

**FLAGLER COUNTY
PLANNING AND DEVELOPMENT BOARD
REGULAR MEETING
Flagler County Government Services Building
Board Chambers
1769 East Moody Blvd., Bunnell, FL
MEETING MINUTES
Tuesday, February 14, 2017 at 6:00 PM**

Adopted 3/14/2017

1 **MEMBERS PRESENT:** Chairman Robert Dickinson, Michael Boyd, Arthur Barr, Troy Dubose
2 Michael Duggins, Lauren Kornel, and Mark Langelo

3

4 **MEMBERS EXCUSED:** None

5

6 **STAFF PRESENT:** Sally Sherman, Deputy County Administrator; Adam Mengel, Planning
7 Director; Wendy Hickey, Planner; Gina Lemon Development Review Planner III

8

9 **BOARD COUNSEL:** Kate Stangle, with Broad and Cassel

10

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

12

13 1. **Roll Call.**

14 Attendance was confirmed by Ms. Lemon and a quorum was present.

15

16 2. **Pledge of Allegiance.**

17 Chairman Dickinson led the Pledge of Allegiance to the Flag.

18

19 3. **Approval of Minutes.**

20

21 Minutes of the January 10, 2017 regular meeting

22 Motion to approve made by Mr. Langelo and seconded by Mr. Barr

23

24 *Approved unanimously*

25

26 Ms. Hickey made a request of the board to forgo the agenda order and hear item number 5 first.
27 Chairman Dickinson agreed

28

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

30 Application #3064– **VARIANCE IN THE PUD (PLANNED UNIT DEVELOPMENT)**
31 **DISTRICT** – request for a 2 foot front yard setback variance at 6 Spinaker Circle (Harbor
32 Village Marina subdivision, Lot 78); Parcel Number: 04-11-31-3019-000000-0780; Owner:
33 Dawn L. Smith / Applicant: Stajo Construction, Inc.

34

35 Chairman Dickinson asked if anyone had any disclosures on this item hearing none. He stated that
36 he himself has conflict as he is on the Architectural Review Board for Harbor Village Marina and
37 will excuse himself and pass the gavel to Vice Chairman Duggins for this item.

38

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1 Ms. Hickey presented the staff report noting the location, zoning and land use of the subject
2 property. She read into the record the staff analysis of each variance criteria and closing with a
3 staff recommendation for approval.

4
5 Vice Chairman Duggins asked if the Board had any questions of staff.

6
7 The applicants introduced themselves to the Board, Joshua Rosenbaum and Stan Rosenbaum
8 Stajo Construction, 2 Armand Beach Dr Ste 2 Palm Coast.

9
10 Mr. Barr stated that his question had to do the definition of front yard setback. This is definitely
11 an unusual lot and is a beautiful lot on the water. But typically the front setback or the front yard
12 would be the south property line. I am not having a problem with it I am having a problem with
13 the definition of the front yard. Because if that is the 18 feet you can see as you progress north
14 on the north of the house it comes to a zero lot line. This doesn't really appear to be the front
15 yard setback.

16
17 Mr. Langelo asked if you have a zero lot line on that side why would a variance be needed?
18 You have the building up to the lot line and yet you are saying the garage needs a variance on
19 the zero lot line? It seems to be inconsistent.

20
21 Mr. Mengel stated like you can see there what we have there going on with this particular
22 request is as Ms. Hickey said it is challenging so what we were applying is the 20 foot at the
23 road frontage and to the north coming into your side setback and there are no other lots at least
24 that we can come up with that this would happen within this development. We talked with the
25 representative of the Master Developer Mr. Baker about it has gone back and forth on this
26 layout. If you recall how it is set up on other lots it makes sense because our front setback
27 basically allows for parking. The setback is to allow your driveway to accommodate a vehicle in
28 your driveway and a vehicle in the garage you are then meeting our two car space requirement.
29 One of the things we talked about with the representative for the applicant was to add a parking
30 turnaround. The garage is only 22.3 feet deep and that is tight so they couldn't take anything off
31 of that because we knew everyone would look at us crazy when we call this the front. One of the
32 justifications we had was the curbing was yet another 2-3 feet to the east of the lot line. So,
33 when we went out there and met on site we said even when we are done and the driveway is put
34 in the car in the driveway it would not over hang into the roadway the roadway ends here at this
35 lot. There are no other drives that will come down on this side so we are not impeding
36 someone's access..

37
38 Mr. Langelo asks what I was getting at was about the zero lot line. Is that part of the
39 subdivision?
40

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- 1 Mr. Mengel responded yes
2
3 Mr. Langelo asked just the one side?
4
5 Mr. Mengel responded yes.
6
7 Mr. Langelo asks is this the side that is dedicated for that or did you pick this side?
8
9 Mr. Mengel responded yes it's on that side.
10
11 Mr. Stan Rosenbaum yes it is on the zero lot line all those houses on that street have the zero lot
12 line
13
14 Mr. Langelo asked again if it is a zero lot line why is there a variance. If you can build a house
15 up to the edge, why are we varying two feet when you are going all the way to zero?
16
17 Mr. Barr noted because the front would be to the south.
18
19 Mr. Mengel responded we talked about that with the applicant and 20 foot to the south would
20 not work for them. I understand where we are heading is that if they had to meet that 20 foot
21 accommodation to the south the rear to the north we had discussed this with a previous applicant
22 on this particular lot and we could never reconcile the 20 foot running from the south where the
23 20 foot street access. The street access was not to the south the street access was to a portion to
24 the east so what we are effectively doing is the front setback extends to meet the continuation of
25 Spinaer Circle and beyond that you have the zero side that picks up to the north and then you
26 have your other side setbacks all shake out. That is how we came up with it.
27
28 Mr. Langelo responded I can buy that I just wanted to know how you came up with that
29 because there was no explanation. This lot is bigger than the neighbor's lot correct?
30
31 Mr. Mengel responded yes it is.
32
33 Ms. Kornel requested to see a hard copy of the survey. So are you calling the area on the south
34 the side yard?
35
36 Mr. Josh Rosenbaum responded yes, there is a small side yard on that side
37
38 Ms. Kornel asked you are calling the rear?
39
40 Mr. Josh Rosenbaum the river side where the pool is.

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1
2 Mr. Stan Rosenbaum responded on that entire street if you were coming down the waterway and
3 this house is going to have a pool and is consistent with every house on that street, The second
4 thing there is 3.1 feet from the Miami curb to the lot line which you would have to put pavers in
5 any way you are not going to leave it grass so you may have 21 feet from the Miami curb to the
6 garage I think that is an important issue. The third issue I feel and I think is very important and I
7 studied this to try to help the woman as to what could be done with the lot. You went in on the
8 road and there is only one place to go in and you would have to make a right turn if you wanted
9 to put your garage in you go in and the only other way you could do it is make a right into the
10 garage now when the poor person is backing out if they want to have a turnaround they could
11 end up in the intracoastal. It is an important item if you think about it. I don't know any other
12 way to do it. It is a very unusual lot and Daniel Baker originally thought this was fine and the
13 owner thought it was all fine when she bought the lot and which is outside of what we are
14 talking about but we have to look at the issue could this person really hurt themselves and if
15 they backup all the way they can backup into a house because there is a house to the south
16 without a side yard that would be another lot over there so if a person was backing out and they
17 backed out too much they would back up into someone's house.

18
19 Mr. Langelo responded I can see a way and I am not opposed to this and I can see a way you
20 could back up. If the house is pushed further to the north and the garage was passed the street it
21 could be up against the zero lot line so you could pull in and back out and you would not go into
22 the canal going out you would have a turnaround on that side and that might not be what you
23 guys want I a design and I do see an unusual lot. My whole this was the zero lot line I didn't get
24 the whole purpose of why we were even asking for a variance.

25
26 Ms Kornel stated "what the bottom-line is there is a 20 foot front yard setback required and the
27 county is finding that on the east side the front yard and they are asking for a 2 foot variance for
28 a 18 foot final setback and non of the neighbors object and it has been advertised and that is the
29 bottom-line."

30
31 Vice Chairman Duggins opened the public hearing and asked if there was anyone in the
32 audience who wanted to speak seeing none He opened it up to Board comments.

33
34 ***Motion to approve made by Ms. Kornel seconded by Mr. Boyd***
35 ***Motion Approved Unanimously***

36
37 The gavel was passed back to Chairman Dickinson.

38
39 5. Quasi-judicial requiring disclosure of ex parte communication:

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1 Application #3043 – **APPLICATION FOR REVIEW – DRI NOPC AND AMENDMENT TO**
2 **PUD SITE DEVELOPMENT PLAN**; request for a Notice of Proposed Change (NOPC) and a
3 Planned Unit Development (PUD) modification to the Bulow Plantation Development of Regional
4 Impact (DRI) and the Bulow Plantation PUD (Resolution No. 2000-15); Parcel Numbers: 38-12-
5 31-0000-04050-0010 and 38-12-31-0000-04050-0030; Owner: MHC Bulow Plantation, LLC, and
6 MHC Bulow Plantation Two, LLC, respectively / Agent: Mark W. Shelton, AICP, Kimley-Horn
7 and Associates, Inc.

8
9 Chairman Dickinson asked if anyone had any disclosures pertaining to this item hearing none

10 Mr. Mengel began his presentation noting that this request is a bit unique and we have set it up
11 with both parts. We are looking for the Planning Board to provide a recommendation to forward
12 to the Board of County Commissioners. This is an existing DRI (Development of Regional
13 Impact) formally the KOA down on Bulow down off of Old Kings Road. In 2000 it was
14 approved for the DRI displaying a map of the development. He reiterated that this is an existing
15 approved DRI. It has a component that is a mobile home component and a recreation vehicle
16 component that is approved for this development there are 2 phases there is a south phase and a
17 north phase planned all along. When they were planned initially they were planned in a east and
18 west configuration but always had the delineation between these two parcels. What is unique
19 here is regional impact in our experience in Flagler County also had the element of the PUD
20 (Planned Unit Development) approval. In all situations approved with a Resolution which is a
21 little unique. Zoning action through the Board as a Resolution and any subsequent amendment
22 to that we have treated it as Resolution. This particular development had not only the 2000
23 resolution adopting the development it also had a separate memorandum of agreement that set
24 out certain development criteria typically to what is seen in our more modern development. This
25 is where were transitioning from the old Plat Addendum to the more modern Development
26 Agreement as what we see now and I would say yes we are now transitioning into another phase
27 which I eluded to in the staff report of a PUD (Planned Unit Development). This submittal right
28 now and the issue before you is the NOPC (Notice of Proposed Change) largely a statutory
29 process related to specifically the DRI and the regional impacts of the DRI, and the locally
30 considered PUD modification that is proposed. Displaying maps of the development and noting
31 the proposed changes to be made and identifying other surrounding developments adjacent to
32 this DRI. This is the second amendment to the Bulow Plantation DRI a modification to the PUD
33 project acreage 323 total the Future Land Use on Both parcels is High Density Residential
34 giving the density of 5-7 units per acre and it is zoned PUD which was adopted in 2000 We did
35 have a modification which as you see was applied for in 2002 and as records indicate it was

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1 denied by the Board then in 2007 we had a modification to the DRI that was not a NOPC but
2 that was to allow for park model units in the RV portion of the development for a time period
3 greater than 6 months it was a minor modification that we did take it through and was approved
4 but it is was considered a substantial change to the DRI.

5 Mr. Langelo asked who denied the original modification.

6 Mr. Mengel responded it was the Board of County Commissioners in 2002 in our records the
7 best as I can track down it showed it had been applied for and there was a portion of the I don't
8 want to say there wasn't a change in 2002 but it ended up being a local change and it was not a
9 regional type impact so it was not considered a substantial deviation to the DRI the Regional
10 Council came back at the time and as I understood the minutes provided the analysis that this
11 was not a deviation of regional impact so there was not further DRI review needed. Noting the
12 schematic map H that was approved in 2000 our master plan map showing the parcels on the
13 map. The south east corner of the property listed as existing Bulow Village Mobile Home Site
14 area contains approximately 133 acres 280 plus minus units. Then you have that area to the west
15 that is the commercial camp ground area approximately 45 acres in size right at 350 units as it is
16 presently developed. To the north east corner you have a proposed 700 single family
17 manufactured homes that is on 190 acres and that was labeled Phase II and Phase I to the left of
18 that there is going to be an additional area that has dispersed more of that density that you can
19 see in that pattern that is there. That will also have some open space there some pedestrian walk
20 ways that were proposed in Phase I. What you will find with this development plan is that Phase
21 I is what is being considered in the southern portion and completed Phase II being proposed the
22 western portion to be designated as RV and some commercial and that eastern portion being the
23 mobile home portion. Basically they are doing what is already there the pattern of the
24 development. One next step mentioned in the staff report is the site plan approval step we get
25 through this and this is approved then an engineered site plan to come forward to be developed.
26 It would be permitted through the water management district which would commence and all of
27 this would lead to a land development permit. A development of this type commercial in nature
28 basically the spaces are leased. It does not require a plat. The steps would not move forward
29 beyond that commercial site plan. The site plan review would lead to a land development permit
30 that would be issued.

31 Mr. Langelo asked would it stay under one ownership.

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1 Mr. Mengel responded yes. I do have to say there are two entities but they are common
2 ownership I think it is for financing purposes because they have them under two

3 Mr. Langelo asked the mobile home lots will be leased lots and not sold.

4 Mr. Mengel responded yes there is no separate ownership on any of those. So here are the
5 changes we have so in the existing 2000 DRI, Resolution 2000-15 there is 1370 units in total
6 1020 mobile home spaces 350 RV's in your report you will see we actually have 352 RV's.
7 Proposed is 600 mobile homes spaces 750 RV's this is a change in their business model. The
8 owner wants to make this more of an upscale camp ground and this is something they are seeing
9 with their other properties it is part of the appeal. They still want to keep that residential
10 component, the mobile home component because there is also a market for that They want to
11 make sure from the onset that the mobile homes is where someone can reside in those
12 permanently year round these are their homes they are age restricted we are looking through
13 some impacts. I have a email from Mr. Freeman from the School District that there were a
14 minor number of children that were in the development so we are tracking that down. This an
15 age restricted it is for 55 and over it was the original intent and remains These properties are
16 marketed around the country so that others that are similarly situated with this company that is
17 their intent to have this senior component. The difference here is the 420 mobile homes spaces a
18 decrease and 400 extra RV spaces and the overall impact is that we have a 20 unit increase in
19 overall intensity. So here are the other changes that are happening along with this the annual report
20 changes to biennial where DRI's allow this to happen so once every 2 years, and the move out
21 of the determination of build out and zoning protection date to July 21, 2021. These are all those
22 modifications that were allowed by the legislature there were 4 extensions. There was Collin,
23 Herminie, Matthew, Zika The bottom line is any of those legislative extensions are applicable to
24 this development are intended to be applied consistent with the time frames for the request to be
25 made. We are supporting that the extensions are applicable as each of those state emergency
26 declarations were made and the legislature provides for those extensions. A connection is here
27 for Flagler Utilities they are on their own package plant and they do have their own water
28 system. There have been a few issues as you can imagine with a small water system, over the
29 years you have had some boil water issued and some others since Matthew. We would like to
30 give these folks some more certainty we think we can provide that as part of our overall utility
31 master plan in this area. We did have some conversations about the extension of those services
32 in this area for service in Eagle Lakes and Old Kings Village and we definitely want Bulow
33 Plantation as part of that mix if we have that master plan come to fruition. I want to mention the

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1 mitigation for the clubhouse shelter requirement apparently there was a requirement in the
2 original DRI for the club house to be provided on the site for as much as 25 percent of the
3 residents to be sheltered in that particular building in the event of a non -hurricane event I'm not
4 sure of what kind of an event other than a hurricane would you need a shelter for unless it was a
5 tornado and I am not sure if you would want to be in the shelter then either. We are making an
6 assumption that the RV folks are going to move on. But 25 percent of those other residents that
7 are there and because of its proximity to Bulow Creek ends up being in the flood zone. We had
8 considered it and we thought this would not be a good plan to have shelter provided in place on
9 this side of I95, basically in a hurricane evacuation zone. So sheltering does not make sense for
10 us consistent with the current DRI. We have talked to the applicant and the applicant has talked
11 to the owner and we have included in your packet mitigation fee to be paid to the County for
12 some kind of compensation for the sheltering that would happen at our level. We may have
13 some further action on that proposal that came in a little late as we were prepping for this
14 meeting. We feel comfortable with that approach but we have some more discussion that will
15 likely take place with Emergency Management. Along the same line the timing for the payments
16 of the Fire and EMS mitigation and you will see that mentioned in the staff report the applicant
17 has asserted that they have made \$200,000.00 of the \$300,000.00 amounts that were due and we
18 will verify that we may have some trouble and the age of the records to do that and if it is out
19 there and in that this proposal calls for the final payment and the timing that is appropriate is
20 part of this amendment. The final item of these changes is that Phase I the south portion is
21 complete. That means along with the fire mitigation and some of the other obligations that were
22 included within the DRI development order. What we are saying is where we are now we are
23 good and for the next step forward we want to be able to say how we are going to continue the
24 rest of this development. All of these are all fair to be looking at for a DRI of this age as we are
25 moving forward. It is appropriate to handle things in this manner. With that in mind I have
26 included these three areas in question because we need to resolve as part of our NOPC issue the
27 Notice of Proposed Change and what that refers to specifically in the context of Development of
28 Regional Impact. The idea for a DRI is does this thing have regional impact? Is that change that
29 is being requested is it something of a regional scope. Section 380.06(19) Florida Statutes 2016
30 talks specific to substantial deviation and each of these questions I have provided a response
31 within our staff report. The first question is does the proposed change to the DRI constitute a
32 substantial deviation requiring additional DRI review the thresholds at 380.06(19) are not met in
33 my opinion through this submittal you have this reduction in the overall intensity, you have the
34 time frames of the development and not being out of the window you would be a substantial
35 deviation it assumes to be occurring the modifications that are here are very close and likewise

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1 arguably consistent with what had been approved as part of the original DRI in 2000 basically
2 the configuration mobile homes in the area that mobile homes are expected you have the RVs
3 where the RVs to be as part of that original approval. We are expecting a greater number of RVs
4 and lesser number of mobile homes hence we are here as part of this request. So in conclusion
5 on that first item we do not have a substantial deviation going on in my opinion. Are the
6 proposed changes to the DRI consistent with the Comprehensive Plan and the Land
7 Development Code? The answer would be yes. We are consistent with the overall total number
8 of units and we do not have an increase in that we are still within the limits established
9 originally with the DRI approval. Is the development consistent with the standards of Sec.
10 3.04.04 of the Land Development Code? Things that may not be as specific as the Sec. 380.06
11 statutory requirements for Developments of Regional Impact although those are broader and on
12 a more regional level to me the Sec. 304.04 in our Land Development Code drills down to that
13 local impact and much of that would be proven through buffering and other considerations as
14 part of the site plan. It is important for me to mention here when you talk about that context in
15 the Land Development Code one section we did talk about we pulled out and it had been
16 something for us to discuss in greater detail and I did have the opportunity to mention it here is
17 the prohibition on new docks on Bulow Creek that was approved through Ordinance 0304 in
18 2003. What that did said we are comfortable as a County with you having new community docks
19 but we are not individual docks on Bulow Creek. There were several reasons for that in lieu of
20 the docks there were wild life viewing platforms was advocated a higher level structures across
21 the marsh grasses that would allow the marsh grasses not to be harmed. I also think the intent
22 was to minimize motorized boat traffic on Bulow creek at least this portion of it. The south end
23 doesn't have the ability for bigger boats to come in because the roadway crosses and there is no
24 bridge there and so aside for the boat ramp at the state park, and a boat ramp are the only 2 boat
25 ramp features that were here in Bulow Creek aside from any County facility that we have at
26 Sweetbottom adjacent to Polo Club West. In our opinion we have sufficient facilities for
27 launching even if someone desired to launch a motorized boat they could. Our goal has been
28 non-motorized such as kayaks and those of lower impact. In the report I had noted that there had
29 been 26 docks of record that have been recognized in the previous DRI's development order and
30 have the ability for as many as 20 more. Our feeling is that we want this to end up
31 grandfathering in those that we can identify had been legally established within the limits of
32 Bulow Plantation and let them to continue to exist and be replaced but allow no new structures
33 be permitted so it is first come first serve for the ones that are there that number may be greater
34 than the 46 if we had issued a permit for those before we would like those to continue and be
35 grandfathered in. Our recommendation is that the Planning and Development Board find that the

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1 (NOPC) Notice of Proposed Change to Bulow Plantation DRI does not constitute a substantial
2 deviation our first prong of our decision this evening and the request for the PUD modifications
3 is consistent with the County Comprehensive Plan subject to the following conditions:

- 4 1. Approval of the applicants hurricane mitigation
- 5 2. Confirmation of receipt of Fire Funds and approval and the timing of the final
6 installment payment.
- 7 3. Grandfathering of legally established docks, illegal docks prohibited.
- 8 4. Development in Phase II shall not commence until review and approval of an engineered
9 site plan.

10 I want to be very clear about these conditions I don't want you to come back and say after this
11 meeting Adam you are asking us to say that hurricane mitigation is supposed to be \$60,000 or
12 \$50,000 or \$100,000 I am not asking for that as much as are these conditions appropriate. Do
13 these conditions address the needs of the DRI development order as they were provided. Do you
14 have sufficient information to provide that recommendation to the Board of County
15 Commissioners? These are the limits of the considerations relative to this request that reflect
16 this is not a substantial deviation that the PUD modifications are appropriate. Then set the stage
17 for the next step that is going to happen here the site plan that will come forward if this is
18 ultimately approved.

19 Chairman Dickinson asked the applicant if they had a presentation?

20 Mr. Mark Shelton, Kimley-Horn Associates 12740 Gran Bay Pkwy Ste 2350 Jacksonville, Fl . I
21 wanted to thank Adam for a through staff report. He did cover many of the topics I was going to
22 go over I had to slash this thing in half. I do have a PowerPoint I would like to through it with
23 you once again we are here on behalf of Equity Lifestyle Partners Properties and we are her to
24 ask for your approval of the NOPC and PUD. In 2000 this developments size constituted as a
25 Development of Regional Impact. There were a lot of changes in 2011but in 2000 is was a
26 substantial size. The development was approved in March of 2000 for 1020 mobile home sites,
27 350 RV sites and 23,000 sq. ft of commercial with that it had the other obligations and
28 conditions that Adam has already shared. Continuing his presentation showing a map of the site.
29 Stating that it is situated on 323 acres and home to nearly 300 residents there are 236 existing
30 manufactured homes and 352 RV sites It is owned and operated by Equity Lifestyle Properties
31 DBA MHC Bulow are one and the same since 1994 and he went on to show some of the
32 amenities on the site Which include club house, pool water front sites accessory commercial
33 mini golf, volley ball, picnic areas dog park RV storage. Continuing he showed a vicinity map

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1 showing it is convenient to Flagler Beach and to I 95 and US 1. We are situated between Old
2 Kings Road and Bulow Creek Phase I and Phase II as already discussed is the Master PUD Map
3 that was approved in 2002 As already summarized it included in Phase II there are 700 home
4 sites recreation and open space and amenities more toward the west again just to reiterate the
5 modifications we are bringing forward to you To reduce the manufactured homes sites from
6 1020 to 600 with 236 existing and to increase the RV sites from 350 to 750 with 352 existing.
7 To modify the annual monitoring report requirement to a biennial report requirement consistent
8 with the Florida Statutes. We have already submitted one due on December 31, 2016 the next
9 one will be due on December 31, 2018. We are also as Adam summarized are modifying the
10 DRI termination date we are still making sure staff is ok with the date of January 14, 2023 We
11 are revising the requirement as so to not construct the club house instead require a payment of a
12 hurricane mitigation fee, recognize the monetary contributions already provided and the time for
13 the final installment and recognize that Phase I is already constructed and Phase II remains to
14 be constructed in the future. He summarized the changes and providing a graphic of the
15 proposal and a table showing existing and proposed development plan.

16 Chairman Dickinson opened the Public Hearing to public comments. Seeing no one approach
17 the podium he closed the Public Hearing and opened Board Comments and Questions.

18 Mr. Barr asked for clarification the difference between a manufactured and mobile home I think
19 you are using them interchangeably On your master plan do any of the RVs sites abut the
20 property to the north Polo Club?

21 Mr. Mengel responded displaying a map of the area Polo Club West is on the north property
22 line and the immediately adjacent the pond in Phase II immediately adjacent to that is
23 Steeplechase Trail and that is the roadway that is there and you can see the tree line change and
24 it is very faint the first lots that come in the southern most lots when Steeplechase Trail makes
25 its curve up into the plat That first lot that is there is right at the dividing line of the RV and the
26 MH portion and one part we looked at today those lots that are south of Steeplechase have all
27 the way up to the east west road that runs up into Sweetbottom and those lots end in a cul-de-sac
28 and join Bulow creek those lots are still part of Polo Club West but there is a drainage easement
29 along all those southern lots along this lot line that is common between this development and
30 Polo Club West and the drainage easement creates some separation also for the record those are
31 agriculture zoned lots out there 50 foot rear setback applied to each of those to the south of
32 Steeplechase Trail adjoining this development. To answer your question Mr. Barr the first lot is

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1 the only one that will adjoin the RV portion and for approximately half of that lot will be RV the
2 east half will be adjoining the mobile home portion.

3 Mr. Barr responded ok so the RV portion is on the westerly end of the property. I recall that a
4 part of Polo Club abuts Old Kings Road there is a bunch of residential.

5 Mr. Mengel responded yes it was a part of Old Kings Village a townhome development a fairly
6 intense residential use.

7 Mr. Barr asked you mentioned 46 docks with 26 existing

8 Mr. Mengel stated “with Resolution 2015, we may be a bit beyond that and we may have
9 permitted some of those so I was trying to be intentionally vague and I mentioned here my
10 intent is as we move closer to the Board grandfather those we can determine that have been
11 legally established and that number maybe somewhat higher I don’t think much higher than
12 that.”

13 Mr. Barr asked so that is codified and approved

14 Mr. Mengel responded my intent if you buy into that, we could include a condition for that. We
15 probably do need to provide that. There was an extensive transportation study that was not part
16 of the packet for us up here. I am trying to recall briefly what was said the bulk of the traffic
17 will be the RV units and would take place mid afternoon and that there was not a particular
18 conflict with the so called permanent residents ingress/egress and the RV component. But I did
19 not recall where they said anything about any improvements to Old Kings Road is there any is
20 there a turn lane planned there?

21 Mr. Mengel responded traffic is not my thing Mr. Shilling luckily this is something that he loves
22 and he is a qualified expert on this I will attest to that and his abilities and he performed the
23 analysis as part of your packet he can comment directly.

24 Mr. Bob Shilling Kimley-Horn & Associates 12740 Gran Bay Pkwy Ste 3250, Jacksonville My
25 background is in traffic and engineering in fact I was the engineer who took care of the traffic
26 report we submitted. What we found a couple of things one Old Kings Road does operate within
27 the adopted LOS (Level of Service) and projected upon build out of the units we are proposing
28 as a part of the study any requirement of the development order we are requires to do a trip
29 generation study to measure how many trips are actually being generated by this development

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1 since it is age restricted. What we found was the PM peak hour is the more critical hour the
2 community is generating more trips in the afternoon which is to be expected. We did find in the
3 afternoon the PM peak 4 to 6 p.m. Old Kings Road worked at an acceptable LOS and with the
4 intersection to the community operates and is projected to operate acceptably. I believe and
5 maybe we can confirm there is a south bound left turn lane already constructed at that entrance.

6 Mr. Barr responded I have ridden that road many times I just cannot recall. If there isn't a turn
7 lane there already there certainly need to be one. Can we blow up the graphic enough to look at?

8 Mr. Shilling I am not sure if we can pull this up on the overhead. I did pull it up and just based
9 on Google out there does seem to be a south bound left turn lane and a north bound right turn
10 lane.

11 Mr. Mengel stated what I am displaying is the project entrance as it currently exists Showing the
12 turn lanes.

13 Mr. Barr the last question I have regarding transportation is the intersection of Old Kings with
14 Old Dixie that is a busy intersection. When is a traffic signal warranted for that.

15 Mr. Shilling responded I know that intersection was required and included in this study and
16 based on the analysis that we performed it is operatic within the County's LOS (level of service)
17 and is projected to without the traffic signal. So, at this time we did not perform a warrant
18 analysis.

19 Mr. Barr asked so you again did not do the traffic study in detail as far as background traffic
20 post development adding the town homes and the Polo Club and the developments that are
21 proposed in that area. Were they all included in your future traffic study? I do not believe all of
22 those were we used basically what was to represent some of the growth at historical growth rate
23 to grow those background traffic volumes to the projected future year of 2022 was the year we
24 look at for the setting.

25 Mr. Barr asked Mr. Mengel how vested traffic tracked.

26 Mr. Mengel responded what I can tell you is with each successive study that happens that is
27 included with its analysis the permitted traffic. We have not been, vesting has been a challenge
28 for us because we have comeback and there are so many ghosts trips that we have. Thinking
29 right now I think it is not appropriate for us in short range planning for us to include as part of a

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1 check book for those projects to continue to keep those trips banked unless they have moved
2 forward and Final Platted because that is what we are moving forward with now to the extent
3 and I looked and used a 1 to 2 percent background growth which is what we have had on an
4 annual basis. The thing I am trying to stumble through is as this a part of the analysis that we
5 had here for this we have had several projects that are pending we have the Cyrus Project the
6 project that Cyrus/Dmitri they have their project to the north I think it is called the Old Kings
7 Road DRI, that is within the city limits of City of Palm Coast. We have our own projects the
8 Old Kings Village a project that has gone through PUD approval and I believe Preliminary Plat
9 but not Final Platted, Eagle Lake Phase I that is completed but has other Phases to be approved
10 the short answer is that we are not including those trips for projects approve but not yet
11 developed within any planning cycle. If we learned anything through the recession was We
12 didn't think it was appropriate for us to do that.

13 Mr. Barr asked So, again I am not trying to put you on the spot because these are technical
14 details of other studies and subject to other approvals whether they are any requirement for a
15 pro-rata share for intersection improvements at that intersection. My suggestion would be for
16 the applicant to agree to pay whatever pro-rata share is required for any intersection
17 improvements.

18 Mr. Mengel responded I think that is an appropriate recommendation or condition at least we
19 would do successive to the recommendation that comes forward from the Planning Board it will
20 do further research and be prepared for that when this goes before the Board of County
21 Commissioners. We anticipate that to be as early as March 20th when this will move forward. I
22 think we can incorporate that and come up with something that is appropriate for that if that is
23 ultimately a recommendation of the Planning Board.

24 Mr. Barr stated with all that going on I cannot imagine them not having a pro-rata share.

25 Mr. Mengel responded that for the record In our discussions for Colbert Lane to Harborview
26 Marina as you may remember we did have the pro-rata share for future signalization If and
27 when it was deemed necessary and we had that incorporated into that roadway and that other
28 roadway that we identified that this would come into play was this segment of Old Kings Road
29 and think that we were talking about it and anticipated the timing of Old Kings Road DRI
30 coming in. We realize there are some obligations that are going to be met with our own Capital
31 Project that is underway at Old Kings Road South. I might be a right-of-way or shoulder
32 modification for some bike lanes that might be added so those are the things that are in flux. So

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1 I think it is appropriate you provide that recommendation. One final point we do have on our
2 books even though concurrency doesn't exist anymore and much of the DRI regulations are
3 gutted from statute you have to applaud the applicant staying with the DRI. They could just tell
4 us we are done figure out what you are going to do with it now. If we think we are obligated to
5 it they are the developer and they have vested rights to continue in some way. We have on our
6 books I think we were required to do this in 2006 or 2007 still within our Ordinances the
7 proportionate share requirement that the State had required us to have. Concurrency is gone and
8 the DRI stuff may be in a state of flux We still have a provision within our Code that says if a
9 roadway does fail to a point of requiring some proportionate share mitigation that will then kick
10 in and the last in becomes the payer. So that model at time of failure there will be no more
11 permitting unless and until a mitigation plan is worked out. That share is then allocated over any
12 additional projects so first come first serve are able to enjoy then that capacity. But what we are
13 talking about here would be some future widening some future items such as signalization.

14 Mr. Barr stated that I believe the fairest way to do it as each project comes up you collect a
15 proportionate share and not just the last guy in getting hit with the whole thing.

16 Mr. Langelo couple of things first the answer to the question about the mobile home in my past
17 life I was a mobile home dealer and the term is synonymous It always had mobile home as a
18 term and then the industry decided that as a marketing ploy not to use the term mobile home you
19 would use the term manufactured home they are the same thing. To the point of paying I like the
20 suggestion the only thing I think would be fair would be at some point when you guys do these
21 that it should be termed out at some point. I would hate to see 50 years later now you have to do
22 something out there. The people have been paying their taxes and the gas tax paid they are
23 vested at some point so it should have some sort of life span and then it should end to be fair.
24 Let me give you my first question was this thing noticed?

25 Mr. Mengel responded it was noticed a long time ago this specific hearing was not noticed to
26 the neighbors. No separate notice was sent out for this meeting .

27 Mr. Langelo asked for us to assume that any changes that are being proposed here the
28 neighbors are aware of it is not correct.

29 Mr. Mengel responded if the neighbors had paid attention and had watched when we had
30 continued the hearings to preserve the public notice.

31 Mr. Langelo asked so when this was originally supposed be on the agenda that was noticed.

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1 Mr. Mengel responded yes it was.

2 Mr. Langelo asked so the people who live there in the mobile homes are they residents?

3 Mr. Mengel responded they can live there all year round there are no restrictions as far as we
4 normally have

5 Mr. Langelo asked can they claim residency.

6 Mr. Mengel responded yes they can. They can be registered voters do not believe they can
7 homestead because they don't own the land

8 Mr. Langelo then asked the people at the RV Park they are weekly or weekend or day these are
9 not residents. So this proposed change is going to change the total number of residents.

10 Mr. Mengel responded yes it will drop that total number of residents because of the transition
11 from mobile home to RV

12 Mr. Langelo so in your question and I was trying to come up with an answer is this a change to
13 the DRI there is a change to the DRI. Here we are decreasing residents and increasing day
14 trippers, weekend trippers the makeup that neighborhood is going to change instead of having a
15 thousand units of people who know your neighbor and share your sugar vs. people that are just
16 pulling in for the weekend throwing their beer cans around and leaving there is a different make
17 up obviously.

18 Mr. Mengel responded it is reference to particularly square footage of non-residential and the
19 numbers of residential units are your thresholds. In the old days the threshold was 750 units was
20 our specific threshold here in Flagler County .So if you were at 750 you were automatically a
21 DRI. If you were at 749 you weren't a DRI that is why we saw so many 749 unit developments.
22 Because of our population now even though DRI regulations were gutted we are now at 1000.
23 So even then and I guess we are now looking at this as a brand new application that threshold is
24 a little higher and is beneficial to the applicant they are just a little bit above the DRI threshold.
25 If it seems like I am dancing around your question I am it is a difficult thing to balance and not
26 to try to make light of what you have said about the RV folks here that is who the owner is
27 marketing to your million dollar RV person comes in and it is not going to stay on the quick
28 overnight they may stay a week or two they may be here for one of the bike events or here for
29 the race events with that level of investment these are not going to be the ones that go over to

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1 Flagler Beach and pop up a tent and have an old bonfire party and turnaround and head back
2 out.

3 Mr. Langelo stated” it does change the neighborhood”

4 Mr., Mengel responded yes it does

5 Mr. Langelo stated the people in the first Phase who knew there was an RV section there and it
6 was rowdy at one time. But the other people in the mobile home park side they live a nice
7 peaceful life and this changes what they got into and the neighborhood changes. You also talked
8 about utilities I know that the sewer is mandatory if it comes by you have to hook up. What
9 about the water? Will this be a mandatory hook up? If Flagler County Utility decided that they
10 wanted to hook up to all these units. If I was the utility and I saw that densely packed
11 community would want it. Is that a mandatory requirement or is that up to the land owner?

12 Mr. Mengel responded we view our relationship so far with the owner being a very cooperative
13 relationship we see it as a mutual means to a common goal and so that we know they’re facing a
14 significant cost impact to the owner to provide this additional capacity for what they are
15 proposing. So for us in lieu of them doing that we have had discussions with them about taking
16 that capital and a little bit additional and help us create a more regional system and maybe in
17 partnership with Volusia County so the answer is that ultimately there has to be water and sewer
18 and if the County was to provide it I would think it would be a package deal.

19 Mr. Langelo asked would this happen at site plan?

20 Mr. Mengel it would be before the land development permit is issued this would be figured out.
21 Let me be very clear. Volusia County currently provides water to the south of this site. While
22 this has its own package system and they provide their own water and sewer. The sites to the
23 east and west of this on an emergency basis have water provided by Volusia County but sewer is
24 still the real issue for us. The developments to the south are on septic, package systems. Eagle
25 Lakes is now on our County system which is somewhat operational they are definitely providing
26 the treated water but the sewer is the challenge. Our overall goal here is to take this and provide
27 both of those services to this entire area

28 Mr. Langelo added the only other thing I am a traffic and the gentlemen with traffic. Did you
29 guys look at the effect on the northern part of Old Kings Road where it intersects with 100?

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1 There is a school there and they line up and block that road every school day and cars coming
2 out in the morning the trip time that you talked about

3 was when they are getting out. Was that taken into consideration?

4 Mr. Shiller responded as a requirement of the DRI we are required to look at Old Kings/100
5 intersection but as a part of the study it did not include the time frame at which point school
6 would be letting out in the afternoon so that was not included in the report.

7 Mr. Langelo I don't think the school was designed internally to have a big enough parking lot
8 so the parents pull up and line up right down that road a good half a mile and they basically
9 block that road. During that time and I didn't know if you were figuring that in having RVs
10 pulling in and out leaving wouldn't effect it as much except the cars pull out and the traffic
11 standing out there allowing the traffic to head north but the southbound lanes you just don't go
12 in there

13 Mr. Mengel responded I believe there is a proposal or discussions of it that there is to be a
14 parcel to the east that the Old Kings Road Elementary I believe it is to relieve some of the traffic
15 pattern that is happening and I think that is the only purpose and I think it is being provided by
16 the Old Kings Road DRI something that is outside of their boundaries that cannot be utilized. I
17 think that was the intent to have an area where you can have this circulation of the car riders.
18 The same circulation you have at Indian Trails Middle School. They have this parking lot a
19 distance from Belle Terre so everyone comes in at a single drive way and you are able to have
20 the cars stack in the parking area. I think that is what the plan is.

21 Chairman Dickinson asked if there any more questions or comments for the applicant

22 ***Mr. Boyd made a motion to approve including the 4 conditions offered by staff seconded by***
23 ***Ms Kornel***

24 Mr. Shelton asked can I ask one thing for clarification on condition number 3 it goes without
25 saying staff has done a great job and we have been working on the docks and trying to find out
26 what the right number is. I just want to state for the record and maybe to clarify but I know one
27 of the things we talked about with staff is if all 46 docks are not existing and they are most
28 likely not based on what we are seeing is in lieu of those docks that have not been built they
29 may be exchanged for a community dock for a portion of them. So I just wanted to leave them

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1 opened and it is something that has been discussed. I just wanted to mention that in the record.
2 We look forward to working with Adam and his staff on that issue.

3 Mr. Mengel responded that is fine with us.

4 Mr. Barr asked as a point of order the other 2 issues the pro-rata share and the intersection
5 improvement and the cap on the docks were not included with this motion is it appropriate to
6 amend the original to include these items

7 Mr. Mengel you would go through the chair if you are going to ask the motion maker and the
8 person who seconded.

9 Chairman Dickinson asked Mr. Boyd if he would consider modifying his original motion to
10 include the 2 items that Mr. Barr mentioned

11 Mr. Boyd asked for Mr. Barr to repeat them.

12 Mr. Barr stated “ to cap the docks at 46 and to institute a pro-rata share and intersection
13 improvements”

14 Mr. Langelo added Mr. Barr I think what they were asking for was to substitute the docks was
15 that right?

16 Mr. Barr I understand that but it would still be capped at 46 they could extrapolate from that and
17 come up with 46 docks and pro-rata share and intersection improvements at Old Kings and Old
18 Dixie.

19 ***Mr. Boyd state yes he agrees to modify the motion and Ms. Kornel also repeated her second of***
20 ***the modified motion.***

21 Mr. Mengel in the discussion you also mentioned the potential of having a cap on the negation
22 for the pro-rata share that we would have on the possible signalization pro-rata share whatever
23 might happen I would suggest quickly what would the duration of the DRI so if this moves
24 closer to build out I t is in the applicants best interest than to move forward with this project as
25 quickly as possible If the board is willing to tweak that into the motion.

26 Chairman Dickinson asked that is 2023

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1 Mr. Mengel responded yes sir and we can confirm those dates with the applicant and make sure
2 they are able to take advantage of all statutory extensions they can so that may still be subject to
3 change. But I would say the contingent would be the contingent with the end of the DRI.

4 Chairman Dickinson stated “we have a motion and a second “and he went on to call the
5 question.

6 Mr. Mengel I believe Mr. Shilling wants to know if there will be 2 votes the way I structured
7 this is that you are taking action the first that this is not a substantial deviation and the
8 modification to the PUD and those conditions common to both just so you understand that they
9 are combined into a single action.

10 Mr. Langelo asked just to clarify you said despite the comment I made you don’t think it is a
11 major deviation.

12 Mr. Mengel responded yes sir.

13 Chairman Dickinson called the two part question

14 *Motion approved unanimously*

15

16 6. Staff Comments.

17 Mr. Mengel wished the Board a Happy Valentine’s Day and asked for feedback and suggestions on
18 the electronic agenda packets sent to the Board

19

20 7. Board Comments.

21 Mr. Langelo I am ok with reading the agenda on line but we need something here.

22

23 Mr. Barr asked how the County Commission gets their agendas.

24

25 Mr. Mengel responded they have their agendas downloaded to their tablets, so they since it is on
26 the internet they are able to access it form home and then they have the tool that is available to
27 them here.

28

29 Mr. Barr asked so during the meeting they have the tablet. Is it their personal one they carry
30 with them?

31

32 Mr. Mengel responded it is count supplied. So it’s not like you can have one here on this desk.

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1
2 Mr. Langelo asked is there anything you can bring for us to use and leave them here.

3
4 Mr. Mengel responded we are definitely open to some possibilities that is something we may be
5 able to do to have and that may be a solution for us that we have it available here for you to use
6 at the meeting that may be an option.

7 Mr. Boyd states “I grow and sell timber so I like paper products but I will do whatever you want
8 me to do”.

9
10 Mr. Duggins stated “I prefer paper but I will go with the flow”

11
12
13 Ms. Kornel stated “I prefer paper”

14
15 Mr. DuBois stated: “I have a laptop so it doesn’t bother me either way”

16
17 Chairman Dickinson stated “I have a computer at work I can use all the time and I have the
18 luxury that I can print large scale plans but am sensitive to saving trees maybe there is a little bit
19 of a common sense trial thing if I can suggest the Bulow item was 300 pages something that is
20 not something I don’t know what the others would feel but I am not going to read that but some
21 of the key items like the site plan that was approved the site plan that is proposed. I t is handy to
22 have paper because I like to read I sometime like to have them next to each other sometimes.
23 Maybe we can try on an intermediate base application of that makes sense.

24
25 Mr. Mengel responded I want to be clear about the other part of this is that we are already
26 demanding of your time I did not want to transfer the expense of printing to you and I want to
27 be clear about that. It is not a concern for us. It is still utilization of public money but it was not
28 what I was trying to do with this I did not want to have that burden transferred to you. I don’t
29 want you to oh great now the County wants me to print my stuff at home that is not what we are
30 trying to do.

31
32 Chairman Dickinson that is not necessarily our concern when do you try to complete the
33 agenda? Is it like Thursday at 5:00?

34
35 Mr. Mengel responded it is a work in progress.

36
37 Mr. Dickinson responded I understand I have the same problem in my business. I think what
38 happens is you can use some common sense to get us items and say the other items are available
39 on line let me know if you want a copy. Like I said in my business we are trying to get user
40 developer friendly and we want things to move forward and not be held up for another month

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1 or weeks at a time so we just have to find our way here for the next month or two to see what
2 kind of application we have.

3
4 Mr. Langelo asked if you are doing this electronically like this one do you tell the applicant
5 they don't have to provide 18 copies you require.

6 Mr. Mengel responded if you look at our application the most onerous submittal we have is
7 33sets of that 10 go to the TRC then it is 13 at Planning Board and the final 10 at Board of
8 County Commissioners. We do anticipate some changes after TRC we anticipate some changes
9 after Planning Board.

10
11 Mr. Langelo asked are you still asking them to provide all that paper.

12
13 Ms. Lemon responded they are submitting the initial 10 sets the ones that go to TRC we scan
14 them.

15
16 Mr. Mengel responded if it is a large plan like Seaside Landings those things are going to come
17 in because we are not going to reproduce the large plans. But we have using Seaside Landings
18 as an example we scanned those large format documents in and that is part of our challenge too
19 that when we're posting our agenda when we scan those documents even when we were getting
20 them as a submittal for the architects and engineers they take up a lot of space. It had been hard
21 for us and you have seen the submittal and we were lucky we could do this but we had one
22 agenda and we had one backup file. Where we have has some of our recent agendas Seaside
23 Landings that specific projects constituted three to four parts of the backup file so when you
24 were pulling in that item and you were to do that at home to be able to download it first you had
25 a challenge but it was just those pieces were large. We have been increasingly asking for from
26 the applicant that if it is paper we want it in 11X17 so that we are able to scan and be able to
27 provide you with those copies. We have been making the transition for requesting electronic in
28 this situation with Bulow they had come in with a thumb drive for our submittal.

29
30 Ms. Kornel asked so the consensus is paper.

31
32 8. Public Comments – Each speaker will be allowed up to three minutes to address the Planning
33 and Development Board on any item or topic not on the agenda.

34
35 9. Adjournment

36
37 *Motion to adjourn at 7:41 p.m. made by Mr. Boyd*

38
39 Drafted by: Wendy Hickey

40 Reviewed by: Adam Mengel

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1