



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, December 21, 2016

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.

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>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: 7 - Chair Jones, Vice Chair Davis, Board Member Dodson-Lucas, Board Member Dolney, Board Member Lehnertz, Board Member Scully, and School Board Representative Freeman

Excused: 1 - Board Member Smith

C. Approval of Meeting Minutes

1 [16-498](#) MEETING MINUTES OF THE NOVEMBER 16, 2016 PLANNING AND LAND DEVELOPMENT REGULATION BOARD MEETING

Mr. Dolney arrived @ 5:40PM.

Vice Chair Davis questioned the format of the minutes, in that the minutes do not reflect who made a motion and who then seconded the motion. Mr. Reischmann, legal counsel to the Planning and Land Development Regulation Board (PLDRB), discussed this matter prior to the meeting with staff and going forward the minutes will include who made each motion and who seconded each motion as well as each motion's status.

Vice Chair Davis questioned the absence of a traffic study with regard to the Matanzas Land project (presented before the PLDRB on November 16, 2016), however, when the matter went to the City Council to be heard a traffic study was completed at that time. Mr. Papa will discuss with Mr. Tyner to clarify (the timing of the traffic study) and advise in the next meeting.

A motion was made by Board Member Lucas and seconded by Board Member Scully that the minutes be Approved as presented, with the understanding that all PLDRB minutes provided to the PLDRB in the future will include who made the motion, who seconded the motion and what the details related to that motion. The motion was adopted by the following vote:

Approved: 6 - Chair Jones, Vice Chair Davis, Board Member Dodson-Lucas, Board Member Dolney, Board Member Lehnertz, and Board Member Scully

Excused: 1 - Board Member Smith

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

E. Board Discussion and Staff Issues

2 [16-501](#) A REQUEST TO AMEND THE FUTURE LAND USE MAP DESIGNATION OF 145+/- ACRES FROM GREENBELT, INDUSTRIAL,

AND CONSERVATION TO RESIDENTIAL AND INDUSTRIAL

Mr. Reischmann inquired of staff, Jose Papa, Senior Planner with the City of Palm Coast, whether his intent was to present agenda items #2 and #3 together as one item.

ANS: Mr. Papa: Yes, I am presenting as one item.

Mr. Reischmann informed the PLDRB Members that separate votes on items #2 and #3 would be required.

Mr. Reischmann reminded the Board Members and the public that this is a quasi-judicial item and that any ex parte communications need to be disclosed at this time. Mr. Reischmann then inquired of the PLDRB Members with regard to Item #3 (Rezoning of the 145 acre parcel off Route 1) if they have had any ex parte conversations about this item (in any format, email, phone calls, face to face). No member of the board expressed that they had any ex parte conversations.

Chair Jones explained the process for tonight's hearing to the members of the public present.

Mr. Jose Papa, Senior Planner with the City of Palm Coast, gave a presentation for items #2 and #3 Proposed FLUM and Zoning map changes, which is attached to these minutes.

Chair Jones: What is the definition of FAR?

ANS: Mr. Papa: Floor to Area Ratio basically that is the ratio between the size of a building divided by the total area of the parcel.

Mr. Reischmann addressed the PLDRB members to clarify the Comprehensive Plan Amendment (item #2) vs. a rezoning (item #3) regarding Public Comment (whether public comment portion of tonight's meeting is combined for agenda items #2 and #3 or each item is addressed separately as it relates to the public comment portion of the meeting).

Chair Jones: Does anyone (addressing the PLDRB Members) have any reservations about combining these items, even though we will have two separate motions and two separate votes?

Mr. Scully: Is there an issue to combining the items (asking the attorney)?

ANS: Chair Jones: It is more expedient for us to have them combined. Also we would have the applicant only address the Land Use Map change now and then we would have the public only address that item now. Then we would have to do the whole thing over again.

Mr. Scully: I understand, I just want to know if there is any issue with doing that?

ANS: Mr. Reischmann: I think we understand it and I think the applicant understands, and I don't want to speak out of turn, but for a lot of folks here going through this for the first time, it gets a little muddy between the distinction between the Comprehensive Plan and the rezoning portion of this (referring to the agenda items #2 and #3) and so I just want to make sure you all are comfortable that when the time comes for you to make your decisions please be able to state clearly that the facts you hear tonight supporting whatever you decide on the Comprehensive Plan are those facts that are relevant and apply to the legal standards for the Comprehensive Plan Amendment vs. the rezoning.

Chair Jones: Does anyone (speaking to the PLDRB Members) have any objections?

Vice Chair Davis: How are we going to distinguish if we do them both together, if the public is speaking on one and not the other one? That is why I think they should not be done together.

ANS: Chair Jones: Take the other side of the that question, Glenn, how is the public going to know not to speak on the zoning map amendment when they come up to speak and we are talking about the Future Land Use Map? It is the same problem, but we are more experience.

Mr. Reischmann addressed the PLDRB Members and clarified that this is a process and not to get bogged down in some of the legalities but what we are trying to do is to ensure that the applicant receives due process as well as the public that is here tonight that they receive the process that is spelled out in Florida law. So we can ask the applicant if they would like to proceed with a joint public hearing or whether they wish to biforate them if you will.

Mrs. Lucas: Then the questions we have we need to ensure we are addressing them as to part one and/or part two?

ANS: Mr. Reischmann: That is right.

Chair Jones: If we separate them?

ANS: Mr. Reischmann: That is exactly right.

Chair Jones: Than my question to the (PLDRB) Board is, do we have any objection to combining the two (agenda items #2 and #3)?

Chair Jones: Does the applicant have any objections to combining the two (agenda items #2 and #3)?

No one objected to the request to combine the two agenda items.

Chair Jones: Then we will go ahead and do just that (combine items #2 and #3).

Mr. Papa continued with his presentation addressing the Proposed Zoning Map Amendment.

Mr. Reischmann discussed for the benefit of the PLDRB and the public the layers we are reviewing tonight - Comprehensive Plan consistency; Subdivision Master Plan, Preliminary Plat and Final Plat/Site Plan must be compliant with the Comprehensive Plan.

Mr. David Blessing, applicant, gave a presentation and his presentation is attached to these minutes.

Mr. Mike Beebe, 33 Old Kings Rd. N, Palm Coast, Land Planner and Engineer for this project, representing the applicant, addressed the PLDRB members about this project giving a verbal presentation (which is available on the City of Palm Coast website - www.palmcoastgov.com).

Mrs. Lucas: I have a question on the density of the project and its impact on US 1 and similarly the impact on the existing evacuation route?

ANS: Mr. Papa: Yes, Ma'me. There is no impact on level of service of US 1 even with this added density from residential units.

Mrs. Lucas: And the evacuation route?

ANS: Mr. Papa: No, Ma'me, no impact.

Mrs. Lucas: If the schools are represented here, what you envision in terms of the population increase and the schools (impacted) ability to meet the needs of those families?

ANS: Mr. Freeman: Yes, Ma'me, I provided a preliminary non-binding concurrence finding and we would provide a binding concurrency at (the time of) final plat to the Planning Team (staff).

Mrs. Lucas: At what point would the traffic study take place, Mr. Beebe?

ANS: Mr. Beebe: We have done the first level of traffic study that the FLUM (Future Land Use Map) Amendment process requires and that has been completed. And then when we get into the detailed preliminary plat and Master Planned Development Site Plan we would do the full blown traffic impact study at that point. But we do have a document that we provided to the City that is 50 or 60 pages long that was done by a Traffic Engineer.

Mr. Reischmann reminded the Board that report was incorporated into the original presentation with regard to the Future Land Use Map (FLUM) about how many trips would be created, as is, under the current future land use, versus what the maximum number of trips would be under what is being proposed and that of course has to do with just the FLUM Amendment. And what I'm hearing them (Mr. Beebe) say is that (study) was done by a Traffic Engineer, a P.E. (Professional Engineer).

Chair Jones: I have a question about this very same subject, when you look at Table 3 in Jose's presentation (attached to these minutes) it talks about square feet or units for development and then the transportation, potable water, sanitary sewer those answers in those charts are an answers to an equation, right? Meaning there are going to be 348 units and each unit is going to generate "X" number of trips per day. There isn't any real study done, (other than) that is the standard that Traffic Engineers use to estimate traffic requirements?

ANS: Mr. Papa: In terms of trip generation, yes, there is if you would like to call it the "Bible" for Traffic Engineers in terms of trip generation. It is called the Institute of Traffic Engineers or ITE manual where you have these different categories of land uses and within each land use there is a set standard for how many trips that land use would produce. And those are the numbers used in any (traffic study) unless you go out and do actual counts.

Chair Jones: Obviously, that is in your Future Land Use Map, also you have potable water, sanitary sewer, and solid waste, same type of idea, right? In other words there is a home that generates this amount of potable water per person?

ANS: Mr. Papa: Yes, sir. Those levels of service are adopted in the Comprehensive Plan. The impact is that per 1000 square feet there is an impact of .01 million gallon impact per day.

Chair Jones: And that is an industry standard that you use?

ANS: Mr. Papa: It is not actually an industry standard, when those levels of service were created for water and waste water they went back a couple of years to see what the average usage was for a single family home and how many people were in that home, and based on that (information) they came up with that rate. And that is done for all planning documents, not just from the Planning Department world but also from the Utility Department when they determine when they need to expand the plant.

Chair Jones: It is based on capacity based on those averages?

ANS: Mr. Papa: Yes, Sir.

Chair Jones: But there would be a more comprehensive study done at the Site Plan level?

ANS: Mr. Papa: Yes, that is correct. Not just on demand, but that is when you get into determining if the pipes coming into that area are they big enough. If they are not big enough then the developer is on the hook to make them larger to come to his site.

Chair Jones: After the first reading at City Council, it (the application) goes to the State, is this a Development of Regional Impact (DRI)?

ANS: Mr. Papa: No, Sir, it doesn't meet that level.

Chair Jones: But it does go to the Regional Planning Board?

ANS: Mr. Papa: Yes, Sir. It does go to the Regional Council also (referring to the Northeast Florida Regional Council).

Chair Jones: It does not come back to the City Council for a second hearing until there has been some signoff by those people?

ANS: Mr. Papa. That is correct, Sir.

Mr. Reischmann clarified by stating that it is the Comprehensive Plan portion (of this application) that we are talking about.

At 6:35PM Chair Jones opened the meeting to the public, at which time the following people addressed the PLDRB:

Tim O'Donnell, 8 Karanda Pl., Palm Coast, addressed the PLDRB regarding this issue and was not in favor of this project. Questioned they ability of the developer to legally guarantee that no government subsidies would be accepted at this property. Also concerned about property values impact. Traffic concerns also mentioned. Mr. O'Donnell did provide a handout to the PLDRB Members as well as the developer, a copy of this document is attached to these minutes.

Terri Howe, 29 Karas Trail, Palm Coast, addressed the PLDRB regarding this issue and was not in favor of this project. Questioned the effect on the environment and the greenbelt reduction.

David Agata, 32 Karas Trail, Palm Coast, addressed the PLDRB regarding this issue and was not in favor of this project. Questioned the effect on crime and the ability of the developer to keep out government subsidies. Including impact on property values and traffic impact.

Len Dignard, 41 Kathleen Trail, Palm Coast, addressed the PLDRB regarding this issue and was not in favor of this project. Questioned the impact on traffic and property values.

Roger Sieling, 21 Kathleen Trail, Palm Coast, addressed the PLDRB regarding this issue and was not in favor of this project. Questioned the impact on the environment including wildlife. Impact on property values. Light and noise pollution and traffic impacts are of concern. Needs of Fire Safety and the possible need of a hook and ladder located housed. (Also submitted a written letter which is attached to these minutes).

Jeff Johnson, 46 Kathleen Trail, Palm Coast, addressed the PLDRB regarding this issue and was not in favor of this project. Questioned the impact on the environment including wetlands. Impact on traffic with the increased density.

Carol Baker, 69 Karas Trail, Palm Coast, addressed the PLDRB regarding this issue and was not in favor of this project. Questioned the impact on the environment including wildlife. She will be contacting the Sierra Club regarding potential environmental habitat impact.

Sarah Sieling, 21 Kathleen Trail, Palm Coast, addressed the PLDRB regarding this issue and was not in favor of this project. Questioned the impact on property values and lifestyles. Questioned the impact on traffic and the quality of the buildings. (Also submitted written letter which is attached to these minutes).

Paul Barlett, 8 inaudible Ct., Palm Coast, addressed the PLDRB regarding this issue and was not in favor of this project. Questioned the impact on property values.

Peter Protroski, 67 Karas Trail, Palm Coast, addressed the PLDRB regarding this issue and was not in favor of this project. Questioned the impact of the wetlands and the proposed change to the existing drainage ditch. Referenced the Flagler Live article where it was stated that the City Council meeting where it was stated that the focus of the City is to build single family homes.

Daniel L. Schmidt, 51 Karat Path, addressed the PLDRB regarding this issue and was not in favor of this project. Questioned the impact on quality of life.

William Miller, 19 Kaywood Place, addressed the PLDRB regarding this issue and was not in favor of this project. Questioned the impact on the environment, wetlands and traffic. Questioned the impact on the Fire Department.

Willie Atwood, 3 Kaywood Place, addressed the PLDRB regarding this issue and was not in favor of this project. Questioned the impact on the wildlife environment.

Arthur Seiger, 99 Karas Trail, Palm Coast, addressed the PLDRB regarding this issue and was not in favor of this project. Questioned the impact on traffic to Karas Trail. Questioned the impact on the quality of life.

Joe Lockett, 6 Kashcar Ct. Palm Coast, addressed the PLDRB regarding this issue and was not in favor of this project. Questioned the impact on traffic, increase in crime, reduction in property values, impact on quality of life, and increased noise. Questioned the type of commercial property that is proposed in this zoning change.

Junie Royal, 40 Kathleen Trail, Palm Coast, addressed the PLDRB regarding this issue and was in favor of this project. Questioned the impact on the wetlands and wildlife and the proposed changes to the drainage ditch.

At 7:30 PM Chair Jones closed the public comment portion of this meeting. Please note four Speaker Cards are attached to these minutes from members of the audience who completed the cards but choose not to speak.

Mr. Reischmann reminded the Board Chair that the applicant should be allowed an opportunity to rebut any of the public comments.

Mr. Blessing informed the Board Members that they would prefer to take questions from the Board Members first.

Mr. Scully: This might be an obvious question, but what exactly is in the natural buffer now? Is that the pine growth that is there now, what happens there?

ANS: Mr. Beebe: Our intent is to leave it as it exists today. So any pines, palmettos, any hardwoods, our intent is not to touch that, to not touch that in anyway. So that would be the intent.

Mrs. Lucas: Not sure if this would be premature to ask about any building materials, that people seem to have a problem with (the material referenced in the public comment section of the meeting). Mr. Beebe, do you have any information on the

quality of the materials that you intent to use? Many people mentioned that they may be substandard, maybe not substandard, but not of a quality that is already there?

ANS: Mr. Blessing: (Referring to the presentation), on the screen is what I envision as being the multi-family type product. Very architecturally pleasing, a lot of lines, a lot of interest, quality materials, certainly not a box, certainly not a barracks as I've heard some people called them. I'm not sure where they are getting these ideas from that is not the intent of this. We have tried to communicate with them that is not what we are doing, this is a high quality, high end residential unit. And I have compared it to the Integra Woods, because I being from out of town, have come to visit that place and I'm very impressed with what they do. And it speaks for itself that they are 91% leased. There is a shortage of that type of product in this area.

Mrs. Lucas: I guess I'm looking at the facade here, which looks lovely but addressing what the interior building materials would be, including sound issues?

ANS: Mr. Blessing: It is a little premature to design the interiors but certainly they would be of higher end quality material. Maybe not granite but maybe a Corian type material.

Mrs. Lucas: I heard a concern raised about converting that drainage ditch into a lake and someone raised a concern what might come with that conversion. Have you consideration to the wildlife that might be attracted to that lake?

ANS: Mr. Beebe: Are you speaking to what might come if that system was enhanced?

Mrs. Lucas: You can call it enhanced but others might not see it that way, the young lady spoke to the fact that it is a drainage ditch, if we have a 100 year rain it is supposed to serve that purpose. If it is turned into a lake than what would we have then?

ANS: Mr. Beebe: If it is increased in size, which is what we anticipate, than you would have greater volume, you would more storage to handle any flooding, any 100 year storm event. So it would it have to be designed and engineered to make sure it met all the City's storm water requirements from that stand point. We just felt that would be an enhancement that ditch is not very attractive and in our mind we saw that as an aesthetic improvement not only for us but the surrounding neighbors.

Mrs. Lucas: I understand that, but it was in place to serve a purpose and the original purpose was as a drainage ditch, correct?

ANS: Mr. Beebe: And it would still have to remain that, it would have to handle the storm water that exists off site and comes through our property and goes off site.

Chair Jones: There would be no change to the capacity of the storm water handling of that water?

ANS: Mr. Beebe: The capacity would be increased actually.

Mr. Reischmann addressed the PLDRB members and clarified that the storm water capacity is provided for in the Master Plan Development (MPD) agreement and that is required by our Land Development Code (LDC) as well as Florida law. You can't develop something like this without retaining as much storm water on your property as existed predevelopment.

Mrs. Lucas: The last question I have, is in regard to the quality of life, the light pollution was of concern to me and I was wondering how you were going to address that (light pollution)?

Mr. Beebe: You are talking about light pollution?

ANS: Mrs. Lucas: Yes.

ANS: Mr. Beebe: The City has a requirement in the LDC that when you get to that

level of detail, site development plan approval, you have to do a photo metric plan that has to meet the LDC from low light, shielded those types of things, so you would have to pass the test of the City's LDC in that respect.

Mrs. Lucas: Finally, was there consultation with the School Board with regard to the students and what the current capacity is in schools in the area, or for Palm Coast schools with regard to the population increase.

ANS: Mr. Beebe: I will let Mr. Freeman (PLDRB School Board Member Representative) address what the non-binding concurrency letter addressed with regard to an increase in the number of students that would be housed in the public school system.

ANS: Mr. Freeman: We provided a non-binding (concurrency) letter to the Planning staff which outlines which schools those students would end up going to and the capacity levels of those schools. As I mentioned before, the letter is non-binding, we would do a binding letter at Final Plat. But right now there is capacity in the schools.

Chair Jones: There is existing capacity now, to handle the anticipated number of students?

ANS: Mr. Freeman: Yes there is, right now.

Mrs. Lucas: Was that non-binding letter part of our (agenda) packet?

ANS: Chair Jones: No, it was given to the Planning Department (to be used) in the creation of their presentation.

Mr. Blessing addressed the PLDRB members regarding the light pollution question stating: We heard the neighbors' concerns that we don't want to see that stuff, so we pulled the development 450' from the property line that is a football field and a 1/3 away from their property line. I drove by the property today and I walked it and I don't think I could see 30' behind their houses, into those woods, it is very densely populated. We've heard the neighbors and we are trying to be good neighbors, and we don't want to impact them. I'm passionate about this but I want to do the right thing. I'm not a greedy developer, I'm not the one to take advantage of people. I will put my actions in writing to show them our thoughts. We met with the Advisory Committee and we listened to them.

Chair Jones: Several speakers mentioned low income apartments, but I heard you say market price and no government subsidies, which is it?

ANS: Mr. Blessing: I've been very clear about that, no government subsidies, high end multi-family units. It could be condos, it could be townhomes.

Chair Jones: You've left out market price, no discount?

ANS: Mr. Blessing: No, no, I've said it till I'm blue in the face and they don't seem to hear me.

ANS: Mr. Beebe: And we will put that in the Covenants and Restrictions, which is what we talked about doing to give some assurances.

Vice Chair Davis quoted the newspaper article where the City Manager was quoted as saying that: "We are working on 6 multifamily (parcels) to convert them to single family parcels in proposed developments because it would help solve the drainage problems and decrease the likelihood of flooding in the "L" section. He also commented on the potential need for additional fire department needs and that the tax payers would have to fund those expenses if not addressed specifically in the agreement (MPD) with the Developer. Vice Chair Davis also questioned whether this matter would come back to the board at any point.

Chair Jones: To the Attorney - Mr. Reischmann, will this matter come back to the

(PLDRB) Board or will it not (come back to the PLDRB)?

ANS: Mr. Reischmann: The only thing that would potential come back to this board would be the next steps in the process, which we are talking about (then) is the site plan and the Platting, and that sort of thing. What you are considering tonight are the legislative and quasi-judicial are recommendations to City Council on these two questions alone. We are not getting into the details of how the units are going to be built. We are talking about density and number of units and that sort of thing. The answer to question, Sir, is once you make your decision tonight, there will be many other public hearings but there will not be any more public hearings before this Board. This is the opportunity for this Board to apply the code to the Comprehensive Code Amendment and the rezoning.

ANS: Chair Jones: Mr. Davis I just wanted to clarify, when you asked me that question, I was referring to that conversation that this Board is having right now, when I said it would come back to the Board.

Mr. Dolney: You are obviously stating that you are going to put in the deed restrictions pertaining to no low income housing, are you also willing to put into the deed restrictions quality of construction and minimum standards.

ANS: Mr. Blessing: Yes.

ANS: Mr. Beebe: Yes, we will have architectural guidelines and those types of things definitely in the deed restrictions, absolutely.

Mr. Beebe: We would like to ask to continue this (matter) to a non-date certain time so that we can go back as a team and evaluate some of the questions and some of those concerns. So at this time we would like to ask for that continuance instead of going forward at this time.

Mr. Reischmann addressed the Board and the Public that as a consequence would be if we are going to continue this (agenda items #2 and #3) to a non-specified time, there are going to be publishing and advertising requirements. There are additional expenses that you would be bearing as a consequence of that (continuance action). I just want to make sure that is not a surprise. And I wanted to clarify for the members in the audience, that if the Board grants this request for a continuance, you will receive the same legal notice as you received for this meeting. This will not come back without the neighborhood receiving the exact same type of notice as was provided pursuant to our Land Development Code for this meeting. If that is desire of the Board.

Chair Jones: Mr. Reischmann, do I need to get a motion?

ANS: Mr. Reischmann: Absolutely, let's get the record clear, the applicant is requesting a continuance to a date, non-certain date of the applications of an amendment to the Comprehensive Plan and the Rezoning which are agenda items #2 and #3.

Chair Jones: Do we need two motions?

ANS: Mr. Reischmann: No, I don't believe you need to motions. One motion as long as it is clear that you are granting the applicants request for a continuance to a date non-certain, subject to the re-advertising requirements of agenda items #2 and #3.

Chair Jones: Do we have a motion?

ANS: Mrs. Lucas: Not yet, I want to make a clarification with the attorney, if I may. We are voting for a continuance or we may choose to vote to not grant a continuance and call for a vote, so I would like you to clarify that if you would.

ANS: Mr. Reischmann: Well, we absolutely for this to move forward towards the applicant's request, someone is going to have to make a motion. Someone is going to have to second it, and then it will have to get 3 out of 5 votes. If it doesn't than we

will move forward on the applicants this evening. I don't want to get too far ahead, but if this Board doesn't grant the request for a continuance than it will go forward on the applications or there could be a withdrawal of the applications. But that isn't what the applicant is asking for he is asking for a continuance so they can do work to address the concerns they have heard this evening.

A question was raised by the audience regarding notice. Mr. Reischmann clarified the requirements for legal notice to the neighbors which is detailed in the City's Land Development Code. Which includes advertisement in the local newspaper 10 days in advance.

Mr. Reischmann: Mr. Chairman if we could let Mr. Papa explain exactly what is legally required of the applicant given the action of the Board for the re-advertisement just as it was originally advertised.

ANS: Mr. Papa: The requirements for advertising would be that we would have a display ad in the local newspaper of circulation, in this case it would be the News Journal, the News Tribune, at least 10 days prior to the public hearing date. At the same time, and 14 days prior to the public hearing date we post those bright orange signs on the property that is the requirement of the Land Development Code (LDC).

Mr. Reischmann reminded the Members of the Board and the public that this Board has no control over the notice requirements that are found in the LDC.

At 7:44PM the PLDRB took a recess to allow the members of the audience to leave the hall without interrupting the next agenda item #4.

A motion was made by Board Member Lucas and seconded by Board Member Dolney to grant a continuance which was requested by the applicant of this item to a non-specific date in the future. All notice requirements found in the Land Development Code would be followed to re-notice this item when it is rescheduled to come before the PLDRB. The motion was adopted by the following vote:

Approved: 6 - Chair Jones, Vice Chair Davis, Board Member Dodson-Lucas, Board Member Dolney, Board Member Lehnertz, and Board Member Scully

Excused: 1 - Board Member Smith

3 [16-502](#)

A PROPOSED ZONING MAP AMENDMENT FOR A 145+/- ACRE PARCEL ON US-1 SOUTH OF BELLE TERRE BLVD. FROM HIGH INTENSITY COMMERCIAL (COM-3), LIGHT INDUSTRIAL (IND-1), AND SUBURBAN ESTATE RESIDENTIAL (EST-1) TO MASTER PLANNED DEVELOPMENT (MPD)

This item was addressed as part of agenda item #2 per PLDRB member agreement.

A motion was made by Board Member Lucas and seconded by Board Member Dolney to grant a continuance which was requested by the applicant of this item to a non-specific date in the future. All notice requirements found in the Land Development Code would be followed to re-notice this item when it is rescheduled to come before the PLDRB. The motion was adopted by the following vote:

Approved: 6 - Chair Jones, Vice Chair Davis, Board Member Dodson-Lucas, Board Member Dolney, Board Member Lehnertz, and Board Member Scully

Excused: 1 - Board Member Smith

4 [16-500](#)

ORDINANCE 2017-XX ESTABLISHING A TEMPORARY MORATORIUM OF 270 DAYS PROHIBITING MEDICAL CANNABIS (MARIJUANA) ACTIVITIES WITHIN THE CITY OF PALM COAST

Chair Jones reconvened the meeting of the PLDRB @ 7:50PM.

Mr. Reischmann, legal counsel to the PLDRB, addressed this item's draft ordinance and its impact on future land use is why it is being reviewed by the PLDRB.

Mrs. Lucas: This was voted on in our last election?

ANS: Mr. Reischmann: Yes, it was.

Mrs. Lucas: And the people spoke and said this is what we want, yes?

ANS: Mr. Reischmann: Yes, Ma'me, they did.

Mrs. Lucas stated that she would not support a moratorium and she believes the people have spoken and we (City of Palm Coast) needs to move forward with this, while continuing to watch Tallahassee and other cities to see what they are doing with this legislation.

Mr. Scully stated that it is wise to be cautious, however when you don't accept applications you are cutting off a great source of information. He would support supporting a moratorium on allowing applicants to proceed with establishing a medical cannabis location however he would not support a moratorium on accepting the applications.

Discussion ensued among the Board Members and Legal Counsel regarding the reason for the needing of the moratorium is State has failed to provide any guidance at this point.

Chair Jones: Is this moratorium refusing to accept any applications?

ANS: Mr. Reischmann: Yes, it says right here that no new applications for such permits shall be accepted or processed during a moratorium period. The reason that is, is because the nature of Florida law regarding the process of moratorium because if we don't impose this temporary refusal to allow this type of land use than they have vested rights. In other words if the City doesn't do this moratorium, then when an application is received we are going to have to put them somewhere else they can sue us for a violation of their land use right.

Mr. Lenhertz: if I were going to open a treatment center, and I came to wherever I go to wherever you need to go to get the application, if we don't know what the stipulations are or the requirements for the building are, then there shouldn't be an application available for them use?

ANS: Mr. Reischmann: I don't know even know how we would create an application.

Mr. Dolney: What is the time horizon for Tallahassee to have all of these (answers)?

ANS: Mr. Reischmann: June or July of this year, of this coming year.

Chair Jones: Jose, you may know the answer to this, the County has already established a 270 day moratorium, how does that affect the Palm Coast, which is part of the County?

ANS: Mr. Papa: That (County moratorium) would affect unincorporated areas of Flagler County.

Chair Jones: It only affects the unincorporated parts of Flagler County?

ANS: Mr. Papa: Yes, Sir.

Mr. Scully: Would it be inappropriate to have some sort of vehicle to gather information from the potential applicants, so we can get a head start on this? It is implied in the ordinance, but the optics are a little weak if I might say so.

ANS: Mr. Reischmann: It is, and I understand that. The problem is where do you start this. Let's say that any or all of us wanted to get into the business of creating a medical marijuana treatment facility, even that if they would have to look at that level of regulation has to come out of Tallahassee. The City of Palm Coast is not going to create the legislation that will regulate marijuana.

Chair Jones: Bill, what if in that sentence that reads no new applications for such permits will be accepted or processed during the moratorium? What if we just take out that word accepted?

ANS: Mr. Reischmann: You certainly can make that recommendation to the City Council.

Vice Chair Davis: How did it get on the ballot?

ANS: Mr. Reischmann: It was an initiative and that is a process under the State Constitution, where you have to get those signatures on a specific form and once you get the required number of signatures on that form and once you reach that threshold of those signatures, I apologize, it is a lot, it is hundreds of thousands. Once you get that number of signatures, and you need to do that a lot before November, you have to do that early in 2016.

Discussion ensued among the board members regarding the timing of directions coming out of Tallahassee regarding implementation of this new law.

8:10PM Chair Jones opened to the public.

Mr. Thomas Myloff, Kathleen Trail, addressed the PLDRB about this issue and is not in favor of implementing a moratorium.

Mr. Dolney made a motion to approve the temporary moratorium as presented and the motion was not seconded.

8:12PM Chair Jones closed to the public

A motion was made by Board Member Scully and seconded by Board Member Dolney to approve subject to the amendment to section three that would now read no new applications for such permits would be processed during the moratorium. Deleting the two words accepted or. The motion was adopted by the following vote:

Approved: 5 - Chair Jones, Board Member Dolney, Board Member Lehnertz, Board Member Scully, and School Board Representative Freeman

Denied: 2 - Vice Chair Davis, and Board Member Dodson-Lucas

Excused: 1 - Board Member Smith

F. Adjournment

The meeting was adjourned at 8:40PM.

*Respectfully submitted:
Irene Schaefer, Recording Secretary*

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ATTACHMENTS