



**City of Palm Coast
Minutes
PLANNING AND LAND
DEVELOPMENT
REGULATION BOARD**

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

***Vice Chair Sandra Shank
Board Member James Albano
Board Member Charles Lemon
Board Member Hung Hilton
Board Member Suzanne Nicholson
Board Member David Ferguson
Board Member Dana Mark Stancel
Alternate Board Member Larry
Gross
Alternate Board Member Garrett
Decker***

Wednesday, October 16, 2024

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, persons needing assistance to participate in any of these proceedings should contact the ADA Coordinator at 386-986-2570 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 October 16, 2024 Planning and Land Development Regulation Board (PLDRB) meeting to order at 5:30pm and we experienced some technical issues so we delayed the meeting till 5:36pm.

Roll Call and Determination of a Quorum

Present and responding to roll call were:

Vice Chair Shank
Mr. Hilton
Ms. Nicholson
Mr. Ferguson
Mr. Albano
Mr. Stancel
Mr. Decker

Absent:
Mr. Lemon

Excused:
Mr. Gross

Approval of Meeting Minutes

1 MEETING MINUTES OF THE SEPTEMBER 17, 2024 PLANNING AND LAND DEVELOPMENT REGULATION BOARD MEETING

Pass

Motion made to approve as presented by Board Member Albano and seconded by Board Member Nicholson

Approved - 6 - Board Member Suzanne Nicholson, Vice Chairman Sandra Shank, Board Member James Albano, Board Member Hung Hilton, Board Member Dana Stancel, Board Member David Ferguson

Public Hearing

2 PRESENTATION - EXTERIOR PAINT COLORS

Mr. Ray Tyner, Deputy Chief Development Officer, gave an introduction to this item including the explanation of the measurement of Light Reflective Value (LRV). He also introduced Ms. Tracey Doak, Zoning Supervisor, who gave a presentation which is attached to this record.

Mr. Albano made the following comments: His issue is that after the fact there is no repercussions for violations. Mr. Tyner explained that Code Enforcement is on hold until the PLDRB and Beautification and Environmental Advisory Committee (BEAC) members make their recommendations to City Council and City Council votes on this issue. He related that this pause to enforcement is similar to a variance application process, including appeals. We will wait till the City Council decision and then we will revisit the code cases.

Vice Chair Shank asked to explain the possible Legislative Changes that are involved with this agenda item. Mr. Tyner stated that a City Council member requested that staff review the current colors to review if they could be opened up to more approved colors. Next step is the BEAC meeting on the 24th and then back to City Council to present the results. Then if a Land Development

Code (LDC) is necessary than staff will rewrite the code and come back to the PLDRB for recommendation to City Council.

Mr. Stancel stated that there hasn't been any color code board issue within the past year, this is based on his personal experience being a member of the Code Enforcement Board.

Ms. Nicholson asked if the new plan is based on the new Bermuda colors or is it based on any color that is 80 LRV or above. Ms. Doak stated that it is based on all LRV of 80 on the pastel colors. She suggested viewing the paint samples in sunlight. She suggested culling some of the colors; Ms. Nicholson stated that the slide on the earthtone in the PowerPoint presentation should be updated to correct the statement of 25 or greater and that it should be updated to 25-80. Next, she asked to see the dark green house (slide in the PowerPoint presentation) and asked is it the quality of the paint or LRV value that is the issue. Ms. Nicholson suggesting that an expert be contacted to evaluate the quality of the paint.

Mr. Ferguson asked if the point is to give the public more choice and is that something that we want to go that broad.

Vice Chair Shank asked if there are paint industry codes that are universal even though the names of the paints may be different between vendors.

Mr. Hilton asked if it won't be easier to list in the code the colors that are not allowed opposed to what is allowed via LRV. Possible recommendation is to list anything above 65 LRV and list the prohibited colors (i.e. orange, yellow, black).

Mr. Whitson asked if the tool they came up with has been field tested and is easier to use.

Mr. Tyner stated that it was City Council directive to look at opening up the colors.

Mr. Albano suggested a listing of color pallets.

Mr. Tyner clarified that after the Comprehensive Plan is adopted we will have to updating the LDC.

Vice Chair Shank agreed with Mr. Stancel when he stated that we are a beach community and that these colors are compatible.

Vice Chair Shank opened this item to public comment at 6:28pm and seeing no one approach the podium she closed this item to public comment at 6:29pm.

The PLDRB recommendation to City Council is to implement the proposed greater than 65 LRV for pastel colors however list yellow as a prohibited color.

Received and Filed

3 ORDINANCE 2024-XX IMPLEMENTING THE LIVE LOCAL ACT

Mr. Ray Tyner introduced this item and apologized that the Ordinance in the agenda package is incorrect. Mr. Michael Hanson, AICP, Planner, passed out the updated Ordinance for the Board members to review during a 5 minute break in the meeting. This updated document is attached to this record.

Mr. Hanson gave a presentation which is attached to this record. He stated that the City Council recommended changes to the proposed Ordinance as follows: change from 30% to 35% non-residential development and elimination of a school bus stop in the definition of a transit stop.

Mr. Whitson asked why bus stops were excluded. Mr. Hanson explained that the definition was altered to clarify a bus stop is not transit stop. Mr. Tyner stated that bus stops will be addressed within the existing LDC.

Mr. Ferguson asked where it may be most likely these live local properties would be developed and Mr. Hanson answered this question by referencing the presentation map.

Mr. Albano asked if the current LDC allows residential within commercial or industrial areas and Mr. Hanson stated no. He reminded the board members that this is a State prohibited law.

Ms. Nicholson suggested clarification on the exception to the clause allowing reduced parking if the development is in close proximity to street parking or garage parking. She suggested adding clarification if the parking isn't an additional cost to the resident and it is available to the resident than the developer may benefit from reduced parking in their development.

Mr. Hanson clarified that the stipulation is that the nearby parking be available. Unless the parking facility is a public entity, we are not able to set pricing and mandate how much they might charge for parking. Mr. Tyner clarified that the law mandates affordability to stay in compliance. Further discussion of this point ensued.

Mr. Stancel stated that low income persons have to have a car due to limited public transportation.

Mr. Whitson asked how will staff be aware if an application is filing under the live local act. Mr. Hanson described the required form that the developer would be required to sign a document indicating that at least 40% of units are reduced rent for at least 30 years (land use agreement). Staff would not proceed with a live local project without this signed form. The agreement would be signed by the developer and the City and then would be recorded with the Flagler Clerk of Court.

Mr. Hilton questioned the elimination of the neighborhood meeting requirement. Mr. Tyner stated that the purpose of the neighborhood meeting is to address concerns prior to a public meeting and under the Live Local Act there is no public meeting.

Mr. Stancel discussed citizen's concern about placement of these units near their home. Mr. Hanson stated that if a local live local project is adjacent to a residential unit on two sides there is a height limitation. Mr. Tyner stated that the

Live Local Act does not preempt our other LDC requirements (i.e. quality, architectural, landscape buffers). Mr. Hanson clarified the law regarding approximation to residential areas regarding height limitations.

Vice Chair Shank stated that the idea of what these developments look like is wrong. She referred to the Simburg Center for Central Florida for the Average Median Income (AMI). She referenced the Goalie Housing units in St. Petersburg. Her concern is for senior residents if we require the 1st floor be commercial, this is a problem. Her recommendation is to not require all mixed use locations to have commercial on the first floor. Mr. Hanson will double check the language.

Vice Chair Shank asked who will be responsible for monitoring compliance, annual reporting requirements. Mr. Hanson stated that we haven't determined staff responsibility on annual reporting but as much as possible we are looking at the crux of the responsibility to be on the property owner.

Mr. Albano discussed a potential issue regarding the definition of affordable housing as 30% of annual income. Mr. Hanson clarified that it is no more than 30% of an individual or eligible family annual income. Mr. Hanson clarified that State Statue Section 420.004 defines affordable housing. Vice Chair Shank again stated Simburg Center helps clarifies what is affordable housing. Mr. Albano asked for clarification on the missing middle tax exception. Mr. Hanson stated that our Ordinance doesn't address the missing middle tax exception as Flagler County is not included, the exception is handled via Florida Housing Finance Corporation and the affected County Property Appraiser's office applies the credit.

Vice Chair Shank suggested adding slides for presentation of affordable housing units that meet the category to show the public what these units look like.

Mr. Albano expressed concern about using our prime commercial sites for mixed use developments.

Vice Chair Shank opened this item to public comment at 7:42pm and seeing no one approach the podium she closed this item to public comment at 7:43pm.

Pass

Motion made to Recommend Approval as presented with the addition of a clarification statement that for commercial mix use does not have to be in every single building and the inclusion of the City Council recommendations of changing the minimal non-residential from 30% to 35% and definition of the transit stops to not include school bus stops by Vice Chairman Shank and seconded by Board Member Stancel

Approved - 5 - Vice Chairman Sandra Shank, Board Member James Albano, Board Member Hung Hilton, Board Member Dana Stancel, Board Member David Ferguson

Board Discussion and Staff Issues

None

Adjournment

Motion made to approve by Board Member Nicholson and seconded by Board Member Ferguson. The meeting was adjourned at 7:46 pm.

*Respectfully Submitted by:
Irene Schaefer, Recording Secretary*