MEMBERS PRESENT: Chairman Michael Boyd, Arthur Barr, Robert Dickinson, Troy Dubose
Michael Duggins, Laureen Kornel, and Mark Langello

MEMBERS EXCUSED: None

STAFF PRESENT: Sally Sherman, Deputy County Administrator; Adam Mengel, Planning Director; Wendy Hickey, Planner;

BOARD COUNSEL: Kate Stangle, with Broad and Cassel

Chairman Boyd called the meeting to order at 6:00 p.m.

1. Roll Call.
   Attendance was confirmed by Wendy Hickey and a quorum was present.

2. Pledge of Allegiance.
   Chairman Boyd led the Pledge of Allegiance to the Flag.

3. Election of Chair
   Mr. Mengel opened the floor to nominations for Chair.
   Mr. Langello nominated Mr. Dickinson and nomination was seconded by Mr. Duggins. No other nominations made.
   
   Approved unanimously

4. Election of Vice Chair
   Mr. Mengel opened the floor to nominations for Vice Chair, adding following the discussions we have had in the past that would fall to Mr. Duggins I believe.
   Mr. Langello nominated Mr. Duggins and nomination was seconded by Ms. Kornel. No other nominations made.

   Approved unanimously

5. Approval of Minutes.
   Minutes of the November 8, 2016 regular meeting
   Motion to approve made by Mr. Barr and seconded by Mr. Boyd
Adopted 2/14/2017

Approved unanimously

Minutes of the December 13, 2016 regular meeting.
Motion to approve made by Mr. Langello and seconded by Mr. Barr.

Approved unanimously

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

Application #3043 – APPLICATION FOR REVIEW – DRI NOPC AND AMENDMENT TO PUD SITE DEVELOPMENT PLAN; request for a Notice of Proposed Change (NOPC) and a Planned Unit Development (PUD) modification to the Bulow Plantation Development of Regional Impact (DRI) and the Bulow Plantation PUD (Resolution No. 2000-15); Parcel Numbers: 38-12-31-0000-04050-0010 and 38-12-31-0000-04050-0030; Owner: MHC Bulow Plantation, LLC, and MHC Bulow Plantation Two, LLC, respectively / Agent: Mark W. Shelton, AICP, Kimley-Horn and Associates, Inc.

Chairman Dickinson asked Mr. Mengel if he would speak about the correspondence he had received pertaining to the postponement of this item.

Mr. Mengel discussed that we have this item and it was scheduled to be heard at the December 13th meeting we had opened the hearing and then we postponed that hearing to a time and date certain which was tonight’s meeting. The applicant is continuing to work with state agencies on one of their requirements that they are trying to meet for their biennial report they are working on the traffic analysis that is part of that report. They tried to get that completed by the end of December and have not been able to complete that step. We have had as our informal policy I don’t believe it is in any codified status but to continue a hearing not more than twice without renewing that notice. So our recommendation on this item is to continue this hearing that was originally scheduled for December 13th and continued to January 10th to now February 14, 2017 our next scheduled meeting at 6:00 in this chambers. As we had before if there is anyone present we would ask the Board to open the hearing and ask if anyone who cannot attend on February 14th who is here to discuss this item to make comments on the record and close the hearing and continue this item to February 14, 2017.

Chairman Dickinson opened the Public Hearing and asked if anyone was here for application #3043 seeing no one he closed the Public Hearing and will continue the item to February 14, 2017.
Motion to move to a date certain made by Mr. Langello and seconded by Mr. Boyd.

Motion approved unanimously

7. Quasi-judicial requiring disclosure of ex parte communication:
   Application #3061 – APPLICATION FOR REVIEW – SITE DEVELOPMENT PLAN
   APPROVAL FOR AN EXISTING SPECIAL USE IN THE PLANNED UNIT
   DEVELOPMENT (PUD) DISTRICT for System Improvements to the Plantation Bay
   Wastewater Treatment Facility at 1600 Old Dixie Highway; Parcel Number: 03-13-31-0650-
   00C0-0050; Owner/Applicant: Flagler County / Agent: Phillip J. Locke, P.E., with McKim and
   Creed and Flagler County Engineering.

Chairman Dickinson asked the Board if anyone had any communications to report. None reported.

Mr. Mengel presented the staff report noting that it is a County project for the Plantation Bay Waste Water
and Utility System. Showing a aerial map and noting the existing conditions and structures, stating that the
zoning for the location is PUD (Planned Unit Development) and there are multiple land uses with a majority
being Mixed Use Low Intensity that should eventually all become Mixed Use Low Intensity. This is part of
the Plantation Bay Development of Regional Impact.

In our review these are improvements to the system required to bring the plant into compliance with the
FDEP consent order prior to the County’s acquisition of the utility. The utility has been in continual
operation since construction in 1980’s, and was acquired by Flagler County in 2013. We have specific
work authorization that was done by the Board of County Commissioners on September 24, 2014 for
McKim and Creed. This particular work order includes construction of, one (1) influent screening system,
one (1) submersible triplex master pump station, one (1) 0.475 MGD package wastewater treatment plant,
one (1) filtration system, chlorine contact tank modifications, one (1) submersible duplex reject pump
station, one (1) 1.0 MG reject water ground storage tank, one (1) motor control center building two (2) new
centrifugal blowers, one (1) standby generator, yard piping, controls, electrical and site improvements.

We brought this forward to you because this is an existing public use actually a special use in the PUD by
the zoning district This is a wastewater plant but these site improvements per the LDC (Land Development
Code) require a review by the Planning and Development Board and the Board of County Commissioners
for approval. We already had the Board of County Commissioners authorization but we need this step of
the Site Plan review by the Planning and Development Board.

Staff recommendation is that the Planning and Development Board find the Site Plan is sufficient and you
are approving this application #3061 and application for review a Site Development Plan for improvements
to the Plantation Bay Waste Water Treatment Facility and existing Special Use in the PUD (Planned Unit
Development) district.
Chairman Dickinson opened the Public Hearing for public comments seeing no one he closed the Public Hearing and opened Board Comments.

Motion to approve made by Ms. Kornel seconded by Mr. Boyd
Motion approved unanimously

8. Quasi-judicial requiring disclosure of ex parte communication:
Application #3062 – VARIANCE IN THE PUD (PLANNED UNIT DEVELOPMENT) DISTRICT – SIDE YARD SETBACK VARIANCE for an existing at 4 Via Capri (Ville Di Capri subdivision); Parcel Number: 04-11-31-3011-000000-0020; Owner: Constantine Mitsopoulos / Applicant: Tropical Enclosures.

Chairman Dickinson asked if anyone had any disclosures on this item hearing none. He stated that he has conflict as he is on the Hammock Dunes Design Review Committee and will excuse himself and pass the gavel to Vice Chairman Duggins for this item.

Mr. Mengel presented the staff report noting the location of the existing pool and orientation of the lot. The Mixed Use Low Intensity Future Land Use is consistent with the Hammock Dunes DRI and the zoning is PUD (Planned Unit development). The lot as shown has a dog leg an unusual configuration which is a little unusual but each of these lots have this. So when we talk about the criteria this in itself is not unusual because there are others that are similarly situated within this development. In the siteplan it is noted that there is twelve (12) feet between the existing pool deck and the neighboring structure. There is also an additional note of 2.44 feet and essentially we took that over the extent of this proposed screen room that will go over this deck this distance because of this agreement is supposed to be four (4) feet so the variance you are considering is for that difference which will equal 1.56 feet side yard setback variance to allow that distance to be 2.44 feet. Another item that is part of this is there is a ten (10) foot separation requirement between structures not homes not single family residences but structures. So we need a good idea of where that neighboring structure sits in relation to the proposed screen room attached to the home. The reason why we are going through the variance and the notation is in the aerial it does appear to be some twelve (12) feet away. The lot to the south does not take advantage of that dog leg and that pool structure does not turn so you have a widening of that distance a greater gap. We think the twelve (12) feet is correct even absent of a survey that displays that measurement. So, not only having the side setback variance of 1.56 that is under consideration likewise we have a reduction in that ten (10) foot separation between structures I don’t want to penalize that owner to the south any more through this They would have that reduction likewise 1.56 feet from the ten (10) feet takes them to 8.44 feet separation between structures. So, if they wanted to build something they could build it on their lot and not be penalized because of the reduction on this set
back so if this was 2.44 feet they would have to have their structure further away. Staff wanted to
acknowledge this conflict for the record. Criteria two (2) this is something created by the applicant
in this situation the letter provided notes they have a child that is allergic to mosquitoes. This is
admittable but cannot be used as grounds for a variance. We have talked before about the medical
hardship and how that may play or not play into it. Historically we have said that is not a
consideration. We do feel and it is strong in the narrative that ITT had done this from the onset.
There is that wall that is shown in the graphic that shows there is a portion of the wall that varies
from the property line to the neighbors property that is something that was put in by ITT it was not
done by this owner or the owner of the adjacent lot it was part of the improvements at the time the
homes were built. I this may weigh into you consideration of this item but staffs analysis of these
conditions is that we do realize and acknowledge the presence of the wall as something they
inherited but it is the desire for the screen enclosure for the pool is of their own creation. Criteria
three (3), is about health safety welfare morals of the community. We feel this would not adversely
affect the community by the granting this variance. The variance over all germane more than others
we also have the Hammock Dunes Design Review Committee variance request authorization and
they provided their approval from May 16, 2016 and submitted for our records and they provided
their approval of the requested setback variance that noted it will be harmonious with the
surrounding structures and topography as required by DRC (Design Review Committee)
evaluation criteria and has been established by precedent in the area the additional rationale the
pool was built in the 90’s the screen will not be outside the pool decking area. That speaks to the
health safety welfare community as a whole. Criteria (4), states that we can’t have a use variance.
This is an appropriate use for the development. I have hit on all points so the nature of the variance
that we are looking for from the Board is to allow the owner to place the screen enclosure within
the 2.44 of the property line

Based on the presentation and what we have provided and supplemental information the Planning
Department recommends the Planning and Development Board make a finding that the criteria
found in Section 3.07.03 E in the LDC (Land Development Code) have been met and therefore
recommends approval of a 1.56 foot side yard setback variance at 4 Via Capri. I want to add that
1.56 foot makes several assumptions first if the survey is correct I had some reservations on taking
this out to the hundreds because is anything ever that accurate I will pose to you if you would like
to give some more comfort with your ultimate action you may choose to do so, but also recall that
as I was reminded as we were preparing this item that our variance criteria calls for the minimum
relief necessary. That is why I took it out to the normal place I wouldn’t take it to the hundreds of a
foot but this one and the certain information we had provided a 2.44 setback from the edge of the
pool deck to the property line the appropriate variance would be 1.56 foot side yard setback
variance.

Vice Chairman Duggins asked if the applicant would like to make a statement.
Scott Norton, Tropical Enclosures 3500 Beachwood Court Ste 205 Jacksonville, Applicant I am here on behalf of the homeowner I have built several enclosures for him in the past. If you have any questions everything is in the packet. The measurements are from the foundation we are going to be about three (3) inches from that I am not going to push it to the edge.

Vice chairman Duggins opened the Public Hearing for public comments seeing no one he closed the Public Hearing and opened Board comments.

Mr. Boyd stated he was comfortable with staff’s recommendation citing the letter from the management group and that the Hammock Dunes Design Review Board approved this variance. 

**Motion to approve made by Mr. Boyd seconded by Ms. Kornel**

Mr. Langello asked what are the side setbacks for the buildings in that area?

Mr. Mengel responded we have usually a zero on one side and something else on the other. Here you have four (4) feet minimum and ten (10) feet separation between structures.

Mr. Langello asked so its four (4) feet minimum.

Mr. Mengel responded yes sir.

Mr. Langello asked your comment about the neighbor to the south made sense. Is that something that we take up in this motion? How do you want to handle that?

Mr. Mengel responded to me if we are granting this side yard setback variance we have no other action to take. I just wanted to make sure the Board knew that through their action to me that is inclusive of the reduction of the separation.

Mr. Langello asked so if that applicant ever goes to do something when they come in you will have some notes somewhere pertaining to that lot.

Mr. Mengel responded yes sir.

**Motion approved unanimously**

9. **Staff Comments.**

Mr. Mengel wished the Board a Happy New Year and thanked Mr. Boyd for serving as Chairman

10. **Board Comments.**

Mr. Boyd stated that over the past year and a few months I appreciate the Staff, Ms. Sherman Ms. Stangel Mr. Mengel, Ms. Hickey and Ms. Lemon, all of them producing our material and
Adopted 2/14/2017

1 the council we got from them to study and take care of these items so I appreciate them and also
2 to my colleagues on the Board. I think most of the time we fairly much agree on things and
3 sometimes you get a motion that don’t get a second or a motion that don’t get passed but at the
4 end of the day we all shake hands and that is what is important I really appreciate you all.
5
6 11. Public Comments – Each speaker will be allowed up to three minutes to address the Planning
7    and Development Board on any item or topic not on the agenda.
8
9 12. Adjournment
10
11    Motion to adjourn made by Mr. Boyd
12
13    Drafted by: Wendy Hickey
14    Reviewed by: Adam Mengel