



# JOINT WORKSHOP MEETING BETWEEN THE CITY COMMISSION AND PLANNING & ARCHITECTURAL REVIEW BOARD MINUTES

Tuesday, June 04, 2024 at 5:30 PM

City Commission Chambers – 105 S. 2ND Street, Flagler Beach, FL 32136

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**Present: Commission:** Mayor Patti King, Chairman Scott Spradley, Commissioners Rick Belhumeur, Eric Cooley, Jane Mealy and James Sherman

**Planning and Architectural Review Board:** Vice Chairman Marshall Shupe, Scott Chappuis, Paul Chestnut, Lisa Smith, Joann Soman, Brenda Wotherspoon

**Staff:** City Manager Dale Martin, City Engineer Bill Freeman, City Planner Lupita McClenning, City Clerk Penny Overstreet.

**ABSENT:** Planning and Architectural Review Board Chairman Joseph Pozzouli

1. **Call the meeting to order**
2. **Pledge of Allegiance followed by a moment of silence to honor our Veterans, members of the Armed Forces and First Responders:** Mayor King led the pledge to the flag.
3. **General Business**
  - a. **Discussion and review of the Land Development Regulations; Section 2.05.06.5 Permitted Exception to Height Regulations.**

Scott Spradley reviewed; the purpose of the meeting is limited to the ordinance regarding the 35ft height limit. They will not be entertaining comments regarding the hotel. The hotel has brought us here for discussion. There will be no action taken at this meeting. Mr. Martin explained the moratorium was put in place to raise public awareness regarding the exceptions to the 35-foot height limit.

Mayor King stated the 40% exception differential is too high. Mr. Shupe feels the 35 limit is a misnomer. He explained where the 35ft is half way between the gutter and the peak of the roof. This does not require an exception. Commissioner Belhumeur felt if the Charter and Land Development Code were followed, we would not be having this meeting. Lisa Smith felt for a commercial building the 40% is needed for elevator shafts stairwells, etc. Commissioner Cooley felt the citizens were let down. By voting on the 35ft height limit into the Charter, the electorate spoke clearly that they did not want the height to be 50 feet. He felt the Land Development Code's definitions have provided loop holes for future buildings. He felt the 40% is too much and not what the citizens wanted. Ms. Wotherspoon that it could be made simpler or to create a template that for example 45-foot cap.

Chairman Spradley there are practical reasons for the exceptions to be above 35-foot. Attorney Smith suggested the exception remains and add the following: no human occupancy except for emergency or maintenance of the infrastructure. That makes it simple, removes the confusion for interpretations. Attorney Smith suggested removing the percentage and just put a number of feet. And clean up language on habitat, no human occupancy.

Ms. Wotherspoon, feels doing away with a top floor goes against the trends around the world. She felt it was limiting ourselves and was not sure if everyone in the City wants to keep it at 35 feet. As the code currently reads, if one has a flat roof, one could use that roof for other activities. It is what you build on top of the 35 feet.

Mr. Martin explained that the definitions have morphed into ancillary structures. Commissioner Cooley was concern that any number would be cause for more definitions. The number of feet and the state building code requirements were discussed. Attorney Smith asked that the group keep this as informational meeting. He will draft something for both boards to review.

Mr. Torino stated the Par Board and the City Commission did their job in approving the hotel; the building met the Land Development Regulations. Discussion centered on the overlay district standards, definitions; definition of habitable vs. occupancy and tenant definition.

Attorney Smith asked Mr. Torino how he might fix the code. Mr. Torino felt comfortable with a setting limit; mechanical equipment should be centralized on the roof so it can be screened; changes to the LDC should be reflected in the charter to eliminate any confusion. Attorney Smith suggested wording for Roof Top Terrace. Mr. Torino agreed that it should be set back and to possibly give it a percentage of the roof top. Discussion continued and included specifications for rooftops, roof, walls, definition or occupiable space; requirements for developers and site line; what can be seen from the street to the rooftop; the special exception process and conditional use.

Public Comment was opened: The following people came forward to give their concerns, opinions and suggestions: Jeff Meyers. Mark Blythe, Bert Harris, Debbie Meyers, Randy Damayo, Ed Landsdowne, Paul Mykytka. Public Comment was closed.

Discussion went back to the Board and the Commission. Discussion continued and included understanding the moratorium; keeping small town character; updating the city to be more pedestrian friendly; the commercial tax base and the city to be more family friendly.

Chairman Spradley thank all present and summarized the following points from the meeting: 35 feet is good number, percentage measurement is not as good as a hard number, what number should that be, push walls on roof away from the edge, various uses for a rooftop.

Attorney Smith will come up with a draft and work with both bodies to come up with a compromise.

Mr. Martin felt the Workshop served its purpose and looks forward to working with everyone.

**4. Adjournment:** Motion for adjournment by Ms. Soman at 7:20 p.m.

Attest:

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Scott Spradley, Chairman

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Penny Overstreet, City Clerk