



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

Tuesday, September 19, 2017

5:30 PM

City Hall Community Wing

RULES OF CONDUCT:

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

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

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

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

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

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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 September 19, 2017 meeting of the Planning and Land Development Regulations Board (PLDRB) to order @ 5:30PM.

B. Roll Call and Determination of a Quorum

Present: 6 - Chair Jones, Vice Chair Davis, Board Member Dodson-Lucas, Board Member Lehnertz, Board Member Scully, and Board Member Smith
Excused: 2 - Board Member Dolney, and School Board Representative Freeman

C. Approval of Meeting Minutes

1 [17-394](#) MEETING MINUTES OF THE AUGUST 16, 2017 PLANNING AND LAND DEVELOPMENT REGULATION BOARD MEETING

A motion was made by Board Member Lucas and seconded by Board Member Smith that the minutes be approved as presented. The motion was adopted by the following vote:

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

Excused: 2 - Board Member Dolney, and School Board Representative Freeman

D. Public Hearings

2 [17-393](#) ORDINANCE 2017-XX REZONING 6.2+/- ACRES FROM PUBLIC/SEMI-PUBLIC (PSP) TO NEIGHBORHOOD COMMERCIAL (COM-1), APPLICATION NO. 3399.

Mr. Smith addressed the board and disclosed a relationship with items #2, #3, and #4 but after discussing the matter with the City Attorney he would not be declaring a conflict of interest as he was advised by counsel and therefore, he will be participating fully in all agenda items this evening.

Mr. Ray Tyner, Planning Manager for the City of Palm Coast, introduced this item along with Mr. Bill Hoover, Senior Planner for the City of Palm Coast, who gave a presentation which is attached to these minutes.

*Chair Jones: In a Com (Commercial) 1 a 16 pump gas station is allowed?
ANS: Mr. Hoover: 8 pump gas station is allowed.*

*Chair Jones: On the east side of Route. 95 is already Com 2?
ANS: Mr. Hoover: It would come in as a Master Planned Development (MPD).*

Mr. Larry Torino, representative for the applicant, addressed the PLDRB and gave a presentation which is attached to these minutes. Mr. Andy Ames, Lassiter Group was also introduced as a traffic representative for the applicant.

*Ms. Lucas: Was the impact study tailored to all potential uses for this property?
ANS: Mr. Torino: Yes, it did include all potential uses.*

Chair Jones addressed the applicant and commented on his presentation to clarify that a pharmacies is not allowed in a COM 2.

Chair Jones opened the meeting to public comment on this agenda item at 5:59PM

Mr. Douglas Fore, 20 LaMancha Dr., addressed the PLDRB members and was not in

favor of a gas station in his neighborhood (across the street from his home). He was not interested in the property being allowed to be rezoned.

Ms. Katrina Crowmachin, 2 LaMoyn Ln., addressed the PLDRB member and is concerned about children's safety when crossing Matanzas Woods Pkwy. Ms. Crowmachin is not in favor of the proposed rezoning even if it is rezoned to Com 1 due to the increase in traffic and the existing limited lighting.

Chair Jones closed the meeting to public comment on this agenda item closed at 6:02PM.

Mr. Larry Torino addressed the PLDRB with regard to the City's future review of a potential developer's site plan review by the City Staff and the distance from any residence with a gas station. Mr. Torino addressed the concern about pedestrian safety regarding which is designed for a 124 foot right of way (4 lane corridor). He discussed a significant buffer involving the easement and landscape buffer which will help to lessen any impact on neighbors.

Vice Chair Davis requested clarification on what the agenda item was attempting to do with regard to the rezoning. He originally thought the church was looking to develop the land themselves as opposed to selling the property and someone else develop the property under the COM 1 zoning.

Mrs. Lucas: Will there be a lighting study for this proposed property?

ANS: Mr. Tyner: Our code requires shielding. As well as a photometric study which comes in during the site plan process to ensure that no light bleeds off the property.

Discussion ensued between the PLDRB members regarding concerns about development from neighbors and development requirements which would be addressed during the site review process from any future developer of this property.

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

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

Excused: 2 - Board Member Dolney, and School Board Representative Freeman

3 [17-391](#)

A COMPREHENSIVE PLAN AMENDMENT TO CHANGE THE FUTURE LAND USE MAP DESIGNATION OF 109+/- ACRE PARCEL FROM FLAGLER COUNTY DESIGNATIONS OF RESIDENTIAL-MEDIUM DENSITY, COMMERCIAL-LOW INTENSITY, AND CONSERVATION TO CITY OF PALM COAST DESIGNATIONS OF RESIDENTIAL, MIXED USE, AND CONSERVATION INCLUDING A NOTE TO LIMITING RESIDENTIAL DEVELOPMENT TO 615 DWELLING UNITS

Chair Jones asked the PLDRB members if they objected to items #3 and #4 would be presented together by Mr. Jose Papa, Sr. Planner for the City of Palm Coast., however separate votes would be required for each item. There were no objection from any of the PLDRB members.

Mr. Ray Tyner introduced this item along with Mr. Papa, Senior Planner with the City of Palm Coast, who gave one presentation for the companion agenda items #3 and #4

which is attached to these minutes.

Mr. David Bayer, representative for the applicant, addressed the PLDRB members.

Chair Jones opened the meeting to public comment for this agenda item at 6:28PM. Seeing no one approach the podium Chair Jones closed the meeting to public comment for this agenda item at 6:29PM.

Mrs. Lucas: I still have some concerns about the high density residential. Could you explain to me or justify the need for this kind of housing (diversity) in Palm Coast.

ANS: Mr. Bayer: Do you mean the multi-housing?

ANS: Mrs. Lucas: Yes

ANS: Mr. Bayer: It is twofold. It has the waterfront amenity to it, it has a marina area as well. It has a higher minimum square footage so it is a little more luxury units. In that area of the county there isn't much (available). I wouldn't be considered a high-rise like you see out at Hammock Dunes. It would be considered a mid-rise building. So we feel it won't be incompatible with Palm Coast Plantation owners. If you look it is set back, if you look at the site plan it is surrounded by a conservation area. So those conservation areas have already been protected by easements with by St. John's water management district. So that would provide a visual buffer to the neighboring properties in addition to the setback part of it, so we don't feel it will be a big impact on the development (Palm Coast Plantation) there.

Chair Jones: Where would the multi-family be in this site plan (referring to the presentation)?

ANS: Mr. Bayer: There are basically three pods. If you see tracts 156, 157, and 158 (referring to the presentation) and the other one is the in the middle of the conservation area.

Chair Jones: The last one you put up will be multi-family?

ANS: Mr. Bayer: Yes, they are all multi-family pods right there.

Mrs. Lucas: It is a public safety concern, once this is all developed for these multi-family (units) where is the fire safety?

ANS: Mr. Bayer: Well there is a dedicated fire station right adjacent to the property. Right there (referring to the presentation). So that fire station is dedicated to that use. And the buildings will have to be sprinkled (fire sprinklers). That would be a requirement during the permitting process.

ANS: Mr. Tyner: Sybil, we met with the applicant along with the County experts review for fire safety. So they had two experts review their application for fire safety, both the City and the County. They will also have to come in for permits.

Vice Chair Davis: Asked for clarification on what we are doing with this item? We are reviewing the same plan that was previously reviewed by the County?

ANS: Mr. Tyner: What we are doing basically, we are changing the Future Land Use designation and the zoning. The already have their construction plans approved by the County.

Vice Chair Davis: So this will not come before us again?

ANS: Mr. Tyner: No, it was already approved by the County.

ANS: Mr. Bayer: When you annex property under state law, when we come in to rezone or change the future land use map from County to City and we must comply with the closest future land use map and zoning designation which is required by State law.

For instance we couldn't come in and say we had 300 units in the County and we want 600 units from the City.

Chair Jones: But a final site plan and plat would need to be reviewed by staff, correct?

ANS: Mr. Tyner: Yes, the final plat would be reviewed by City Council, not the PLDRB. This is done to make sure the developer complies with the setbacks, etc.

Vice Chair Davis: I heard 7 story multi-family, are we requiring an elevators in these buildings?

ANS: Mr. Tyner: That is (addressed in) the Florida Building code and I'm not the Building Official, but I believe it would be required above 3 or 4 floors.

ANS: Mr. Bayer: All requirements will still be reviewed by City Staff just like any other project. Our ties to the County was severed as of the County's approval this morning during the 2nd reading. Now we are here to ensure our Future Land Use Map and Zoning are compatible with the City of Palm Coast.

ANS: Mr. Tyner: So Glenn, anything prior we accept, but from this day forward, such as the final plat that would be reviewed by City Council. They still have to do the construction and associated inspections. They have to submit permits for every single house that comes in. The project would need to be bonded.

Vice Chair Davis: Basically, what I am hearing is now they fall under our guidelines now that they are (annexed) to the City, right?

ANS: Mr. Tyner: As far as the Florida Building Code, yes.

Vice Chair Davis: So if the County didn't have elevators and we do, then they would be required to put them in?

ANS: Mr. Tyner: It is based on Florida Building Code (standards), yes.

Vice Chair Davis: Was the public hearing done under the County?

ANS: Mr. Bayer: Both, the County and the City (referring to this meeting for the City).

Chair Jones: Was their neighborhood meeting requirement?

ANS: Mr. Tyner: No. We posted the signs since there were changes to the document. We required the newspaper ad and the orange signs that sat at the entrance to the property.

A motion was made by Vice Chair Davis and seconded by Board Member Lehnertz to approve the future land use application as stated consistent with staff recommendations, including limiting residential development to 615 exactly as staff recommended. The motion was adopted by the following vote:

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

Excused: 2 - Board Member Dolney, and School Board Representative Freeman

4 [17-392](#)

A ZONING MAP AMENDMENT FROM PLANNED UNIT DEVELOPMENT (FLAGLER COUNTY DESIGNATION) TO MASTER PLANNED DEVELOPMENT (CITY OF PALM COAST DESIGNATION) FOR A 109+/- ACRE PARCEL LOCATED 1400' NORTH OF ROBERTS ROAD ON THE EASTSIDE OF COLBERT LANE

This item was discussed under agenda item #3 the Comprehensive Plan for this companion agenda item.

A motion was made by Vice Chair Davis and seconded by Board Member Scully to approve the application for the rezone the property as stated consistent with staff recommendations include the residential limitation to 615 units exactly as staff has recommended. The motion was adopted by the following vote:

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

Excused: 2 - Board Member Dolney, and School Board Representative Freeman

5 [17-374](#)

ORDINANCE 2017-XX DEFINING PHARMACIES AND MEDICAL MARIJUANA TREATMENT CENTER; ESTABLISHING PERMITTED ZONING DISTRICTS FOR THESE USES.

Mr. Ray Tyner introduced this item along with Ms. Ida Meehan, Senior Planner with the City of Palm Coast, who gave a presentation to the PLDRB members which is attached to these minutes.

Vice Chair Davis: Nowhere in this ordinance does it state what types of the marijuana can be sold in what form, i.e. candy which is causing issues in the State?

Chair Jones: Kate, isn't the state dealing with this?

ANS: Ms. Reischmann (City Legal Counsel): I understand your concern and as you know there is a lawsuit pending to allow people to obtain it in a form to smoke it. I wanted to point out one thing, this is not the low THC anymore marijuana anymore this is the full out. The statute does clearly delineate the forms, it can be in, it does allow for eatables. I believe, there is something in here about making sure it isn't attractive to children. As the chairman is indicating, this is preempted to the State. In fact, it is highly unusually how highly preempted this has been. The department of health (State of Florida) is in charge and we can't do anything about cultivation and delivery. And then we have this extremely unusual box we are put in regarding zoning, where these dispensaries are zoned. And that is our only outlet in terms of how we can regulate this area. So, I totally get your concerns and I think the legislature was trying to address that and I'll check it since I have the statute right here with me. We can't enter this area.

Discussion ensued among the PLDRB members regarding what is included in the State statute and what can be included in the City's Ordinance.

Ms. Reischmann asked for permission of the PLDRB members to tweak based on other communities' examples, adding another definition from some ones' example. She explained that this is our product which may or may not be challenged.

Mr. Scully: Do you have any idea what area this "tweak" may addressed?

ANS: Ms. Reischmann: Maybe someone else has a better way of excluding a location?

ANS: Mr. Tyner: If we are changing we can email you Mr. Chairman, we can call a special meeting?

ANS: Chair Jones: If there is something substantial we will call a special meeting.

Mrs. Lucas discussed her concern about viewing any proposed changes.

Vice Chair Davis: Are we approving this with the exception approval?

ANS: Chair Jones: No we are approving based on this existing wording.

Vice Chair Davis: Can the City be sued by individuals who object by the restrictions

imposed by type of marijuana being sold?

Chair Jones: Wouldn't they sue the State?

ANS: Vice Chair Davis: Well we are passing an ordinance, too.

ANS: Ms. Reischmann: Yes, but we are passing a zoning ordinance only. We are not regulating in a substantive way. So, yes we could be sued, but the real issue would be the constitutionality of the statute. They can't challenge the amendment.

Chair Jones opened the meeting to public comment for this item at 7:08PM.

Seeing no one approach the podium, Chair Jones closed the meeting to public comment for this item @ 7:09PM.

A motion was made by Board Member Lucas and seconded by Board Member Lehnertz to approve the application to approve the zoning for medical marijuana treatment centers as stated consistent with staff recommendations. The motion was adopted by the following vote:

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

Excused: 2 - Board Member Dolney, and School Board Representative Freeman

E. Board Discussion and Staff Issues

Chair Jones questioned the Land Development Code, page number 4, where it talks about convenience stores with fueling facilities are permitted in COM 1, if within 500 feet of residential property requires a special exception is required. Mr. Tyner discussed the antiquated terms between gas station and service station and the fact that the regulations are included in Chapter 4 of the Land Development Code regarding gas stations.

F. Adjournment

The meeting was adjourned at 7:15PM.

Respectfully submitted:

Irene Schaefer, Recording Secretary

[17-396](#)

ATTACHMENTS