



# PLANNING BOARD AGENDA REGULAR MEETING

TUESDAY

December 19, 2023 – 5:30 PM

COUNCIL CHAMBERS

4300 S. ATLANTIC AVE., PONCE INLET, FL

**SUNSHINE LAW NOTICE FOR BOARD MEMBERS – Notice is hereby provided that one or more members of the Town Council or other Town Boards may attend and speak at this meeting.**

A complete copy of the materials for this agenda is available at Town Hall.

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE.
2. ROLL CALL AND DETERMINATION OF QUORUM.
3. ADOPTION OF AGENDA.
4. APPROVAL OF MEETING MINUTES:
  - A. April 25, 2023
5. REPORT OF STAFF:
  - A. Planning Division Reports
  - B. Other Updates and/or Reports – Mr. Disher, Town Manager
6. CORRESPONDENCE & DISCLOSURE OF EX-PARTE COMMUNICATION – None.
7. HEARING OF CASES (Public hearings & Quasi-Judicial matters): A Quasi-Judicial decision entails the application of already-established criteria and general public rule or policy to a limited number of specific individuals, interests, properties, or activities. Certain standards of basic fairness must be adhered to in order to afford due process. The parties must receive notice of all hearings and be able to present evidence, cross-examine witnesses, and be informed of all the facts upon which a Quasi-Judicial board acts. It shall be the responsibility of the APPLICANT to ensure that the proposal meets all the criteria and standards established in the Land Use and Development Code for the development sought. Procedure for Public Hearings:
  1. Reading of the Item for the Record;
  2. Staff Testimony, including noticing information;
  3. Board Discussion;
  4. Public Discussion, including statement of Applicant(s);
  5. Boardmembers individually complete Quasi-Judicial worksheets (if applicable);
  6. Motion and Second by the Board; followed by Board discussion, and
  7. Roll-call Vote.
  - A. Application/Type: #FDP 37-2023; Final Development Plan  
Address: 100 Lighthouse Drive, Marine Science Center  
Purpose: To review final site development plan for the Learning Center expansion; per SS 6.6.6 of the LUDC – Ms. Rippey
8. BUSINESS ITEMS. – None.
9. PUBLIC PARTICIPATION.

10. BOARD DISCUSSION.

11. ADJOURNMENT.

*If a person decides to appeal any decision made by the Planning Board with respect to any matter considered at a meeting or hearing, he/she will need a record of the proceedings and that for such purpose, may need to ensure that a verbatim record of the proceedings is made (at their own expense), which includes testimony and evidence upon which the appeal is to be based. Persons who require an accommodation to attend this meeting should contact the Ponce Inlet Town Hall at 236-2150 **at least 48 hours prior to the meeting**, in order to request such assistance.*



**Meeting Date:** December 19, 2023

**Agenda Item:** 4

## **Report to Planning Board**

**Topic:** Approval of April 25, 2023 Meeting Minutes

**Summary:**

Staff has prepared the attached set of Planning Board meeting minutes and submits for the Board's review and approval.

**Requested by:** Ms. Stewart, Assistant Deputy Clerk

**Reviewed by:** Mr. Lear, Planning & Development Director

**Approved by:** Mr. Disher, Town Manager



**Town of Ponce Inlet  
Planning Board  
Regular Meeting Minutes  
April 25, 2023**

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1    **1.    CALL TO ORDER AND PLEDGE OF ALLEGIANCE:** Pursuant to proper notice,  
2 Chairman Cannon called the meeting to order at 10:00 a.m. in the Council Chambers, 4300 S.  
3 Atlantic Avenue, Ponce Inlet, FL, and led attendees in the Pledge of Allegiance.

4  
5    **2.    ROLL CALL AND DETERMINATION OF QUORUM:**

6  
7    Board members present:

- 8        Mr. Oebbecke, Seat #1  
9        Mr. Kaszuba, Seat #2  
10       Mr. White, Seat #3; Vice-Chairman  
11       Mr. Cannon, Seat #4; Chairman  
12       Mr. Carney, Seat #5  
13       Dr. Arun, Alternate #1  
14       Mr. Burge, Alternate #2

15  
16    Staff present:

- 17       Mr. Disher, Town Manager  
18       Ms. Hunt, Deputy Clerk  
19       Ms. Stewart, Assistant Deputy Clerk  
20       Mr. Mendenhall, Principal Planner  
21       Ms. Rippey, Senior Planner  
22       Attorney Smith, Town Attorney

23  
24    **3.    ADOPTION OF AGENDA:** There were no changes.

25  
26    Chairman Cannon moved to adopt the agenda as presented; seconded by Mr. Kaszuba. The motion  
27 PASSED by consensus, 5-0.

28  
29    **4.    APPROVAL OF MINUTES:**

30       **A.    March 28, 2023**

31  
32    Mr. White referred to line 87 and the phrase “The Board also discussed the mean-high water line  
33 (MHWL), which was established in 1947 and has moved approximately 20 to 30 feet; and  
34 recommended that the Code be corrected for relief to other property owners in this similar  
35 situation, due to the 2012 Code change”. He does not want to change the code until he has a better  
36 understanding of why it was changed in 2012. It was determined that the discussion was regarding  
37 the mean-high water line and reviewing of the code, not to correct it. Mr. Mendenhall stated the  
38 word corrected can be changed to reviewed.

39  
40    Chairman Cannon moved to approve the March 28, 2023 meeting minutes as amended changing  
41 line 87 to read “reviewed”; seconded by Mr. Carney. The motion PASSED by consensus, 5-0.

42 **5. REPORT OF STAFF:**

43

44 **A. Planning Division Reports**– Mr. Mendenhall referred to the coastal management  
45 study recently conducted; the Town Council has received the first reading of the vulnerability  
46 study and for the peril flood and the comprehensive plan amendment has been transmitted to the  
47 Department of Economic Opportunity (DEO). A letter of receipt has been received by the Volusia  
48 Growth Management Committee stating no appeals have been received; the second reading for  
49 adoption will be given to the Town Council in May. Once adopted, there is a 30-day grace before  
50 it becomes final. The Land Use Development Code (LUDC) can then be updated to the resiliency  
51 standards with language that will help manage flooding, help critical facilities, etc. He announced  
52 there are no administrative variances to report; a minor re-plat of 4514 S. Peninsula Drive. It is a  
53 single-family residence that has a 25-foot-wide adjacent piece of property combined with the  
54 single-family residence; it went from approximately 20,000 square feet to approximately 32,000  
55 square feet; a .74-acre lot once the lots were combined.

56

57 **B. Other Reports & Updates** – Mr. Disher announced the Florida Fish and Wildlife  
58 Commission has extended the permitting rules relating to building on the beach to past the May 1,  
59 2023, sea turtle deadline. They can continue with construction and apply for new permits; however,  
60 the sea turtle lighting rules are still in effect. It has been reported that contractors are informing  
61 people that permits are not required along the beach which is false; they are required by the town  
62 for the building code, Volusia County, or the Department of Environmental Protection (DEP). The  
63 only thing that does not require a permit is carpet and paint. Hurricane recovery efforts are on-  
64 going; he announced Public Works has begun cleaning out the storm drainage pipes and will  
65 provide photos in the next newsletter. Many of the pipes are exfiltration pipes that are perforated  
66 which allows the water to soak into the ground. Public Works has cleaned approximately 1,000  
67 feet of pipe to date. The resiliency policies Mr. Mendenhall referred to are posted on the town’s  
68 website. The fee waivers for hurricane related repairs will expire on June 30, 2023; storm damage  
69 documentation is required.

70

71 Chairman Cannon and the Board acknowledged the official promotion of Mr. Disher as Town  
72 Manager.

73

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

75

76 **7. HEARING OF CASES:**

77

78 **A.** *None.*

79

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

81

82 **A. Ordinance 2023-02 (proposed), Home-Based Business** – Ms. Rippey stated this  
83 proposed ordinance is in response to the 2021 enactment of House Bill (HB) 403, codified as  
84 Section 559.955 Florida Statutes relating to home-based businesses; it is a state pre-emption of the  
85 regulation. The town’s attorney has recommended updating the code to be more consistent with  
86 the state statute. The town has had home-based business regulations since 1992 which govern the  
87 number of customers, types of prohibited activities, who may be engaged in home-based  
88 businesses, appearance of the premises and sign restrictions. The new state statute permits a greater  
89 number of employees, including those not living in the residence; does not impose time

90 restrictions; and adversely affected home-based business owners can challenge local governments  
91 for violation of the statute. The home-based business must clearly be a secondary use within the  
92 structure and is subject to applicable business taxes. The town is still able to regulate elements of  
93 the business such as noise, smells, pollutants, or nuisance elements of the business. She explained  
94 the town will be shifting from a proactive permitting to a reactionary code enforcement with this  
95 change to the state statute. Mr. White asked what the definition of a home-based business is. Ms.  
96 Rippey explained a business operation conducted as an accessory use within a residential dwelling;  
97 it does not name a specific type of business. Mr. White asked if this would supersede the current  
98 grandfathered-in rental policy; he used the example of a bed-and-breakfast. Mr. Mendenhall  
99 explained the town has bed-and-breakfast regulations within the code. He does not believe it would  
100 supersede the rental policy but will do further research. Mr. White asked how this ordinance would  
101 affect homeowner associations (HOAs) or condominium documents. Ms. Rippey replied there is  
102 language included that states it does not supersede any current or future declaration of  
103 condominium, cooperative document, or HOA declaration. Dr. Arun referred to Exhibit A, B-7,  
104 Safety, and asked if biohazardous waste could be added next to the word “combustible; Ms. Rippey  
105 agreed to do so.

106  
107 Mr. Carney referred to parking, and noted the language is too vague to be enforceable; it needs to  
108 be definable and defensible. Ms. Rippey explained the language was revised to meet the state  
109 statute; it must meet the requirements for residential properties in the parking code. Mr.  
110 Mendenhall added that they will review adjacent properties and properties of similar size to see  
111 how much parking they provide and be restricted to that point. The minimum parking for a single-  
112 family home is two parking spaces. The parking code could be reviewed to see if any provisions  
113 need to be changed for a maximum number of parking spaces; this provision is what the state  
114 requires. Mr. Disher stated the state regulations preempt us from doing certain things; the town  
115 does not have a maximum parking requirement. It is a site design of how many can fit and still  
116 meet the town’s code. Permits used to be issued for this; however, the state is pre-empting that and  
117 changes us from a permitting, proactive stance to being reactive. The town’s attorney has advised  
118 the best way to address this is to incorporate the state statute into our code. Chairman Cannon  
119 asked how home-based businesses were depicted prior to this new statute and if they were an issue  
120 or not. Mr. Disher replied it was mostly a non-issue; most home-based businesses in Ponce Inlet  
121 are home offices. Mr. Carney reiterated that he would not include language that is not enforceable.  
122 Mr. Disher replied he will double check with the attorney on the language.

123  
124 Mr. Oebbecke asked if the town could use Volusia County’s regulation that home-based businesses  
125 occupy no more than 25% of livable floorspace of the residence. Ms. Rippey replied she could  
126 check, however, that may be going outside of the preemption; that was discussed but the language  
127 cannot be stricter than what the state is allowing. Chairman Cannon asked if the town was  
128 precluded from including similar language; Ms. Rippey explained the attorney would need to be  
129 contacted as to how to recommend a percentage. Mr. Burge asked about home-based businesses  
130 such as painters that need to store chemicals and asked if language could be added that limits the  
131 storage amount and putting undue pressure on essential services including increased garbage  
132 production. Ms. Rippey replied there is no guidance regarding that; however, it would regulated  
133 be no different than any other resident’s storage. Mr. Kaszuba referred to the House of  
134 Representatives final bill analysis, pages 5 and 6, that lists jurisdictions in Florida, including  
135 Volusia County, and the regulations they have on home-based businesses and asked if those  
136 regulations would go away with this state statute. Ms. Rippey explained why they are preempting  
137 local jurisdictions to make it more consistent. Mr. Kaszuba referred to Exhibit A, B-5, Signage,

138 and asked about signage on vehicles that are parked in front of a home-based business and what  
139 regulates that. Ms. Rippey explained that is regulated by Section 3.30.6B; no outside advertising  
140 is permitted on the premises or elsewhere that it could be construed as advertising. Mr. Mendenhall  
141 clarified that the advertising restriction is specific to a home-based business as there are people  
142 who drive work vehicles with signage home. Mr. Kaszuba referred to the language from the Senate  
143 and House of Representatives final bill analysis; Senate 559.995(c) regarding “may not conduct  
144 retail transactions at a structure other than a residential dwelling, however, incidental and short-  
145 term business activities may be conducted at the residential property” and asked for clarification  
146 as it seems vague. Mr. Mendenhall explained that if any business is to be conducted, it should be  
147 inside the residence and not in a garage or other building separate from the home. The business  
148 must take up space in the residence and not expand the business to a size that would be  
149 incompatible with the property or that would create a nuisance. The home-based business must  
150 clearly be an accessory to the primary use of the residence. Mr. White referred to the draft Exhibit  
151 A, page 5, line 10, home occupation standards, and asked why it was stricken as well as line 21  
152 regarding medical marijuana dispensaries and if there was anything that protects the town from  
153 allowing that to happen. Ms. Rippey replied yes; Section 3.33 in the code bans the use of medical  
154 marijuana dispensaries in the entire town. Chairman Cannon referred to the bed-and-breakfast  
155 question from earlier and asked if the bed-and-breakfast code protects the town from someone  
156 wanting to open a bed-and-breakfast outside the specific location area as a home-based business;  
157 there is also a sewer requirement among other requirements for a bed-and-breakfast. Mr.  
158 Mendenhall replied no; the bill analysis states that the statute does not supersede local laws or  
159 ordinances related to public lodging establishments or vacation rentals. Chairman Cannon asked  
160 what the next steps are and if this will be brought back with revisions. Mr. Mendenhall explained  
161 that it could be recommended to the Town Council with the recommended changes incorporated  
162 for a first reading or it can come back before the Planning Board with the recommended changes.

163  
164 Chairman Cannon moved to forward Ordinance 2023-02 to the Town Council as amended with a  
165 recommendation of approval; seconded by Vice-Chairman White. The motion PASSED 5-0 by with  
166 the following vote: Chairman Cannon – yes; Vice-Chairman White – yes; Mr. Carney – yes; Mr.  
167 Kaszuba – yes; Mr. Oebbecke – yes.

168  
169 **9. PUBLIC PARTICIPATION:** Chairman Cannon opened public participation – hearing  
170 none, he closed public participation.

171  
172 **10. BOARD DISCUSSION:** None.

173  
174 **11. ADJOURNMENT:** The meeting was adjourned at 11:04 a.m.

175  
176 Prepared and submitted by,

177  
178 Draft  
179 Debbie Stewart  
180 Assistant Deputy Clerk

181  
182 Attachment(s): None



**Meeting Date:** December 19, 2023

**Agenda Item:** 7-A

## **Report to Planning Board**

**Topic:** FDP 37-2023; Final Development Plan  
Marine Science Center Learning Center Expansion  
100 Lighthouse Drive

### **Summary:**

The applicant, representing Volusia County, lessee, as authorized by the State of Florida, owner, requests approval final site plan for the expansion of the Marine Science Center Learning Center, to include expansion of the current education building, addition of a turtle quarantine deck and expansion of the existing parking lot to include an additional 22 parking spaces.

### **Suggested motion:**

Recommendation of approval of the proposed MSC – Learning Center Expansion Final Development Plan.

### **Requested by:**

Ms. Rippey, Senior Planner

### **Reviewed by:**

Mr. Disher, Town Manager

Mr. Lear, Planning & Development Director

### **Approved by:**

Mr. Disher, Town Manager



## MEMORANDUM

### TOWN OF PONCE INLET, PLANNING AND DEVELOPMENT DEPARTMENT

*The Town of Ponce Inlet staff shall be professional, caring, and fair in delivering community excellence while ensuring Ponce Inlet citizens obtain the greatest value for their tax dollar.*

To: Planning Board  
From: Patty Rippey, AICP, Senior Planner  
Through: Darren Lear, Planning & Development Director  
Date: December 12, 2023  
Subject: FDP 37-2022, Final Development Plan – Marine Science Center Learning Center Expansion

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**LOCATION:** 100 Lighthouse Drive  
**APPLICANT:** John Dillard, Zev Cohen & Associates, Inc.  
**STAFF RECOMMENDATION:** *Approval*, based on the findings listed in this memorandum

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**MEETING DATE:** December 19, 2023

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#### 1 INTRODUCTION

2 The applicant, representing Volusia County, lessee, as authorized by the State of Florida, owner,  
3 requests approval final site plan for the expansion of the Marine Science Center Learning Center,  
4 to include expansion of the current education building, addition of a turtle quarantine deck and  
5 expansion of the existing parking lot to include an additional 22 parking spaces.  
6

#### 7 AUTHORITY AND PROCESS

8 The application was first reviewed by the Development Review Team (DRT) on May 23, 2023  
9 and has since been revised to address technical requirements of the Land Use and Development  
10 Code (LUDC). The landscape plan was reviewed by the Cultural Services Board on December 4,  
11 2023, pursuant to LUDC Section 4.10.5. The development plan is now being provided to the  
12 Planning Board for consideration in accordance with LUDC Section 6.6.6 – Development Plans  
13 and Subdivisions. Following the Board’s review and recommendation, the item will be scheduled  
14 for final consideration by the Town Council.  
15

16

17 **PROPERTY OVERVIEW**

18 CURRENT DEVELOPMENT

19 **Property Overview**

20 The subject area is located west of S. Atlantic Avenue at 100 Lighthouse Drive (see **Attachment**  
21 **1**). The entire Marine Science Center (MSC) property as bounded by Atlantic Avenue to the east,  
22 Lighthouse Drive to the south, Peninsula Drive to the west, and the lighthouse preservation  
23 association property to the north is approximately 5.9 acres; however, only the Learning Center  
24 expansion, turtle quarantine deck, and parking lot portion of the site will be discussed for purpose  
25 of this report.

26

27 The subject property is zoned P/I (Public/Institutional) and has a corresponding future land use  
28 map designation of *Public/Institutional* that is consistent with the zoning district. The P/I zoning  
29 district permits activity of federal, state, and local governments as well as quasi-public and private  
30 activities or facilities that will serve the public interest in an educational, recreational, or scientific  
31 context. The property is also located in the Lighthouse Overlay District (LOD) and is subject to  
32 supplementary regulations for properties within 750 feet from the historic lighthouse.

33

34 The subject site area is currently developed with an existing learning center, turtle rehabilitation  
35 sanctuary, turtle commissary, bird rehabilitation sanctuary, raptor exhibit, and natural vegetation.  
36 A limited area is proposed to be cleared to accommodate the proposed Learning Center building  
37 expansion.

38

39 ADJACENT LAND USES

40 The properties to the north and east are currently undeveloped park preserve. These properties are  
41 zoned P/I with a consistent future land use (FLU) designation of *Public Institutional*. The property  
42 to the west of the Marine Science is also zoned P/I with a consistent future land use designation of  
43 *Public Institutional* and is the site of the historic lighthouse. The properties to the south are either  
44 zoned B-2 with a consistent FLU designation of *Riverfront Commercial* or are zoned R-3 with a  
45 consistent FLU designation of *Medium Density Single Family Residential*. (See **Table 1** and  
46 **Figure 1**)

47

48 **Table 1**

Direction	Zoning	Future Land Use Designation	Current Use
North	P/I	Public / Institutional	Preserve
East	P/I	Public / Institutional	Public Park
South	B-2	Riverfront Commercial	Commercial
South	R-3	Medium Density Single Family Residential	Single Family Residential
West	P/I	Public / Institutional	Lighthouse

49

50 **Figure 1 - Zoning Map**



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69

**PROPOSED DEVELOPMENT**

SITE LAYOUT

The site plan includes the expansion of the learning center, adding 1,658 square feet of classroom space. The expansion will replace an existing small classroom to provide an improved area for summer programs. The expansion will also add 1,064 square feet for a new turtle quarantine deck. The new quarantine deck will provide an isolated area for sick turtles to prevent disease of infections from spreading to other turtles.

REQUIRED PARKING

The existing structures and uses for the Marine Science Center require 33 parking spaces<sup>1</sup>. The site currently provides the minimum number of parking spaces in the main parking lot and between the main facility structure and the commissary building. The site plans include an expansion of the existing parking lot to the north, adding 22 new parking spaces. The access driveway to the project area will remain in its existing location. All proposed parking spaces are designed to comply with the minimum width and length pursuant to the LUDC<sup>2</sup>.

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<sup>1</sup> LUDC 4.7.8 – Minimum number of off-street parking spaces  
<sup>2</sup> LUDC 4.7.7 – Dimensional requirements for off-street parking areas

70 VEGETATION

71 The Marine Science Center property currently provides a significant tree canopy and is considered  
72 a heavily wooded lot (see **Figure 2**). A heavily wooded lot is a parcel with greater than 90 percent  
73 tree canopy coverage. Pursuant to the LUDC<sup>3</sup>, trees removed from the building footprint and  
74 driveway areas of heavily wooded lots are not required to be replaced.

75  
76 The plan (see **Attachment 2**) calls for the removal of 18 Live Oak trees, 3 Bay trees and 2 Cedar  
77 trees. All the trees are specimen trees except for one Live Oak that is 3” DBH. Nineteen of the  
78 trees proposed to be removed are located within the building or parking lot footprint. Four trees  
79 are proposed for removal from the stormwater retention area (see **Figure 3**). Because trees are  
80 being preserved outside of the designated protection zone, the replacement ratio is 1:1.

81  
82 All existing trees and vegetation outside of the project area will be preserved. Since trees are being  
83 preserved on site outside of the designated protection zone, the mitigation ratio is reduced to 1:1  
84 for any trees removed that are not within the building footprint or access driveway<sup>4</sup>.

85  
86 Figure 2

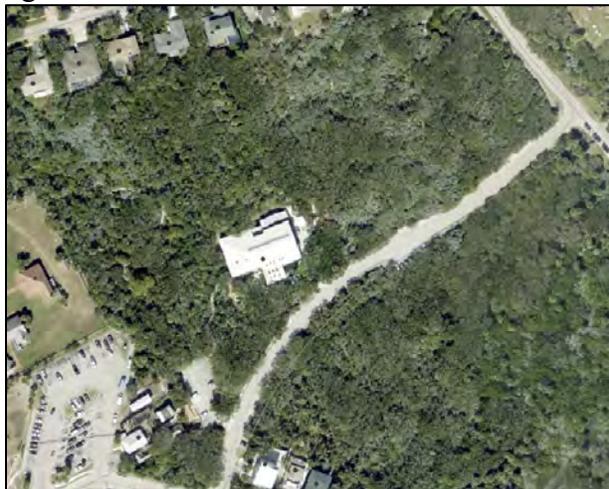
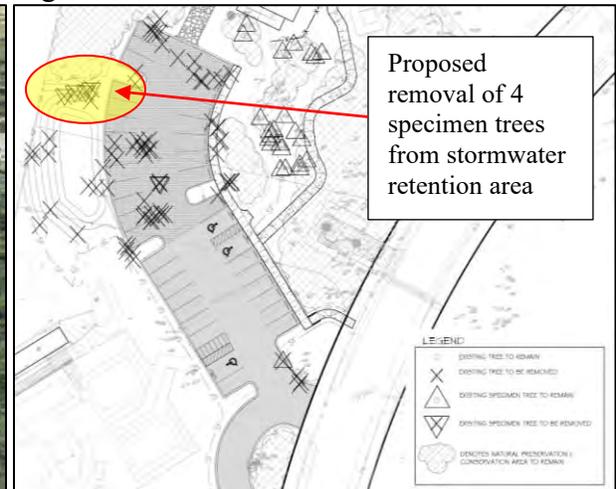


Figure 3



87  
88  
89 The landscape plan (Page LA-1) (**Attachment 2**) was submitted to the Cultural Services Board  
90 (CSB) on December 4, 2023 for review and approval.

91 The proposed landscaping consists of 291 Saw Palmetto shrubs encompassing the perimeter of the  
92 expanded parking lot and building site. A total of 56 shade trees (*Wax Myrtle, Live Oak, Southern  
93 Magnolia*), 8 Sabal Palmetto, 414 shrubs (*Beautyberry, Simpson Stopper, Wild Coffee, Coontie*),  
94 and 50 Blanket Flower are planned for the parking lot islands, screening between the stormwater  
95 area and boat trailer parking lot on S. Peninsula, and adjacent to the Learning Center expansion.  
96 Bahia grass will be planted in the stormwater retention area. All proposed plantings are native,  
97 drought tolerant, and low maintenance once established.

<sup>3</sup> LUDC 4.10.4.E.1.b – Tree replacement mitigation  
<sup>4</sup> LUDC Sec. 4.10.4.E.2

98 The landscape requirements in the code<sup>5</sup> are intended to provide minimum standards for aesthetics  
99 and value, public safety, environmental quality, community character, natural habitat, coastal  
100 hazards, efficiency, water conservation, buffering, and cultivation. The CSB voted unanimously  
101 to recommend approval of the proposed landscape plan. Staff believes the proposed landscaping  
102 satisfies code requirements in all respects.

103

#### 104 GOPHER TORTOISES

105 The environmental assessment submitted with the application reports that no gopher tortoises were  
106 observed during the inspection by gopher tortoise agents authorized through the Florida Fish and  
107 Wildlife Conservation Commission (FWC) within the project area and surrounding 25-foot radius.  
108 A secondary gopher tortoise inspection will be conducted 90 days prior to construction. If any  
109 tortoises or active burrows are then found, the applicant must obtain a gopher tortoise relocation  
110 permit from FWC, pursuant to the Town’s gopher tortoise protection regulations<sup>6</sup>. No site work  
111 may take place until first authorized by FWC. Any tortoise burrows would need to be protected  
112 during construction with a temporary barrier set up in a 25-foot radius around each burrow.

113

#### 114 DRAINAGE AND UTILITIES

115 The education building and the turtle quarantine area will be connected to water and sanitary sewer  
116 services that currently serve the main facility structure. The proposed structure will not create any  
117 additional demand on these utilities. The City of Port Orange has determined that the proposed  
118 connections to the water and sanitary sewer lines comply with applicable utility regulations.

119

#### 120 ARCHITECTURAL ELEVATIONS

121 The Learning Center expansion and turtle quarantine deck additions have been designed to comply  
122 with the Town’s architectural requirements of the LOD<sup>7</sup>. The total height of the expanded  
123 structures will be 27 feet measured from the finished grade to the peak of the roof. The existing  
124 MSC main building is 35 feet in height.

125

126 The code requires all primary exterior building materials to be durable, economically maintained,  
127 and of high quality that will retain their appearance over time. In addition, in the Lighthouse  
128 Overlay District, these materials must also be consistent with the historical character of the area.  
129 The architectural style design of both structures will match the appearance of Marine Science  
130 Center main building. The structures will feature a standing seam metal roof, painted board-and-  
131 batten siding styles plus trim. The proposed colors are tan and taupe to blend into with the  
132 surrounding natural vegetation. There will be green vinyl coated chain link fencing securing the  
133 turtle quarantine area that will not be visible from the road or the front of the main building.  
134 **(Attachment 4).**

135

#### 136 **LOD REVIEW CRITERIA**

137 Pursuant to LUDC Section 2.16.E.1, applications for development permits on the LOD shall be  
138 reviewed for compliance with the following five criteria. The criteria and staff’s response are  
139 provided below:

140

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<sup>5</sup> LUDC 4.10.1 – Purpose and Intent

<sup>6</sup> LUDC Sec. 4.14, Ord. 2019-03, April 18, 2019

<sup>7</sup> LUDC Sec. 2.1.6.C

141 **(a) The proposed development is consistent with the purpose and intent of the LOD.**

142 *Staff response:* The purpose of the LOD is, "...to ensure that all significant vistas that  
143 include the lighthouse or surrounding historic grounds are preserved." Toward that end,  
144 the LOD limits the size of non-residential buildings and requires that they be oriented to  
145 not block views of the Lighthouse. The proposed 1,658 square feet, one-story Learning  
146 Center expansion and 1,064 square feet turtle quarantine addition meet these requirements.  
147

148 **(b) The proposed development is consistent with Ponce Inlet’s Comprehensive Plan.**

149 *Staff response:* The proposed Development Plan is consistent with the Ponce Inlet  
150 comprehensive plan. The proposed development does not exceed the 35% maximum lot  
151 coverage limits for the *Public/Institutional* future land use category and will be buffered  
152 from adjacent uses with landscaping and screening. The proposed development is  
153 consistent with the purpose of this future land use category, which includes "...land used  
154 for any lawful governmental activity or facility or federal, state, and local governments,  
155 which are particularly and peculiarly related to serving the public welfare. Additionally, it  
156 includes areas used for quasi-public and private activities or facilities that will serve the  
157 public interest in an educational, recreational, or scientific context. Adequate infrastructure  
158 capacity exists to support the development as determine by the Town’s level-of-service  
159 standards. The proposed project is consistent with all relevant Comprehensive Plan  
160 elements.  
161

162 **(c) The site is physically suitable for the project design and its construction phase.**

163 *Staff response:* The site characteristics are physically suitable for the project, including  
164 grading, drainage, utilities, and building site preparation.  
165

166 **(d) The proposed development minimizes and reduces to the greatest extent possible and  
167 where applicable, visual impacts and obstructions to the lighthouse from both the  
168 Halifax River and the land area within the LOD boundary.**

169 *Staff response:* Both the building expansion and deck addition size, height, placement, and  
170 orientation will minimize visual impacts to the Lighthouse.  
171

172 **(e) The architectural style and building scale of any proposed development reflect the  
173 historic setting and unique character of this geographic area.**

174 *Staff response:* The architectural style of the structures is intended to be compatible with  
175 the other buildings in the Marine Science Center complex. These buildings use a variety of  
176 historic materials, styles, and colors to blend into the heavily wooded setting of the  
177 property.  
178

179 **FINAL DEVELOPMENT PLAN REVIEW CRITERIA**

180 In addition to the above criteria specific to the LOD, six general criteria applicable to all  
181 development plans must be considered.<sup>8</sup> These criteria are discussed below.  
182

- 183 **a. Characteristics of the site and surrounding area, including important natural and**  
184 **manmade features, the size and accessibility of the site, and surrounding land uses.**  
185

---

<sup>8</sup> Section 6.6.6.B.5.b

186 Staff's Response: The proposed Learning Center expansion, parking lot expansion, and turtle  
187 quarantine deck addition will have no negative impact on the characteristics of the site, the  
188 surrounding area, or any adjacent land uses. The proposed building is designed to be  
189 consistent with the existing structures that are part of the MSC development. The existing  
190 vegetation provides significant screening to the project area such that it will not be visible to  
191 any adjacent property or land uses. This criterion is met.  
192

193 **b. Whether the concurrency requirements of article 5 of this code could be met if the**  
194 **development were built.**

195  
196 Staff's Response: The proposed Learning Center expansion, parking lot expansion, and turtle  
197 quarantine deck addition will not create any additional traffic or utility concurrency impacts.  
198 The new Learning Center will provide additional indoor classroom space for students and  
199 the quarantine deck will provide an isolated area for sick turtles. According to the applicant,  
200 no additional increase in programs, students, or staff has been proposed. The proposed  
201 expansion and addition will be able to connect to the existing utility lines currently utilized  
202 by the main MSC facility.  
203

204 Staff received a trip generation memorandum confirming the annual daily trips. Based on  
205 one proposed learning center space and quarantine deck area, the development will generate  
206 9.37 average annual daily trips per the ITE Manual 10<sup>th</sup> Edition. The additional 9.37 daily  
207 trips does not affect the Town's level-of-service standards.  
208

209 This criterion is met.  
210

211 **c. The nature of the proposed development, including land use types and densities; the**  
212 **placement of proposed buildings and other improvements on the site; the location, type,**  
213 **and method of maintenance of open space and public use areas; the preservation of**  
214 **natural features; proposed parking areas; internal traffic circulation system; the**  
215 **approximate total ground coverage of paved areas and structures; and types of water**  
216 **sewage treatment systems.**

217  
218 Staff's Response: The proposed Learning Center expansion, parking lot expansion, and turtle  
219 quarantine deck addition are designed to comply with all development regulations and  
220 requirements for improvements as identified within the LUDC. This includes allowable use  
221 type, density, location, parking and circulation, and preservation of natural features and open  
222 spaces.  
223

224 **d. Consistency of the proposed development with the comprehensive plan.**

225  
226 Staff's Response: See response to LOD criterion (b) above.  
227

228 **e. Conformity of the proposed development with this code and other applicable**  
229 **regulations.**

230  
231 Staff's Response: The proposed plan complies with the requirements of the LUDC, as  
232 described in this report.  
233

234 **f. Concerns of surrounding landowners and other affected persons, presented as**  
235 **competent substantial evidence regarding one or more of the criteria of this subsection.**  
236

237 *Staff's Response:* On December 1, 2023, letters were sent by certified mail to owners of  
238 property abutting the subject property to notify them of the Planning Board Hearing for the  
239 site plan. A public hearing notice was also posted on the subject property on that same date.  
240 Notice of the Planning Board meeting has been published in the *News-Journal*. These efforts  
241 were made to ensure that the public and nearby property owners are aware of the application  
242 and for them to have an opportunity to voice their concerns and desires. At the time of this  
243 writing, no comments from the public have been received.  
244

245 **REVIEW COMMENTS**

246 The plans have been revised to address the technical review comments of the DRT. The plans are  
247 now complete, with no comments remaining.  
248

249 **RECOMMENDATION**

250 Based on the findings of this memorandum, Staff recommends the Planning Board forward the  
251 proposed site plan package for the Marine Science Center Learning Center to the Town Council  
252 with a recommendation of **approval**.



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Patty Rippey, Senior Planner

December 12, 2023

Date

Attachments:

1. Location map
2. Landscaping Site Plan
3. Existing Site Vegetation
4. Architectural Elevations

# ATTACHMENT 1 – Location Map



**Case No.:** FDP 37-2023

**Applicant:** John Dillard,

**Property Address/Location:** 100 Lighthouse Drive

**Summary of Request:** To approve proposed expansion of the Learning Center, parking lot and addition of a turtle quarantine deck.



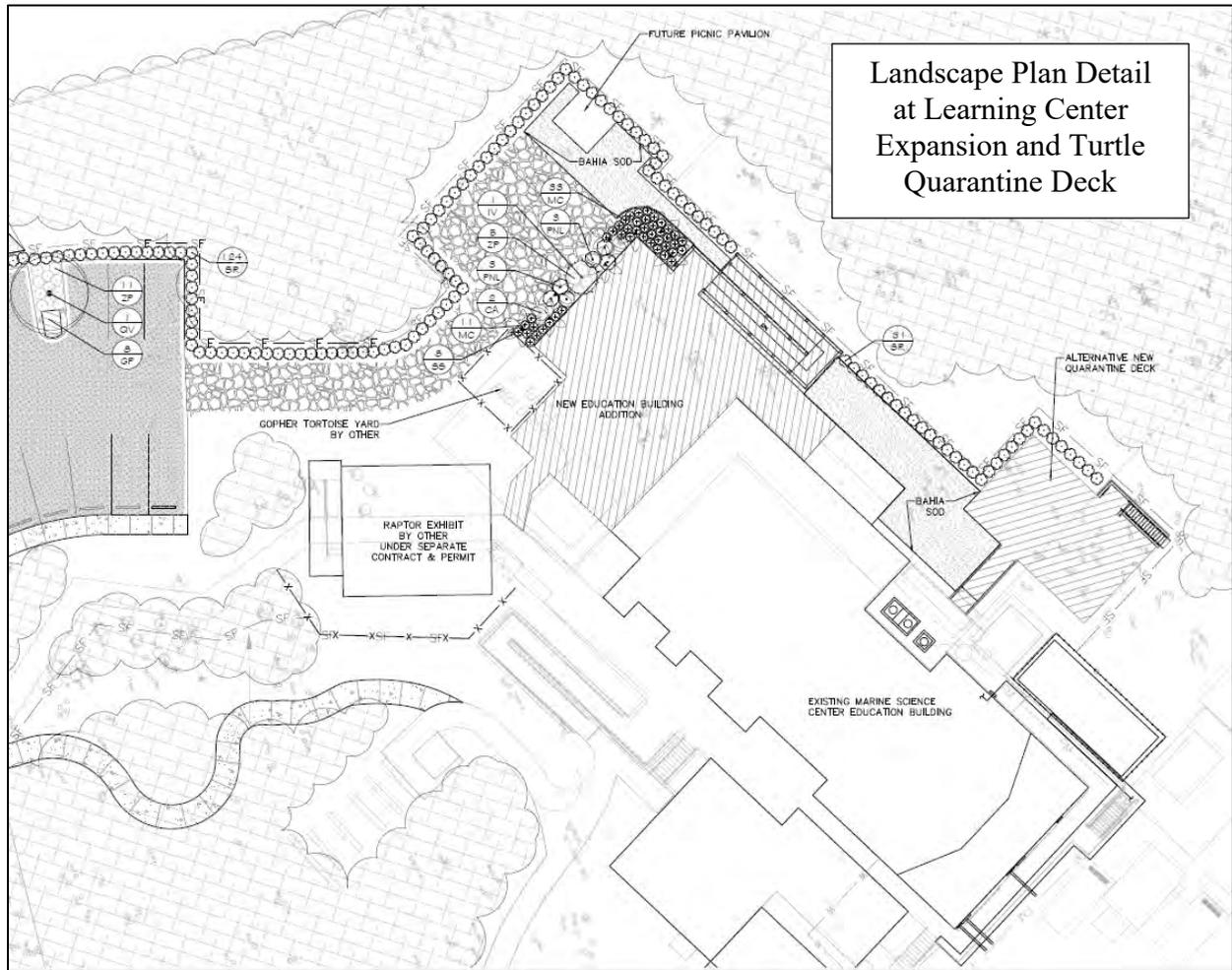
## LOCATION MAP

TOWN OF PONCE INLET





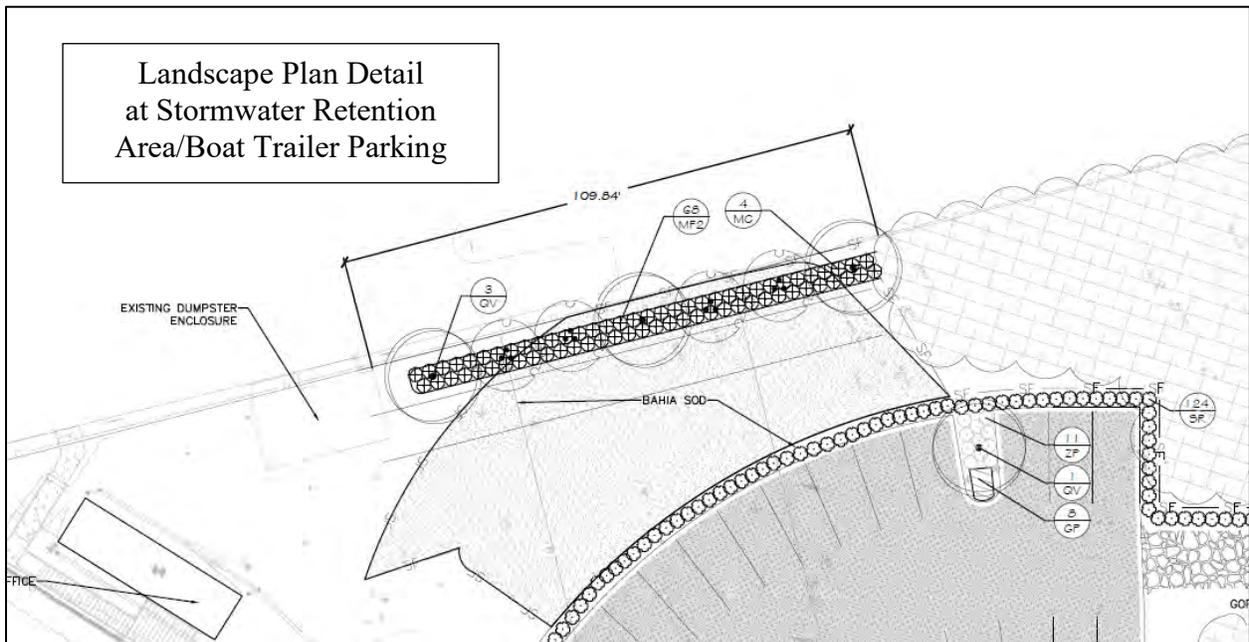
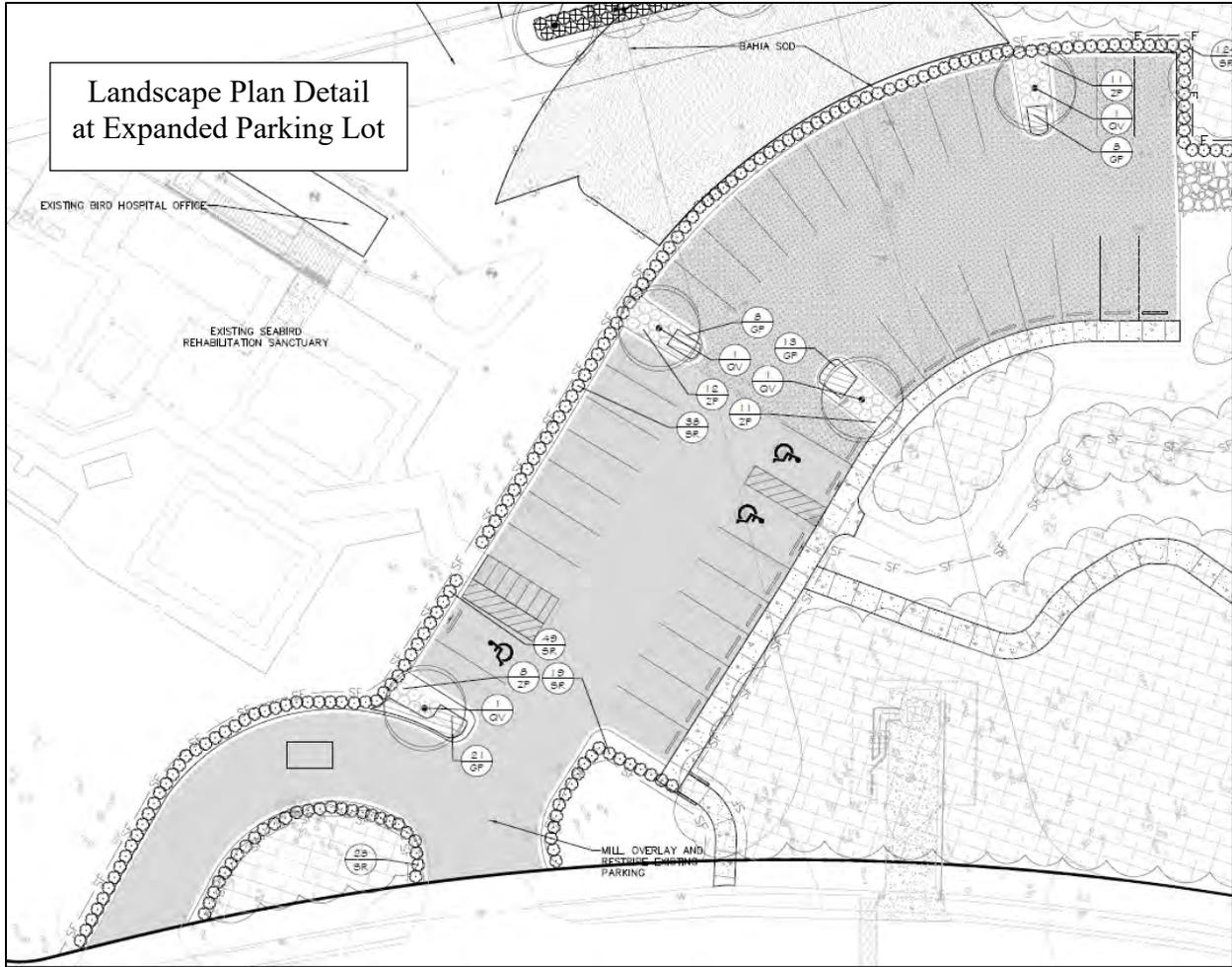
# ATTACHMENT 2 – Landscaping Site Plan



## PLANT SCHEDULE

<u>TREES</u>	<u>QTY</u>	<u>BOTANICAL NAME</u>	<u>COMMON NAME</u>	<u>SIZE</u>	<u>CONTAINER</u>	
IV	1	ILEX VOMITORIA	YAUPON HOLLY	2.5" CAL.	45 GAL.	
MC	48	MYRICA CERIFERA	WAX MYRTLE	2.5" CAL.	45 GAL.	
QV	7	QUERCUS VIRGINIANA	SOUTHERN LIVE OAK	4.5" CAL., 14' HT MIN.		
<u>PALM TREES</u>	<u>QTY</u>	<u>BOTANICAL NAME</u>	<u>COMMON NAME</u>	<u>SIZE</u>	<u>CONTAINER</u>	
S5	8	SABAL PALMETTO	CABBAGE PALM	VARY C.T. HT. 8'-16'		
<u>SHRUBS</u>	<u>QTY</u>	<u>BOTANICAL NAME</u>	<u>COMMON NAME</u>	<u>SIZE</u>	<u>CONTAINER</u>	<u>SPACING</u>
CA	2	CALLICARPA AMERICANA	AMERICAN BEAUTYBERRY	24" HT. X 24" SP.	3 GAL.	48" o.c.
MF2	68	MYRSINANTHES FRAGRANS	SIMPSON STOPPER	24" HT. X 18" SP.	3 GAL.	36" o.c.
PNL	6	PSYCHOTRIA NERVOUSA	WILD COFFEE	24" HT. X 24" SP.		48" o.c.
SR	291	SERENOA REPENS	SAW PALMETTO	24" HT. X 18" SP.	3 GAL.	36" o.c.
ZP	47	ZAMIA PUMILA (ZAMIA FLORIDANA)	COONTIE	15" HT. X 18" SP.	3 GAL.	36" o.c.
<u>GROUND COVERS</u>	<u>QTY</u>	<u>BOTANICAL NAME</u>	<u>COMMON NAME</u>	<u>SIZE</u>	<u>CONTAINER</u>	<u>SPACING</u>
GP	50	GAILLARDIA FULCHELLA	BLANKET FLOWER	---	4" POT	24" o.c.
<u>SOD</u>	<u>QTY</u>	<u>BOTANICAL NAME</u>	<u>COMMON NAME</u>	<u>SIZE</u>	<u>CONTAINER</u>	<u>SPACING</u>
PNA	5,494 SF	PASPALUM NOTATUM 'ARGENTINE'	BAHIA GRASS	---		

# ATTACHMENT 2 – Landscaping Site Plan



**ATTACHMENT 3 – Existing Vegetation**





