



**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, July 21, 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.

Call to Order and Pledge of Allegiance

Chair Smith called the July 21, 2021 Planning and Land Development Regulation Board (PLDRB) meeting to order at 5:30PM.

Chair Smith asked the members to allow Ms. Shank to participate via phone as she was unable to attend in person due to circumstances beyond her control. All voting members agreed to allow Ms. Shank to participate in the meeting via phone.

Roll Call and Determination of a Quorum

Present and responding to roll call were:

*Chair Smith
Mrs. Lucas
Mr. Scully
Ms. Shank (via phone)
Mr. Lemon
Ms. Nicholson
Ms. Bott*

*Excused:
Mr. Hilton
Mr. Albano*

Approval of Meeting Minutes

1 MEETING MINUTES OF THE MAY 19, 2021 PLANNING AND LAND DEVELOPMENT REGULATION BOARD MEETING

Pass

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

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

Public Hearings

2 OLD KINGS BOAT & RV STORAGE SPECIAL EXCEPTION - APPLICATION # 4790

Deputy Chief Development Officer Ray Tyner gave background on this item as well as a presentation which is attached to this record.

Attorney Jay Livingston (representing the applicant) gave a presentation which is attached to this record. Mr. Curt Wimpee, Engineer on the project, was also in attendance and available to answer questions, if needed.

Mrs. Lucas asked to what extent has the applicant discussed this plan with the owner of the neighboring cemetery property. Mr. Livingston responded that notice was sent to the cemetery property owners informing them of the PLDRB meeting and that he hadn't received any follow up from them to their notice. Mrs. Lucas further stated that she has the understanding the property and signage are in need of upkeep/repair, and she asked if there were plans to add new signage for the cemetery. Mr. Livingston stated if there is any signage it would be replaced when the work for the development is completed, but he isn't aware of any existing signage at the entrance to the cemetery. Chair Smith

stated that there was a sign when the four laning for Old Kings Rd. was done but he was unsure if the sign was still there. Mr. Livingston further stated that he would have to discuss with his client and of course the cemetery owners about any new signage at the entrance to the property. Mr. Livingston stated that he would follow up with the cemetery owners regarding the signage questions. Mrs. Lucas inquired how would that information get back to the PLDRB members and Chair Smith suggested that this issue could be addressed by asking City staff to follow up on this issue with the developer providing signage to the entrance road and including the cemetery owners in that discussion.

Mr. Scully inquired if the Special Exception conditions stay with the property in the case of a change in ownership. Mr. Tyner stated yes they do stay with the property. Mr. Livingston further clarified that the way the City handles the Special Exception Development Order (DO) is to have it recorded with the County Clerk's office and the recorded DO is something that is tied to the title on the property.

Chair Smith opened this item to public comment at 6:05pm. Seeing no one approach the podium Chair Smith closed this item to public comment at 6:06pm.

Pass

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

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

3 AMENDING THE FUTURE LAND USE MAP DESIGNATION FOR 108+/- ACRES OF PROPERTY FROM MIXED USE TO RESIDENTIAL AND A SITE SPECIFIC POLICY TO LIMIT DEVELOPMENT ON THE 108+/-PARCEL TO 295 DWELLING UNITS

Chair Smith inquired if item #3 and item #4 were being presented together and Mr. Tyner stated yes they would be but they would require separate votes.

Mr. Ray Tyner introduced this item along with Mr. Jose Papa, Senior Planner, who gave a presentation which is attached to this record.

Brett Markovitz, Branch Manager for CPH Engineering, representing Mas Development the applicant, gave a presentation which is attached to this record.

Ms. Nicholson asked if any of the neighbors who attended the neighborhood meeting or contacted staff were residents from Llama Trail or Llewellyn Trail, whose properties would back up to this project. Mr. Markovitz stated that neighbors from both of those areas were present at the meeting and their concerns had to do with the lake shown on the map to the northwest and the wetlands shown on the map in green remaining undeveloped and that they could never be developed. Mr. Markovitz confirmed that the lake and wetlands will remain undeveloped. He further stated that another concern from the neighbors was regarding the ditch to the eastside of the property. Their concerns appeared to be about the development of the property where the ditch exists as well as the

maintenace of the ditch. Mr. Markovitz stated that the lots affected by the presence of the ditch will have an easement across the back of the lots and therefore these lots will have a little smaller residence (home) on them.

Mr. Tyner commented that he spoke to some residents who live along Whippoorwill Trail and their concern was about maintaining their view of the existing lake. Mr. Tyner stated that as you can see from the plan there isn't any development in that area. He also added that the plans for phase IV have not changed from what is approved now.

Ms. Nicholson asked if there are any concerns about the previously approved phase IV and the number of homes being proposed with only one means of ingress and egress. Mr. Tyner and Mr. Smith stated that the City requires two means of ingress and egress for areas with 50 or more homes.

Ms. Bott inquired if this would be a gated community and if so would the developer provide a bus stop for students. Mr. Markovitz stated that the developer still has the gated or not gated question still up in the air. He believed that a bus stop could be accomodated very easily if needed. During the next steps (preliminary plat and final plat) the Flagler School Board would be contacted to identify their needs for this development.

Chair Smith asked what happens if this rezoning is approved to the existing Master Planned Development (MPD). Mr. Papa stated that the MPD would still be in effect (for the corner portion of the property that is not part of this rezoning application) until an application is processed to "clean up" the agreement to remove those parts of the agreement that no longer apply. Mr. Tyner stated that once this item goes to the 2nd public hearing with City Council and provided it is approved, staff will work with the City Attorney to clean up the existing MPD.

Chair Smith opened item # 3 Future Land Use Map to public comment at 6:26pm.

Ms. Lauren Connand 24 Llama Trail- stated her concern about Phase IV development and its possible impact which may result in future flooding. Also she was concerned about the proposed 250ft. crossing for the 46 acres of wetlands which may negatively impact wildlife and the associated installation impacts of utilities across the wetland area. In addition, she is concerned about the limited ingress and egress for this phase of development. Finally, she stated concerns about increased traffic.

Chair Smith closed item # 3 Future Land Use Map to public comment at 6:30pm.

Mrs. Lucas asked if Mr. Markovitz would address Ms. Connand ingress and egress concerns. Mr. Tyner addressed Mrs. Lucas' question by stating that the City's Land Development Code (LDC) and Comprehensive Plan requires two means of ingress and egress when there are more than 50 units in an area, Phase IV is well under that unit count. He also stated that in regard to the eco-concerns an Environmental Study, Wetland Study and Listed Species Report (to identify any endangered or protected species) is required at the point the applicant submits their technical site plan for review. In addition, as part of that review not only does the City's Environmental Planner review the plans but these plans are also reviewed by St. John's River Water Managment District (SJRWMD) and possibly the Department of Environmental Protection to ensure

compliance with Federal, State and Local standards for wetlands. In regard to flooding it is required by the SJRWMD to obtain a permit that shows via reasonable assurances that their ponds and stormwater discharge cannot increase (post development) from pre-development limits. Mr. Markovitz clarified that the SJRWMD permit requires that the project keeps all stormwater capacity and treatment on site (via stormwater system and retention ponds). Mr. Markovitz also stated that the crossing will be a culvert crossing and the site (both developed and wetland areas) will require a stormwater model to show SJRWMD that they are not impacting this or neighboring sites with any flooding.

Mr. Lemon asked if the crossing will be above the wetlands and Mr. Markovitz stated yes above the flood prone elevations. Chair Smith also asked if the utilities would be going through the same corridor via a right of way and Mr. Markovitz stated yes.

Pass

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

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

4 FLAGLER VILLAGE REZONING - APPLICATION # 4743

This item's presentation was included under agenda item #3.

Chair Smith opened this item to public comment at 6:05pm. Seeing no one approach the podium this item was closed to public comment at 6:06pm.

Pass

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

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

5 REVISION TO LAND DEVELOPMENT CODE CHAPTER 10.02 FLOODPLAIN MANAGEMENT

Mr. Ray Tyner requested that this item be continued to the August 18, 2021 PLDRB meeting (to be held at City Hall Community Wing at 5:30PM) due to the City receiving some additional comments from the State of Florida last Friday from our draft Ordinance submittal. We would like time to review their comments and share with our stakeholders and the public any changes to the Ordinance (posted on the City's website). We will then bring it back to the PLDRB members on August 18th.

Pass

Motion made to continue to the August 18, 2021 PLDRB Meeting (to be held here at City Hall at the Community Wing at 5:30pm) by Board Member Nicholson and seconded by Board Member Scully

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

6 AMEND THE COMPREHENSIVE PLAN BY ADDING A PROPERTY RIGHTS ELEMENT AS MANDATED BY FLORIDA STATUTES

Mr. Ray Tyner introduced Ms. Katie Reischmann, City Attorney, who explained the State's requirement regarding private property and the State's mandate to add to the City's Comprehensive Plan a property rights element. Ms. Nicholson questioned whether this action would make it more difficult for cities to exercise Eminent Domain. Ms. Reischmann stated that she didn't believe this amendment had any impact on Eminent Domain. Mrs. Lucas asked Ms. Reischmann about the thinking from the State on requiring this amendment. Ms. Reischmann believes that the intent is to limit cities from being too restrictive with personal property rights.

Pass

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

Approved - 5 - Board Member Jake Scully, Chairman Clinton Smith, Board Member Charles Lemon, Board Member Suzanne Nicholson, Board Member Sandra Shank

Denied - 1 - Board Member Sybil Dodson-Lucas

Board Discussion and Staff Issues

Adjournment

Pass

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

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

Motion made that the meeting be adjourned by Mrs. Lucas and the motion was seconded by Mr. Scully. The meeting was adjourned at 6:40PM.

Respectfully Submitted by:

Irene Schaefer, Recording Secretary

Jacqueline Gonzalez, Recording Secretary