



City of Palm Coast

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

Meeting Minutes Planning & Land Development Regulation Board Workshop

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

Wednesday, July 13, 2016

5:30 PM

City Hall Community Wing

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

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A. Call to Order.

Chair Beebe called the joint workshop meeting of the Planning and Land Development Regulation Board (PLDRB) and the Beautification and Environmental Advisory Committee (BEAC) to order @ 5:34PM. Chair Beebe welcomed the members of the BEAC who were present: Mrs. Salkovitz and Mr. Seib.

C. Roll Call

Present: 4 - Chairman Beebe, Board Member Cuff, Board Member Davis, and Board Member Dodson-Lucas

Excused: 2 - Vice Chair Jones, and School Board Representative Nies

Unexcused: 2 - Board Member Dolney, and Board Member Henderson

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

Open Hearing

Staff Presentation

Applicant Presentation (if applicable)

PLDRB Questions of Applicant or City Staff (if applicable)

Public Comments/Presentations

Rebuttal by Applicant or City Staff (if applicable)

Close Hearing

PLDRB Discussion

PLDRB Action

16-243

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

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

Chair Beebe instructed the team that the discussion would be starting from where the last workshop left off, which was on page 54 paragraph #1.

Mr. Seib: Why did we strike the sentence starting native plants (referring to section #2, third sentence from the bottom), it seems to be that we should be wanting to encourage.

ANS: Chair Beebe: The paragraph is stating that 50% of existing and native vegetation shall be preserved.

Mr. Cuff: So is the intention that directional signs are permitted?

ANS: Chair Beebe: Yes, (they are allowed) in the perimeter buffer.

Mr. Davis: So backflow preventers are not required to be screened?

ANS: Chair Beebe: It is just saying that you can put them (backflow preventers) in the buffer. It isn't saying you don't have to screen them. They would still need to be screened.

Discussion ensued about the clarity of the wording of section #9 subsection b on page 55. Chair Beebe requested that this language be adjusted for clarification.

Mr. Seib: How often do we have backflow preventers on a building sites? Is on every one?

ANS: Chair Beebe: All the time, everyone.

Mr. Seib: Is it usually located in front or in back where the majority of equipment is located?

ANS: Mr. Butler: Usually in the front. That is where your water services are located and then they usually put the backflow preventer right after your meter. They don't like to have it too far away from your meter.

Mr. Davis: Are we not repeating ourselves, because on page 13 under Screening Plants (section H) all of that is included with regard to screening requirements?

ANS: Chair Beebe: No, this is talking about uses within the buffer not screening (plants). It is talking about what can be placed within the buffer.

Discussion ensued to remove first sentence in section 9 subsection c (page 55) referring to 10 foot buffer and have paragraph start with 15 feet. Chair Beebe, stormwater isn't always a pond sometime it is shallow treatment swale, as an example that might be 9" to a foot deep. So you can see where that use might be a compatible with a 10 foot buffer.

Mr. Seib: So anyone who has a 10' buffer will not be doing any stormwater retention in that buffer, right?

ANS: Chair Beebe: Right.

Mr. Cuff: The way I would read this (section) is no more that 20% of an area or are we saying a 2' strip out of a 10' buffer area?

ANS: Chair Beebe: Right.

Mr. Cuff: You wouldn't design a retention pond that is 2' wide strip that is the length of the buffer, would you?

ANS: Chair Beebe: I wouldn't think so.

Discussion continued about staff and members about section 9, subsection c on page 55 as well as how this relates to Table 11-5 Buffer Design Standards from Page 54.

Ms. Salkovitz: What happens if they don't have a lake, then in the buffer area you don't have anything?

ANS: Chair Beebe: If they don't have stormwater either in the buffer or adjacent to it then they have the buffer plantings.

Ms. Salkovitz expressed her thoughts about Table 11-5 Buffer Design Standards and she does not support reducing the buffers in rows A and B in the referenced table.

Mr. Tyner discussed how the Table 11-5 is still be reviewed and re-evaluating the table with regard to the overall buffers.

Ms. Salkovitz: So this table isn't cast in stone?

ANS: Mr. Tyner: It is still part of the public discussion. We (Staff) take direction from you, the PLDRB and BEAC along with the public's comments/suggestions.

Mr. Tyner relayed an example of the proposed change to Old Kings Road where the road is fully built out and how changing the buffer from 35' to 25' makes sense in this instance.

Mr. Seib: Are you talking about where Dollar General is going in?

ANS: Mr. Tyner: Where Mulberry Branch, yes, originally the code was 25' and in 2008 (Land Development Code) the buffer went to 35' from 25'. Also you have to remember we have right of way there and that road will go to four lanes.

Mr. Seib: What about the ones on the west side, like the office parks, the day care center, and the blood draw place?

ANS: Mr. Tyner: Bill, I believe the County had a 25 foot buffer.

ANS: Mr. Butler: I think it was more than that (referring to a 25 foot buffer), whether they were required to (have a larger buffer) or not.

ANS: Mr. Tyner: That is the type of things we want to look at for this section.

Further discussion with the members continued with regard to Old Kings Road proposed buffer.

Chair Beebe addressed the members regarding the process for the "rewrite to the landscape code" based on any comments from the committee, board and the public. Ultimately the PLDRB will make a recommendation on the rewrite which will eventually go to City Council. We are not here to adopt anything tonight (or from prior workshops). We are here to review and go over the changes and ultimately the document (in its updated form) will come back to the PLDRB to make a recommendation to the City Council.

Mr. Butler and Mr. Tyner clarified for the BEAC members that they will meet at this

month meeting (July 28, 2016) and draft a recommendation letter for the PLDRB regarding the proposed changes.

Mrs. Lucas: Will any of this include graphics (referencing proposed landscape changes)?

ANS: Chair Beebe: Any graphics that are associated with the Landscape Code would be found in the Technical Manual.

Mrs. Lucas: So if I wanted to see what the existing buffer looks like on Old Kings Rd. and what any changes would look like (where would I see that information)?

ANS: Chair Beebe: I don't think there is anything in the Technical Manual that shows that which you are discussing. It would reference the roadways that have a higher level of buffer in the code, for instance, Old Kings Rd., Palm Harbor Pkwy., Palm Coast Pkwy..

ANS: Mr. Butler: Mrs. Lucas, in preparation for our meeting with Council we could take some pictures for non-conforming buffer vs. confirming buffer for visual presentation (which would be shared with the members).

Mr. Davis: On the wider roads (4 lanes vs. 2 lanes), do we have different (buffer) widths based on the width of the road?

ANS: Mr. Hoover: Except for type A (referring to Table 11-4 on page 53) is a local road so that would be the exception. Otherwise it is consider an arterial or a collector (roadway), type B.

Discussion of Section addressing 11.03.05- Section D - subsection #4 - Phased Projects on page 56 moved from section 11.03.09- Section A- subsection #4 is, no changes to the requirements.

Mr. Cuff: What does the word correlate mean in the last sentence on Section 11.03.06 - Irrigation Requirements - section B - Design Standard- subsection #1 - Water Conservation?

ANS: Chair Beebe: I think it means like plants are placed in like irrigation zones.

Mr. Butler explained the meaning of this section which meant to encourage watering like plants in like zones.

Mr. Hoover to clean up the wording in this section to clarify the meaning.

Mr. Davis: Is the City required to use the smart use?

ANS: Mr. Butler: You are encouraged but not required.

Mr. Butler explained the watering schedule that occurs with reuse water on City properties.

Mr. Seib: Reuse water comes from the water treatment plant (City of Palm Coast)? And it just doesn't meet the standards for human consumption, correct?

ANS: Mr. Tyner: Yes.

Mr. Tyner: Explained that he needed to check with Code Enforcement regarding section 11.03.08 B Maintenance- to ensure that this statement is in compliance with Code of Ordinance.

Mr. Butler discussed the reasoning behind section B - Maintenance Section 2 subsection A & B.

Mr. Davis: Landscapers in the State of Florida are not required to be licensed?

ANS: Mr. Butler: Explained the difference between the differences in licenses.

Discussion for the problem with unlicensed landscapers within the City of Palm Coast ensued between the Board and Staff members.

Mr. Davis discussed the requirement of educating the public about the requirement for Business Tax License in the COPC.

Mr. Seib: Isn't it the land owner's duty to know the rules/laws?

ANS: Mr. Butler: No, it is the landscapers' job to know the laws.

Mrs. Lucas: So you are trying to reach out to homeowners more information and the retailers?

ANS: Mr. Butler: Yes, we are reaching out to the public.

Mr. Cuff question the use of the word City instead of Land Use Administrator as the last word in section 11.03.07 - Installation of Plants - subsection A - Mulching Requirements. Mr. Hoover to substitute the word City for Land Use Administrator.

Mr. Tyner will address section 11.03.08 B - Maintenance - subsection #1.- with Ms. Grossman, Code Enforcement Manager for the City of Palm Coast, regarding this section to confirm it is not in conflict with our Code of Ordinance.

Mr. Butler discussed the rationale behind the subsection #2 - dealing with pruning standards and the history with pruning issues.

Mr. Davis discussed with the members his experience with the issue that the State of Florida does not require a landscaper to have a license.

Mr. Butler discussed the City of Palm Coast required Business Occupational licenses and the two types of licenses for Tree Surgeons vs. Landscape Services. Mr. Butler is now working with Business Occupational Licenses department to require a short training course before a business tax license will be issued.

Mr. Tyner discussed how supportive F-Card has been with this section of the proposed code and how changes to the Code Ordinance is now making the contractor responsible for issues relating to this section.

Mr. Seib: Isn't the home owner's responsible to ensure the landscaping outfit is doing the proper procedures?

ANS: Mr. Butler: The homeowners don't usually know the laws but the people doing the work should be familiar with the requirements and should be telling the homeowner what is acceptable under the code.

Mrs. Lucas: So you are taking measures to inform homeowners (of the requirements)?

ANS: Mr. Butler: Yes, we are trying to as proactive as we can, with seminars and the tree trimmers. We are trying to figure out ways to reach out more to homeowners.

Mrs. Lucas: As well as Home Depot and Lowe's? So they are aware when you come looking for tool if there was something posted (at the register) about the code requirements

ANS: Mr. Butler: Yes, but I'm not sure what they will do about informing the public of the code with a posted notice.

Mrs. Salkovitz: Is this for residential as well as commercial - referring to section

11.03.09 A - Construction Phase #2- pre-construction meeting?

ANS: Mr. Butler: That is a good point, we wouldn't due this for single family/duplex.

Mr. Hoover to update wording of first sentence as follows: Prior to any site clearing on projects with site plans,...

Mr. Tyner discussed the intent of this section 11.03.09 section B - subsection #2 -As Builts to ensure they (developer) meet our irrigation standards as shown on the approved site plan.

Chair Beebe suggested re-writing this section since it isn't that clear. Mr. Hoover to rewrite this section.

Mrs. Salkovitz suggested removing the reference to height in Section 11.04.02 - Correction of Violation/Remediation subsection A ; 5th line 1st 4 words of this sentence and the first 2 words in the 6th line.

Discussion ensued about Chapter 14.02 - Glossary- Mr. Hoover to add definition of Medium Screen Planting to the Glossary.

Mr. Hoover explained why on the draft version of the Glossary it has definitions not included on the Clean Version of the same chapter.

Mr. Hoover explained how the site triangle diagram would be used and by whom. Chair Beebe asked that Mr. Hoover update the vertical and horizontal axis on this diagram.

Mr. Davis: What is a weather-based irrigation arrangement?

ANS: Mr. Butler: it is the controller. Discussion to delete word arrangement and replace with the word controller page 64 Smart irrigation system definition.

Discussion ensued about the definition of Temporary irrigation system on page 64 changing the word from may (be removed) to shall (be removed) when no longer needed. Mr. Hoover to update the wording.

Chair Beebe opened the workshop to public comment @ 7:04PM.

Mr. Mark Wheeler referenced Section- 11.02.07- subsection B (page #141 Tree Bank Fund Established: - Last sentence; should not that sentence include a reference to fees include installation fees?

ANS: Mr. Tyner: The bids we receive for this purpose includes the installation fees, delivery fees, and the cost of the tree.

Mr. Hoover to update section to include reference to installation fees as well.

Mr. Wheeler reference to Section -11.02.05 section C- subsection #1 - Tree Removal Activities Except from permit/Replacement Requirements: Add wording of Florida Exotic plants reference FLEPPC - Florida Exotic Pest Plant Council - vs. Noxious Weed. Mr. Hoover to update section to include reference to this group.

Discussion of avoiding use of red mulch on City of Palm Coast. Also discussion of Palm Tree trimmers.

Mr. Al Peterson addressed the fact that currently an existing home owner is held to a high standard that a new home owner when it comes to the existing home owner replacing a tree on his property (via a permitted request). Mr. Peterson is requesting that a home owner can cut a tree and replace that tree (regardless of the status of

the tree - historic or otherwise) with the same standard as a new home owners is required to plant at a new home.

Mr. Peterson addressed Section 11.03.01 - section H - Screening Plantings - page 42 - requested that the screening is not required to protect the view of a HVAC unit from a neighbor. Also Mr. Peterson is requesting that lattice screening could be used instead of plantings.

Mr. Peterson addressed Section 11.03.01 -section B - subsection 2 - Pruning Standards - regarding an FP&L tree pruning incident and Mr. Peterson wishes the proposed code to reflect that the home owner would not be responsible for any incidents affecting the health and well-being of that tree pruned by a utility company. Chair Beebe informed Mr. Peterson the proposed code does address that issue.

Chair Beebe closed public comment section at 7:21PM

Mr. Davis discussed the situation that the builder should not be issued an occupancy permit when the builder/home owner have not complied with the Landscape Code requirements.

ANS: Chair Beebe: They are not receiving an occupancy permit.

Mr. Davis: Then why do we have some many non-conforming properties?

ANS: Chair Beebe: Because they are homes built prior to the current 2008 Landscape Code.

Mr. Butler discussed the circumstances when tree mitigation would be necessary.

Mr. Tyner: So basically, the current standard for a hardwood (tree) coming in is what?

ANS: Mr. Butler: 2".

Mr. Tyner: Now, the proposed change now is if a person takes down a 60" Oak Tree (as example - with a permit) they have to replace that tree with a one 3" tree.

ANS: Mr. Butler: One 3".

Chair Beebe: Is there a mechanism in place now that prevents a home owner from getting a tree permit for a historic or specimen tree removal of a perfectly fine (healthy) tree?

ANS: Mr. Butler: No, they can still take it. It is their property, we ask they replace it.

Mr. Peterson: What is the difference in price between a 2" or 3" tree?

ANS: Mr. Butler: A 2" tree with probably cost \$250.00 installed; a 3" tree is probably about \$350.00, a hundred dollar more.

Mr. Tyner discussed the size change in the proposed code allows the home owner to plant the tree themselves, not requiring specialized equipment.

Mrs. Lucas discussed that there isn't a system for a homeowner be aware of all the requirements once they move into their home. Mr. Tyner commented that falls under Code Enforcement and the Code of Ordinance (after you move into your home), since the Land Development Code only deals with new construction.

Mr. Seib: Is the realty community aware of the code requirements, are they aware of the Code of Ordinance?

ANS: Mr. Tyner: With regard to our The Land Development the realty community is aware of those code. Code Enforcement does a good job keeping up with the

enforcement of the Code of Ordinance.

Discussion of education of the code ensued.

Mrs. Salkovitz: Is there any way a City can go after unlicensed landscaper?

ANS: Mr. Tyner: Business Tax Receipts Department goes after unlicensed contractors through the Flagler County. Since it is illegal to do work without a contractor license.

Mr. Seib: Is there some way we can place the trees back away from the power lines?

ANS: Mr. Butler: Our Urban Forestry department looks at all single family permits (for newly build homes) and goes out and looks at them and if there is a power line there he will tell them to move the tree back. But we can't regulate people going to Home Depot and buying a tree and planting it too close to the power line.

Received and Filed

Board Discussion and Staff Issues

ANS: Mr. Tyner mentioned that our regular scheduled meeting is scheduled for 7/20/16.

Special meeting to be scheduled - August 4, 2016 @ 5:30PM due to the Landscape Code being a high priority.

Adjournment

The meeting was adjourned at 7:41PM.

Respectfully submitted:

Irene Schaefer, Recording Secretary