

**FLAGLER COUNTY
PLANNING AND DEVELOPMENT BOARD
REGULAR MEETING
Flagler County Government Services Building
Board Chambers
1769 East Moody Blvd., Bunnell, FL
MEETING MINUTES
Tuesday, June 13, 2017 at 6:00 PM**

Adopted August 8, 2017

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

3
4 **MEMBERS ABSENT:** Laureen Kornel

5
6 **STAFF PRESENT:** Sally Sherman, Deputy County Administrator and Growth Management Director; Adam
7 Mengel, Planning Director; Wendy Hickey, Planner; and 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 Minutes of the May 9, 2017 regular meeting

21
22 Mr. Barr noted a Scrivener's error on page 9 of 11, line 36.

23
24 *Motion to approve as amended made by Mr. Langelo and seconded by Mr. Boyd.*

25 *Approved unanimously.*

26
27 4. **Quasi-judicial requiring disclosure of ex parte communication:**

28 Application #3073 – **PUBLIC USE IN THE R-1 (RURAL RESIDENTIAL) AND PUD (PLANNED**
29 **UNIT DEVELOPMENT) DISTRICTS** – request for a passive park and beach access at 30 Bay Drive;
30 Parcel Numbers: 17-10-31-0000-04090-0000, 20-10-31-0000-01010-0000 and 20-10-31-1750-00010-
31 0020; Owner: Flagler County Board of County Commissioners / Applicant: Paul Ina, P.E.

32
33 **Chairman Dickinson** called for disclosure of ex-parte communications; none were reported.

34
35 **Planning Director Adam Mengel** presented the item and staff's recommendation that this item to be
36 submitted to the Board of County Commissioners for approval.

37
38 Chairman Dickinson opened the Public Hearing.

39
40 **Wanda James-Christie, 7 Rollins Dunes Drive, Palm Coast** – Ms. Christie advised she is opposed to
41 the park project.

42

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1 **Peter Wentworth, Sea Colony, Palm Coast** – Mr. Wentworth had questions regarding the dimensions of
2 the buffer between Sea Colony and the lake, the possibility of a fence between Sea Colony and the park as
3 well as a fence on the Rollins Dunes side right. He further inquired about a chain link fence that was
4 compromised.

5
6 **Mr. Mengel and Alexander Spiller, Project Manager**, clarified the buffer is 25 ft. from the boundary to
7 the road. They further advised it would be necessary to remove and replant the dead trees and augment
8 with additional plantings. The goal is to use xeriscape Florida friendly landscape that would need little
9 water to grow. There are no proposed fences at this time with the exception being a stormwater pond fence
10 inside the park. Chairman Dickinson clarified the fence in question is owned by the Sea Colony HOA and
11 not in the program to be paid for, repaired or enhanced as part of this County project

12
13 **Mike Christie, 7 Rollins Dunes Drive, Palm Coast** - Mr. Christie is unhappy with the county and feels
14 we are not getting anything done.

15
16 **Dennis Clark, Chairman of Scenic A1A Pride Committee** – Mr. Clark feels the design is one of the best
17 he’s seen in Flagler County or anywhere nearby and believes this should be a flagship park. He believes
18 there has been plenty of opportunity to ask questions and get answers. He further stated this will take a
19 load off of Bing’s Landing.

20
21 **Maria Elania Calabrese, 10 Medford Lane, Palm Coast** – Ms. Calabrese is concerned with what the
22 park will look like long-term and how the County plans to enforce park hours without fences. She further
23 inquired about parking in the back and the paving of Bay Drive to reduce the dust from the traffic.

24
25 **Fionnuala Dominquez, 713 Trotwood Trace Court, Jacksonville** – Ms. Dominquez inquired about
26 parking at the west end of the park.

27
28 **Mr. Mengel** advised there will not be parking at the west end. He further stated the park would have a
29 gate and be closed from dusk to dawn. As for the dust caused by traffic he is not aware of it ever being an
30 issue at other parks.

31
32 **Mr. Spiller** further advised paving is not budgeted at this time. However, it is planned in the future.

33
34 **Theresa Krause, 4 Rollins Dune Drive, Palm Coast** – Inquired about timing of tree removal.

35
36 **Louis Guttman, 61 Rollins Dunes Drive, Palm Coast** – Mr. Guttman has no objection to the project
37 but inquired if funding is already in place.

38
39 **Mr. Mengel** advised funding is in place.

40
41 **John Enright, 19 Nantucket Drive, Palm Coast** – Mr. Enright inquired about an overflow pipe from the
42 park into Nantucket Lake.

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1 **Mr. Spiller** advised a new pipe will connect the lake into the stormwater line that is diverting to the
2 Intracoastal Waterway.

3
4 **Jennifer Zuberer, 241 King Arthur Court, St. Augustine** – Ms. Zuberer owns 1 Central Avenue and is
5 in support of the Bay Drive Park Project.

6
7 **Beverly Bryant, Chair of the Lakes Committee and Sea Colony Drainage Committee** – Ms. Bryant
8 has concerns about park security and the drainage project.

9
10 **Chairman Dickinson** reminded the public the focus for this item is the Park and not the drainage issue.
11 Mr. Dickinson called for public comment. Seeing no one he closed the Public Hearing and opened Board
12 Comments.

13
14 **Mr. Barr** inquired about the water supply and fire protection for the park facilities and if it is sized for fire
15 flow.

16
17 **Mr. Spiller** explained the potable line from Sea Colony will feed the fire hydrant and facility as well as
18 confirmed it is sized for fire specifically.

19
20 **Mr. Langelo** inquired about 25 ft. buffer asking for confirmation that the road is not 25 ft. from anyone's
21 house. He asked if the stormwater pond is this supposed to be an ancillary use, for the park or for any
22 other purpose. Additionally, he asked if a study had been conducted addressing the need of the park.

23
24 **Mr. Mengel** advised the only exception to the 25 ft. buffer is in the area closest to the southwest boundary
25 of the park. To address this a stronger buffer area is planned. Mr. Spiller confirmed the road is not within
26 25 ft. of any homes. He advised the stormwater pond has the benefit for both the park and for the
27 Marineland Acres Stormwater overlay District. Mr. Mengel addressed Mr. Langelo's question regarding
28 a study and advised this park was part of the ITT commitments on the overall development between
29 Hammock Dunes and Matanzas Shores. This area was planned for a public park from the onset when it
30 was dedicated by ITT to the County.

31
32 **Mr. Duggins** acknowledges some are not happy about the park but reminds the original's rule is when
33 you buy that property under ESL it has to have public access.

34 **r. Debose** asked Mr. Clark whose responsibility it would be to repair the dunes in front of this park.

35
36 **Sally Sherman, Deputy County Administrator and Growth Management Director** advises there are
37 several issues being discussed. 1) The Marineland Acres flood mitigation project that was discussed prior
38 to the hurricane and how to address the flooding in that area. 2) The Bay Drive Park due to needed
39 stormwater improvements which the Board just approved Phase I improvements. 3) Dune restoration, the
40 entire coastline. This is a 25 million dollar overall project involving multiple agencies from local, state
41 and federal. Staff is working on a question and answer piece to post on our web site.

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1 **Mr. Langelo** asked how deep the pond would be, if sand was looked at for the dune, security and if the
2 gate was vehicle gate or a pedestrian gate.

3
4 **Mr. Spiller** stated he believes it is approximately 6 ft. at its deepest point. He further advised sand was
5 looked at but not suitable. Ms. Sherman addressed the security concern advising county parks hours are
6 posted and advises citizens to call law enforcement if people are in the park afterhours.

7
8 **Mr. Duggins** asked that they county use native plants so that they have a better chance of surviving.

9
10 **Chairman Dickinson** reports Sea Colony HOA has some concerns about vegetation in Sea Colony. He
11 encourages patience with existing vegetation, no fertilizing, no pruning or extra measures. Let nature take
12 its course and if you can get fresh water on it. Sea Colony is starting to see vegetation responding in the
13 last couple of weeks.

14
15 **Chairman Dickinson** asked if there was a motion.

16
17 *Motion to approve with all staff recommendations made by Mr. Boyd and seconded by Mr. Barr.*

18
19 *Motion carried unanimously.*

20
21 5. Quasi-judicial requiring disclosure of ex parte communication:
22 Application #3074 – **SPECIAL EXCEPTION FOR A RESTAURANT IN THE R/C**
23 **(RESIDENTIAL/LIMITED COMMERCIAL) DISTRICT** – request for a Special Exception at 5115
24 North Ocean Shore Boulevard (Lots 28, 29 and 30, Unit 2 Magnolia Manor, Map Book 5, Page 71, Public
25 Records of Flagler County, Florida); Parcel Number: 40-10-31-4100-00000-0280; Owner: Shirley McCoy
26 and Chester Lee Boggs / Applicant: William R. Odom.

27
28 **Chairman Dickinson** called for disclosure of ex-parte communications; none were reported.

29
30 **Planning Director Adam Mengel** presented the item and staff's recommendation for approval.

31
32 **Chairman Dickinson** opened the public hearing.

33
34 **Maria Elaina Calabrese 10 Medford Lane, Palm Coast** asked what type of sewage system will be used
35 for this project.

36
37 **Chairman Dickinson** advised a septic system is shown on the proposed site plan.

38
39 **Ms. Calabrese** is concerned about new commercial development using septic systems.

40
41 **Jay Livingston, Esq., representing several landowners in the Hammock and the Hammock Preserve,**
42 questioned the residential component of the project noting it was rather small and inquired how was it

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- 1 calculated. He spoke in favor of the project but felt there were items to be worked out before the Board
2 should consider it.
3
- 4 **Randy Odom, Applicant**, advised the concerns of the Attorney have been previously worked through and
5 will meet all the requirements of the code.
6
- 7 **Mr. Mengel** responded to the citizen concerns regarding septic tanks and residential component
8 calculations in the R/C (residential Limited Commercial) district.
9
- 10 **Chairman Dickinson** closed the public hearing and opened Board comments.
11
- 12 **Mr. Langelo** inquired about how required parking was calculated and if is there adequate parking. He
13 was also concerned about the residential element of the project and the separation between the uses.
14
- 15 **Mr. Odom** advised a large portion of the business will be take-out and business is accessible by bicycle.
16
- 17 **Chairman Dickinson** stated based on his analysis of the parking it would be about 13 spaces and asked
18 about Mr. Livingston's calculation of 203 vs. 210 sq. ft.
19
- 20 **Mr. Langelo** referred to the 32 foot buffer discussed by the applicant and wondered if this would require
21 a variance to park in the buffer. He is concerned the applicant will not have sufficient parking for his use.
22 He further inquired which would be more pertinent to the applicant and the neighborhood, a larger
23 landscape buffer or additional parking.
24
- 25 **Mr. Barr** noted the plan shows a circular drive and people will park along this curve if necessary as long
26 as other vehicles can pass safely.
27
- 28 **Mr. Langelo** added that circular drive will not be approved due to FDOT spacing limitations.
29
- 30 **Chairman Dickinson** inquired about the status of the St. Johns River Water Management District permit.
31
- 32 **Mr. Odom** responded that is the next step after Board approval.
33
- 34 **Chairman Dickinson** asked if the stormwater ponds depicted on the plan are adequate at this time.
35
- 36 **Mr. Langelo** stated that the threshold for SJWMD permit is 6,000 sq. feet of impervious and this does
37 not qualify.
38
- 39 **Chairman Dickinson** asked for a motion.
40
- 41 *Motion to approve made by Mr. Boyd with conditions noted in staff report and seconded by Mr. Dubose.*
42
- 43 *Motion passed 5/1 with Mr. Langelo dissenting.*

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- 2 **6. Staff Comments**
- 3 **Mr. Mengel** recognized Commissioner Hansen in the audience.
- 4
- 5 **7. Board Comments**
- 6 None at this time.
- 7
- 8 **8. Public Comments**
- 9 None at this time
- 10
- 11 **9. Adjournment**
- 12
- 13 *Motion to adjourn made by Mr. Boyd at 8:01 p.m.*