



**City of Palm Coast  
Minutes  
Hybrid Planning and Land  
Development Regulation  
Board**

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

**Chairman Clinton Smith  
Vice Chair Robert J. DeMaria  
Board Member James Albano  
Board Member Sybil Dodson-  
Lucas  
Board Member Jake Scully  
Board Member Sandra Shank  
Board Member Charles Lemon  
Alternate Board Member Hung  
Hilton  
Alternate Board Member Suzanne  
Nicholson  
School Board Rep Patty Bott**

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**Wednesday, November 18, 2020**

**5:30 PM**

**City Hall**

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**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 Smith called the Planning and Land Development Regulation Board (PLDRB) Meeting of November 18, 2020 to order @ 5:30PM and read into the record the Hybrid meeting notice.*

*Present and responding to roll call were:  
Chair Smith*

Mr. Albano  
Mr. Scully  
Mr. Lemon  
Ms. Shank  
Ms. Nicholson  
Mrs. Lucas  
Ms. Bott

Excused were:  
Vice Chair DeMaria  
Mr. Hilton

## Roll Call and Determination of a Quorum

## Approval of Meeting Minutes

### 1 MEETING MINUTES OF THE NOVEMBER 4, 2020 PLANNING AND LAND DEVELOPMENT REGULATION BOARD SPECIAL MEETING

**Pass**

**Motion made to approve as presented by Board Member Shank and seconded by Board Member Lemon**

**Approved - 7 - Board Member Jake Scully, Chair Clinton Smith, Board Member Sybil Dodson-Lucas, Board Member Charles Lemon, Alternate Board Member Suzanne Nicholson, Board Member Sandra Shank, Board Member James Albano**

## Public Hearings

### 2 LAKEVIEW ESTATES MASTER PLANNED DEVELOPMENT, APPLICATION # 4150

*Ms. Borkert, City Counsel, addressed the PLDRB members and the public regarding the nature of a quasi-judicial meeting. Ms. Borkert asked the PLDRB members if any of the PLDRB members had any ex parte communications since the September 30th meeting. Mr. Scully mentioned that he received a call from the applicant's attorney, Mr. Chiumento, and he further stated that he believes he can make a decision based on the facts presented during this meeting. Ms. Borkert reminded the PLDRB members that everything that occurred at the September 30th meeting is still on the record. The applicant's and staff's presentations, all objections, all comments are still on the record and should be considered in today's meeting. Ms. Borkert stated that in order to review this item the PLDRB members would need to vote to remove this item from the table (as it was last tabled at the September 30th's PLDRB meeting).*

**Pass**

**Motion made to remove from the table by Board Member Albano and seconded by Board Member Nicholson**

**Approved - 7 - Board Member Jake Scully, Chair Clinton Smith, Board Member Sybil Dodson-Lucas, Board Member Charles Lemon, Alternate Board Member Suzanne Nicholson, Board Member Sandra Shank, Board Member James Albano**

*Mr. Tyner asked the PLDRB members if they wished to see the September 30th presentations again. Mr. Tyner also mentioned that since the September 30th meeting the only changes were that City staff has received from the applicant the traffic study and the environmental report. Mr. Tyner then asked if the PLDRB members would agree to have the comparison slides for each of the 10 tracks presented rather than go through previous PowerPoint submittals. The PLDRB members agreed to this format. Mr. Tyner introduced Mr. Michael Chiumento, applicant's representative, and Mr. Bill Hoover, Senior Planner with the City of Palm Coast, who walked through the comparison presentation which is attached to these minutes.*

*Starting with Tract 2 - main difference is how wide the View Protection Zone (VPZ) needs to be behind each residential home. The VPZ is not defined in the Land Development Code (LDC). Chair Smith asked the PLDRB members if they would like to ask questions as they review each tract and the PLDRB agreed with this suggestion. Mr. Lemon asked, on the east side, what is the size of the proposed lot. Mr. Chiumento answered that they are consistent with the adjacent lot sizes. Mr. Hoover stated they are proposed to be Single Family Residential (SFR 2). Ms. Shank asked to have clarification regarding the number of lots that are proposed between the two versions of Tract 2. Mr. Chiumento stated that in the south west (SW) corner labeled B on the presentation, the applicant has proposed to have lots there and staff has proposed no lots. Mr. Alexander Ustilovsky, manager for the applicant, he stated that the applicant and City staff are in agreement of the total number of lots just differ in where they would be located. He further elaborated on the size of homes which may be affected by limitations of where these homes may be placed.*

*Mr. Tyner asked if the Board would indicate their consensus regarding each tract after discussion and staff would keep track of their leanings and they agreed. Mr. Chiumento mentioned that it would also be possible the Board may suggest another option (other than the two presented). Ms. Shank questioned the meaning of the triangle on Tract 2 - does it represent SFR-2 housing development, with the VPZ? Mr. Tyner stated yes on the north east (NE) side; on the south side - no. Ms. Nicholson on the south is staff proposing no homes in the green area (on the presentation). Mr. Tyner answered yes that is correct.*

*For Tract 2 all 7 of the voting PLDRB members indicated they supported Staff's proposal.*

*Tract 5- on both staff's and applicant's proposals the tract is shown as VPZ, therefore PLDRB members were not asked for a consensus. Mr. Chiumento mentioned that the land would revert to forest.*

*Tract 4- Mr. Chiumento explained the applicant's desire is to use part of this tract where there is an absence of trees as stormwater retention (lake) based on the approval of the applicant's development proposal for Tract 3. Staff's position is no development on Tract 3 therefore a stormwater pond is not needed on Tract 4. Chair Smith asked if there were trees in the VPZ along the back of the lots*

proposed by the applicant. Mr. Chiumento answered yes. Chair Smith asked who would maintain the retention pond. Mr. Chiumento answered the new development's Home Owners' Association (HOA). Mr. Albano asked if the retention pond would be wet or dry. Mr. Chiumento answered it would be wet retention.

Tracts 6 & 7 - Mr. Chiumento explained that Tract 6 would be similar to Tract 4 in that if the PLDRB members allowed development on Tract 7, Tract 6 would be used for a stormwater retention pond. Tract 7 would be lots and the developer would add a VPZ to minimize impact to the existing neighbors. Chair Smith asked to clarify staff's proposal indicating they limit the development in area B because it backs up to existing homes and because of the need for a VPZ. Mr. Smith asked if Mr. Chiumento said he would leave a VPZ in area B or would you develop right up to the back of those lots? Mr. Chiumento said no, they would put a VPZ, and he further stated it would be up to City Council and yourselves (PLDRB members) to determine a reasonable VPZ width. Chair Smith asked on Tract 7, between G and B, what is the proposed width. Mr. Hoover stated it is 100 feet at a minimum. Ms. Shank asked if staff and the developer had tried to negotiate that minimum width of a VPZ being 800 feet. Mr. Chiumento stated that as previously mentioned City staff would not move off their position. Ms. Shank asked Mr. Chiumento what they proposed. Mr. Chiumento stated 50 feet VPZ as elsewhere in the development except Tract 3 where it was 100 feet VPZ. Mr. Albano asked Mr. Chiumento if the net loss for the developer would be 1 residential lot in Tract 7. Mr. Chiumento answered 1 or 2. Mr. Chiumento clarified that the project is entitled to 277 or 278 units and made a statement about placement would affect the size of the lots. Mr. Scully mentioned that the entitlements calls for 1 unit per acre. Chair Smith asked if the VPZ between the lots and the pond on Tract 6 as shown is 50 feet. Mr. Chiumento stated that the distance meanders and that the Master Planned Development (MPD) agreement states that the developer will not touch any of the trees along the old fairway (distance from back of existing homes to the tree line).

Chair Smith asked City staff what their objection is to a pond being part of the VPZ. Mr. Tyner stated that it is the City's position to keep it natural (the old fairway). Mr. Tyner further stated that on Tract 7 the VPZ is approximately 100 feet to protect the view of the last few lots in the tract. Ms. Borkert asked to make a clarification regarding the proposed wording by the applicant in the MPD, regarding Tract 6, as it pertains to the area behind the existing homes states that a stormwater can be created in the middle of Tract 6 as long as the existing vegetation is maintained for the first 60 feet behind each lot. Ms. Borkert stated that the VPZ is not meandering unless you wish to include the entirety of the existing vegetation in the 60 feet and if that would be your intent than the wording (in the MPD) would need to be modified.

Mr. Albano asked if the stormwater pond on Tract 6 was to mitigate stormwater on Tract 3 or are you looking to move water from Tract 3 onto this pond. Mr. Chiumento stated that Tracts 4 and 6 would have the stormwater for Tract 3, and the stormwater pond would be maintained by this development's HOA.

Tract 3 - Mr. Chiumento stated that the existing trees would not be touched. The existing residents' views would not be touched. Lots would be 60 feet wide by 200 feet deep (estate lots per LDC). On the SW corner small cul-de-sac designed as in the surrounding neighborhoods. Mr. Lemon asked how many lots are proposed on Tract 3. Mr. Dickinson, applicant's planner, stated 53 lots. Chair Smith questioned the number of driveways on Tract 3 given the existing road (in front of the proposed

development) does not have any driveways. Mr. Chiumento discussed the possibility of doing a one-way road (frontage road) minimizing the access points onto Lakeview Blvd. Ms. Nicholson asked if the lots would be reduced in size if the frontage road was built. Mr. Chiumento stated no as it would be a one-way loop road (12 x14 foot width with an easement over each lot). Chair Smith questioned the 100 foot VPZ on Tract 3. Mr. Chiumento stated yes plus a 35 foot building setback beyond the VPZ for a total from the rear of the existing properties would be 135 feet. Mr. Scully commented that shared driveways is problematic and prefers the frontage/loop road concept. Ms. Shank asked City staff if City staff received anything from the applicant of an alternative written design vs. the plan they submitted the last time (September 30th PLDRB meeting). Mr. Tyner stated no, we have not had anything submitted to us. Mr. Tyner stated that the staff's proposal is based on our professional opinion and that staff has been working on this project for years with the applicant. Ms. Nicholson asked if these 57 lots are not approved here (Tract 3) than is it the applicant's position that they will be located somewhere else in this project. Mr. Chiumento answered yes, in theory they would then go to Tract 1 forcing those lots to become smaller or a multi-family project. Mr. Scully stated that it all comes back to staff having to interpret a vague section of the LDC regarding VPZ. Mr. Scully asked staff if there are other reasons to not build on Tract 3. Mr. Hoover mentioned that the loop road idea came up previously and staff looked further into the project, staff felt it would be best to have that whole fairway treated as a VPZ. Mr. Tyner agreed. Ms. Nicholson asked if staff is ok with allowing the 57 units to be placed elsewhere in the project. Mr. Tyner clarified that the agenda item tonight is to review the MPD agreement (project is zoned MPD). The code is being interpreted by staff as to the intent of the golf course community to protect the existing views (VPZ) and that language is being incorporated into that development agreement. So our intent is that if your home is on an old fairway and folks can see the fairway (from the back of their homes) than we want to protect the existing community with the open space they relied on (when they purchased their homes). Mr. Chiumento stated that the reality is that this is not a golf course - city will not maintain it (as stated in a City letter previously sent to the Matanzas Woods area residents) it will revert to forest.

*For Tract 3 - 4 of the 7 voting members sided with staff; 2 of the 7 voting members sided with the applicant; and 1 voting member abstained.*

*Mr. Albano & Mr. Lemon stated they sided with Staff's proposal.*

*Mr. Scully & Chair Smith stated they side with the applicant's proposal, with the understanding that the VPZ is 100 foot plus 35 setbacks; loop road is developed and the lots are kept large.*

*Ms. Shank & Ms. Nicholson stated that given the fact that at the September 30th PLDRB meeting this item was tabled and since then the applicant has not come back with another design although the applicant stipulated that they can do a loop road (although it was discussed nothing in writing was produced) they side with Staff's proposal.*

*Mrs. Lucas requested to abstain she is still listening.*

*Chair Smith clarified that based on the PLDRB consensus thus far Tracts 4, 6 and 7 would also follow for siding with the Staff's proposal.*

*Mr. Chiumento stated that after the September 30th meeting the applicant requested meetings with Staff and 3 weeks later Mr. Chiumento states that Staff informed the applicant that there is no alternative (to staff's proposal). Ms. Shank stated that Mr. Chiumento you are presenting to the Board and you had the opportunity to present a different plan showing that you are trying to mitigate the*

issues the community has with this design but you choose to bring back (to the Board) the exact same concept. So that is of concern. After clapping occurred, Ms. Borkert reminded the audience of the proper decorum and to refrain from clapping and shouting out. Mr. Chiumento stated that they are open (to alternatives) but didn't think to come back with a different plan for the PLDRB. Mr. Ustilovsky stated that they didn't bring other options because they wanted to show as SFR-2 (Single Family Residential 2) as opposed to City's plan to leave a forest along Lakeview Blvd. (2,500 linear feet). To not use the available infrastructure is a waste. Mr. Ustilovsky stated that they did have meetings with staff where it was implied that City staff didn't want to decide, to protect their position, but would allow the PLDRB to decide. Mr. Albano mentioned that the applicant's comments make it seem that the PLDRB is only there to support staff and that is not always the case. We've given you the opportunity to come back to show us a new design that granted you and Staff don't see eye to eye but there is nothing here to show us "that look here, the developer is trying". Mr. Chiumento commented that the PLDRB has the ability to make their own recommendations.

Tract 10 - Mr. Chiumento stated they agree with staff on the 50 foot VPZ, therefore no PLDRB consensus statement was needed.

Tract 9 - Mr. Chiumento stated that the applicant is willing to come up with a different design, if the PLDRB is willing to work with them. He further stated that even if they come back with a different design, staff will say no. Mr. Tyner then commented that the Tract 9 is along US Hwy.1 and there is a typo on the applicant's presentation since it is not proposed to be zoned commercial but industrial uses. Staff's proposal would be the VPZ for the majority of the tract and the ability to do some institutional along US Hwy.1 on the north portion only. Mr. Scully asked if staff's proposal was based on environmental issues. Mr. Hoover explained that in this Tract 9 staff was trying to be consistent in the same way they were looking for a wider FPZ in Tracts 1 and 3. Chair Smith asked what is the width of Tract 9. Mr. Chiumento answered it is more like 400 feet. Mr. Lemon questioned if there is any difference for Tracts 9 & 10 from the applicant's proposal presented at the September 30th PLDRB meeting. Mr. Chiumento stated there is no difference. Ms. Borkert asked Mr. Chiumento about the table located on page 6 of the MPD agreement which states that the use of Tract 9 will be limited to 8.3 acres of institutional uses. How does that translate to the map we are looking at this time? Mr. Chiumento showed a conceptual layout of Tract 9 of how it would be developed, it would be engineered with setbacks in the future. Ms. Borkert questioned, so as the MPD agreement is written now you and staff are in agreement of the 8.3 acres for development. Mr. Chiumento stated that we are fine with the 8.3 acres of institutional development where we are in disagreement is the location of the development in Tract 9. Ms. Shank asked Mr. Chiumento, have you discussed the alternative location with staff and if so, what is the disagreement. Mr. Chiumento indicated that the answer from staff is no. Mr. Tyner clarified that staff's position is that it is ok to develop those acres to the north since they are not abutting existing single family residential homes. Chair Smith indicated that it is clear that the Staff's position is consistent in every tract, that is, when you are backing up to existing lots Staff is maintaining the VPZ. Mr. Tyner stated that we have been working on this for a very long time and with all due respect to the PLDRB members, to go back and try to work with applicant, I just need to state our Planners are all AICP (American Institute of Certified Planners) members and certified Senior Planners and in our opinion, there was nothing that would change our minds, nothing new was presented (from applicant). I know the PLDRB wanted us to go back and work with the applicant and compromise, but from our

*professional opinion there was nothing that illustrated a change in the Code or a change in our interpretation (of the code). With that said, this is a development agreement and the PLDRB has the authority to add language to the agreement and make a recommendation.*

*PLDRB consensus for Tract 9 - Mr. Albano's opinion on this tract was to increase the VPZ; Mr. Lemon widen the VPZ and keep the development along US Hwy. 1; Mr. Scully agreed. Ms. Borkert clarified that the MPD states the 8.3 acres is developable for institutional uses. She suggested that the PLDRB could make a recommendation, that in no instance could an institutional use be "X" amount of distance to the residential use, which would maintain the VPZ around the residential use. Chair Smith asked for clarification on the presentation which states commercial and Ms. Borkert clarified that was a typo it should read Institutional. Ms. Borkert clarified that the applicant's presentation is not representative of the actual 8.3 acres usage. Ms. Shank recommended that language be included in the MPD agreement that states the minimum footage for the VPZ between the homes abutting the property. Ms. Shank asked if the 8.3 acres has to be contiguous or can it be developed anywhere in Tract 9? Chair Smith stated that the area to be developed could be anywhere in Tract 9. Ms. Nicholson and Mrs. Lucas concurred with Ms. Shank's comments. Summary of the Tract 9 consensus: area to be limited to development of 8.3 acres, maximum height limit to be 35 feet; minimum of 100 foot plus 35 buffer in the VPZ. (Also applicant to update map for Tract 9 to correctly indicate Institutional zoning district and the new theme).*

*Tract 1- Ms. Nicholson questioned if the plan shown does account for the loss of 57 lots on Tract 3. Mr. Chiumento answered we do have that pressure to balance home sizes. Mr. Tyner clarified for the PLDRB members that the MPD agreement which you recommend to City Council determines what can be developed. Therefore, just because you limited the number of lots in a particular tract doesn't mean they will make these homes smaller. Chair Smith asked if Tract 1 is proposed zoning of Single Family Residential 1 (SFR 1). Mr. Hoover answered yes. Mr. Albano asked Mr. Dickinson (applicant's planner) if he can get water to flow from Tract 1 to the retention ponds in Tracts 4 and 6. Mr. Dickinson stated the distance is too far, and one would have to go under Lakeview Blvd. Ms. Shank questioned if Tract 1 is the location of the former driving range and if this tract is where the bulk of the development's residential units would be located. Mr. Chiumento answered based on your recommendations it would be the only area. Ms. Shank asked Mr. Jody Sisk, environmental representative for the applicant, who did not personally perform the testing, was asked to explain the difference between the recommended testing, that being discrete soil borings be advanced within the driving range, and the limited soil investigation that was completed on the subject area. Mr. Sisk stated the limited soil investigation was performed across the site and the former driving range was the only site that found arsenic which was close to the Department of Environmental Protection (DEP) range for cleanup (2.1 threshold for residential). Ms. Shank asked, if since the report was produced in March 2020, has that additional testing been completed. Mr. Sisk answered no. Mr. Sisk was asked by Mr. Chiumento to clarify the next steps in the clean-up process. Mr. Sisk stated that if the contamination is less than 2.1 the applicant is not required to do anything. If it is over 2.1 than the applicant would have to go through site mediation with the DEP before any residential construction can take place. The applicant would apply to the DEP with a plan to detail their clean-up project. Mr. Tyner explained that Staff added language to the MPD agreement since the September 30th meeting as follows: "Contamination assessment activities including soil and/or ground water sample shall be conducted by a*

qualified professional that is authorized to assess and make recommendations for such activities per the Florida Department of Environmental Protection standards and shall be consistent with all applicable Florida statutes". The next section was existing in the MPD agreement, "upon submittal of a Technical Site Plan or a Subdivision Master Plan the owner shall provide the City with all studies or reports required by Federal and state agencies". Also added the following wording: "If soil or ground water contamination is above the state contamination levels remedial action in accordance with the State of Florida Environmental Protection standards shall be accomplished prior to construction activities in the affected area". Mr. Tyner stated that if there is contamination on the site then there is language (in the MPD) addressing the requirement for the applicant to post a bond, per the cleanup standards. Mr. Scully asked for clarification that the above language was added since the September 30th PLDRB meeting and asked the applicant if they had any issue with the (added) language. Mr. Tyner answered yes it was added since the September 30th meeting. Mr. Chiumento indicated the applicant does not have an issue with this language. Mr. Albano asked for clarification for the differences in the VPZ green area to the east, between the applicant's and staff's proposals. Mr. Chiumento clarified that their plan calls for a lake (which runs the whole length of Tract 1). Chair Smith clarified it is not a VPZ but it does provide separation (from the existing residential lots).  
Consensus: Tract 1- Mr. Albano, Mr. Lemon agree with applicant's proposal. Mr. Scully stipulates that the setback in the southeast is 100 foot. Ms. Shank, Ms. Nicholson and Mrs. Lucas wanted to wait till after public comments to make their views known.

Chair Smith opened this item to public comment at 7:13 PM.

Mr. Mike Moran, Lake Success Dr. – is not interested in water behind his home wants to avoid flooding and alligators. He also requested to receive the soil contamination report and he stated he spoke to Mr. Greg Park of the FDEP and that the procedure used by the applicant to test the development per Mr. Chiumento's statement, in the last meeting, was not sufficient per Mr. Park. Mr. Moran requested that the report be sent to the FDEP on behalf of the residents.

Ms. Leanne Pennington - Lake Success Dr. - questioned the scheduling of the meeting since there is not a resolution between the parties. She suggested that Mr. Scully should recuse himself based on his conversation with Mr. Chiumento. She provided some history as to the creation of the 4 sister golf courses in Palm Coast and that it was as per order of the Federal Trade Commission in a consent agreement in order to promote Greenspace and flood mitigation. Ms. Pennington quoted Mr. Jason DeLorenzo (and referenced the quote in a local newspaper) in simple terms stating that no developer may develop on a fairway blocking the backyard view of a resident or planned homes along a fairway because those who bought homes there did so with the expectation that they are living along a golf course. She did state that she was putting the City on record that they (a group of Matanzas Woods residents) have retained legal counsel and that they are prepared to file a class action suit if the PLDRB or City Council goes against their rights or makes changes to the LDC.

Mr. Charles Davis - developer - one of the original investors in the golf course and a member of the prior owners - stated that the MPD agreement should not be approved until all testing has been completed. Mr. Davis is opposed to the development of the golf course for any purpose other than the golf course.



*Ms. Susan Shiverdecker - 145 London Drive - provided to the Recording Secretary some handouts (which have been made part of the meeting record). Referenced the City's public meeting on Tuesday, November 17th regarding proposed stormwater work in the Matanzas Woods area. Also concerned about flooding into the streets in the area since the swales on the golf course are no longer maintained by the property owner. Ms. Shiverdecker referenced her Flagler County Property Appraiser's tax bill that has a brief tax description of "fourth fairways at Matanzas Woods Lot 8", indicating that the Flagler County's Tax Assessor thinks she lives on a golf course.*

*Mr. Henry Torino- 207 London Drive - He believes the site is still a golf course. Ask if the PLDRB members are aware of the public meeting last night regarding water retention pond in the London Drive area. Mr. Torino referenced a right of way on the map of Tract 9 and the discussion of a new stormwater pond being added to Tract 10 with a culvert connecting to the right of way on Tract 9, and was not in favor of this plan. Mr. Torino questioned the Code of Enforcement decision to not enforce the mowing of the greens on the referenced property.*

*Mr. Dennis Shiverdecker - 145 London Drive - shared with the PLDRB members and the Recording Secretary a picture of his back yard which shows a canal which runs along London Drive (the picture has been made part of the meeting record).*

*Mr. Robert King - 22 Lewisburg Lane – referenced Chapter 3.03.04J of the LDC- states that existing direct golf course views from the rear yards of all existing platted lots located within any residential zoned districts directly abutting the site shall be maintained. Mr. King question the amount of the light which will affect his viewing of the nighttime sky (light pollution). He stated that it should be maintained as a golf course for future residents to maintain recreation and a quality of life (here in Palm Coast).*

*Mr. Mike Weirsba - 17 Lake Success Place - spoke about his current view behind his home which is a view of a fairway which should be maintained. Also Mr. Weirsba commented that the arsenic testing needs to be more thorough as the construction process will dig a lot deeper than 1 foot once they start construction. He stated that the developer should not set the rules but staff is there to protect the interests of the citizens. Mr. Weirsba stated that when the developer states they (Staff) will not work with us does that mean they won't do what we (the developer) want them to do. We need to follow the LDC rules. Mr. Weirsba questioned that the number of 283 lots as referenced by the developer, stating that (that number) is the maximum lots that can be put in and if they don't fit than you can't put them all into the proposed development.*

*Ms. Sylvia Puglisse - resident in the area of Palm Harbor Golf Course - she believes the development should be maintained as a golf course and referenced Mr. Netts comments regarding the golf course no longer being a golf course. Ms. Puglisse also commented on the street flooding as a result of the swales no longer being maintained by the current owners of the property. Ms. Puglisse also referenced the City Charter and asked the PLDRB members to read the City Charter and to maintain the quality of life (here in Palm Coast).*

*Mr. Brain Crowland - 9 Lee Place (along Tract 3) - one of two homes that have an unobstructed view of that fairway. He believes that the L section is developed enough no more homes are needed. He stated that additional housing should be developed along with green space.*

*Mr. Justin Simmons - 39 Lake Success Drive - his view was the old club house and he enjoys his backyard views. He commented on the prior neighbor's comments about the number of units that are allowed and Mr. Chiumento's prior comment about making the lots smaller in order to fit all the 283 lots. Mr. Simmons is stating that if they don't fit that the developer will need to reduce the number of lots. The language in the LDC states a golf course view. Mr. Simmons requested the PLDRB to protect the Citizens and the wildlife in this area.*

*Mr. Toby Tobin - Resident Palm Coast - commented on the VPZ which is not defined in the LDC nor by the Staff. Mr. Tobin gave examples of the various Tracts that have various VPZ dimensions and was critical of Staff for not defining the VPZ in the LDC. He recommended that the PLDRB recommend approval to the City Council and move this item onto the City Council for their review.*

*Ms. Vickie Renna - 225 London Drive - commented on soils located in the area of London Drive; the makeup of which does not allow the soil to drain well and the area has a high water table. Flooding occurs on the back of the homes along London Drive. She stated that these issues need to be considered when approving any re-development. She also stated that she bought her house based on the maintenance of the natural buffer behind her home, 50-100 feet. She would like the lots to be larger so the developer doesn't have to deal with so many drainage issues.*

*Chair Smith closed this item to public comment at 7:51PM.*

*Mr. Tyner responded to the following comments made during Public Comment:*

*Staff received the Contamination Assessment report from the developer yesterday (November 17, 2020). He further clarified it is now part of the public record so anyone who wants a copy can request one from City Staff.*

*Comments on street lighting, soil conditions, stormwater facilities, Mr. Tyner addressed them together stating, this is a rezoning application for a development agreement and we are at the 35,000 foot level, the next steps should City Council following your (PLDRB) recommendation approve development, that is where you get all the technical (detail) the soil sampling, stormwater calculations, the engineering and design. The stormwater calculations are reviewed by St. John River Water Management District (SJRWMD) as well as City staff. But all these items are reviewed during the Technical Site Plan process.*

*Mr. Tyner stated, referencing the public meeting held on November 17<sup>th</sup> that some residents mentioned during public comment is not related to this land or this project. The City is in the process of performing stormwater modeling throughout the City including the Matanzas Woods area, so this is a proposal for our Stormwater Department but is not part of this development.*

*Mr. Scully requested Ms. Borkert opinion regarding Ms. Pennington's suggestion that Mr. Scully should recuse himself based on the disclosed conversation with Mr. Chiumento. The contents of that conversation was that the City was not going to talk with him (Mr. Chiumento) and Mr. Scully stated if that puts these proceedings in any kind of weird place, Mr. Scully will recuse himself. Ms. Borkert stated that the point of the requirement to disclose exparte communications is just that (disclose) so that you can put on the record what your discussion was and if that*

*conversation influenced you in any way. You've done that and stated it hasn't influenced you in any way. In fact your duty here, as a PLDRB member, is to vote on it. It wouldn't be if something in the exparte communications influenced you in some way. As long as it is not influencing you, it (recusal) is not necessary or required under the code.*

*Mr. Albano suggested the recommendation be made based on Tract by Tract. Mr. Tyner read from his notes giving the PLDRB members the consensus results for each of the tracts as follows:*

*Tract 10, 9, 2, 5, 4, 6, 7, 3 PLDRB members were supporting Staff's recommendations*

*Tract 1 wasn't decided as the members wished to hear the public comments first  
Tract 8 wasn't discussed.*

*Mr. Chiumento made a comment regarding the arsenic testing being a preliminary test that identified the presence of the arsenic and no matter how we or the City wish to handle this situation the Federal Government determines how, when the land will be tested and how it will be remediated. And how it will be deemed cleaned. Mr. Chiumento wanted to clarify that on Tract 3 there was not a consensus.*

*Tract 8 - Mr. Chiumento stated that this tract would be townhomes with a VPZ of at least 150 feet. And at the prior meeting the neighbors requested for permission to continue to mow down to the waters' edge, which was agreed to by the developer. Mr. Hoover, stated that the graphic will need to be updated to match Mr. Chiumento's verbal agreement. The conservation area in the Future Land Use Map (FLUM) is fluid. Between the Army Corp of Engineers, SJRWMD, and City Staff those lines can change and that was staff's point. Mr. Hoover stated that the applicant does know that they will not get any credits for residential density in the conservation areas. However, in the areas outside of that (conservation areas) they can get up to 1 unit per acre. Mr. Chiumento stated his agreement. Mr. Tyner stated for clarification, Mr. Chiumento so we are in agreement on Tract 8 and we want to add some language that the existing property owners can mow to the water's edge. Mr. Chiumento mentioned that the only difference between the two maps is that the conservation area will be changed to match the wetlands. And the brown areas will change based on the actual area of uplands. Ms. Shank asked for clarification on the amount of conservation area that will change. Mr. Tyner clarified that the Conservation FLUM will be redefined as the LDC allows for delineation of that FLUM. Because the FLUM was done via aerial interpretation. So the applicant has the opportunity during site plan to go back and get an environmental specialist to go out there and ground proof it (the conservation area) and the City will honor that report as we honor our code.*

*Tract 1 - Chair Smith mentioned that he heard during public comment that some of the residents who live in this area clearly favored the VPZ over the pond.*

*Mr. Albano stated that Tract 1 and Tract 3 go together and if we limit development in one we force the developer into developing in the other area. Chair Smith stated to Mr. Albano don't be afraid to limit a tract because they (developer) will take those units and cram them in somewhere else, as one of the speakers said, yes there is a maximum number but that doesn't mean you can just go and cram all them into one area. Do what you think is right for each tract or the project as a whole and don't let that worry you.*

**Pass**

**Motion made to approve as amended Staff's recommendations on Tracts 1, 2,3,4,5,6,7,8, and 10. And on Tract 9 approve Staff's recommendations with the following, the 8.3 acres may be developed for institutional uses with a 100 foot View Protection Zone (VPZ) and a 35 foot maximum height. Also staff will update the staff's drawing to coincide with the fact that this area can support 8.3 acres of instructional uses by Board Member Shank and seconded by Board Member Dodson-Lucas**

**Approved - 7 - Board Member Jake Scully, Chair Clinton Smith, Board Member Sybil Dodson-Lucas, Board Member Charles Lemon, Alternate Board Member Suzanne Nicholson, Board Member Sandra Shank, Board Member James Albano**

### **Board Discussion and Staff Issues**

*Chair Smith questioned the date of the December PLDRB meeting. Mr. Hoover answered December 16th.*

### **Adjournment**

*The meeting was adjourned @ 8:10PM.*

*Respectfully Submitted by:  
Irene Schaefer, Recording Secretary*

**Pass**

**Motion made to approve by Board Member Scully and seconded by Board Member Albano**

**Approved - 7 - Board Member Jake Scully, Chair Clinton Smith, Board Member Sybil Dodson-Lucas, Board Member Charles Lemon, Alternate Board Member Suzanne Nicholson, Board Member Sandra Shank, Board Member James Albano**