



**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
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**

Wednesday, April 21, 2021

5:30 PM

Hybrid/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.

Call to Order and Pledge of Allegiance

Chair Smith called the April 21, 2021 Planning and Land Development Regulation Board (PLDRB) meeting to order at 5:30PM. At this time he read into the record the instruction for remote hybrid participation.

Roll Call and Determination of a Quorum

Present and responding to roll call were the following:

Board Member:	Jake Scully
	Clinton Smith
	Sybil Dodson-Lucas
	Suzanne Nicholson
	Sandra Shank
	James Albano
	Hung Hilton

Absent

Board Member:	Charles Lemon
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Also Present:

School Board Representative:	Patty Bott
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Approval of Meeting Minutes

1 MEETING MINUTES OF THE MARCH 17, 2021 PLANNING AND LAND DEVELOPMENT REGULATION BOARD MEETING

Pass

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

Approved - 7 - Board Member Jake Scully, Chairman Clinton Smith, Board Member Sybil Dodson-Lucas, Board Member Suzanne Nicholson, Board Member Sandra Shank, Board Member James Albano, Board Member Hung Hilton

Public Hearings

2 OLD KINGS GARDENS REZONING - APPLICATION # 4672

Mr. Ray Tyner, Deputy Chief Development Officer, introduced this rezoning item and introduced Mr. Bill Hoover, Senior Planner, AICP, who gave a presentation which is attached to this record.

Mr. Roy Hubbard, representing the owner, addressed the PLDRB members and had an elevation slide which is attached to this record.

Mr. Jay Livingston, attorney for the applicant, addressed the PLDRB members, regarding the proposed rezoning to a duplex zoning district. He discussed the compatibility of the proposed rezoning with the existing ALF and housing units. Mr. Livingston referenced the residents' petition that was provided to him. Mr. Livingston discussed the impact fees that are charged to cover the infrastructure needs including school concurrency. Discussion of road expansion and that the current land owner and his successor have/will contributed sizeable monies and lands (Old Kings Assessment Program). Mr. Livingston stated the proposed stormwater will not drain into the master stormwater system and it will have its own modern system. Mr. Livingston stated that under the rules from St. Johns River Water Management District (SJRWMD), City Of Palm Coast (COPC) Stormwater division, and the Army Corps. all stormwater has to be treated on site.

Mr. Albano asked if this will be rental properties or owner occupied, Mr. Livingston stated that the owner has not decided however it is not an apartment building. The developer is planning on developing the project as single family attached - duplex properties. Mr. Albano asked if this application is an MPD or a straight re-zoning. Mr. Livingston stated this is a straight zoning to duplex. Mr. Albano asked Mr. Hoover to clarify how this would be straight zoning when the Land Development Code (LDC) calls for stricter standards for a duplex than this application possess. Mr. Hoover clarified that the Land Development Code rules for duplex zoning district would apply to this project.

Ms. Shank asked when the market analysis would be done for this project. Mr. Livingston stated that the applicant is in the preliminary phases of getting that done but a lot of how that analysis turns out will be based on demand for housing and construction cost at that time. Ms. Shank stated that work force housing is the same as affordable housing. Mr. Livingston clarified the definition of affordable housing is based on income and workforce is not, however, this project would be at market rate, not subsidized housing. Ms. Shank asked if there would be any provision to prevent a future owner from turning the property into subsidized housing. Mr. Livingston clarified that the term subsidized housing is sometime misused since you could be living next to someone on a voucher program (not backed by the government) and you wouldn't know that situation exists. He further stated there are no plans for restrictions to prevent that from happening in the future.

Ms. Shank asked Mr. Hubbard to address when the market analysis would be done. Mr. Roy Hubbard, depends when the rezoning is done however he stated that the market analysis will be done by the summer 2021.

Mr. Albano is this property going to have an HOA. Mr. Hubbard yes, it will have an architectural theme, gated community, and an HOA to ensure that the properties will be maintained. He clarified again his meaning of workforce housing, meaning they will not be high-end units (\$3000.00/month) or if they decide to sell them they will not be \$800,000 properties (they will be affordable to the people working in the area of Palm Coast).

Chair Smith asked if the City is concerned about reducing the number of locations that would support jobs, (rezoning from commercial real estate to residential). Mr. Tyner stated no, that due to the mixed zoning district along Old Kings Rd. which is overly abundant of that use based on today's standards. He also stated that the COPC Comprehensive Plan calls for a diversity of housing types.

Ms. Nicholson asked if there are any plans to mitigate the noise level coming from Rt. 95 onto this property plus existing properties across from this one. Mr. Hubbard mentioned that noise would be mitigated either by a wall or landscaping, which would be City approved.

Mr. Tyner explained the difference of this product (duplex) from the original ITT platted duplex lots, which includes this property is a planned community which will be gated and have an HOA. It will be a managed property.

Ms. Shank asked if the property will have a property management company handling the property. Mr. Livingston stated that there would be restrictions on

landscaping and enforcement of code, addressing who pays for the gate, landscaping, and stormwater, etc. He believes that answer to be yes to a management company being involved in the property. Mr. Livingston also stated whether they are owned or rented they will have their own covenants and restrictions which will be applied to this development.

Chair Smith opened this item to public comment at 6:09 pm.

Lisa Zerhide, 25 Arrowhead Dr., wishes the road would be fixed prior to development and she questioned who received the neighborhood letter. She asked if the existing lift station will tie into this development.

Tom Barrett - 172 Arena Lake Dr. - President of The Hidden Lakes HOA, neighborhood letter not received by the new HOA board (February 2021), concerned about the process for rezoning being rushed through, and traffic volume increases. He requested an opportunity to learn more about the development.

Brian Kaggin - 17 Arena Lake Dr. - appreciated the PLDRB members' questions on this development. He meet with 3 staff members at the new ALF across the street and was concerned that it was not a high end facility. Trip generation summary numbers not based on fact, # of units, environmental impact, deeded or rental. Residential housing next to an interstate highway doesn't make sense.

John Dance -New Oak Water Dr. -Tascano - not in favor due to over crowding, landscaping disappearing, increase in litter, and traffic increases. |Suggested if the project gets approved that it be contingent on this project being developed.

Darlene Shelley - 84 Arena Lake Dr. - believes duplex value will devalue single family homes, by increase traffic and does not compliment existing zoning. She requested sound mitigation via a sound wall. Landscape buffer and tree mitigation should be required. Too close to Rt. 95 will not provide high-end housing.

Sam Hobbs - 92 Arena Lake Dr. - sound mitigation major issue and it is has gotten worse when the ALF was added. Trip analysis questions as to the source not being stated. Also questioned the statement by Mr. Livingston about the reduced demand for commercial properties. Neighborhood notice questioned as well as the local newspaper where ads were placed.

Joanne Andrews - 20 River Wood Dr. - major concern is Palm Coast density. Economic development for business should be in demand. Infrastructure is old, 2 lane road no sidewalk on Old Kings Rd. Additional issues utilities installed 40 years ago, swales, canals, wetland, school compacity, noise pollution, she suggested addressing these issues before new construction is approved.

Bill Shelly - Hidden Lake resident - current zoning is commercial - developer doesn't seem to know what is being done in the long term to mitigate their concerns.

Tom Salinsky - Hidden Lake resident - questioned if there would be an assessment on Hidden Lake property owners for the Old Kings Rd. widening project.

Lyn Lanoba - 1118 New Water Oak Dr.- moved to Flagler County because of the natural environment. Mentioned that the home owners where he lived in Atlanta were able to pressure the developers to work with the home owners in that case.

Frank Lancy - 55 Arena Lake Dr. - commented on the traffic on Old Kings Rd., questioned the Old Kings Assessment that was put in place when Walmart was planning on coming to town, questioned if the HOA would stipulate a rental percentage of the units available in order to limit the number of rental units.

Cindy McDowell - 66 Groundwood Pl. - appraiser for Jim Paytas - suggested that the PLDRB do their own study on noise pollution. Discussed the impact on housing property. Lack of notice to the property owners. She commented on the existing traffic issues on Old Kings Rd.

Bob Scof - 58 Grand Woods Pl. - retired 40 years in criminal level investigation, licensed realtor in FL, he listed the downside to this project are lower income housing areas-declining property taxes, increased traffic, increased noise, increased fire, police, and hospital staffing needs, crime increase, increase security expenses to the neighboring home owners.

Mike Cuomo -Arena Lake Cir. - noise decimal levels are high, he referenced the City of Palm Coast Noise ordinances. He believes the properties will be rental. He commented that the only east-west artery is located at Town Center Blvd. which has traffic congestion.

Michael Harrison - Arena Lake Dr. - past construction and current licensed realtor - questioned the rental nature of this project.

Carol Miteralo - 38 New Water Oak Dr. - concerned about traffic and home values. Also concerned about noise.

Chair Smith closed this item to public comment at 6:54PM.

Mr. Albano questioned the possibility if the rezoning to duplex would allow the developer to subdivide the lots at a later time. Mr. Hoover answered that the current duplex zoning allows three types of development: single family homes, duplex type units, or single family attached. They could also build two unit buildings with minimum standards (referencing the LDC), if they were plating the units than they would have to submit a subdivision master plan which would come back to the PLDRB for review and recommendation.

Ms. Shank questioned if the letters were mailed to the home owners or the builders. Mr. Livingston stated that the letters were mailed to the list provided by the City and Mr. Livingston sent them certified mail (in order to track them). The listing of addresses mailed is in the agenda packet. He also stated that both HOAs (Toscano and Hidden Lakes were included in the mailing). Mr. Livingston reviewed the LDC requirement of mailing letters for the PLDRB members. He also stated if a follow up meeting would be needed with the neighbors prior to being scheduled for City Council than they would agree to that meeting. Mr. Hoover, stated that the City's GIS system (as well as the Property Appraiser listing service) allows for a 300 foot search for each of the 6 parcels involved and that listing was sent to the applicant to mail via regular mail. However the

applicant mailed them Certified Mail. The applicant submitted proof of mailing to the City as required in the LDC.

Chair Smith commented on his concern about the HOA letters not getting to the proper people because of the turn over in the HOA at Hidden Lakes and the Toscana builders failure to act on the notice.

Mr. Scully questioned whether or not there is flexibility in the LDC to extend the notice when staff is aware of properties like Hidden Lakes or Toscana outside of the required 300 foot notice area. Ms. Reischmann (legal council to the PLDRB) stated that the PLDRB must follow the LDC (code requirement) and that the notice requirement has been reviewed by City Council several times and has not changed the 300 foot requirement.

Chair Smith asked if it is within the PLDRB perview to table this item for a month and ask the developer to meet with neighbors and then come back to the PLDRB after that meeting. Ms. Reischmann stated that she doesn't believe the PLDRB wants to mandate that but she pointed out that Mr. Livingston mentioned that he is willing to have a neighborhood meeting with the neighbors prior to City Council.

Ms. Reischmann clarified for the PLDRB members what their role is with regard to the application in front of them and that is whether or not the deplux zoning is appropriate. Is this rezoning to duplex consistent with the Comprehensive Plan and the current Comprehensive Plan is Mixed Use. Ms. Reischmann further stated that the experts - City Staff has reviewed all the code and come up with their recommendation. She further stated that legally you are not to look at the details of development you are to look at the Comprehensive Plan for compatibility. You would look at the details when you review the technical site plan or your subdivision master plan (next steps). Also Ms. Reischmann was asked if the PLDRB members could add conditions to a rezoning and she stated that it would not be appropriate, she stated that you can't attach conditions to a rezoning, you can either approve or deny the rezoning. She stated that the Board Members are charged tonight to base your decision on competent substantial evidence you heard tonight more than the concerns you heard tonight about noise and home values, etc. She further stated that decision should be based on combing through the evidence and deciding what you can actual "hang your hat on" and that would be more than concerns. Now those concerns will certainly be important to City Council and certainly another neighborhood meeting may deal with those concerns.

Mr. Albano made a motion to deny the application however, Ms. Reischmann asked the Board to change the motion for clarification sake to a positive motion. She further stated that a denial vote is very hard to understand in that a yes vote would be a vote to deny. She also asked that the motioner and the seconder add their reasons for their motion in order to base it on substantial competent evidence. Ms. Reischmann clarified that it is a standard of parliamentary procedure to move in the positive and vote in the negative. Discussion of how to state the motion was discussed with the Board Members. Mr. Albano made a motion to recommend approval of this application and stated his reason for denial was because he believed the property should more accurately be rezoned to an MPD, due to the lack of restrictions imposed by a duplex zoning district and he further stated that the developer could then rent the properties. When it came

to Mrs. Lucas' vote she added she voted no due to her past concerns about neighborhood notification.

Fail

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

Denied - 7 - Board Member Jake Scully, Chairman Clinton Smith, Board Member Sybil Dodson-Lucas, Board Member Suzanne Nicholson, Board Member Sandra Shank, Board Member James Albano, Board Member Hung Hilton

3 A FUTURE LAND USE MAP AMENDMENT TO DESIGNATE 53+/- ACRES OF PROPERTY FROM INDUSTRIAL AND GREENBELT TO RESIDENTIAL AND AMENDING A SITE SPECIFIC POLICY TO LIMIT DEVELOPMENT ON THE ENTIRE 146+/-PARCEL KNOWN AS PALM COAST 145 TO 450 RESIDENTIAL UNITS

Mr. Ray Tyner introduced this item and the history of the property, he also introduced Mr. Jose Papa, Senior Planner, AICP, who gave a presentation which is attached to this record. Mr. Tyner clarified that there will be one presentation for item #3 and #4 however, two votes (one on each item) are required.

Mr. Mike Beebe and Mr. David Blessing introduced themselves to the PLDRB members and stated they were available to answer questions.

Ms. Shank questioned why the applicant now wanted to change the approved plan to SFR -1 (single family residential-1) from MPD (master planned development), doing away with the commercial provided within the MPD. Mr. Blessing stated that the residential market is extremely hot and he can't swim upstream any longer.

Chair Smith opened this item to public comment at 7:23 pm. Seeing no one approach the podium or on line Chair Smith closed this item to public comment at 7:24 pm.

Pass

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

Approved - 7 - Board Member Jake Scully, Chairman Clinton Smith, Board Member Sybil Dodson-Lucas, Board Member Suzanne Nicholson, Board Member Sandra Shank, Board Member James Albano, Board Member Hung Hilton

4 A ZONING MAP AMENDMENT FOR A 146+/- ACRE PARCEL FROM MASTER PLANNED DEVELOPMENT (MPD) AND SUBURBAN ESTATE (EST-1) TO SINGLE-FAMILY RESIDENTIAL-1, SINGLE-FAMILY RESIDENTIAL-2, AND PRESERVATION

The presentation for this agenda item was presented by Jose Papa, Senior Planner, AICP, under agenda item #3.

Chair Smith opened this agenda item to public comment at 7:26 pm

Susan Johnson, 26 Kathleen Tr., her concerns are changing the lot size from 1 acre lot size, she recommended changing the SFR 1 or 2 to SFR 5 also she commented on increased traffic.

Jeff Johnson, 26 Kathleen Tr., his concerns are changing the lot size from 1 acre lot size and the number of proposed lots listed at 450.

Kathleen Farrell, 24 Kathleen Tr., her concern is the buffer, the plan now calls for a 25 foot buffer.

Frank Cepafallo, 25 Karis Tr., his concerns are about the proposed lot size of the development adjacent to Karis Tr. and will there be any buffers.

Ron Morier, Karis Tr., his concerns are the lot sizes which gives he believes give a bad impression. He suggests larger lot sizes with more space between the lots.

Chair Smith closed this item to public comment at 7:33 pm.

Chair Smith asked for clarification from staff on the lot sizes. Mr. Tyner showed on the maps what the proposal calls for 50 foot wide lots (SFR-1) that are not buffered against the adjacent neighborhood. He clarified there will be two means of egress and ingress out to US 1 not going through the neighborhood. Also he stated that he believes the applicant's intent is to keep the existing buffer.

Chair Smith asked Mr. Beebe if the developer's intent is to keep what was approved on the preliminary plat with regard to the buffer for the lots that abut the neighboring properties. Mr. Beebe stated that the developer's intent is to keep the plan consistent with what was approved including the buffer. Mr. Scully asked for clarification if the landscape buffer would extend all the way over to US 1. Mr. Beebe stated that he can't answer now - he doesn't know.

Pass

Motion made to Recommend Approval by Board Member Dodson-Lucas and seconded by Board Member Shank

Approved - 7 - Board Member Jake Scully, Chairman Clinton Smith, Board Member Sybil Dodson-Lucas, Board Member Suzanne Nicholson, Board Member Sandra Shank, Board Member James Albano, Board Member Hung Hilton

5 PALM COAST TENNIS POD SUBDIVISION MASTER PLAN - TIER 2, APPLICATION # 4648

Mr. Ray Tyner introduced this item and introduced Ms. Jordan Myers, Environmental Technician, who gave a presentation which is attached to this record.

Mr. Ryan Blaida, representing the applicant, gave a presentation which is attached to this record.

Ms. Nicholson inquired about the properties egress and ingress - it appears there is only one road into the property. Mr. Tyner clarified that the Comprehensive Plan requires two means of ingress and egress once a site goes over 50 units. He stated that Town Center design provides all properties with the 2 means of egress and ingress, however, the road from the adjacent property isn't built yet so they have two options. The developer can develop the site in phases and the first phase would stop at 50 units and the second site wouldn't start until the road was built for the secondary access or he stated that a stabilized road could be built as a temporary fire access road.

Ms. Shank asked if this project is a workforce housing or affordable housing product. Mr. Blaida stated no, this is a national builder - Toll Brothers and their product is higher end, gated community, sold at fee simple, market rate.

Ms. Shank asked what is the average size of the homes (range). Mr. Blaida stated that the homes would be at least 2000 sq. feet. Mr. Albano commented on the high density, narrow homes he is seeing lately. Mr. Scully stated he disagreed with Mr. Albano's comments.

Chair Smith opened this item to public comment at 7:42 pm and seeing no one approach the podium or raise their hand on line he closed this item to public comment at 7:43 pm.

Pass

Motion made to approve by Board Member Scully and seconded by Board Member Shank

Approved - 6 - Board Member Jake Scully, Chairman Clinton Smith, Board Member Sybil Dodson-Lucas, Board Member Suzanne Nicholson, Board Member Sandra Shank, Board Member Hung Hilton

Denied - 1 - Board Member James Albano

6 ADVENT HEALTH ON PALM COAST PARKWAY MPD REZONING - APPLICATION # 4723

Mr. Ray Tyner, introduced this item along with Mr. Bill Hoover, Senior Planner, AICP, who gave a presentation which is attached to this record. Due to streaming issues the meeting was adjourned at 8:05pm by Chair Smith for 5 minutes - reconvened at 8:10 pm.

Mr. Curt Wimpée, Alliant Engineer, Civil Engineer on the project, addressed the PLDRB members and was available to answer any questions. He also introduced Mr. Wally D'Aquino, Chief Operating Office for the hospital on SR 100.

Ms. Shank asked if the hospital would have Pediatrics or Obstetrics.

Mr. Wally D'Aquina, hospital administrator, addressed the question about obstetrics being offered at this site. Mr. D'Aquina stated no, based on the reduced # of births in Flagler County in 2020, which would result in 2 births a day at this new hospital. And with the limited # of births it would be hard to recruit and keep staff. He stated for Pediatrics would not be offered, which is usually offered in an outpatient setting. He further stated the numbers are too limited to offer this service at this time. Ms. Nicholson then asked what services will be provided at this facility. Mr. D'Aquino stated that the following would be offered cardiology, in patient rehab, more importantly this facility has more IC rooms.

Chair Smith asked how many jobs will be created. Mr. D'Aquino stated to start 400 ramping up to 700 jobs. Mr. D'Aquino was asked if the hospital will be a trauma center and he answered that is not a decision the hospital can make. The state makes that decision, currently only Halifax hospital in this district is considered at trauma hospital.

Chair Smith opened this item to public comment at 8:30 pm seeing no one approach the podium or raise their hand on line he closed this item to public comment at 8:31 pm.

Pass

Motion made to Recommend Approval by Board Member Shank and seconded by Board Member Nicholson

Approved - 7 - Board Member Jake Scully, Chairman Clinton Smith, Board Member Sybil Dodson-Lucas, Board Member Suzanne Nicholson, Board Member Sandra Shank, Board Member James Albano, Board Member Hung Hilton

7 LIGHTHOUSE HARBOR LUXURY APARTMENTS MASTER SITE PLAN, APPLICATION # 4625

Mr. Ray Tyner, gave a brief history of this item as well as introduced Mr. Bill Hoover, Senior Planner, AICP who gave a presentation which is attached to this record.

Mr. Curt Wimpée, Alliant Engineer, Civil Engineer on the project, addressed the PLDRB members and was available to answer any questions. He also introduced Scott Miller, Gelcorp, representing the developer.

Ms. Nicholson asked where the garage spaces are located. Mr. Wimpée mentioned that on the plan they are shown between buildings 3 and 4 and they are also scattered about on the plan.

Ms. Bott asked what is the proposed time frame to submit the technical site plan on this project. Mr. Wimpée stated that as soon as they go to City Council in the beginning of May and he stated that they are already working on the technical site plan, most likely in late May. Ms. Bott reminded the applicant the school concurrency process takes some time to process, and based on that time frame it looks like late June. Mr. Miller also added that their legal representative, Mr.

Michael Chiumento has already started the process including several payments to Flagler School system.

Chair Smith opened this time to public comment at 8:36 pm and seeing no one approach the podium or raise their hand on line he closed this item to public comment at 8:37 pm.

Pass

Motion made to Recommend Approval by Board Member Scully and seconded by Board Member Hilton

Approved - 7 - Board Member Jake Scully, Chairman Clinton Smith, Board Member Sybil Dodson-Lucas, Board Member Suzanne Nicholson, Board Member Sandra Shank, Board Member James Albano, Board Member Hung Hilton

Board Discussion and Staff Issues

Irene Schaefer, Recording Secretary, mentioned that there will be a Citizen Advisory Task Force (CATF) meeting on the May 26th @ 5:30 pm, to be held here at the Community Wing and that she would send an email reminding the members tomorrow.

Adjournment

Motion made that the meeting be adjourned by Ms. Shank and the motion was seconded by Mr. Albano. The meeting was adjourned at 8:45PM.

Respectfully Submitted by:

Irene Schaefer, Recording Secretary

Pass

Motion made to approve by Board Member Shank and seconded by Board Member Albano

Approved - 7 - Board Member Jake Scully, Chairman Clinton Smith, Board Member Sybil Dodson-Lucas, Board Member Suzanne Nicholson, Board Member Sandra Shank, Board Member James Albano, Board Member Hung Hilton