

FLAGLER COUNTY PLANNING AND DEVELOPMENT BOARD REGULAR MEETING

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

MEETING MINUTES

Tuesday, February 14, 2023 at 6:00 PM

ADOPTED MARCH 14, 2023

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

Members present: Jack Corbett, Mark Langello, Anthony Lombardo and Fernando Melendez (Chair).

Members excused: Michael Boyd, Timothy Connor and Heather Hawyood.

Staff present: Adam Mengel, Growth Management Director and Chuck Merenda, Assistant Growth Management Director.

Board Counsel: Sean Moylan, Deputy County Attorney.

2. Pledge to the Flag.

3. Approval of: January 10, 2023 regular meeting minutes.

Motion: to approve.

Motion by: Anthony Lombardo

Motion 2nd by: Jack Corbett

Vote: Motion carries unanimously.

4. Legislative, not requiring disclosure of ex parte communication:

Application #3337 – **FUTURE LAND USE MAP AMENDMENT FROM MIXED USE: LOW INTENSITY LOW/MEDIUM DENSITY TO RESIDENTIAL LOW DENSITY** – request for an amendment to the Future Land Use Designation for Parcel Numbers: 40-10-31-3280-00000-0010; 40-10-31-3280-00000-0020; 40-10-31-3280-00000-0030; 40-10-31-3280-00000-0050; 40-10-31-3280-00000-00A0; and 40-10-31-3280-00000-00B0. 7.02+/- acres located at 101, 102, 201, 202, and 301 Hammock Park Lane. Owner: DBD Solutions, LLC, a Georgia Limited Liability Company, and Hammock Commercial Park Owners' Association, Inc., a Florida Not for Profit Corporation/Applicant: Michael D. Chiumento, III, Esquire.

Project #2022110046

(TRC, PDB, BCC)

Staff Presentation: Mr. Mengel presented the staff report.

Applicant Presentation: Michael D. Chiumento, III was present for the applicant. He commented that the request is consistent with the Comprehensive Plan.

Public Comments:

Dennis Clark, Scenic Pride letter stated 16 units and it should have stated 19 units. He commented on about tree preservation, pleased with the plan, like that wildlife corridors are included.

Public Comments closed.

Mr. Langelo questioned if this is not consistent with the comprehensive plan.

Mr. Mengel responded that this has been checked and it fits within the framework.

Mr. Langelo questioned concurrency.

Mr. Mengel responded that the County still has concurrency, this project will connect to water and sewer.

Motion: The Planning and Development Board recommends to the Board of County Commissioners Approval of Application #3337, a Future Land Use Map amendment (for Parcel #s 40-10-31-3280-00000-0010, 40-10-31-3280-00000-0020, 40-10-31-3280-00000-0030, 40-10-31-3280-00000-0050, 40-10-31-3280-00000-00A0, and 40-10-31-3280-00000-00B0) totaling 7.02+/- acres from Mixed Use: Low Intensity-Low/Medium Density to Residential: Low Density/Single Family, finding that the amendment is consistent with the Flagler County Comprehensive Plan.

Motion by: Anthony Lombardo

Motion 2nd by: Jack Corbett

Vote: Motion carries unanimously.

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

Application #3338 – **REZONING FROM R/C (RESIDENTIAL/LIMITED COMMERCIAL) DISTRICT TO PUD (PLANNED UNIT DEVELOPMENT) DISTRICT** – request for a rezoning from the R/C (Residential/limited commercial) District to PUD (Planned Unit Development) District for Parcel Numbers: 40-10-31-3280-00000-0010; 40-10-31-3280-00000-0020; 40-10-31-3280-00000-0030; 40-10-31-3280-00000-0050; 40-10-31-3280-00000-00A0; and 40-10-31-3280-00000-00B0. 7.02+/- acres, located at 101, 102, 201, 202, and 301 Hammock Park Lane. Owner: DBD Solutions, LLC, a Georgia Limited Liability Company, and Hammock Commercial Park Owners' Association, Inc., a Florida Not for Profit Corporation/Applicant: Michael D. Chiumento, III, Esquire.

Project #2022110047

(TRC, PDB, BCC)

Staff Presentation: Mr. Mengel presented the staff report.

Applicant Presentation: Michael D. Chiumento, III was present for the applicant. He presented a PowerPoint presentation for the project. Mr. Chiumento offered on the PowerPoint presentation that the amenities are a passive amenities, walking path and benches. The buffer along A1A is 30 feet, in addition to keeping it all natural, they will add vegetation, the homes will be on stemwall therefore the lot does not need to be filled to create a problem for the trees. Minimal lighting. Utilities is a big thing, they will be extending the utilities to the project.

Mr. Corbett asked if the street will remain the same.

Mr. Chiumento said that the infrastructure will remain the same.

Mr. Corbett asked about the air conditioning units being staggered.

Mr. Chiumento acknowledged that they would like to continue what they did in Eagle Lakes. The PUD also included that the homes will need to be sprinkled. This is a significant amount of money being added to the homes, he will have to address those two things when they get to the Board of County Commission.

Public Comments:

Dennis Clark if you want to save trees there should not be any change to the Land Development Code through the PUD Agreement, this development excludes the footprint of the home.

Marius Timis is city sewer?

Mr. Chiumento answered that they will be extending city sewer to their site. The subdivision will have city water and sewer.

Board Questions:

Mr. Langello asked Mr. Clark's question about omitting the building area in the tree removal. Mr. Chiumento's understanding is that the County will be readdressing the tree removal requirements and this is where the County intends to go.

Sean Moylan added that he can speak to the tree removal. Mr. Langello that was inserted at Mr. Moylan's suggestion, we are writing a new tree ordinance, we have a situation where the current code often leads to an absurd result. There is concern for clear cutting for drainage purposes and on the other end of the spectrum the individual lot owners are left with this 40% requirement. Mr. Moylan's suggestion is for the individual lot owners, this could lead to a fire hazard.

Mr. Langello questioned if all the trees were in the building footprint, would the lot owner need to have any trees on the property.

Mr. Moylan responded, no.

Mr. Langelo like the idea of planting trees.

Mr. Mengel advised that there is still a shade tree requirement for every lot.

Motion: The Planning and Development Board recommends to the Board of County Commissioners Approval of Application #3338, a rezoning from R/C (Residential/limited commercial) to PUD (Planned Unit Development) District for 7.02+/- acres for The Hammock Park PUD, finding that the proposed PUD Site Development Plan is consistent with the Flagler County Comprehensive Plan and the Flagler County Land Development Code, subject to:

- a. all development conditions within the PUD Development Agreement as approved through Ordinance No. 2022-___;
- b. development of the subject parcels not to commence until approval of a Future Land Use Map amendment from Mixed Use: Low-intensity, Low- to Medium-Density to Residential: Low Density/Single Family; and
- c. other conditions as added by the Planning and Development Board as part of their recommendation following the public hearing.

Motion by: Jack Corbett

Motion 2nd by: Anthony Lombardo

Vote: Motion carries unanimously.

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

Application #3339 – **REQUEST FOR AN AMENDMENT TO THE APPROVED SPECIAL EXCEPTION FOR 14 TOWNHOMES TO AMEND THE SPECIAL EXCEPTION TO ALLOW 16 SINGLE FAMILY DETACHED LOTS** – request for an amendment to an approved special exception to modify the 14 townhomes to allow 16 single family detached lots. Subject Parcel Number is 37-10-31-1550-00000-0220 and parcel being 3.87+/- acres and located at 6645 N. Ocean Shore Boulevard. Owner: Consolidated Capital Funding II, LLC/Applicant: Michael D. Chiumento, III, Esquire.
Project #2022120002 (TRC, PDB, BCC)

Staff Presentation: Mr. Mengel presented the staff report. Mr. Mengel included the recommendations from the Scenic A1A PRIDE committee. He mentioned the correspondence from Ms. Bagdonas.

Applicant Presentation: Michael D. Chiumento, III was present for the applicant, he handed out a packet and reviewed the packet providing the existing townhome project and the request for single-family detached.

Board questions:

Mr. Langelo questioned staff for the procedure.

Mr. Mengel responded that this will return as a preliminary plat.

Mr. Langelo questioned where the setbacks and landscaping be delineated.

Mr. Mengel responded that will happen here.

Mr. Langelo questioned the sewer.

Mr. Mengel responded that the sewer line runs along the west side of A1A. We have a will serve.

Mr. Melendez questioned the dune walkover.

Public comments:

Courtney VanDebunte people buying the houses, will they be able to be insured. Dune restoration is very misleading. She has been communicating with the State Parks Department, they are interested in buying the property.

Carol Scott at Lakeside at Matanzas Shores, entry from the south is difficult, from the north entry will be the same. The ocean has taken a lot of the sand dune. Questioned the oil seepage, no geologist study provided. The vegetation is not going to live. The 16 homeowners will be duped.

Ronnie Wilson, the former President of the Matanzas Shores Homeowners Association. They have met with the developers and had them to bring plans of the sand berm. The developer is prepared to meet that part of the challenge.

Charles Beeman 6525 Old A1A, questioned the previous approval, he was under the impression that there was only 5 to 6 houses on the property. The Construction Control Line, he did not understand that. Los Carlos that is 8' above sea level and most of the houses are below that.

Jon Steele, 6545 Old A1A, everyone has talked about what is on top of the land, his question is what is under the land and the water table.

Sallee Arnoff, Sugarmill Plantation she is opposed to increasing the density.

Mark Kowalski, end of Old A1A, he questions the traffic situation. He questions the water situation. Nobody seems to take quality of life, where are these people going shop?

Dennis Clark, Oceanshore Blvd in the Hammock, he is speaking for himself not as a committee member of the Scenic A1A PRIDE, the lot sizes are much less that the required 9,000 square feet.

Marius Timis spoke to concerns about the traffic, the water quality and the hurricanes.

Elizabeth Kowalski, small piece of land, she doesn't think anyone can build on it.

Applicant Rebuttal:

The Washington Oaks is separated from the subject parcel by a piece of property. In 2016 the vested rights to change the vested rights from townhomes to single-family detached.

Luke Kilic, P.E., Zev Cohen & Associates, Inc., 300 Interchange Boulevard, Ormond Beach, Florida, they have had Lassiter Transportation Group provide a traffic study the study suggests a left turn lane into the property. The water concerns, any improvements on the site would require stormwater retention. They are removing a drainfield from the site. The first floors will be garages, they will be working with the FDEP permitting consultant and permitting. The other items, such as dune restoration, we will work with the County to provide improvements. With respect to insurance, they will work FEMA to remove the flood zone so the homeowners will be able to get insurance.

Mr. Mengel responded that there is an intent from Mr. Chiumento that the developer will consent to the easement for the construction of the dune and restoration. Water and sewer will be extended to the subject site. Statement about the Coastal Construction Control Line, anything seaward of the Coastal Construction Control Line must be permitted by the Florida Department of Environmental Protection. He also mentioned insurance, stormwater and traffic.

Mr. Moylan mentioned that the proposal here does not meet the dimensional requirements of the R/C zoning district; but that is because posturing of this having gone through many iterations; with 19 different conditions attached to this project. You are recommending a specific zoning for this project.

Mr. Langello, Mr. Chiumento's comments that this property has vested rights. To the HOA who is allowing them to get the water. This property has every right to develop, if nothing is ever done here, the property is more apt to have flooding and allow flooding to happen. Mr. Langello questioned the density.

Mr. Moylan responded that the parties agreed to settle out of court, and the density does not violate the comprehensive plan.

Mr. Langello continued that FDOT will determine the connection to State Road A1A. Will these 2 extra units will create a problem for the County, the Sheriff and the density.

Mr. Mengel responded that this property has the Mixed Use: Low Intensity/Low-Medium Density will effective have better than 20 units.

Mr. Corbett commented that this is a scary part of the road, he's hopeful that the FDOT will make it safer.

Mr. Fernandez, this is a request for an amendment.

Mr. Lombardo commented that the single family detached homes is better than the townhomes.

Motion: The Planning and Development Board recommends to the Board of County Commissioners Approval of Application #3339, 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 amendment to single family detached lots at 6645 N. Ocean Shore Boulevard (Parcel #40-10-31-1550-00000-0220), subject to the following conditions:

- a. that the Owner satisfy any outstanding conditions related to the 2006 Planning Board determination; the 2008 Settlement Agreement; and the 2008 Planning Board determination, as applicable;
- b. that the Project connect to central sewer as provided through the Matanzas Shores Master HOA system;
- c. that the Owner provides the County with the 15 foot wide pedestrian easement for a future dune walkover;
- d. that the Owner consents to the dune easement;
- e. that the North and West perimeter buffers be augmented so as to create an opaque barrier of natural vegetation a minimum of six (6) feet in height within five (5) years of the commencement of development of the parcel; and
- f. that the Owner present the Site Plan to the A1A Scenic PRIDE Committee for their review and comment prior to Site Plan approval by the County.

Motion by: Anthony Lombardo

Motion 2nd by: Mark Langelo

Discussion: Mr. Langelo questioned that the motion does have the conditions that staff put in.

Mr. Lombardo responded correct.

Vote: Motion carries unanimously.

7. Staff Comments.
None.

8. Board Comments.
None.

9. 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.
None.

10. Adjournment:

Motion to adjourn Motion by: Anthony Lombardo

Motion 2nd by: Jack Corbett

Meeting adjourned at 8:15 p.m.



Scenic A1A PRIDE
*Promoting Rational Integration of Development &
Environment*

October 31, 2022

Adam Mengel
Flagler County Growth Management
1769 E. Moody Blvd, Bldg 2
Bunnell, FL 32110

Solitude Project – 6645 N Ocean Shore Blvd

Dear Mr. Mengel,

The Scenic A1A PRIDE reviewed the Solitude project on 10/28/2022. The attached conceptual plan shows 16 single family dwellings on 3.87 acres. The homes are specified to be three stories and no more than 35 feet in height with 5-foot side setbacks. There is an open question whether the special exception allows smaller than the minimum size lots in the R/C district.

A public beach access on the south side of the property will be maintained by the homeowners association. Conditions for wastewater service from Matanzas Shores OA require renewing the dunes. We understand that a left turn lane may be required due to the entrance location just south of the merging of four lanes down to two.

Recommendations from Scenic A1A PRIDE include the following.

- Short-term rentals will be prohibited in the HOA covenants.
- A 40-foot landscape buffer along A1A with primarily native plants is required with eighty percent opacity after maturity.
- A1A PRIDE would like to review the final site plans, landscape plans, and signage plan before submission to the Planning Board.
- The stormwater pond area will include some picnic tables and/or recreational facilities.
- Power lines along A1A in front of the development be buried if economically feasible.

Sincerely,

Dennis Clark, Chair
SCENIC A1A PRIDE
5784 N. Oceanshore Blvd, Palm Coast, FL 32137

c.c. Michael Chiumento III (michael3@legalteamforlife.com)
Scenic A1A PRIDE Board

App # 3339

Adam Mengel, AICP, LEED AP BD+C

From: M Clamlake <m.clamlake@gmail.com>
Sent: Tuesday, February 14, 2023 6:12 AM
To: Adam Mengel, AICP, LEED AP BD+C
Subject: Solitude development Hearing Comment

To Adam and the Flagler County Planning Board,

This comment is regarding the Hearing today on the proposed Solitude development immediately south of Surf 3 and directly across A1A from Las Casitas.

I understand that this proposal includes 16 homes.

comment:

1...Did you know that the Washington Oaks property directly South of this proposal flooded over the sidewalks along A1A? The ocean salt water also appears to have destroyed the habitat growing on the Washington Oaks property.

2...Please check the records on the number of accidents and fatalities that have happened over the years at the section of A1A where the 4 lanes disappear into 2 lanes.

Can you imagine that entering and exiting the Solitude project could be an "accident waiting to happen"?

3....If Dunes could be used as a possible solution to prevent flooding....that would be a joke for the obvious reasons.

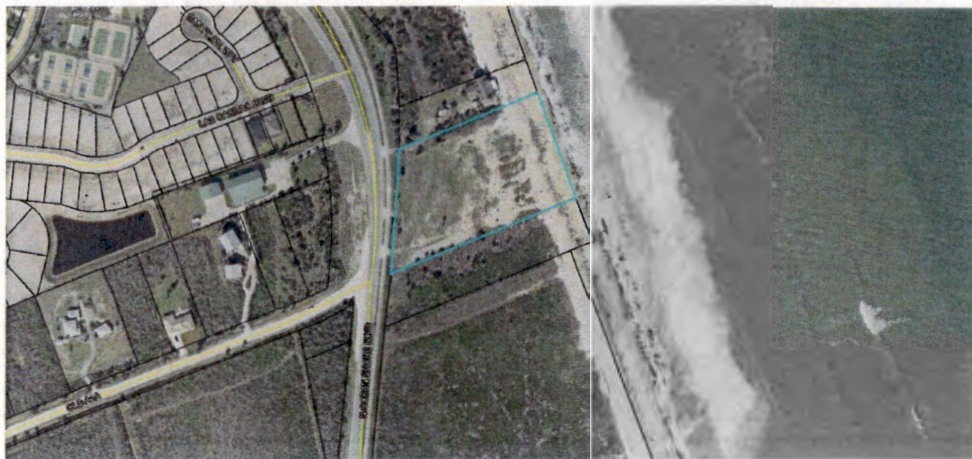
PLEASE deny this request!

Marilyn Bagdonas
12 San Rafael Ct
Palm Coast

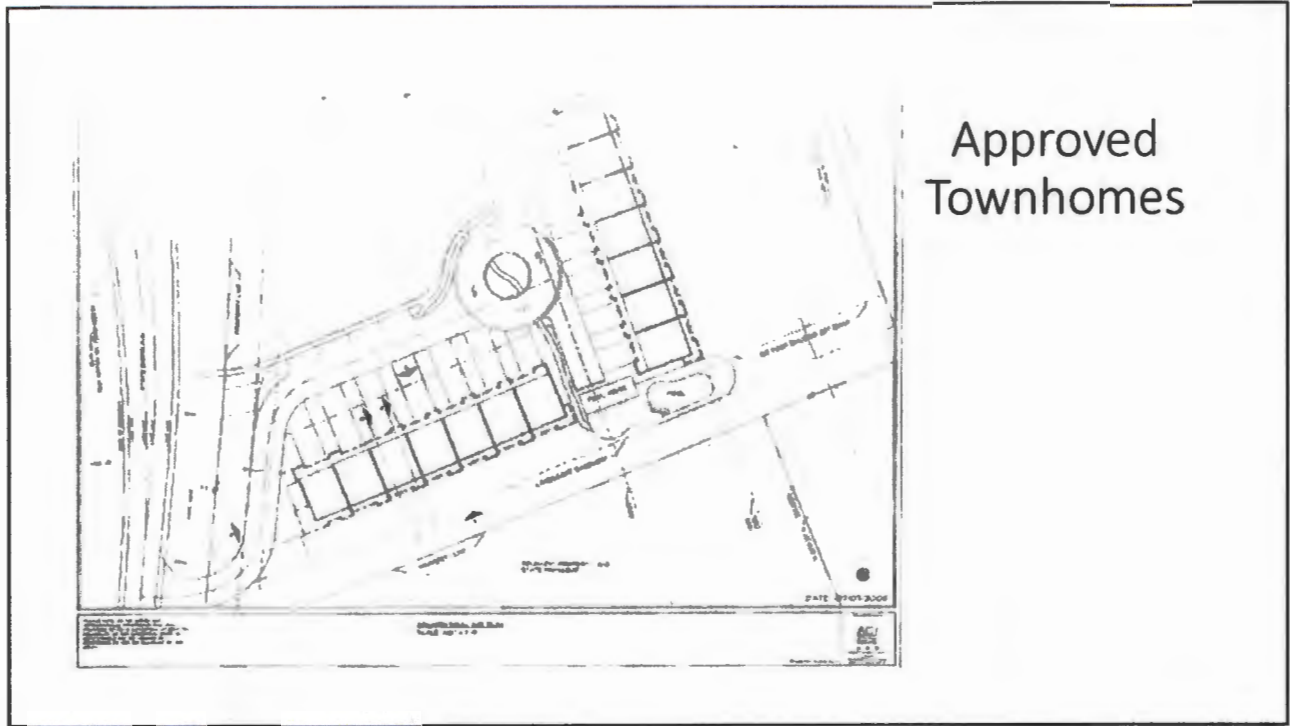
Solitude

1

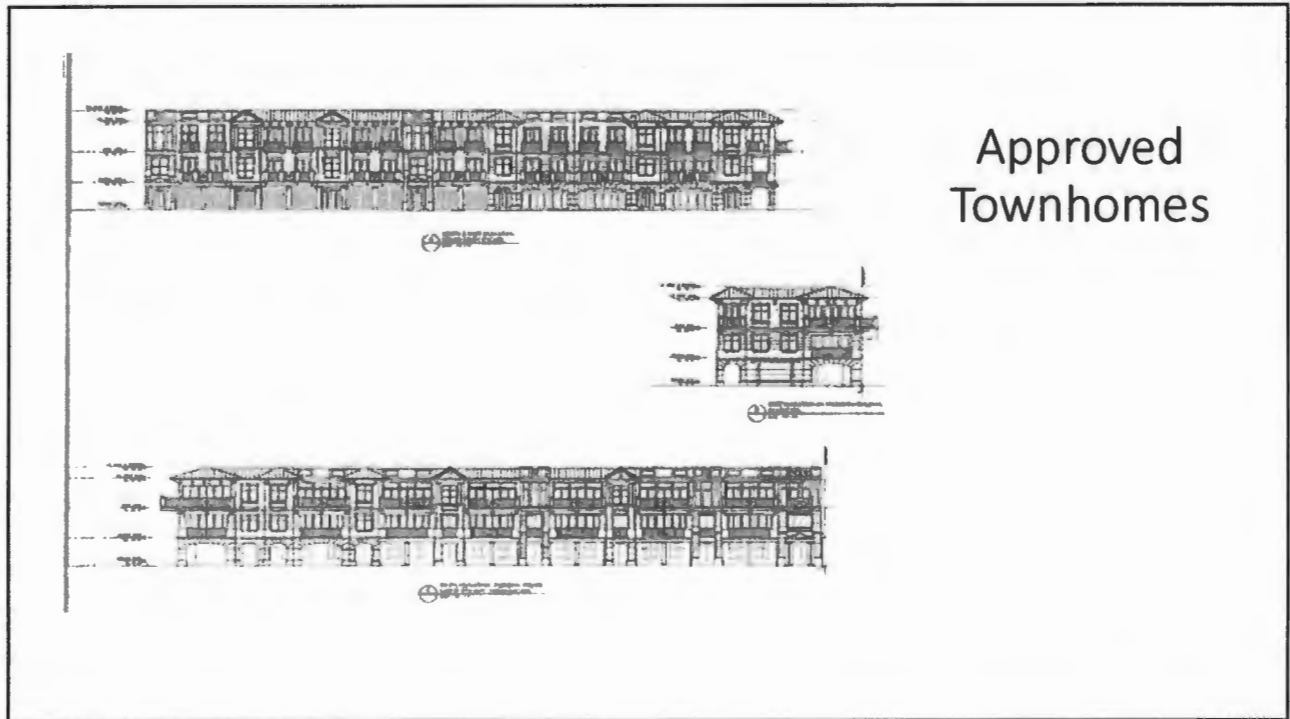
The Property



2

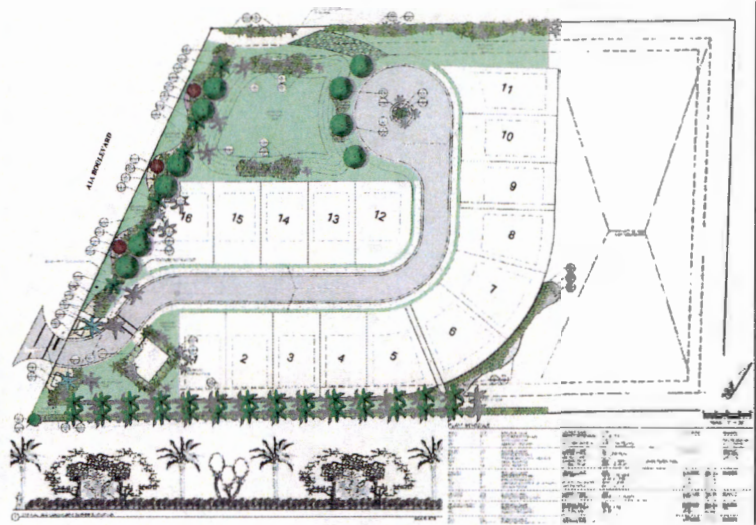


3

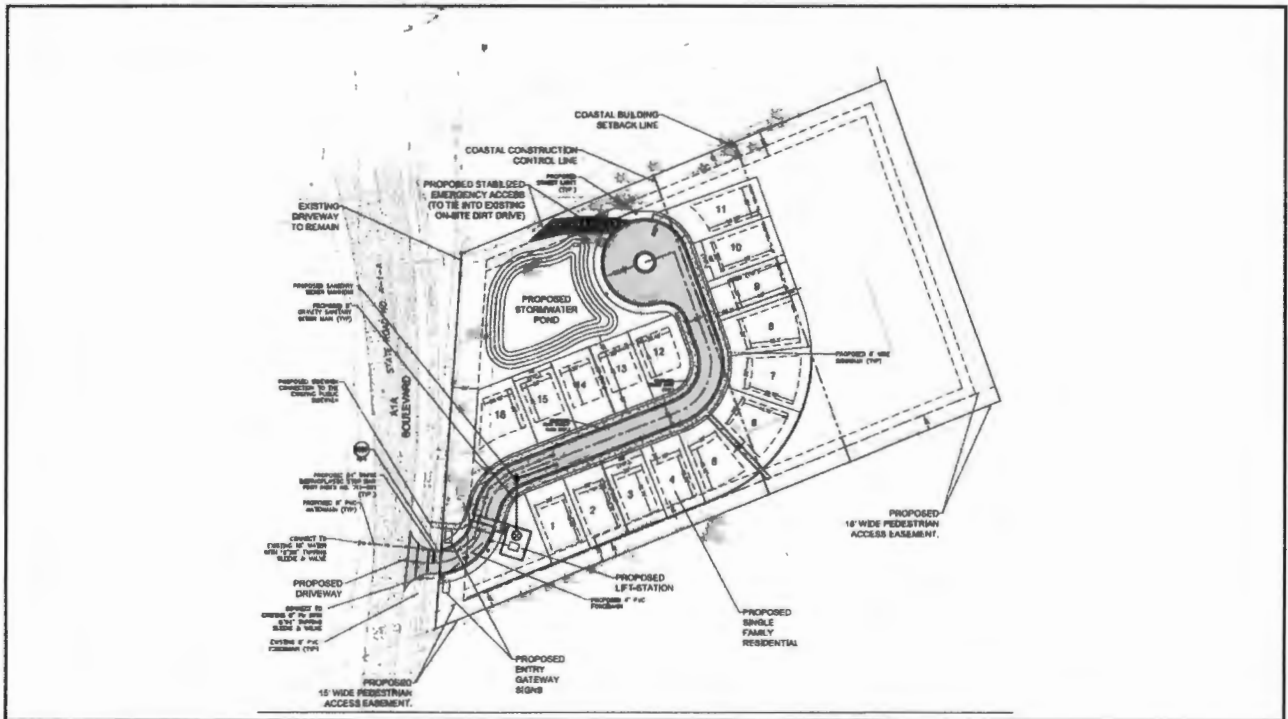


4

Proposed Conceptual Plan



5



6



7



8



9



10





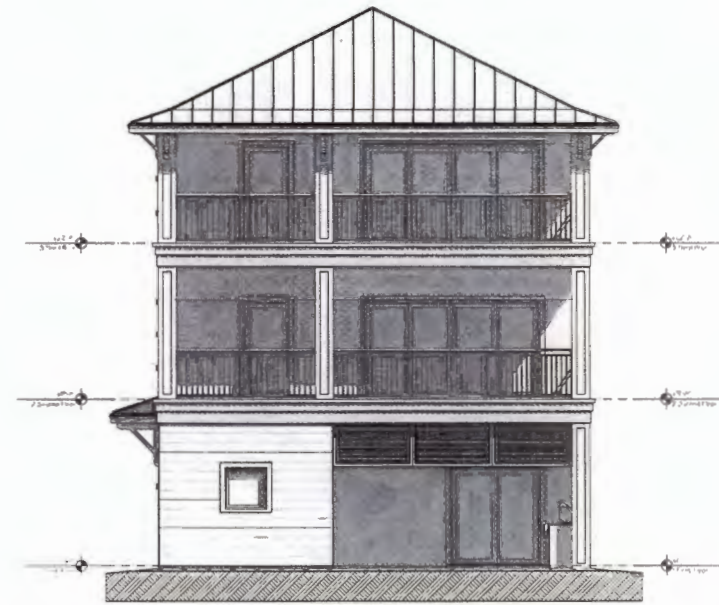




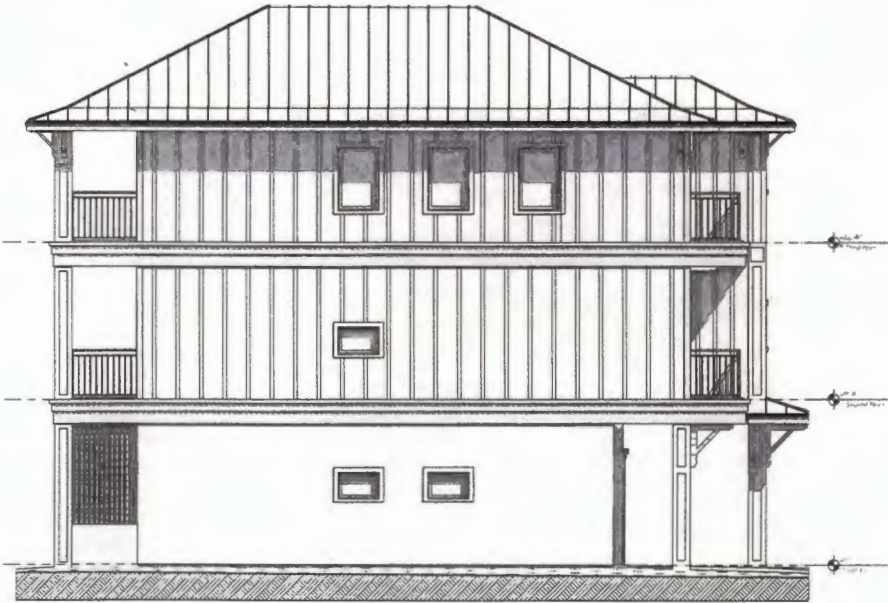
6645



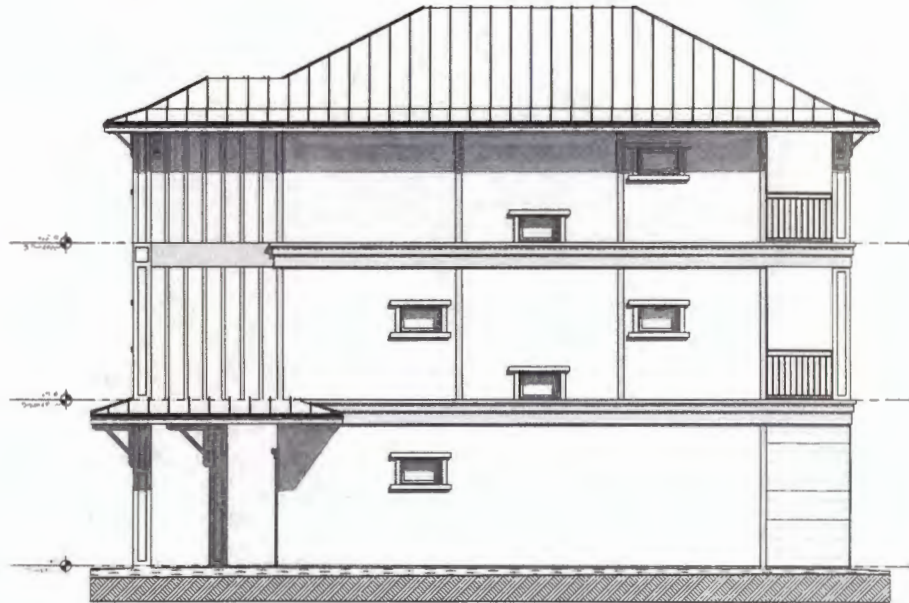
1 FRONT VIEW
A-03
SCALE: 1/4" = 1'-0"



2 REAR VIEW
A-03
SCALE: 1/4" = 1'-0"



3 LEFT SIDE ELEVATION
A-03
SCALE: 1/4" = 1'-0"



4 RIGHT SIDE VIEW
A-03
SCALE: 1/4" = 1'-0"



JPA

JOSEPH POLLACK ARCHITECT
314 MONTESSORI WOODLAWN BLVD
FLUKE BEACH, FLORIDA 32118
TEL: 386-285-1100 FAX: 386-285-1101
AIA 300377 / AIA 1317 / ID 6863
COPYRIGHT © 2002

be
DESIGN
ASSOCIATES, INC.
30 E. BUCKINGHAM RD.
BOCA RATON, FLORIDA 33433
Phone: 561-362-8400
Web: BE-DESIGN.NET



A CUSTOM DEVELOPMENT FOR:
Consolidated Capital Funding II, LLC
Solitude Homes at Matanza Shores
6645 N Ocean Shore Blvd., Palm Coast FL 32137 US

ELEVATIONS-MODEL A-2

NO.	DATE	BY	CHK.
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			

PROJECT NO.	DATE BY
10115/0006	E.C. - J.P.
REV BY	PROJECT
00115-010	JPA

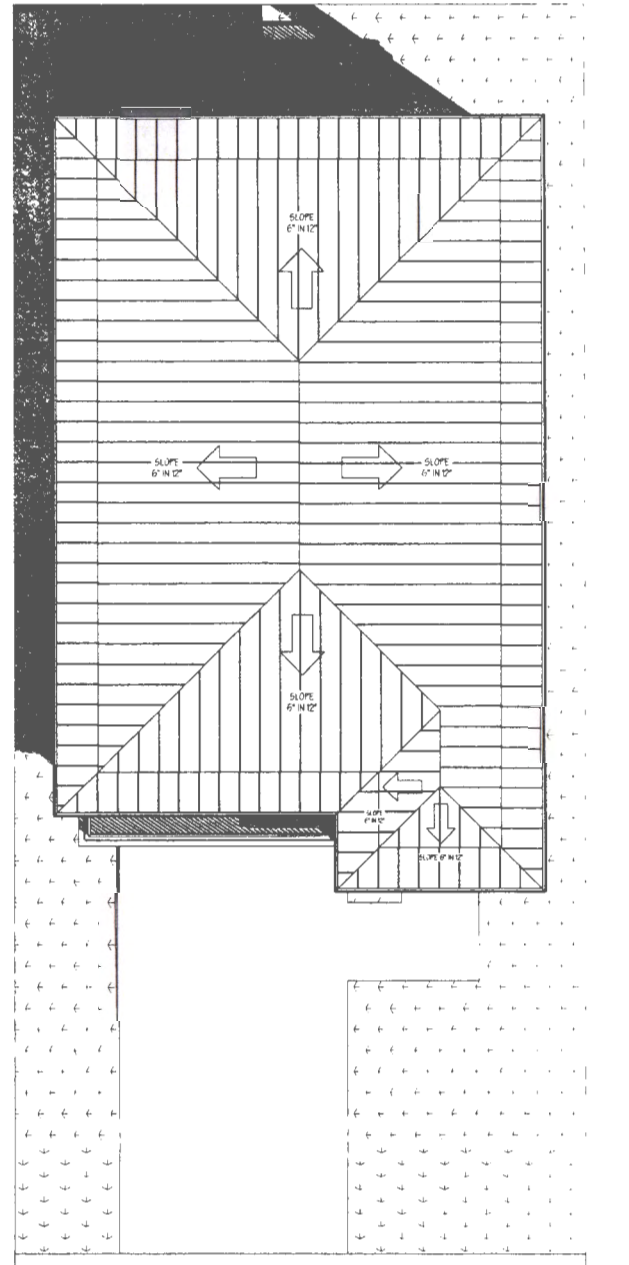
A-03



FRONT VIEW

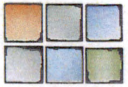


REAR VIEW



D1
A-02

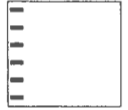
Roof Plan
SCALE 1/4" = 1'-0"



JPA

ARCHITECTURAL RENDERING
114 N. WOODS RD. BOCA RATON, FL 33433
TEL: (561) 992-1100 FAX: (561) 992-1101
WWW.JPA-ARCHITECT.COM

be
DESIGN
ASSOCIATES, INC.
114 N. WOODS RD. BOCA RATON, FL 33433
TEL: (561) 992-1100 FAX: (561) 992-1101
WWW.BEDESIGNINC.COM



A CUSTOM DEVELOPMENT FOR
Consolidated Capital Funding II, LLC
Solitude Homes at Matanza Shores
6645 N. Ocean Shore Blvd., Palm Coast, FL 32137 US

ROOF PLAN & RENDERINGS-MODEL A-1

NO.	DATE	DESCRIPTION	BY	CHECKED

ISSUED DATE	DESIGNED BY
10/13/2022	E. W. H.
DATE IN	CHECKED
2022.10.13	JPA

A-02

Tipping Point to End Approving Developments on the Wetlands

From: Sallee (salleebr@bellsouth.net)

To: jmealy@cityofflaglerbeach.com; jsherman@cityofflaglerbeach.com; kbryan@cityofflaglerbeach.com; dphillips@cityofflaglerbeach.com; ecooley@cityofflaglerbeach.com; sjohnston@cityofflaglerbeach.com; ghansen@flaglercounty.gov; jmullins@flaglercounty.gov; adance@flaglercounty.gov; dsullivan@flaglercounty.gov; dobrien@flaglercounty.gov; dalfin@palmcoastgov.com; edanko@palmcoastgov.com; jfanelli@palmcoastgov.com; nkufas@palmcoastgov.com; ebranquinho@palmcoastgov.com; rtyner@palmcoastgov.com; amengel@flaglercounty.gov; wwhitson@cityofflaglerbeach.com; hpetito@flaglercounty.gov; ahadeed@flaglercounty.gov; falkhatib@flaglercounty.gov; smoylan@flaglercounty.gov; nborkert@orlandolaw.net; mgruewald@palmcoastgov.com; dbevan@palmcoastgov.com

Date: Monday, November 7, 2022 at 12:43 PM EST

Hurricane Ian must be seen as the tipping point to dynamically turn the political climate around to stop approving high-density, fill-required developments on the wetlands.

Mother Nature uses the wetlands as natural sponges to absorb excess water from heavy-rain events, like hurricanes.

It is true that in the past, developments have been approved that destroyed wetlands, brought in truckloads of fill, removed all the trees and there has been no negative effect.

But there comes a time when the next development does disrupt the natural absorption of water.

That time has arrived.

"...waters are still, literally, rising in parts of the neighborhood as Graham Swamp overflows.

"Graham Swamp is adjacent to the Woodlands, one of Palm Coast's oldest neighborhoods. It acts like a giant retention pond, its wetlands soaking up water from the city. But its capacity is not limitless.

"If Graham Swamp gets over-full, it will go and trickle down into the Woodlands neighborhood. That's the next place that it will head to," Kershaw said. "So based on our modeling that our stormwater department has been able to develop over the past several years during these heavy rain storms that we've had, whether it be a tropical storm or a hurricane, they've been able to create modeling that shows them how much water will reach different areas of the city." FlaglerLive, September 30, 2022.

The 4,930 additional housing units going in southeast Flagler County (see attached) are the "poster child" of overdevelopment over whelming the ability of Mother Nature via Graham Swamp and Bulow Creek to absorb water from 500-year flood events which are becoming common.

Veranda Bay – August, 2022

Veranda Bay – after Hurricane Ian Sept 2022

FROM Sallee Arnoff

The bottomland riparian wetlands along the Mississippi River once stored at least **60 days** of floodwater. Now they store only **12 days** because most have been filled or drained. (United States Environmental Protection Agency, Coastal Wetlands, June 24, 2022)

The Graham Swamp and Bulow Creek watersheds were saturated by Hurricane Ian. The swell areas along Old Kings Road south of Moody Blvd remain filled (as of November 7) because the watershed is full. What will happen with Hurricane Nicole's rains?

The cities and unincorporated Flagler County can no longer continue the isolationist attitude and must adopt a holistic mantra to prevail.

The City of Palm Coast stormwater department, over the past several years, has modeling that shows them how much water will reach different areas of the city during these heavy rain storms whether it be a tropical storm or a hurricane.

Do the other jurisdictions have the same tools to base decisions on future impacts of proposed developments? Does Palm Coast use their own tools to base decisions on future impacts of proposed developments?

Various studies are conducted as part of the project approval process. The Traffic Analysis study is one of the studies and it carries a great deal of weight when Commissions vote to approve or deny a development request based on the information in these studies.

Traffic Analysis studies are not an exact science. They use model-based, arbitrary data from nationwide situations and not Flagler County specific. Yet, to our knowledge, there has never been a post-development traffic analysis *to verify the data presented in the traffic studies*.

Flood abatement plans is another area requiring post-development confirmation of the engineering stormwater projections.

Best Practice models stipulate that post-development analysis be conducted to verify data presented in all the studies to determine if the stated projections did, in fact, prove to be correct in reality. Garbage In, Garbage Out.

Citizens Monitoring Developments