



**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, August 18, 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 August 18, 2021 Planning and Land Development Regulation Board (PLDRB) meeting to order at 5:30PM.

Roll Call and Determination of a Quorum

Present and responding to roll call were:

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

Excused:

Ms. Nicholson

Approval of Meeting Minutes

1 MEETING MINTUES OF THE JULY 21, 2021 PLANNING AND LAND DEVELOPMENT REGULATION BOARD MEETING

Pass

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

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

Public Hearings

2 AN AMENDMENT TO TOWN CENTER DRI DEVELOPMENT ORDER-REQUESTING CONTINUATION TO DATE CERTAIN

Chair Smith explained that the applicant has requested this item to be continued to a date certain of September 15, 2021 at 5:30PM here at the Community Wing of City Hall.

Pass

Motion made to continue to a date certain of September 15, 2021 at 5:30PM here at the Community Wing of City Hall 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 Charles Lemon, Board Member Sandra Shank, Board Member James Albano, Board Member Hung Hilton

3 AN AMENDMENT TO TOWN CENTER MASTER PLANNED DEVELOPMENT (MPD) DEVELOPMENT AGREEMENT - REQUESTING CONTINUATION TO A DATE CERTAIN

Chair Smith explained that the applicant has requested this item to be continued to a date certain of September 15, 2021 at 5:30PM here at the Community Wing of City Hall.

Pass

Motion made to continue to a date certain of September 15, 2021 at 5:30PM here at the Community Wing of City Hall 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 Charles Lemon, Board Member Sandra Shank, Board Member James Albano, Board Member Hung Hilton

4 SEMINOLE POINTE REZONING - APPLICATION # 4820

Mr. Ray Tyner, Deputy Chief Development Officer, introduced this item along with some history on the project. He also introduced Mr. Bill Hoover, Senior Planner, who gave a presentation which is attached to this record.

Mr. Michael Chiuimento, representing the applicant, gave a presentation which is attached to this record. He also handed out to the PLDRB members copies of the presentation. A copy of this handout has been attached to this record.

Mr. Albano asked Mr. Chiuimento if this when developed will be a for sale or for rent product. Mr. Chiuimento answered it is for rent, a vertical apartment complex.

Ms. Shank asked if the units will be offered at strictly "fair market" value. Mr. Chiuimento answered, after referring to the owner, yes.

Chair Smith opened this item to public comment at 5:52pm and seeing no one approach the podium he closed this item to public comment at 5:53pm.

Ms. Shank asked if there will be on-site property management. Mr. David Trandel, Stonestreet Partners, stated yes we will have on site management and security. Ms. Shank asked so there isn't a low income tax credit deal. Mr. Trandel answered no.

Pass

Motion made to Recommend Approval with staff's recommendations by Board Member Albano and seconded by Board Member Shank

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

5 AMENDING THE FUTURE LAND USE MAP DESIGNATION FOR 70.2+/- ACRES OF PROPERTY FROM MIXED USE TO RESIDENTIAL AND ADDING A SITE SPECIFIC POLICY TO LIMIT DEVELOPMENT ON THE SUBJECT PROPERTY KNOWN AS SEMINOLE TRAILS TO 227 RESIDENTIAL DWELLING UNITS

Mr. Ray Tyner addressed Chair Smith to explain that agenda items #5 and #6 are companion items and Mr. Jose Papa, Senior Planner, will present one PowerPoint covering both items however the PLDRB members will be asked to vote on each item individually.

Mr. Jose Papa gave a presentation which is attached to this record.

Mr. Walker Douglas, applicant, addressed the PLDRB members about this project.

Mr. Scully questioned the Master Planned Development (MPD) zoned property shown on the map and Mr. Papa explained that is actually a City facility with an unusual zoning district. Mr. Papa suggested in the future that staff may look to change it to the same zoning district shared by other City stormwater facilities - Public Semi-Public (PSP).

Chair Smith questioned if the sidewalk the City constructed goes by this property on the east side. Mr. Papa answered yes it does.

Ms. Shark asked if these units would be rental properties. Mr. Douglas answered no, they will be fee simple single family homes. Ms. Shank questioned also the impacts of the development on the Flagler County Schools. Ms. Bott stated that any new projects at this time will impact the Flagler County Schools.

Chair Smith opened this item to public comment at 6:06pm and seeing no one approach the podium he closed this item to public comment at 6:07pm.

Pass

Motion made to Recommend Approval with staff's recommendations by Board Member Scully and seconded by Board Member Shank

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

6 AMENDING THE ZONING MAP DESIGNATION FOR A 70.2+/- ACRE PARCEL FROM MASTER PLANNED DEVELOPMENT (MPD) TO SINGLE-FAMILY RESIDENTIAL-1

As this item was addressed with agenda item #5, Chair Smith opened this item to public comment at 6:07pm and seeing no one approach the podium he closed this item to public comment at 6:08pm.

Pass

Motion made to Recommend Approval with staff's recommendations by Board Member Shank and seconded by Board Member Lemon

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

7 SECRET GARDENS REZONING - APPLICATION # 4816

Chair Smith addressing Mr. Albano stated he was informed that Mr. Albano may have a conflict with this agenda item. Mr. Albano addressed the board and stated the owner of Secret Gardens was a past client of his and it would be a conflict if he voted on the same project he worked on in the past. Mr. Albano provided Form 8B-Voting Conflict Form to the Recording Secretary - Irene Schaefer and this document has been added to this record.

Mr. Bill Hoover, Senior Planner, gave a presentation which is attached to this record.

Mr. Charlie Faulkner, representing the applicant, addressed the PLDRB members via phone as he was unable to attend the meeting in person and he provided some details about the project.

Chair Smith opened this item for public comment at 6:16pm and seeing no one approach the podium he closed this item to public comment at 6:17pm.

Pass

Motion made to Recommend Approval with staff recommendations by Board Member Hilton and seconded by Board Member Shank

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

8 REVISION TO LAND DEVELOPMENT CODE CHAPTER 10.02 FLOODPLAIN MANAGEMENT

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

Mr. Scully asked what is the level of participation within the City of Palm Coast residents with citizen's purchasing flood insurance. Ms. Myers indicated that she was not aware of the figure.

Mr. Albano asked for clarification as to what type of development would be subject to this revised Ordinance. Ms. Myers stated that this Ordinance would apply to any new development including single family homes as well as new developments.

Chair Smith opened this item to public comment at 6:24pm and seeing no one approach the podium he closed this item to public comment at 6:25pm.

Ms. Shank questioned if any master planned development (MPD) is approved prior to this Ordinance being enacted will the MPD have to abide by the new Ordinance. Ms. Myers stated that any MPDs that are submitted at this time are usually larger than 50 lots and 5 acres, so under they are currently subject to the enhanced Ordinance. Ms. Shank had the same question if any owner/builders come in with a single family lot would they be subject to the new Ordinance. Ms. Myers stated that the owner/builder would have two options, they could either build 2' above highest adjacent grade, that would be your base flood elevation and they would then build their finished floor 1' above that (base flood elevation). Basically the builder would have to bring into the site 3' of fill. Or the builder could bring in an engineer to establish the base flood elevation. Ms. Myers further stated that once the new Ordinance is enacted the builder would have to hire an engineer to establish the base flood elevation.

Mr. Albano asked what happens with regard to keeping water on their neighbor's lot if the new Ordinance is adopted and their is a building under construction that realistically could have a finished floor elevation 2' above their neighbor's property. Ms. Myers answered that the builder would still have to meet our stormwater regulations that require that no stormwater be sent to adjacent properties.

Chair Smith asked if it were true that most developed areas with single family lots already have the base flood elevation set. Ms. Myers stated that is true, there are very few lots that are in an unnumbered "A" zone that would be affected by the new Ordinance.

Pass

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

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

9 COLBERT LANDINGS SUBDIVISION MASTER PLAN - APPLICATION # 4793

Mr. Ray Tyner gave an introduction on the City's three tiered application process for a Subdivision Master Plan, 1st step in subdividing land is a Master Subdivision, 2nd step is a Preliminary Plat with construction plans, then the 3rd step is a Final Plat. In addition any Subdivision Master Plan with more than 100 units is required to come to the PLDRB for review.

Mr. Tyner also introduced Ms. Jordan Myers who gave a presentation which is attached to this record.

Mr. Matt Lahiti, Gulf Stream Design Group, representing the applicant, gave a presentation which is attached to this record. Ms. Bott asked Mr. Lahiti what is the planned timing of the Final Plat which would be heard by City Council. Mr. Lahiti after discussing with Nick Powell with GeoSam, stated it would be after construction of the improvements, probably a 5 month construction process after the Preliminary Plat is approved. Probably in the middle of next year (summer 2022).

Mr. Albano asked Mr. Lahiti if there was a known architectural style that will used on this project and Mr. Lahiti stated no they don't.

Chair Smith opened this item to public comment at 6:35pm and seeing no one approach the podium he closed this item to public comment at 6:36pm.

Ms. Bott left the meeting at 6:37PM.

Pass

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

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

10 MCNALLY POOL VARIANCE - APPLICATION # 4813

Mr. Ray Tyner gave a brief background for this variance application and he also introduced Mr. Bill Hoover, Senior Planner, who gave a presentation which is attached to this record.

Cheryl McNally the owner of 35 Raleigh Dr. addressed the PLDRB members.

Applicant Roy Waldhauer, representing Waldhauer and Son pool contractors addressed the PLDRB members.

Mr. Lemon and Mrs. Lucas both asked Ms. Katie Reischmann, City Attorney if they would need to recuse themselves from voting as Mr. Lemon is a friend of Mr. Waldhauer and Mrs. Lucas has a Waldhauer pool installed at her home. Ms. Reschieman answered that there is no need for either of the PLDRB members to recuse themselves on the grounds stated.

Mr. Albano inquired if Mr. Waldhauer has good proceeses in place now to avoid this issue from occuring again in the future. Mr. Waldhauer explained that he did review with his employees that could be a \$35,000.00 mistake.

Ms. Shank asked if the problem was related to not having a survey. Mr. Waldhauer explained that the problem was that the site plan came from a surveyor who completed the site plan based on the first builder's plans. After the homeowners changed builders that 2nd set of plans showed the same back of the house but the house had gotten deeper. Mr. Waldhauer stated he was aware of the builder change but not of the site plan changes. Discussion ensued that the issue with the placement of the pool and enclousure came up after the fence was installed.

Mr. Lemon questioned that the site doesn't have a final inspection for the pool and enclosure yet but that the permit is still active and Mr. Waldhauer confirmed that was true.

Chair Smith opened this item to public comment at 6:54pm and seeing no one approach the podium he closed this item to public comment at 6:55pm.

Ms. Shank asked Ms. Reischmann if the PLDRB would be setting a precedent if they approve this variance. Ms. Reischmann stated that every case has its own facts but if you had a case that was based on the exact same facts that you would want to find the same way.

Mr. Tyner also reminded the PLDRB members that Planning Staff has determined that this application has met all the criteria for a variance.

Ms. Reischmann also commented that this property is also unique in that it has the two different zoning districts abutting each other with different rear setbacks that lend itself to this variance.

Pass

Motion made to approve as presented with staff recommended conditions by Board Member Albano 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 James Albano, Board Member Hung Hilton

Denied - 1 - Board Member Sandra Shank

11 TOROK TATTOO STUDIO SPECIAL EXCEPTION - APPLICATION # 4827

Mr. Ray Tyner introduced Ms. Estelle Lens, Planner, who gave a presentation which is attached to this record.

Mr. Tyler Goodwin, owner of Indelible Cuts, LLC, addressed the PLDRB members.

Mr. Albano stated that a Special Exception for Elite Tattooing located in the same area was recently approved and questioned if they were still in business. Mr. Goodwin answered yes, he believes so.

Chair Smith opened this item to public comment at 7:04pm and seeing no one approach the podium he closed this item to public comment at 7:05pm.

Pass

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

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

Board Discussion and Staff Issues

Adjournment

Motion made that the meeting be adjourned by Mr. Lemon and the motion was seconded by Ms. Shank. The meeting was adjourned at 7:05PM.

*Respectfully Submitted by:
Irene Schaefer, Recording Secretary*

Pass

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

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