



City of Flagler Beach

Planning and Architectural Review Board

Tuesday, April 2, 2024 at 5:30 p.m.

105 S. 2nd Street

Flagler Beach, FL 32136

MEETING MINUTES

Call meeting to order: Chairman Joseph Pozzuoli called the meeting to order at 5:30p.m

1. Pledge of Allegiance: Marshall Shupe led the pledge.

2. Roll Call:

Present: Chairman Joseph Pozzuoli, Vice Chairman Marshall Shupe, Joann Soman, Brenda Wotherspoon, Scott Chappuis, Lisa Smith and Paul Chestnut

Absent: None

Staff Present City Attorney Drew Smith and Secretary Bonnie Bramer.

3. Approval of Meeting Minutes:

January 2, 2024 – amend meeting minutes to correct comment by Vice Chairman Marshall Shupe.

March 5, 2024 – amend meeting minutes to add Lisa Smith in attendance and correct verbiage regarding comments made by Brenda Wotherspoon regarding Item 5 (Sign allowance/size) amending article II Land Development Regulations.

Marshall motioned to recommend approval with amendments. Joann Soman seconded the motion. Motioned passed unanimously.

4. Old Business:

None

5. New Business:

Request to hear Item C first. Item was Chaired by Joseph Pozzuoli

C. Presentation and discussion of Land Development Regulation building height exceptions.

Larry Torino, Consultant Planner presented power point presentation.

Mr. Torino touched on the history of the moratorium put into effect November 9, 2023 due to the following concerns: building height exception allowances and interpretation, lack of definitions for specific listed height exception structures and potential designer/developer exploitation. The directive of the moratorium was for staff to study and develop Land Development Code provisions and other recommendations related to exceptions to the thirty-five feet height limitations for mechanical and architectural elements. Moratorium will expire on May 9, 2024.

Mr. Torino reviewed the following:

- Section 2.05.06 Permitted exception to height regulations
- Reviewed definitions such as, architectural feature, building appurtenance, building tower, mechanical appurtenance, ornamental tower and parapet
- Building height and interpretation
- Design guidelines – building height

Mr. Torino discussed the potential items confronting the building height issues such as:

- Maintaining status quo
- Exclusion – prohibit rooftop mechanical equipment and architectural elements exceeding 35ft. building height (elevators)
- Judicious Amendment(s) – retain the existing regulatory language; provide clarity (clarify height parameters for parapet wall height, towers and functional building elements)
- More restrictive regulations – revise the existing regulations to allow more flexibility for rooftop access and amenity provision with height limitations (such as, open rooftop pavilion height, railing and etc.)
- Moderate Amendments – revise the existing regulations to allow more flexibility for rooftop access and amenity provisions with height limitations (such as, open rooftop pavilion height)
- Establish an overall height maximum for rooftop mechanical equipment, architectural elements and like appurtenances

Mr. Torino's recommendation to the planning board is to extend the height moratorium. Suggestion is to have the City Commission and the Planning and Architectural Board members hold a joint workshop to resolve issues together.

Board comments:

Scott Chappuis – Questioned as to whether height issue can be simplified to help the public understand the height limit.

Joann Soman – likes the 45' height

Lisa Smith – likes the 45' height number. Would help with confusion indicating the 40% rule. Calculation is great and helps simplify for the public while addressing concerns and questions.

Vice Chairman Marshall Shupe – Believes the 35' height limit is a misnomer. Does not like the 40% calculation used. Would like to continue to see different elevations of roof height.

Brenda Wotherspoon – All for more conversation and education regarding the height limit. Would like to see the CRA district have a separate delineation.

Paul Chestnut – All for extending moratorium to gain clarification and a better definition in simplified language regarding the height limit.

Chairman Pozzuoli – Not in favor simplifying the height limit ordinance. Would be in agreement with the 45' height limit, instead of the 40% above the 35' height limit.

Chairman Pozzuoli opened public comments. The following comments were received from:

Silvio Digregorio, 602 S Central Avenue – concerns with top floor structure on of the hotel and what the usage is going to be. Concerns with changing of the height ordinance language referring to a roof height number of 45'.

Steve Dalley, 1764 Windsong Circle – concerns with towers, stairwells and top floor of the hotel.

Charlie Marlowe, S. Flagler Avenue – concerns with the roof top usage of the hotel.

Edward (last name unclear) 9th St, - likes the rooftop on hotel. Will serve the hotel well.

Don Deal – Likes the idea of having a workshop to discuss the height limit issue and believes it would be in the best to have both the city commission and the planning board attending a workshop together to make a decision in the direction to go. Would like to see Larry Torino involved in the process moving forward.

There being no other public comment Chairman Pozzuoli closed public comments.

Joann Soman motioned to recommend to extend the height moratorium and schedule a workshop to include the planning board, city commission and City Consultant Larry Torino. Paul Chestnut seconded the motion. Motion was unanimous.

A. ORDINANCE 2024-XXX; AN ORDINANCE OF THE CITY OF FLAGLER BEACH, FLORIDA, AMENDING APPENDIX A, LAND DEVELOPMENT REGULATIONS, ARTICLE II, ZONING, OF THE CODE OF ORDINANCES; ADDING A ZONING CATEGORY FOR MASTER PLANNED DEVELOPMENT (“MPD”); PROVIDING FOR REVIEW, APPROVAL, DEVELOPMENT STANDARDS, PERMITTED USES, REGULATION, AND IMPLEMENTATION OF MASTER PLANNED DEVELOPMENTS; PROVIDING FOR CONFLICTS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE

Chairman Pozzuoli passed the gavel to Vice Chairman Marshall Shupe to complete items left on the agenda.

City Attorney Drew Smith presented item. Discussion ensued with board members. Corrections to be made as follows:

- Page 2 - 2.07.1.03-1 typo
- Page 3 - #1(a) typo
- Page 6, table 2.1 – cluster development (p) should be an (a) under allowable
- Add bottle clubs in Table 2-1 as a non-permitted use

Vice Chairman Shupe opened public discussion. There being no comments, public discussion was closed.

Joann Soman motioned to recommend approval of Ordinance 2024-xxxx with changes as amended. Lisa Smith seconded the motion. Motion passed unanimously.

B. ORDINANCE 2024-04; AN ORDINANCE OF THE CITY OF FLAGLER BEACH, FLORIDA, RELATING TO IMPACT FEES; ADOPTING THE FEE STUDY PREPARED BY TISCHLER BISE; INCREASING THE AMOUNTS TO BE CHARGED FOR WATER AND WASTEWATER IMPACT FEES; ADOPTING NEW POLICE, FIRE, LIBRARY, AND PARKS AND RECREATION IMPACT FEES; ESTABLISHING AN ADMINISTRATIVE CHARGE CONSISTENT WITH STATE LAW; AMENDING REGULATIONS PERTAINING TO THE COLLECTION, USE, AND TIMING OF PAYMENTS OF WATER, WASTEWATER, POLICE, FIRE, LIBRARY, AND PARKS AND RECREATION IMPACT FEES; PROVIDING FOR NOTICE OF INCREASED AND NEW FEES; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY AND CONFLICTS, AND PROVIDING AN EFFECTIVE DATE.

City Attorney Drew Smith presented item. Discussion ensued with board members.

Vice Chairman opened public comments. Comments were received from the following:

Steve Daley – 1764 Windsong Circle – concerns as to how the impact fee funds come into the City and who they are distributed to.

There being no further comments, public comment was closed.

Board recommends changes to the following:

- Effective date of Ordinance changed from August 1, 2024 to October 1, 2024

Joan Soman made a motion to recommend approval of Ordinance 2024-04 with change noted. Paul Chestnut seconded the motion. Motion passed unanimously.

C. Board Comments - None

D. Other Business - None

E. Adjournment

Joann Soman motioned to adjourn meeting. Scott Chappuis seconded the motion.

Meeting adjourned at 8:20pm.