

**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 13, 2023 at 6:00 PM

ADOPTED AUGUST 8, 2023

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

Members present: Michael Boyd, Timothy Conner, Heather Haywood, Mark Langelo, Anthony Lombardo and Fernando Melendez (Chair).

Members excused: Jack Corbett.

Staff present: Adam Mengel, Growth Management Director; and Gina Lemon, Development Review Planner III; Hannah Williams, Land Development Technician.

Board Counsel: Sean Moylan, Deputy County Attorney.

2. Pledge to the Flag.

3. Approval of: May 9, 2023 regular meeting minutes.

Motion: Motion for approval.

Motion by: Mark Langelo

Motion 2nd by: Michael Boyd

Vote: Motion carried unanimously.

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

Application #3357 – **VARIANCE – FIVE FOOT STREET SIDE YARD SETBACK VARIANCE FROM THE REQUIRED 20 FOOT MINIMUM STREET SIDE YARD SETBACK IN THE MH-1 (RURAL MOBILE HOME) DISTRICT** – 5118 Pecan Avenue (Lot 12, Block 107, Daytona North); Parcel Number: 13-12-28-1800-01070-0120; 40,500+/- square feet. Owner/Applicant: Coy Sadler.

Project #2023040024

(TRC, PDB)

No disclosures by the Board members.

Staff Presentation: Mr. Mengel presented the staff report.

Applicant Presentation: Coy Sadler, 5118 Pecan Avenue, Bunnell, FL. It was not to be on Pine Street it was always to be between the home and Pecan Avenue.

Mr. Langelo you intended to the building to be where it was.

Mr. Sadler responded that he intended to put the building where it is.

PUBLIC COMMENTS:

Frank Corr 5097 Pecan Avenue, he described the road being in the wrong place.

Mr. Mengel described that the travel lanes are within the right of way.

Jennifer Wilson, 5171 Palm Avenue, he has a well kept property.

Mr. Langelo questioned the setbacks for the front. Pecan is a street side yard setback.

Mr. Mengel responded with the front setback is 99-feet. The street side yard setback is 15-feet.

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 Application #3357 for a five foot street side (South) yard setback variance from the minimum 20 foot street side yard setback in the MH-1 District for a detached garage at 5118 Pecan Avenue (Parcel #13-12-28-1800-01070-0120).

Motion by: Michael Boyd

Motion 2nd by: Timothy Conner

Vote: Carries unanimously.

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

Application #3363 – **VARIANCE – 0.50 FOOT LEFT SIDE YARD SETBACK VARIANCE FROM THE REQUIRED FIVE FOOT MINIMUM SIDE YARD SETBACK IN THE PUD (PLANNED UNIT DEVELOPMENT) DISTRICT** – 7 Cinnamon Beach Way (Lot 2, Ocean Hammock Parcel A-5 Plat One). Parcel Number: 04-11-31-3512-00010-0020; 6,943+/- square feet. Owner: Mehrdad Nikzad, Trustee/Applicant: John Castanheira d/b/a JJ & D Development, LLC.

Project #2023040057

(TRC, PDB)

No disclosures by the Board members.

Staff Presentation: Mr. Mengel presented the staff report.

Applicant Presentation: John, Castanheira and Grayson Merriwether, project manager presented the item. The block is done, the foundation survey is when they noticed that they have the problem. They have spoken with the surveyor about the mistake, he is not aware of the

Mr. Langelo, house in the monolithic.

Mr. Castanheira responded that the slab is monolithic and trusses are delivered.

Grayson Merriwether, project manager described that he has built quite a few of these homes, 99% of the a/c units go all the way to the property line.

Anthony Lombardo commented that the landscape maintenance is done by one company.

PUBLIC COMMENTS:

None.

Mr. Lombardo commented that these after the fact variances are tough

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 Application #3363 for a 0.50 foot left side (South) yard setback variance from the minimum five foot side yard setback in the Ocean Hammock Parcel A- 5 Plat One PUD for a single-family dwelling foundation at 7 Cinnamon Beach Way (Parcel #04-11-31-3512-00010-0020).

Motion by: Anthony Lombardo

Motion 2nd by: Michael Boyd

Mr. Langelo commented that the lot shape is unique.

Vote: Carries unanimously.

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

Application #3369 – **VARIANCE – SEVEN FOOT REAR YARD SETBACK VARIANCE FROM THE REQUIRED 20 FOOT MINIMUM REAR YARD SETBACK IN THE R/C (RESIDENTIAL/LIMITED COMMERCIAL) DISTRICT** – 3303 N. Ocean Shore Boulevard (Lot 11, Kanaha Beach). Parcel Number: 23-11-31-0000-01022-0110; 5,095.5+/- square feet. Owner: Joseph Gerard Murphy and Mary Ann Murphy, Husband and Wife/Applicant: Joseph Gerard Murphy.

Project #2023040077

(TRC, PDB)

No disclosures by the Board members.

Staff Presentation: Mr. Mengel presented the staff report.

Applicant Presentation: Joe Murphy 3303 N. Ocean Shore Boulevard, two years later painters discovered that the porches are pulling away from the house. They are getting water damage from the porches pulling away from the home. He consulted with the neighbors and they support the variance.

PUBLIC COMMENTS:

Tom Tant, 3311 N. Ocean Shore Boulevard they are supporters of the variance. They noticed that the construction on the variance is needed. He has no qualm on the 7-foot variance.

Mr. Langelo commented that these lots are a parallelograms.

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 Application #3369 for a seven foot left rear (East) yard setback variance from the minimum 20 foot rear yard setback in the R/C District for a reconstructed deck at 3303 N. Oceanshore Boulevard (Parcel #23-11-31-0000-01022-0110).

Motion by: Mark Langelo

Motion 2nd by: Michael Boyd.

Vote: Carries unanimously.

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

Application #3361 – **FUTURE LAND USE MAP AMENDMENT FROM AGRICULTURE & TIMBERLANDS TO INDUSTRIAL**; 390 Sawgrass Road; Parcel Number: 04-12-30-0000-02031-0000; 25.41+/- acres. Owner: Pamela M. (Stolsworth) Howe/Applicant: Michael J. Woods, Esquire/Cobb Cole.

Project #2023040043

(TRC, PDB, BCC)

Mark Langelo he owns the property directly east of the subject property, his property is industrial property. He has no conflict of interest; no special gain and his property is in the City of Bunnell.

Sean Moylan owning adjacent property that does not rise to the level of a conflict of interest by that is recognized by the commission on ethics. It is too remote and speculative, conflict of interest would require a special gain.

Timothy Conner asked if the property Mr. Langelo owns was Agriculture & Timberland.

Mr. Langelo answered that his property was actually recreational. His was in the City of Bunnell, he changed it from recreational to industrial in the City of Bunnell.

Staff Presentation: Mr. Mengel presented the staff report.

Timothy Conner, asked what the existing uses are around the property.

Mr. Mengel answered that a concrete batch plant, block plant and land clearing operation.

Applicant Presentation: Michael J. Woods, Esquire Cobb Cole, 231 N. Woodland Boulevard, DeLand. Adam was able to apply the higher industrial use to the property. Why are we coming to the have properties land use as Industrial and rezoning to Industrial for this parcel. The properties on the north side of Sawgrass the property is adjacent to the like uses the railroad on the east of the subject property. It is on 25+- acres. He does have Chris Ralph, BGE, Incorporated.

Michael Boyd asked will there be any buffer between this use and the fairgrounds?

Mr. Woods responded that the conceptual site plan does show a substantial buffer to the fairgrounds.

Mark Langelo future warehousing space, conceptual site plan.

Mr. Woods responded that the layout is conceptual for the current use. The A-1 Block plant has purchased the property now.

Mark Langelo the owner of the property is the concrete block plant.

Mr. Mengel there is an uncomplimentary land use buffer and that would be landscaped.

PUBLIC COMMENTS:

None.

Motion: The Planning and Development Board recommends to the Board of County Commissioners approval of Application #3361, a Future Land Use Map amendment (for Parcel #04-12-30-0000-02031-0000) totaling 25.41+/- acres from Agriculture & Timberlands to Industrial, finding that the amendment is consistent with the Flagler County Comprehensive Plan.

Motion by: Mark Langelo.

Motion 2nd by: Michael Boyd

Vote: Carries unanimously.

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

Application #3362 – **REZONING FROM AC (AGRICULTURE) DISTRICT TO I (INDUSTRIAL) DISTRICT**; 390 Sawgrass Road; Parcel Number: 04-12-30-0000-02031-0000; 25.41+/- acres.

Owner: Pamela M. (Stolsworth) Howe/Applicant: Michael J. Woods, Esquire/Cobb Cole.

Project #2023040045

(TRC, PDB, BCC)

No disclosures by the Board members.

Staff Presentation: Mr. Mengel presented the staff report.

Applicant Presentation: Michael J. Woods, Esquire Cobb Cole, 231 N. Woodland Boulevard, DeLand. Here for any questions.

PUBLIC COMMENTS:

None.

Motion: The Planning and Development Board recommends to the Board of County Commissioners approval of Application #3362, a rezoning from AC (Agriculture) to I (Industrial) District for 25.41+/- acres, finding that the proposed is consistent with the Flagler County Comprehensive Plan and the Flagler County Land Development Code, subject to development not to commence until approval of a Future Land Use Map amendment from Agriculture & Timberlands to Industrial.

Motion by: Michael Boyd

Motion 2nd by: Anthony Lombardo

Vote: Carries unanimously.

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

Application #3368 – **SITE DEVELOPMENT PLAN REVIEW IN A PUD (PLANNED UNIT DEVELOPMENT) DISTRICT FOR AMBERWOODS AT HUNTER’S RIDGE** – Parcel Numbers: 22-14-31-0000-01010-00130 & 0140; 14.363+/- acres. Owner: US Capital Alliance, LLC/Applicant: Alann Engineering Group, LLC.

Project #2023040075

(TRC, PDB, BCC)

No disclosures by the Board members.

Staff Presentation: Mr. Mengel presented the staff report.

Timothy Conner questioned the level of buildout. Is there a common point in time where the developer is required to do something to Airport Road?

Mr. Mengel answered Mr. Conner’s question with impact fees, Airport Road owned by the Master HOA, remainder after the round-about SR 40 is owned by CDD’s. It is anticipated to be 4-laned divided roadway for Airport Road.

Timothy Conner questioned if there have been comments made by Flagler County, Volusia County and FDOT.

Mr. Mengel answered that there is no planning of 4-laning of Airport Road, it is meeting the concurrency requirements at this time.

Mr. Langello questioned if concurrency is vested?

Mr. Mengel responded that this is a development that is occurring between. The student generation is being taken care of through the agreement. Fire is tied to 750 rooftops. We are in between that right now.

Applicant Presentation: Cole Buck, Alann Engineering Group, Inc. small 40 lot subdivision, permitting through Ormond Beach and Flagler County. They have coordinated with FDOT on the traffic analysis. It is a multilayered permitting process for this project.

PUBLIC COMMENTS:

Susan Garrison, 40 Heron Wing Drive. She read from a prepared statement. They are a 55+ community, they are Huntington Village. They are part of the master association of Hunter's Ridge. They asked has there been a wildlife the wildlife has shifted. The designation was given years ago, the SJRWMD. They don't see the SJRWMD buffers in the plan. She questioned the FPL buffers. The residents do believe that there is a home for gophers. One of the neighbors has a nest behind their house. The law enforcement and fire do respond but it takes them about 25 minutes. The new neighborhood development north of this area will be demanding of those services. Currently there only a few children within Hunter's Ridge but with the new homes coming in there will be hundreds of children. The beautiful fountain blocks are being smushed down. The Airport Road is hazardous, there are not any lane lines on Airport Road. The residents have suffered through night and day pumping. Could hours be set so that there is time for quiet time.

Mr. Mengel the green is actually wetlands, the demonstrated the proposed lot line. The development does not have a common lot line with the rear lot lines. There is a common conservation area.

Royal Burres, 25 Heron Wing Drive, there are no lines on the Airport Road. We do get service from Volusia County, no fire protection. Please consider what is actually going on down there.

For the benefit of the public, Sean Moylan the Planning and Development Board is recommending on the PUD Site Development Plan, the final say is by the Board of County Commission. The DRI was approved many years ago, the exactions were taken at that time.

Maureen Janover, 36 Heron Wing Drive she asked what is to stop the Variances.

Mr. Moylan answered, that could happen in the future. The variances, nothing is to stop a variance from being applied for.

Mr. Mengel responded that the PUD Site Development Plan would be approved, then followed by a Preliminary Plat and then followed by a Final Plat. The PUD Site Development Plan then leads to the preliminary plat.

Mark Langello agrees with Mr. Conner's question about the road. We are here to specifically to look at a site plan. We are a recommending body post the questions to the County Commission. The next body that looks at this is the County Commission, why isn't this road being fixed, they are the same people that will listen to you.

Motion: The Planning and Development Board recommends to the Board of County Commissioners approval of the PUD Site Development Plan and PUD Development Agreement.

Motion by: Mark Langelo

Motion 2nd by: Michael Boyd

Cole Buck, Alann Engineering Group, Inc. in rebuttal they have done an environmental survey, no tortoises on the site. There will still be a public safety site in the area.

Vote: Carries unanimously.

10. Staff Comments.

None.

11. Board Comments.

None.

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.

No public comments.

13. Adjournment:

Motion by: Michael Boyd

Second by: Mark Langelo

Meeting adjourned at 8:00 p.m.