



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

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

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

Wednesday, December 15, 2021

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.
- >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.

A Call to Order and Pledge of Allegiance

Vice Chair Shank called the Planning and Land Development Regulation Board (PLDRB) Meeting of December 15, 2021 to order at 5:30PM.

B Roll Call and Determination of a Quorum

Present and responding to roll call were:

Vice Chair Shank
Mr. Scully
Mrs. Lucas
Mr. Albano
Mr. Lemon
Mr. Hilton
Ms. Bott

Excused were:
Chair Smith
Ms. Nicholson

C Approval of Meeting Minutes

1 MEETING MINUTES OF THE DECEMBER 1, 2021 PLANNING AND LAND DEVELOPMENT REGULATION BOARD SPECIAL MEETING

Pass

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

Approved - 6 - Board Member Jake Scully, Board Member Sybil Dodson-Lucas, Board Member Charles Lemon, Vice Chairman Sandra Shank, Board Member James Albano, Board Member Hung Hilton

D Public Hearing

2 LAKEVIEW ESTATES TRACT 1, SUBDIVISION MASTER PLAN, APPLICATION # 4872

Mr. Albano made a statement that he discussed with legal counsel the following situation, that his client in a separate remodel project is the applicant on this project. City legal counsel has advised Mr. Albano that there is no conflict and therefore he may participate in voting on this item.

Mr. Ray Tyner, Deputy Chief Development Officer, addressed the PLDRB members and those present regarding the steps that are involved prior to construction beginning on this site, Subdivision Master Plan, followed by a Preliminary Plat, then a Final Plat. Construction plans along with infrastructure plans for stormwater, utilities, roads, etc. are submitted with the Preliminary Plat and is reviewed and approved administratively. Final Plat is reviewed by staff, City Attorney and has final action by City Council. At this step the easements and conservation areas are defined. Mr. Tyner introduced Ms. Estelle Lens, Planner, AICP who gave a presentation which is attached to this record. Mr. Bill Hoover, Senior Planner, AICP, was also available as an additional resource, as Mr. Hoover was the Planner on this site's Master Plan Development (MPD) Agreement.

Mr. Tyner addressed the finding of arsenic in the soil, he referenced section 4 in the MPD Agreement which states that prior to development of Tract 1 the applicant shall demonstrate that tract 1 is or shall be free from environmental hazards and safe for human occupation as governed by all applicable laws. Section 11 within the MPD agreement is more specific upon application for the Subdivision Master Plan the owner shall provide the City with all studies or reports required by state and federal agencies, these were provided to City staff last week. In addition the MPD states if soil, ground water contamination is above state concentration levels remedial action will be accomplished per Florida Department of Environmental Protection (FDEP) standards prior to construction.

Mr. Michael Chiumento of Chiumento Law, representing the applicant, addressed the PLDRB members regarding the history of this project and he clarified that the PLDRB is here to review that the Subdivision Master Plan is consistent with the MPD, the Land Development Code (LDC) and Comprehensive Plan. Mr. Michael Sznepstaljer, Cobb/Cole, addressed the PLDRB members and listed his experience with environmental assessment and cleanup and covered his 13 year experience. Kirk Blevins, SCS Engineers, was introduced to the PLDRB members. Mr. Sznepstaljer stated that the plan shows how Tract 1 shall be free of environmental contaminants, he reviewed the process for the plan. He referenced the reports provided to date, show an environmental issue exists and that the age of the golf course helps to limit the types of contaminants, however they test for all contaminants. Mr. Sznepstaljer stated that before any construction takes place all cleanup must be completed and verified by the FDEP. Mr. Sznepstaljer stated two soil investigations have taken place, 1st preliminary in nature, 2nd took 120 samples showing 27 of those samples are above the residential contamination levels.

Mr. Kurt Levins, SCS Engineers, addressed the PLDRB members stating that he has over 20 years experience in assessment and remediation of impacted lands. Mr. Levins stated that the impacts that they have seen are not as significant as those golf course operating for 80 years. Mr. Levins stated that arsenic was found along one of the fairways and the driving range. He further stated that the plan he provided to Mr. Tyner calls for testing to find the vertical and horizontal impacts to the soil and to see if the ground water has been impacted. Mr. Levins stated that the plan can be altered based on the finalization of the residential site plan. Mr. Sznepstaljer described the soil testing process (soil remediation or management). Layout is important to ensure testing the lots and the stormwater areas and that all areas are fully assessed. Mr. Sznepstaljer addressed the testing to date, which is not the end of testing, but it was done to see if a problem exists. Mr. Sznepstaljer addressed the testing via interval testing method as this was a question brought up in some of the neighbors' comment letters, he stated that since the chemicals used at the golf course were sprayed onto the ground rather than buried, interval testing is more appropriate since if a contaminant isn't found on the first interval (top level of soil) you know the contaminant hasn't moved down into the 2nd interval (soil found at a lower depth).

Mrs. Lucas asked once the contaminated soil is moved where is it moved to within the City limits? Mr. Levins stated that it would depend on the contamination - heavily contaminated soil would be disposed of in a class 1 landfill site which is approved by the FDEP, which would be part of the remediation plan provided to the FDEP. Mr. Levins stated less impacted soil that is not leaching anything into the ground water has an acceptable remedial plan

which is to blend that soil with clean soil so that the resulting soil is below the acceptable residential cleanup limit to be used within the site. Mr. Sznepstalijer described the cleanup process for transportation of contaminated soil. Mr. Levins stated that the developer is the responsible party for hiring the proper licensed people to create and oversee the remediation process. Mrs. Lucas questioned the extend of the responsibility of the developer and the contractor in the remediation process and Mr. Sznepstalikier explained that both are equally responsible, under the environmental cleanup process, each one of those parties, the orginator, the transporter, the receipt, and the person who arranged for that material are equally, jointly and severally responsible for what happens out at the site. Responsibility lasts forever under environmental law for every day that the situation exists.

Mr. Albano asked what if the property wasn't developed, he further went onto state that it is his understanding that the residential aspect of the development plan is triggering the cleanup requirement, so if no houses existed on the site what would happen to the site? Mr. Sznepstalijer stated that all environmental federal, state, and local laws deal with spills since this site isn't development it doesn't fall under regulation. Redevelopment triggers the remediation to avoid creating new release by moving contamination into a new area where it shouldn't be located.

Mr. Hilton asked if future home buyers (regarding Tract 1) would receive a warning of the remediation being done to the land. Mr. Sznepstalijer, stated that it is standard in the industry to include a disclosure.

Vice Chair Shank opened this agenda item to public comment at 6:20PM.

Mr. Mike Martin, Lake Success Drive, read from the minutes of the November 18, 2020 (MPD Agreement was approved at that meeting) and he is not in favor of this plan because of proposed water behind his house.

Ms. Leanne Pennington, Lake Success Drive, referenced from the MPD Agreement a requirement that upon submittal of a Subdivision Master Plan for Tract 1 the owner shall provide the City with all reports/studies required by state, federal agencies. She suggested tabling this item until full testing is provided.

Ms. Mary Leake, London Drive, isn't in favor of this agenda item due to a lack of a detailed plan.

Mr. Pete Kennedy, 19 Lake Success Drive, environmental concerns are serious, he spoke about his own process for oil contamination (former gas station owner in NY State) and that the professionals involved in Department of Environmental Protection (DEP) remediation cleanup, Mr. Kenney asked who maintains the lake discussed in Tract 1?

Ms. Susan Shriverdecker, lives in fairway 4 tract 9, isn't in favor of this agenda item until testing of the full golf course is done.

Mr. Steven Gaylord, 11 Lake Success Place, questioned if View Protection Zone (VPZ) would protect his view of the trees, he questioned the airborne dust treatement and impact of this development on his home value.

Mr. Michael Libuti, Referenced the November 18, 2020 PLDRB meeting about limiting development beyond the lake (retention pond) in addition he stated that the development of land shouldn't be made till the level of arsenic is determined. He also questioned the development involving the former maintenance barn.

Ms. Karen Libutti, she questioned why the application includes tract 2. Was tract 2 combined with tract 1, she questioned if this section of tract 2 is being used as drainage from tract 1 via a 16 to 20 inch pipe, as shown on the plans.

Mr. Perry Matrano, 207 London Drive, stated based on his experience as an environmental manager for 45 years, arsenic is dangerous, his experience with remediation lets him know it can be done but it is difficult process. He is questioning what is different in the plan that was approved by the PLDRB at the November 18, 2020 meeting. He also stated that although legal for Mr. Albano to be included in the vote on this item he suggested Mr. Albano recuse himself.

Mr. Dennis McDonald - Protect Palm Coast Organization, stated he is concerned about the limited testing done on the maintenance building. He spoke about unrelated Flagler County development and their impact on citizens' tax bills.

Mr. Charles Davis - Developer (one of the former owner of the Matanzas Golf Course Property), isn't in favor of this development due to soil contamination issues.

Mr. Mike Warsbeth, 17 Lake Success Drive, questioned the moving of contaminated dirt statement and asked for clarification. He questioned is arsenic released into the air during remediation and if so is it monitored. He questioned the process not just the end result.

Ms. Vickie Renna, 225 London Drive, questioned the design of Tract 1, homes build in a line, poor spacing, submitted a soil report to the PLDRB members (attached to the agenda) and is concerned about flash flooding,

Ms. Diana Minoti, 207 London Drive, concerns are about the waterways and the lack of buffer around the lake. Also concerned about impact onto Jefferson Waterway. She questioned the developers financial where withal to build, she suggested requiring construction bond.

Mr. Toby Tobin, Palm Coast, discussed his support of the process for the remediation. He also spoke to the question of home values appreciation/depreciation and he stated Matanzas Woods home pricing has fared very well.

Ms. Sandra Elliot Sholtize, lives in Flagler County and has a broker's license, worked with the EPA on developing the Orange Groves in Lake County and Orange County. Commented on a copy of the Environmental Working Group report on drinking water and is concerned about the effects of arsenic on the water system.

Mr. Dennis Shriverdecker, London Drive, showed a map and asked if the PLDRB members would want their families exposed to the potential toxins in the drinking water.

Vice Chair Shank closed this item to public comment at 7:05PM.

Mr. Ray Tyner addressed Ms. Sholtize's comment regarding the public water supply and stated that within the golf course area (Matanzas Woods) we have no public supply wells. The City has a centralized system which provides water and sewer. The City also regularly tests the raw and treated water from our system. He also showed a copy of the 2020 annual drinking water quality test results which can be found on the City's website, which shows that arsenic is one of the items that is tested for in this report and it is below all the levels. A copy of this report has been attached to this record.

Mr. Michael Chiumento representing the applicant, responded to the public comments, he displayed the site plan and discussed that the trees in the VPZ are being preserved and the open areas are being preserved. There are no new lakes in the back of existing homes with the exception of one lot where the existing owner asked that we extend the lake/pond behind their home. Mr. Chiumento commented on the environmental issues and that the developer and the City are partners in the cleanup and in restoring the site to the Federal and State requirements. Mr. Chiumento addressed how the site plan will dictate the FDEP approved remediation plan that is monitored by the FDEP.

Mr. Sznepstalijer addressed questions that were brought up during public comment on this agenda item regarding the assessment and remediation questions by referencing the standards in the Florida Administrative Code which deal with the remediation standards, including determination of where the contamination starts and stops on the redevelopment site to the strictest cleanup standards set by the FDEP. Dust is of concern during remediation as well as health and safety and the FDEP have very specific processes for the dust control and the health and safety remediation plans, which are depended on the type of use for the site, weather conditions, site soil, and what type of equipment is being used for the cleanup. Mr. Sznepstalijer clarified in response to a public comment that the Brown Field program is not a state program and it is not funded by the City or tax payers.

Mr. Scully asked if the maintenance area, shed area, which was being referred to in Mr. Sznepstalijer's and the public's comments. Mr. Sznepstalijer stated that the whole environmental history of the site was provided to the FDEP and that report will be used by the FDEP to determine what type of testing occurs and in what locations on the site.

Vice Chair Shank asked about the anticipated timeframe, stating what is the length of time, from when the site assessment is completed and when the site receives the approval from FDEP. Mr. Sznepstalijer stated that the FDEP has 60 days to provide comments from the submittal date. In the FDEP's comment they may require more testing and/or clarification to meet the requirements. He further stated that the final stamp of approval is based on findings however he did clarify that from the time you start the site assessment you have 270 days to complete and submit the assessment report to FDEP. Extensions can be requested but progress must be shown on the assessment for an extension to be granted by the FDEP.

Mr. Scully asked about who would maintain the lake question that was raised during public comment, Mr. Chiumento indicated that it would be the home owners' association.

Mr. Albano asked for clarification on what they are approving tonight and then he asked for clarification on what the developer can and can not do with that approval. Mr. Tyner stated that the FDEP has all the rules and regulations, so the City relies on the FDEP to be satisfied with the cleanup for the site. Mr. Tyner read staff's recommendation #2: If soil or groundwater contamination is above State concentration levels, remedial action in accordance with FDEP standards shall be accomplished prior to construction activities within the affected area. Mr. Tyner also stated that during the Preliminary Plat stage a Development Order will not be issued for any construction activities within the contaminated area. In addition, Mr. Tyner, stated that there is the 3rd protection involving the Final Plat which is reviewed and acted upon by City Council.

Vice Chair Shank questioned Mr. Sznepstaliijer regarding a change in ownership of the property and if the new owner would have to submit a new FDEP application. Mr. Sznepstaliijer stated that the rights and responsibilities would transfer to the new owner and they would have to comply with the FDEP standards and be the responsible party to the FDEP.

Vice Chair Shank questioned the listing agreement for Lakeview Estates realty with regard to the ad's timing regarding being fully approved in the first quarter of 2022. Mr. Chiumento stated that ad referenced timeframe will not be met and in his estimate the Final Plat would not be approved for at least 20 - 30 months.

Vice Chair Shank asked if this owner intends to proceed with the ground water testing and in addition she asked if there would be a seller's disclosure indicating that arsenic was found on the property and that remediation is required. She also asked for a further explanation of how it is determined if soil remediation is completed on or off site. Mr. Chiumento stated that the arsenic contamination would be disclosed via the FAR/BAR Florida contract in the disclosure and/or addendum section and that the arsenic contamination would be disclosed to potential purchases of homes at the site. In regard to ground water testing, that is a legal requirement and the FDEP will tell the developer where and how to test. Once the ground water is compliant the FDEP also requires on going testing for a period of time. Mr. Sznepstaliijer addressed Vice Chair Shank's soil remediation question by stating that it is determined by the cleanup target levels, which are determined by the levels when you do the testing. When you have high levels of contamination there is typically nothing you can do on site to reduce the levels so that soil gets taken off site. He stated that the residential target level is 2.1 micrograms per kilogram. So if the number is 2.5 or 3 as opposed to 200 (micrograms per kilogram) than blending may be a remedial option because you have access to clean dirt to work with at the site. He further stated it also depends on the site development, for instance if you were going to have a stormwater pond at that location where there is potential for the water to leach down you wouldn't want to leave contaminated dirt in that location due to the exposure to the water bringing the soil down. He further clarified it is a two factor process, what levels you have on the site and then what is the redevelopment plan is for the site.

Mr. Hilton asked for clarification on the differences in the VPZ being left natural or zoned conservation area. Mr. Tyner referenced the MPD Agreement that the VPZ areas will be designated as special areas, so on the Plat they will be called out as a natural buffer area and maybe place a conservation area over the VPZ to add another layer of protection.

Vice Chair Shank questioned the lots 26 through 34 on the site plan are in an area that contains arsenic and that it was her recollection from the November 18, 2020 PLDRB meeting that site development would not occur on any contaminated sites. Mr. Tyner stated that her statement is not accurate and referenced the MPD agreement that an assessment will be done and if contamination is found than remediation will need to be done and that the City will not allow development until its cleaned up. He further stated that the developer needed to submit the subdivision master plan - site plan that is in compliance with the LDC, in order for us to determine what areas needed to be remediated. Mr. Scully added that he reviewed the minutes of the November 18, 2020 meeting along with the approved MPD agreement and it does state what Mr. Tyner just said that if contamination is found than construction would not occur until the remediation is completed.

Vice Chair Shank asked the City's Counsel if it would be possible to amend the proposal to remove the areas/lots that have been identified on arsenic contaminated lands. Ms. Reischmann responded that the MPD agreement already dealt with that question but adding the requirements that a study be done to determine if contamination exists and then prior to any development that FDEP approved remediation must occur. So at this point your suggestion would require reopening the MPD and the developer would have to agree to that action. Discussion ensued between Vice Chair Shank and Ms. Reischmann about the requirements to follow the FDEP standards falls on this owner and any future owner to ensure that prior to any development of this site that soil and water remediation approved by FDEP must occur.

Mrs. Lucas asked how prevalent is arsenic in soil, not just at this location. Mr. Levens, SCS Engineers, stated that arsenic occurs naturally in the soil throughout the state in different concentrations.

Mr. Hilton asked the FDEP results are made public. Mr. Sznepstaliyer stated yes, and the FDEP has a public records database. Every site is assigned a unique identification number and then the FDEP compiles all documents associated with that identification number into that public record. He further stated that the FDEP has a GIS database so if one doesn't have the identification number than can locate the site geographically.

Pass

Motion made to approve with the following conditions:

- 1) VPZ areas must be designated as a "natural buffer area" on the plat and have maintenance responsibilities determined acceptable to the city; or have a conservation easement recorded over the VPZ area.**
- 2) If soil or groundwater contamination is above State concentration levels, remedial action in accordance with FDEP standards shall be accomplished prior to construction activities within the affected area. by Board Member Scully and seconded by Board Member Dodson-Lucas**

Approved - 6 - Board Member Jake Scully, Board Member Sybil Dodson-Lucas, Board Member Charles Lemon, Vice Chairman Sandra Shank, Board Member James Albano, Board Member Hung Hilton

At 7:45PM Mr. Albano requested a 5 minute recess and it was seconded by Mrs. Lucas. Vice Chair Shank declared a 5 minutes recess at this time.

3 RED MILL POINTE MULTI-FAMILY MASTER SITE PLAN – TIER 3, APPLICATION # 4871

At 7:50PM Vice Chair Shank resumed the December 15th PLDRB meeting.

Mr. RayTyner, Deputy Chief Development Officer introduced this item along with Mr. Bill Hoover, Senior Planner, AICP, who gave a presentation which is attached to record.

Mr. Bob Kociecki, The Preseident Brite Homes Group Florida, which is the owner of Red Mill Pointe, gave a presentation which is attached to this record.

Ms. Patty Bott, Flagler Schools, stated that it is true that Rymfire Elementary school is under capacity however it is also true that the rest of the system is over capacity for middle and high schools which will require mitigation. She further clarified that the lead time on mitigation is approximately 60 days. Mr. Kociecki confirmed that they submit the required paperwork.

Mr. Albano asked if the units are for sale or for rent. Mr. Kociecki stated that the ownership hasn't been determined if it will be a mix of for sale and for rate however Brite Homes history has been to offer for sale.

Vice Chair Shank opened this item to public comment at 8:10PM, seeing no one approach the podium she closed this item to public comment at 8:11PM.

Ms. Bott asked if a bus stop location for the students would be added. Mr. Kociecki stated that he would bring that comment back to the development team. Mr. Tyner clarified that staff would work with Flagler Schools and the developer to include the required covered bus stop during the technical site plan stage for the project.

Pass

Motion made to Recommend Approval as the plan is compatible with the Comprehensive Plan with the condition that their landscape and irrigation plans be submitted by the applicant to the City during the Technical Site Plan process by Board Member Hilton and seconded by Board Member Albano

Approved - 6 - Board Member Jake Scully, Board Member Sybil Dodson-Lucas, Board Member Charles Lemon, Vice Chairman Sandra Shank, Board Member James Albano, Board Member Hung Hilton

4 SECURE SPACE REZONING – APPLICATION # 4901

Ms. Bott left the meeting at 8:15PM

Mr. Ray Tyner, Deputy Chief Development Officer, introduced the history of this parcel which included a prior rezoning application to duplex zoning that was denied by the PLDRB. He also introduced Mr. Bill Hoover, Senior Planner, AICP, who gave a presentation which is attached to this record.

Mr. Jay Livingston, on behalf of the land owner OKR Investors, LLC gave a presentation which is attached to this record.

Mr. Nicholas Zents, Concept Architect and partner in In-Sight Property Group, addressed the PLDRB members and gave a presentation which is attached to this record.

Mr. Jay Livingston stated that the applicant in order to save time does not have a separate presentation for the Secure Space Special Exception but will be available to answer any questions.

Mr. Albano asked about access to the storage and Mr. Zents stated the office offices are from 9am-5pm and the gates lock at 10PM in their model.

Mr. Albano asked about pricing and Mr. Zents stated that their normal market strategy is to come in low to undercut the market.

Vce Chair Shank opened this item to public comment 8:37PM.

Mr. Tony Potonac - 57 Arena Lake Drive – stated that during the neighborhood meeting a left lane turn was discussed and would ask the city to provide a left turn lane. In addition he requested a dense green belt between this development and the roadway.

Ms. Maryalice Brant, 130 Arena Lake Drive – is not in favor of this rezoning and special exception for a storage facility, due to traffic impacts and saturation of the self-storage facilities market in Palm Coast.

Ms. Darlene Shelley, 84 Arena Lake Drive – is not in favor of this rezoning and special exception for a storage facility and commented that neighborhood zoning is to serve the residents of the neighborhood and a storage facility is not servicing a neighborhood need. Ms. Shelley also provided a petition from residents of Hidden Lakes which is attached to this record.

Mr. Sam Hobbs, 92 Arena Lake Drive – is not in favor of the rezoning and special exception for a storage facility as the original zoning was created for a reason and he did not wish it to be altered.

Mr. Jim Muskoff, 82 Arena Lake Drive – is not in favor of the rezoning and special exception for a storage facility, read from the LDC chapter 3 the different uses for a COM-2 zoning district vs. an OFC-2 zoning district and he questioned why the developer would buy the site which was zoned OFC-2 at the time of purchase.

Ms. Cindy McDowell, lives in Hidden Lakes subdivision and also represents Paytas Homes and The Gables at Coastal Center and is not in favor of this rezoning. She questioned whether a light study was done regarding the light impact from a storage facility along Route 95.

Mr. Toby Tobin, lives in Palm Coast, is in favor of this rezoning and special exception, quoted the pricing of storage facility units in Palm Coast compared to neighboring towns. He believes that there still is a need for more storage units as more residents move into Palm Coast.

Vice Chair Shank closed this item to public comment at 9:00PM.

Mrs. Lucas asked the developer if a needs' assessment as well as price assessment were done as part of their due diligence process. Mr. Zents stated that the developer engaged several services that queried the neighborhoods regarding availability of existing storage services as well as the potential demand. He further stated that those results met In-Sights matrix that this community is underserved and needs more storage facilities. Mrs. Lucas asked if those results were shared with the City and Mr. Zents stated no they were not. Mr. Tyner stated that report is not needed for the City's review as staff follows the LDC for rezoning. Ms. Reischmann stated to the PLDRB members that case law shows that the board should not even look at the use for the rezoning although important for the special exception it is not considered for the rezoning item. She further stated that the PLDRB members should only consider if that zoning district is appropriate for that property.

Pass

Motion made to Recommend Approval by Board Member Albano and seconded by Board Member Lemon

Approved - 6 - Board Member Jake Scully, Board Member Sybil Dodson-Lucas, Board Member Charles Lemon, Vice Chairman Sandra Shank, Board Member James Albano, Board Member Hung Hilton

5 SECURE SPACE SPECIAL EXCEPTION – APPLICATION # 4902

Mr. Ray Tyner, Deputy Chief Development Officer, gave a brief introduction on this agenda item as it is a companion piece to agenda item #4. Mr. Tyner also introduced Mr. Bill Hoover, Senior Planner, AICP, who gave a presentation which is attached to this record.

Mr. Jay Livingston on behalf of the land owner/developer addressed the concern of lighting brought up during public comment on the rezoning companion application #4901. He said that a full photometric plan would be submitted during the technical site plan. He addressed the PLDRB members regarding the comparison made during public comment regarding the OFC-2 and COM-2 zoning uses, as well as traffic concerns. He also discussed the compatible criteria used for a Special Exception, including Architectural Design which was discussed. He addressed the landscape plan, signage, noise reduction design features, and photometric plan, stormwater controls which will be permitted through SJRWMD, and shared driveway access to avoid stacking onto Old Kings Rd.

Mr. Albano commented for the public stating that the PLDRB members heard the public the last time this property was presented for rezoning to allow duplex homes, regarding prior concerns of noise and traffic. He stated that the applicant has listened to the neighbors and has come in with a plan to minimize traffic and

mitigate noise. Mr. Albano commented that only 81 signatures on the petition equals 15% of the home owners at Hidden Lakes and Toscana.

Vice Chair Shank opened this item for public comments at 9:14PM.

Mr. Jim Muscoff, Hidden Lakes, is not in favor of this special exception and he commented on the shared entrance having an island which would limit the turning of large trucks into that area. Mr. Tyner mentioned that technical site plan would come back to the PLDRB at a future date and that the shared access would be reviewed at that time.

Ms. Darlene Shelly, 84 Arena Lake Drive, disputed the claim that the design will mitigate sound. Referenced the C statement criteria for a special exception in her opinion a self-storage facility isn't compatible with the surrounding area. She commented on RVs which will cause traffic stacking issues. She is also concerned about property values being impacted by the addition of a self-storage facility.

Vice Chair Shank closed this item for public comment at 9:20PM.

Mr. Scully asked a question for Ms. Reischmann, City Attorney, regarding when making a motion on this item is it necessary to read all 9 conditions. Ms. Reischmann answered no, you can state with the conditions listed.

Mr. Albano asked staff about the long range plans for Old Kings Road. Mr. Tyner stated that Old Kings Rd. has an special assessment district, the property owners' assessments help to fund the widening of Old Kings Road as well as impact fees from developments like this one. The road is planned to be widened in phases, yet there isn't a time table at this time since the widening is funded from the special assessment district and developments along Old Kings Road.

Mr. Albano asked about an opportunity for the applicant to add a left turn lane to the project. Mr. Hoover referenced the City's Turn Lane Standards Policy and Newkirk Engineering prepared a traffic study for this property and it states that there would be approximately 8 north bound vehicles turning into the site within an hour and that doesn't meet the criteria of our Turn Lane Standards Policy for adding turn lanes. Mr. Albano asked if the developer wished to add a turn lane would the City approve it. Mr. Hoover stated that if the developer wished to voluntarily add a turn lane than there would be room to add it.

Mr. Cody Bogart, Newkirk Engineering, designed the Assisted Living Facility (ALF) to the south as well as has been retained to work on this rezoning and special exception. Mr. Bogart referenced the 2019 traffic study and compared to the new traffic study material indicates that trips have decreased, since the 2019 traffic report, for ALFs and storage facilities by 5% to 10% respectively for each of those use categories. He stated you would be at 22 trips during peak hours, half going north and half going south. So you are at 11 left turns into the site going north from the ALF and 8 left turns for the self-storage facility so you are at 19 total left turns which is under the 20 requirement for a turn lane.

Mr. Tyner stated that when this project comes in for a Technical Site Plan a new traffic study would be required. In addition, Mr. Tyner commented on access concerns using the shared driveway brought up during public comment and that would also be reviewed by staff. Mr. Tyner also stated that access for the City's

largest fire truck(ladder truck) would also be reviewed for access to both the ALF and the storage facility.

Vice Chair Shank stated that she would hope that the developer would consider adding turning lanes and the access needs for the larger recreational vehicles into the site.

Pass

Motion made to approve subject to staff's conditions by Board Member Scully and seconded by Board Member Dodson-Lucas

Approved - 6 - Board Member Jake Scully, Board Member Sybil Dodson-Lucas, Board Member Charles Lemon, Vice Chairman Sandra Shank, Board Member James Albano, Board Member Hung Hilton

6 AMEND THE FUTURE LAND USE MAP DESIGNATION FOR 40.7+/- ACRES OF PROPERTY FROM RESIDENTIAL-LOW DENSITY RURAL ESTATE TO INDUSTRIAL ALONG WITH SITE SPECIFIC POLICY TO LIMIT DEVELOPMENT ON PROPERTY TO BORROW PITS AND COMPENSATING FLOODPLAIN STORAGE

Mr. Ray Tyner, Deputy Chief Development Officer, informed the PLDRB members that there would be one presentation that would cover both this agenda item and #7 the rezoning item, however, two separate votes would be required.

Mr. Jose Papa, Senior Planner, AICP, gave a presentation which is attached to this record.

Mr. Jay Livingston, representing the owners, SE Cline and JTL Grand Landings, stated that the applications for the rezoning were combined due to the same use however the Special Exceptions are two separate applications due to being separately permitted borrow pits. He gave a presentation which is attached to this record. Mr. Livingston handed out a picture showing the berm surrounding the borrow pits.

Vice Chair Shank opened this item to public comment at 9:46PM and seeing no one approach the podium she closed this item to public comment at 9:47PM.

Pass

Motion made to Recommend Approval along with the policy to limit to a borrow pit and compensatory floodplain storage by Board Member Scully and seconded by Board Member Albano

Approved - 6 - Board Member Jake Scully, Board Member Sybil Dodson-Lucas, Board Member Charles Lemon, Vice Chairman Sandra Shank, Board Member James Albano, Board Member Hung Hilton

7 AMENDING THE ZONING MAP DESIGNATION FOR 40.7+/- ACRES FROM INDUSTRIAL-PUD (FLAGLER COUNTY DESIGNATION) TO HEAVY INDUSTRIAL (IND-2) (CITY OF PALM COAST DESIGNATION)

The presentation for this item was addressed with agenda item #6 the FLUM Amendment.

Vice Chair Shank opened this item to public comment at 9:47PM and seeing no one approach the podium she closed this item to public comment at 9:48PM.

Pass

Motion made to Recommend Approval consistent with the Comprehensive Plan by Board Member Scully and seconded by Board Member Lemon

Approved - 6 - Board Member Jake Scully, Board Member Sybil Dodson-Lucas, Board Member Charles Lemon, Vice Chairman Sandra Shank, Board Member James Albano, Board Member Hung Hilton

8 GRAND LANDINGS HOLDINGS BORROW PIT AND AIRPORT COMMERCE CENTER BORROW PIT EXPANSION SPECIAL EXCEPTION - APPLICATION #s 4910 and 4906

Mr. Ray Tyner, Deputy Chief Community Development Officer, introduced this item along with Ms. Estelle Lens, Planner, AICP, who gave a presentation which is attached to this record.

Mr. Tyner clarified for the PLDRB members regarding condition #3 that the buffer may be smaller but its intent is to make sure that we have a vegetative buffer to help mitigate for the residential units present.

Vice Chair Shank opened this item to public comment at 9:55PM and seeing no one approach the podium she closed this item to public comment at 9:56PM.

Pass

Motion made to approve consistent with the Comprehensive Plan and Land Development Code by Board Member Scully and seconded by Board Member Albano

Approved - 6 - Board Member Jake Scully, Board Member Sybil Dodson-Lucas, Board Member Charles Lemon, Vice Chairman Sandra Shank, Board Member James Albano, Board Member Hung Hilton

E Board Discussion and Staff Issues

Mr. Scully commented on how well Vice Chair Shank handled the audience this evening.

F Adjournment

Motion made that the meeting be adjourned by Mrs. Lucas and the motion was seconded by Mr. Scully. The meeting was adjourned at 10:00PM.

Respectfully Submitted by:

Irene Schaefer, Recording Secretary

Pass

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

Approved - 6 - Board Member Jake Scully, Board Member Sybil Dodson-Lucas, Board Member Charles Lemon, Vice Chairman Sandra Shank, Board Member James Albano, Board Member Hung Hilton