



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

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

***Chair Glenn Davis
Vice Chair Clinton Smith
Board Member Robert J. DeMaria
Board Member Sybil Dodson-Lucas
Board Member Christopher Dolney
Board Member Pete Lehnertz
Board Member Jake Scully
School Board Rep David Freeman***

Wednesday, May 15, 2019

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 Davis called the May 15, 2019 meeting of the Planning and Land Development Regulation Board to order @ 5:30PM.

Roll Call and Determination of a Quorum

Irene Schaefer, Recording Secretary, called the roll; present and answer the roll code were:

Chair Davis
Vice Chair Smith
Mrs. Lucas
Mr. DeMaria
Mr. Freeman

Abscent were:
Mr. Dolney
Mr. Scully
Mr. Lehnertz

Approval of Meeting Minutes

1 MINUTES OF THE PLANNING AND LAND DEVELOPMENT REGULATION BOARD APRIL 17, 2019 MEETING

Pass

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

**Approved - 4 - Chair Glenn Davis, Board Member Robert DeMaria, Vice Chair
Clinton Smith, Board Member Sybil Dodson-Lucas**

Public Hearings

2 FUTURE LAND USE MAP AMENDMENT FOR 119+/- ACRE PARCEL FROM RESIDENTIAL LOW DENSITY/RURAL ESTATE (FLAGLER COUNTY DESIGNATION) TO RESIDENTIAL (CITY OF PALM COAST DESIGNATION) INCLUDING AMENDING THE FOOTNOTE ON THE FLUM

Mr. Ray Tyner, Planning Manager, introduced this item along with the County history of the Planned Unit Development (PUD). He also informed the PLDRB members that one presentation would be given for agenda item #2 and #3. He also introduced Mr. Jose Papa, Senior Planner and Mr. Bill Hoover, Senior Planner who gave a presentation which is attached to these minutes.

Mr. Bill Hoover gave information regarding the proposed Master Planned Development changes that are being requested.

Mr. Michael Chiumento, representing the applicant, addressed the PLDRB members. Mr. Jeff Douglas, owner developer of the project, addressed the PLDRB members and gave some history of the project starting in 2005, involving a history of the property entering into receivership and then coming out of bankruptcy under new ownership. Mr. Douglas further explained that under Florida law the Home Owners Association (HOA) took ownership of the existing project.

Mr. DeMaria questioned the status of the Florida Department of Transportation (FDOT) 5 year work plan which is referenced in the traffic analysis. Mr. Papa explained how the workplan would help the City identify any potential improvements that are funded and add that to the potential capacity of the roadway network.

Mr. DeMaria questioned the number of entrances and exits at the property. Mr. Hoover explained currently there is only one main entrance along with a construction entrance (south of the main entrance). An additional entrance along Citation Boulevard was discussed as a future proposal.

Mr. DeMaria questioned the impact on the sewer system with the recent approval of other projects along with this proposed project. Mr. Papa explained that the waste water and water concurrency would occur at the time of Platting. At that time you are assured the number of lots, units and the engineering has been done for the infrastructure including the size of the water and sewer pipes that are needed to service the development. Mr. Papa also explained that the Utilities Department regularly completes a treatment capacity study (for both water and waste water) where they project out the City's population based on the State's projection from the Bureau of Economic and Business Research. Utilities Dept. looks out into the future about 20 years based on population estimates.

Mr. DeMaria question this project's impact on Police and Fire capacities. Mr. Papa explained during the Platting process both Fire and Police have an opportunity to review for impact.

Chair Davis questioned who would be paying for the future road expansion. Mr. Tyner explained that is not part of the Master Planned Development (MPD) which is front of the board. Mr. Tyner further went on to explain the history of the proposed future expansion of Citation Blvd.

Chair Davis asked if this projects site plan would come back to the PLDRB members in the future. Mr. Tyner explained that the Platting process for this development will go to City Council but will not come back to the PLDRB.

Mr. Douglas explained that the project would extend Citation Blvd. 600 feet through the length of their property for emergency access for Police and Fire during the Platting process of Phase IV.

Chair Davis opened this item to public comment @ 6:03PM.

Mr. Robert Myer, 117 South Coopershawk Way, addressed the PLDRB members and recommended that the PLDRB members add some conditions to the approval of this agenda item, developer must have adequate construction entrances, if developer is unable to provide the requested separate entrance than Mr. Myer recommends a separate impact fee of between \$500.00 to \$1000.00 per unit payable to the HOA. Chair Davis informed Mr. Myer his 3 minutes had expired.

Mr. Dan Tannen, member of the HOA board, requested that the developer be required to staff the main gate until such time as the development is at 90% build out.

Mr. Stan Banosky, 113 Spoonville Drive, requested that the developer be required to staff the main gate. Traffic light request on Seminole Woods Blvd.

Mr. Doug Baker, 109 Spoonville Drive, requested that the developer be required to staff the main gate and that the roads be resurfaced, landscaping be updated, and lighting be updated.

Mr. Guy Johnson, 121 South Hummingbird Place, informed the PLDRB members of flooding on his street, workers violate the hours that they are allowed to work and Mr. Johnson believes these matters should be resolved prior to the developer being allowed to built an additional phase of the project.

Chair Davis explained to the audience members the role of the PLDRB meeting and that they are here to review the application to amend the Master Planned Development (MPD) agreement and FLUM not to deal with issues at the development which are not under the PLDRB's purview.

Ms. Kelly Walker Razzle, 107 South Staughten Drive, wishes the PLDRB to add some conditions to the application if approved that would require the developer to improve the road conditions by enforcing the use of the construction gates. As well as requiring the developer to staff the existing main gate.

Ms. Carolyn Myer, 117 South Coopershawk Way, requested that the developer be required to staff the gate. In addition, the construction gate must be in place prior to the commencement of Phase IV construction.

Ms. Kelly Burke, 77 South Coopershawk Way, commented on the effects of the construction on the wildlife and impact on traffic with the proposed growth. Requested some restriction be placed on the developer to control the growth.

Mr. Chuck Knowlfer, 111 Crepe Myrtle Court, commented on the impact of the proposed additional homes would have on school childrens school bus access being further limited. He suggested a dedicated school bus location within the development.

Ms. Christine M. Ertl, representing the Ansbacker Law Firm and The Grand Landings Master Homeowners Association, addressed the PLDRB members, and questioned the additional development relying on the roads and amenity center which are owned and operated by The Grand Landings Master Homeowners Association.

Chair Davis closed this item to public comment at 6:31PM.

Chair Davis question if the Association owns the road how can the developer use that road for construction vehicles for the new construction phase. In addition, Chair Davis questioned why the PLDRB would grant an expansion until the existing development is built out.

Mr. Douglas clarified that the Developer does own the amenity center and the developer does have a dedicated construction gate and going forward they will have a construction gate.

Mr. Smith requested clarification from Ms. Reichmann (legal counsel for the City and the PLDRB) for the role of the PLDRB members during this meeting.

Ms. Reichmann asked for clarification on ownership of the road. Mr. Douglas didn't know the answer to Ms. Reichmann's question regarding ownership of the road.

Ms. Reichmann addressed the PLDRB members and reminded them of their role during this meeting regarding the MPD and FLUM amendment applications. Although the maintenance issues are important that is not the PLDRB's role to address those maintenance issues for the existing development. She reminded the board members that "our" hands are tied with regard to those issues and that the members cannot do what they think is right to do, but must follow the Land Development Code and the Comprehensive Plan. They must consider whether changing from County to City designations of the property is consistent with the orderly development of the City. And with regard to the zoning application whether the zoning designation is consistent with the land use. Finally whether or not the draft Master Planned Development Amendment Agreement is consistent with the Comprehensive Plan. She pointed out that none of the speakers thus far have addressed any of these

Mr. Tyner requested of the Chairman that he address some issues brought up by the public that have to do with the MPD application. Traffic light addition must be warranted by a certain number of "trips" being generated. However, during the Platting process a traffic study is completed.

Another item was the request for a new bus stop for the students, and Mr. Tyner mentioned the strong relationship with the Flagler County School Board and during the Platting process they will look at the need for any additional pick up locations.

Mr. Smith questioned whether or not the MPD agreement required a separate contractor entrance. Mr. Chiumento mentioned there is not a requirement in the MPD for a separate contractor entrance.

Mr. Chiumento did state that Mr. Douglas would provide a separate construction entrance for the new phase of construction. However, Mr. Chiumento did request that the HOA assist in enforcing the existing construction gate. He also stated during the Platting process Mr. Douglas will work with the Flagler School Board to properly locate a school bus stop.

Discussion of the relationship between the developer and the HOA took place and was described by Mr. Chiumento as a symbiotic relationship.

Pass

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

Approved - 4 - Chair Glenn Davis, Board Member Robert DeMaria, Vice Chair Clinton Smith, Board Member Sybil Dodson-Lucas

3 ORDINANCE 2019-XX TO EXPAND THE SIZE OF THE GRAND LANDINGS MASTER PLANNED DEVELOPMENT (MPD) BY 119.2 ACRES FROM 774.4 ACRES TO 893.6 ACRES

This item's presentation was made under agenda item #2.

Chair Davis opened this item to public comment at 6:54PM.

Mr. Dan Tannen, member of the HOA board, questioned the developer's level of involvement with the Grand Landings HOA.

Mr. Don Johnson, questioned the lack of handicapped accessible sidewalks within the development.

Ms. Christine M. Ertl, the roads are private roads and the PLDRB is being asked to add lands that the developer does not have an agreement to add (to these roads).

Mr. Robert Myers, recommended that the vote be delayed in order for the HOA, the developer and the City partner to make the development successful.

Ms. Kelly Walker Razzle, 7 South Starling, requested that language be added tot he MPD to include a penalty for those that violate the use of the main gate as a construction gate entrance. The current pool only has a capacity of 40 persons.

Mr. Brian Thorp, 123 Spoonhill Drive, concern of safety regarding additional traffic signal being added at the main entrance.

Mr. Michael Kelly, 123 North Sterling Drive, concerned about the lack of a manned main gate and requested that an additiional construction entrance be added for the new phase.

Chair Davis closed this agenda item to public comment at 7:07PM.

Mr. Smith requested that Mr. Tyner address the traffic study question again.

Mr. Tyner clarified that if the FLUM and rezoning is approved that the next steps are the Subdivision Master Plan and the Preliminary Plat and that is when you get into analyzing the trips and the traffic generation.

Mr. Chiumento requested a meeting with the association to address their concerns, as soon as practical, possibly Friday afternoon.

Ms. Reichmann requested that Mr. Chiumento get clarification on the private road access issue prior to the City Council meeting. And Ms. Reichmann requested that the developer clarify the situation regarding the construction entrance and that they will work with the Flagler School board on a location of a school bus stop. Mr. Douglas clarified that a construction entrance will remain open during construction and will close once construction has completed and will be open to the west for future construction.

Mr. Smith requested that Ms. Reichmann clarify for the audience that PLDRB members are prohibited from being actively engaged in investigation. Ms. Reichmann clarified that they are to be an unbiased judge that reviews the evidence presented at the hearing.

Chair Davis questioned if the PLDRB members have any recourse when a matter is referred to the board. Mr. Tyner clarified that their resource for the PLDRB members and staff is the Land Development Code and the Comprehensive Plan.

Brian Kroop - traffic/safety concerns

Public comments closed at 7:10PM

Mr. Tyner explained the subdivision master plan process - Mr. Chiumento traffic issues are done when a new plat is requested.

Friday afternoon - meeting.

Mr. Tyner was asked - check tape 7:15PM

Pass

Motion made to approve as amended With the addition of a condition that all construction vehicles use designated construction entrances in the

future and that an additional school bus stop be discussed with the school board. by Board Member DeMaria and seconded by Board Member Dodson-Lucas

Approved - 4 - Chair Glenn Davis, Board Member Robert DeMaria, Vice Chair Clinton Smith, Board Member Sybil Dodson-Lucas

4 ORDINANCE 2019-XX O'REILLY'S AUTO PARTS TECHNICAL SITE PLAN TIER 2

Mr. Tyner introduced the agenda item including the prior history regarding conditions traffic concerns when the special exemption was approved in October 2018. Mr. Tyner introduced Mr. Bill Hoover, Senior Planner, who gave a presentation which is attached to these minutes.

Josh Liggett, representing O'Reilly Auto Parts addressed the PLDRB members.

Chair Davis opened this item to public comment at 7:25PM and seeing no one approached the podium he closed this item to public comment at 7:26PM.

Pass

Motion made to approve as presented by Board Member DeMaria and seconded by Board Member Dodson-Lucas

Approved - 4 - Chair Glenn Davis, Board Member Robert DeMaria, Vice Chair Clinton Smith, Board Member Sybil Dodson-Lucas

Board Discussion and Staff Issues

Mr. DeMaria discussed his experiences during the recent City's ethics training for board members and he recommended that all members attend in the future. Ms. Schaefer will make copies of the agenda of the City's ethics training and will share with the PLDRB members.

Chair Davis mentioned that he had a conflict with next month's scheduled meeting scheduled for June 19, 2019 and wished that the date could be changed. Mr. Tyner agreed that if the date was inconvenient to several members that staff would look into rescheduling this meeting.

Adjournment

Motion made that the meeting be adjourned by Mr. DeMaria and the motion was seconded by Mrs. Lucas

The meeting was adjourned at 7:30PM

*Respectfully Submitted by:
Irene Schaefer, Recording Secretary*

ATTACHMENTS

