

# FLAGLER COUNTY PLANNING AND DEVELOPMENT BOARD REGULAR MEETING

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

## MEETING MINUTES

**Tuesday, June 11, 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:** Mark Langello (Chair), Jack Corbett, Timothy Conner, Michael Goodman, and Dan Wilcox.

**Members Absent:** Michael Boyd (Vice Chair) and Anthony Lombardo (excused)

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

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

2. Pledge to the Flag.
3. Approval of May 14, 2024 minutes.

**Motion to approve by:** Timothy Conner

**Seconded by:** Dan Wilcox

**Motion carried unanimously.**

Chair Langello read the Quasi-Judicial Process and Time limits:

**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. Quasi-judicial requiring disclosure of ex parte communication:  
Project No. 2024040017 – **VARIANCE IN THE PUD (PLANNED UNIT DEVELOPMENT) DISTRICT** – request for a Variance in the PUD (Planned Unit Development) District at 272 Stirling Bridge Dr.; Parcel No. 10-13-31-5120-2AF06-0200; 10,400+/- square feet. Owner: Wesley A. and Deborah A. Tackett, H&W/Applicant: Myrick Pools. (TRC, PDB)

**Board Member Disclosures:** No disclosures.

**Staff Presentation:** Simone Kenny, Planner, made staff's presentation.

**Applicant Presentation:** Sean Myrick, Myrick Pools, described the variance request. He described that the home was pushed back after the initial pool layout had been done.

Mr. Myrick provided letters from Westlake at Plantation Bay Property Owners Association and Tomoka Community Development District stating both are in favor of the variance.

Chair Langelo asked if the letters had been submitted to the Planning Board.

Ms. Kenny replied that the letters had not been submitted previously.

Chair Langelo asked that Mr. Myrick submit the letters to the Board Secretary.

**Public Comment:** None

**Board Discussion:** Chair Langelo mentioned that the surveyors switched, and he asked Mr. Myrick why the switch took place.

Mr. Myrick replied that he did not know why the switch took place, that ICI [the homebuilder] would know why the switch took place.

Chair Langelo asked for additional questions.

Mr. Wilcox asked Mr. Myrick when in the construction process did he discover that the setback distance had been reduced.

Mr. Myrick stated he did not know until the construction on the pool was complete and the as-built survey had been provided.

Chair Langelo asked for additional Board comments.

Mr. Conner asked if there was an encroachment in the 25 foot upland buffer behind the lot.

Ms. Kenny asked if Mr. Conner was asking about the dotted line.

Mr. Conner replied yes.

Ms. Kenny stated that the dotted line was the top of bank.

Mr. Conner then asked if the upland buffer is the edge of the wetland.

Ms. Kenny replied yes.

Chair Langelo commented that for the first criteria, often the hardest criteria, is there something unique about the property. He has seen in the past that these lots have unusual topography, and that that a difference in opinion and findings between two surveyors is not an uncommon circumstance and he asked that Mr. Wilcox confirm or deny that assumption.

Mr. Wilcox agreed that he has experienced this himself as a licensed surveyor: while the math is perfect, the real world is not. It is purely in the math.

Chair Langello added that this particular lot, these are far more complex to get to which makes the topography unique, and he asked if Mr. Wilcox agreed.

Mr. Wilcox said he agreed, it makes it difficult.

Chair Langello summarized his position, stating that the topography is unique, that the lot lends itself to this mistake. It was not the fault of the applicant, the contractor, or the subcontractor who did the pool. It does not harm anybody. As mentioned in the report, the backyard is a big easement. This extra few inches, this could have been easily handled as an administrative variance, it was just tenths of a foot outside of staff's purview. I hope we get a motion to approve the variance because it does meet all the criteria.

**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. 2024040017 for a 0.3-foot rear (East) yard setback variance from the minimum required 5-foot rear yard setback at 272 Stirling Bridge Drive (Parcel No. 10-13-31-5120-2AF05-0200).

**Motion to approve by:** Michael Goodman

**Seconded by:** Timothy Conner

**Motion carried unanimously.**

5. Legislative not requiring disclosure of ex parte communication:

Project No. 2024040019 – **VARIANCE IN THE PUD (PLANNED UNIT DEVELOPMENT) DISTRICT** – request for a variance in the PUD (Planned Unit Development) District at 268 Stirling Bridge Dr.; Parcel No. 10-13-31-5120-2AF06-0180; 10,400+/- square feet. Owner: Amethyst Properties, LLC/Applicant: Myrick Pools.

*(TRC, PDB)*

**Board Member Disclosures:** No disclosures.

**Staff Presentation:** Simone Kenny, Planner, made staff's presentation.

Chair Langello asked if any Board members had questions for staff.

Mr. Wilcox asked about the administrative variance limitations.

Ms. Kenny replied that the administrative variance is available if the variance is less than 5% of the setback.

Mr. Wilcox stated that if it is greater than 5% then it comes to us.

Chair Langello agreed, and he requested that the applicant make his presentation.

**Applicant Presentation:** Sean Myrick, Myrick Pools, described the variance request. He described the two surveyors, with a bumpout that pushed the pool back. He worked off of the information that was given to him.

Chair Langello asked for public comment.

**Public Comment:** None

**Board Discussion:** Chair Langello stated that this was similar to the prior variance request, had two surveyors that were in disagreement. The first criterion was identical to the last, and the others fall into line. He asked for a motion.

**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. 2024040019 for 0.5-foot rear (East) yard setback variance from the minimum required 5-foot rear yard setback at 268 Stirling Bridge Drive (Parcel No. 10-13-31-5120-2AF06-0180).

**Motion to approve by:** Timothy Conner

**Seconded by:** Jack Corbett

**Motion carried unanimously.**

6. Staff Comments.

7. Board Comments.

Mr. Goodman described the functions and purpose of the Board, and read from the Land Development Code. He asked why the Board is not involved in the Comprehensive Plan update.

Mr. Moylan replied that there were at least two workshops with the Board to provide comments to the consultant.

Mr. Goodman replied that he wanted to give input all along the process, instead of at the end of the process. The County is going through a crisis, the rewrite is important.

Mr. Moylan agreed and said that staff would see what they could do.

Ms. Kenny reminded the Board that staff only get deliverables from our consultant once a month and that the last deliverable was presented at the last joint workshop with the Planning Board and the Board of County Commissioners. She stated that there is a public workshop on June 24th at 6 p.m. at the EOC and that pending new deliverables from the consultants, there will be future joint meetings for the boards.

Mr. Goodman asked if there were any outlines of what the Plan would look at, we have time now to give our input.

Ms. Kenny replied that we had not received a strike-through version to share with the Board, when we do we will share it with the Board.

Mr. Goodman stated that he remembers that Mr. McLaughlin had worked on this before.

Mr. Moylan replied that it would be more manageable in smaller parts.

Mr. Goodman agreed.

Mr. Moylan stated that he believes that Mr. Goodman is recalling an effort to update the Land Development Code, not an update to the Comprehensive Plan.

Mr. Goodman said that maybe that he is what is remembering.

Mr. Moylan replied that we are working on an update to our tree ordinance, this will come before the Comp Plan update, the rest of it will wait until after the Plan update.

Mr. Goodman said he appreciated it, he made his statement.

Chair Langello asked for any additional Board comments.

Mr. Wilcox asked for clarification on what the Board's involvement with the community workshops would be.

Mr. Moylan stated that it is a legislative action, not quasi-judicial, so there are no disclosures to make. When it comes to updating the Comprehensive Plan and the Land Development Code, not only is it okay to speak with constituents, it is a good thing.

Chair Langello clarified that the Sunshine Law still applies when Board members discuss matters with each other.

Mr. Moylan agreed.

Chair Langello mentioned, in response to Mr. Goodman's comments, that he agreed, and that the joint meeting did not include much public participation. He did not know about the June 24th workshop. Both the Commission and the Planning Board were craving public input. The joint workshop presentation was cookie-cutter. We hear items all the time where the Land Development Code has issues that should be resolved so that we don't keep bounding against the same thing. We can give some input to the Board. Five foot setbacks for pool decks may need to be looked at. That is just an example of what he sees, he agrees with Mr. Goodman. He knows there are budget issues and limited staff, we are not here to throw stones, but we want to help.

Mr. Moylan added that the public participation is not what we expected. There is a new communication manager at work. Sometimes we fill the room with a controversial issue.

Chair Langello stated that he had asked from the beginning that we need to reach out to groups and ask for their input. The second outreach was extremely disappointing. There are ways to get people involved, better to get them involved now. Chair Langello asked for public comments.

## 8. Public Comments – None.

9. Adjournment.

**Motion to adjourn by:** Jack Corbett  
Meeting adjourned at 6:35 p.m.