



**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
Board Member Christopher Gabriel
Alternate Board Member Hung
Hilton
Alternate Board Member Suzanne
Nicholson
School Board Rep Patty Bott**

Wednesday, April 20, 2022

5:30 PM

City Hall- Community Wing

- Public Participation shall be in accordance with Section 286.0114 Florida Statutes.
- Public comment on issues on the agenda or public participation shall be limited to 3 minutes.
- Other matters of concern may be discussed as determined by Committee during the meeting.
- If you wish to obtain more information regarding the agenda, please contact the Community Development Department at 386-986-3736.
- In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons needing a reasonable accommodation to participate in any of these proceedings or meeting should contact the City Clerk at 386-986-3713, at least 48 hours prior to the meeting.
- It is proper meeting etiquette to silence all electronic devices, including cell phones while meeting is in session.
- Any person who decides to appeal any decision with respect to any matter considered at this meeting will need a record of the proceedings, and for such purpose, may need to hire a court reporter to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Call to Order and Pledge of Allegiance

Chair Smith called the April 20, 2022 Planning and Land Development Regulations Board (PLDRB) meeting to order at 5:30pm.

Roll Call and Determination of a Quorum

Present and responding to roll call were:

Chair Smith
Vice Chair Shank
Mr. Scully
Mr. Lemon
Mr. Albano
Mr. Gabriel
Mrs. Lucas

Excused were:
Ms. Nicholson
Mr. Hilton
Ms. Bott

Approval of Meeting Minutes

1 MEETING MINUTES OF THE MARCH 16, 2022 PLANNING AND LAND DEVELOPMENT REGULATION BOARD MEETING

Pass

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

Vice Chair Shank abstained from this vote stating she was not present at the March 16, 2022 PLDRB meeting.

Public Hearing

2 RYAN'S LANDING REZONING - APPLICATION # 5037

Mr. Ray Tyner, Deputy Chief Development Officer, introduced the history on this property which included a lawsuit stemming from the City's effort in 2004 to amend the City's Comprehensive Plan's Future Land Use Map (FLUM) after which this property owner challenged the FLUM assignment for this property via a lawsuit, as this FLUM assignment resulted in a reduction in density. In 2009 the City and the property owner entered into a lawsuit settlement which resulted in a Master Planned Development Agreement. The property sat vacant for a number of years until recently. At which time a review of the existing Master Planned Development Agreement was done by the applicant and the City and they both have agreed upon the changes to the location of the park in the original lawsuit settlement agreement.

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

Mr. Jay Livingston, Livingston and Sword, representing the applicant, addressed the PLDRB members about the history of this property including his reference to the ITT Clup, a copy of which has been attached to this record. The ITT Clup defined which properties were committed (vested for development) vs. uncommitted (unvested for development). He also provided a copy of an article written by Mr. Toby Tobin called " SeaGate Loses Bid for Approval of Ryan's Landing Project. Palm Coast Loses Free Land for Park". At that time this

property was slated for development. Mr. Livingston read from the article on page 3 a summary of the lawsuit. The term of the settlement is for 20 years from the effective date of 2/17/2009 and the settlement document was recorded on 2/23/2009. Mr. Livingston discussed the City's level of service standard for recreation which is based on population. The recreational needs for this MPD plan calls for a recreational area of 1.82 acres based on the current population.

Mr. Livingston gave a presentation which is attached to this record. Mr. Livingston stated that the project is proposed to be gated and age restricted. Mr. Livingston discussed the neighborhood concerns which were brought up at the April 6th required neighborhood meeting: Traffic, Flooding, Stormwater Management and effects on the Flora and Fauna. Mr. Livingston stated that Mr. Jody Sisk's analysis for the required Listed Species Report did not find any specific species of any concern except the potential for Gopher Tortoises. Mr. Livingston stated that none were observed but when development occurs if they are observed they will be relocated. The proposed stormwater system is a modern one which will ensure the pre/post requirements that St. John's River Water Management District (SJRWMD) imposes, so no increase to the discharge rate. Mr. Livingston did state that any development will increase traffic, he restated that this property was always set to be developed.

Vice Chair Shank asked about the drop lots in Seminole Woods (slated to be donated by the applicant as a park) and Mr. Livingston discussed the various types of drop lots labeled as A, B, C lots. In summary they can be developed but vary in the required steps to develop them, which involves the addition of stormwater and utilities facilities. Mr. Lemon asked about the proposed housing sizes for this development. Mr. Livingston stated that a comparison to the existing adjacent home sizes vs. the proposed MPD plan was not done. Mr. Tyner stated that the minimum home size for single family detached homes in our residential districts (SFR-1, SFR-2 and SFR-3) is 1,200 sq. feet. Mr. Livingston stated that the MPD does comply with the minimum home size for the previously referenced straight residential zoning districts.

Vice Chair Shank asked if the City will develop the nature park that was originally proposed. Mr. Tyner mentioned that the Parks Team's preliminary discussion has suggested that this park would be a passive nature park although the plans have not been finalized at this time. The proposed location already has a nature trail present and discussion has included tying into the existing canal system. Vice Chair Shank asked if development of the drop lots for a park would have any impact on the one ICI lot (which is located within the same area as the proposed park location). Mr. Tyner stated that at this time we don't have plans to develop the ICI lot but part of our development plan for a park is to have a neighborhood meeting to ensure we don't impact the neighborhood adversely. Discussion ensued about the potential for the one ICI lot being developed with Mr. Tyner stating that he believed it was unlikely for the owner to bring in the required infrastructure for one single family home.

Mr. Albano asked about existing recreation in the R section. Ms. Myers stated that there is an existing park - Ralph Carter Park. Mr. Albano asked about the proposed 4 ft. high fencing on Ryan Drive, specifically would the presence of that fence preclude the home owner from adding their own privacy fence. Mr. Livingston clarified that the fencing does not run up against Ryan Dr., it abuts the City's drainage easement. Mr. Robert Gazzoli, representing the developer, stated that a privacy fence would typically be a uniform type of look (material

used) depending on where it is facing. It hasn't been determined at this time whether or not additional privacy fencing would be permitted.

Vice Chair Shank asked about splitting the screen to show the approved MPD diagram vs the proposed MPD diagram. Mr. Livingston was not able to split the screen but he showed on the large TV screen the original approved MPD agreement and Vice Chair Shank compared the proposed MPD changes on her computer to that shown on the TV screen.

Mr. Albano asked if there was a requirement that staff negotiate the transferring of park properties. Mr. Tyner stated that the original agreement called for a park to be donated to the City as part of the settlement. Mr. Albano stated that it doesn't seem fair to the City, in that the existing park site in the MPD is a prime location however the proposed Seminole site is land locked. However Mr. Livingston stated that the City is getting more recreation than they are entitled to under the existing recreational entitlements for a new development.

Chair Smith stated in summary that if the City had accepted the park site as proposed in the lawsuit settlement, that we wouldn't be discussing this matter today. He further stated that the City has funds available to develop a park in the proposed area and that is not the case in the previous park location. Mr. Tyner stated in talks with the Parks' Team there weren't any plans to develop a park at the original park site, stating that it was not advantageous for the City to place a park in the original location. Mr. Tyner agreed with Chair Smith's statement that the City would prefer the Seminole Woods Park site, which would be used to further expand the existing park.

Vice Chair Shank asked if there are any other lots that Sea Gate owns that may be donated other than the proposed drop lots. Mr. Livingston stated that the drop lot question pre-supposes that the City is a lot developer. Because the land is a drop lot the developer would have to extend utilities or the road to develop a home site. The City isn't going to do that because they are not developing a home site. So the land is as valuable to the City as vacant land that isn't a drop lot. Vice Chair asked whether or not there would be another site where the community as a whole could benefit from a park land donation instead of expanding an existing park, as there are needs in other parts of the City. Mr. Tyner stated that the Parks' Team met several times and they decided on this location. So the due diligence was done by the City's Parks' Team.

Chair Smith asked if the number of lots and size of lots is consistent with the settlement. Mr. Tyner stated that the number of lots and size of the lots is consistent with the settlement. Chair Smith stated that it was his understanding that active adult traffic is about 50% of normal single family traffic. Mr. Curt Wimpee stated that your statement is true regarding the traffic impact, age restricted traffic is about half that of a non-age restricted single family traffic.

Chair Smith opened this agenda item to public comment at 6:19pm.

Ruth Polumbo - 141 Ryan Dr. - is concerned about flooding, traffic impact, and the value of her home being affected.

Nancy Gleason - 11 Ryburn Way - is concerned about traffic, including a request of adding stop signs and yield signs being installed at Ryan Dr.

Jim Wilson - 19 Rybark Ln. - is concerned about traffic in particular impact at the intersection of Rymfire Dr., he suggested adding a traffic light or widening Ryan Dr. Also he is concerned about flooding on Ryan Dr.

Kim Olsen - 151 Ryberry Dr. - is concerned about ignoring the existing settlement agreement, and she is also concerned about traffic impacts.

John Clark - 68 Renshaw Dr. - is concerned about ignoring the existing settlement agreement, the size of the homes, he is also concerned about 1 way of egress and ingress.

Chair Smith closed this agenda item to public comment at 6:30pm.

Mr. Robert Gozzoli, representing the applicant, addressed the concern about smaller homes bringing down existing home values. He also stated that although the Land Development Code's (LCD) minimum home size is 1,200 sq. ft., the homes that they build are an average of 1800+ sq. ft. He invited those present to drive through anyone of their communities to see what they have built in the area.

Mr. Jay Livingston addressed the concerns about the settlement agreement by stating it was not adhered to by the City because it no longer makes sense to develop a park at this location and therefore the development plan is being modified. Mr. Livingston clarified the size of the lots stating that they are called out in the table in the presentation. He also compared the original plan and the proposed plan showing the same lot sizes 50x120; 6000 sq. ft. He stated the only change was to the maximum density. Mr. Livingston addressed the secondary access issue stating that an emergency access is present and he showed it on the plans. He further stated that the primary entrance is paved but the secondary emergency access is capable of supporting the City's fire apparatus including a sufficient turn radius for the fire vehicles. Mr. Livingston stated that the project is in compliance with the City's LDC and Comprehensive Plan. He also stated beyond the project being in compliance with the City's codes that the property owner has development rights.

Mr. Wimpée, developer's project engineer, addressed the question of the project's drainage impacts stating that a review is required by the City and the SJRWMD to treat the stormwater from development and to hold back more water than is present under the existing conditions. Modeling is required to show that the project is in compliance with attenuating discharge, these reports are reviewed by City staff as well as SJRWMD staff members.

Chair Smith asked Mr. Tyner to address the future plans for traffic controls in the Ryan Dr. area. Mr. Tyner stated that he isn't aware of any existing plans, however he did state that when this project submits for their Subdivision master plan or their Preliminary Plat which will include construction plans, they will be required to provide a traffic study performed by a licensed traffic engineer. This report would show if there are any effects on the Level of Service as a result of this project. Mr. Livingston stated that if any impacts to the City's Level of Service is shown from the traffic study than any needed improvements will be addressed. Mr. Livingston also stated that the age restricted community will generate less traffic than the original Comprehensive Plan totals. Chair Smith asked Mr. Tyner to pass along the neighbors' concerns about traffic impact in the area to the City's Traffic Engineer.

Mr. Albano asked Ms. Katie Reischmann, legal counsel, if there are any legal ramifications arising from the abandoning of the legal settlement regarding this property. Ms. Reischmann stated that the decision to abandon the settlement agreement is mutual so there are no implications as far as the developer goes,

and I'm fairly certain that the agreement states in it that it doesn't inure to the benefit of third parties. So no ramifications exist, since it is just a concern between the City and the developer.

Vice Chair Shank asked if the original stormwater pond has been reduced from the original site plan. Ms. Myers stated that it doesn't appear to be so and Mr. Wimpée confirmed that it is actually larger.

Vice Chair Shank asked about the density calculations that have been used and if the original 5 acres for the park have been added to the development calculations. Mr. Wimpée provided a lengthy explanation of the calculations used to determine the project's density. Chair Smith asked if the original plan for the 5 acres of the park include a stormwater pond and Mr. Wimpée stated no they did not, since the park was to be left natural.

Vice Chair Shank asked about the two entrances/exits that exist on two other subdivisions in the R section. Mr. Livingston discussed the only location for a secondary access for this project would direct them back to Rymfire Dr. He discussed the impact of this secondary access would be directing people into the same roadway, it would not lessen impact on traffic. He did comment in regard to the other two subdivisions that they have access on two different sides of their developments and therefore the secondary accesses spreads traffic in two different directions.

Mr. Albano asked about the timing of the transfer of the 4.5 park acres to the City. Mr. Livingston mentioned that the City would require a document showing clear title and Mr. Tyner clarified that the donation of the land would occur prior to the Final Plat being submitted.

Mr. Gabriel addressed the public and stated regarding the public's concern about their home values going down as a result of this development, he stated that it would not happen because an appraiser nor a realty agent would not be comparing a gated, age restricted, HOA development against existing homes for the purposes of home appraisals.

Chair Smith clarified for the public that the final vote on this application will occur in a public meeting with the City Council.

Pass

Motion made to Recommend Approval to the City Council of the proposed rezoning of Ryan's Landing (Application No. 5037) to rezone 27.79 +/- acres from the Master Planned Development (MPD) Zoning District to the Master Planned Development (MPD) Zoning District, as it is consistent with the Comprehensive Plan 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 Christopher Gabriel
Denied - 1 - Vice Chairman Sandra Shank

Board Discussion and Staff Issues

Mr. Albano asked about the procedure for land swap review. After discussion to clarify the question. Mr. Tyner stated that the City's professional staff members do the original review of the potential for a land swap. Mr. Tyner discussed that with a Master Planned Development (MPD) Agreement usually there is a private/public partnership that occurs outside of our conventional zoning, resulting in a public benefit. Ms. Reischmann further clarified that in the MPD agreement the City cannot ask for something that may be considered an exaction, it must be reasonable. It must have to match what is fair and be a rational nexus. Mr. Albano asked if all land swaps must be designated as a park. Mr. Tyner stated that it is based on the land being donated and what is the best use for the citizens.

Mr. Tyner discussed the review process for density/intensity for any development project or development agreement stating that staff looks at consistency with the surrounding residences. We also consider the Comprehensive Plan for the particular area based on the City code.

Vice Chair Shank requested training on calculating density. Mr. Tyner said that staff is looking into training for the PLDRB members.

Discussion of due process and the Sunshine Laws occurred with Ms. Reischmann and the PLDRB members.

Adjournment

Motion made that the meeting be adjourned by Vice Chair Shank and the motion was seconded by Mr. Gabriel. The meeting was adjourned at 7:03PM.

Respectfully Submitted by:
Irene Schaefer, Recording Secretary

Pass

Motion made to approve by Vice Chairman Shank and seconded by Board Member Gabriel

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