

**FLAGLER COUNTY PLANNING AND DEVELOPMENT BOARD  
REGULAR MEETING**

Flagler County Government Services Building,  
1769 East Moody Blvd., Board Chambers, Bunnell, FL

**MEETING MINUTES**

**Tuesday, April 9, 2024 at 6:00 p.m.**

1. **Roll Call:** The meeting was called to order by the Chair and a quorum was present.

**Members Present:** Michael Boyd (Vice Chair), Timothy Conner, Michael Goodman, Mark Langello (Chair), Anthony Lombardo.

**Members Absent:** Dan Wilcox (excused) and Jack Corbett (excused).

**Present:** Adam Mengel, Growth Management Director; Chuck Merenda, Assistant Director; Simone Kenny, Planner; Gina Lemon, Planner; and Hannah Lademann, Land Development Technician.

**Board Counsel:** Sean Moylan, Deputy County Attorney

2. Pledge to the Flag.
3. Approval of March 12, 2024 minutes.  
**Motion to approve by:** Michael Boyd  
**Seconded by:** Timothy Conner  
**Motion carried unanimously.**

**Quasi-Judicial Process:** The audience should refrain from clapping, booing or shouts of approval or disagreement. To avoid potential legal ramification and possible overturning of a decision by the Courts, a public hearing must be fair in three respects: form, substance and appearance.

Time limits will be observed:

*Staff – 10 minute presentation.*

*Applicant – 15 minute presentation (unless time extended by consensus of Board).*

*Public Comment – 3 minutes per speaker, 5 minutes if speaking on behalf of a group.*

*Applicant Rebuttal and Closing Staff Comments – 10 minutes each.*

4. Project No. 2024020023 – **VARIANCE IN THE R-1 (RURAL RESIDENTIAL) DISTRICT** – request for side and rear yard setback variances for accessory structures at 68 Hernandez Avenue. Parcel No. 40-10-31-0100-00110-0220; 18,070+/- square feet. Owners: Gravlee Family Trust /Applicant: Carl Epp, Artisan Homes Florida. (TRC, PDB)

**Board Member Disclosures:** No disclosures.

**Staff Presentation:** Simone Kenny, Development Review Planner

**Applicant Presentation:** Carl Epp, Artisan Homes Florida

**Public Comment:** None

**Motion:** The Planning and Development Board finds that all the variance criteria as listed in the guidelines at Land Development Code Section 3.07.03.E have been met and therefore approves Project No. 2024020023 for a 2.50 foot right (North) side yard setback variance and a 0.21 inch right (North) side yard setback variance from the required 10 foot minimum side yard setback, and a 0.27 foot rear (West) yard variance from the required 20 foot minimum rear yard setback requirement, all for two detached accessory structures in the R-1 (Rural Residential) District at 68 Hernandez Avenue (Parcel No. 40- 10-31-0100-0011-0020).

**Motion to approve by:** Michael Goodman

**Seconded by:** Michael Boyd

**Motion carried unanimously.**

5. Quasi-judicial requiring disclosure of ex parte communication: Project No. 2024020041 – **VARIANCE IN THE R1 (RURAL RESIDENTIAL) DISTRICT** – request for a side yard setback variance for a garage building at 5584 N. Oceanshore Boulevard. Parcel No. 40-10-31-3150-00000-0530; 63,911+/- square feet. Owner: Brian D. and Mary E. Kiekover/Applicant: Brian D. Kiekover. (TRC, PDB)

**Board Member Disclosures:** No disclosures.

**Staff Presentation:** Simone Kenny, Development Review Planner

**Applicant Presentation:** Brian D. Kiekover, Owner, 5584 N Oceanshore Blvd. Stated that he had trouble getting in contact with surveyor, and his concrete contractor was going to cancel on him. Reached out to neighbor once he realized the structure did not meet the setback and they did not care.

**Public Comment:** None

**Motion:** The Planning and Development Board finds that all the variance criteria as listed in the guidelines at Land Development Code Section 3.07.03.E have been met and therefore approves Project No. 2024020041 for a 2.6 foot left (South) side setback variance from the required 10 foot minimum side yard setback in the R-1 (Rural Residential) District at 5584 North Ocean Shore Boulevard (Parcel No. 40-10-314-3150-00000-0530).

**Motion to approve by:** Anthony Lombardo

**Seconded by:** Michael Goodman

**Motion carried unanimously.**

6. Quasi-judicial requiring disclosure of ex parte communication: Project No. 2024030007 – **SPECIAL EXCEPTION FOR A POND IN THE AC (AGRICULTURE) DISTRICT** – request for a Special Exception for a pond on Potatoville Road. Parcel No. 21-10-28-0000-02021-0010; 17.5+/- acres. Owner: First Farm, Inc./Applicant: James McGee, Jr. (TRC, PDB)

**Board Member Disclosures:** No disclosures.

**Staff Presentation:** Adam Mengel, Growth Management Director

**Applicant Presentation:** James McGee Jr., Potential Buyer. Stated that closing on the property was contingent on receiving the special exception tonight. Ultimately intends to buy surrounding properties, he is already a landowner in the area but not adjacent to subject property.

**Public Comment:** Sam Methvin, 399 Potatoville Road. Expressed concerns about depth of pit and location of his personal well in reference to the proposed digging

**Motion:** The Planning and Development Board finds that all the special exception criteria as listed in the guidelines at Land Development Code Section 3.07.03.F have been met and therefore approves the pond (soil extraction) use on Potatoville Road (Parcel No. 20-10-28-0000-02021-0010), *subject to the following conditions:*

- a. Pond excavation (soil extraction) shall be limited to the pit area depicted on the Vatomic site plan dated March 26, 2024; and
- b. Operations should be limited to 7:30a.m. to 5:30p.m., Monday through Saturday; and
- c. No outdoor storage of heavy equipment or trucks is permitted, unless the storage area is screened from view by fencing or natural vegetation; and
- d. All other agency permits or approvals – including but not limited to the St. Johns River Water Management District and the Florida Fish and Wildlife Conservation – shall be obtained prior to the commencement of excavation on the subject parcel, with all agencies permits to be maintained throughout the duration of the Special Exception approval; and
- e. Any refuse on site will be removed on a daily basis; and
- f. Any signage will be limited to the entrance and exit signs depicted on the site plan; and
- g. No site lighting to be installed; and
- h. Hauling shall be encouraged to exit the project site heading northbound on Yelvington Road to the St. Johns County Line; and
- i. Construction of necessary improvements within the public right-of-way of Potatoville Road (through issuance of a County Right-of-Way Utilization Permit), to ensure safe traffic movement on and off Potatoville Road, with no damage to the travelway and/or drainage flow; and
- j. This special exception approval and its conditions shall run with the land and are transferable to a subsequent owner or operator provided the conditions continue to be met; and
- k. This special exception is limited to five years from the date of approval, if there is a need for extension this will require the applicant to reapply to the Planning Board for approval.

**Motion to approve with conditions by:** Michael Boyd  
**Seconded by:** Timothy Conner  
**Motion carried unanimously.**

7. Quasi-judicial requiring disclosure of ex parte communication: Project No. 2023100040 – **PRELIMINARY PLAT IN THE PUD (PLANNED UNIT DEVELOPMENT) DISTRICT** – preliminary plat for Gardenside at Ormond Station Phase II. Parcel Nos. 21-14-31-0000-01010-0030, 22-14-31-0000-01010-0070, and 22-14-31-0000-01010-0080; 51.39+/- acres. Owner: US Capital Alliance, LLC/Applicant: Alann Engineering Group, Inc.  
(TRC, PDB, BCC)

**Board Member Disclosures:** No disclosures.

**Staff Presentation:** Adam Mengel, Growth Management Director

**Applicant Presentation:** John Smith, Alann Engineering Group, Inc.

Mark Langelo asks about interlocal agreements and permitting.

**Public Comment:** None

**Motion: The Planning and Development Board recommends to the Board of County Commissioners, APPROVAL of Project No. 2023100040, the preliminary plat for Gardenside at Ormond Station Phase II, subject to:**

- a. No construction to commence prior to issuance of a County Land Development permit;
- b. No final plat approval to occur until extension of potable water and sanitary sewer is installed and approved by the City of Ormond Beach as the utility provider; and
- c. Any subdivision improvements not completed by the developer to be bonded or other surety provided consistent with the requirements of the Land Development Code

**Motion to approve with conditions by:** Michael Boyd  
**Seconded by:** Anthony Lombardo  
**Motion carried unanimously.**

8. Quasi-judicial requiring disclosure of ex parte communication: Project No. 2023120063 – **SPECIAL EXCEPTION IN THE MH-3 (MOBILE HOME PARK) DISTRICT** – request for a Special Exception for a permanent commercial campground at 90 Park Place Avenue. Parcel No. 36-12-28-0000-02020-0000; 13.5+/- acres. Owner/Agent: Thomas D. Aycock and Judy B. McDonough.  
(TRC, PDB)

**Board Member Disclosures:** No disclosures.

**Staff Presentation:** Adam Mengel, Growth Management Director

**Applicant Presentation:** Judy B. McDonough, owner

**Public Comment:** None

**Motion:** The Planning and Development Board: APPROVES Project No. 2023120063, finding that all the special exception criteria as listed in the guidelines at Land Development Code Section 3.07.03.F. have been met for the permanent commercial campground use at 90 Park Place Avenue (Parcel No. 36-12- 28-0000-02020-0000), subject to the following conditions:

- a. Development to occur in substantial conformity with the site plan dated March 12, 2024 and depicting twelve (12) campsites; and
- b. The owner of the campground will comply with all laws and regulations pertaining to campgrounds, including maintaining all required permits and approvals of the agencies having jurisdiction for the duration of the use; and
- c. Each campsite will need to be individually delineated and numbered for identification and emergency purposes; and
- d. No campsite shall be occupied by the same guest, including the guest's family or invitees, for a period in excess of six (6) months per calendar year; and
- e. The owner, as the responsible party for the campground, shall maintain a register of guests, including dates of arrival and departure, and the register shall be made available to the County for inspection upon request; and
- f. The entrance driveway shall be maintained to meet a minimum compaction requirement suitable for emergency vehicle access, including maintaining a horizontal and vertical clear area (free of all obstructions) within 13 feet, 6 inches, and a turning area at the cul-de-sac with a minimum clear diameter of 100 feet; and
- g. All recreational vehicles at the campground will be self-contained with holding tanks;
- h. A Recreational Vehicle Park Operating Permit is required to be obtained from the Florida Department of Health and maintained for the duration of the use; and
- i. A Limited Use Public Well and Water System and an Onsite Sewage Treatment and Disposal System, with a potable water and sanitary sewer hook-up at each campsite, will need to be initially permitted and subsequently maintained for the duration of the use; and
- j. No recreational vehicle shall be permanently set up on any campsite, and no structures shall be permanently attached to any recreational vehicle; and
- k. Park model trailers shall not be permitted within the campground; and
- l. Electrical service to be provided to each campsite through a recreational vehicle plug connection; and
- m. Appurtenant structures, including carports, porches, screen rooms, and similar structures, shall be subject to issuance of a building permit and shall either be freestanding without a physical connection to a recreational vehicle or attached to a recreational vehicle with removable attaching devices; and
- n. Accessory structures, including sheds, shall be subject to issuance of a building permit and shall be a minimum of ten (10) feet from any recreational vehicle or other accessory structure; and
- o. All taxes, including the County's Tourist Development Tax and State Sales Tax, will be collected by the owners and remitted to the appropriate taxing authorities; and
- p. This Special Exception shall run with the land subject to the above-listed conditions and any modification to these conditions or to the site plan shall require the review of a new Special Exception request.

**Motion to approve with conditions by:** Michael Boyd

**Seconded by:** Michael Goodman  
**Motion carried unanimously.**

9. Staff Comments.

Simone Kenny states the students from Flagler Palm Coast High School will be in attendance for the May meeting to present to the Board regarding the Tree Ordinance

10. Board Comments.

Mark Langello to be absent for May meeting due to scheduled surgery, asked to appoint Anthony Lombardo as temporary Vice Chair, as Michael Boyd will act as Chair in his absence. No disagreement.

11. Public Comments – Each speaker will be allowed up to three minutes to address the Planning and Development Board on any item or topic not on the agenda.

12. Adjournment.

**Motion to adjourn by:** Michael Boyd  
Meeting adjourned at 7:41 p.m.