City Hall
160 Lake Avenue
Palm Coast, FL 32164
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City of Palm Coast
Minutes
PLANNING AND LAND DEVELOPMENT REGULATION BOARD

Chair Sandra Shank
Vice Chair 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
School Board Rep Lisa Divina

Wednesday, May 21, 2025	5:30 PM	City Hall - Jon Netts 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

Chair Shank called the May 21, 2025 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 Shank
Board Member Nicholson
Board Member Stancel

Board Member Gross
Board Member Lemon

Excused were:
Vice Chair Albano
Board Member Hilton
Board Member Ferguson
Alternate Board Member Decker
School Board Member Divina

Approval of Meeting Minutes

1 MEETING MINUTES FROM THE APRIL 16, 2025 PLANNING AND LAND DEVELOPMENT REGULATION BOARD MEETING

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

Approved - 5 - Chairman Sandra Shank, Board Member Charles Lemon, Board Member Suzanne Nicholson, Board Member Dana Stancel, Board Member Larry Gross

Public Hearing

2 SUBDIVISION MASTER PLAN – BELLE TERRE TOWNHOMES, APPLICATION # 6084

Mr. Ray Tyner, Deputy Director of Community Development, introduced this agenda item as well as Ms. Estelle Lens, AICP, Planner who gave a presentation which is attached to this meeting record.

Mr. Ray Spofford; Vice President of Planning for England, Thims, and Miller, representing the applicant addressed the PLDRB members.

Board Member (BM) Nicholson asked about the square footage of the proposed units. Mr. Spofford stated in the 700 – 800 sq. ft. range generally. BM Nicholson asked about parking/guest parking. Mr. Spofford stated that guest parking will be scattered throughout the development. Most units have 1 car garage and 1 space in the driveway, in addition some are 2 car garages and we do meet the minimum standard of the Master Planned Development (MPD) and the Land Development Code (LDC). BM Nicholson asked about the secondary emergency access road construction. Mr. Spofford stated that on the southernmost access point a northbound left turn lane will be provided into the main access point across from Burrows St. BM Nicholson clarified that she is asking about the emergency access south of the passive recreation area. Mr. Spofford stated that this emergency access point would not be ideal for a full time access point due to its access onto a 4 lane divided roadway, where one would want to minimize access points. In addition, two access points are required for 100 units or more and this project is just under that number. BM Nicholson stressed that a *secondary access point could be convenient for the residents, dependent on where the school bus stop is located. BM Stancel agreed that the additional access point would be convenient based on where the residents would be turning south to go shopping.*

Chair Shank asked about the amenities and Mr. Spofford mentioned a tot lot in the center recreation area between the buildings and a dog park near the front of the property. Mr. Spofford also stated that there is an interconnected walkway that wraps around the pond. BM Gross asked about there being a pool or club house and Mr. Spofford stated "no", there are 120 units. Chair Shank asked about fees being paid for the use of and maintenance of the lift station. Mr. Tyner stated that standard utility fees will be filed with the Utilities Department and the applicant will need to file a Utilities Agreement at the time of Preliminary Plat. Mr. Tyner asked the applicant if they had any discussions with the Utilities Department and Mr. Daniel Welch of England, Thims, and Miller, Engineer of Record on the project, stated that the lift station just to the north was mastered planned for this development and all calculations have already been designed. He further explained the location of the water connection being on the northeast side of the road and that all Utility Agreements and connection fees will be filed with the Preliminary Plat application approval. Mr. Welch discussed the current design is to run single meters to all townhomes and the intend is to not have the mains within the roadways be private. Ms. Lens stated that this a fee simple townhome project. Mr. Walker Douglas, developer, addressed the PLDRB board members stating that the ownership of the utilities was erroneously predicated on the believe that this was a multi-family project, one single plat project and in this case would be to privatize the utilities. However, this project is going to be individually platted lots with individual meters and the comment regarding privatization of the utilities should be updated. Discussion ensued regarding this matter of public or private utilities for this project with Mr. Tyner stating that for this Subdivision Master Plan agenda item we are not at the engineering stage so the question of utilities will be determined at the Preliminary Plat stage of the project. Mr. Tyner clarified that the Utility Agreement that is applied for at the Preliminary Plat stage spells out all the details of the ownership and maintenance of the utilities and this agreement must be finalized prior to the Final Plat being executed. Ms. Lens suggesting changing the existing first condition of approval on the Development Order to read that the ownership and maintenance of the utility lines within the site to be determined at Preliminary Plat.

Chair Shank asked if there will be a Home Owners' Association (HOA) and if so, you would have to determine how to divide up the utility charges, if privately metered and Mr. Spofford stated yes. That is the concern and we would appreciate the consideration to push the ownership of the utilities question to the Preliminary Plat stage.

BM Gross asked if the project will be gated and Mr. Spofford stated no.

BM Stancel asked if the cost of the infrastructure would be paid for up-front. Mr. Spofford explained that there is a Utility Agreement that is signed up-front and a certain percentage of those fees need to be paid prior to getting any permits issued. But all of the infrastructure is funded by the developer.

Chair Shank opened this item to public comment at 5:59pm and seeing no one approach the podium she closed this item at 6:00pm.

Change to condition #1 was discussed - see conditions below which reflect the change.

Pass
Motion made to approve as amended by Board Member Nicholson and seconded by Board Member Gross stating that the PLDRB finds the project in compliance with the Comprehensive Plan, the Land Development Code and the Palm Coast Park MPD and approve the Subdivision Master Plan for Belle Terre Townhomes, Application No. 6084 subject to the following conditions:

1. All onsite utilities statuses, whether privately owned and maintained or City owned and maintained will be determined at the next stage of the subdivision process which will be the submittal of a Preliminary Plat and Construction Plans.

2. Developer will continue to work with the school board regarding the location of a school bus stop.

3. School Concurrency will be determined at the next stage of the subdivision process which will be the submittal of a Preliminary Plat and Construction Plans.

4. The environmental assessment stated Gopher Tortoises were located on site. A survey and subsequent relocation of any Gopher Tortoise burrows within 25 feet of construction will be required, once this is complete an after-action report will be required to be submitted before any clearing or development per 10.04.04 of the Land Development Code (LDC).

5. Townhouse projects containing ANY buildings with four (4) or more units will need to provide PRIVATE trash collection service for the ENTIRE subdivision.

6. Recreational facilities must be constructed, or under construction prior to issuance of the 25th single family residential permit.

7. List of proposed street names (complete names) will be required with the preliminary plat. (Applicant to coordinate with City staff prior to submitting the Preliminary Plat.)

Approved - 5 - Chairman Sandra Shank, Board Member Charles Lemon, Board Member Suzanne Nicholson, Board Member Dana Stancel, Board Member Larry Gross

3 KING'S CROSSING TECHNICAL SITE PLAN - TIER 3 AR# 5978

Mr. Ray Tyner introduced this item as well as Mr. Michael Hanson, AICP, Planner who gave a presentation which is attached to this record.

Mr. Doug Burnett, St. John's Law Group - lawyer representing the applicant, gave a presentation which is attached to this record.

BM Stancel asked about hours of operation. Mr. Burnett stated that typically with internal self-storage than there are no hours of operation – one could go to from their unit as they wish. Discussion ensued about limiting the hours and Mr. Burnett stated that he would have that discussion with the developer prior to the first City Council meeting.

BM Gross asked about the location of the trees shown on the that bump up against RT.95 and Mr. Burnett stated that the trees being referred to are on the Florida Department Of Transportation (FDOT) Right of Way (ROW) outside the property being discussed. BM Gross asked if the city has secured the necessary ROW for the future expansion of Old Kings Rd. and Mr. Tyner stated that we have already done that work and secured the necessary ROW.

BM Nicholson asked about proposed signage facing RT. 95 for this facility. Mr. Burnett said that he hadn't looked at the signage but it is possible the developer would want signage facing RT. 95. Mr. Tyner stated technically that the project could have a wall sign facing RT. 95, however, realistically it would be difficult to see as one is driving along RT. 95 at speed.

BM Gross asked about the visibility of the buildings from both Old Kings Rd. and RT. 95. Mr. Barrett stated that the set backs are significant for the first building (which is one story 215' from the east boundary) and the other building should be screened due to the trees and due to the conservation area.

Chair Shank asked about the mitigation of the wetlands on the property. Noah Goerlich, of Stephenson, Wilcox & Associates, Engineer of Record for the Project, stated that a lot of the site is secluded behind the wetland area including a large upland area which was not accessible, however St. Johns River Water Management District (SJRWMD) allows a crossing over the wetlands for access (to the uplands) and therefore only approximately ½ acre of wetlands was impacted by the project. Mr. Hanson clarified that the wetland impacts at the crossing is less than .23 acres.

BM Stancel asked about the # of acres being used with this project. Mr. Wilcox stated that he does not know off hand. Mr. Hanson showed on one of the PowerPoint slides that the impervious surface ratio impact is ¼ of the site.

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

Pass

Motion made to approve Application # 5978 by Board Member Lemon and seconded by Board Member Stancel

Approved - 5 - Chairman Sandra Shank, Board Member Charles Lemon, Board Member Suzanne Nicholson, Board Member Dana Stancel, Board Member Larry Gross

Chair Shank thanked the applicant for his presentation and in particular his highlighting of the items in the staff report and that made following along with the presentation much easier for the PLDRB members.

Board Discussion and Staff Issues

Chair Shank commented on the Special Exception for the Storage Facility Appeal that was approved by City Council on May 20, 2025. She wanted to make a few comments about their decision highlighting that competent and substantial evidence is supposed to be used in a reversal of a PLDRB decision. She stated that the question was asked more than once how long the property had been marketed and it was stated that it had been on the market since 2003 (Palm Coast Holdings- owner). Chair Shank further stated that according to the Flagler County Property Appraiser's website the property was sold in 2013 (Fourth Dimension Development) and again 2021 (current owners). Counsel for both parties stated that it had been on the market since 2003. After being asked a question of what type of advertising has been done for this property counsel stated that Live Local is definitely a direction we don't want to go, we want to go commercial. Chair Shank demonstrated that the traffic impact based on number of trips showed that the storage facility would generate less trips but if you look at those statistics in reverse it would show the demand for those services/uses that the property was already entitled to. Chair Shank wanted it in the record that it was repeated at 1 hour and 46 minutes on the video recording of the meeting where counsel was sworn in and then at 1 hour and 48 minutes response, Council women's response at 1 hour and 49 minutes counsel for the applicant being sworn in and at 1 hour and 57 minutes it was stated by counsel that there was no comment from the public to this PLDRB when in fact we did receive a letter from the public in opposition to this project. At 1 hour and 58 minutes counsel restated that the property was on the market since 2003. At 1 hour and 59 minutes counsel for the owner that it was purchased in 2003 and they have been marketing it since that time. At 2 hours restarted that it has been on the market for 20 years. At 2 hours and 6 minutes a member of the public approached the podium in opposition to the project. Then public comment was closed and a motion made to approve the appeal (overturning the PLDRB decision to deny the application). She suggested during an appeal that due diligence is done and that the facts made under oath are verified.

Mr. Marcus Duffy, City Attorney, stated that case law that a quasi-judicial body cannot make a decision based on popular opinion/public comment.

BM Gross commented on the appeal process stating their decision undermined all the hard work that the PLDRB put forth during the review of this case.

BM Nicholson stated that we need to do a better job on clarifying our decisions avoiding personal opinion and using facts relating to what our codes allow. She *didn't think the PLDRB made strong enough foundation of why the decision was to deny.*

Mr. Duffy clarified the PLDRB role stating that this is a good decision to have and you serve the public and you also serve as a judicial entity. Mr. Duffy stated that case law states that when it comes to competent substantial evidence, alternate conclusion are not competent substantial evidence you must submit facts to support those conclusions. He went onto explain that the Land Development Code (LDC) section 2.16 – Appeal Process – outlines the process for appeals and it does not say bring it back to the PLDRB. They look at everything from the beginning and what the PLDRB decided and what is presented to them and then they make their decision. Discussion ensued of the process for preparing for the meetings and Chair Shank stated that all of us, staff, PLDRB members and City Council members must do their homework. Chair Shank referenced other properties on Pine Lake Parkway which are already zoned for storage facility and made a statement that the use for more traffic intense services is needed. Mr. Duffy cautioned about making such statements as they sound more as an opinion and that proof is needed. Mr. Tyner stated that staff is presenting professional recommendations based on the LDC that exists now and when we look at updating the LDC you may want to make a suggestion to add a distance requirement to the LDC. Mr. Tyner stated that the market dictates the need for a service or product and he referenced the professional market study that the appeal team presented to City Council showing the need for air conditioned storage facilities. He discussed the existing zoning that was inherited from Flagler County and he gave an analogy of comparing Palm Coast to Nocatee. Mr. Duffy reminded the PLDRB of the process to make changes is within the LDC review.

BM Stancel stated that the presentation that the applicant gave at the City Council appeal was much better than the presentation they made at the PLDRB meeting.

Mr. Tyner stated that the PLDRB role is part of the process and he referenced that sometimes City Council disagrees with the PLDRB recommendation and sometimes they disagree with staff. To make his point Mr. Tyner stated that City Council made a recommendation to follow the PLDRB's recommendation on exterior color code, which staff will present as an ordinance at next month's City Council meeting.

Adjournment

Motion made to approve by BM Nicholson and seconded by BM Hilton. The meeting was adjourned @ 7:10pm.

Respectfully Submitted by:
Irene Schaefer, Recording Secretary