



City of Palm Coast

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

Meeting Minutes Planning & Land Development Regulation Board

Chair Michael Beebe
Vice Chair James Jones
Board Member Robert Cuff
Board Member Glenn Davis
Board Member Sybil Dodson-Lucas
Board Member Christopher Dolney
Board Member Ray Henderson
School Board Representative Chuck Nies

Wednesday, February 17, 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 Beebe called this meeting to order @ 5:36PM.

B. Roll Call and Determination of a Quorum

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

Excused: 1 - Board Member Dodson-Lucas

C. Approval of Meeting Minutes

1 [16-64](#) MEETING MINUTES OF THE JANUARY 20, 2016 PLANNING AND LAND DEVELOPMENT REGULATION BOARD MEETINGS.

Attachments: [MeetingMinutes 1 20 16 PLDRB Meeting](#)
 [MeetingMinutes January 20, 2016 PLDRB Workshop](#)

Approved as presented

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

Excused: 1 - Board Member Dodson-Lucas

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 [16-57](#)

REVIEW A PROPOSED TIER 1 TECHNICAL SITE PLAN PROPOSAL FOR 20 OLD KINGS ROAD NORTH, AS REQUESTED BY THE PLDRB AT THEIR SEPTEMBER 16, 2015 MEETING.

Attachments:

[STAFF REPORT 2998](#)

[DEVELOPMENT ORDER 2922 9-21-2015 - PALM HARBOR
CENTER LOT 3 - 07-11-31-7001-000B0-0030 - VARIANC
LOCATION MAP](#)

[FUTURE LAND USE](#)

[ZONING MAP](#)

[CIVIL SITE PLAN](#)

[7500 SF PAD](#)

[7500 SF AERIAL](#)

[RENDERING](#)

[EXT ELEVATIONS](#)

[PLDRB MINUTES 9/16/15](#)

Mr. Ray Tyner, Planning Manager for the City of Palm Coast, introduced this item as well as Planner, Ida Meehan who gave a presentation for this item, which is attached to these minutes.

Mr. Paul Marcinko, representing the applicant addressed the Planning & Land Development Regulation Board (PLDRB) members.

Mr. Henderson: What is an SHPO clearance (referring to the Staff Comments item #1 which are attached to these minutes).

Mr. Tyner: What page are you referring to, Mr. Henderson?

ANS: Mr. Henderson: Staff comments second submittal, first page.

ANS: Mr. Tyner: It stands for the State Historical Preservation Officer, what that (item) is (referring to) Mr. Henderson, b (is that) they (SHPO) will provide us a letter from that office stating that there is no or no significant cultural resources on that property.

Mr. Cuff: What action if any, are we (PLDRB members) supposed to take other than look at it, (does) it (this agenda item) requires staff approval?

ANS: Mr. Tyner: You are our professionals on Land Development Code (LDC) compliance, even though this is a Tier I Application, I think your recommendation during the variance was to bring it back (to you) to see that it (the site plan) is consistent (with our LDC). Give us some feedback, give us any concerns as it relates to the Land Development Code. We will take that back (and review with the applicant).

Mr. Cuff: Is the parking on lot 4 required for lot 3, or is that going to be shared with whatever eventually gets built on lot 4?

ANS: Ms. Meehan: We asked them to take off the parking for lot 4, for the time being, because you can't have parking without a primary use. So the parking for lot 3 will stand on its own for now.

ANS: Mr. Tyner: Mr. Cuff, to answer (you) specifically, we don't know until lot 4 ('s application) comes in. If they (applicant for lot 4) needs shared parking, then they will have to acquire a shared parking agreement with Dollar General. When the variance

came in it was a concept plan and as per your recommendation that we need to comply with the Land Development Code, our Land Development Code for that lot (indicates), you can notice that the parking spaces were removed because we don't have a primary use or a site plan for that lot yet. So we are allowing for the access with the road but not with parking at this time.

Mr. Cuff: Can you tell me a little more about the wetlands that are depicted in the center of lot 4? I guess my question is what is the developable potential of lot 4 once this site plan with the shared access is approved?

Ms. Meehan: You mean the green on the graphic (referring to the presentation)?

ANS: Ms. Meehan: Those aren't wetlands, it is just indicating that area will not be cleared until there is a specific development proposal.

Mr. Cuff: I thought I saw a color graphic in the on-line package that had a wetlands depiction, maybe I misread it?

ANS: Mr. Tyner: Our site plan approval is for the Dollar General and the access road. For any use that may come in the future for that lot, it is vacant (now), so they will have to go through (a site review process at that time), if there are wetlands or if there are environmental aspects of that lot, they will be analyzed per our code (Land Development Code) when that site plan comes in.

Mr. Cuff: I guess my question is about the cross-hatching on a sheet C4 the last part of the graphic talks about the remaining wetlands, what part of the site are they looking at? I'm looking at the land for the access on lot 4, it looks to me like that most of the center of the remaining lot 4 is being depicted as wetlands?

ANS: Mr. Tyner: Like I said, Mr. Cuff, and if it is and a site plan comes in we will analyze it at that time. But I will tell you, through my environmental experience, most likely it (any wetlands on the lot #4) is isolated and low quality, but that has yet to be seen until a site plan comes in (for lot 3).

Vice Chair Jones: When you look at the original (concept plan) vs. the proposed (site plan) there were a significant number of parking spaces being shown in lot 4 (referring to the concept plan) that are not being shown (referring to the site plan), is the parking that is being provided in lot 3 sufficient for the square footage?

ANS: Ms. Meehan: Yes, they have demonstrated that (there are sufficient parking spaces).

Vice Chair Jones: Second thing, is it common to allow a monument sign to be in the setback, in the buffer?

ANS: Mr. Tyner: Actually, one of our comments is to move the monument sign back. They need to show that it is 10 feet from the property line, so that is one of the outstanding comments that we have.

Vice Chair Jones: So it is 10 feet from the property line but it is in the 25 foot (landscape) buffer? It is allowed?

ANS: Mr. Tyner: Yes, it can be.

Mr. Davis: Wasn't this the one we had a question about setbacks and a big to do with the setbacks all along Old Kings Rd., isn't that correct, Mr. Beebe?

ANS: Chair Beebe: That is correct.

Mr. Davis: So, then to me, (this item) is (indicating) that we didn't accomplish anything? We appear to be letting them do whatever setbacks they want to (do)?

ANS: Chair Beebe: We approved a variance to the landscape buffer back in September (2015), as a board, which reduced their front landscape buffer from 35 feet to 20 feet. And as part of that approval process, we then requested that when an

application was submitted that the technical site plan come back before us so that as a board we could review it and not have it (application) just be reviewed by staff. So the site plan application we have now before us, shows that 20 foot landscape buffer that we had approved a variance on (back in September 2015).

Mr. Davis: Is this something we would be able to maintain if someone else came in with lot 4?

ANS: Chair Beebe: Yes, the variance was for both lots 3 and 4 for a 20 foot landscape buffer. Anyone else, at this time, on other properties along Old Kings Rd., would not have that (landscape) variance. They would have to adhere to the 35 foot landscape buffer or come to us for a variance. But the way the code (Land Development Code) is written right now it is a 35 foot landscape buffer.

Vice Chair Jones: Wasn't the staff going to look at the rest of Old Kings Road area with the idea of changing the (landscape) setback from 35 to 20 feet? Wasn't that part of what we talked about?

ANS: Mr. Tyner: Yes, part of our discussion is that we are going through the Land Development Code now, landscape chapter, we will be bringing back the whole chapter not piecemealing, as you may recall I discussed during that meeting, that we received direction from City Council to make changes to our Land Development Code, specifically the landscape chapter, and they want to see it come back as a whole package, not piecemeal. So we are working on the whole landscape chapter not just the buffers.

Chair Beebe: I have some questions for staff, talk to us about stormwater, I noticed in the latest round of comments it reads that stormwater comments are forthcoming. I'm curious what that means. Also I don't see any stormwater on the site plans, is it all subsurface, what are we doing?

ANS: Mr. Tyner: While he (Mr. Marinko; representative for the applicant) is walking up, I'll say why the comment is there because our stormwater engineer resigned. So we will be providing, if we haven't already, some comments back.

ANS: Mr. Marinko: That is what I was told, that any remaining comments were forthcoming with the new stormwater engineer.

Chair Beebe: Tell us a little about what the stormwater treatment is here?

ANS: Mr. Marinko: The grading and drainage plan shows that it is all subsurface and that it drains into the pond to the north. The stormwater calculations show that the pond can accept the run-off from this site.

Chair Beebe: That pond is part of what (development)?

ANS: Mr. Marinko: The pond was part of the original Palm Harbor development.

Vice Chair Jones: The pond behind the property?

ANS: Ms. Meehan: Yes.

Chair Beebe: So that pond serves all of the rest of that retail strip center, is that correct, Ida?

ANS: Ms. Meehan: Yes.

Chair Beebe: The other question I have is (this) because this is a sensitive landscape buffer issue, we don't have the pleasure of seeing the landscape comments that Bill (Mr. Butler, Landscape Architect for the City of Palm Coast) would have had because he (usually) does mark-ups. I think it is important to the board (PLDRB members) to get a feel for what the landscape comments were, we need something to give us some comfort level that this reduced (landscape) buffer still has the satisfactory landscaping that our code has in place. Can someone speak to that?

ANS: Mr. Tyner: Do you have them on the O drive?

Chair Beebe: I guess the big question I have are the landscape code requirements based on the 35 foot landscape buffer that we have in the code or is it based on the 35 foot landscape requirements in terms of spacing of trees and plant material but it is in a reduced 20 foot area for this project?

ANS: Ms. Meehan: That is my understanding.

ANS: Mr. Tyner: They are still required to have all the trees (that a 35 foot landscape buffer requires). Yes. The variance grants them a 20 foot buffer but they are still required to have all the trees, and they will meet that (requirement).

Mr. Cuff: Do we have a graphic that shows the results, I assume that the reconfiguration is being done by a non-statutory subdivision?

ANS: Mr. Tyner: Yes.

Mr. Cuff: Do you have a graphic that shows the current lot 3, lot 4 boundaries, vs. the resulting lot 3.

ANS: Mr. Tyner: It is in the before and after (slide in the presentation).

ANS: Ms. Meehan: it is very subtle actually.

Mr. Cuff: Is is that yellow area (referring to the presentation)?

ANS: Ms. Meehan: Yes. 17 feet.

Mr. Davis: Mr. Beebe, someone asked the question does this meets the requirement for parking spaces for the site?

ANS: Chair Beebe: And the answer was yes, and it looks to me like there would need to be 30 spaces. Is that correct? Is that the requirement?

ANS: Ms. Meehan: They did a parking study and they actually stated their requirement was 28 spaces.

Chair Beebe: 7500 divided by 250 is 30 (spaces), right?

ANS: Ms. Meehan: Yes.

ANS: Ms. Meehan: They have requested a reduction by 2 spaces.

ANS: Mr. Tyner: And we were ok with that (the reduction of 2 parking spaces). That (reduction in parking spaces) was based on saving some trees.

Chair Beebe: So there are only 28 (parking) spaces?

ANS: Ms. Meehan: Yes.

At 6:02PM Chair Beebe opened the meeting up to any public comment. Seeing no one approach the podium the public comment part of the hearing was closed at 6:03PM.

Mr. Davis: Mr. Beebe, are we setting a precedent by allowing less than the required number of parking spaces? Is this something that will come back and bite us in the future?

ANS: Chair Beebe: I will let Mr. Tyner address that question.

ANS: Mr. Tyner: No sir, our code is very specific about parking requirements, we have a max (maximum) but we have language in our code that you can reduce that number based on information coming from the applicant. When we did the Land Development Code we wanted that flexibility in there (the Land Development Code) because in some uses you don't want to asphalt a parking (lot). If they don't require 100 hundred parking spaces, but your code reads that you shall have 100 parking spaces, we have some flexibility to allow the parking spaces that they need. So we are very comfortable with the applicant with losing two spaces from the max based on their history with stores of that size and the parking spaces they will need. This is

what the Land Development Code allows, there is no variance or anything (else) that is needed, so this (issue) is not setting a precedence.

Approved

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

Excused: 1 - Board Member Dodson-Lucas

3 [16-41](#)

ORDINANCE 2016-XX RELATING TO BOTTLE CLUB REGULATIONS

Attachments: [Ordinance Bottle Club Code](#)
 [Local Cities Bottle Club Ordinances](#)
 [Letters from the Public Regarding Bottle Club](#)

Mr. Ray Tyner, Planning Manager for the City of Palm Coast, introduced this agenda item along with Mr. Bill Hoover, Sr. Planner for the City of Palm Coast, as well as Mark Carmen, Sr. Commander with the Flagler County Sheriff's office. Mr. Hoover gave a presentation and his presentation is attached to these minutes.

Mr. Mark Carmen, Sr. Commander with the Flagler County Sheriff's office, assigned to City of Palm Coast, addressed the PLDRB members and provided a handout related to Police service calls for Papi's Bottle Club, which is attached to these minutes.

Ms. Catherine Reischmann, Attorney for the City of Palm Coast, addressed the PLDRB members.

Mr. Davis: Who is to say what a bottle club is? The laws are made with loopholes, the right, smart person will find that loophole. By just saying bottle clubs (are excluded), whose to say they (the applicant) will call themselves a bottle club when they (a bottle club applicant) applies as long as they are permitted by the State?

ANS: Mr. Carmen: The are regulated by Florida Department of Business and Professional Regulations (DBPR). So they (DBPR) would be able to look at it (the application) and address your concerns.

ANS: Mr. Tyner: Right. Mr. Davis, every time a new use comes into the City we have an occupational license process that they (the applicant) have to apply for with our Business Assistance Center (BAC). Then all the appropriate licenses are checked. And this is a specific license that would give us a red flag when it comes in (to the BAC).

ANS: Ms. Reischmann: And in order to get our Occupational License they would have to show us their license from the State, and the State would determine they would need a Bottle Club license if they fit under the state definition of a commercial establishment operated for a profit.

Mr. Cuff: Is the staff aware of any, for lack of a better term legitimate that is, businesses that are currently licensed and operating but not licensed as a bottle club that would be impacted by this ordinance? I think you did a good job with the not for profit but do we have any for profit business that are not bottle clubs?

ANS: Mr. Tyner: No, I don't think so. I'm almost certain of that. As a matter of fact, the last time we had the (PLDRB) workshop, Chris (Mr. Dolney) had mentioned one of our businesses in the community, and we actually looked at the business to see what kind of license they had, and I forget the name of the license, but it wasn't a bottle club license. It was a legitimate bar (or whatever) license they had.

Mr. Henderson: Didn't Flagler Beach pass a similar ordinance?

ANS: Mr. Carmen: Yes, sir. Flagler Beach passed the ordinance, then Ray (Mr. Tyner) if I'm not mistaken Mayor Netts has reached out to the other mayors in the other (neighboring) cities including the County to try to unify this (the ordinance), so it isn't just Palm Coast. So they (a bottle club applicant) don't come to Palm Coast but (maybe) they go to Bunnell or Flagler Beach (to try to apply). Quite honestly, no one wants these things and I think they(the neighboring Cities and County) have all been unified. Flagler Beach has an ordinance, and I believe Bunnell and the County are

moving forward with an ordinance, if I'm not mistaken.

Chair Beebe: And you are wanting a recommendation to City Council, right? This has to go to City Council?

ANS: Mr. Tyner: Your next steps would be to provide your recommendations to City Council and we will go to the next available (City Council) workshop, which is scheduled for the 23rd, Tuesday (February).

Chair Beebe opened the meeting to public comment at 6:26PM and seeing no one approach the podium he closed the public comment section of the meeting at 6:27PM.

Approved

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

Excused: 1 - Board Member Dodson-Lucas

E. Board Discussion and Staff Issues

Mr. Ray Tyner, Planning Manager addressed the PLDRB about changes being proposed to the Land Development Code.

F. Adjournment

The meeting was adjourned at 6:29PM.

*Respectfully submitted:
Irene Schaefer, Recording Secretary*

4 [16-73](#)

ATTACHMENTS

Attachments: [Presentation Dollar General for PLDRB \(2-17-16\)](#)
 [Attachment to item #2 Application 2998 - Handout 2 17 16](#)
 [Presentation Bottle Club Ordinance for PLDRB \(2-17-16\)](#)
 [Supplement to Item 3 Bottle Club Ordinance](#)
 [Papi's Bottle Club - Service Calls- Handout 2 17 16](#)