



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

City Hall  
160 Lake Avenue  
Palm Coast, FL 32164  
[www.palmcoastgov.com](http://www.palmcoastgov.com)

**Chair Clinton Smith  
Vice Chair 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**

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**Wednesday, May 18, 2022**

**5:30 PM**

**City Hall- Community Wing**

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- 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**

*Vice Chair Shank called the May 18, 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:*

*Vice Chair Shank  
Mr. Scully  
Mr. Lemon*

Mr. Gabriel  
Mr. Hilton  
Ms. Bott

Excused:  
Chair Smith  
Mr. Albano  
Mrs. Lucas  
Ms. Nicholson

#### **Approval of Meeting Minutes**

**1 MEETING MINUTES OF THE APRIL 20, 2022 PLANNING AND LAND DEVELOPMENT REGULATION BOARD MEETING**

**Pass**

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

**Approved - 5 - Board Member Jake Scully, Board Member Charles Lemon, Vice Chairman Sandra Shank, Board Member Hung Hilton, Board Member Christopher Gabriel**

#### **Public Hearing**

**2 OLD KINGS ROAD MULTIFAMILY– APPLICATION #5059**

*Mr. Ray Tyner, Deputy Chief Development Officer, introduced this agenda item along with Ms. Jordan Myers, Environmental Planner, CFM, who gave a presentation which is attached to this record.*

*Mr. Tom Norton, Seaway Design Group, representing the applicant, Kings Business Center, addressed the PLDRB members, he gave a presentation which is attached to this record.*

*Mr. Bob Million, representing Kings Business Center, addressed the PLDRB members on the benefits of the land exchange and addressed the cost of the required 12" water line.*

*Ms. Katie Reischmann commented that the land swap is independent of the rezoning that the PLDRB members should deal with the rezoning only.*

*Mr. Scully asked about the total number of units that will be placed on the property. Mr. Million stated that on the combined property the total number of units would be 243, with 140 of those units being on the currently zoned MFR-2 southern property.*

*Mr. Scully asked for clarification about a comment made in a citizen's letter received about the business model for rental properties which calls for the rental*

*fees collected to cover the property taxes on that rental property and that those property taxes are paid by the owner of the property.*

*Mr. Hilton asked about the utilities and Old Kings Road widening moving forward. Mr. Million explained the "catch 22" he referenced deals with the funding agreement (Old Kings Rd. Special Assessment District Agreement) which requires the City to expand the road and improvements to the utilities but does not stipulate a timeframe for these improvements.*

*Vice Chair Shank asked how long Mr. Million has owned the property. Mr. Million stated that he believes since 2018. Ms. Shank asked if the property is up for sale. Mr. Million stated that it is their intent to keep and develop the 78 acres of commercial property on the west side of Old Kings Road and that their intent is to sell off the 2 residential parcels that they own, this one on the agenda tonight and the one on the corner of Old Kings and Oak Trails.*

*Vice Chair Shank asked what is the maximum number of units that would be allowed, if this rezoning is approved. Ms. Myers explained that putting some of wetlands on the property into a conservation easement would give the developer a 25% density credit. Mr. Tyner stated that the gross number is 12 units per acre, and then the site plan would determine the net number based on the landscape buffers and staying out of the wetlands.*

*Vice Chair Shank asked who would be responsible to extend the waterline next to FP&L if this rezoning is approved. Mr. Tyner said that Mr. Million would be responsible to extend the water line in order to develop the land. Normally the City is responsible to extend the water line however there is no money to extend the line, so the developer would pay and receive a credit on their impact fees. This is also stipulated in the Old Kings Road Special Assessment Agreement.*

*Vice Chair Shank stated that rezoning of the current OFC-2 may have economic impact due to a limit of OFC-2 zoning district properties in the Old Kings Road corridor. Mr. Tyner addressed this concern by stating that along Old Kings Road, from Palm Coast Pkwy. to SR 100 we have over 800,000 sq. ft. of entitlements for office space. That is enough for 20 City Halls buildings or 15 City Centers buildings along that corridor.*

*Vice Chair Shank asked who designed the Whiteview Flyover and when that was done, considering the impacts to the wetlands. Mr. Tyner stated that he believed it was during the 2008 Land Development Code and Comprehensive Plan City Wide Rezoning. Mr. Tyner discussed the review process and the proposed plan lessens the wetland impacts.*

*Mr. Gabriel asked if the land is for sale. Mr. Million stated that if it is rezoned, it is under contract and it is the intent to develop the whole parcel.*

*Vice Chair Shank opened this item to public comment at 5:36pm.*

*Mr. Michael Judge, 17 New Leatherwood Drive, Toscana Development, addressed the PLDRB members, and is not in favor of this rezoning due to over development.*

*Ms. Darleen Shelley, Hidden Lakes, addressed the PLDRB members, and is not in favor of this rezoning due to the increased demand on the City's infrastructure.*

*Ms. Debra Sweetparsky, 23 New Water Oak Drive, Toscana Development, addressed the PLDRB members, and is not in favor of this rezoning due to traffic concerns and the impact on our environment with overbuilding.*

*Mr. Ramon Vaskez, 40 New Leatherwood Drive, Toscana Development, addressed the PLDRB members, and is not in favor of this rezoning due to the weight of the 4 story buildings built on "shaky ground", which would be exacerbated by the vibrations from the trucks on Rt. 95.*

*Ms. Erica Orlando, 186 Point Pleasant Drive, addressed the PLDRB members and is not in favor of this rezoning due to the impacts on the wildlife and any changes to the conservation land. She commented on placement of the orange signs on the parcel being in a location that made it difficult to stop and read.*

*Mr. John Clancy, 80 (unintelligible) Lane, questioned the development of the wetlands.*

*Vice Chair closed this item to public comment at 6:23pm.*

*Mr. Tyner addressed the wetlands concern by stating that the City Code has specific requirements on protecting high quality wetlands along with criteria for delineating different types of wetland systems. For this property the proposal is to develop the upland area. Mr. Tyner stated that towards the back of the property there is a conservation Future Land Use Map (FLUM) which will not be developed.*

*Mr. Tyner addressed the wildlife concern by stating that the entitlements were in place since 1978 by ITT. Mr. Tyner clarified that in 2008 the City set aside some land for high quality wetlands. Site plans requires a Quality Environmental Professional (QEP), who needs to be registered with the City of Palm Coast, prepare and sign a listed species study. During the site plan process endangered animals such as gopher tortoises, indigo black snakes, and eagles, which are protected by the State of Florida and the Federal Government are investigated and protected during development.*

*Mr. Tyner addressed the urban sprawl comment by stating this application is actually infill development.*

*Mr. Tyner addressed the ample number of multifamily zoned properties in the City question by providing a zoning map of all multifamily zoned potential areas which showed a total of 4 multifamily zoned properties that have not submitted a development application and/or remains undeveloped.*

*Mr. Tyner addressed the traffic concern by stating that the City has a level of service (LOS) standard that has been adopted for all our major roads and that level of service is D (within the Comprehensive Plan). The current LOS for Old Kings Road is a level C, this project will not trip the level of congestion set by City Council (level D).*

*Mr. Million addressed the wetlands impact question, by showing a map which depicts the wetlands impact line set by the QEP which is walked by St. Johns River Water Management District (SJRWMD), then a surveyor records each of the flags, then the wetland lines are set. Mr. Million also stated that the ground*

*is not unsound based on the Florida Building Code process. Vice Chair Shank asked if the wetland delineation has been completed. Mr. Million stated yes it has been completed as an official 5-year wetland line.*

*Ms. Katie Reischmann spoke to the PLDRB members outlining the standards to be used in their evaluation of this application stating that the PLDRB members must look at the Code, what competent substantial evidence was provided and look at professional testimony from staff. Also Ms. Reischmann stated that the courts have frowned on looking at what is being considered to be built at the property during the rezoning application. She further stated that your professional staff have testified that the proposed use as compared to what use can be developed on the property now, will result in a decrease in traffic and demand on the City's water and sewer. Ms. Reischmann also reminded the PLDRB members that the State of Florida does not allow the PLDRB to down zone or prevent someone from rezoning if they meet code requirements as the State is highly protective of property owners' rights.*

*Mr. Scully asked to clarify that the area directly south of the proposed property is also zoned MFR-2.*

*Mr. Hilton asked about adding a condition to their recommendation prior to going to City Council that a market analysis of the current available multifamily residential zoning districts across Palm Coast be completed to show that this rezoning is in compliance with demand.*

*Ms. Reischmann stated that conditional zoning is not allowed excepted to a Master Planned Development (MPD). Mr. Tyner stated that looking at the Comprehensive Plan, every property owner has a right to request a rezoning and our code allows for it and it is very common to make rezoning changes. As he pointed out earlier in the Old Kings Corridor there is 800,000 sq. ft. of potential future office space and that is a lot of office space. Also he pointed out that this rezoning is for a parcel already attached to a parcel zoned multifamily makes sense. In terms of the economic development standpoint there is plenty of office space to accommodate future businesses along this corridor.*

**Pass**

**Motion made to Recommend Approval to City Council as the application is consistent with the Comprehensive Plan by Board Member Scully and seconded by Board Member Hilton**

**Approved - 4 - Board Member Jake Scully, Board Member Charles Lemon,  
Board Member Hung Hilton, Board Member Christopher Gabriel  
Denied - 1 - Vice Chairman Sandra Shank**

**3 CREST TOWN CENTER MULTIFAMILY MASTER SITE PLAN, APPLICATION  
#5065**

*Mr. Ray Tyner, Deputy Chief Development Officer, introduced this item located within the Town Center and he introduced Ms. Jordan Myers, Environmental Planner, CFM, who gave a presentation which is attached to this record.*

*Ms. Myers clarified an error in the staff report by stating the correct unit count is 251 not 250 as stated in the staff report.*

*Mr. Matt Benock, Crest Residential, representing the developer, addressed the PLDRB members, he presented some slides of Crest developments within Florida, and this presentation is attached to this record. Mr. Bentley Nelson, Crest Residential, addressed the PLDRB presenting the proposed site plan which is attached to this record.*

*Vice Chair Shank asked if there will be on-site full time property management and Mr. Benock stated yes, they have a 3rd party property management company, Carter Hasin based in Nashville, TN who manage all Crest Residential properties.*

*Vice Chair Shank opened this item to public comment at 6:51pm and seeing no one approach the podium she closed this item to public comment at 6:52pm.*

**Pass**

**Motion made to Recommend Approval to City Council as the application is consistent with the Comprehensive Plan by Board Member Scully and seconded by Board Member Lemon**

**Approved - 5 - Board Member Jake Scully, Board Member Charles Lemon, Vice Chairman Sandra Shank, Board Member Hung Hilton, Board Member Christopher Gabriel**

**4 TOWN CENTER TRACT 16 & 17 FLUM AMENDMENT – APPLICATION #5080**

*Mr. Ray Tyner, Deputy Chief Development Officer, introduced this item along with explaining the wetlands truthing process, he also introduced Ms. Jordan Myers, Environmental Planner, CFM, who gave a presentation which is attached to this record. Ms. Myers stated that the applicant is present to answer any questions but they do not have a presentation.*

*Vice Chair Shank asked if we know the percentage of the increase to the uplands as a result of the update to the wetland delineation. Ms. Myers stated that she does not know the percentage of change but she does know that the change to the wetlands resulted in a negative change of 29.24 acres.*

*Vice Chair Shank opened the item to public comment at 6:58pm.*

*Mr. Steve DeGamo, Palm Coast, addressed the PLDRB, and is concerned about the existing sidewalk connectivity and the condition of the existing roadway on Royal Palms Pkwy. He further commented that he is impressed with the thoroughness of this application.*

*Vice Chair Shank closed this item to public comment at 7:02pm.*

*Mr. Scully commented on the timeliness of Mr. DeGamo's comments.*

**Pass**

**Motion made to Recommend Approval to City Council as the application is consistent with the Comprehensive Plan by Board Member Scully and seconded by Board Member Gabriel**

**Approved - 5 - Board Member Jake Scully, Board Member Charles Lemon, Vice Chairman Sandra Shank, Board Member Hung Hilton, Board Member Christopher Gabriel**

**5 RESOLUTION 2022-XX AN AMENDMENT TO THE TOWN CENTER AT PALM COAST DEVELOPMENT OF REGIONAL IMPACT DEVELOPMENT ORDER**

*Mr. Ray Tyner, Deputy Chief Development Officer, asked for permission to present this agenda item #5 and agenda item #6 together as they are related to each other, he did clarify that each item will require separate votes. Vice Chair Shank approved Mr. Tyner's request. Mr. Tyner introduced, Mr. Jose Papa, Senior Planner, AICP, who gave a presentation which is attached to this record.*

*Mr. Michael Chiumento, representing the applicant, addressed the PLDRB members and stated he is available to answer any questions.*

*Ms. Bott stated that DRI was grandfathered in when school concurrency came around and this is the only DRI which has no public school provision what so ever, which means that none of these developments within this DRI have to meet school concurrency standards. Ms. Bott then requested that if the number of units allowed within Tracts 16 & 17 is increased, then the DRI be updated to state that those developments must meet school concurrency requirements as stated in the Comprehensive Plan. Mr. Papa addressed Ms. Bott's statement/request by stating that whomever buys tracts 16 & 17 will also need to buy a certain number of residential entitlements. Any development which comes in after 2500 units are subject to concurrency.*

*Vice Chair Shank asked about the current remaining entitlements of 151 residential units, and requested to clarify that the application is requesting 550 additional residential units. Vice Chair Shank questioned if the DRI has met the required 5% workforce housing. Mr. Papa stated that the overall DRI is over the 5% workforce housing. Vice Chair Shank asked if it would be possible to attach additional workforce housing requirement to tracks 16 & 17. Mr. Papa stated that would have to be up to the developer. Mr. Chiumento stated that the PLDRB could add that recommendation to the motion if they so wished. Vice Chair Shank restated her wish that the PLDRB members consider adding a 10% work force housing recommendation to the motion when the motion is made on this item.*

*Ms. Bott asked why tracts 16 & 17 are being increased to 20% conversion rate from the existing 10% conversion rate. Mr. Chiumento explained that the increased conversion rate helps to meet the current market conditions. He further stated that the Palm Coast Park DRI was retrofitted in a similar fashion.*

*Vice Chair Shank opened this item to public comment at 7:40pm and seeing no one approach the podium she closed this item to public comment at 7:41pm.*

*Mr. Scully asked if there will be two votes (one on this item and one for item #6) and Mr. Papa stated yes.*

*Vice Chair Shank passed the gavel to Mr. Scully in order to make a motion.*

*Mr. Scully passed the gavel back after she made the motion below.*

**Pass**

**Motion made to Recommend Approval to the City Council as it is consistent with the Comprehensive Plan and with the following condition that 5 units of the 49 additional units be set aside as workforce housing by Vice Chairman Shank and seconded by Board Member Lemon**

**Approved - 5 - Board Member Jake Scully, Board Member Charles Lemon, Vice Chairman Sandra Shank, Board Member Hung Hilton, Board Member Christopher Gabriel**

**6 AN AMENDMENT TO THE TOWN CENTER AT PALM COAST MASTER PLANNED DEVELOPMENT-DEVELOPMENT AGREEMENT**

*This item was presented under agenda item #5.*

**Pass**

**Motion made to Recommend Approval to City Council as it is consistent with the Comprehensive Plan with the recommended conditions proposed by Board Member Scully and seconded by Board Member Hilton**

**Approved - 5 - Board Member Jake Scully, Board Member Charles Lemon, Vice Chairman Sandra Shank, Board Member Hung Hilton, Board Member Christopher Gabriel**

**Board Discussion and Staff Issues**

*No issues were discussed.*

**Adjournment**

**Pass**

**Motion made that the meeting be adjourned by Board Member Lemon and seconded by Board Member Gabriel. The meeting was adjourned at 7:45pm.**

**Respectfully Submitted by:**

**Irene Schaefer, Recording Secretary**

**Approved - 5 - Board Member Jake Scully, Board Member Charles Lemon, Vice Chairman Sandra Shank, Board Member Hung Hilton, Board Member Christopher Gabriel**