarified on the presentation that all of the open space area (outlined) be updated to natural buffer.*

*Mr. Smith: Let me ask a question of Ray (Mr. Tyner), if we do that (referring to the amended motion) you would make that change before it goes to City Council?*

*ANS: Mr. Tyner and Ms. Reischmann: Yes, that would be part of your recommendation.*

*Discussion ensued between board members that the recommended changes would be outlined in the MPD agreement prior to this matter going to City Council.*

**A motion was made by Board Member Dolney and seconded by Board Member Smith to approve subject to the conditions that the existing open space and portions of the water areas (on the north and east side) are left as native vegetation or buffer to the maximum extent possible subject to planning department approval. The motion was adopted by the following vote:**

**Approved:** 4 - Chair Jones, Vice Chair Davis, Board Member Dolney, and Board Member Smith

**Excused:** 3 - Board Member Dodson-Lucas, Board Member Lehnertz, and Board Member Scully

## **E. Board Discussion and Staff Issues**

*Mr. Tyner gave an update on the upcoming schedule for review of the Land Development Code, chapter 5 - Traffic and Parking, PC LDRs which will be reviewed by the PLDRB members in a number of workshops in the upcoming months.*

## **F. Adjournment**

*The meeting was adjourned at 7:36PM.*

*Respectfully submitted:  
Irene Schaefer, Recording Secretary*

[17-46](#)

ATTACHMENTS