



City of Palm Coast
Agenda
Planning and Land
Development Regulation
Board

City Hall
160 Lake Avenue
Palm Coast, FL 32164
www.palmcoastgov.com

Chair Clinton Smith
Vice Chair Sandra Shank
Board Member James Albano
Board Member Charles Lemon
Alternate Board Member Hung
Hilton
Alternate Board Member Suzanne
Nicholson
School Board Rep Patty Bott

Tuesday, September 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

Roll Call and Determination of a Quorum

Approval of Meeting Minutes

**1 MEETING MINUTES OF THE AUGUST 17, 2022 PLANNING AND LAND DEVELOPMENT
REGULATION BOARD MEETING**

Public Hearing

- 2 OCEAN VILLAGE MASTER SITE PLAN--APPLICATION #5143**
- 3 HARBORSIDE MPD – APPLICATION # 5132**
- 4 OAK TRIALS ALF REZONING--APPLICATION #5153**
- 5 54 UTICA PATH - VARIANCE TO FRONT YARD SETBACK FOR A SINGLE-FAMILY RESIDENCE, APPLICATION # 5196**
- 6 1 PHOENIX LANE - VARIANCE TO STREET SIDE SETBACK FOR FENCE, APPLICATION # 5180**

Board Discussion and Staff Issues

Adjournment

City of Palm Coast, Florida Agenda Item

Agenda Date: September 20, 2022

Department	COMMUNITY DEVELOPMENT	Amount
Division	PLANNING	Account #
Subject	MEETING MINUTES OF THE AUGUST 17, 2022, PLANNING AND LAND DEVELOPMENT REGULATION BOARD MEETING	
Presenter: Irene R. Schaefer, Recording Secretary		
Background:		
Recommended Action: Approve as presented.		

City of Palm Coast, Florida Agenda Item

Agenda Date: September 20, 2022

Department	COMMUNITY DEVELOPMENT	Amount
Division	PLANNING	Account #
Subject OCEAN VILLAGE MASTER SITE PLAN--APPLICATION #5143		
Presenter: Jordan Myers, Environmental Planner, CFM		
<p>Background:</p> <p>The applicant has submitted an application (AR#5143) for a Master Site Plan for Ocean Village, a proposed 416-unit multi-family community located on 45.82 +/- acres along the north side of State Road 100 and west of Colbert Lane.</p> <p>The applicant has submitted a Master Site Plan for 416 units across seven buildings. Three of the buildings will be four-story and four of the buildings will be three-story. There will be a clubhouse with a pool and other amenities. In addition, there will be a dog park and multiple walking trails throughout the project. This property has 4 conservation easements that are preserving a large portion of the site.</p> <p>Since the number of units is above the 100-unit threshold, the Master Site Plan is considered a "Major" (Tier 3) development, requiring review and recommendation by the PLDRB followed by review and final determination by the City Council. If the City Council approves the Master Site Plan, the applicant will follow with a Technical Site Plan application that will require administrative review of detailed engineering drawings. The Master Site Plan process recognizes that up to 25% cumulative design change may be allowed after further engineering.</p> <p><u>Public Participation:</u> A neighborhood meeting was held on August 17, 2022 at the Hilton Garden Inn, 55 Town Center Boulevard. No citizens attended this meeting.</p>		
<p>Recommended Action:</p> <p>Planning staff recommends that the Planning and Land Development Regulation Board (PLDRB) find this in compliance with the Comprehensive Plan and recommend approval to City Council for Application #5143, Ocean Village a Master Site Plan for 416 units so the developer may apply for a Technical Site Plan.</p>		

City of Palm Coast, Florida Agenda Item

Agenda Date: September 20, 2022

Department	COMMUNITY DEVELOPMENT	Amount
Division	PLANNING	Account #
Subject HARBORSIDE MPD – APPLICATION # 5132		
Presenter: Bill Hoover, Sr. Planner, AICP & Jose Papa, Sr. Planner, AICP		
<p>Background: Attorney Jay Livingston on behalf of the applicant JDI Palm Coast, LLC has submitted a rezoning application for 17.64 +/- acres located at the east and northeast sides of the intersection between Palm Harbor Parkway and Clubhouse Drive. The property is currently zoned Harborside Inn & Marina PUD (Ordinance No. 2007-24) and has already been developed for a 72-unit residential condominium building, a five-level parking garage and a marina with ship's store and 84 wet slips.</p> <p>The applicant is requesting two basic scenarios, one primarily adding residential units and the second primarily adding residential units and a hotel. Per Section 3.05.03.C. of the Land Development Code, residential density calculations cannot include lands that are being used for commercial purposes so in scenario one 0.7 +/- acre of land area for Lots 1 and 2 are subtracted from the project size while on scenario two, 2.7 +/- acres of land area for Lots 1 - 3 are subtracted from the project size. In scenario one, the proposed 432 units would have an overall project density on the 16.94 +/- acres of 25.5 units/per acre. In scenario two, the proposed 402 units would have an overall project density on the 14.94 +/- acres of 26.9 units/per acre. The proposed maximum density of either 25.5 or 26.9 dwelling units/acre is inconsistent with the Comprehensive Plan since it exceeds the maximum density for a Master Planned Development (MPD) with a Mixed Use FLUM of 15 dwelling units/acre (Policy 1.1.1.2).</p> <p>The proposed zoning reclassification is MPD and a MPD is allowed to have up to 15 units/per acre if located within the Mixed Use District on the Future Land Use Map and be consistent with Policy 1.1.2.2 of the Comprehensive Plan. Policy 1.1.2.2 advises that permitted densities within a MPD shall generally follow those from the corresponding zoning district associated with the land use designation assigned to the property, but deviations may be permissible in order to promote and encourage creatively planned projects and in recognition of special geographical features, environmental conditions, economic issues, or other unique circumstances. Staff believes that unless a destination resort hotel with at least a 4,000 sq. ft. sit-down restaurant having at least 75 seats for patrons is constructed then the project is not really a creatively planned project having special economic benefits for the City and neighboring residents, and the density should be limited to 12 units/per acre as outlined in the Multi-Family (MFR-2) Zoning District.</p> <p>Planning staff has concerns with the proposed project's compatibility with the existing development and neighboring properties as the developer has not agreed to construct architectural buildings having a common or even complementary theme with the existing seven-story residential condominium building and five-level parking garage. The developer also wants</p>		

an 80-foot maximum building height that is only setback 35 feet from Palm Harbor Parkway, which staff believes is out of character with neighboring properties and other properties along Palm Harbor Parkway. Nearby multi-family residential projects have vastly lower density and height (see Marina Cove with a density of 7.8 units/per acre, Waterside Condominiums with a density of 7.6 units/per acre, Bella Harbor with a density of 10.5 units/per acre and Celebrity Resorts with a density of 5.2 units/per acre). These four nearby projects have heights between two to four floors.

Needed MPD Development Agreement Changes: On September 2, 2022, Planning staff provided the applicant a marked up MPD Development Agreement showing needed changes. Applicant resubmitted on September 4 but did not agree with most of staff's changes. Previously, the applicant requested to be placed on the September 20th Planning and Land Development Regulation Board (PLDRB) and staff has not received any additional correspondence from the applicant desiring to discuss staff's comments that were not agreed to by the applicant or requesting to continue the application until a later PLDRB meeting. A list of the outstanding issues is attached as Exhibit "A".

Public Participation: A neighborhood information meeting was held at 11:00 AM on September 8, 2022, at the 3rd floor of the on-site parking garage. A letter was sent out previously to all neighbors living within 300 feet of the boundaries of the project inviting them to this meeting. By staff's count 48 persons attended this meeting including three persons representing the developer and one City staff member. The developer erected two City provided signs on September 6th along Palm Harbor Parkway, notifying the general public of the September 20th public hearing for the Planning and Land Development Regulation Board.

Recommended Action:

Planning staff recommends that the Planning and Land Development Regulation Board find the project not in compliance with the Comprehensive Plan's Goal 1.1 and Policies 1.1.1.2 and 1.1.2.2 and not in compliance with the Land Development Code's Sections 3.03.04, 3.03.04.B.2, 3.03.04.B.3, 3.03.04.D, and 3.05.03.C and recommend denial to City Council to rezone 17.64 +/- acres from Harborside Inn & Marina PUD to Harborside MPD as shown in the attached Master Planned Development Agreement and Conceptual Master Plan, Application No. 5132.

EXHIBIT "A"

CITY STAFF'S OPINION OF NECESSARY MPD DEVELOPMENT AGREEMENT CHANGES

1. Section 4.(a) – Parking shall be provided for all uses per the LDC. However, during the Master Site Plan or Technical Site Plan process a shared parking agreement per Section 5.04.08 of the LDC may be submitted by the applicant and if such agreement demonstrates to the City that alternative parking ratio or ratios are acceptable, then the alternative ratio(s) will be permissible.
2. Section 6.(a) – No commercial uses are allowed on Lot 4 even if Lot 4 is combined with Lot 3.
3. Section 6.(b) – Minor modifications to the MPD Conceptual Master Plan shall be determined by the Land Use Administrator (LUA) not shall be approved by the LUA in the LUA's reasonable determination.
4. Section 7.(a) – Add a sentence to this section stating, "All new buildings shall have a common architectural theme and be designed to be complementary with the existing parking garage and residential condominiums."
5. Section 7.(d) – Revise directional signage from a maximum height of 3 feet and a maximum area of 9 square feet to a maximum height of 3 feet and a maximum area of 6 square feet (LDC is at a maximum height of 3 feet and maximum area of 4 square feet.).
6. Section 7.(e) – City does not accept the dedication and maintenance of roadways similar to the Project's entry road.
7. Section 7.(h) – Add the following text. "The existing linear walking trails located within the Intracoastal Waterway right-of-way shall remain available for use by the general public. Access to the St. Joe Walkway shall be maintained."
8. Table 8.1 – Revise to change minimum parking spaces to meet the LDC, which would be to change restaurant/bar from 1 per 100 sq. ft. to 1 per 50 sq. ft. of areas open to the public plus 1 space per 75 sq. ft. of outdoor eating/drinking areas, hotel from 1 space per key to 1.15 spaces per key; and new multi-family from 1.25 spaces per unit to 1 space per efficiency unit, 1.5 spaces per 1 bedroom unit and 2 spaces per 2 or more bedroom units. Also, to clarify for townhouses they also need to meet the garage requirements of Section 5.03.04.A.3 of the LDC which requires 1-car garages for units with less than 1,500 sq. ft. in living area and 2-car garages for units 1,500 sq. ft. or larger in living area.
9. Table 8.1 – Add footnote 1 by "Maximum Quantity" in the table to state. "1. Maximum base density shall be 12 units/per acre measured on the entire 17.64 +/- acres less the land area of Lots 1 and 2 that are designated for commercial uses (about 0.7 +/- acres) which would equate to 16.94 +/- acres. If Lot 3 is developed for a destination resort hotel with a sit-down restaurant open to the public with a minimum A/C area of 4,000 sq. ft. and 75 seats for patrons, then the maximum density can be increased to

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Department	COMMUNITY DEVELOPMENT	Amount
Division	PLANNING	Account #
Subject OAK TRIALS ALF REZONING--APPLICATION #5153		
Presenter: Jordan Myers, Environmental Planner, CFM		
<p>Background: This is an application to amend the zoning map designation for 9.81 +/- acres of real property from Suburban Estate (EST-1) to Public/Semipublic (PSP) zoning district. The project is located at the intersection of Old Kings Road and Oak Trails Boulevard. The subject property was purchased in July 2018 by Kings Business Center LLC from Palm Coast Holdings Inc. A portion of these parcels were rezoned in 2018 from COM-1 to MFR-2 which is the existing zoning. The portion of the parcels that are part of this rezoning application were not affected.</p> <p><u>Public Participation:</u> the developer notified the neighboring property owners via standard USPS mail of an upcoming neighborhood meeting that was held on August 29, 2022 at 6:00 P.M. at the Palm Coast Community Center, 305 Palm Coast Parkway NE, Palm Coast, Florida. The developer erected City provided sign on Oak Trails Blvd., notifying the public of the upcoming public hearing for the Planning and Land Development Regulation Board by September 6. Newspaper ads will be run approximately two weeks before each of the three public hearings.</p> <p><u>Summary:</u> staff has reviewed this project in accordance with 2.05.05 & 2.06.03 of the Land Development Code and find that it is in compliance. The project is not contrary to the public interest, it is consistent with the Comprehensive Plan, and it has compatibility with proximate uses.</p>		
<p>Recommended Action: Planning staff recommends that the Planning and Land Development Regulation Board determine the proposed rezoning of Oak Trails ALF (Application No. 5153) is consistent with the Comprehensive Plan and recommend approval to City Council to rezone from Suburban Estate (EST-1) to Public/Semipublic (PSP) zoning district.</p>		

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Department	COMMUNITY DEVELOPMENT	Amount
Division	PLANNING	Account #
Subject	54 UTICA PATH - VARIANCE TO FRONT YARD SETBACK FOR A SINGLE-FAMILY RESIDENCE, APPLICATION # 5196	
Presenter: Estelle Lens, Planner, AICP		
<p>Background : This request is for a variance to reduce the front yard setback by 9 feet, from 20 feet to 11 feet, for the front left corner of a residence located at 54 Utica Path. The subject property was purchased by INB Fund 1, LLC in May of 2021. The property has a Future Land Use designation of Residential and a Zoning designation of Single Family Residential - 2 (SFR-2). The lot is a conforming lot; however, it is irregularly shaped.</p> <p><u>Timeframe for permit 2021080255</u></p> <ul style="list-style-type: none"> • August 5, 2021 – Applicant applied to construct a 2,162 square foot Single Family Home. • August 9, 2021 – Permit was put on hold: “Left side corner of home appears not to meet front setback of 20’ feet. In no event shall a lot frontage on a street or access easement be less than 20 feet. (Left front was set back 11 feet.) • September 9, 2021- Applicant uploaded a revised site plan showing left front corner set back 21 feet. This site plan was approved September 10, 2022. • September 17, 2021 – Permit was approved with the revised site plan. • June 15, 2022 – Applicant submitted a foundation survey showing the left front corner set back 11.27 feet from the property line. • June 15, 2022 – The permit was placed on hold by the Zoning Supervisor: “House does not meet minimum required front setback of 20’ at the left front.” <p>The applicant has advised that the survey company used the early draft of the site plan which, which had been rejected, and which placed the house incorrectly on the lot. They claim the mistake was not noticed because the road pavement flares out for the median at a gentle slope vs. the much steeper angle of the right-of-way (property line).</p> <p><u>Standards for Variance approval:</u> In addition to the findings listed in Subsection 2.05.05 for all development orders, variance applications shall be reviewed based on the following:</p> <ol style="list-style-type: none"> 1. Special conditions and circumstances exist which are peculiar to the land, use, or building involved and which are not applicable to other lands, uses, or buildings in the same zoning district. 2. The special conditions and circumstances are not self-imposed and do not result from the actions of the applicant. 3. Literal interpretation of the provision of this LDC would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this 		

LDC and would work unnecessary and undue hardship on the applicant.

4. The variance is the minimum relief necessary that will make possible the reasonable use of the land or building.
5. The granting of the variance will be in harmony with the general intent and purpose of this LDC and that such variance will not be injurious to the area involved or otherwise detrimental to the public health, safety, and welfare or injurious to other property in the area.

Findings: Planning staff finds that this request meets all five standards for approval of a variance. The subject property has an irregular front property line which was platted this way to accommodate the construction of a median in the roadway. The road and median were constructed several years ago, and the actual improvements leave excess right-of-way that the City does not need for future improvements. Therefore, the home as placed on the lot is not incongruous with the neighborhood and staff recommends approval.

Recommended Action :

Planning Staff recommends that the Planning and Land Development Regulation Board approve the variance to reduce the front yard setback by 9 feet, from 20 feet to 11 feet, for the front left corner of a residence, Application number 5196

City of Palm Coast, Florida Agenda Item

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Department	COMMUNITY DEVELOPMENT	Amount									
Division	PLANNING	Account #									
Subject	1 PHOENIX LANE - VARIANCE TO STREET SIDE SETBACK FOR FENCE, APPLICATION # 5180										
Presenter: Estelle Lens, Planner, AICP											
Background :											
<p>This request is for a variance to reduce the street side setback by 3.1 feet, from 20 feet to 16.9 feet, to accommodate a fence on a corner lot, located at 1 Phoenix Lane. The subject property was purchased by Mr. and Mrs. Long on February 14, 2022. The property has a Future Land Use designation of Residential and a Zoning designation of Single Family Residential - 3 (SFR-3). The owners are proposing to construct a 6' white vinyl fence and are requesting the variance for the following reasons:</p> <ul style="list-style-type: none"> • Enclose the west window for security reasons. • Have enough room between fence and the home to maintain the home. • Similar corner lots 2 blocks away have homes much closer to the same side street. <p>Setbacks are regulated by Table 3-3: Residential Zoning Districts – Dimensional Standards</p> <table border="1" style="width: 100%; border-collapse: collapse; margin: 10px 0;"> <thead> <tr> <th style="width: 45%;">Dimensional Standards</th> <th style="width: 25%;">SFR-3 Standards</th> <th style="width: 30%;">SFR-2 Standards</th> </tr> </thead> <tbody> <tr> <td>Min. Street Side Setback</td> <td>20 ft. **</td> <td>15'</td> </tr> <tr> <td>** Subject of variance</td> <td></td> <td></td> </tr> </tbody> </table> <p>In addition to the findings listed in Subsection 2.05.05 for all development orders, variance applications shall be reviewed based on the following:</p> <ol style="list-style-type: none"> 1. Special conditions and circumstances exist which are peculiar to the land, use, or building involved and which are not applicable to other lands, uses, or buildings in the same zoning district. 2. The special conditions and circumstances are not self-imposed and do not result from the actions of the applicant. 3. Literal interpretation of the provision of this LDC would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this LDC and would work unnecessary and undue hardship on the applicant. 4. The variance is the minimum relief necessary that will make possible the reasonable use of the land or building. 5. The granting of the variance will be in harmony with the general intent and purpose of this LDC and that such variance will not be injurious to the area involved or otherwise detrimental to the public health, safety, and welfare or injurious to other property in the area. <p>Findings: Planning staff finds that this request meets standards 3, 4 and 5 of the standards listed above. However, staff finds that it does not meet numbers 1 and 2 and therefore</p>			Dimensional Standards	SFR-3 Standards	SFR-2 Standards	Min. Street Side Setback	20 ft. **	15'	** Subject of variance		
Dimensional Standards	SFR-3 Standards	SFR-2 Standards									
Min. Street Side Setback	20 ft. **	15'									
** Subject of variance											

recommends denial of the request. Staff does find, however, that the applicants are requesting a minimal variation from the code which will allow them to secure the window of the residence and be able to maintain the home and fence.

Recommended Action :

Planning Staff recommends that the Planning and Land Development Regulation Board deny the variance of 3.1 feet to allow a fence to be constructed on the street side 16.9 feet from the side property line, Application number 5180.

However, should the Planning and Land Development Regulation Board approve Application number 5180, staff recommends that the board include a condition that the applicants be required to screen the fence per the LDC screening requirements in Chapter 11, Section 11.03.03. Trees, shrubs, and groundcovers, and table 11-4: Minimum Planting and Maintenance Requirements.