

# FLAGLER COUNTY PLANNING AND DEVELOPMENT BOARD REGULAR MEETING

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

## MEETING MINUTES

**Tuesday, August 13, 2024, at 6:00 PM**

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

**Members Present:** Mark Langelo (Chair), Michael Boyd (Vice Chair), Michael Goodman, and Dan Wilcox.

**Members Absent:** Timothy Conner, Anthony Lombardo and Jack Corbett

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

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

2. Pledge to the Flag.
3. Approval of July 9, 2024 minutes.

July 9, 2024 regular meeting minutes

**Motion to approve by:** Michael Boyd

**Seconded by:** Michael Goodman

**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. Quasi-judicial requiring disclosure of ex parte communication:  
Project No. 2024060012 – **VARIANCE IN THE R/C (RESIDENTIAL/LIMITED COMMERCIAL USE) DISTRICT** – request for a Variance in the R/C (Residential/Limited Commercial Use) District at 14 Hammock Preserve Lane. Parcel Number: 40-10-31-6050-00000-0010; 9,022+/- square feet. Owner: DBD Solutions, LLC/Applicant: Jimmy Davis. (AR No. 4942).  
(TRC, PDB)

**Board Member Disclosures:** None

**Staff Presentation:** by Simon Kenny, Planner

**Applicant Presentation:** Christen Gregory, DBD Solutions (Owner) and Jimmy Davis, Contractor

**Public Comment:** None

**MOTION:** The Planning and Development Board finds that all variance criteria as listed in the guidelines at Land Development Code Section 3.07.03.E have been met and therefore approves Project No. 2024060012 for a 3.43-foot front (North) yard and a 3.51-foot streetside (East) yard setback variance from the required 25-foot front and 25-foot streetside setback at 14 Hammock Preserve Lane (Parcel No. 40-10-31-6050-00000-0010).

**Motion to approve by:** Michael Goodman

**Seconded by:** Michael Boyd

**Motion carried unanimously.**

5. Quasi-judicial requiring disclosure of ex parte communication:  
Project No. 2024060030 – **VARIANCE IN THE PUD (PLANNED UNIT DEVELOPMENT) DISTRICT** – request for a Variance in the PUD (Planned Unit Development) District at 40 Los Lagos Boulevard. Parcel Number: 37-10-31-3785-00000-0210; 6,675+/- square feet. Owners: John and Colette Freda/Applicant: Waldhauer & Son Inc. (AR No. 4959).  
*(TRC, PDB)*

**Board Member Disclosures:** None

**Staff Presentation:** by Simone Kenny, Planner

**Applicant Presentation:** Roy Waldhauer, Contractor

**Public Comment:** None

**MOTION:** The Planning and Development Board finds that all variance criteria as listed in the guidelines at Land Development Code Section 3.07.03.E have been met and therefore approves Project No. 2024060030 for a 0.85-foot right side (East) yard setback variance from the minimum required 5-foot side yard setback at 40 Los Lagos Boulevard (Parcel No. 37-10-31-3785-00000-0210).

**Motion to approve by:** Michael Goodman

**Seconded by:** Michael Boyd

**Motion carried unanimously.**

6. Quasi-judicial requiring disclosure of ex parte communication:  
Project No. 2024060057 – **VARIANCE IN THE R-1 (RURAL RESIDENTIAL) DISTRICT** – request for a Variance in the R-1 (Rural Residential) District at 2 Elizabeth Drive W. Parcel Number: 37-10-31-6100-00000-0050; 30,580+/- square feet. Owners: Thomas and Courtney Walsh/Applicant: David Dixon. (AR No. 4986).  
*(TRC, PDB)*

**Board Member Disclosures:** Dan Wilcox has informed the board that he is involved in with this project and abstains from the vote on this item.

**Staff Presentation:** by Simone Kenny, Planner

**Applicant Presentation:** Dave Dixon, Contractor

**Public Comment:** None

**MOTION:** The Planning and Development Board finds that all variance criteria as listed in the guidelines at Land Development Code Section 3.07.03.E have been met and therefore approves Project No. 2024060057 for a 0.79-foot right side (North) yard setback variance from the required 10-foot yard setback at 2 Elizabeth Drive West (Parcel No. 37-10-31-6100-00000-0050).

**Motion to approve by:** Michael Boyd

**Seconded by:** Michael Goodman

**Motion carried unanimously.**

7. Quasi-judicial requiring disclosure of ex parte communication:

Project No. 2024070001 – **SITE PLAN IN THE I (INDUSTRIAL) DISTRICT** – request for Site Plan approval in the I (Industrial) District at 390 Sawgrass Road. Parcel Number: 04-12-30-0000-02031-0000; 25.41+/- acres. Owner: RMC Flagler LLC/Applicant: BGE, Inc. (AR No. 4987). *(TRC, PDB)*

**Board Member Disclosures:** None

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

**Applicant Presentation:** Chris Ralph, Civil Engineer, BGE Inc.

**Public Comment:** None

**MOTION:** The Planning and Development Board finds that the Site Development Plan for a Concrete Manufacturing Facility at 390 Sawgrass Road on Parcel No. 04-12-30-0000-02031-0000 is APPROVED, subject to all improvements to be completed consistent with the Site Development Plan integrated into the and made part of the BGE, Inc., civil plan set bearing the July 16, 2024 digital signature and seal date and as approved through this application, and conditioned upon the completion of all required infrastructure prior to initiating the use on the subject parcel and, further, that the use will be required to adhere to the industrial performance standards (listed at FCLDC Section 3.03.18.G.) on an initial and ongoing basis for the duration of the use on the subject parcel.

**Motion to approve by:** Michael Goodman

**Seconded by:** Michael Boyd

**Motion carried unanimously.**

8. Quasi-judicial requiring disclosure of ex parte communication:

Project No. 2024020056 – **SITE PLAN IN THE C-2 (GENERAL COMMERCIAL) DISTRICT** – request for Site Plan approval in the C-2 (General Commercial) District at 2251 South Old Dixie Highway. Parcel Number: 03-13-31-0650-000A0-0091; 8.6+/- acres. Owner: 2251 S Old Dixie Hwy, LLC/Applicant: 2251 S Old Dixie Hwy, LLC. (AR No. 4687). (TRC, PDB)

**Board Member Disclosures:** None

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

**Applicant Presentation:** Kimberly Buck, Alann Engineering Group.

**Public Comment:**

Jeff Lowcher, resident of 16 Hummingbird Circle, shares concern over the owners and their credibility to the community as they have

Dale Lowcher, resident of 16 Hummingbird Circle asks a question about the lighting plan and asks if this will have a large impact on the trees and the line of sight to neighboring houses.

Jane Gentile-Youd, resident of 3 Magnolia Drive North. Shares information about a prior order issued by the County's Special Magistrate pertaining to a demolition order. She shares concern with the lack of a documented/recorded easement. She shares the concern of extended stays within the hotel and lack of resources within the area for extended stays.

Harriet Castle, resident of 14 Treetop Circle shares concern with the lack of a recorded easement. She states that the applicant has been speaking about an alleged easement for over 6 months and it has yet to be produced. She shares concern over the performance bond and asks the board to thoroughly consider the fact that this has yet to be paid. She states that she has personally contacted St. Johns River Water Management and they have stated that there has not been an issued permit.

Ed Demartino, resident of 2000 S Old Dixie Highway shares concern with a previous development that this owner has recently conducted. He states that his previous concerns were not addressed or considered by the owner and fears a repeat will occur on this project.

Kimberly Buck shares a rebuttal to previous comments made by the public. She addresses the lighting plan and states that they are shielded and pointed down to help with falloff. She says they were supposed to be designed to minimum standards at the property line. She states the applicant has no objection to a condition on the approval regarding the easement. She addresses the landscape buffer and states that no trees are planned to be removed along the property line, that instead they will be planting trees in order to make the buffer.

**MOTION:** The Planning and Development Board finds that the Site development Plan for a hotel and restaurant at 2251 S. Old Dixie Highway on Parcel No. 03-13-31-0650-000A0-0091 is CONTINUED to a date and time certain.

**Motion to approve by:** Michael Boyd

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

9. Legislative not requiring disclosure of ex parte communication:  
Consideration of an amendment to the Land Development Code related to tree requirements captioned similar to:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF FLAGLER COUNTY, FLORIDA, AMENDING APPENDIX C, LAND DEVELOPMENT CODE, OF THE FLAGLER COUNTY CODE OF ORDINANCES; AMENDING LAND DEVELOPMENT CODE SECTION 4.05.01, SKETCH PLAT REVIEW; AMENDING LAND DEVELOPMENT CODE SECTION 5.01.04, LANDSCAPE DEVELOPMENT STANDARDS; AMENDING LAND DEVELOPMENT CODE SECTION 5.01.09, FLAGLER COUNTY SHADE TREES; AMENDING LAND DEVELOPMENT CODE SECTIONS 6.01.00 THROUGH 6.01.05 RELATED TO INDEX TREE REMOVAL AND PROTECTION; CREATING LAND DEVELOPMENT CODE SECTION 6.01.09, TREE BANK FUND ESTABLISHED; CREATING LAND DEVELOPMENT CODE SECTION 6.01.10, VARIANCES; PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION AND SCRIVENER'S ERRORS; AND PROVIDING FOR AN EFFECTIVE DATE. *(PDB, BOCC)*

**Board Member Disclosures:** None

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

**Applicant Presentation:** None

**Public Comment:** None

**MOTION:** The Planning and Development Board recommends to the Board of County Commissioners APPROVAL of the ordinance amending the Land Development Code related to tree requirements on first reading with the following recommendation.

- a. Increasing the time frame that trees must be maintained from 2 years to 5 years

**Motion to approve by:** Michael Boyd

**Seconded by:** Dan Wilcox

**Motion carried unanimously.**

10. Staff Comments.

11. Board Comments.

12. 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.

13. Adjournment.

**Motion to adjourn by:** Michael Boyd

Meeting adjourned at 8:50 pm.

# FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME WILLCOX DAN ALLEN	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE FLAGLER COUNTY PLANNING BOARD
MAILING ADDRESS 65 S. COUNTY ROAD 135	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <input type="checkbox"/> CITY <input checked="" type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
CITY PENWELL FL      COUNTY	NAME OF POLITICAL SUBDIVISION: FLAGLER COUNTY
DATE ON WHICH VOTE OCCURRED 08/13/2024	MY POSITION IS: <input type="checkbox"/> ELECTIVE <input checked="" type="checkbox"/> APPOINTEE

## WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

## INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also **MUST ABSTAIN** from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

\* \* \* \* \*

### ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

\* \* \* \* \*

### APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

**IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:**

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

**APPOINTED OFFICERS (continued)**

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

**DISCLOSURE OF LOCAL OFFICER'S INTEREST**

I, \_\_\_\_\_, hereby disclose that on \_\_\_\_\_, 20 \_\_\_\_ :

(a) A measure came or will come before my agency which (check one or more)

- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, \_\_\_\_\_ ;
- inured to the special gain or loss of my relative, \_\_\_\_\_ ;
- inured to the special gain or loss of PROPOSED APPLICANT \_\_\_\_\_, by whom I am retained; or
- inured to the special gain or loss of \_\_\_\_\_, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

9-10-2024  
Date Filed

[Signature]  
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.