



**City of Palm Coast
Minutes
CMT/Virtual 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 Jake Scully
Board Member Charles Lemon
Alternate Board Member Suzanne
Nicholson
School Board Rep David Freeman***

Wednesday, July 15, 2020

5:30 PM

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 July 15, 2020 Planning and Land Development Regulation Board (PLDRB) meeting to order @ 5:30PM, at which time he read into the record the statement of how this meeting was to be a CMT/Virtual Meeting.

Roll Call and Determination of a Quorum

Approval of Meeting Minutes

1 MEETING MINUTES OF THE JUNE 17, 2020 PLANNING AND LAND DEVELOPMENT REGULATION BOARD MEETING

Pass

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

Approved - 7 - Chair Glenn Davis, Board Member Robert DeMaria, Board Member Jake Scully, Vice Chair Clinton Smith, Board Member Sybil Dodson-Lucas, Board Member Charles Lemon, Alternate Board Member Suzanne Nicholson

Public Hearings

2 OLD KINGS ROAD SELF-STORAGE SPECIAL EXCEPTION - APPLICATION # 4362

Mr. Ray Tyner, Deputy Chief Development Officer, introduced this item along with an explanation of a special exception. Mr. Bill Hoover, Senior Planner who gave a presentation on this agenda item which is attached to these meeting records.

Mr. Curt Wimpee and Jay Livingston representatives of the applicant were in virtual attendance to answer any questions that the PLDRB members may have for them.

Mrs. Lucas questioned whether the facility will have an office for the operator of the business? Mr. Livingston clarified that the original plan omitted the offices but yes the amended plan does include an office, which is highlighted in blue on the site plan portion of the presentation.

Mrs. Lucas questioned whether someone would be available 24 hours/7 days on site. Mr. Wimpee stated that hours of operation hadn't been determined yet. However for this size facility you don't usually have 24/7 staff on site. The renters would have access to their rental units 24 hour/7 day, with off site support if needed. Office hours would be during normal business hours (9am-5pm).

Mr. DeMaria questioned the hours of operations for the rental unit access. Mr. Livingston said the office hours will be normal business hours with the access to the storage units being 24/7. Access would be granted to the storage units via a key fob system of some type.

Mr. DeMaria questioned the landscape plans for this location as it relates to line of sight from the main road. Mr. Livingston referenced the heavily treed area on this site and that staff added an additional condition that the applicant maybe required to provide additional plantings. Mr. Livingston further clarified that with the exception of the access road the whole property would ideally be screened.

Vice Chair Smith questioned if the applicant was ok with each of the special conditions added to the Development Order (D.O.). Mr. Hoover indicated that the staff report was shared with the applicant approximately 14 days earlier and that staff had not received any comments. Mr. Livingston commented that the applicant did not have any issues with the added conditions.

Ms. Nicholson questioned the enforcement of the special exception condition #1 regarding operational vehicles. Mr. Livingston indicated the operator would be involved in enforcement of this item, by having the office staff make sure that there were no derelict vehicles on site. Mr. Hoover indicated that City staff would verify that the vehicles are registered via the Code Enforcement Division if there were issues at this site. Mr. Tyner also added that the purpose of this condition is that we don't want a junk storage yard. Ms. Nicholson further clarified that she wished that the applicant include in the next application (site plan review) a plan to demonstrate how they would make sure this condition is enforced rather than make more work for our Code Enforcement. Mr. Livingston responded that they will make sure with the submittal of the site plan they address the plan to enforce this condition. He did mention that storage facilities such as this one also have legal means at their disposal to called judicial sale of the property should payment not be received, thereby minimizing the likelihood of derelict items sitting at this facility.

Chair Davis questioned whether or not Code Enforcement would be allowed to verify this condition's enforcement during business hours. Mr. Livingston mentioned that the outside storage lease agreement (with the renters) would have some provisions for compliance with all local, state and federal laws. Then if a violation did occur the operator would have some grounds for enforcement via the signed lease or the operator would be subject to Code Enforcement fines.

Chair Davis asked Mr. Tyner if this item would come back to the PLDRB. Mr. Tyner indicated that yes, when the site plan is submitted.

Chair Davis opened this agenda item to public comment at 6:02PM having no one on the line Chair Davis closed this item to public comment at 6:03PM.

Pass

Motion made to approve as presented as written with staff exceptions by Board Member Scully and seconded by Board Member Dodson-Lucas

Approved - 7 - Chair Glenn Davis, Board Member Robert DeMaria, Board Member Jake Scully, Vice Chair Clinton Smith, Board Member Sybil Dodson-Lucas, Board Member Charles Lemon, Alternate Board Member Suzanne Nicholson

3 ORDINANCE 20-XX REGULATING SMALL BOX DISCOUNT STORES

Mr. Ray Tyner, Deputy Chief Development Officer, introduced this item along with Mr. Jason DeLorenzo, Chief Development Officer, who both gave a presentation which is attached to this meeting record. Mr. Ray Tyner, continued with Mr. DeLorenzo's presentation giving the definition of the small box discount store along with staff findings and how these finding and the City's existing zoning districts were impacted by the proposed ordinance.

Chair Davis questioned the definition of small box retail as to size based on 16,000 sq. ft. or less. Mr. Tyner clarified the size definition and Mr. DeLorenzo clarified that stores over 16,000 sq. ft. would fall into another category (within the Land Development Code).

Mr. Scully asked if any COM-1 properties would not fall within the neighborhood compatibility referenced in the Special Exception condition. Mr. Scully questioned whether or not the PLDRB ever denied a special exception based on neighborhood compatibility. Ms. Reischmann clarified that historically the PLDRB hasn't rejected out of hand any previous special exception however staff may have requested additional conditions. Mr. DeLorenzo also clarified that future COM 1 may or may not be located within 500 feet of a residentially zoned property.

Chair Davis questioned the spacing between small box discount stores. Mr. Tyner mentioned that staff found within COM 2 and COM 3 the location of the small box retailers are on a major corridor and there may be more than one (small box retailer) found within the same shopping center (for example).

Ms. Nicholson questioned if this proposed ordinance is actually addressing City Council's concern with having a proliferation of these small box retailers within the City. Mr. DeLorenzo responded by stating that is why the recommendation to place them within COM 2 and COM 3 places them within the major corridors of the City and not throughout the City.

Chair Davis and Ms. Nicholson again questioned whether or not this recommendation addresses City Council's guidance to address limiting the numbers of this type of small box retailers within the City. Mr. Tyner responded that no this proposal does not address the number of small box retailers but it does protect the neighborhoods by placing them on major corridors.

Ms. Lucas stated that in the past she supported a moratorium of the small box retail stores and she doesn't see that the changes suggested in this proposal are limiting them as intended by City Council. She further referenced limiting them in COM 1. Mr. Tyner mentioned that the proposal does eliminate them (in the future) from being placed in COM 1.

Mr. DeMaria also agreed with Ms. Lucas' interpretation of City Council's direction and suggested a limitation in COM 2 as well as COM 1. Mr. Tyner indicated that staff analysis didn't show a current proliferation of small box retail stores. He further stated that the majority of our existing small box retailers currently exist in COM 2 zoning districts and if we prohibit future small box retailers in COM 2 we are making the existing small box retailers already located in COM 2 non-conforming.

Ms. Nicholson questioned whether or not there would be a means to limit the number of small box retailers based on a percentage of other types of retailers within a zoning district. Mr. Tyner asked for Ms. Reischmann to comment but thought limiting the number based on type of business only was not possible. He mentioned that if there was a problem with proliferation of small box retailers than one could propose a distance limitation. However, Mr. Tyner, added that staff's analysis did not find a proliferation exists at this time.

Ms. Reischmann, City Counsel, also commented with regard to limitations that any limitations need to be legally defensible and cannot be arbitrary regarding a separation between them based on type of business. Data must be supportable for the City's recommendation based on current conditions. She also added that doesn't mean that at some time in the future you may re-evaluate and recommend additional or different conditions.

Ms. Lucas questioned whether Ms. Reischmann is stating that we need to wait till we have a problem. Ms. Reischmann clarified that no she would hope that we not wait until we have a problem but that we should be able to see it coming. But she also strongly cautioned that we have to do what is defensible for our City based on the current conditions.

Ms. Lucas what are the common denominator for these dollar stores, can anyone know if we are being targeted? Chair Davis indicated that no one had an answer for that question.

Ms. Nicholson asked what the specific information was regarding the direction from City Council for staff to look into this issue in the first place. Mr. DeLorenzo said that the Mayor received an email that included an article with it that was written about the rapid growth of small box retailers in the nation. Also the email was timed with the latest opening of our newest Dollar General on Matanzas Woods Pkwy.

Mr. Scully asked if there was some reasoning why the staff didn't look at placing these (small box retailers) in COM 2. Mr. DeLorenzo answered no it was a matter of them not being compatible with COM 1 and that is more natural for these types of businesses to be located in our corridors and not in our neighborhoods. Mr. Tyner clarified that based on the workshops with City Council and staff's analysis that they were not compatible with COM 1 and therefore not included in this recommendation.

Mr. Tyner reviewed the recommendations in this proposal (as there had been some confusion regarding what zoning districts were being included) again that only small box retailers would be allowed in COM 2, COM 3 and MPD and if a future small box retailer was proposed within 500 feet of a residentially zoned property that application would require a special exception.

Ms. Nickolson mentioned that she was still concerned that this proposal does not address the economic concerns expressed by City Council.

Chair Davis questioned whether or not there was a limitation in this provision to prevent a small box retail store from opening right next to an existing small box retail store within COM 2 and/or COM 3. Mr. Tyner stated theoretically they could (open next to each other). Mr. DeLorenzo added if marketing conditions made sense.

Chair Davis mentioned that he didn't think that City Council was getting what they asked for in this proposal.

Chair Davis opened this agenda item to public comment at 6:43PM and having no one on the line he closed this item to public comment at 6:44PM.

Pass

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

**Approved - 5 - Chair Glenn Davis, Board Member Robert DeMaria, Board Member Jake Scully, Vice Chair Clinton Smith, Board Member Charles Lemon
Denied - 2 - Board Member Sybil Dodson-Lucas, Alternate Board Member Suzanne Nicholson**

Board Discussion and Staff Issues

Adjournment

The meeting was adjourned at 6:46PM.

*Respectfully Submitted by:
Irene Schaefer, Recording Secretary*

Pass

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

Approved - 7 - Chair Glenn Davis, Board Member Robert DeMaria, Board Member Jake Scully, Vice Chair Clinton Smith, Board Member Sybil Dodson-Lucas, Board Member Charles Lemon, Alternate Board Member Suzanne Nicholson