



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, July 20, 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 the meeting of the Planning & Land Development Regulation Board (PLDRB) to order @ 5:30PM.

B. Roll Call and Determination of a Quorum

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

Excused: 1 - Board Member Henderson

C. Approval Meeting Minutes

1 [16-235](#) MEETING MINUTES OF THE APRIL 20, 2016 PLANNING AND LAND DEVELOPMENT REGULATION BOARD MEETING

Attachments: [MeetingMinutes PLDRB 4 20 16](#)

Approved as presented

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

Excused: 1 - Board Member Henderson

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 [16-281](#)

REVIEW PROPOSED TIER 3 TECHNICAL SITE PLAN FOR TUSCAN GARDENS OF PALM COAST LOCATED AT THE SOUTHWEST CORNER OF COLBERT LANE AND BLARE DRIVE

Attachments: [TuscanGardensPLDRBStaffReport\(2\)](#)
[Tuscan Gardens Aerial](#)
[Tuscan Gardens Zoning Map](#)
[Tuscan Gardens FLUM](#)
[Tuscan Gardens Sheet C7 \(7-1-16\)](#)
[Tuscan Gardens Sheet L1 LS Plan \(7-1-16\)](#)
[Tuscan Gardens Sheet L2 LS Plan \(7-1-16\)](#)
[TuscanGardens Building 3D Views \(June 2016\)](#)
[TuscanGardens NIM Ltr](#)

Mr. Ray Tyner, Planning Manager for the City of Palm Coast, introduced this agenda item. Mr. Tyner also introduced Mr. Hoover, Sr. Planner with the Community Development Department from the City of Palm Coast, who gave a presentation, which is attached to these minutes.

*Mr. Christopher Young, Chief Operating Officer of Tuscan Gardens, introduced himself and addressed the PLDRB members.
Mr. Tim Baker, Baker Barrios Architects, addressed the PLDRB members and gave a presentation which is attached to these minutes.*

Mr. Dolney: Emergency Services, I don't see a road that runs along the back in case of fire, ambulance, things like that?

ANS: Mr. Hoover: We had representatives from the Fire Department check that (the application plans) against fire prevention code. He reviewed the plan and since the building would be sprinkled (have sprinklers installed, the requirement with a sprinkled building requires) that the driveway going around the building, under the code, (requires that) no part of the building can be further than 450 feet from one of the driveways. So both those driveways (southeast of the ALF building and the other one on the northside), if you measure the area around the building, it is less than 900 feet.

ANS: Mr. Tyner: We actually had our Building Official along with our certified, I don't know what kind of license Gerry Forte has (Deputy Fire Chief for the City of Palm Coast), they are part of our technical review team, they review all of our plans from a fire prevention standpoint, where to place access, make sure that it meets the fire prevention code and the Florida Building Code and we actually did triple checked the code standards and it does comply, in fact it exceeds the code (standards).

Vice Chair Jones: There is no way for an emergency services to get around to the back of this building, with a fire truck or an ambulance, is that right?

ANS: Mr. Baker: Right in the middle of the back of house and the memory care, you can see a service drive, that goes right into the middle and behind the building. So that is another area where you could get (in).

Mr. Dolney: Is that depicted where it reads dumpster (referring to the applicant's site plan presentation), I know it is hard to read?

ANS: Mr. Baker: Yes.

Vice Chair Jones: Traffic wise are we doing a turning lanes on Colbert Lane?

ANS: Mr. Hoover: No that was reviewed by Flagler County and they told us no, it wasn't needed.

Vice Chair Jones: So there are no turning lanes, no right hand turn lanes?

ANS: Mr. Hoover: No.

Mr. Cuff: The site plan doesn't show it and I know someone said that the proposed access to Blare Drive was eliminated, is that a problem for the project the way it is laid out now?

ANS: Mr. Hoover: Well, we have a rule in our Land Development Code (LDC) which carries over from The Comprehensive Plan, which reads that if you have more than 50 units in a facility, then you are required to have two access points. So we have two access points on Colbert Lane and this is an older issue, where the neighbors did not want an access point on Blare Drive.

ANS: Mr. Tyner: If I can elaborate, Mr. Cuff, the Master Plan Development (MPD) gave wiggle room from a technical standpoint for health and safety. I think it sounded like your question was directed toward the applicant. Applicant there is no issue not having an access point on Blare Drive, correct?

ANS: Mr. Young: That is correct.

Mr. Cuff: In the MPD, as I recall, wasn't there an issue relating with drainage crossing Blare Drive to the north?

ANS: Mr. Tyner: When we addressed the MPD agreement, the rezoning, and the FLUM (Future Land Use Map) there was some definite concern about flood plain, flooding, and that type of issue. But they (the applicant) did some modeling, we actually have the professional here Mr. Humphries, who is known throughout Florida for doing these flood plain models. We are very satisfied with the model.

Mr. Cuff: My only other question is that you mentioned you had two neighborhood meetings at the Grand Haven Community Center. I assume that means that you let the people who live up on Blare Drive and up in the Woodland section into the meeting, if they wanted to (get in). What is the radius for the notification (letter) for this site plan?

ANS: Mr. Young: Yes, we let them in, if they choose to come (to the meeting).

Mrs. Lucas: What kind of feedback did you receive from the neighborhood meeting? Because I didn't see anything here (attached to the agenda).

ANS: Mr. Jim Cullis (owner): The main concern from the Grand Haven folks was the height. The project proposed before this one, if you recall (that project) moved the buildings up into that wetlands area, this community (referring to the current project under review) moves it (the buildings) back behind the wetlands area, and instead of going (up) five stories it only goes four stories. So I believe the people of Grand Haven are satisfied. The Woodlands folks were concerned about the traffic going into Blare Drive and their hot issue was the access going off of Blare Drive and the height of the building adjacent to Blare Drive. So the immediate building within 45 feet (of Blare Drive) is a one story (building), so I believe we have addressed their concerns.

Mrs. Lucas: So there are no outstanding issues, at this point, we are not going to hear from Grand Haven or Woodland's folks regarding any outstanding issues?

ANS: Mr. Cullis: They were obviously not concerned enough to come (tonight). I have not heard a word from any of them, it has been very quiet. We have a beautiful project and I think they recognize that. If you remember, it (this property) was zoned for a shopping center before, so this final product (moves) from being a 175,000 square feet of shopping plaza (into) a great alternative. (Resulting) in lower traffic and I believe people are excited about this project. I've never had a project where

someone didn't complain about it.

Mrs. Lucas: I'm concerned that there is no consistent concern about the architecture or the severity of the look of the buildings. You feel that the landscaping will mitigate that (concern over the look of the buildings)?

ANS: Mr. Cullis: Yes, Ma'am.

Mr. Cuff: Jim, I had a similar concern as to Sybil (Mrs. Lucas) when I looked at the package, these sketches are not intended to be architectural drawings, they are just designs to show the mass of the building and the relative height of the roofline and things like that, I'm assuming you're going to dress up the buildings more than that (as represented in the sketches)?

ANS: Mr. Baker: Yes.

Vice Chair Jones: Isn't it standard or shouldn't it be that if there is a neighborhood meeting we should see the minutes from that meeting?

ANS: Mr. Tyner: Yes, the way the code is, it is not required that a multifamily project unless it is over 40 units, this (neighborhood meeting) can be waived. For a new project we would absolutely make sure there was a neighborhood meeting. In this case, for this project, and I'm guessing (on the number) of years, there have been 3 years of neighborhood meetings worth. You recall the MPD (Master Planned Development) that is where we had the big neighborhood meetings. And then the Master Planned Development was approved by City Council. This (referring to the current agenda item) is consistent with that MPD, so we did not think that a formal neighborhood meeting would be warranted for this site since it (the current agenda item) complies with the MDP agreement. Like I said, a lot of the issues raised during the formal neighborhood meetings during the Master Planned Development Agreement that showed the renderings, that provided the standards that provided the height, there is a lot of language, for example, a lot of folks were talking about flooding into the adjacent neighborhood. So there is language in the Master Planned Development agreement that requires CLOMR (Conditional Letter of Map Revision), that requires the modeling that they performed. It is consistent with the Master Planned Development Agreement so there was no City required formal neighborhood meeting for this project for the Technical Site Plan. However, there was one (formal neighborhood meeting) required for the Master Planned Development Agreement/Comprehensive Plan Amendment all related to this project. So in essence, this project not only the Technical Site Plan, but the Future Land Use Map Amendment, the rezoning, and the Master Plan Development Agreement were a very long process that they (the owner/applicant) had City required formal neighborhood meetings for each and every one of those (applications). Coupled with us (City) not requiring one (neighborhood meeting) per the Code (Land Development Code) they (applicant/owner) went out and on their own and met with different groups that had concerns like Grand Haven and had their own meetings which they documented and provided to (City) staff.

Vice Chair Jones: Be that as it may, there were meetings held, shouldn't we have copies of their minutes?

ANS: Mr. Tyner: You actually did when you approved the Master Planned Development (MPD).

Vice Chair Jones: No, I'm talking about the meetings held January through April of this year.

ANS: Mr. Tyner: No, since that was on their own, they (the applicant/owner) are testifying that they held these meetings on their own, and we don't require it. If an applicant is going to go out on their own and met with different neighborhoods, we don't require that the applicant provides (minutes) of different meetings that they have

had with different individuals. Now, if it is part of the code (Land Development Code) requirement, then yes, we have them document the meetings if it is a City required formal neighborhood meeting, they (the applicant) are required to provide that documentation. But not if they are doing it own their own (it isn't required).

Mr. Davis: Who owns Colbert Lane and Blare Drive?

ANS: Mr. Hoover: Colbert Lane is owned and controlled by Flagler County.

Mr. Davis: You are saying that Flagler County doesn't require any additional left or right turn lanes for this project? As I recall there was a great deal of concern from the citizens (having the entrance) on Blare Drive because of the traffic. Yet, this project doesn't show anything that will help keep the traffic moving because it is a two lane road. If you are stopping, getting in or out of that facility, you are stopping traffic. That is why I see a conflict when the County owns the road but we are approving the project. As a traffic engineer that is very important to me, because we did voice a concern about it. I know this has been going on for a good while but I don't understand why the City didn't require (turn) lanes be added for this project?

Chair Beebe asked that Staff address this question based on their process and then when they were done the applicant may also answer the question.

ANS: Mr. Hoover: They (the applicant) submitted a traffic study that was forwarded to the City Traffic Engineer and also to Flagler County. Sean Castello, City Traffic Engineer, told me that based on his discussion with Flagler County, this project is unique, because the traffic coming into the project is very different than say a commercial shopping center where the traffic is jamming between 4:00PM and 7:00PM on weekdays, Saturdays, and Sundays. Here the trips are spread-out widely because they will have employees that get off at the same time but they will not create a need for turn lanes, as I've been told.

ANS: Mr. Tyner: Basically, you have the information that came via the application that our professional traffic engineer reviewed, as well as the professional traffic engineer at the County, and the both of them agreed that there was no need for a deceleration lane based on the nature of the project and the trips that would be generated.

ANS: Stuart Cullen, Civil Engineer from George F. Young, Inc. for this project, although we didn't do the original traffic study, which was done at the MPD stage, we did do a reanalysis of the project with regard to the trips that would be generated from this continuing care sized facility. I pulled up from my file the differences in the style and the numbers on how the trips react differently from the original study which 4,300 per day from the original MPD agreement study. This facility is only projecting 1,200 trips per day for all three residential buildings. Typically, when we look at the need for traffic improvements it is over 1,200 trips per intersection that will trigger other deceleration lanes or left turn lanes. So when you take the 1,200 trips and split them on the requirement of the two different intersections it is well less than the expectation of 1,200 per intersection and therefore will not require (additional turn lanes). The other portion of the analysis, as you may be aware, is a PMP trip. It is (measuring) the most aggressive time of the day where we would have a trip, it is a one hour between 4PM to 6PM as an evening trip and the maximum we see there is 60. So that 60 trips during that hour is 1 trip a minute, and that itself, doesn't require a turn lane, either. And this is the data that was reviewed by both the City's and the County's (traffic) Engineer.

Mr. Cuff: The data you were just referring to was for the entire project, including Phase II or is it just for Phase I?

ANS: Mr. Cullen: Correct, Sir. It is for stage I and stage II, combined.

Mrs. Lucas: I'm concerned about use of the word required, because something is not

required does that it mean that the community might be better served by addressing the traffic concerned in advance or by having noted the residents' concerns in the packet we are reviewing. I know things can't be required but sometimes it is better to go the couple of extra steps?

ANS: Mr. Tyner: As staff we have a book called the Land Development Code (LDC) and it stipulates some of the technical requirements that is our job to make sure that they (applicants) meet the minimum standards of the Land Development Code. You cannot require more than what those standards are, you can ask but you cannot require. Even that is cloudy (legally), at times, given some legislation of late, persuading people to do what is not required the codes, and going beyond (the code), there has to be what they call a rational nexus to make sure that happens. And reason two this is a County road and we can't make them (the County). We had our traffic engineer, and we have a very good relationship with their technical staff, while meeting and looking over the data and what is warranted and they agreed it (additional lanes) is not warranted. Even if the City disagreed there would have been further discussions, but we cannot force them (County) to put a deceleration lane on a County road.

Ms. Catherine Reischmann, legal counsel to the PLDRB, addressed the role of the PLDRB board with required to the Technical Site Tier project.

Chair Beebe summarized the traffic related review that was submitted by the applicant's traffic engineer as required by the Land Development Code and that the City's Traffic Engineer reviewed that submission as well as the County's Traffic Engineer and determined that no additional lanes were required. Mr. Tyner indicated that they formally reviewed the traffic study for this project with the County and the County commented on this project.

Chair Beebe: Again, staff please clarify did our (City) Traffic Engineer review this application?

ANS: Mr. Tyner: Yes.

ANS: Mr. Hoover: When this application comes in, Damaris Ramirez, in our Planning Division, forwards this application out to the County, if it is on a county road and/or we have a project next to them. Additionally, every traffic study that comes in, goes to Sean Castello, the City's Traffic Engineer. And generally, I'll review them to so I'm more familiar with that (aspect of the project). Now, it has been 3 months ago at this point, but I did discuss this (traffic study for this project) with Sean up in his office and I did discuss with him, are we going to need turn lanes or anything like that and my recollection is that he had discussed this issue with the County, it is their project, and they are comfortable with this project as is. Now the driveway permit for these two roadways will go to Flagler County for that (review and issuing of the driveway permits). They may have another swing at the plate at that point.

Mr. Tyner reviewed with the PLDRB members the role of Sean Castello, City Traffic Engineer, with regard to this project and that, "if Sean felt that a deceleration lane was needed for the health and safety of our citizens we would definitely stress that out, but he is comfortable not having a deceleration lane and so is the County".

Mr. Davis: The data that you are talking about is that a traffic count, on vehicular movement on Colbert (Lane) and Blare (Drive)? Is that a recorded traffic count of vehicles that traveled those roads?

ANS: Mr. Cullen: The original traffic study was based on actual traffic counts.

Mr. Dolney spoke on the merits of the project given the challenges of the shape of the property.

Chair Beebe opened the meeting to Public Comment at 6:39PM. No one approached the podium and so public comment was closed at 6:40PM.

Mrs. Lucas: How was the public notified about tonight's meeting?

ANS: Mr. Tyner: It is on our website, like every meeting is noticed on our website.

Mrs. Lucas: Was it listed in the newspapers?

ANS: Mr. Tyner: No

Mr. Dolney: Don't they usually have the papers noticed at the property site?

ANS: Mr. Tyner: No, that is for a rezoning (application).

Vice Chair Jones: Wasn't there a mailing for a certain diameter of distance from the property?

ANS: Mr. Tyner: No, that is for a rezoning or a Future Land Use Map amendments, not for technical site plans.

Mrs. Lucas: So the comment someone made, that if the community had any concerns they would have shown up tonight, if you didn't go to the website, and so many people don't, there wasn't any notification beyond that, because it wasn't required?

ANS: Mr. Tyner: It is not required by code.

Mr. Dolney discussed the requirements for notice and that all these discussions happened during the MPD phase of the project.

Mr. Davis: Can we add anything to the motion regarding turn lanes.

ANS: Mr. Beebe: We can't add anything that is not in the Land Development Code.

Vice Chair Jones made a statement about issues with the way the project was handled by the City Planning Division.

Approved

3 [16-285](#)

CONTINUE THE ADVERTISED PUBLIC HEARING ON THE UNIFIED LAND DEVELOPMENT CODE AMENDMENT FOR CHAPTER 11 - LANDSCAPING TO THURSDAY, AUGUST 4, 2016 @ 5:30PM.

Discussion of this agenda item regarding rescheduling this item to August 4, 2016 @ 5:30PM @ City Hall.

Continued

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

Excused: 1 - Board Member Henderson

E. Board Discussion and Staff Issues

F. Adjournment

The meeting was adjourned at 6:38PM.

Respectfully submitted:

Irene Schaefer, Recording Secretary

[16-289](#)

ATTACHMENTS TO MINUTES

Attachments:

[Tuscan Gardens PLDRB Meeting on 7-20-16](#)

[Tuscan_Garden_Site_UPDATED Applicant Presentation](#)