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Town of Ponce Inlet Planning Board Regular Meeting Minutes January 26, 2021

6 **1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE:** pursuant to proper notice, Mr.
7 Cannon called the meeting to order at 10:00 a.m. in the Council Chambers, located at 4300 S.
8 Atlantic Avenue, Ponce Inlet, FL, and led attendees in the Pledge of Allegiance.
9

10 **2. ROLL CALL AND DETERMINATION OF QUORUM:**

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12 Board members present:

13 Mr. Kaszuba, Seat 2
14 Mr. White, Seat 3
15 Mr. Cannon, Seat 4
16 Mr. Thompson, Seat 5
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18 A quorum was established with four board members present; Mr. Mauldin was absent. Lisa
19 Necrason, board applicant, was present as required for board appointment consideration.
20

21 A. Oaths of Office: Attorney Schumer administered the *Oath of Office* to Les
22 Thompson.
23

24 B. Election of Chair: Mr. Thompson nominated Mr. Cannon to serve as Chair;
25 seconded by Mr. Kaszuba; there were no other nominations. The motion PASSED 4-0, with the
26 following vote: Mr. Kaszuba - yes; Mr. White - yes; Mr. Cannon - yes; Mr. Thompson - yes.
27

28 C. Election of Vice-Chair: Chairman Cannon nominated Mr. Thompson to serve as
29 Vice-Chair; seconded by Mr. White; there were no other nominations. The motion PASSED 4-0,
30 with the following vote: Mr. Kaszuba - yes; Mr. White - yes; Mr. Cannon - yes; Mr. Thompson -
31 yes.
32

33 Staff present:

34 Mr. Disher, Assistant Director, Planning & Development Department
35 Ms. Frazier, Senior Planner
36 Ms. Hunt, Assistant Deputy Clerk
37 Mr. Joulani, Director, Planning & Development Department
38 Attorney Schumer, Town Attorney
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40 **3. ADOPTION OF AGENDA:** Chairman Cannon asked if there were any changes to the
41 agenda; Vice-Chairman Thompson requested to add Item D - Essential Services Board Discussion
42 (ESAB); and Chairman Cannon requested to add Item E - Landscaping and Tree Preservation
43 Discussion. Mr. Disher noted that the ESAB is not within his scope of responsibilities, but he will
44 provide as much information as he can.
45

46 Chairman Cannon moved to adopt the agenda as amended; seconded by Vice-Chairman

47 Thompson. The motion PASSED 4-0, consensus.

48

49 **4. APPROVAL OF MINUTES:**

50 A. December 15, 2020 Regular meeting - Chairman Cannon asked if there were any
51 changes requested to the minutes; Chairman Cannon asked Mr. Disher if he was quoted properly
52 on lines 237-238; Mr. Disher confirmed that he was. There were no changes requested.

53

54 Chairman Cannon moved to approve the December 15, 2020 meeting minutes as presented;
55 seconded by Mr. Kaszuba. The motion PASSED 4-0, consensus.

56

57 **5. REPORT OF STAFF:**

58 A. Administrative Variance Applications - Mr. Disher reported that no new
59 Administrative Variance Applications had been submitted.

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61 B. Other updates - Mr. Disher stated that an application for the vacation of Front Street
62 was submitted in December 2020. The applicant was informed that additional materials must be
63 submitted before staff can complete its review; therefore, the application is “on hold”. Chairman
64 Cannon asked if this type of application would be incorporated into a plan? Mr. Disher stated
65 anyone can request a right-of-way vacation, but the applications must be reviewed according to
66 the policies outlined in the Comprehensive Plan. He confirmed that this is a Legislative Action
67 and that this Board’s role is to review it and then make a recommendation to the Town Council.
68 The Town is not obligated in any way to vacate its own right-of-way. Mr. Disher also noted that
69 on February 25th at 6:00 pm at the Community Center is the first workshop on the Vulnerability
70 Study regarding sea level rise presented by the Regional Planning Council. He stated the workshop
71 is open to the public, encouraged board members to attend, and noted that in-person attendance is
72 limited to 60 participants due to the pandemic.

73

74 **6. CORRESPONDENCE & DISCLOSURE OF EX-PARTE COMMUNICATION:**

75 None.

76

77 **7. HEARING OF CASES:** None.

78

79 **8. BUSINESS ITEMS/PUBLIC HEARINGS:** None.

80

81 **9. PUBLIC PARTICIPATION:** Chairman Cannon noted there were no members of the
82 public present.

83

84 **10. BOARD DISCUSSION:**

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86 A. LUDC amendment: Parks and Open Space Zoning District and Comprehensive
87 Plan Amendments - Mr. Disher noted this is proposed in conjunction with one of Council’s goals
88 for the Department, to update the Town’s zoning map. He stated that creation of the new zoning
89 district is necessary to implement and be consistent with the Parks and Open Space future land use
90 category in the comprehensive plan. The project consists of three components: 1) large scale
91 comprehensive plan amendments to the Future Land Use Map (FLUM) and the Future Land Use
92 Zoning Compatibility Matrix; 2) text amendment to the Land Use and Development Code (LUDC)
93 to create the “P/O” zoning district; and 3) adoption of the new Zoning Map, including the rezoning
94 of park properties to “P/O”. He noted that these ordinances will include “housekeeping” items

95 such as the removal of the “PUD” (Planned Unit Development) zoning category and other
96 rezonings now inconsistent with the comprehensive plan. He noted that the classifications for
97 certain properties on the future land use map and zoning map do not match; this project will rectify
98 these issues. He explained staff’s intent to being these changes together through three separate
99 ordinances, with the longest being the Comprehensive Plan Amendment, due to State-mandated
100 review procedures. All three ordinances will become effective after the appeal period for the
101 comprehensive plan amendment has passed. He noted that Mr. Joulani and Ms. Frazier are present
102 to answer any questions as well. Vice-Chairman Thompson asked why Davies Park is being held
103 in the “P/T” category. Mr. Disher explained that it is due to deed restrictions on the property. Vice-
104 Chairman Thompson referenced the rear set-backs and stated his concerns that this is too close,
105 noting that many of the parks are large parcels. Mr. Disher referenced the footnote, noting that if
106 the property abuts a residential lot, the setbacks increase to 35 ft. Vice-Chairman Thompson
107 referenced line 121 and asked if the “PUD” zoning district is going away, will the Town be looking
108 for new zoning districts for the remaining parcels? Mr. Disher stated yes, the “PUD” district is
109 going away because it is no longer consistent with the comprehensive plan, and the Town will
110 rezone the parcels in the Harbour Village PUD to match the future land use designations of those
111 properties. Mr. Kaszuba referred to Attachment D and asked what happens to civic assemblies and
112 performance theaters as allowed in the PUD? Mr. Disher stated they would continue to be allowed
113 in the zoning districts in which they are currently allowed. Mr. Kaszuba suggested that civic
114 assemblies and performance theaters be allowed in P/O. Mr. Disher read the description of the
115 Future Land Use Element, Parks and Open Space category: “... includes primarily governmentally
116 owned lands used for parks and open space. Parks and open space lands developed with active
117 recreational uses shall be properly screened and buffered in order to minimize potential adverse
118 impacts on adjacent land uses.” Mr. White asked if the zoning is changed to P/O,” would that
119 require all the park properties to become ADA-compliant? Mr. Disher stated ADA-compliance is
120 not a matter of zoning but of “use”. Vice-Chairman Thompson referenced Attachment B and asked
121 for an explanation of table II-1. Mr. Disher stated the zoning districts are listed across the top; the
122 Future Land Use Categories are listed in the column on the left. He noted that the intent of the
123 proposed changes to this table is to give the town the maximum flexibility in creating new parks,
124 because the Future Land Use always takes precedent. Mr. Disher stated that the table is designed
125 to depict which zoning is compatible with which future land use category. There was a brief
126 discussion regarding the graphic; Mr. Disher stated he would see if there was a way to reformat
127 the table for clarity. Chairman Cannon asked if the “PUD” zoning district was being eliminated
128 because there are no other properties in town that qualify? Mr. Disher stated the “PUD” zoning
129 district is being eliminated because the PUD Future Land Use category was eliminated in 2008.
130 The Harbour Village PUD was comprised of a mixed-use PUD category on the FLUM and
131 corresponding “PUD” Zoning District, along with a Development Agreement to establish specific
132 zoning parameters; the Development Agreement has expired because everything has been built
133 out; the FLUM Category was eliminated in 2008, so the “PUD” zoning district is no longer
134 compatible with the comprehensive plan and is no longer necessary. Mr. Disher noted that a
135 minimum of 80 acres is required to create a new PUD. Chairman Cannon asked about the State’s
136 objections to the 2008 FLUM changes. Mr. Disher stated the objection was to the Town changing
137 some of its parks to the Public/Institutional category, because the Town had not provided the data
138 and analysis to support those changes, particularly for theoretical maximum impacts. The Town’s
139 response was to create the Parks/Open Space category which had a lesser impact than the FLUM
140 designations of those properties then in place . Chairman Cannon referenced the “clean up” chart
141 on page 3 (showing properties and FLUM designations as adopted and proposed). Mr. Joulani

142 stated that the main reason the Town is going through this process is because one of Council's
143 goals is to update the Zoning Map to be consistent with the Future Land Use Map. He stated that
144 extensive mapping has occurred to depict actual uses and current conditions. He used the area
145 north of Timucuan Oaks as an example, noting that the western portion of these properties is
146 proposed to be designated Conservation; a portion of these parcels are within a jurisdictional
147 wetland and cannot have a principal structure developed on them. A discussion was held regarding
148 properties in town that have similar restrictions. Mr. Joulani clarified that the only thing prohibited
149 in wetland portion of these properties is the primary structure, but accessory structures such as
150 boardwalks and boat docks/lifts can be built. Mr. White asked if, by changing zoning to
151 conservation, will the Town be restricting what owners can do on their property? Mr. Disher
152 clarified that a dock for example, is based on the square footage that is on the water, not the
153 wetlands. Mr. White asked if a property owner wants to build a 200 ft. dock, does the zoning
154 change affect the type or size of dock allowed to be built? Mr. Disher stated no, it has no effect.
155 Vice-Chairman Thompson referenced table 2-5, Permitted Uses (Attachment D of the staff report)
156 and asked why a detached single-family dwelling is shown as being permitted in the "C"
157 (Conservation) zoning district. Mr. Disher stated a single-family residence is allowed in a
158 conservation area, but there is a minimum lot size of 20 acres. Vice-Chairman Thompson asked
159 where in the ordinance are docks and walkways shown to be allowed. Mr. Disher stated that not
160 every single accessory use is depicted on the table as it is not meant to be an exhaustive list. Mr.
161 Joulani noted that the Accessory Uses and Structures referenced in the table reflect commercial
162 zoning districts; in a separate section of the code, accessory uses and accessory structures are
163 explained and examples are provided. There is no table that provides a list of all possible accessory
164 uses or structures. He added that the only principal structure allowed on the parcel is the principal
165 structure - all other structures are "accessory structures". Vice-Chairman Thompson asked why
166 the Town is not seeking to designate the western boundary of Timucuan Oaks as Conservation.
167 Mr. Joulani stated that the area is wetlands and the park ends at the kayak launch. Chairman
168 Cannon explained that the dark green area delineates park and open space property, the light green
169 area is conservation. Mr. Joulani confirmed that this is the *proposed* Zoning Map. Chairman
170 Cannon stated there may be some confusion between "uses" and "categories". Mr. Joulani clarified
171 that the Town is updating the zoning map to match the future land use map. Chairman Cannon
172 referenced page 4, "permitted uses" and asked if it is referencing individual lifts or commercial
173 lifts - Mr. Disher stated it is a broad category and added that these are all defined in the Code, and
174 he will provide the definitions along with the next version. Chairman Cannon referenced the
175 parking for beach goers use and asked if the Town wants to allow beach parking. Mr. Disher
176 suggested that it could be allowed by special exception. Mr. Kaszuba stated his concerns with the
177 beach parking and suggested it be taken out entirely. Chairman Cannon asked what an "urban
178 park" is and does the Town have any. Mr. Disher stated it is a park within a developed area - could
179 rename it to "suburban" and better define. Chairman Cannon referenced footnote 7, "*Essential*
180 *utility services exclude telecommunications towers in the public/institutional and park/open space*
181 *zoning district*" and asked if that includes 5G wireless facilities. Mr. Disher stated no, as those are
182 allowed only in the right-of-way; this footnote refers to cell towers outside of the right-of-way.
183 Chairman Cannon asked if an entity could put a 5G tower in a park? Mr. Disher stated he will
184 research and confirm. Vice-Chairman Thompson asked if these three separate ordinances will be
185 proposed at the same time for consideration. Chairman Cannon requested each draft ordinance be
186 sent to the board as soon as it is ready, to allow for a thorough review. Mr. Disher outlined the
187 process: the ordinances are brought before the Planning Board for review and recommendation;
188 the Town Council reviews and transmits to the State; the State approves or rejects. He stated that

189 he will forward draft copies of the ordinances as each one is ready for review. Mr. Kaszuba asked
190 if the town has identified any new parcels for parks. Mr. Disher stated he was unaware of any plans
191 to add new parks; there are plans to enhance and upgrade existing parks.

192

193 Staff will prepare a revised version for further review and comment.

194

195 B. Annual Boardmember Training - Attorney Schumer reviewed the training materials
196 and spoke specifically to Section V, *Town's Policy for Use of Social Media by Board Members*.
197 Mr. White asked if a family member posts something or asks questions, with him being a board
198 member, would there be any issues? Attorney Schumer stated no, so long as you are not using her
199 as an intermediary. Mr. White asked if it is okay for him to participate in Council meetings (asking
200 questions/making comments). Attorney Schumer stated yes, the Town will retain the records and
201 he would be participating in a duly noticed public meeting. Chairman Cannon asked if a
202 boardmember posts a comment or opinion on social media about something that has come or could
203 become before the board, but no one comments on it, is that a problem? Attorney Schumer stated
204 it depends on if it is a quasi-judicial matter, in which case board members should never form an
205 opinion before the matter is heard; if a member states his or her position on a matter, there is no
206 issue with that, unless that member is using a person to act as an intermediary; from the Town
207 Attorney's perspective, – board members should refrain from answering any comments or
208 questions. If a random citizen asks a question about a matter, there is no issue in providing a
209 response, but it is always best to avoid answering whenever possible. Vice-Chairman Thompson
210 asked if ex-parte communication rules apply to Quasi-Judicial, not Legislative items? Attorney
211 Schumer confirmed; ex-parte communication is about due process. Mr. Thompson asked if the
212 board has a "Q-J" matter coming before it, and a member reads a post on social media, but does
213 not participate in the conversation, should that be disclosed? Attorney Schumer said yes, it should
214 always be disclosed; for example stating, "I read a message on XYZ in opposition/support to this
215 matter". Vice-Chairman Thompson asked if it is okay for board members to attend and participate
216 in the same meetings? Attorney Schumer stated yes, so long as members are not sitting together
217 or speaking off the microphone. He added the reminder that it may be a matter of public perception
218 - so use care when socializing.

219

220 C. 2021 Meeting Dates - Ms. Hunt provided the list of revised 2021 meeting dates and
221 noted that the November and December meeting dates have been changed due to conflicts with the
222 Thanksgiving and Christmas holidays.

223

224 D. Essential Services Advisory Board (ESAB) - Vice-Chairman Thompson requested
225 staff explain the purpose of the proposed board and how its duties might intertwine with those of
226 the Planning Board. Mr. Disher stated that the duties of the Planning Board and the other boards
227 are outlined in the Code; in addition, the Planning Board also has duties and responsibilities as the
228 Local Planning Agency (LPA) pursuant to State Law. Mr. Disher stated that to his knowledge, the
229 ESAB will be tasked with providing recommendations to the Town Council relating to police, fire,
230 and public works; it will research and give advice to town council regarding those departments.
231 Vice-Chairman Thompson also requested that the Town provide a one-sheet synopsis of what each
232 board's duties and responsibilities are. Mr. Disher stated that any member of the board or public
233 can contact staff with questions at any time and need not wait for a board meeting to do so. Mr.
234 White noted that he listened to the Town Council meeting at which the ESAB was proposed; it is
235 his understanding that the new board would provide assistance and knowledge on specific topics

236 and make recommendations to Council. Vice-Chairman Thompson suggested a joint collaborative
237 meeting be held with multiple boards to discuss topics of common or overlapping interest.
238

239 E. Landscaping and Tree Preservation Ordinance - Chairman Cannon stated that this
240 item came before the Board at its last meeting and reminded members to contact Mr. Disher
241 directly with their comments and questions regarding the proposed ordinance. Mr. Disher stated
242 this is on his department's goals list; he is available anytime during business hours and hopes to
243 make progress with this topic – once he receives everyone's comments, he will provide a revised
244 draft version of the ordinance for the Board's review.
245

246 **11. ADJOURNMENT:** Chairman Cannon adjourned the meeting at 12:05 p.m.
247

248 Prepared and submitted by,
249

250 *Peg Hunt*

251 Peg Hunt, Assistant Deputy Clerk