

FLAGLER COUNTY PLANNING AND DEVELOPMENT BOARD REGULAR MEETING

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

MEETING MINUTES

Tuesday, September 10, 2024, at 6:00 P.M.
(Minutes approved October 8, 2024)

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, Anthony Lombardo, Jack Corbett, Timothy Conner and Dan Wilcox.

Members Absent: None

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

Board Counsel: Sean Moylan, Deputy County Attorney

2. Pledge to the Flag.
3. Approval of August 13, 2024 minutes.

August 13, 2024 regular meeting minutes

Motion to approve by: Michael Boyd

Seconded by: Dan Wilcox

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. 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: Mark Langelo discloses that someone did ask him about this item on the agenda prior to the meeting beginning.

Staff Presentation: Adam Mengel, Growth Management Director

Applicant Presentation: Kimberly Buck, Alann Engineering Group, and Dennis Bayer, Attorney

Public Comment:

Jeffrey Lowcher, 16 Humming Bird Circle, asks for clarification on whether this is an application for a hotel or an “extended stay”. He shares his concerns with the business model for this project. He is concerned with the people behind the project and how the project does not fit within an “upscale community”. He shares that residents within The Reserve at Plantation Bay would like to see higher fence requirements, less tree removal within the buffers, and lights that don’t affect the neighboring houses.

Alan Sanderford, 14 Treetop Circle, shares concerns about the room layout of the project and how it does not resemble a traditional hotel. He touches on the light fixtures, he states that on a light with a 5-level setting, they have chosen to propose the fourth highest brightness available. He also shares hopes of a fence to protect the neighboring houses.

Harriet Castle, 14 Treetop Circle, shares concern over an encroachment easement between the applicant and Holiday Travel Park that is not shown on the site plan. She states that the applicant has not applied for a permit yet on this site. She states that the engineer previously stated they would use dark sky lighting, and the site plan does not show that. She states that Adam Mengel previously stated that this project is over their impervious limit per the zoning. She shares concern over potential wetlands on the property.

Dennis Bayer on rebuttal address the previous comments regarding an encroachment easement. He states that Holiday Travel Park has units encroaching on their property and they have a quid pro quo agreement, and that the easement is shown on the site plan. He asks Ms. Buck to address the previous comments regarding lighting. She states that the project does have dark sky lights which is not a requirement of Flagler County. Mr. Bayer asks Ms. Buck regarding parking whether they are meeting the county’s requirements with their proposed parking. Ms. Buck confirms that they are meeting the requirements on the head, they are not over or under on their proposed parking. Mr. Bayer asks Ms. Buck to confirm that they have applied for permits through St. Johns River Water Management District (SJRWMD). She confirms that they have applied in the recent weeks prior to tonight’s meeting.

Board Discussion:

Timothy Conner asks the applicants to address previous comments from the public regarding their impervious calculations. Ms. Buck states that this is a large parcel and that while she does not have the cover sheet in front of her, she can ensure the board that they are well under the 70% impervious requirement. She looks to Adam Mengel for confirmation, and he states if he had to ballpark, he believes the project is more in the 40-50% range.

Jack Corbett asks the applicants if there is any current plan for a fence to be installed along the west property line. Mr. Bayer replies no.

Mark Langello asks the applicants about the tree buffer on the west side of the property and if the trees are to remain. Ms. Buck replies that the 6-to-7-foot buffer will remain. Mr. Langello asks if a fence along the left side is appropriate? Ms. Buck states that the property directly abutting the west side of this property is a county canal with a large natural buffer on the west side of their parcel.

Mark Langelo addresses staff and ask if the previously stated encroachment is going to be a problem when approving this site plan. Adam Mengel states that the encroachment is irrespective of this project and that their agreement fixes an issue. Mr. Bayer clarifies that there are no permanent structures encroaching onto this property.

Mark Langelo asks staff for clarification on the previously mentioned “extended stay”. He asks, if a hotel is approved today and eventually turns into an extended stay, what happens. Mr. Moylan states that an extended stay is not consistent with the zoning, that it is not a permitted use and if that were to occur it would be a zoning violation likely taken before our County’s Special Magistrate. He states if the problem rose to the level of a nuisance, then other avenues would be taken.

Anthony Lombardo asks the applicants for the age and validity of the structure. Ms. Buck clarifies that they are only keeping the shell, with a new roof. She states that all interior walls and pipes will be redone. She states that they are only keeping the structural integrity of the exterior walls.

Timothy Conner asks Mr. Moylan about the ongoing legal action the County is engaging in with the applicant. Mr. Moylan states that the judge recently compelled the applicants to disclose their financial information to the county regarding previous checks/payments. He states that this property is under a current demolition order if this project is not approved. He states that the applicant either needs to develop the property or demolish it. Mr. Conner asks if the cornerstone of the litigation is them dragging their feet. Mr. Moylan states that delaying is definitely a strategy of the applicant. Mr. Conner asks how a lack of permitting by the County will affect the ongoing litigation. Mr. Moylan states that the applicant would likely argue that the County has put them in a “Catch 22”, where we’re telling them to fix the problem but not allowing them to do so.

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 APPROVED, subject to all improvements to be completed consistent with the Site Development Plan principally consisting of the Alann Engineering Group, INC., civil plan set bearing the July 26, 2024 digital signature and seal date – including revised Sheets C002, C003, C004 and C005 bearing an August 26, 2024 digital signature and seal date, the Bespoke Group plan set, the landscape plan by Beebe & Associates, and the lighting plan by WLS Lighting – and as approved through this application, and conditioned upon the provision of water and wastewater by FGUA as a prerequisite to issuance of any building permit, and occupancy (and initiation of the use) conditioned on the completion of all required infrastructure, including but not limited to water and wastewater service. The motion is made with a caveat that the applicant put in an 8’ privacy fence along a portion of the west property abutting the confines of construction in front of the vegetative buffer with consideration for the present trees (where possible).

Motion to approve by: Michael Goodman
Seconded by: Michael Boyd
Motion carried 6-1. (Anthony Lombardo opposed)

5. Legislative not requiring disclosure of ex parte communication:
Project No. 2024060042 – **SMALL SCALE FUTURE LAND USE MAP AMENDMENT FROM MIXED USE: LOW INTENSITY-LOW/MEDIUM DENSITY, RESIDENTIAL LOW DENSITY/RURAL ESTATE, AND CONSERVATION TO RESIDENTIAL: HIGH DENSITY AND CONSERVATION** – request to amend the Future Land Use Designation on Old Dixie Highway. Parcel Number: 03-13-

31-0650-000C0-0030; 20+/- acres. Owners: R.C. Cyzycki, M. K. Carlisle, P.A. Jones, and K.S. Carlisle/Applicant: Corey D. Brown, Storch Law Firm. (AR No. 4971). (TRC, PDB, BCC)

Board Member Disclosures: None

Staff Presentation: Adam Mengel, Growth Management Director

Applicant Presentation: Joey Posey, Storch Law Firm, and Harry Newkirk, Newkirk Engineering

Michael Goodman asks if the existing road (Old Dixie Highway) can accommodate the additional homes/trips. Mr. Newkirk states that currently they have only assessed maximum trips. He states that the road can accommodate the capacity and that when they come in for a Site Plan to be approved, they will conduct a full traffic study that will have to be looked at by staff. Mr. Goodman asks for clarification on whether this is a county road. Mr. Mengel confirms that it is and that if it ever comes to the problem of over-utilization, it will fall on the County to rectify. Mr. Wilcox asks for consideration of sidewalks. Mr. Posey states that they have no objection but that they can only control their project.

Public Comment:

Alan Sanderford, 14 Treetop Circle, objects to the Future Land Use Map amendment. He states that the leap to a high intensity FLUM is harmful to the area as the surrounding subdivisions are a lower intensity. He points out that this is a two-lane highway with surrounding parks and churches. He shares concern with this stating a precedent for other high intensity projects within an “old Florida corridor”

Jeffrey Lowcher, 16 Humming Bird Circle, stated he piggybacks on the previous speaker and states that this is inconsistent with the proposed Flagler 2050 Comprehensive Plan. The Flagler 2050 Comprehensive Plan states that they want to concentrate future growth to urban areas. He states that this is a rural area and if they approve this project, they are negating the proposed Flagler 2050. He states that previous items in front of the Planning Board have argued that residents on Treetop Circle

Harold McGaughey, 4 Treetop Trail, shares concern that this is a very “big ask”. He states that while the applicants have shared that this may help property tax revenue, they have failed to address how this project will create children needing to go to school and the costs associated.

Harriet Castle, 14 Treetop Circle, shares concern with the interchange that residents will be using is approximately 60 years old. She states that the roads cannot handle this development. She states there are powerlines surrounding this property “packed in like sardines”. She states that Flagler 2050 is supposed to preserve conservation which is the opposite of what the applicant is applying for. She states that this project is not compatible with Plantation Bay, a large subdivision that is not high intensity.

Linda Tonya, 4 Humming Bird Circle, states that she moved her 4 years ago because they loved the “Old Florida” feel of the Old Dixie Highway. She states that this will set a precedent for other parcels along the corridor to change their FLUM to a high density. She encourages the board to help preserve this area and its beauty.

Ramon “Ray” Sanchez, 26 Bay Point Drive, raises concern with the traffic study and the inconsistent trips shown.

Ed Demartino, 2000 S Old Dixie Highway, shares concern with the proposed location of this property. He feels that along the US1 highway is a better alternative for a high-density project rather than a small two-way highway. He shares major concern with theft and crime as this property directly abuts his agricultural piece of property. He shares concern with flooding/drainage onto his property due to the current problems he faces from a previously approved commercial project on the opposite side of his property.

Gary Pratt, 3909 Tano Drive, shares concern on how this project will affect the beauty of this exit. He states that it would be nice to have an exit between Palm Coast and Daytona that is not completely commercialized.

Robert Kanner, 10 Deer Park Drive, urges the board to visit this area of Old Dixie Highway and see the flooding issues for themselves. He states that the swale is overgrown and that nothing is being done to clean the ditches.

Jackie Demartino, 2000 S Old Dixie Highway, reiterates what previous comments have stated about US 1. She states that arguments over the years on why that area has not been developed is the lack of infrastructure. She states that this area of Old Dixie Highway does not have the infrastructure to support this project. She shares that she has lived here for 40 years and that this is a special place, if they lose it then it's gone.

Joey Posey on rebuttal touches on some comments from the public. He states that while these are townhomes, they are platted lots, they are essentially single-family. He states that because of the protection of present conservation, they have been restrained on the density. He touches on the stormwater, and that they have ran models. They have no intention or desire to flood anybody and that they are confident that they will not discharge water onto anybody's property.

MOTION: The Planning and Development Board recommends to the Board of County Commissioners APPROVAL of Project No. 2024060042, a Future Land Use Map amendment (for Parcel No. 03-13-31-0650-000C0-0030) totaling 20+/- acres from Mixed Use: Low Intensity-Low/Medium Density, Residential: Low-Density/Rural Estate, and Conservation to Residential: High Density and Conservation, together with a parcel-specific limiting policy limiting the development of the subject parcel to 126 single-family attached (townhome) dwelling units, finding that the amendment is consistent with the Flagler County Comprehensive Plan. This motion is made with the caveat that the parcel limiting density be reduced to 110 units max.

Motion to approve by: Dan Wilcox

Seconded by: Timothy Conner

Motion denied 2-5. (Michael Goodman, Anthony Lombardo, Mark Langelo, Jack Corbett, and Michael Boyd opposed)

MOTION: The Planning and Development Board recommends to the Board of County Commissioners DENIAL of Project No. 2024060043, a rezoning from R-1 (Rural Residential) and AC (Agriculture) to PUD (Planned Unit Development) District for 20+/- acres for The Cypress Grove PUD, finding that the proposed rezoning is not consistent with the Flagler County Comprehensive Plan and the Flagler County Land Development Code.

Motion to recommend denial by: Michael Goodman

Seconded by: Anthony Lombardo

Motion carried 5-2. (Dan Wilcox and Timothy Conner opposed)

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

Project No. 2024060043 – **REZONING FROM R-1 (RURAL RESIDENTIAL) AND AC (AGRIGULTURE) TO PUD (PLANNED UNIT DEVELOPMENT)** – request for rezoning on Old Dixie Highway. Parcel Number: 03-13-31-0650-000C0-0030; 20+/- acres. Owners: R.C. Cyzycki, M. K. Carlisle, P.A. Jones, and K.S. Carlisle/Applicant: Corey D. Brown, Storch Law Firm. (AR No. 4972).
(TRC, PBD, BCC)

Board Member Disclosures: None

Staff Presentation: Adam Mengel, Growth Management Director

Applicant Presentation: Joey Posey, Storch Law Firm

Public Comment:

Alan Sanderford, 14 Treetop Circle, asks that the board keep this property the way it is and not allow a precedent to be set.

Harriet Castle, 14 Treetop Circle shares that the amenities proposed and the level of services on/surrounding this property are not consistent with a PUD zoning.

MOTION: The Planning and Development Board recommends to the Board of County Commissioners DENIAL of Project No. 2024060042, a Future Land Use Map amendment (for Parcel No. 03-13-31-0650-000C0-0030) totaling 20+/- acres from Mixed Use: Low Intensity-Low/Medium Density, Residential: Low-Density/Rural Estate, and Conservation to Residential: High Density and Conservation, and denying the adoption of the parcel-specific limiting policy, finding that the amendment is not consistent with the Flagler County Comprehensive Plan.

Motion to recommend denial by: Timothy Conner

Seconded by: Michael Goodman

Motion carried unanimously.

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

Project No. 2024070069 – **SITE DEVELOPMENT PLAN IN THE PUD (PLANNED UNIT DEVELOPMENT) DISTRICT** – request for a Site Development Plan in the PUD (Planned Unit Development) District on Old Dixie Highway. Parcel Number: 03-13-31-0650-000C0-0030; 20+/- acres. Owners: R.C. Cyzycki, M. K. Carlisle, P.A. Jones, and K.S. Carlisle/Applicant: Corey D. Brown, Storch Law Firm. (AR No. 5053).
(TRC, PDB, BCC)

Board Member Disclosures: None

Staff Presentation: Adam Mengel, Growth Management Director

Applicant Presentation: Joey Posey, Storch Law Firm

Public Comment:

Alan Sanderford, 14 Treetop Circle, shares concern with lack of resources and amenities for children of residents within the townhome.

Harriet Castle, 14 Treetop Circle, shares that the developer did not reach out to the community regarding their input. She also states that the lack of time between when the County posts the package for this meeting and the actual date/time of the meeting is not a considerable amount of time when considering the size of the package.

MOTION: The Planning and Development Board recommends to the Board of County Commissioners DENIAL of the PUD Site Development Plan for Cypress Grove.

Motion to recommend denial by: Timothy Conner

Seconded by: Michael Boyd

Motion carried unanimously.

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

Project No. 2024050062 – **SPECIAL EXCEPTION IN THE R/C (RESIDENTIAL/LIMITED COMMERCIAL USE) DISTRICT** – request for a Special Exception in the R/C (Residential/Limited Commercial) District at 3 Pamela Parkway. Parcel Number: 40-10-31-5135-00030-0070; 20,755+/- square feet (0.47+/- acres). Owner: Vilano Evans Real Estate LLC/Applicant: Victoria and Greg Evans. (AR No. 4906). (TRC, PDB)

Board Member Disclosures: Mark Langello states that he has gotten calls regarding this item in which he has told those people he is unable to speak on the proposed project.

Staff Presentation: Adam Mengel, Growth Management Director.

Applicant Presentation: Victoria and Greg Evans, Owner

Public Comment:

Mike Garrett, 5 Pamela Parkway, shares his concern with the proximity of this project to his home that directly faces this property. He states that this submittal does not meet the requirements of the LDC in relation to elevations, parking, landscaping. He states that a yoga studio is no where mentioned in the County's LDC

Scott Tidwell, 6 Pamela Parkway, shares concern with the fact that Pamela Parkway is a one-lane dirt road with two proposed businesses on the property. He shares concern with only 9 proposed parking spaces for 25+ person yoga classes. He is concerned with the fact that Pamela Parkway is a sand road with four dangerous curves on the loop and the level of traffic that this use will bring to the neighborhood.

Tim Gorlich, 4 Pamela Parkway, shares concern that this proposed use is not conducive to the neighborhood. He states this this will bring lots of noise to the surrounding residents. He states that permitted uses in this area are supposed to be harmonious to the area.

Christina Morris, 9 Pamela Parkway, shares concern with the access driveway being on Pamela Parkway and the increase in traffic on the road.

Charles Kissling, 15 Pamela Parkway, shares concern with expanding “limited commercial” within a neighborhood. He is concerned with the safety of the residents and believes the entrance is more fitting for A1A directly rather than Pamela Parkway.

Scott Diaz, 11 Debra Drive, states that this is a sleepy neighborhood that is supposed to be low impact. He states that this is a close-knit small neighborhood and is concerned with introducing new traffic to people who are not familiar with a narrow dirt road coming off of A1A that is 55 mph.

The applicant on rebuttal reiterates that this is a small one-person real estate office with a small back patio for outdoor fitness. The applicant shares that the entrance is within 50’ of A1A, where kids should not be playing. The applicant states that they have overflow parking to support the size of the classes.

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 Project No. 2024050062, a Special Exception for a Real Estate Office and Yoga Studio at 3 Pamela Parkway (Parcel No. 40-10-31-5135-00030-0070), subject to the following conditions:

- a. This Special Exception runs with the land;
- b. Approval is limited to the use of the subject parcel as a real estate office and yoga studio;
- c. All development to occur in substantial conformance with the Site Plan by Ci-Mech Engineering, LLC, and bearing the digital signature and seal of Juan Pablo Rodriguez, P.E., dated August 29, 2024;
- d. The Site Plan depicts paved asphalt parking; however, should the applicant wish to develop the parking with a sand or shell surface material, the applicant may do so based on the July 15, 2024 approval for a deviation from parking area surface requirements;
- e. All parking is to be off street and dully contained within the subject parcel;
- f. New utility service drops shall be installed underground and shall be done in a manner which protects index trees;
- g. All refuse collection containers shall be screened from public view, with:
 1. A wall or fence six feet in height and shielding the refuse collection containers from view from the adjacent rights-of-way or an adjacent residentially zoned or residential use parcel;
 2. Vegetative screening that includes shrubs which will achieve a height of five feet within one year, planted with a spacing not exceeding five feet on center, or;
 3. Another form of vegetative screening that creates an effective visual screen;
- h. Any sign shall meet the requirements of the LDC Section 7.03.04 for the O-1 (Limited Office) District;
- i. Proposed lighting will demonstrate compliance through building permit application with the County’s marine sea turtle lighting requirements;
- j. The applicant shall not commence development until all other agency approvals and/or permits are issued; and
- k. With the operation of Zumba classes and amplified noise to be taken offsite.

Motion to approve by: Dan Wilcox

Seconded by: Timothy Conner

Motion carried 6-1. (Mark Langelo opposed)

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

Project No. 2024070056 – **SPECIAL EXCEPTION IN THE R/C (RESIDENTIAL/LIMITED COMMERCIAL) DISTRICT** – request for a Modification to an approved Special Exception (Order No. 3024) for an Overflow Parking Lot in the R/C (Residential/Limited Commercial) District at 93

and 95 Sanchez Avenue, and 5358 and 5364 North Ocean Shore Boulevard. Parcel Numbers: 40-10-31-0010-00020-0030, -0040, -0200, and -0210; 20,000 square feet (0.4591 acres). Owner: A1A 5384, LLC/Applicant: Jay W. Livingston, Esq., Livingston & Sword, P.A. (AR No. 5052). (*TRC, PDB*)

Board Member Disclosures: Michael Goodman has disclosed that he is a principal in the business at issue and has recused himself from the vote.

Staff Presentation: Adam Mengel, Growth Management Director

Applicant Presentation: Bruno Defabio and Michael Bineche, Bronx House Pizza

Public Comment:

Leah Groom, 97 Sanchez Avenue, shares opposition on behalf of her and her neighbors. She is concerned with the removal of trees without a permit. She shares concern with a member of this board being involved in the removal of trees which is a violation of the very code he is supposed to uphold. She states she has a petition signed by neighbors

Jody Bollinger, 5648 North Oceanshore Boulevard, asks if the proposed valet parking a prelude to the music/beer garden starting back up again. She shares that food trucks, while illegal, are still in place. She states that nearby neighbors measured the amplified music at 80-85 decibels which is well over the allowed in a residential setting, and as already previously stated on a prior item that noise is hard to enforce.

Janet Sullivan, 35 Nantucket Drive, states on a prior item on this agenda in a similar neighborhood within the Hammock, the board showed compassion in not allowing Zumba noise within the small neighborhoods. She states that this neighborhood has not had the same consideration with regard to the amplified noise of the beer garden.

Dennis Clark, 5784 North Oceanshore Boulevard, shares that Bronx House is trying to solve a problem that they created themselves. He states that they have increased their seating capacity with a front patio and beer garden without considering increased parking. He asks what happens when a valet guy is not there? Where will the cars queue? How to will they quickly lock/unlock the valet lot?

Robert Sprouse, 109 Sanchez Avenue, states that this is a small community that is not asking for increased infrastructure. He shares concern about this being a prelude for what is to come. He states that he has had issues with drunk costumers yelling into his backyard and people parking within his property.

Kathy Viehe, 5676 North Oceanshore Boulevard, states that parking has gotten out of control. She states that while the business has become super successful, they have not

Ron Long, 252 Aldo Drive, shares his opposition to the project.

Dennis Bayer, on behalf of Hammock Civic Association, states he has no problem with the pizza operation, and he is pleased that they are addressing the problem. He states that standalone parking is not a permitted use, and that staff has recommended an agreement, he asks where the agreement is and why it hasn't been signed. He shares concern with a valet lot on a 55-mph road. He recommends that employees use the valet lot in order to open up more parking spaces on the property that houses the actual restaurant. He urges the board to ask for a traffic study.

John Baker, 42 Bannerwood Lane, states that he works in the Hammock and is in favor of this project of additional parking as it will ensure safety to the people who frequent the area.

Chris Herrera, 12 Armand Beach Drive, states that he drives a larger truck and often has to park in the Publix parking lot due to space and cross a major road to get to Bronx House. He commends the owners for their efforts as he believes this is helpful to the safety issue.

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 Project No. 2024070056, a Modification to an approved Special Exception (Order No. 3024) for an Overflow Parking Lot in the R/C (Residential/Limited Commercial) District at 93 and 95 Sanchez Avenue and 5358 and 5364 North Ocean Shore Boulevard (Parcel Nos.: 40-10-31-0010-00020-0030, -0040, -0200, and -0210), subject to the following conditions:

- a. This Special Exception runs with the land, conditioned that this approval for an overflow parking lot will remain in effect so long as the restaurant is operational at 5384 North Ocean Shore Boulevard. The owner will file an instrument in the Official Records of Flagler County restricting the use of the lands to overflow valet parking in lieu of a unity of title;
- b. Approval is limited to the use of the subject parcel as an overflow parking lot for the restaurant use located at 5384 North Ocean Shore Boulevard;
- c. All parking with the overflow parking lot will be by valet only, and will be limited to the employees, customers, and guests of the restaurant located at 5384 North Ocean Shore Boulevard;
- d. No overnight parking shall be permitted;
- e. All development to occur consistent with the submitted Final Site & Landscape Plan bearing an electronic signature and seal dated August 30, 2024 by Michael D. Beebe with Beebe & Associates, Inc;
- f. Driveway connection onto North Oceanshore Boulevard is subject to permitting by the Florida Department of Transportation;
- g. No parking will be permitted within the right-of-way of North Ocean Shore Boulevard except as otherwise permitted by law;
- h. Signs shall be limited to the interior of the overflow parking lot for the purposes of identification and wayfinding and will not be subject to issuance of sign permits; and
- i. While no lighting is currently proposed, any lighting will be shielded and aimed downward so as not to cast light on to adjacent parcels and will demonstrate compliance through building permit application with the County's marine sea turtle lighting requirements.

Motion to approve by: Anthony Lombardo

Seconded by: Dan Wilcox

Motion carried unanimously. (Mike Goodman recused).

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

Project No. 2024070053 – **VARIANCES IN THE MH-1 (RURAL MOBILE HOME) DISTRICT** – request for Variances from the 15 Foot Minimum Right (East) Side Yard Setback and the 10 Foot Minimum Rear (North) Yard Setback for a new Accessory Building in the MH-1 (Rural Mobile Home) District at 19 Shady Lane South. Parcel Number: 40-10-31-4100-00000-0740; 8,434.25+/- square feet (0.19+/- acres) Owner/Agent: Maryna Daley. (AR No. 5049). (TRC, PDB)

Board Member Disclosures: None

Staff Presentation: Simone Kenny, Senior Planner

Applicant Presentation: Maryna Daley, Owner

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. 2024070053 for a four foot rear (North) yard and a 9 foot right side (East) yard setback variance from the required 10 foot rear yard and 15 foot side yard setbacks for accessory structures in the MH-1 (Rural Mobile Home) District at 19 Shady Lane S. (Parcel No. 40-10-31-4100-00000-0740).

Motion to approve by: Timothy Conner

Seconded by: Michael Goodman

Motion carried unanimously.

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

Project No. 2024070046 – **VARIANCE IN THE PUD (PLANNED UNIT DEVELOPMENT) DISTRICT** – request for a Variance to Exceed the Maximum Impervious Coverage in the PUD (Planned Unit Development) District at 20 Huntington Place. Parcel Number: 22-14-31-0252-00000-0430; 8,100 square feet (0.19 acres). Owner/Applicant: Jacqueline Mascitelli. (AR No. 5034). (TRC, PDB)

Board Member Disclosures: None

Staff Presentation: Simone Kenny, Senior Planner

Applicant Presentation: Jacqueline Mascitelli, Owner

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. 2024070046 for a 7.26 percent variance from the maximum allowed 43.6 percent impervious area at 20 Huntington Place. (Parcel No. 22-14-31-0252-00000-0430).

Motion to approve by: Dan Wilcox

Seconded by: Michael Boyd

Motion carried unanimously.

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

Project No. 2023040034 – **PRELIMINARY PLAT IN THE PUD (PLANNED UNIT DEVELOPMENT) DISTRICT** – request for a preliminary plat for Radiance in the Radiance PUD for a single-family detached subdivision. Parcel Number: 22-12-31-0000-01010-0011; 174+/- acres. Owner: Venture 8, LLC/Applicant Corey N. Sitler, P.E. (AR No. 3079). (TRC, PDB, BCC)

Board Member Disclosures: None

Staff Presentation: Adam Mengel, Growth Management Director

Applicant Presentation: Cory Sitler, Project Engineer

Public Comment:

Walter Fufidio, 3 Whitehall Court, on behalf of Old Kings Alliance, shares concern with preserving the Old Kings Road area. Prior to Radiance, the project was proposed as Eagle Lakes which had a proposed idea of a traffic light which was something the neighboring HOA's and residents didn't like. He states that the proposed PUD agreement for Radiance they have mentions of a proposed traffic circle which is a large jump from the idea of a traffic light.

Carol Bycel, 2122 Salina Lane, asks for clarification on what development is going along the west side of Old Kings Road that is providing the PVC piping?

Ray Sanchez, 26 Bay Point Drive, raises concerns about impact fees prior to development so taxpayers don't get stuck with the bill.

MOTION: The Planning and Development Board recommends to the Board of County Commissioners APPROVAL of the preliminary plat for the Radiance Subdivision, 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 portable water and sanitary sewer is installed and approved by the Florida Governmental Utility Authority (FGUA) as the utility provider;
- c. Temporary waiver of secondary means of emergency access;
- d. Any subdivision improvements not completed by the developer to be bonded, or other surety provided consistent with the requirements of the Land Development Code; and
- e. Anything after 51 lots will require a second entrance.

Motion to recommend approval by: Jack Corbett

Seconded by: Michael Boyd

Motion carried unanimously.

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

Project No. 2023040071 – **PRELIMINARY PLAT IN THE PUD (PLANNED UNIT DEVELOPMENT) DISTRICT** – request for a preliminary plat for crosswind in the Radiance PUD for a single-family detached subdivision. Parcel Numbers: 34-12-0650-00020-0080, 26-12-31-0000-01010-0010, 27-12-31-0000-01010-0030, 27-12-31-0000-01020-0010, 27-12-31-0000-01010-0000, 35-12-31-0000-02010-0040 and 34-12-31-0650-000D0-0072; 437+/- acres. Owner: Venture 8, LLC/Applicant Corey N. Sitler, P.E. (AR No. 4025). (TRC, PDB, BCC)

REQUEST FOR CONTINUANCE
 TO OCTOBER 8, 2024 MEETING

MOTION: The Planning and Development Board continues this item to a time and date certain.

Motion to approve by: Michael Boyd

Seconded by: Michael Goodman

Motion carried unanimously.

14. Staff Comments

Adam Mengel, Growth Management Director, informs the board of past board precedent that the Planning and Development Board meetings will not exceed 11 P.M. unless by a consensus of the board. The board agrees to table the discussion on the Comprehensive Plan to a time and date certain and adjourn the meeting.

15. Discussion:

Proposed update to Comprehensive Plan Goals, Objectives, and Policies; Housing, Conservation, and Intergovernmental Coordination Elements

POSTPONED

16. Board Comments.

17. Public Comments.

18. Adjournment.

Motion to adjourn by: Michael Boyd
Meeting adjourned at 11:03 P.M.