



**City of Palm Coast
Minutes
PLANNING AND LAND
DEVELOPMENT
REGULATION BOARD**

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

**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 Rep David Freeman**

Wednesday, August 15, 2018

5:30 PM

COMMUNITY WING OF CITY HALL

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.

>In accordance with the Americans with Disabilities Act, persons needing assistance to participate in any of these proceedings should contact the City Clerk's Office at 386-986-3713 at least 48 hours prior to the meeting.

>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.

Call to Order and Pledge of Allegiance

Chair Jones called the August 15, 2018 meeting of the Planning and Land Development Regulation Board to order @ 5:30PM.

Chair Jones explained for the benefit of those present in the audience the order of the meeting and during the public comment section of each agenda item that the public would have 3 minutes each to address the PLDRB members regarding that agenda item.

Present and answer the roll were:

*Mr. Smith
Mr. Dolney
Chair Jones
Mr. Scully
Vice Chair Davis
Mr. Lenhertz*

Absent were:

*Mrs. Lucas
Mr. Freeman*

Roll Call and Determination of a Quorum

Approval of Meeting Minutes

1 MEETING MINUTES OF THE JULY 18, 2018 PLANNING AND LAND DEVELOPMENT REGULATIONS BOARD MEETING

Pass

Motion made to approve as presented made by Vice Chair Davis and seconded by Board Member Smith

Approved - 6 - Vice Chair Glenn Davis, Board Member Christopher Dolney, Chair James Jones, Board Member Pete Lehnertz, Board Member Jake Scully, Board Member Clinton Smith

Public Hearings

2 A REQUEST TO REZONE 6.3 ACRES FROM COMMERCIAL-1 (COM-1) AND ESTATE-1 (EST-1) TO MULTIFAMILY RESIDENTIAL-2 (MFR-2) GENERALLY DESCRIBED AS LOCATED EAST OF OLD KINGS ROAD AND NORTH OF OAK TRAIL.

Mr. Smith provided to Irene Schaefer, Recording Secretary, form 8B noticed of voting conflict for this agenda item.

Mr. Tyner, Planning Manager introduced Ms. Ida Meehan, Senior Planner who gave a presentation which is attached to these minutes.

Mrs. Lucas arrived at 5:35PM.

Discussion ensued among the PLDRB members about the easements that exist on the parcels and the expansion of the Old Kings Rd. which will be addressed during the technical site plan process.

Mr. Mac Ross, representative for the Richman Group, addressed the board and gave a presentation which is attached to these minutes.

Chair Jones opened the meeting to questions from the Board Members.

Mr. Scully requested that in the future the presentation for the public clarify the timeline with regard to when the details normally associated with the Site Plan submittal are reviewed and decided upon, i.e. traffic impacts, dual access roads, parking spaces, etc.

Chair Jones clarified for the members of the audience the rezoning process. He further explained the number of reviews involved in a rezoning including 2 City Council meetings where the City Council decides on the rezoning of the property. At a later time the applicant will submit a site plan review which will come back to the PLDRB members for their approval or denial. This site plan will include details including parking, access roads, building architecture, storm water, etc.

Katie Reischmann, City legal counsel, clarified for the audience as well as the Planning Board members the primary purpose of the PLDRB is to ensure consistency with the Comprehensive Plan and the Unified Land Development Code, which is laid out in the staff report.

Chair Jones opened this meeting to public comment @ 6:11PM for this item.

Melanie Broils, 47 Blaine Dr., spoke not in favor of this application her concerns were about waste water plant capacity and untreated waste water after a heavy storm. Impact of traffic on Oak Trails.

Ashleigh Kirks, 63 Blaine Dr., spoke not in favor of this application her concerns were about job creation are temporary not long term, only 4 permanent positions, once rezoned the property can be resold and developed as something else.

Frequent brownouts may cause issues for the 55 or older community that is proposed. Egress/Ingress concerns - 3 major exits, which may not be sufficient for the added traffic during an emergency. Wildlife issues as a result of Tuscan Gardens development. Drainage easement is of concern leading to flooding, development size and ground buildup with dirt. Height of buildings is of concern. Questioned the need of another assisted living facilities in Palm Coast.

Kathryn Darby, 13 Bleau Ct., spoke not in favor of this application. Oak Trails is not a viable exit it is already at capacity. Wildlife relocation due to construction, drainage is of concern since the lots currently flood. Property values decrease. Referenced safety which is mentioned in the code and this development will affect the Woodland's residents' safety.

Mark Peterson, 84 Blaine Dr., spoke not in favor of this application his concerns about the City creating a slippery slope and a precedent by allowing this rezoning prior to the widening of Old Kings Rd.

Peter Kuchinsky, 2 Black Berne Ln., spoke not in favor of this application traffic concerns regarding only 3 routes of egress/ingress and this will create more traffic.

Laurie Fosse, 78 Blaine Dr., spoke not in favor of this application her concerns were about traffic and limited egress/ingress, loss of environment, sewage issues, safety concerns regarding wildlife relocation.

George Carofine, 100 Black Bear Ln, spoke not in favor of this application his concerns were affordable housing placement in their neighborhood.

John Bloomfield, 14 Blackwood Ct., spoke not in favor of this application and questioned the sense of moving vulnerable seniors into an evacuation zone, questioned the safety issues.

Jesse Edwards, 6 Blaisdale Ct, spoke not in favor of this application and development causes wildlife relocation issues, traffic volume, overbuilding concerns in the area.

Rich McFarlane, 54 Blaire Dr., spoke not in favor of this application and developments affect on wildlife

Gloria O'Hara, 35 Blake Pl. spoke not in favor of this application specific concerns traffic and wildlife, egress and ingress issues.

Kathleen Cullen Ruther, 12 Black Hawk Pl., spoke not in favor of this application and questioned why would anyone want to live there due to proximity to I95., traffic issue, being not a suitable location for an apartment building as well as increased traffic and it's effect on safety.

Delores Gerado, 7 Black Hawk Pl., spoke not in favor of this application with regard to logic of placing an over 55 community so close to I95 which will be too noisy for this older community.

John Dance, 22 New Water Oak Dr. spoke not in favor of this application specifically with regard to the community becoming overcrowded, 74 families located in that small parcel, regarding increased traffic. Should vote against due to the potential of financial hardships on the City with regard to the Old Kings Rd. widening project.

Morgan Edwards, 9 Blyth Pl., spoke not in favor of this application and specifically what guarantee do the residents have that the property be developed as a 55 aged restricted community.

Nancy Allen, 7 Black Alder Dr., spoke not in favor of this application specifically with regard to no street lighting, drainage issues require a drainage study.

Wildlife causes safety issues. Lift station reeks on Blaire Drive. No security, sheriff rarely patrols the Woodlands.

Cynthia BiPerdio spoke on behalf of her mother Joan who lives at 10 Blaisdale Ct., spoke not in favor of this application and agreed with all the prior speakers and that at the neighborhood meeting the majority of the participants were not in favor of this rezoning nor the 3 story buildings.

Chair Jones closed the public comment portion of the meeting @ 6:52PM for this item.

Vice Chair Davis made a motion to deny this application based on the fact that Old Kings Rd. is in the process of being widen and we don't want this application to hamper the (widening project) which we already have funded and that this application should wait till after Old Kings widening project is completed. This motion did not receive a second.

Ms. Reichmann addressed the board that a motion to deny is often misunderstood by the members and that it may be better to make a motion to approve with the understanding that the Old Kings Rd. project be completed first. She clarified that a positively worded motion is clearer and one can vote yea or nay to that motion.

Mrs. Lucas suggested tabling the item until more information was available. Chair Jones suggested that tabling this item was not fair to the applicant who was present and who has submitted a sincere application.

Discussion ensued among the PLDRB members about the history of how the board has handled discussion either before or after a motion and its relationship to Roberts Rules.

Chair Jones asked for clarification regarding any delay to the Old Kings Rd. widening project should result in the developer/owner bearing the cost of any additional fees.

Mr Tyner explained to the PLDRB members how the concerns involving any potential delays to the Old Kings Rd. widening project would be addressed in the site plan review stage of the project should the rezoning be approved. Mr. Tyner further explained what is allowed in the current zoning for the property - Com 1 and how a developer can come in at this time and develop the property for whatever land uses are allowed in a commercial 1 zoned property.

Mrs. Lucas questioned whether or not the developer is required to address the quality of life with a mitigation plan for how the wildlife may react to this development. Mr. Tyner clarified that during the site plan review the staff will review for endangered species and address those animals specifically. However, any development may disturb the local wildlife.

Chair Jones clarified the reason the rezoning occurs prior to the site plan is because of the associated site plan costs incurred by the developer and the City.

Chair Jones also addressed the risk the City takes if the rezoning is approved and the applicant walks away from the project. Discussion of a possible guarantees that the current applicant keeps the property as planned. Ms. Reischman explained the only way to achieve that is to have the applicant reapplication as a MDP.

Mr. Scully discussed how the significant risks associated with this project should be considered at this time with regard to the placement of such a large development on a rather small lot.

Mr. Dolney agreed with Mr. Scully's concerns however at this stage the PLDRB members need to consider whether or not the proposed zoning, asking themselves is multi-family a transitional use from commercial end uses, and Mr. Dolney added that it appears to be.

Ms. Reischmann clarified for the PLDRB members that they do have an approval from staff on this application and they are the PLDRB members' expert and that

they should listen to the citizen's concerns but they haven't heard any expert testimony apart from staff.

Mrs. Lucas clarified that the site plan will return to the PLDRB to review and approve or deny in the future.

Chair Jones clarified for the members of the audience that this item would be presented to City Council on September 4th @ 6PM.

Pass

Motion made to approve as presented with all staff's recommendations made by Board Member Dolney and seconded by Board Member Dodson-Lucas

Approved - 5 - Board Member Christopher Dolney, Chair James Jones, Board Member Pete Lehnertz, Board Member Jake Scully, Board Member Sybil Dodson-Lucas

Denied - 1 - Vice Chair Glenn Davis

3 A REQUEST TO REZONE 116 ACRES GENERALLY LOCATED ON WHITEVIEW PARKWAY FROM COMMERCIAL-2 (COM-2) TO MASTER PLANNED DEVELOPMENT (MPD).

Mr. Tyner introduced Ms. Ida Meehan, Senior Planner who gave a presentation which is attached to these minutes.

Mr. Smith questioned the setbacks referenced in the staff documents for the 50 foot lots, stating that the document reads 7.5 feet and Mr. Smith believes it should be 5 feet. Ms. Meehan agreed that it should be 5 feet.

Mr. Michael Chiumento, representing the applicant, addressed the Board members.

Chair Jones opened the meeting @ 6:31PM to public comment for this item.

Mr. Peterson, West Robin Ln., spoke not in favor on this application, he believes that the current zoning is correct as Commercial, limiting the parcels that are zoned commercial will continue to increase the price of commercial property and he believes that the City needs commercial. Also concerned about the rezoning to MPD and the inclusion of the lot size to 45' from 50'.

Jim Rebbel, 30 West Mill Ln., spoke not in favor of this application, he questioned whether based on the lot sizes in this development if would be targeted to low income housing planned for this area.

Carole Rebbel, 30 West Mill Ln., questioned what would be built in an MPD zoned property. Mr. Tyner explained that the development agreement runs with the land and if a future owner wished to change the development agreement

they would have to go through the whole public process again, advertisements, neighborhood meetings, public meetings.

Jean Draggert, Windermere Pl., spoke not in favor of this application due to the number of homes located on small lots, as well as the traffic congestion caused by the influx of 210 people.

Chair Jones closed the public comment portion of the meeting at 7:44PM for this item.

Discussion among the board members about the 45 feet lot sizes.

Pass

Motion made to approve as presented with all staff's recommendations made by Board Member Dolney and seconded by Board Member Lehnertz

Approved - 7 - Vice Chair Glenn Davis, Board Member Christopher Dolney, Chair James Jones, Board Member Pete Lehnertz, Board Member Jake Scully, Board Member Clinton Smith, Board Member Sybil Dodson-Lucas

4 REQUEST TO AMEND ORDINANCE 2003-32 AKA THE TOWNCENTER MPD TO ALLOW PARKING CANOPIES AS AN ALTERNATIVE TO THE GARAGE REQUIREMENT FOR MULTIFAMILY WITHIN THE URBAN CORE OF TOWN CENTER.

Mr. Tyner provided some history on the Master Planned Development for Town Center. He also introduced Ms. Ida Meehan, Senior Planner, who gave a presentation which is attached to these minutes.

Mr. Walker Douglas of Douglas Property and Development, managing agent for the property addressed the PLDRB members.

Discussion ensued with the PLDRB members and staff that 1/3 of the number of units would have a garage replaced with a canopy.

Discussion ensued with the PLDRB members and staff with regard to the use of which Florida Building Code would apply to a canopy (elevated structure). Ms. Meehan explained that the building code in question is one assigned to elevated structures and it requires the ability of the structure to withstand winds of 160 mph.

Chair Jones opened the meeting to public comment @ 8:02PM for this item.

Seeing no one approach the podium Chair Jones closed this item to public comment @ 8:03PM.

Discussion ensued among the PLDRB members and staff of parking requirements with regard to the canopies.

Pass

Motion made to approve as presented with all staff's recommendations made by Board Member Dolney and seconded by Board Member Smith

Approved - 7 - Vice Chair Glenn Davis, Board Member Christopher Dolney, Chair James Jones, Board Member Pete Lehnertz, Board Member Jake Scully, Board Member Clinton Smith, Board Member Sybil Dodson-Lucas

Board Discussion and Staff Issues

Adjournment

Motion made that the meeting be adjourned by Mr. Lehnertz and seconded by Mr. Scully.

The meeting was adjourned at 8:04PM.

*Respectfully Submitted by:
Irene Schaefer, Recording Secretary*

ATTACHMENTS