



Town of Ponce Inlet Planning Board Regular Meeting Minutes August 23, 2022

1 **1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE:** Pursuant to proper notice,
2 Chairman Cannon called the meeting to order at 10:06 a.m. in the Council Chambers, located at
3 4300 S. Atlantic Avenue, Ponce Inlet, FL, and led attendees in the Pledge of Allegiance.

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

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7 Board members present:

8 Mr. Mauldin, Seat #1

9 Mr. Kaszuba, Seat #2

10 Mr. White, Seat #3; Vice-Chairman

11 Mr. Cannon, Seat #4; Chairman

12 Mr. Carney, Seat #5

13 A quorum was established with five regular members present; Dr. Iyampillai and Mr. Oebbecke
14 were absent.

15
16 Staff present:

17 Mr. Disher, Planning & Development Director

18 Ms. Hugler, Office Manager (FD)

19 Ms. Hunt, Assistant Deputy Clerk

20 Mr. Mendenhall, Principal Planner

21 Attorney Smith, Town Attorney (via ZOOM technology)

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23 **3. ADOPTION OF AGENDA:** Chairman Cannon asked if there were any changes; Mr.
24 Disher requested the addition of *Item 8-C, Update on Condominium Inspection Regulations*; there
25 were no other changes and no objections.

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27 *The agenda was approved as amended; by consensus.*

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29 **4. APPROVAL OF MINUTES:**

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31 **A. July 26, 2022 Regular meeting** - Chairman Cannon asked if there were any
32 changes; there were none.

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34 *Chairman Cannon moved to approve the July 26, 2022 meeting minutes as presented; seconded*
35 *by Vice-Chairman White. The motion PASSED 5-0, consensus.*

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37 **5. REPORT OF STAFF:**

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39 **A. Administrative Variance Applications** – None.

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41 **B. Other Reports & Updates** – None.

43 6. **CORRESPONDENCE/DISCLOSURE OF EX-PARTE COMMUNICATION:** None.

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

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47 8. **BUSINESS ITEMS/PUBLIC HEARINGS:**

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49 **A. Ordinance 2022-XX, LUDC Amendment for Mobile Food Vendors and**

50 **Temporary Use Permits.** Mr. Mendenhall stated that staff is going to request this item be

51 postponed to a later meeting due to additional information provided by Volusia County regarding

52 the County’s recently approved beach concession agreement, which will require further additional

53 research by town staff. Mr. Mendenhall provided a review of the revised ordinance as based on

54 the discussions held during the Board’s last meeting: §2.40.1, *Table of Permitted Uses* – removed

55 “Outdoor Sales and Display use; §3.34.A.1, *Definitions* – added definition for “Host Property,” ,

56 and updated the definition for “mobile food vending site”; §3.34.E, *Operation* - revised the length

57 of time a mobile food vendor could operate any day of the week on the parcel, and updated the

58 “Garbage” regulation to identify the area around the mobile food vendor space that is expected to

59 be cleared of garbage; §6.6.17.A, *Purpose* – removed language that identified the types of

60 structures a temporary use may be allowed to occupy; §6.6.17B.2, *Authority and Scope* – removed

61 the Community Center and Lighthouse properties as locations an individual vender could obtain a

62 temporary use permit; §6.6.17.C, *Procedures* – updated the list of required documents that must

63 be submitted to the Town with the application, and revised the survey requirement to add

64 “illustration of location” on an existing survey, and added requirement to submit “copies of federal

65 or state licenses if applicable; §6.6.17.G, *Permit Cancellation* – combined language from previous

66 drafts to improve organization and added the provision allowing the property owner to discontinue

67 the temporary use by rescinding authorization for it to operate on property owner’s property; §9.4,

68 *Definitions* – added cross-references to definitions under §3.34 ; the *Authority and Scope* has been

69 revised in the Public/Institutional zoning district (P/I) so that the managing associations will only

70 be able to host mobile food vendors at their sites through the Special Event permit process. Mr.

71 Mendenhall stated staff reached out for input from PICCI, the Lighthouse Preservation

72 Association, and the Marine Science Center, who all agreed with keeping the Special Event permit

73 process for their properties as they are; in addition, Volusia County staff contacted Town staff to

74 express concerns about conflicts with its recently approved beach concession contract and are

75 seeking an exemption from the proposed ordinance for Lighthouse Point Park. He noted that

76 Jessica Fentress, Volusia County Coastal Division Director, and Senior Assistant County Attorney

77 Paola Soria were present to speak on these matters.

78

79 Vice-Chairman White asked Mr. Mendenhall to explain the process if, for example, PICCI wanted

80 to host a mobile food vendor vs the process for a private property owner. Mr. Mendenhall

81 explained that PICCI would have to submit an application for a Special Event Permit; a Temporary

82 Use Permit would not be required for individual vendors. He further explained that a Special Event

83 is limited to a single use at a specific day and time, whereas a Temporary Use Permit is typically

84 granted for multiple uses over a longer period. Chairman Cannon asked in what districts would

85 mobile food vendors be allowed? Mr. Mendenhall clarified B-1, B-2, and PWD. Chairman Cannon

86 asked what if something is not “allowed” in the matrix (i.e., the Table of Permitted Uses), can a

87 property owner have a vendor? Mr. Mendenhall stated the matrix indicates the process that the

88 applicant will have to go through in obtaining a permit. Chairman Cannon asked what will the

89 applicants be required to do differently than what is existing? Mr. Mendenhall stated that for a

90 Special Event, the applicant would indicate if mobile food vendor(s) will be on site and would
91 provide all required information on the application. Chairman Cannon invited Ms. Fentress and
92 Attorney Soria to speak regarding the County’s requested exemption and to provide further
93 information. Attorney Soria thanked staff for reaching out to the County and for this opportunity.
94 He stated that Lighthouse Point Park is at a dead end on the south side of Town, tucked out of the
95 way; the County wishes to offer concessions to visitors, but will not advertise the concession
96 vendors to the public. In Winterhaven Park, the County is proposing to have a vendor in a parking
97 spot near the restrooms; this area is considered a “beach approach,” therefore it is exempt from the
98 Town’s zoning regulations. Vice-Chairman White expressed concerns about the parking of a
99 mobile food vendor at Winterhaven Park and the limited available parking spaces for all off-beach
100 parking lots. Attorney Soria stated that Winterhaven Park, including the right-of-way area between
101 the restrooms and the beach, will not be available to concessions. Ms. Fentress stated on County
102 property north of Ponce Inlet, there is an opportunity for 34 stationary on-beach and 10 roving
103 concessions. Vice-Chairman White stated that from Beach Street going north, it is a non-driving
104 beach; from Beach Street South is a driving beach; he asked if the County is proposing food trucks
105 on the no-drive beach. Attorney Soria stated no, they are only allowed on the approach, not on the
106 beach. Vice-Chairman White then asked if a food truck could be parked on the Beach Street
107 approach? Ms. Fentress stated it *is possible*; there could be one near the dog beach within
108 Lighthouse Point Park with an option to have a stationary concession between Beach Street and
109 the Inlet. She added that the types of foods vary and noted that the Town can request additional
110 police and fire resources during a County Special Event and the County will cover those costs.
111 Vice-Chairman White stated his concerns with driving on the no-drive beach, and overflow beach
112 parking on Town streets, business parking lots, and private driveways; and noted that from Beach
113 Street to the north is where the locals go because there is not enough parking available for on-
114 beach or off-beach parking. Ms. Fentress stated that the County has the opportunity to approve or
115 restrict noise and sound, and it is the County’s desire to be a good neighbor with the Town. There
116 was further discussion regarding beach driving, non-beach driving, traffic concerns, noise, trash,
117 and impacts to emergency services, and a brief review of the County’s concession contract
118 regulations. Mr. Mauldin asked if Ponce Inlet has the authority to control noise from the Beach?
119 Attorney Soria stated no, as that is within the County’s jurisdiction. Mr. Mauldin stated that the
120 issue before the Board today is: should we exempt Lighthouse Point Park from the provisions of
121 this ordinance? Vice-Chairman White agreed adding that it is also about fact-finding and assessing
122 the impacts of the County’s concession regulations.

123
124 Attorney Shepard was excused from the meeting at 11:24 a.m. due to Zoom technology issues.
125 Chairman Cannon opened public comment – hearing none, he closed public comment.
126

127 Chairman Cannon moved to table this item; seconded by Mr. Mauldin; the motion PASSED; 5-0
128 consensus.

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130 **B. Evaluation and Appraisal Report (EAR) Notification letter to the FL**
131 **Department of Economic Opportunity (DEO).** Mr. Mendenhall presented the item noting that
132 municipalities are required by the Florida Administrative Code to update their Comprehensive
133 Plan every seven years to maintain consistency with changes to State law. Once the Town notifies
134 the DEO of the proposed changes in the EAR letter, the Town has one year to adopt those changes
135 into its Plan or else be subject to penalties. Mr. Mendenhall stated that there are very few updates
136 necessary for the Comprehensive Plan to comply with State requirements. These items include the

137 Transportation Element to verify the Town is still meeting the adopted level-of-service standards
138 for its roadways. The Public Facilities Element will be updated to maintain consistency with the
139 City of Port Orange’s utility standards, and with the most recent Regional Water Supply Work
140 Plan from the St. Johns River Water Management District. The Capital Improvement Element is
141 to be updated to show the estimated project costs for the scheduled Town and infrastructure
142 improvements. Mr. Disher clarified that the letter to the DEO is establishing what the Town is
143 required to update as opposed to those items the Town would like to update.

144
145 Chairman Cannon opened public comment; hearing none, he closed public comment.

146
147 Chairman Cannon moved to accept the EAR notification letter and to forward to the Town Council
148 with a recommendation of approval; seconded by Vice-Chairman White. The motion PASSED 5-
149 0, consensus.

150
151 **Update on the State’s Condominium Inspection Regulations.** Mr. Disher reported that
152 staff is working on implementing the new inspection regulations imposed by the State earlier this
153 year. Staff have now determined which buildings are required to have the structural inspections
154 performed (all condo and co-op buildings three stories and higher), of which there are 45,
155 consisting of 1,700+ units; the condo association is responsible for hiring a structural engineer or
156 architect to perform these inspections; there is one building turning 25 this year that will be
157 required to submit a report to the Town within 180 days after being notified; notification letters
158 will be sent by the end of September advising all Condominium Owner Associations of the
159 requirements as they come of age. Buildings older than 25 years will have until December 31,
160 2024 to complete the inspections. Upon receipt and review of the reports, the Town may require
161 building permits for repairs, and if not done, the building may be condemned or partially
162 condemned; a new fee will be created to cover the costs involved with staff’s review of the
163 inspection reports and related documents.

164
165 There was no Board action requested or taken on this matter; provided for informational purposes.

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167 **9. PUBLIC PARTICIPATION:** Chairman Cannon opened public participation - hearing
168 none, he closed public participation.

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170 **10. BOARD DISCUSSION:** None.

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172 **11. ADJOURNMENT:** The meeting was adjourned at 12:16 p.m.

173
174 Prepared and submitted by,

175
176 _____

177 Peg Hunt
178 CMC/Assistant Deputy Clerk

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180 Attachment(s): None.