

City of Palm Coast, Florida

Agenda Item

Agenda Date: May 20, 2025

Department	COMMUNITY DEVELOPMENT	Amount
Division	PLANNING	Account #
Subject: APPEAL - HILL POINTE WAY SELF STORAGE, APPEAL OF PLANNING AND LAND DEVELOPMENT REGULATION BOARD DECISION, APPLICATION 6236		
Presenter: Michael Hanson, AICP Planner		
Attachments: <ol style="list-style-type: none">1. Presentation2. Staff Report3. Planning And Land Development Regulation Board Minutes 3.19.254. Hill Pointe Way Distant Aerial5. Hill Pointe Way Close Aerial6. Hill Pointe Way Future Land Use Map7. Hill Pointe Way Zoning Map8. Letter From Applicant9. Analysis Of Special Exception By Applicant10. Neighborhood Meeting Documentation11. Public Notice By Applicant12. Public Participation Submitted By Applicant		
Background: <p>This is a quasi-judicial item, please disclose any ex parte communication.</p> <p>The applicant has submitted a request to appeal a decision of the Planning and Land Development Regulation Board (PLDRB) denying a Special Exception application for a ±99,585-square-foot (SF), two story building, which will provide ±850 self-storage units, as well as ±26 outdoor RV & boat storage spaces. The project is proposed on a vacant ±6.83-acre site located on the West side of Pine Lakes Pkwy. Approx ±0.5 miles south of Belle Terre Pkwy. This item was heard via public hearing by the PLDRB at its regularly scheduled meeting on March 19, 2025. Staff had originally recommended the approval of the special exception, subject to nine staff recommended conditions. The PLDRB voted 4 – 2 to deny the special exception noting that the project did not meet all the required criteria of the Unified Land Development Code (LDC), specifically Section 2.05.05(A): <i>“The proposed development must not be in conflict with or contrary to the public interest.”</i></p> <p>The site is zoned General Commercial (COM-2). The COM-2 zoning district requires a special exception to develop the property for Mini-warehouses, office warehouses and self-storage uses. The applicant chose to host a neighborhood meeting that was noticed to properties within 500 feet of the subject property although it isn’t required for special exceptions. Additionally, they met their public notice requirements sending certified mail a minimum of 14 days prior to the public hearing on March 19, 2025, and for the appeal to the Council. The applicant forwarded two emails they received as public comment opposing the project.</p>		

This appeal if reversed, will be subject to the applicant submitted a Technical Site Plan - Tier 2 (TSP) application prior to the property's development.

Recommended Action:

PLANNING STAFF RECOMMENDS THAT THE CITY COUNCIL AFTER DELIBERATION, MAKE A MOTION TO EITHER AFFIRM OR REVERSE THE PLANNING AND LAND DEVELOPMENT REGULATION BOARD'S ACTION. PURSUANT TO SEC. 2.16.02(I):

AFFIRM THE PLANNING AND LAND DEVELOPMENT REGULATION BOARD'S ACTION: "I MOVE THAT THE CITY COUNCIL FIND THAT THE FOLLOWING FACTS PRESENTED AND REVIEWED HERE ARE COMPETENT SUBSTANTIAL EVIDENCE TO AFFIRM THE PLANNING AND LAND DEVELOPMENT REGULATION BOARD'S ACTION: THAT THE APPLICATION IS NOT CONSISTENT WITH THE COMPREHENSIVE PLAN, AND UNIFIED LAND DEVELOPMENT CODE, NOTING THAT THE APPLICATION IS NOT IN THE PUBLIC INTEREST PURSUANT TO SEC. 2.05.05(A) OF THE UNIFIED LAND DEVELOPMENT CODE"; OR

REVERSE THE PLANNING AND LAND DEVELOPMENT REGULATION BOARD'S ACTION: "I MOVE THAT THE CITY COUNCIL FIND THAT THE FOLLOWING FACTS PRESENTED AND REVIEWED HERE ARE COMPETENT SUBSTANTIAL EVIDENCE TO REVERSE THE PLANNING AND LAND DEVELOPMENT REGULATION BOARD'S ACTION: THAT THE APPLICATION IS CONSISTENT WITH THE COMPREHENSIVE PLAN, THE UNIFIED LAND DEVELOPMENT CODE, AND SUBJECT TO THE STAFF RECOMMENDED CONDITIONS".

CITY COUNCIL MAY ADD, REMOVE, OR MODIFY ANY OF THE STAFF RECOMMENDED CONDITIONS

Hill Pointe Way Self Storage Special Exception Appeal

AR # 6236

**City Council
May 20, 2025**

The Appeal Process (LDC 2.16.02.C)

2.16.02.C Appeal of Planning and Land Development Regulation Board Decision – Review Procedures:

The public hearing shall be a de novo hearing and shall be conducted in accordance with the following:

1. Hearing steps.

a. Preliminary matters.

- (1) The Mayor shall read the case title.
- (2) Disclosure by City Council members of ex parte communications, if any.
- (3) Swearing in of appellant, City staff, and all witnesses collectively. The swearing in of witnesses may be left to the discretion of the Mayor with the concurrence of the appellant.

b. City staff's presentation.

- (1) City staff's opening statement.
- (2) Calling of witnesses and presentation of evidence by City staff.
- (3) Cross-examination after each witness, if so elected.

c. Appellant's opening statement.

- (1) Calling of witnesses and presentation of evidence by appellant.
- (2) Cross-examination after each witness, if so elected.

d. Public input. Testimony and presentation of evidence by the public with alternating speakers in support of and in opposition to the appeal and cross-examination after each witness, if so elected.

e. Closing argument by appellant.

f. Closing argument by City staff.

The Appeal Process (LDC 2.16.02.C)

2.16.02.C Appeal of Planning and Land Development Regulation Board Decision – Review Procedures (Continued):

- g. Rebuttal argument by appellant, if so elected.
- h. Discussion by City Council of the evidence presented as it applies to the requirements of the City of Palm Coast Code of Ordinances and applicable law.
- i. After deliberation, a motion should be made which would presumably either:

AFFIRM THE PLANNING AND LAND DEVELOPMENT REGULATION BOARD'S ACTION: "I move that the City Council find that the following facts presented and reviewed here are competent substantial evidence to affirm the Planning and Land Development Regulation Board's action: (list factors)"; or

REVERSE THE PLANNING AND LAND DEVELOPMENT REGULATION BOARD'S ACTION: "I move that the City Council find that the following facts presented and reviewed here are competent substantial evidence to reverse the Planning and Land Development Regulation Board's action: (list factors)."

2-3. Relate to Public Notice, which has been completed before the meeting.

4. In accordance with Subsection 2.05.01.I, the rendering of a decision shall mean the filing of a written development order or a written denial of a development order in the office of the City Clerk.

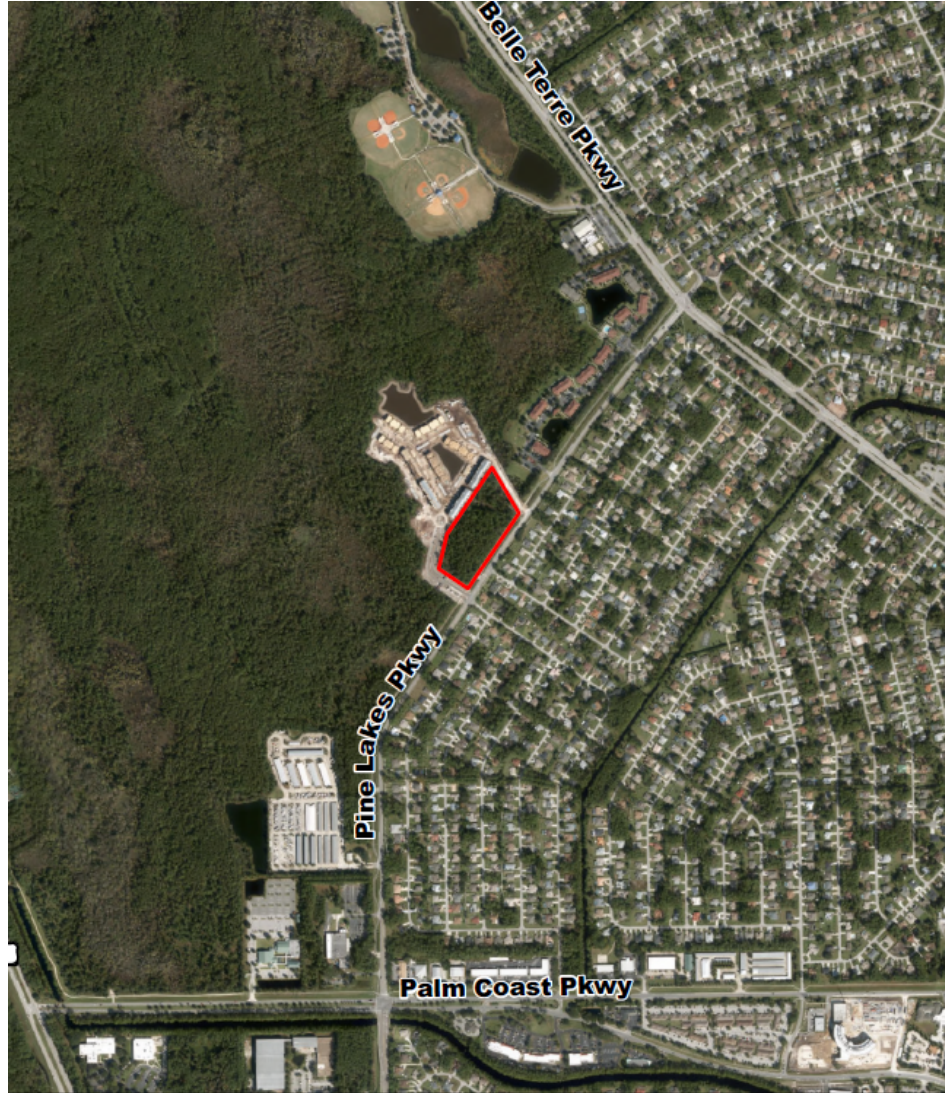
5. Unless the order specifically states it is an order without prejudice, it is rendered with prejudice.

Hill Pointe Way Self Storage Special Exception Appeal

AR # 6236

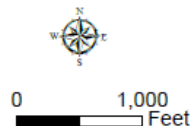
Staff Presentation of Special Exception Application

Aerial



Distant Aerial

— Palm Coast City Limits
■ Subject Property



Map Provided by the Planning Division

Date: 2/4/2025

Owner:

- Miral Corp

Site Size/Location

- ± 6.83 acres
- West side of Pine Lakes Pkwy.
Approx ± 0.5 miles south of Belle Terre Pkwy.

Request:

- Special Exception to allow Mini-Warehouses, Office Warehouses or Self Storage in the General Commercial, COM-2 zoning district.





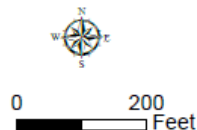


Aerial

Depicting immediate vicinity
developmental pattern

Close Up Aerial

-  Palm Coast City Limits
-  Subject Property



Map Provided by the Planning Division

Date: 2/4/2025

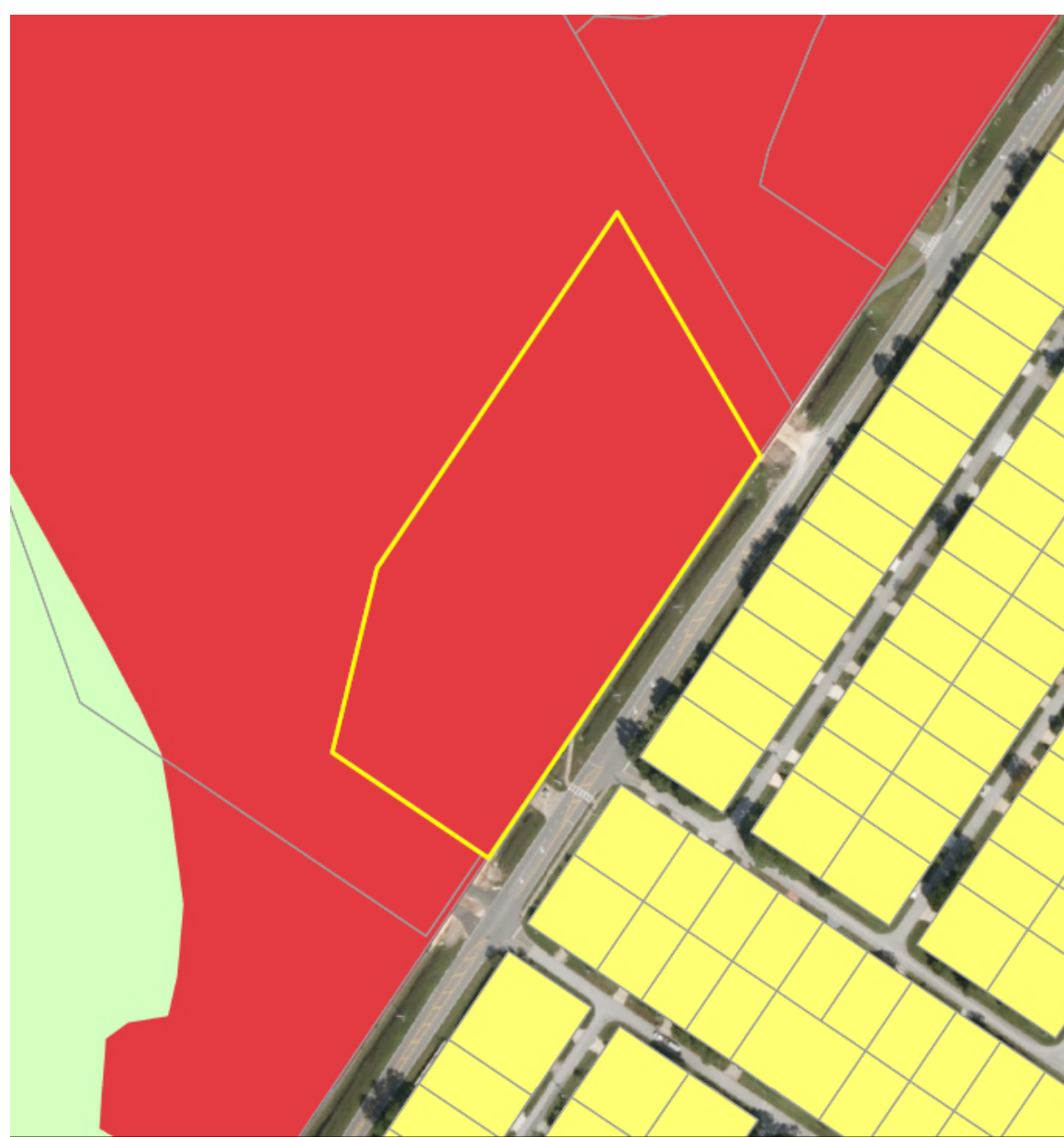
FLUM

Subject property - Mixed Use

North – Mixed Use

East and South - Residential

West – Mixed Use and
Conservation



Future Land Use Map

 Palm Coast City Limits
 Subject Property
 Conservation
Palm Coast FLUM
 Mixed Use
 Residential



Map Provided by the Planning Division

0 200
Feet

Date: 2/4/2025

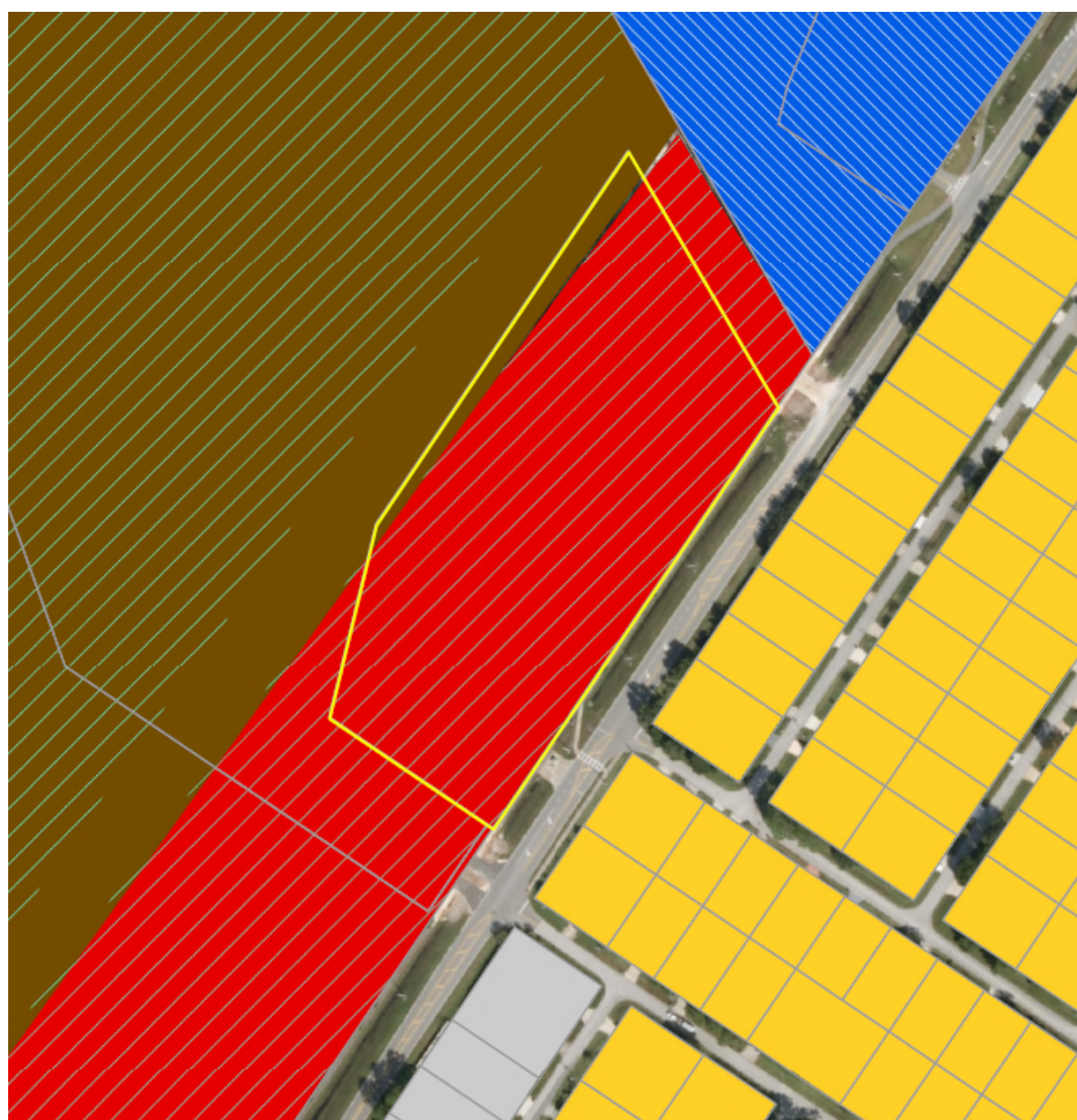


Zoning

Subject property – COM-2

North and West – Grand Avenue, Pine Lakes Apartments (MPD), and Pointe Grand (MFR-2)

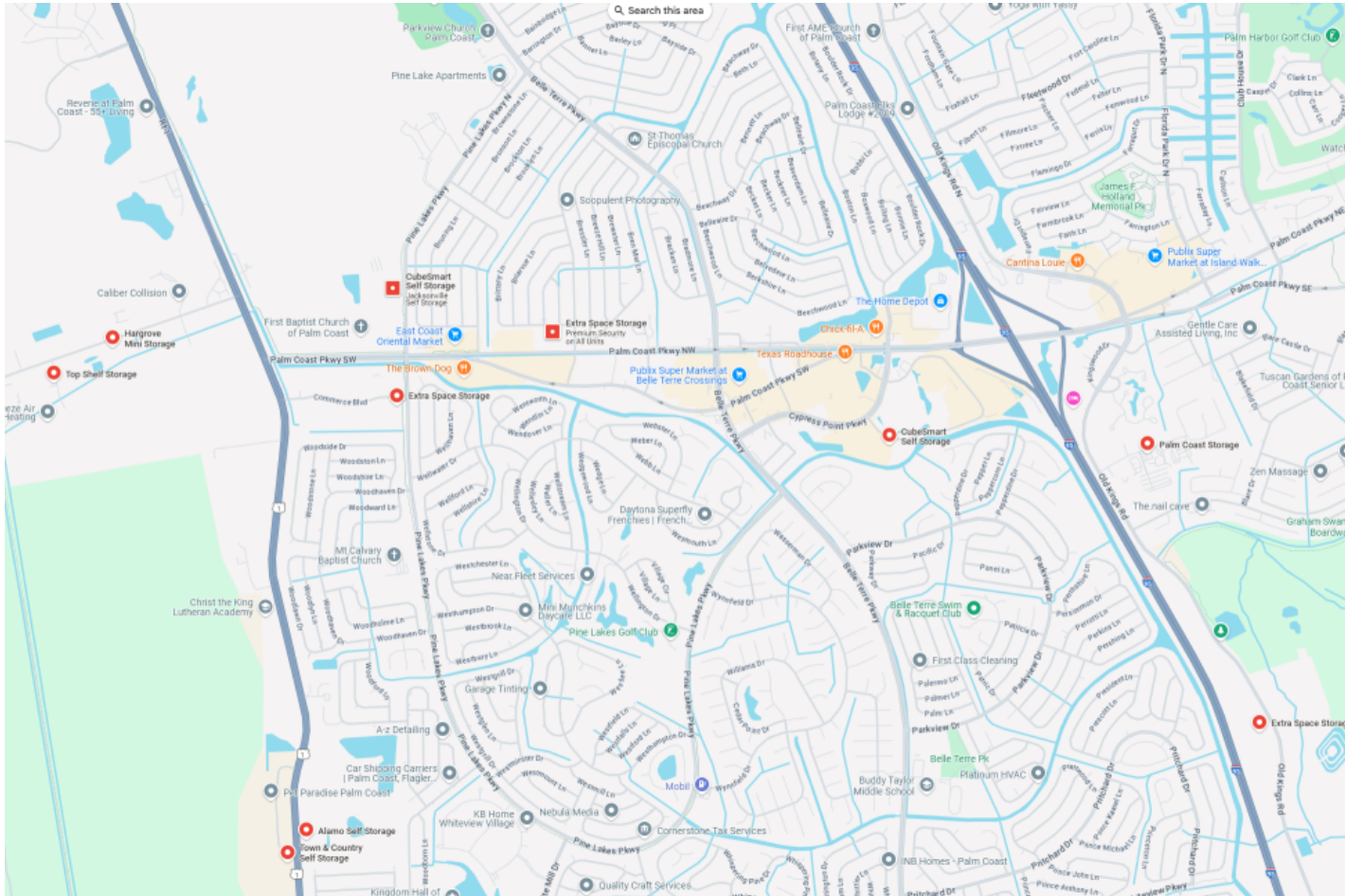
South and East – Pine Lakes Parkway, DPX and SFR-3 residential districts



Zoning Map



Self-Storage Facilities within Palm Coast



- This slide is informational only and requested by the PLDRB.
- The red color markers indicate a self-storage facility.
- Typically, they follow a development pattern near arterial/collector roads.
- There are also 2 self-storage facilities within the city not depicted on this map, one located on Old Kings north of Matanzas Woods Pkwy and one on SR-100 west of Colbert Lane.

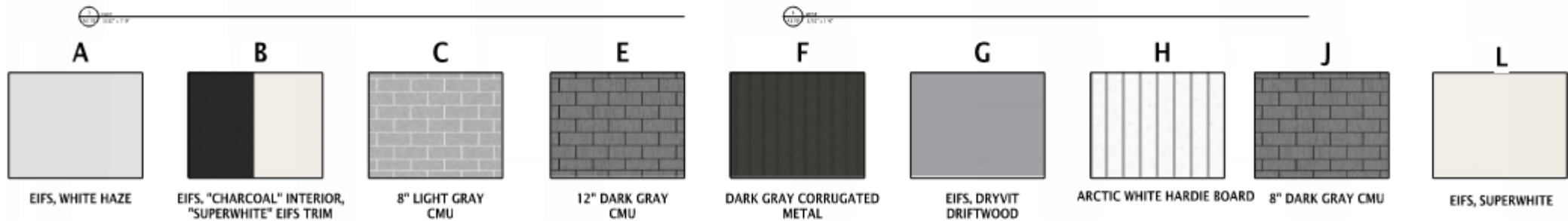
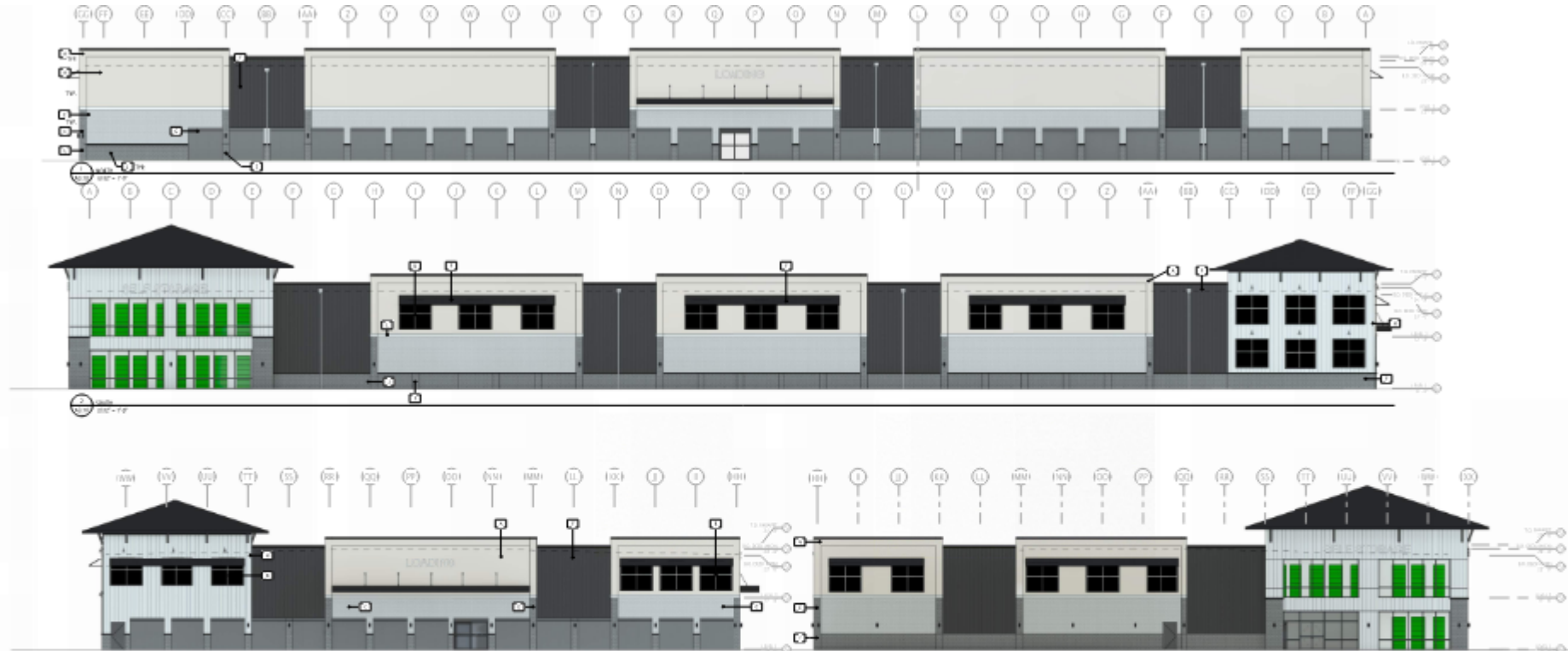
- One two-story building ±99,585 square feet with ±850 storage units.
- ±26 outdoor RV & boat storage spaces.
- Large stormwater pond on north/east portion of site (in purple).



Project Renderings



Architectural Elevations



Five Review Criteria from Sec. 2.05.05 of LDC

A. Must not be in conflict or contrary to the public interest.

Findings: The proposed self-storage facility, with indoor storage units and outdoor boat and RV storage spaces, is not in conflict with or contrary to the public interest. The site is located along Pine Lakes Parkway, which has a mix of uses including an existing self-storage facility albeit on property that is zoned as COM-3, an existing house of worship, multifamily residential, and single-family residential developments.

The COM-2 Zoning District is intended to provide sufficient areas for general commercial and office uses to meet community-wide demand for retail, services, businesses, and employment opportunities. A self-storage facility typically has a lower daily trip and am/pm peak hour trip total than other commercial uses that could be developed by right within the COM-2 portion of the property, and due to that would likely have a lesser impact on the daily lives of the public living in the immediate vicinity. The site is well situated to serve the surrounding residential communities.

Five Review Criteria from Sec. 2.05.05 of LDC

B. Must be consistent with the provisions of the LDC and Comprehensive Plan.

Findings: The request will be consistent with all applicable portions of the Land Development Code (LDC) and the Comprehensive Plan. The following are a selection of goals, policies and objectives from the Comprehensive Plan that the project supports:

- **Chapter 1, Future Land Use Element: Goal 1.1** – Preserve the character of residential communities, prevent urban sprawl and protect open space and environmental resources, while providing a mix of land uses, housing types, services, and job opportunities in mixed use centers and corridors.
- **Chapter 1, Future Land Use Element: Objective 1.1.4** Discourage Urban Sprawl – Promote compact and contiguous development, a mixture of land uses, and discourage urban sprawl.
- **Chapter 1, Future Land Use Element: Policy 1.1.4.5** — *Land use patterns will be required to be efficient and not disproportionately increase the cost of providing and maintaining public facilities, as well as providing housing and transportation strategies that will foster energy conservation.*

Five Review Criteria from Sec. 2.05.05 of LDC

B. (continued)

Findings: The self-storage building will provide a location for residents and small businesses to store items or park recreational vehicles. This is potentially useful for residents as the LDC regulates the storage of recreational vehicles, but also sets maximum depth and size requirements for garages. Given the existing self-storage facility approximately one-third of a mile south on Pine Lakes Parkway, the proposed use is within the character and developmental pattern of the existing neighborhood. The location of the property provides an opportunity of in-fill development which reduces the overall urban sprawl.

Staff evaluated the proposed developmental project in consideration of Policy 10.1 of the Property Rights Element of the Comprehensive Plan and found that the property owner's rights have not been impacted by the outcome of this special exception application.

Five Review Criteria from Sec. 2.05.05 of LDC

C. Must not impose a significant liability or hardship on City.

Findings: Should the applicant be granted a Special Exception as conditioned by staff, no significant financial liability or hardship will be created for the City. Potable water and sanitary sewer services are available in the immediate proximity running along Pine Lakes Parkway. The developer will ultimately be financially responsible for the cost to connect to the existing 10-inch water main and four-inch force main.

The applicant's engineer submitted a Trip Generation Comparison using the Institute of Transportation Engineers (ITE) Trip Generation Manual which shows that the proposed facility will only generate 144 average annual daily trips, including approximately 15 PM Peak Hour trips. This is in comparison to an estimated daily trips of 5,422 and 656 PM Peak Hours trip that could be generated if the parcel was developed as a strip retail plaza per the ITE Trip Generation Manual. The permitted uses for the COM-2 zoning district would allow this type of use.

Five Review Criteria from Sec. 2.05.05 of LDC

D. Must not create an unreasonable hazard, or nuisance, or constitute a threat to the general health, welfare, or safety of the City's inhabitants.

Findings: Approving a Special Exception for a self-storage facility with boat and RV parking where the facility is well buffered will not create an unreasonable hazard, or nuisance, or constitute a threat to the general health, welfare, or safety of the City's inhabitants.

Five Review Criteria from Sec. 2.05.05 of LDC

E. The proposed development must comply with all other applicable local, state and federal laws, statutes, ordinances, regulations, or codes;

Staff Finding: If the special exception application is approved by the PLDRB, the applicant will need to submit a TSP. At the proposed size of 99,585 square feet, the self-storage facility will have a development level of Tier – 2. This application development level is initially reviewed by staff, with the PLDRB as the approval body during a public hearing. The proposed development must comply with the requirements of the LDC and all other applicable local, state and federal laws, statutes, ordinances, regulations and codes.

Special Exception Analysis Based on LDC Sec. 2.07.03

- Additional criteria for Special Exceptions

A. Is consistent with the specific requirements for that particular use as set forth in this LDC;

Staff Finding: The proposed location will be on a site that will be developed under all applicable development standards of the LDC including specific standards for the General Commercial (COM-2) Zoning District. Landscaping standards shall meet or exceed, as applicable, the standards of Chapter 11, including Table 11-4 Planting and Maintenance Requirements. Additional sections of the LDC that address outdoor storage of boats and RVs include:

- **5.04.10 Boat and recreational vehicle commercial storage facilities**, which states: Where boats or recreational vehicles are commercially stored outside, they shall only be stored on pavement located behind buildings or preserved wooded areas (adequately buffered), so they are generally hidden from the public rights-of-way..., and
- **4.17.02 Outdoor Storage in COM... Districts**, which requires screening by architectural features, a fence, a wall or natural buffer; and further states that no items may be stored above the height of the screening.

Special Exception Analysis Based on LDC Sec. 2.07.03

A. (Continued)

With the submittal of the TSP, the applicant must submit elevations, which will be reviewed for compliance with LDC Chapter 13 - Architectural Design Regulations, to include building massing, exterior articulation, fenestration, roof types and exterior colors. It should be noted that metal buildings are not permitted to be visible from public Right-of Way within the commercial zoning districts. As mentioned earlier, staff will include a condition on the special exception for an eight-foot-high decorative wall with sufficient visual screening to soften and break up the appearance of the wall on the street side adjacent to Pine Lakes Parkway during the TSP application. The required screening of the LDC and existing vegetation, will likely provide adequate screening from the Pointe Grand development.

Special Exception Analysis Based on LDC Sec. 2.07.03

B. Meets the concurrency requirements of this LDC;

The site will need to meet all applicable concurrency provisions in the LDC as it goes through the permitting process.

C. Is compatible with the surrounding neighborhoods and promotes the value of surrounding land, structures or buildings.

As conditioned in staff's recommendation of approval, the proposed use will be compatible with existing and expected future uses of the neighboring area.

Compatibility shall be further reviewed under other factors including architectural design and screening standards. Planning staff will ensure the facility will meet these standards, including staff's special conditions when the Technical Site Plan is reviewed.

Public Participation

- The applicant voluntarily hosted a neighborhood meeting on 2/20/2025 that was noticed to property owners within 500 feet of the subject site, despite a special exception not requiring a neighborhood meeting. No members of the public attended.
- The applicant met the 14-day requirement of sending certified mail to abutting properties for the PLDRB Public Hearing and City Council Appeal.
- The applicant forwarded two emails received from residents opposing the project to staff. Staff did not receive any additional public comments.

Staff Recommendation

Planning staff recommended that the Planning and Land Development Regulation Board determine this project is consistent with the City's Comprehensive Plan and the Land Development Code and approve Application No. 6079 to allow a Special Exception for Mini-warehouses, Office Storage and Self-Storage with associated recreational vehicle and boat storage in the COM-2 zoning district subject to the following nine conditions:

1. An eight-foot-high decorative wall with sufficient visual screening to soften and break up the appearance of the wall on the street side adjacent to Pine Lakes Parkway during the TSP application. This wall is required to screen the area adjacent to Pine Lakes Parkway that is in front of the proposed recreational vehicle and boat parking and is in addition to the required G Type buffer as required by the LDC. The recreational vehicles and boat storage area shall be screened from view of the adjacent multifamily residential development using a D, E, or F type screening that provides a minimum level of opacity of 80 percent. A wall or fence must be eight feet tall. Supplemental plantings may be required to the satisfaction of the City's Landscape Architect during the TSP application.

Conditions of Approval

2. The Self-Storage facility's hours of operations and customer access shall be limited to the hours between 7am and 10pm seven days a week.
3. Outdoor vehicle storage services are limited to operable boats, automobiles, pickups, vans, trailers, and recreational vehicles. Storage services shall not be provided for any heavy-duty trucks, semi-tractor trailers, dump trucks, full-size buses, shipping containers, or large construction equipment. The vehicles stored onsite are subject to having valid registration as required by the Florida Department of Highway Safety and Motor Vehicles.
4. Onsite boat and vehicle repair and maintenance is limited to washing, cleaning, detailing, tire changing, battery replacement, and other minor servicing and repairs. Recreational vehicles and boats stored on site shall not be used for on-site residential use.
5. An onsite business for the sale, leasing or rental of boats, recreational vehicles, trucks, trailers, or construction related equipment is prohibited.

Conditions of Approval

6. All vehicles and boats being stored shall be limited to the designated boat/recreational storage spaces and shall not extend into or occur within driving lanes or other non-designated storage areas.
7. A business shall not use storage units for retail display and/or sale of merchandise.
8. No individual business signage shall be visible from the exterior of any storage unit or recreational vehicle or boat except for the storage business itself.
9. Approval of a Technical Site Plan, Site Development Permit and all other developmental permits required by the Land Development Code.

Planning and Land Development Regulation Board

On March 19, 2025, the Planning and Land Development Regulation Board (PLDRB) by a 4 – 2 vote, denied the Special Exception application for the Hill Pointe Way Self Storage Facility, citing that the project did not meet all the required criteria of the Unified Land Development Code (LDC), specifically Section 2.05.05(A): *“The proposed development must not be in conflict with or contrary to the public interest.”*

Planning and Land Development Regulation Board

The following analysis highlights key points from the PLDRB discussion and findings that support their denial, particularly in relation to Criterion A (Public Interest):

Key findings supporting this determination include:

1. Conflict with the Intent of COM-2 Zoning and Public Interest – The proposed storage facility does not align with the intent of the COM-2 zoning district, which is meant to support a mix of retail, services, businesses, and employment opportunities. Instead, the facility would contribute to an over-saturation of storage uses in the area, with no demonstrated market demand.
2. Incompatibility with the Comprehensive Plan & Community Character – The proposed development does not support the area's walkability and mixed-use potential, nor does it contribute to the goals of the Future Land Use Map (FLUM) or Goal 1.1 of the Comprehensive Plan, which emphasize a balanced mix of land uses and employment opportunities.
3. Failure to Meet Special Exception Requirements – As clarified by legal counsel, a Special Exception is not an automatic entitlement and must be evaluated for compatibility with the surrounding area. The PLDRB found that approving this application would limit the potential for future commercial development better aligned with the public interest and Comprehensive Plan objectives.

Given these factors, the PLDRB determined that the proposed self-storage facility does not meet the requirements of LDC Section 2.05.05(A) and is not in the public interest, leading to the denial of the Special Exception application.

Recommended Action

Planning Staff recommends that the City Council after deliberation, make a motion to either affirm or reverse the Planning and Land Development Regulation Board's action. Pursuant to Sec. 2.16.02(I):

AFFIRM THE PLANNING AND LAND DEVELOPMENT REGULATION BOARD'S ACTION: "I move that the City Council find that the following facts presented and reviewed here are competent substantial evidence to affirm the Planning and Land Development Regulation Board's action: that the application is not consistent with the Comprehensive Plan, and Unified Land Development Code, noting that the application is not in the public interest pursuant to Sec. 2.05.05(A) of the Unified Land Development Code"; or

REVERSE THE PLANNING AND LAND DEVELOPMENT REGULATION BOARD'S ACTION: "I move that the City Council find that the following facts presented and reviewed here are competent substantial evidence to reverse the Planning and Land Development Regulation Board's action: that the application is consistent with the Comprehensive Plan, the Unified Land Development Code, and subject to the staff recommended conditions".

Please note the Council may add, remove, or modify any of the staff recommended conditions.

Applicant's Team is in Attendance



COMMUNITY DEVELOPMENT DEPARTMENT

HILL POINTE WAY SELF STORAGE SPECIAL EXCEPTION APPEAL STAFF REPORT

CITY COUNCIL

MAY 20, 2025

OVERVIEW

Project #	6236
Applicant:	Cobb Cole / Robert A. Merrell III, Esquire
Property Description:	±6.836 acres
Property Owner:	Miral Corp
FLUM Designation:	Mixed Use
Zoning Designation:	General Commercial (COM-2)
Current Use:	Vacant land
Property Tax ID:	10-11-30-5115-00000-0032
Property Location:	Northwest quadrant of the Pine Lakes Parkway and Grand Avenue intersection
Requested Action:	Special Exception to allow <i>Mini-warehouses, Office Warehouses and Self-Storage</i> in the General Commercial (COM-2) Zoning District

ANALYSIS

REQUESTED ACTION

The applicant has requested to appeal a denial of the Planning and Land Development Regulation Board (PLDRB) pursuant to Section 2.16.02 of the Unified Land Development Code (LDC) for a Special Exception in the General Commercial (COM-2) zoning district to allow *Mini-warehouses, Office Warehouses and Self-Storage*. The Hill Pointe Way Self-Storage facility is proposed on a vacant ±6.836-acre site located at the northwest quadrant of the Pine Lakes Parkway and Grand Avenue intersection.

BACKGROUND/SITE HISTORY

The subject parcel was acquired by Miral Corp on February 1, 2013. The property is currently vacant and planned to be sold to Johnson Development Associates (Contract Purchaser) who plans to develop the property into a self-storage facility with indoor storage units as well as outdoor RV and boat storage spaces. The property owner and contract purchaser are represented by Robert Merrell of the Cobb Cole law firm as a self-storage facility requires a special exception to be developed within the COM-2 zoning district.

Section 3.03.02 of the LDC identifies allowable uses within nonresidential and mixed-use zoning districts. Table 3-4 lists Mini-warehouses, Office Warehousing and Self-Storage under the Warehousing

category as only being allowed in the COM-2 zoning district via approval of a Special Exception. Mini-warehouses, Office Warehousing and Self-Storage are permitted uses within the High Intensity Commercial (COM-3) District and the Light Industrial and Warehousing (IND-1) District.

The site plan proposes a two-story self-storage facility with:

- **Ground floor:** ±49,634 square feet
- **Second floor:** ±49,951 square feet
- **Total building size:** ±99,585 square feet
- **850 storage units** (preliminary estimate subject to modification during the Technical Site Plan (TSP) application process)
- **26 recreational vehicle and boat storage spaces** (preliminary estimate subject to modification during the TSP application process)

The TSP application will return to the Planning and Land Development Regulation Board (PLDRB) for final approval as the project is greater than 40,000 square feet but less than 100,000 square feet of nonresidential development. A stormwater pond for on-site water retention is proposed on the east and north side of the development.

Pine Lakes Parkway is designated as a specially designated road in Table 11-5 of the LDC. Specially designated roads have increased landscape buffer requirements as opposed to a non-specially designated road. The proposed project plans to include parking spaces for recreational vehicles and boats. LDC Sections 4.17.02(A) and 5.04.10 include increased screening provisions for the outdoor storage of recreational vehicles and boats. They require recreational vehicles and boats to be stored on a paved surface and be located behind buildings or preserved wooded areas so that they are generally hidden from view of the public right-of-way by using opaque fencing or decorative walls. A wall or fence will have to meet the architectural requirements of the LDC for material and color, and be eight feet in height, which is the maximum allowed for commercial property per LDC Section 4.01.02.

The applicant will need to provide a Type G landscape buffer of 25 feet in width adjacent to Pine Lakes Parkway as it is a specially designated road per LDC Table 11-5. Due to the requirements of Sections 4.17.02(A) and 5.04.10, staff has discussed these requirements with the applicant and recommends a condition on the special exception to include an eight-foot-high decorative wall with sufficient visual screening to soften and break up the appearance of the wall on the street side adjacent to Pine Lakes Parkway during the TSP application.

The LDC Table 11-5, requires the applicant to provide either a Type D, E, or F landscape buffer adjacent to Grand Avenue. Type D requires a 10-foot-wide landscape buffer with a decorative wall. Type E requires a 20-foot-wide landscape buffer with a tall screen. Type F requires a 15-foot-wide landscape buffer with a fence.

LAND USE AND ZONING INFORMATION**USE SUMMARY TABLE:**

CATEGORY:	EXISTING:	PROPOSED:
Future Land Use Map (FLUM)	Mixed Use	No change proposed
Zoning District	General Commercial (COM-2)	No change proposed
Use	Vacant	Self-storage facility including boat/RV parking

SURROUNDING ZONING AND LAND USES:

NORTH	FLUM	Mixed Use
	Zoning	MFR-2 and MPD (Multifamily Residential)
	Use	Pine Lakes Apartments
EAST	FLUM	Residential
	Zoning	SFR-3
	Use	Single-Family Residential
SOUTH	FLUM	Residential
	Zoning	SFR-3 and DPX
	Use	Single-Family Residential and Duplex Residential
WEST	FLUM	Mixed Use and Conservation
	Zoning	COM-2 and MFR-2
	Use	Vacant

ANALYSIS BASED ON UNIFIED LAND DEVELOPMENT CODE CHAPTER 2 SECTION 2.05.05

The Unified Land Development Code, Chapter 2, and Part II, Section 2.05.05 states: *When reviewing a development order application, the approval authority shall determine whether sufficient factual data was presented in order to render a decision. The decision to issue a development order shall be based upon the following, including but not limited to:*

A. The proposed development must not be in conflict with or contrary to the public interest;

Staff Finding: The proposed self-storage facility, with indoor storage units and outdoor boat and RV storage spaces, is not in conflict with or contrary to the public interest. The site is located along Pine Lakes Parkway, which has a mix of uses including an existing self-storage facility albeit on property that is zoned as COM-3, an existing house of worship, multifamily residential, and single-family residential developments. The COM-2 Zoning District is intended to provide sufficient areas for general commercial and office uses to meet community-wide demand for retail, services, businesses, and employment opportunities. A self-storage facility typically has a lower daily trip and am/pm peak hour trip total than other commercial uses that could be developed by right within the COM-2 portion of the property, and

due to that would likely have a lesser impact on the daily lives of the public living in the immediate vicinity. The site is well situated to serve the surrounding residential communities.

B. The proposed development must be consistent with the Comprehensive Plan and the provisions of this LDC;

Staff Findings: The request will be consistent with all applicable portions of the Land Development Code (LDC) and the Comprehensive Plan. The following are a selection of goals, policies and objectives from the Comprehensive Plan that the project supports:

- **Chapter 1, Future Land Use Element: Goal 1.1** – Preserve the character of residential communities, prevent urban sprawl and protect open space and environmental resources, while providing a mix of land uses, housing types, services, and job opportunities in mixed use centers and corridors.
- **Chapter 1, Future Land Use Element: Objective 1.1.4** Discourage Urban Sprawl – Promote compact and contiguous development, a mixture of land uses, and discourage urban sprawl.
- **Chapter 1, Future Land Use Element: Policy 1.1.4.5** — *Land use patterns will be required to be efficient and not disproportionately increase the cost of providing and maintaining public facilities, as well as providing housing and transportation strategies that will foster energy conservation.*

Staff Findings: The self-storage building will provide a location for residents and small businesses to store items or park recreational vehicles. This is potentially useful for residents as the LDC regulates the storage of recreational vehicles, but also sets maximum depth and size requirements for garages. Given the existing self-storage facility approximately one-third of a mile south on Pine Lakes Parkway, the proposed use is within the character and developmental pattern of the existing neighborhood. The location of the property provides an opportunity of in-fill development which reduces the overall urban sprawl. Staff evaluated the proposed developmental project in consideration of Policy 10.1 of the Property Rights Element of the Comprehensive Plan and found that the property owner's rights have not been impacted by the outcome of this special exception application.

C. The proposed development must not impose a significant financial liability or hardship for the City;

Staff Findings: Should the applicant be granted a Special Exception as conditioned by staff, no significant financial liability or hardship will be created for the City. Potable water and sanitary sewer services are available in the immediate proximity running along Pine Lakes Parkway. The developer will ultimately be financially responsible for the cost to connect to the existing 10-inch water main and four-inch force main. The applicant's engineer submitted a Trip Generation Comparison using the Institute of Transportation Engineers (ITE) Trip Generation Manual which shows that the proposed facility will only generate 144 average annual daily trips, including approximately 15 PM Peak Hour trips. This is in comparison to an estimated daily trips of 5,422 and 656 PM Peak Hours trip that could be generated if the parcel was developed as a strip retail plaza per the ITE Trip Generation Manual. The permitted uses for the COM-2 zoning district would allow this type of use.

D. The proposed development must not create an unreasonable hazard, or nuisance, or constitute a threat to the general health, welfare, or safety of the City's inhabitants;

Staff Finding: Approving a Special Exception for a self-storage facility with boat and RV parking where the facility is well buffered will not create an unreasonable hazard, or nuisance, or constitute a threat to the general health, welfare, or safety of the City's inhabitants.

E. The proposed development must comply with all other applicable local, state and federal laws, statutes, ordinances, regulations, or codes;

Staff Finding: If the special exception application is approved by the PLDRB, the applicant will need to submit a TSP. At the proposed size of 99,585 square feet, the self-storage facility will have a development level of Tier – 2. This application development level is initially reviewed by staff, with the PLDRB as the approval body during a public hearing. The proposed development must comply with the requirements of the LDC and all other applicable local, state and federal laws, statutes, ordinances, regulations and codes.

ANALYSIS BASED ON UNIFIED LAND DEVELOPMENT CODE CHAPTER 2 SECTION 2.07.03

The Unified Land Development Code, Chapter 2, Part II, Sec. 2.07.03 states: “*No application for a special exception use shall be approved unless the Planning and Land Development Regulation Board finds that the request meets the findings listed in Subsection 2.05.05 and the following:*”

A. Is consistent with the specific requirements for that particular use as set forth in this LDC;

Staff Finding: The proposed location will be on a site that will be developed under all applicable development standards of the LDC including specific standards for the General Commercial (COM-2) Zoning District. Landscaping standards shall meet or exceed, as applicable, the standards of Chapter 11, including Table 11-4 Planting and Maintenance Requirements. Additional sections of the LDC that address outdoor storage of boats and RVs include:

- **5.04.10 Boat and recreational vehicle commercial storage facilities**, which states: Where boats or recreational vehicles are commercially stored outside, they shall only be stored on pavement located behind buildings or preserved wooded areas (adequately buffered), so they are generally hidden from the public rights-of-way..., and
- **4.17.02 Outdoor Storage in COM... Districts**, which requires screening by architectural features, a fence, a wall or natural buffer; and further states that no items may be stored above the height of the screening.

With the submittal of the TSP, the applicant must submit elevations, which will be reviewed for compliance with LDC Chapter 13 - Architectural Design Regulations, to include building massing, exterior articulation, fenestration, roof types and exterior colors. It should be noted that metal buildings are not permitted to be visible from public Right-of Way within the commercial zoning districts. As mentioned earlier, staff will include a condition on the special exception for an eight-foot-high decorative wall with sufficient visual screening to soften and break up the appearance of the wall on the street side adjacent to Pine Lakes Parkway during the TSP application. The required screening of the LDC and existing vegetation, will likely provide adequate screening from the Pointe Grand development.

B. Meets the concurrency requirements of this LDC;

Staff Finding: The site will need to meet all applicable concurrency provisions in the LDC as it goes through the permitting process. Traffic will be further reviewed upon Technical Site Plan submittal. As indicated by the applicant’s submittal of their Trip Generation Comparison, storage facilities have significantly lower traffic or trips compared to other uses permitted within the COM-2 zoning District.

C. Is compatible with the surrounding neighborhoods and promotes the value of surrounding land, structures or buildings.

Staff Finding: The proposed project is conditionally compatible with the surrounding neighborhood given the existing developmental pattern of multifamily residential and an existing self-storage facility,

and the project meeting the requirements of the LDC for enhanced screening pertaining to the parking of recreational vehicles on the property.

a. Compatibility shall be further reviewed in light of the following components:

Criteria	Staff Finding
<i>Architectural design;</i>	The proposed buildings will have to meet the requirements in the LDC Chapter 13 – Architectural Design Regulations, before approval of the Technical Site Plan.
<i>Fencing and screening, landscaping;</i>	Staff is recommending the site to be sufficiently buffered per the requirements of the LDC. Further the buffer adjacent to Pine Lakes Parkway shall provide the required decorative wall at a height of eight feet. This will be confirmed with the Technical Site Plan.
<i>Noise reduction, sign and light control;</i>	No noise, or lighting impacts are anticipated at this location based on the type of use and site plan layout and perimeter buffers. If applicable, a photometric lighting plan will be required at Site Plan. Signage will be addressed in accordance with Chapter 12 of the LDC.
<i>Storm drainage, sanitation collection;</i>	The applicant's proposed stormwater system will be reviewed by the City and SJRWMD during the Technical Site Plan process.
<i>Police and fire protection;</i>	Fire standards will also be reviewed during the Technical Site Plan review process. No significant fire or police risk is anticipated by this use.
<i>On and off-site traffic control;</i>	This project is located on Pine Lakes Parkway, a city collector road will require review by the City's Traffic Engineer during the Technical Site Plan review process. The project has a Trip Generation Report submitted based on the ITE Trip Generation Manual.
<i>Off-street parking and loading; and</i>	The applicant is proposing 11 parking spaces, including 1 ADA-compliant parking space and a linear loading area that wraps around the building in addition to 26 recreational vehicle parking spaces. The interior vehicular design area being provided will be analyzed in detail during the Technical Site Plan review process and may require minor modification.
<i>Other matters relevant to assuring that the proposed development site fosters desirable conditions and compatibility with the existing environment.</i>	In Planning staff's recommendation are conditions staff suggests to the PLDRB to ensure the self-storage facility with parking for boat and RV storage remains compatible with neighboring properties.

PUBLIC PARTICIPATION

Per LDC Section 2.05.03, the applicant notified adjacent property owners via certified mail at least 14 days before the public hearing. **The LDC does not require a neighborhood meeting for a Special Exception**, but the applicant voluntarily hosted one on February 20, 2025, at Indian Trails Middle School.

- Notification: Mailed to property owners within 500 feet.
- Attendance: No members of the public attended.
- Public Comments: Two emails opposing the project were received and are attached to this report.

STAFF RECOMMENDATION

Planning staff recommended that the Planning and Land Development Regulation Board determine the Special Exception is consistent with the City's Comprehensive Plan and the Land Development Code and approve Application No. 6079 to allow a Special Exception for Mini-warehouses, Office Storage and Self-Storage with associated recreational vehicle and boat storage in the COM-2 zoning district subject to the following conditions:

1. An eight-foot-high decorative wall with sufficient visual screening to soften and break up the appearance of the wall on the street side adjacent to Pine Lakes Parkway during the TSP application. This wall is required to screen the area adjacent to Pine Lakes Parkway that is in front of the proposed recreational vehicle and boat parking and is in addition to the required G Type buffer as required by the LDC. The recreational vehicles and boat storage area shall be screened from view of the adjacent multifamily residential development using a D, E, or F type screening that provides a minimum level of opacity of 80 percent. A wall or fence must be eight feet tall. Supplemental plantings may be required to the satisfaction of the City's Landscape Architect during the TSP application.
2. The Self-Storage facility's hours of operations and customer access shall be limited to the hours between 7am and 10pm seven days a week.
3. Outdoor vehicle storage services are limited to operable boats, automobiles, pickups, vans, trailers, and recreational vehicles. Storage services shall not be provided for any heavy-duty trucks, semi-tractor trailers, dump trucks, full-size buses, shipping containers, or large construction equipment. The vehicles stored onsite are subject to having valid registration as required by the Florida Department of Highway Safety and Motor Vehicles.
4. Onsite boat and vehicle repair and maintenance is limited to washing, cleaning, detailing, tire changing, battery replacement, and other minor servicing and repairs. Recreational vehicles and boats stored on site shall not be used for on-site residential use.
5. An onsite business for the sale, leasing or rental of boats, recreational vehicles, trucks, trailers, or construction related equipment is prohibited.
6. All vehicles and boats being stored shall be limited to the designated boat/recreational storage spaces and shall not extend into or occur within driving lanes or other non-designated storage areas.
7. A business shall not use storage units for retail display and/or sale of merchandise.

8. No individual business signage shall be visible from the exterior of any storage unit or recreational vehicle or boat except for the storage business itself.
9. Approval of a Technical Site Plan, Site Development Permit and all other developmental permits required by the Land Development Code.

PLANNING AND LAND DEVELOPMENT REGULATION BOARD MEETING

On March 19, 2025, the Planning and Land Development Regulation Board (PLDRB) by a 4 – 2 vote, denied the Special Exception application for the Hill Pointe Way Self Storage Facility, citing that the project did not meet all the required criteria of the Unified Land Development Code (LDC), specifically Section 2.05.05(A): *“The proposed development must not be in conflict with or contrary to the public interest.”*

The following analysis highlights key points from the PLDRB discussion and findings that support their denial, particularly in relation to Criterion A (Public Interest):

Key findings supporting this determination include:

1. Conflict with the Intent of COM-2 Zoning and Public Interest – The proposed storage facility does not align with the intent of the COM-2 zoning district, which is meant to support a mix of retail, services, businesses, and employment opportunities. Instead, the facility would contribute to an over-saturation of storage uses in the area, with no demonstrated market demand.
2. Incompatibility with the Comprehensive Plan & Community Character – The proposed development does not support the area's walkability and mixed-use potential, nor does it contribute to the goals of the Future Land Use Map (FLUM) or Goal 1.1 of the Comprehensive Plan, which emphasize a balanced mix of land uses and employment opportunities.
3. Failure to Meet Special Exception Requirements – As clarified by legal counsel, a Special Exception is not an automatic entitlement and must be evaluated for compatibility with the surrounding area. The PLDRB found that approving this application would limit the potential for future commercial development better aligned with the public interest and Comprehensive Plan objectives.

Given these factors, the PLDRB determined that the proposed self-storage facility does not meet the requirements of LDC Section 2.05.05(A) and is not in the public interest, leading to the denial of the Special Exception application.

RECOMMENDED ACTION

Planning Staff recommends that the City Council after deliberation, make a motion to either affirm or reverse the Planning and Land Development Regulation Board's action. Pursuant to Sec. 2.16.02(I):

AFFIRM THE PLANNING AND LAND DEVELOPMENT REGULATION BOARD'S ACTION: "I move that the City Council find that the following facts presented and reviewed here are competent substantial evidence to affirm the Planning and Land Development Regulation Board's action: that the application is not consistent with the Comprehensive Plan, and Unified Land Development Code, noting that the application is not in the public interest pursuant to Sec. 2.05.05(A) of the Unified Land Development Code"; or

REVERSE THE PLANNING AND LAND DEVELOPMENT REGULATION BOARD'S ACTION: "I move that the City Council find that the following facts presented and reviewed here are competent substantial evidence to reverse the Planning and Land Development Regulation Board's action: that the application is consistent with the Comprehensive Plan, the Unified Land Development Code, and subject to the staff recommended conditions".



City of Palm Coast Minutes PLANNING AND LAND DEVELOPMENT REGULATION BOARD

City Hall
160 Lake Avenue
Palm Coast, FL 32164
www.palmcoast.gov

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, March 19, 2025

5:30 PM

CITY HALL - 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 March 19, 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
Mr. Ferguson
Mr. Decker
Mr. Hilton

Ms. Nicholson
Mr. Gross

Excused:
Vice Chair Albano
Mr. Stancel
Ms. Divina

Absent:
Mr. Lemon

Approval of Meeting Minutes

1 MEETING MINUTES OF THE FEBURARY 19, 2025 PLANNING AND LAND DEVELOPMENT REGULATION BOARD MEETING

Pass

Motion made to be approve as amended with an update to the spelling of Ms. Nicholson's name on pages 10 & 11 by Board Member Nicholson and seconded by Board Member Decker

Approved - 6 - Chairman Sandra Shank, Board Member Hung Hilton, Board Member Suzanne Nicholson, Board Member David Ferguson, Board Member Larry Gross, Board Member Garrett Decker

Public Hearing

2 RYAN SHERWOOD TATTOO STUDIO SPECIAL EXCEPTION - APPLICATION # 6139

Mr. Ray Tyner, Deputy Director of Community Development, introduced this item as well as Ms. Jacqueline Gonzalez, Site Development Coordinator 1, who gave a presentation which is attached to this record.

Mr. Ryan Sherwood, applicant, addressed the PLDRB members and was available for any questions they may have.

Chair Shank opened this item to public comment at 5:36pm and seeing no one approach the podium she closed this item to public comment at 5:37pm.

Pass

Motion made to approve as presented by Board Member Decker and seconded by Board Member Hilton

Approved - 6 - Chairman Sandra Shank, Board Member Hung Hilton, Board Member Suzanne Nicholson, Board Member David Ferguson, Alternate Board Member Larry Gross, Alternate Board Member Garrett Decker

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

Ms. Jessica Gow, Cobb Cole Law Firm, attorney representing the developer, gave a presentation which is attached to this record.

Mr. Ferguson asked for clarification referring to the map that was being displayed, asking what is located behind the development.

Mr. Decker asked if we looked at adding a turn lane and Mr. Hanson stated that Phong Nguyen (traffic planner) reviewed the applicant's trip generation report and based on the number of trips this project would produce the need for a turn lane was not triggered. Mr. Tyner clarified that this application is a special exception which determines the use and the next step is the technical site plan where we look at traffic impacts again.

Mr. Gross asked to clarify that the use is already permitted in this zoning district. Mr. Hanson offered a point of clarification stating that a storage facility use isn't allowed in a General Commercial (COM-2) zoning district however it can be permitted via the approval of a special exception, so the purpose of this hearing is to have the PLDRB determine if this use is compatible in this location with the COM-2 zoning.

Mr. Gross, referencing the slide in the presentation which showed the existing self-storage facility locations, stated that not all approved self-storage facilities which are not built are shown on that slide. Ms. Gow clarified that special exception term she uses is conditionally compatible, meaning that the use is compatible with safe guards. Ms. Gow then highlighted the 9 conditions (safe guards) that staff added to the Development Order. She further stated that the market research team has done a thorough market analysis and, in their opinion, there is a need.

Mr. Gross referenced his personal experience as a boat owner that there appears to be a number of storage facilities that are not currently filled.

Mr. Jerimiah Blocker, legal counsel, reminded the board members that the legal criteria as well as the statutory obligation are the 5 review criteria that have been presented by staff. He further stated that the conversation is a good one and he doesn't bring up this point to stifle conversation but to remind the members of the legal criteria.

Mr. Decker clarified that personal beliefs should not enter into the members decision on this application.

Ms. Nicholson asked to clarify the position of the fence as shown on the presentation. Ms. Gow stated that the intent of the condition requiring a fence is to screen anywhere along Pine Lakes Parkway where the storage facility parking was visible. Mr. Hanson stated that the decorative wall along Pine Lakes Parkway is to screen the recreational vehicle (RV) and boat parking. The applicant still has to provide buffering to the Pointe Grand Apartments which is

located to the north but not a decorative wall. He also stated that the site has some substantial existing landscape which will add to the buffer between the site and the apartments. Ms. Nicholson asked what is the height of the apartment building. Ms. Gow clarified that the 20' wide buffer where it abuts the apartments is to help screen. Mr. Hanson clarified that landscape buffer will be in addition to the 8' decorative wall. Ms. Nicholson's concern is that anyone living on the 3rd floor of the apartment building will be looking over the 8' wall onto the RV and boat storage parking. Further discussion ensued with Ms. Gow and Mr. Hanson stating that understory and canopy trees are planned to soften the appearance of the wall and add some potential height. Ms. Nicholson asked about the "T" symbols shown on the plan and Ms. Gow stated that they are drainage facilities, tie-ins to the pond.

Mr. Hanson stated that there are 5 review criteria that must be met for any land development application and there are 3 additional conditions that are required under a special exception per Land Development Code (LDC) section 2.07.03 subsection A which deals with the exact use of a self-storage facility on site.

Chair Shank referred to letter A of the five review criteria from section 2.05.05 of the LDC: The proposed development must not be in conflict or contrary to the public interest. The COM-2 Zoning District is intended to provide sufficient areas for general commercial and office uses to meet community-wide demand for retail, services, businesses, and employment opportunities. She further stated that if we approve this application, she doesn't think that we have met the sufficient evidence that this use meets community-wide demand for retail as there is nothing there currently. In addition, we currently have 5 storage facilities near this location and as Mr. Gross previously stated there may have been demand in the past but not currently. And we have not been presented with a market study to support the need. She further stated that there is no retail in that area. She also mentioned that there is heavy pedestrian traffic on Pine Lakes Parkway and if the property was developed as currently permitted, we would be meeting a community wide need for businesses, services and employment opportunities.

Ms. Gow stated that under the legal test for a special exception she doesn't think it is appropriate to say vs another use, it is just the use before you. She also clarified that under COM-2 zoning district this use is an appropriate use if it has conditions to support it.

Chair Shank referred to letter B of the five review criteria from Chapter 1, Future Land Use Element: Goal 1.1 - Preserve the character of residential communities, prevent urban sprawl and protect open space and environmental resources, while providing a mix of land uses, housing types, services, and job opportunities in mixed use centers and corridors. She stated that a warehouse facility in this location would not be meeting this goal as there is another facility within 1/3 of a mile. Chair Shank further highlighted the walkability of the community.

Ms. Gow gave an example of a restaurant next to another restaurant and that the menus and services may be different (i.e. sit down vs. drive through) so the range of services in the Future Land Use Map (FLUM) is much broader. The applicant doesn't agree that the market is oversaturated. Storage facilities offer different services including different security services and rates, she believes the

"over saturated market" is outside the scope but a fantastic discussion, and she believes the market is there to bear it and the developer has done a market analysis on the site to prove it. So, the question is: is the use compatible with the site based on the 9 conditions.

Chair Shank stated that her comments are not based on market demand or a market analysis but looking at the LDC the land use for business, retail, services and employment to meet the needs community wide. She commented on the walkability of the community and the potential retail businesses (i.e. ice cream shop, hair salon) that may truly benefit that community. This type of retail would limit the traffic heading to Palm Coast Parkway.

Mr. Decker stated he may be misunderstanding the previous comments however, it seems to be based on personal feelings that the City doesn't need this but a developer would not put a business there that the City doesn't need. He reminded the PLDRB members that the special exception is adding conditions and the zoning for commercial exists. He referenced more crime may exist in a strip mall than a self-storage warehouse. He inquired about the zoning districts of the surrounding parcels on Pine Lakes Parkway which are shown on the map. The map displayed that there are other parcels that are zoned commercial in the area. He also made the point that if we are requiring a distance between storage units and we don't do that for other types of businesses (i.e. grocery stores) we may be opening ourselves up to legal issues. He did not think a storage facility would have an impact on the walkability of the neighborhood or its safety.

Mr. Tyner and Mr. Hanson stated that there are commercial 2 properties to the south of this location and that the already developed storage facility is commercial 3 (further south). Chair Shank stated that commercial 3 use has already been used and what remains are the commercial 2 uses as designated on the FLUM and again she stated that her statements are not personal opinion but are based on her statement that the storage facility does not meet community wide demand for retail, services, businesses and employment opportunities. This application only meets one - services. Chair Shank stated that by granting this special exception for a use that has already been developed in an approved area we remove the opportunity for any commercial 2 development in that parcel.

Ms. Nicholson asked for clarification on the zoning of the land parcels between the proposed storage facility and the existing one which she believes is zoned commercial 3 is that all available land parcels are commercial 2 zoning. Mr. Hanson brought up the zoning map and it showed that the area between the two sites is all commercial 2 and below the existing storage facility which is zoned commercial 3 are more commercial 2 parcels. Mr. Decker stated so there are other opportunities for the commercial 2 in that corridor and I don't believe there is anything in the LDC that says you can only have one commercial 3 use in each corridor. Mr. Hanson pointed out for the benefit of the PLDRB members that the existing storage facility was a result of a rezoning to commercial 3 after the FLUM was created. Mr. Hanson stated that in 2008 the Florida Legislature adopted a property rights amendment to Chapter 163 that we had to adopt to the Property Rights Elements in our Comprehensive Plan that gives property owners certain rights to the development of their property.

Ms. Gow stated in response to Chair Shank comments that the proposed special exception application for a storage facility is per the LDC a retail use, it is a service use - storage, it does provide jobs, but it can't be in comparison to others (uses) that we want, there can't be a preference. She further stated that the LDC requires an independent review of just this use and legally you can't make the decision based on if we develop this use, we can't have the others. Chair Shank stated that when you develop it you do lose it so I'm not comparing it to anything else. Ms. Gow also clarified the context of the special exception is in regard to if the five criteria are met than what other buffering or screening are needed to support the uses around it.

Mr. Gross stated that he had to take into consideration if the Community needs a storage facility, do we need to grant a special exception to everyone.

Mr. Decker stated that this application is a special exception not a rezoning and we have to look at what the public wants but not our opinions, we can't have our minds made up prior to hearing the evidence. He went on to say that he doesn't believe the City (staff) would be recommending approval if it didn't meet the LDC with minimal changes to it. The developer will not build something that isn't needed.

Chair Shank stated that the current rights that the land owner has is what our LDC and FLUM has and at this point to deny something that is not permitted by code isn't denying their property rights.

Mr. Tyner stated that it is all about the criteria, it either meets the code or not, however the City of Palm Coast calls it a Special Exception but it should be more accurately called a conditional use permit. A developer has the right per our LDC but it does require a conditional use to determine what conditions can be put on that use to make it more compatible of a use with that area, now that is how we would typically apply it. However, if you are going through the criteria and you don't think it meets the criteria you will need to call out what part of the criteria it does not meet.

Mr. Blocker confirmed this is a conditional use, not an exception. The LDC adds a level of oversight for certain uses. He said that you have been brought evidence and if you wish to approve or deny this application you must tie it to a specific criteria. There is no rubber stamp to approve or deny it. It is important to have discussion and to relate to your personal experiences but your decision must be tied to a specific criteria.

Ms. Gow stated that there are no requests to modify the LDC and we meet all LDC requirements because we have to, unlike a Master Planned Development (MPD) agreement. We are going above a lot or requirements with limited hours and additional buffers to the landscaping.

Ms. Nicholson stated that we have an obligation to the land owner as well. Mr. Decker questioned what will this board do when a developer comes in to develop the open commercial 3 property (located south of this property) are we going to tell them it is too close to the existing storage facility.

Chair Shank discussed the notifications that the property owner mailed for the neighborhood meeting (above and beyond the Special Exception Notification requirements) were mostly commercial not individual apartment dwellers.

Mr. Ferguson asked for a point of clarification that this property is zoned commercial 2 and does commercial 3 zoning district allow a storage facility. Mr. Hanson stated that if this property would be hypothetically rezoned from commercial 2 to commercial 3 than a self-storage facility would be allowed by right. However, the Special Exception process allows the property which is zoned commercial 2 to apply for a self-storage facility at this location and keep their commercial 2 zoning district.

Mr. Blocker stated that the writers of this code envisioned a self-storage facility s as a use however the writers of the code saw the need for oversight to see if this use fits within the criteria. They aren't asking for anything extraordinary; this use was contemplated by the writers of the code; it is allowed if it meets certain criteria and that is what this board needs to decide.

Discussion ensued between the members about the criteria that is being analyzed to determine if this application meets that criteria.

Mr. Gow stated that the statement that keeps on being read about the "community needs" that is the intent of the commercial 2 zoning district it is not one of the five criteria to base the decision on. It is the overarching intent of the zoning district that the City Council established when they made the list. Then the council stated that in this district it meets our intention to have these uses and then have some with conditions. So that determination that the Special Exception meets the intent of the zoning was made by policy makers and we are applying the 5 criteria under it.

Mr. Hilton stated that he isn't convinced that it isn't in conflict or contrary with public interest- criteria A, we have heard arguments about walkable neighborhoods. Which leads to criteria B which the proposed plan must be consistent with the Comprehensive Plan and I believe one of our guiding principles is to define communities where people can live, work and play. He stated that a self-storage facility in another part of the city may be appropriate but he doesn't believe this piece of land is the right place for it.

Chair Shank opened this item to public comment at 6:53pm and seeing no one approach the podium she closed this item to public comment at 6:54pm.

Mr. Blocker stated for the board members' clarification to specifically state the criteria for or against the application in their motion.

Pass

Motion made to Deny as it doesn't meet the criteria A namely that the COM-2 Zoning District is intended to provide sufficient areas for general commercial and office uses to meet community-wide demand for retail, services, businesses, and employment opportunities by Board Member Gross and seconded by Board Member Hilton

Approved - 4 - Chairman Sandra Shank, Board Member Hung Hilton, Board Member David Ferguson, Board Member Larry Gross

Denied - 2 - Board Member Suzanne Nicholson, Board Member Garrett Decker

Mr. Ferguson asked what would have happened if it had been a 3 to 3 vote and Ms. Schaefer stated that the motion would have failed. Mr. Blocker clarified that the motion would have failed but the Chair could entertain a different motion.

Board Discussion and Staff Issues

Ms. Nicholson asked Mr. Tyner if City Council has reviewed the exterior paint colors ordinance since it was discussed at the February 2025 PLDRB meeting. Mr. Tyner stated that City Council has not reviewed yet, it should be heard in April.

Chair Shank complimented everyone on a healthy, robust, respectful discussion stating that it was a tough decision and everyone was able to express themselves. She reminded all that the PLDRB is a quasi-judicial board and we base our decisions upon the Land Development Code. She also thanked Michael Hanson for his presentation. She further stated that even if staff recommends approval, we need to take the time to analyze and discuss just the way you did.

Adjournment

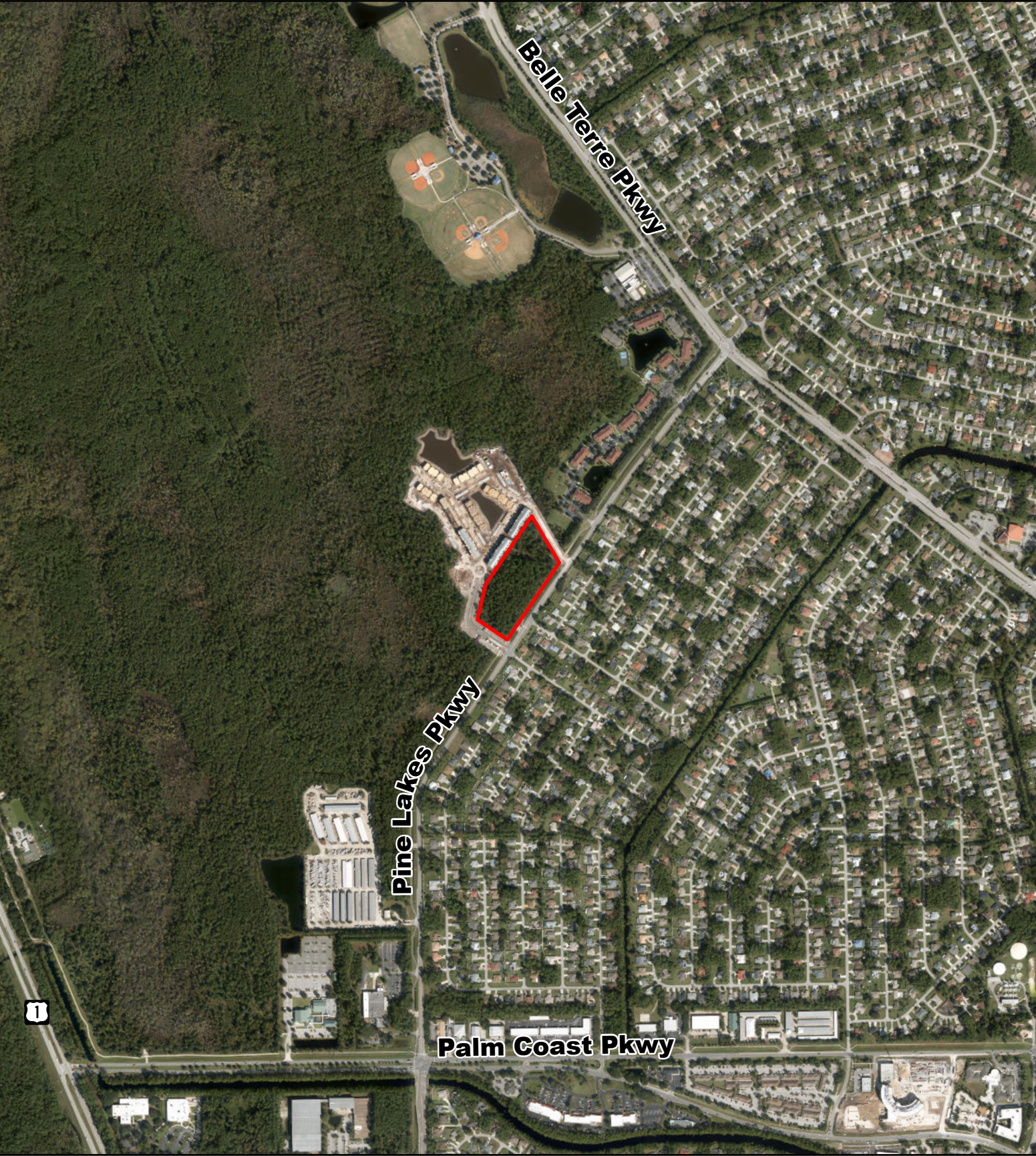
Motion made to approve by Board Member Ferguson and seconded by Ms. Nicholson. The meeting was adjourned @ 6:56pm.

*Respectfully Submitted by:
Irene Schaefer, Recording Secretary*



Pass

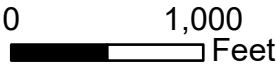
Motion made to approve by Board Member Ferguson and seconded by Board Member Nicholson

Approved - 6 - Chairman Sandra Shank, Board Member Hung Hilton, Board Member Suzanne Nicholson, Board Member David Ferguson, Board Member Larry Gross, Board Member Garrett Decker



Distant Aerial

-  Palm Coast City Limits
-  Subject Property





Map Provided by the Planning Division

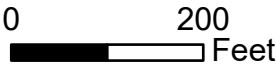
Date: 2/4/2025

The City of Palm Coast prepares and uses this map/map data for its own purposes. This map/map data displays general boundaries and may not be appropriate for site specific uses. The City uses data believed to be accurate; however, a degree of error is inherent in all maps. This map/map data is distributed AS-IS without warranties of any kind, either expressed or implied including, but not limited to, warranties of suitability to a particular purpose or use. This map/map data is intended for use only at the published scale. Detailed on-the-ground surveys and historical analyses of sites may differ substantially from this map/map data.



Close Up Aerial

-  Palm Coast City Limits
-  Subject Property





Map Provided by the Planning Division

Date: 2/4/2025

The City of Palm Coast prepares and uses this map/map data for its own purposes. This map/map data displays general boundaries and may not be appropriate for site specific uses. The City uses data believed to be accurate; however, a degree of error is inherent in all maps. This map/map data is distributed AS-IS without warranties of any kind, either expressed or implied including, but not limited to, warranties of suitability to a particular purpose or use. This map/map data is intended for use only at the published scale. Detailed on-the-ground surveys and historical analyses of sites may differ substantially from this map/map data.



Future Land Use Map

-  Palm Coast City Limits
-  Subject Property

Palm Coast FLUM

 Conservation

-  Mixed Use
-  Residential

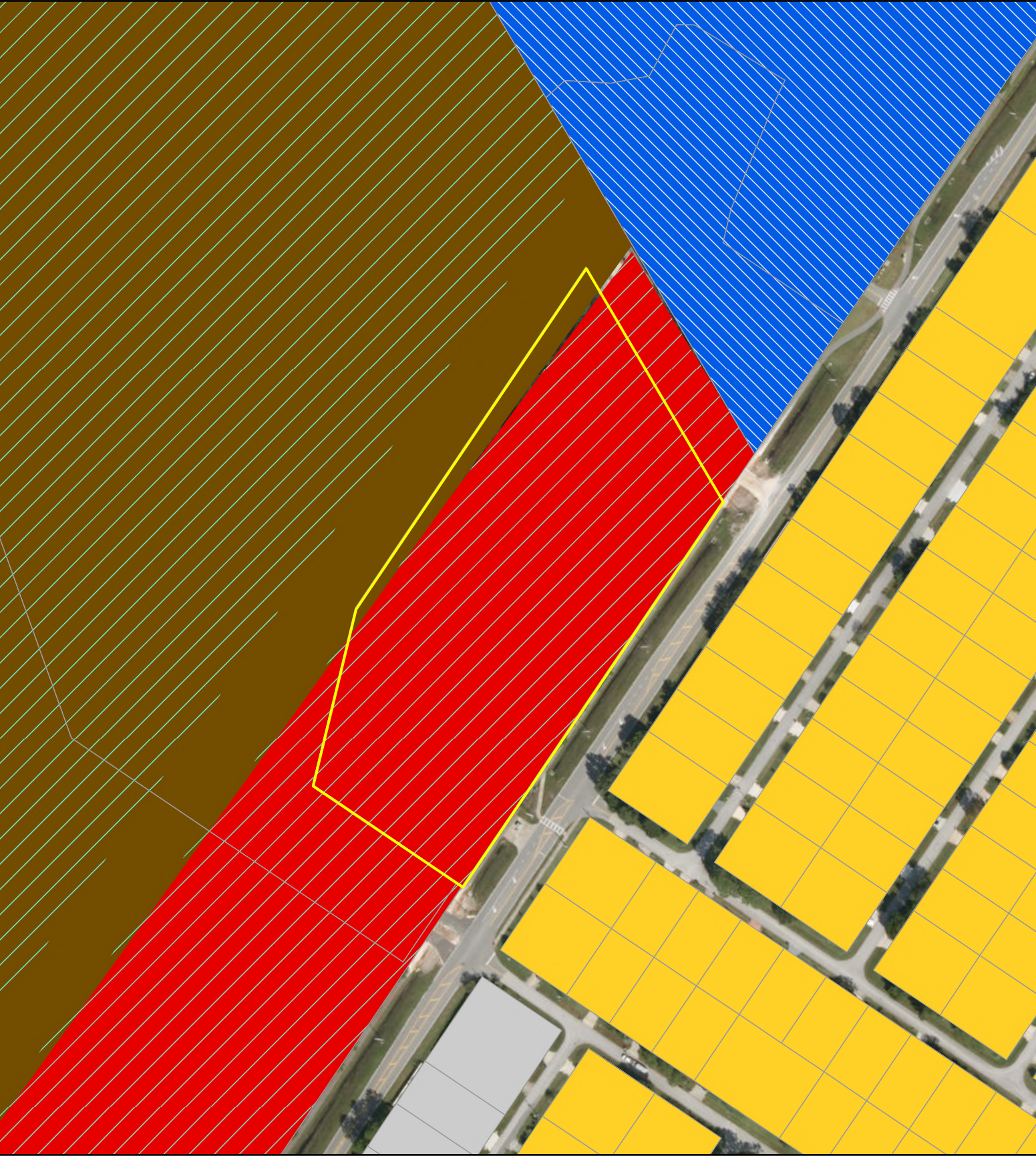


0 200
Feet



Map Provided by the Planning Division

Date: 2/4/2025



Zoning Map

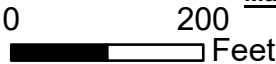
- Palm Coast City Limits

Subject Property
- COM-2

DPX
- MFR-2

SFR-3

MPD, MPD pre 11-16-08 designation
- Palm Coast Zoning Districts



Map Provided by the Planning Division

Date: 2/4/2025

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Scott W. Cichon
Robert A. Merrell III
John P. Ferguson
Mark A. Watts
Heather Bond Vargas
Michael J. Woods
Raymond L. Schumann
Kathleen L. Crotty
Michael O. Sznajstajler
Andrew C. Grant
Matthew S. Welch
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Robert E. Doan
William A. Rice
Douglas J. Collins
Sara E. Glover
Holly W. Zitzka
Jessica L. Gow



Daytona Beach • DeLand
One Daytona Boulevard, Suite 600
Daytona Beach, Florida 32114
(386) 255-8171 | CobbCole.Com

Sydney V. Cichon
Anthony E. Aguianno
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Anne M. Kehili
Alanna V. Smith

OF COUNSEL
Larry D. Marsh
Ira Halfond

William M. Cobb (1881-1939)
Thomas T. Cobb (1916-2004)
W. Warren Cole, Jr. (1926-2008)

April 14, 2025

VIA E-MAIL

City of Palm Coast
Attn: Ray Tyner
Deputy Director of Community Development
160 Lake Avenue
Palm Coast, FL 32164

Re: Appeal of Planning and Land Development Regulation Board – Special
Exception Application No. 6079 – Hillpointe Way Self Storage

Dear Mr. Tyner:

As you know, this firm has the pleasure to represent Johnson Development Associates, Inc. ("Applicant") regarding their request for approval of a Special Exception to allow for a self-storage facility on the property located at the Northwest corner of Pine Lakes Parkway and Grand Avenue in Palm Coast, Florida (the "Project"). The Project was heard by the Planning and Land Development Regulation Board ("PLDRB") on March 19, 2025, where the PLDRB denied the application based on their belief that the proposed use was not in the public interest. The intent of this letter is to request an appeal of the PLDRB decision, as set forth in Section 2.16.02 of the City of Palm Coast Land Development Code.

The PLDRB decision was not based on substantial, competent evidence as required by law, and was instead based upon perception of the members that the City of Palm Coast had numerous storage facilities, and that their preference, on behalf of the community, would be to see a different type of retail user in this location. The Florida Supreme Court, in review of Special Exception applications, has found that "the burden [is] upon the Planning Commission to demonstrate, by competent substantial evidence presented at the hearing and made a part of the record, that the special exception requested by petitioner did not meet such standards and was, in fact, adverse to the public interest." *Irvine v. Duval County Planning Com'n (Fla. 1986)*. The PLDRB did not present any factual evidence regarding the proposed use, except to find that their interpretation of the *intent* of the zoning criteria was to provide more pedestrian friendly uses. The Supreme Court has also upheld the finding that "[a] vague statement by the zoning authority that the requested modification would be incompatible with the neighborhood ... is insufficient to show clear and convincing evidence of any public necessity that would justify restricting the owner's use of the land." *ABG Real Estate Development Co. of Florida, Inc. v. St. Johns County, 608 So. 2d 59 (Fla. 5th DCA 1992), cause dismissed, 613 So. 2d 8 (Fla. 1993)*.

Based upon the PLDRB's action in denial of the Special Exception application, the Applicant is requesting an appeal of this decision to the City Council of the City of Palm Coast. The Applicant understands this appeal shall be a de novo hearing in accordance with Section 2.16.02 of the City of Palm Coast Land Development Code.

Enclosed herein please find the requested Appeal Application Form and Appeal Application Fee in the amount of \$700.00. If there is any further information we can provide to assist in review of this request, please do not hesitate to reach out. Your consideration in this matter is greatly appreciated.

Sincerely,



Alanna Smith for

Robert A. Merrell III

Direct Dial (386) 323-9263

Email Rob.Merrell@CobbCole.com

Fax (386) 944-7955

• Scott W. Cichon
Robert A. Merrell III
John P. Ferguson
Mark A. Watts
Heather Bond Vargas
Michael J. Woods
Raymond L. Schumann
Kathleen L. Crotty
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OF COUNSEL
Larry D. Marsh
Ira Halfond

William M. Cobb (1881-1939)
Thomas T. Cobb (1916-2004)
W. Warren Cole, Jr. (1926-2008)

December 11, 2024

VIA ELECTRONIC DELIVERY

Members of the Planning and Land Development Regulation Board
City of Palm Coast
160 Lake Avenue
Palm Coast, FL 32164

Re: Special Exception – Hillpointe Way Storage
Parcel ID: 10-11-30-5115-00000-0032

Dear Planning and Land Development Board Members:

As you may know, it is this firm's pleasure to represent Johnson Development Associates, Inc. (Contract Purchaser) and Miral Corp (Property Owner) in connection with their request for a Special Exception for a self-storage facility located at the Northwest corner of Pine Lakes Parkway and Grand Avenue in Palm Coast, Florida.

In connection with their request, and pursuant to our Pre-Application Meeting held on October 16, 2024 and pursuant to the Special Exception requirements of Sections 2.05.05 and 2.07.03 of the Palm Coast Land Development Code, the following Review Findings apply:

- A. The proposed development must not be in conflict with or contrary to the public interest.

The proposed development is not in conflict with or contrary to the public interest. The proposed use will provide the public with needed convenient storage space, located in close proximity to recent residential development.

- B. The proposed development must be consistent with the Comprehensive Plan and the provisions of the LDC.

The proposed development is permitted in the COM-2 zoning district as a Special Exception and is consistent with the Comprehensive Plan and the provisions of the LDC.

Members of the Planning and Land Development Regulation Board
Special Exception Request

- C. The proposed development must not impose a significant financial liability or hardship for the City.

The proposed development will not impose a significant financial liability or hardship for the City. The proposed development will provide for additional ad valorem taxes to assist with the financial viability of the City by increasing the tax base for the commercial use.

- D. The proposed development must not create an unreasonable hazard, or nuisance, or constitute a threat to the general health, welfare, or safety of the City's inhabitants.

The proposed development will not create an unreasonable hazard or nuisance or constitute a threat to the general health, welfare or safety of the City's inhabitants. The proposed development will provide a commercial use within a growing area of the City, located in an area where utility and transportation infrastructure exists to support the use, and will provide convenient storage space for the City's inhabitants.

- E. The proposed development must comply with all other applicable local, state, and federal laws, statutes, ordinances, regulations, or codes.

The proposed development complies with all applicable local, state and federal laws, statutes, ordinances, regulations and codes. The commercial business will be reviewed via the Site Plan and Special Exception process with the City of Palm Coast.

In addition to the above, the proposed development is consistent with the Palm Coast comprehensive Plan as follows:

Policy 1.5.1.1 – The City shall identify land that is appropriate for annexation and meets the City's adopted Goals that focus on increasing commercial and industrial development.

The property was annexed into the City to provide for a mixture of uses, included the proposed commercial storage use. This proposed use supports adjacent housing product and provides a support service to residents.

Policy 1.1.4.5 – Land use patterns will be required to be efficient and not disproportionately increase the cost of providing and maintaining public facilities, as well as providing housing and transportation strategies that will foster energy conservation.

The proposed development provides supporting commercial uses to allow residents to store belongings in close proximity to their homes, requiring less travel to access stored materials and providing storage uses in close proximity to existing and proposed residential development.

Policy 1.4.2.1 -The City shall provide an appropriate balance of commercial, retail, office, and industrial land uses on the FLUM to balance jobs and housing.

The proposed commercial development will provide additional employment opportunities within the City and will provide needed support services for existing housing.



To: Michael Hanson, AICP

From: Tequila Nelson

Date: February 20, 2025

Client/Matter #: Hillpointe Way Storage Special Exception-App#6079

Subject: Neighborhood Meeting Summary – February 20, 2025

Although a neighborhood meeting per Section 2.05.02 of the Unified Land Development Code is not required for a Special Exception, the applicant held a neighborhood meeting to discuss the project for residents of the neighborhood at the cafeteria of the Indian Trails Middle School located at 5505 Belle Terre Parkway, FL 32137, on February 20, 2025, at 6:00 p.m.

Rob Merrell and Tequila Nelson from Cobb Cole were in attendance to explain the request. Jake Smith, Brittani Nelson, Natalie Smith, and Luiza Guazzelli were also in attendance on behalf of the development team. Michael Hanson, AICP, was in attendance from the City of Palm Coast. No interested residents attended the meeting to review the request. See the attached sign-in sheet.

We have included the list of the property owners to whom we sent the Invitation to the Neighborhood Meeting, and a copy of the Invitation.

We look forward to this item being scheduled for the Planning and Land Development Regulation Board at their next available meetings.

Thank you.

Tequila Nelson

HILLPOINTE WAY STORAGE SPECIAL EXCEPTION

NEIGHBORHOOD MEETING

INDIAN TRAILS MIDDLE SCHOOL

5505 Belle Terre Pkwy., Palm Coast, FL 32137

FEBRUARY 20, 2025

6:00 P.M.

SIGN IN SHEET

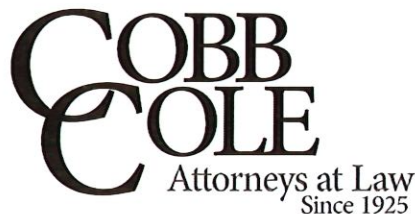
NAME

ADDRESS

PHONE OR EMAIL

Teguis Nelson	One Daytona Blvd. Suite 600	Daytona Beach FL
Jake Smith	100 Dunbar St.	Spartanburg, SC jsmith@johnsondevelopment.net
Luiza Guazzelli	100 NE 5th Street	Delray Beach, FL lguazzelli@dynamicec.com
Natalie Smith	4350 W Cypress St.	Tampa nsmith@johnsondevelopment.net
Brittani Nelson	4350 W Cypress St.	Tampa bnelson@johnsondevelopment.net
Michael Hensa	160 Avenue	Palm Coast, FL 32164
Rob Merrell	One Daytona Blvd. Suite 600	Daytona Beach FL

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William M. Cobb (1881-1939)
Thomas T. Cobb (1916-2004)
W. Warren Cole, Jr. (1926-2008)

February 5, 2025

INVITATION TO NEIGHBORHOOD MEETING

Dear Neighbor:

The law firm of Cobb Cole has the pleasure of representing Johnson Development Associates, Inc., (Developer) in connection with their application for their Special Exception and Site Plan for a self-storage facility located at the Northwest corner of Pine Lakes Parkway and Grand Avenue in Palm Coast, Florida. See the enclosed development plan, renderings and map.

As neighbors to the proposed development, we would like to invite you to discuss the project on **Thursday, February 20, 2025, at 6:00 p.m. in the cafeteria of the Indian Trails Middle School, located at 5505 Belle Terre Parkway, Palm Coast Florida, 32137.**

You may provide written comments or questions regarding this request by email to Debi.LaCroix@CobbCole.com or by letter to Debi LaCroix, Cobb Cole, One Daytona Boulevard, Suite 600, Daytona Beach, FL 32114. Please include your name, address, and contact information in your correspondence. A copy of any correspondence received prior to the meeting will be included in the summary of the meeting provided to the City of Palm Coast.

We look forward to seeing you at this meeting if you are interested in discussing this proposed project.

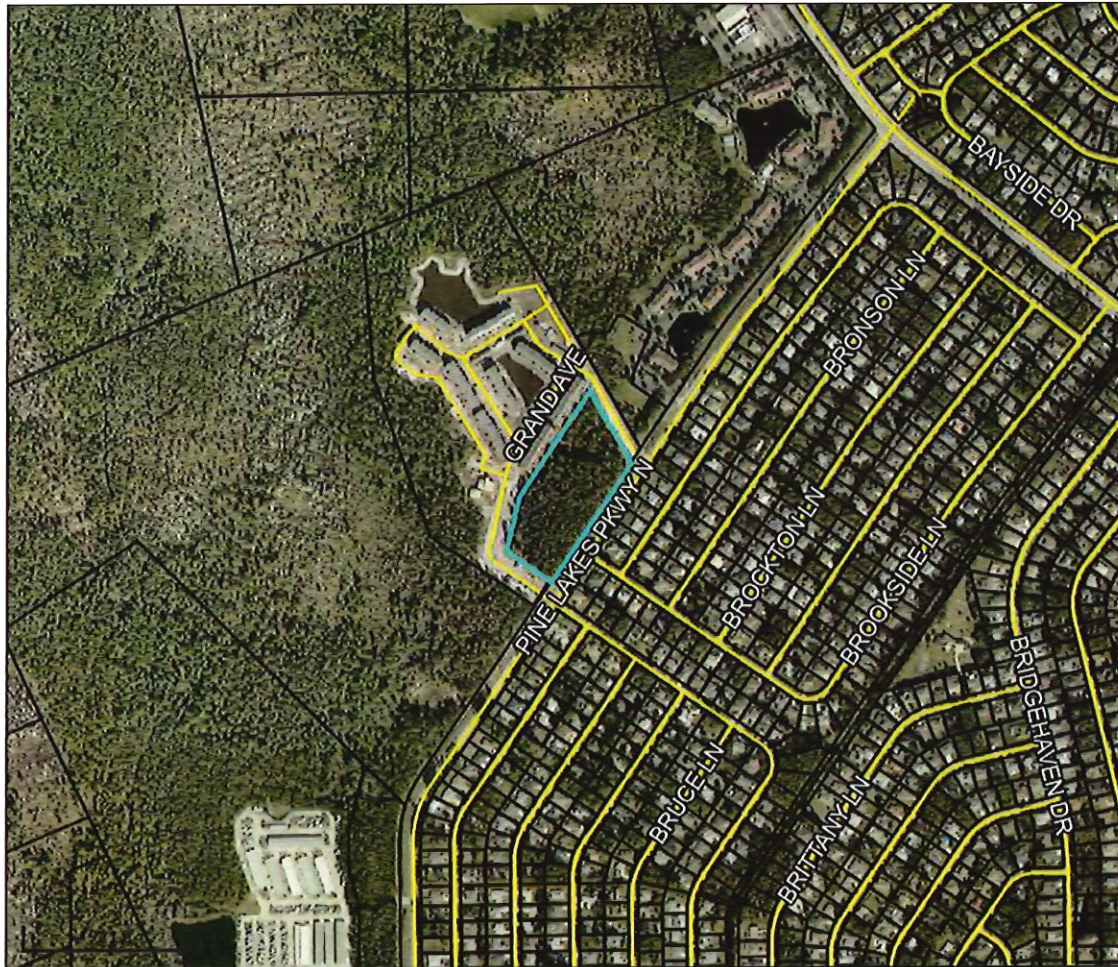
Sincerely,

Rob Merrell

Direct Dial (386) 323-9263
Email Rob.merrell@CobbCole.com
Fax (386) 323-9207

RAM/ddl

FLAGLER COUNTY PROPERTY APPRAISER



Overview



Legend

- Parcels
- Roads
- Streams and Rivers

Parcel ID	10-11-30-5115-00000-0032	Owner	MIRAL CORP 636 BROADWAY STE A SAN DIEGO, CA 92101	Land Value	\$375,980	Last 2 Sales			
Prop ID	2006169			Ag Land	\$0	Date	1/15/2021	Price	0
Class Code	VACANT COMMERCIAL			Value				Reason	V
Taxing	61			Building	\$0		2/1/2013	\$333300	U
District		Physical Address	n/a	Value		MLS #MISSING#			
GIS sqft	297,760.977			Misc Value	\$0				
				Just Value	\$375,980				
				Assessed	\$288,933				
				Value					
				Exempt	\$0				
				Value					
				Taxable	\$288,933				
				Value					

Date created: 2/4/2025

Last Data Uploaded: 2/4/2025 7:23:03 AM

Developed by  **SCHNEIDER**
GEOSPATIAL



JDA, PALM COAST

HELPOUNT BAY
PALM COAST, FLA. 32135



JDA DEVELOPMENT
ASSOCIATES, INC.
180 JOHNSON ST., SUITE 400
PALM BEACH, FLA. 33480

A3.20 | LANDSCAPED RENDERING



J&K
ARCHITECTS
2150 N. W. 10TH AVE., SUITE 1000
MIAMI, FLA. 33136
J&KARCHITECTS.COM



JDA, PALM COAST

HELDRETH & BAY
PALM COAST, FLA. 32135

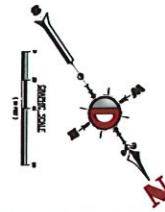


JDA DEVELOPMENT
ASSOCIATES, INC.
100 DOWNSIDE BL, SUITE 400
PALM BEACH, FL 33409

A3.21 | LANDSCAPED RENDERING



J&P
ARCHITECTS
ARCHITECTS
100 DOWNSIDE BL, SUITE 400
PALM BEACH, FL 33409
313.252.9411
JDADEVELOPMENT.COM



MICHAEL D. MILES, STATE OF FLORIDA PROFESSIONAL
ENGINEER, LICENSE NO. 81313. THIS FEW HAS BEEN DIGITALLY
SIGNED AND SEALED BY MICHAEL D. MILES, P.E. ON 12/05/2024
PRINTED COPIES OF THIS DOCUMENT ARE NOT CONSIDERED
SIGNED AND SEALED AND THE SIGNATURE MUST BE VERIFIED
ON ANY ELECTRONIC COPIES.

[illegible]

10008 RIVERVIEW LLC
23 BRUNSON LANE
PALM COAST, FL 32137

ADAMS HOMES OF NORTHWEST FLOR
100 WEST GARDEN STREET SECOND F
PENSACOLA, FL 32502

ALARCON GUADALUPE
16 BROWNSTONE LANE
PALM COAST, FL 32137

ARIHOHOA SESSINA
93 BRUNING LANE
PALM COAST, FL 32137

BOONE GREGORY &
ERNESTINE H&W
17 BROWNSTONE LANE
PALM COAST, FL 32137

BREWER JARRON
& JESTINE H&W
19 BROWNSTONE LANE
PALM COAST, FL 32137

BRITT ROBERT JOHN & LILIAM
EGOAVIL BRITT H&W
1 BROWNSTONE LANE
PALM COAST, FL 32137

BRUCE LINDA
19 BRONSON LANE
PALM COAST, FL 32137

BRYANT CONNIE & DELBERT
TAYLOR JTWROS LIFE ESTATE
7 BRONSON LANE
PALM COAST, FL 32137

BURNS EDNA B
9 BRONSON LANE
PALM COAST, FL 32137

CALANDRA ANITA
& MICHAEL MAY W&H & MARCIA A CAL/

6 BROWNSTONE LANE
PALM COAST, FL 32137

CAYER A RICHARD & KARLA H&W &
NORMA E KILBY JTWROS
1 BRONSON LANE
PALM COAST, FL 32137

COX TERRY PRESLEY JR &
JENNIFER NICOLE GARRETT JTWROS
26 BROWNSTONE LN
PALM COAST, FL 32137

DMP PROPERTY HOLDINGS LLC
2379 BEVILLE ROAD
DAYTONA BEACH, FL 32119

ECHEVARRIA GABRIEL & NEYFI
ECHEVARRIA H&W
25 BROWNSTONE LANE
PALM COAST, FL 32137

GALEON PACITA L & VIDA
ENCARNACION G & PACIFICO N JTWOR
163 BEACON AVE
JERSEY CITY, NJ 07306

GONCALVES JOAQUIM B &
MARIA F H&W
25 PARKVIEW CIRCLE
PALM COAST, FL 32164

GORBA JURIJS A
1339 15TH AVE SW APT 1202 CALGARY
CANADA, T3C 3V3,

GREENE BARBARA THOMAS
LIFE ESTATE
2 BROWNSTONE LANE
PALM COAST, FL 32137

HAINES MICHAEL D
18 BROOKSIDE LANE
PALM COAST, FL 32137

HERNAEZ AMELIA B &
ANTONIO
95 BIRD OF PARADISE DR
PALM COAST, FL 32137

KWOK HEA LEUNG
2192 SWEDISH DR APT 28
CLEARWATER, FL 33763

LAO BOUNSATH &
CHANCHA LAO H&W
35 BROWNSTONE LANE
PALM COAST, FL 32137

LI SUK HA
2192 SWEDISH DR APT 28
CLEARWATER, FL 33763

MAXWELL SHARON M LIFE ESTATE
13 BROWNSTONE LANE
PALM COAST, FL 32137

MENOTTI MICHAEL &
LUZ M H&W
17 BRONSON LANE
PALM COAST, FL 32137

MIRAL CORP
636 BROADWAY STE A
SAN DIEGO, CA 92101

MORIARITY JANINE J
2 BROOKSIDE LANE
PALM COAST, FL 32137

MULLINS DELORIS J & ROGER
MULLINS H&W
95 BRUNING LANE
PALM COAST, FL 32135

MURTON JAMES P & JANICE E H&W
PO BOX 47
EAST VASSALBORO, ME 04935

NAGLE CLAUDIA M
29 BRONSON LANE
PALM COAST, FL 32137

PAIVA DINIS
579 PAIVA
EAST PROVIDENCE, RI 02914

PAIVA RESTAURANT CORP
162 SPRUCE STREET
EAST PROVIDENCE, RI 02914

PALACIO CARLOS A
29 BROWNSTONE LN
PALM COAST, FL 32137

PEGG ELIZABETH ANNE LIFE ESTATE
39 BROWNSTONE LN
PALM COAST, FL 32137

PHILLIPS TAYLOR LEE
25 BRONSON LANE
PALM COAST, FL 32137

PINE LAKE LAND ACQUISITION LLC
104 ARMOUR RD N
KANSAS CITY, MO 64116

PINE LAKES ACQUISITIONS LLC
104 ARMOUR RD N
KANSAS CITY, MO 64116

POINTE GRAND PALM COAST LLC
101 S NEW YORK AVENUE SUITE 211
WINER PARK, FL 32789

RODRIGUEZ EBERTO PUJOL & YANELY
32 BROWNSTONE LANE
PALM COAST, FL 32137

ROSARIO JIMMY & KIM D H&W TRUSTE
511 GRAND LANDINGS PARKWAY
PALM COAST, FL 32164

SANTIAGO MANUEL &
MARIA DELURDES SANTIAGO
4 PRINCE KAAREL LANE
PALM COAST, FL 32164

SCOTT JOSEPHINE R
8 BROOKSIDE LANE
PALM COAST, FL 32137

SEPE HORACIO N &
IRMA V
2827 AVENEL ST
LOS ANGELES, CA 90039

SI HENRY & IDA SI
LIFE ESTATE
144 BRUSHWOOD LANE
PALM COAST, FL 32137

SIMON JOCELYNE & WILNER SIMON
W&H
140 BRUSHWOOD LANE
PALM COAST, FL 32164

SINGH KASHWAR &
BIBI SELINA SINGH
9007 199 ST
HOLLIS, NY 11423

STEVENS MERLIN N &
PAMELA A H&W
148 BRUSHWOOD LN
PALM COAST, FL 32137

VAN VORST KENNETH C
585 HIGH STREET
CLOSTER, NJ 07624

VASSILAKOS JOHN
413 ROWAYTON AVE
NORWALK, CT 06854

VILLAGONZALO JUAN W JR &
SHIRLEY B
97-39 ECKFORD AVE
OZONE PARK, NY 11417

VILLAGONZALO SHIRLEY B & JUAN
W VILLAGONZALO JR H&W
97-39 ECKFORD AVE
OZONE PARK, NY 11417

WHALEY MARK & JOANNE L
134 BRUSHWOOD LANE
PALM COAST, FL 32137

WHITE DAVIS VIRGIE
& PHILIP WHITE W&H
20 BROWNSTONE LANE
PALM COAST, FL 32137

WOODLIEF BRIAN & JANET H&W
28 BROWNSTONE LANE
PALM COAST, FL 32137



NOTIFICATION AFFIDAVIT for VARIANCE / SPECIAL EXCEPTION

COUNTY OF FLAGLER X
STATE OF FLORIDA X

Before me this 4th day of March, 2025 personally appeared

Tequila Nelson who after providing
_____ as identification and

who did, did not take an oath, and who being duly sworn, deposes and says as follows:

"I have read and fully understand the provisions of this instrument."

1. Each abutting property owner (as defined in the Unified Land Development Code) of the boundary lines of **Application # 6079**, has been mailed a letter by certified mail at least fourteen (14) calendar days before the hearing date notifying them of the date, time, and place of the 3/19/25, Planning & Land Development Regulation Board (PLDRB) hearing; and
2. No other documentation was provided in the envelope with the notification letter.

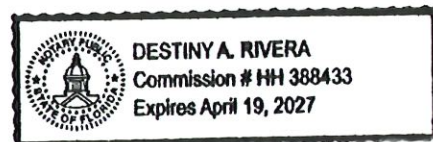

Signature of Responsible Party

Tequila Nelson
Printed Name

One Daytona Blvd. Suite 600 Daytona Beach FL 32114
Mailing Address


Signature of Person Taking Acknowledgement

Destiny Rivera
Name of Acknowledger (Typed, Printed or Stamped)



SEAL

This document, once executed, must be returned to a Land Development Technician in the City of Palm Coast Community Development Department at least seven (7) days prior to the hearing date. Failure to provide document by that time will result in the application not being placed on the agenda for a public hearing.



Community Development Department
Planning Division

160 Lake Avenue
Palm Coast, FL 32164
386-986-3736

February 26, 2025

RE: Request for Special Exception; Application No. 6079

Dear Neighboring Property Owner,

The Community Development Department, in accordance with Section 2.05.03 of the City of Palm Coast Unified Land Development Code herein advises you that:

A request for a Special Exception to allow Mini-warehouses, Office Warehouses and Self-Storage with associated recreational vehicle parking in the General Commercial (COM-2) Zoning District has been made by COBB COLE / ROBERT MERRELL ESQUIRE of Palm Coast Section 10, Block 00000, Lot 0030, Tax Parcel ID No.: 10-11-30-5115-00000-0030, located at the northwest quadrant of the Pine Lakes Parkway and Grand Avenue intersection.

This Special Exception request is to be heard before the Planning and Land Development Regulation Board (PLDRB). You are hereby notified that a public hearing, required by law, will be held at the Palm Coast City Hall Community Wing, 160 Lake Avenue, Palm Coast, Florida, on Wednesday, March 19, beginning at 5:30 pm or as soon thereafter as possible.

You are welcome to attend and express your opinion or place concerns in writing and email them to PLDRB@palmcoastgov.com. The e-mail should indicate that they are intended for public participation and may be submitted up until 5 pm the day before the meeting. The City reserves the right to redact or reject Documentary Evidence containing obscene material or material that is confidential pursuant to state law.

Cordially,

Michael Hanson

MICHAEL HANSON, AICP
Project Manager

NOTE: Pursuant to Section 286.0105 of Florida Statutes the City of Palm Coast Community Development Department hereby notifies all interested persons that if a person decides to appeal any decision made by the PLDRB with respect to any matter considered at such meeting or hearing, he or she may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is based. In accordance with the Americans with Disabilities Act, persons needing assistance to participate in these proceedings should contact the ADA Coordinator at 386-986-2570 at least 48 hours prior to the meeting.



palmcoastgov.com

ADAMS HOMES OF NORTHWEST FLOR
100 WEST GARDEN STREET SECOND F
PENSACOLA, FL 32502

BOONE GREGORY &
ERNESTINE H&W
17 BROWNSTONE LANE
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BREWER JARRON
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VILLAGONZALO JUAN W JR &
SHIRLEY B
97-39 ECKFORD AVE
OZONE PARK, NY 11417

VILLAGONZALO SHIRLEY B & JUAN
W VILLAGONZALO JR H&W
97-39 ECKFORD AVE
OZONE PARK, NY 11417

Cobb Cole
Tequila Nelson
1 DAYTONA BLVD STE 220 STE 600
DAYTONA BEACH FL 32114-1217

\$5.54 US POSTAGE

FIRST-CLASS IMI

Mar 04 2025

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063S0010937442

USPS CERTIFIED MAIL



9407 1118 9876 5451 3765 01

ADAMS HOMES OF NORTHWEST FLOR
100 W GARDEN ST # 2 # F
PENSACOLA FL 32502-5696



Cobb Cole
Tequila Nelson
1 DAYTONA BLVD STE 220 STE 600
DAYTONA BEACH FL 32114-1217

\$5.54 US POSTAGE

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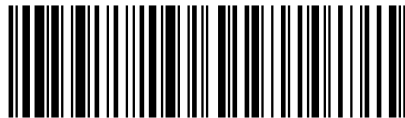
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BOONE GREGORY & ERNESTINE H&W

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PALM COAST FL 32137-8716



Cobb Cole
Tequila Nelson
1 DAYTONA BLVD STE 220 STE 600
DAYTONA BEACH FL 32114-1217

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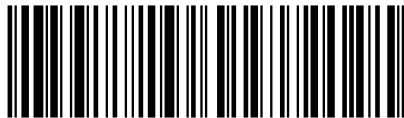
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BREWER JARRON & JESTINE H&W

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PALM COAST FL 32137-8716



Cobb Cole
Tequila Nelson
1 DAYTONA BLVD STE 220 STE 600
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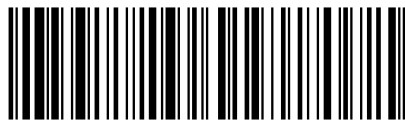
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PALM COAST FL 32137-8716



Cobb Cole
Tequila Nelson
1 DAYTONA BLVD STE 220 STE 600
DAYTONA BEACH FL 32114-1217

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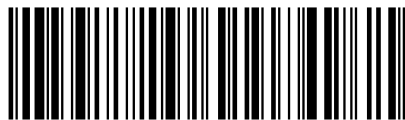
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ECHEVARRIA GABRIEL & NEYFI ECHEVARRIA H&W
25 BROWNSTONE LN
PALM COAST FL 32137-8716



Cobb Cole
Tequila Nelson
1 DAYTONA BLVD STE 220 STE 600
DAYTONA BEACH FL 32114-1217

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USPS CERTIFIED MAIL



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MAXWELL SHARON M LIFE ESTATE

13 BROWNSTONE LN

PALM COAST FL 32137-8716



Cobb Cole
Tequila Nelson
1 DAYTONA BLVD STE 220 STE 600
DAYTONA BEACH FL 32114-1217

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USPS CERTIFIED MAIL



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Miral Corp
636 BROADWAY STE A
SAN DIEGO CA 92101-5410



Cobb Cole
Tequila Nelson
1 DAYTONA BLVD STE 220 STE 600
DAYTONA BEACH FL 32114-1217

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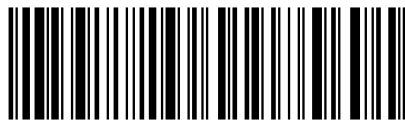
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PALM COAST FL 32137-8721



Cobb Cole
Tequila Nelson
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DAYTONA BEACH FL 32114-1217

\$5.54 US POSTAGE

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Cobb Cole
Tequila Nelson
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DAYTONA BEACH FL 32114-1217

\$5.54 US POSTAGE

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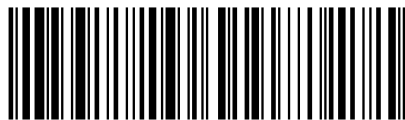
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PINE LAKE LAND ACQUISITION LLC

104 ARMOUR RD

KANSAS CITY MO 64116-3503



Cobb Cole
Tequila Nelson
1 DAYTONA BLVD STE 220 STE 600
DAYTONA BEACH FL 32114-1217

\$5.54 US POSTAGE

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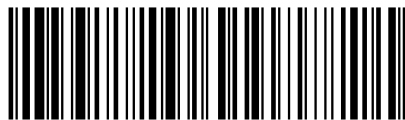
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POINTE GRAND PALM COAST LLC
101 S NEW YORK AVE UNIT 211
WINTER PARK FL 32789-4290



Cobb Cole
Tequila Nelson
1 DAYTONA BLVD STE 220 STE 600
DAYTONA BEACH FL 32114-1217

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USPS CERTIFIED MAIL



9407 1118 9876 5451 3936 45

STEVENS MERLIN N & PAMELA A H&W

148 BRUSHWOOD LN

PALM COAST FL 32137-8701



Cobb Cole
Tequila Nelson
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DAYTONA BEACH FL 32114-1217

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USPS CERTIFIED MAIL



9407 1118 9876 5451 3933 55

VILLAGONZALO JUAN W JR & SHIRLEY B
9739 ECKFORD AVE
OZONE PARK NY 11417-3017



Cobb Cole
Tequila Nelson
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DAYTONA BEACH FL 32114-1217

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USPS CERTIFIED MAIL



9407 1118 9876 5451 3934 16

VILLAGONZALO SHIRLEY B & JUAN W VILLAGONZALO JR
9739 ECKFORD AVE
OZONE PARK NY 11417-3017



Tequila Nelson

From: Tequila Nelson
Sent: Tuesday, February 25, 2025 8:37 AM
To: bryantsite01@yahoo.com
Cc: Jessica Gow; Rob Merrell; Alanna Smith
Subject: RE: Johnson Development

Connie,

We are in receipt of your email. We held a neighborhood meeting Feb. 20th at 6:00 p.m. at Indian Trails Middle School. However, no concerned residents attended. We will include your email to our neighborhood meeting summary. If you have any questions regarding the site, please let us know and we will be happy to set a call to discuss.

Thanks,

From: Connie Bryant <bryantsite01@yahoo.com>
Sent: Thursday, February 13, 2025 7:41 PM
To: Debi LaCroix <Debi.Lacroix@cobbcole.com>
Subject: Johnson Development

To whom it may concern & to the City of Palm Coast:

I am strongly opposed to Johnson Development Associates, Inc.'s application for Special Exception and Site Plan for a self-storage facility located at the Northwest corner of Pine Lakes Parkway and Grand Avenue in Palm Coast.

Connie Bryant
7 Bronson Lane
Palm Coast, FL 32137
bryantsite01@yahoo.com

Sent from my iPhone



TEQUILA NELSON LEGAL ASSISTANT & PARALEGAL

Tequila.Nelson@CobbCole.com

One Daytona Boulevard, Suite 600
Daytona Beach, FL 32114

Office: 386-323-9264
CobbCole.com



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transmission in error, please delete it from your system without copying or forwarding it, and notify the sender of the error by reply email or by calling Cobb Cole at 386-255-8171, so that we can update our address records accordingly.

Tequila Nelson

From: Tequila Nelson
Sent: Tuesday, February 25, 2025 8:37 AM
To: delbert.taylor@gmail.com
Cc: Jessica Gow; Rob Merrell; Alanna Smith
Subject: RE: Johnson Development/ Palm Coast

Delbert,

We are in receipt of your email. We held a neighborhood meeting Feb. 20th at 6:00 p.m. at Indian Trails Middle School. However, no concerned residents attended. We will include your email to our neighborhood meeting summary. If you have any questions regarding the site, please let us know and we will be happy to set a call to discuss.

Thanks,



TEQUILA NELSON LEGAL ASSISTANT & PARALEGAL

Tequila.Nelson@CobbCole.com

One Daytona Boulevard, Suite 600
Daytona Beach, FL 32114

Office: 386-323-9264
CobbCole.com



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From: Delbert Taylor <delbert.taylor@gmail.com>
Sent: Thursday, February 13, 2025 4:18 PM
To: Debi LaCroix <Debi.Lacroix@cobbcole.com>
Subject: Johnson Development/ Palm Coast

I am unequivocally opposed to the proposed application for a Special Exemption and Site Plan for a self-storage facility at Pine Lakes Parkway and Grand Avenue.

Del Taylor

7 Bronson Ln.

Palm Coast, FL 32137

Delbert.taylor@gmail.com

(405) 306-6124

**PUBLIC NOTICE REQUIREMENTS
CITY OF PALM COAST, FLORIDA**

I, the undersigned, hereby certify that I have mailed by Certified Mail, to the following named property owners whose property is within 500 feet of that property which is the subject of an application for a public hearing pursuant to the Land Development Code of the City of Palm Coast, Florida, a notice containing the time, date, and purpose of the public hearing and address of the subject property. The notices were sent at least fifteen (14) days prior to the Hearing date and a copy of that letter and mailing list are attached. This letter was approved by the City prior to being sent. The Volusia County Property Appraiser's Office will provide a copy of the mail list. This must accompany this affidavit.

Case Number 6079 Hearing Date 5-20-25

Typed/Printed Name Tequila Nelson

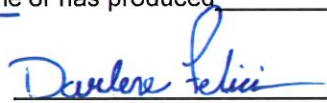
Signature (sign after reading) 

Address One Daytona Blvd. Suite 600 Daytona Beach FL 32114

STATE OF FLORIDA
COUNTY OF Volusia

The foregoing instrument was acknowledged before me this 2nd day of May, 2025, by Tequila Nelson, who is personally known to me or has produced _____.




NOTARY PUBLIC – STATE OF FLORIDA

Darlene Feliciano
NAME OF NOTARY – TYPED OR PRINTED

COMMISSION # 163349



Community Development Department
Planning Division

160 Lake Avenue
Palm Coast, FL 32164
386-986-3736

April 30, 2025

RE: Notice of Public Hearing: Appeal of Planning and Land Development Regulation Board (PLDRB) decision denying Special Exception to allow mini-warehouses, office warehouses, and self-storage in the COM-2 Zoning District; Hillpointe Way Self-Storage Application No. 6079.

Dear Neighboring Property Owner,

The Community Development Department, in accordance with Sections 2.05.03 and 2.16.02 of the City of Palm Coast Unified Land Development Code herein advises you that:

A request for an Appeal of a Decision by the Planning and Land Development Regulation Board (PLDRB) regarding its decision to deny a Special Exception, Application No. 6079, to allow *Mini-warehouses, Office Warehouses and Self-Storage* in the General Commercial (COM-2) Zoning District at its March 19, 2025, meeting has been made by the applicant Rob Merrell, Esquire for the Cobb Cole Law Firm. The property is located at the northwest quadrant of the Pine Lakes Parkway and Grand Avenue intersection at an area of land in-front of the Pointe Grand Apartments and has a Tax Parcel ID of: 10-11-30-5115-00000-0032.

This request for an Appeal is to be heard before the City Council. You are hereby notified that a public hearing, required by law, will be held at the **Jon Netts Community Wing, 160 Lake Avenue, Palm Coast, Florida, 32164** on **Tuesday, May 20th, 2025**, beginning at **9:00 A.M.** or as soon thereafter as possible.

You are welcome to attend and express your opinion or place concerns in writing and email them to CityClerk@palmcoastgov.com. The e-mail should indicate that they are intended for public participation for the appeal and may be submitted up until noon Monday May 19, 2025. The City reserves the right to redact or reject Documentary Evidence containing obscene material or material that is confidential pursuant to state law.

Cordially,

Michael Hanson

MICHAEL HANSON, AICP
Project Manager

NOTE: Pursuant to Section 286.0105 of Florida Statutes the City of Palm Coast Community Development Department hereby notifies all interested persons that if a person decides to appeal any decision made by the PLDRB with respect to any matter considered at such meeting or hearing, he or she may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is based. In accordance with the Americans with Disabilities Act, persons needing assistance to participate in these proceedings should contact the ADA Coordinator at 386-986-2570 at least 48 hours prior to the meeting.

Cobb Cole
Tequila Nelson
1 DAYTONA BLVD STE 220 STE 600
DAYTONA BEACH FL 32114-1217

\$5.54 US POSTAGE

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May 01 2025

Mailed from ZIP 32114

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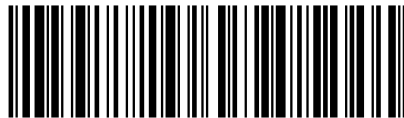
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endicia

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9739 ECKFORD AVE
OZONE PARK NY 11417-3017



Cobb Cole
Tequila Nelson
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DAYTONA BEACH FL 32114-1217

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May 01 2025

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WINTER PARK FL 32789-4290



Cobb Cole
Tequila Nelson
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DAYTONA BEACH FL 32114-1217

\$5.54 US POSTAGE

FIRST-CLASS IMI

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ZONE 1

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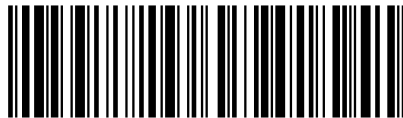
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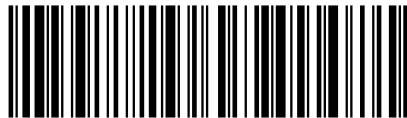
104 ARMOUR RD

KANSAS CITY MO 64116-3503



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PAIVA DINIS
579 PAIVA
EAST PROVIDENCE RI 02914



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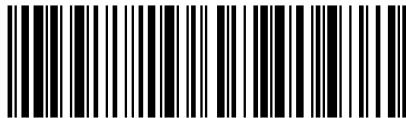


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2 BROOKSIDE LN
PALM COAST FL 32137-8721



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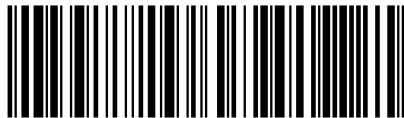


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636 BROADWAY STE A
SAN DIEGO CA 92101-5410



\$5.54 US POSTAGE

FIRST-CLASS IMI

May 01 2025

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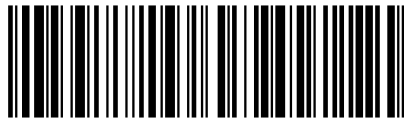
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PALM COAST FL 32137-8716



Cobb Cole
Tequila Nelson
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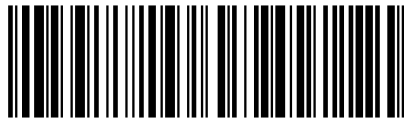
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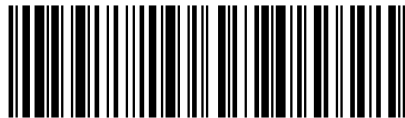
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PENSACOLA FL 32502-5696



Cobb Cole
Tequila Nelson
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DAYTONA BEACH FL 32114-1217

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ZONE 1

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USPS CERTIFIED MAIL



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BOONE GREGORY & ERNESTINE H&W

17 BROWNSTONE LN

PALM COAST FL 32137-8716



Cobb Cole
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DAYTONA BEACH FL 32114-1217

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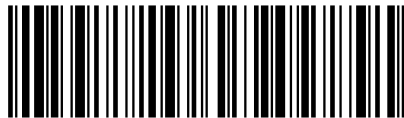
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PALM COAST FL 32137-8716



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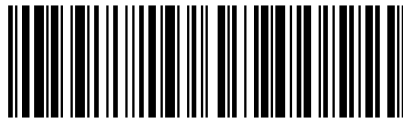
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PALM COAST FL 32137-8716



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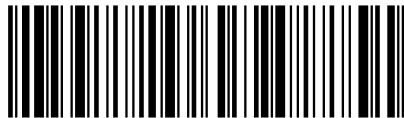
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USPS CERTIFIED MAIL



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VILLAGONZALO SHIRLEY B & JUAN W VILLAGONZALO JR
9739 ECKFORD AVE
OZONE PARK NY 11417-3017

