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

MEMBERS ABSENT: Michael Boyd, excused  Michael Duggins excused

STAFF PRESENT: Sally Sherman, Deputy County Administrator, Growth Management Director; Adam Mengel, Planning Director; Wendy Hickey, Planner; and Gina Lemon, Development Review Planner III

BOARD COUNSEL: Kate Stangle, with Broad and Cassel, Albert Hadeed, Flagler County Attorney

Chairman Dickinson called the meeting to order at 6:04 p.m.

1. Roll Call.
   Attendance was confirmed by Ms. Lemon and a quorum was present.

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

3. Approval of Minutes.
   Minutes of the August 8, 2017 regular meeting

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

   Chairman Dickinson made an announcement that Mr. Mengel requested of the Board a change of the order of the agenda. The change would be Items 17 & 18 would be heard first and second1 & 2, items 4-6 would be next, followed by items 14-16 then items 7-13.

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

4. Quasi-judicial requiring disclosure of ex parte communication:
   Application #3087 – APPLICATION FOR REPLACEMENT OF A NON-CONFORMING USE IN THE R-1 (RURAL RESIDENTIAL) DISTRICT – request for a replacement of an existing mobile home. 63 Malacompra Road; Parcel Number: 20-10-31-3050-00030-0190; 0.189 acres. Owner/Applicant: Grace L. Lee and Debra Anne Lee, Joint Trust with Right of Survivorship.


Adopted 11/14/17

Chairman Dickinson called for disclosure of exparte communications, none reported.

Planning Director Adam Mengel presented the item and staff’s recommendation for approval.

Chairman Dickinson opened the public hearing.

Ann Griffiths, 21 Hernandez Ave., was under the impression that no mobile homes would be allowed in the Hammock and would like some clarification.

Mr. Mengel responded that there are areas that are zoned Mobile Home MH-1 within the Hammock.

Chairman Dickinson closed the public hearing and asked for Board comments.

Mr. Langello asked about the elevation of the property and if it as in a flood zone.

Chairman Dickinson asked would a building permit be required.

Mr. Mengel yes to both questions and that building and flood requirements would have to be met.

Chairman Dickinson asked for a motion.

Motion to approve made by Mr. Langello, seconded by Mr. DuBose.

Motion approved unanimously.

5. Legislative not requiring disclosure of ex parte communication:

Application #3090 – APPLICATION FOR FUTURE LAND USE MAP AMENDMENT LESS THAN TEN ACRES – request for a Future Land Use Map Amendment for less than ten acres from MUH (Mixed Use High Intensity) to RMD (Residential Medium Density) at 2942 North Oceanshore Boulevard and 4 Westmayer Place. Parcel Numbers 26-11-31-5450-00000-0080 and 26-11-315450-00000-0090; 0.47 +/- acres. Owners: Thomas W. and Sandra E. Kluba/Applicant: Dennis K. Bayer, Esq.

Mr. Langello stated for the record that he did not have exparte communication, but earlier this year he did have an option to purchase the property and the option has since expired.

Planning Director Adam Mengel presented the item and staff’s recommendation for approval.

Chairman Dickinson opened the public hearing.

Dennis Clark, 5784 N Oceanshore Blvd., Chair of Scenic A1A Pride Committee, stated that the Board supports the down zoning of this property.
Adopted 11/14/17

Chairman Dickinson closed the public hearing and asked for Board comments.

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

6. Quasi-judicial requiring disclosure of ex parte communication:
Application #3086 – APPLICATION FOR REZONING – request for Rezoning from C-2 (General Commercial and Shopping Center) to R-1C (Urban Single-family Residential) at 2942 North Oceanshore Boulevard and 4 Westmayer Place. Parcel Numbers 26-11-31-5450-00000-0080 and 26-11-31-5450-00000-0090; 0.47+/- acres. Owners: Thomas W. and Sandra E. Kluba/Applicant: Dennis K. Bayer, Esq.

Chairman Dickinson called for disclosure of exparte communications.

Mr. Langello stated again for the record that he did not have exparte communication, but earlier this year he did have an option to purchase the property and the option has since expired.

Planning Director Adam Mengel presented the item and staff’s recommendation for approval.

Chairman Dickinson opened the public hearing.

Carol Ann Hoepner, 2943 N Oceanshore Blvd., asked if this will be developers as one or two lots.

Mr. Mengel stated that it will be two single family lots.

Chairman Dickinson closed the public hearing, and asked for Board comments.

Motion made to recommend to approval to the BOCC by Ms. Kornel, seconded by Mr. DuBose. Motion approved unanimously.

7. Quasi-judicial requiring disclosure of ex parte communication:
Application #3088 – APPLICATION FOR SITE DEVELOPMENT PLAN REVIEW IN THE PUD (PLANNED UNIT DEVELOPMENT) DISTRICT – request for review of a Site Development Plan in the PUD District for SurfView. Parcel Number 37-10-31-1550-0000-0153; 1.01 acres. Owners: Robert J. Falconetti and Diane D. Falconetti, husband and wife, and John J. Falconetti and Robert John Falconetti/Applicant: Matthew Lahti, P.E., with Gulfstream Design Group, LLC.

Chairman Dickinson called for disclosure of exparte communications.

Chairman Dickinson stated that he had done some work on this parcel in the past nothing to do with the current development before the Board.
Planning Director Adam Mengel presented the item and staff’s recommendation for approval.

Sidney Ansbacher Esq., Upchurch Bailey & Upchurch Attorneys, 780 N Ponce Deleon Blvd. St. Augustine, representing the applicant. Agrees with staffs report and will respond to comments if needed

Chairman Dickinson opened the public hearing.

Dennis Clark, 5784 N Oceanshore Blvd., Chair of Scenic A1A Pride Committee, The Committee did see and did send a letter for the change of use, with the request for a vegetative buffer along A1A. Otherwise is in full support of the project.

Richard Kirtley, 60 Surfview Drive Unit 217, asked about the entrance/exit to this parcel and would there be access to A1A.

Mr. Mengel responded no to A1A

Carolyn McCormack, 80 Surfview Drive Unit 422, questioned the height of the development and how that may influence flooding and run off and other sorts of things for the developments that are already there.

Mr. Ansbacher, responded that the applicant has agreed a 5 foot vegetative screen. Clarifying Mr. Mengel’s statement that He and the County Attorney had a concern which touches on the second question of the access on A1A. We constructed a 5 foot spike strip non access easement along A1A so there would be no northern access. The Staff response is only 1 foot is necessary. We commit to the 5 foot opaque landscape buffer. The height of the development it is a minimum 10 foot finished floor elevation with a maximum of 35 feet in height for the development. Though we do not have our final Saint John’s Water Management Permit but we understand they will review pre and post and that would be addressed by the Water management District.

Chairman Dickinson closed the public hearing, and asked for Board comments.

Mr. Langello asked if there would be signage, and where would it be placed.

Mr. Mengel stated that signage is addressed at time of platting.

Mr. Barr asked if the stormwater was master planned

Mr. Mengel responded was yes it was.

Mr. Langello asked is this a reduction of the impervious that was planned for at time of master plan.

Mr. Mengel responded that at that time the assumption was 80% impervious for this parcel. so the new developments impact on the system should be less on the system as a whole.
Motion to approve made by Mr. Dubose, seconded by Ms. Kornel.

Motion approved unanimously

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

Application #3085 – APPLICATION FOR PRELIMINARY PLAT IN THE PUD (PLANNED UNIT DEVELOPMENT) DISTRICT – request for review of a Preliminary Plat in the PUD for Surfview. Parcel Number 37-10-31-1550-0000-0153; 1.01 acres. Owners: Robert J. Falconetti and Diane D. Falconetti, husband and wife, and John J. Falconetti and Robert John Falconetti/Applicant: Matthew Lahti, P.E., with Gulfstream Design Group, LLC.

Chairman Dickinson called for disclosure of exparte communications.

Chairman Dickinson stated that he had done some work on this parcel in the past nothing to do with the current development before the Board.

Planning Director Adam Mengel presented the item and staff’s recommendation for approval.

Chairman Dickinson opened the public hearing.

Elisabeth Holman 5 Elizabeth Drive spoke of the drainage for the property going to the intracoastal and wants to know what is being put in the intracoastal? It is coming in from the ocean and into her neighborhood and it is not draining properly.

Mr. Mengel responded as the County Flood Plain Manager, he does not know was is being done on a temporary recovery basis. There are implications that the fresh water is coming from all kinds of places because we have had a lot of rain. I was aware we were pumping into the Atlantic Ocean from those areas that had been inundated we did do it with Matthew and Irma. That would not be something through the Water management District or what you will hear several times tonight 25 year frequency 24 hour duration storm. That is the Water Management Districts thresholds for their permitting of stormwater systems. When you have a storm that exceeds that then at that time is when you pull out the pumps which is not a good situation for any of us.

Carolyn McCormack, 80 Surfview Drive Unit 42, asked about the retention pond for the development, and its flow under A1A.

Richard Kirtley, 60 Surfview Drive Unit 217, stated that the does drain under A1A but is unclear about its efficiency and maintenance.

Charles Beeman, 6525 Old A1A, stated that he has been pumping water for 7 days and the water is coming from the existing Matanzas Shores as well as the retention pond that is leaking to the west onto my property and that property that we will be discussing later has 2-3 feet of water and it has been there for the last 8 months.
Chairman Dickinson closed the public hearing, and asked for Board comments.

Chairman Dickinson asked Mr. Ansbacher to answer some of the questions.

Sidney Ansbacher, Upchurch Bailey & Upchurch Attorneys, 780 N Ponce Deleon Blvd. St. Augustine, stated that they are expecting our SJWM permit and they will meet the minimum requirements of the district.

Mr. Langello, spoke of the project being less intensive than the existing entitlements and would have less of an impact on the master stormwater system.

Motion made to recommend approval to BOCC by Ms. Kornel, seconded by Mr. DuBose. Motion approved unanimously

9. Quasi-judicial requiring disclosure of ex parte communication:
   Application #3082 – APPLICATION FOR SITE DEVELOPMENT PLAN REVIEW IN THE PUD (PLANNED UNIT DEVELOPMENT) DISTRICT – request for review of a Site Development Plan in the PUD District for Los Lagos. Parcel Numbers: 37-10-31-1550-00000-0151 and 37-10-31-155000000-0155; 23.3 acres. Owner: LR5A-JV, LP/Applicant: Duval Realty Trust, LLC.

Chairman Dickinson called for disclosure of exparte communications.

Planning Director Adam Mengel spoke of the role of the Planning Board in the review and recommendations tonight. He noted that the following 5 items are in many ways overlapping and much of this presentation would be for all of them with the understanding that there may be somethings specific for each project which will be addressed at that time. He also recognized the audience that have comments and requested that if their comments were for the entire group of projects he would request they make their comments during this first presentation. He then presented the item and staff’s recommendation for approval specific to application #3082

Sidney Ansbacher Esq., Upchurch Bailey & Upchurch Attorneys, 780 N Ponce Deleon Blvd. St. Augustine, representing the applicant will respond as rebuttal to any comments. He will not bring up anything that has to do with the DRI. Concessions s and clarifications no rentals less than 6 months at a time and maximum 5 bedrooms, 3 stories maximum, there will be an opaque buffer along the length of A1A. Construction traffic will not be going through the subdivision.

Chairman Dickinson opened the public hearing.
Adopted 11/14/17

Glenn Greenwald, 8 San Pablo Court, spoke against the project and presented a Power Point which is Attachment “A” to these minutes.

Robert Klenk, 19 San Jose Drive, asked about the ponds and if they were going to be changed.

Richard Tursi, 7 San Pablo Court, spoke in objection to the proposal.

William Clay, 5 San Diego Lane, Current Lakeside by the Sea HOA President, spoke in opposition to the project.

Ron Wilson, 15 San Jose Drive, Lakeside by the Sea HOA Secretary, and Licensed Georgia Attorney spoke in objection to the project specifically agreements between the applicant and the MSOA.

Megan Tobin, 34 San Jose Drive, spoke against the development.

Frank Wiener, 33 San Carlos Drive, spoke in opposition to the development.

Karen Rodgers, 16 San Carlos Drive, spoke in opposition to the development.

Martha Mockler, 22 San Carlos Drive, spoke in opposition to the development.

Carol Scott, 38 San Carlos Drive, spoke in opposition to the development.

Barbara Dubin, 37 San Jose Drive, spoke in opposition to the development.

Peter Duhart, 5 San Jose Drive, spoke in opposition to the development.

Richard Kirtley, 60 Surfview Drive Unit 217, representing the Koch family sharing their concerns that had been conveyed to the Planning Department through an email that has been provided to the board.

Diane Beeman, 6525 Old A1A, spoke in opposition to the development.

David Sowers, 80 Surfview Drive Unit 313, spoke in opposition to the development.

Dennis Clark, 5784 N Oceanshore Blvd. clarified open space for the audience.

Diana Baer, 36 San Jose Drive, spoke in opposition to the development.

Gail Spence, 25 San Rafael Court, spoke in opposition to the development.
Carolyn McCormack, 80 Surfview Drive Unit 42, asked the board to table these items until new FEMA maps are adopted.

Charles De Martin manager of the commercial property adjacent to Las Casitas, asked that was has previously been approved for this commercial piece of the property retain it entitlements.

Christene Ertl, Esq., Ansbacher Law, 1100 S. Ponce De Leon Blvd Suite 3a St. Augustine, representing Lakeside by the Sea Homeowners Association, asked if she could cross examine the engineer for the development, with questions directly relating to pre and post development storm water calculations and run off.

Mr. Ansbacher, stated that the law firm representing the HOA is his cousin Barry’s firm for the record. He then reiterated that a quasi-judicial hearing is governed by the language in the code and then responded to the citizens’ concerns.

Brett Witte, Singhofen and Associates 11723 Orpington St. Orlando, engineer of record. Stated that the project was designed using the criteria required by the district and the permit has been received.

Cross examination of the engineer as requested by Ms. Ertl

Ms. Ertl, asked if there was a change of flow that would be an increased burden to the adjacent properties?

Mr. Witte, responded, no it is not

Ms. Ertl, asked do you know what the downstream effect will be to the Lakeside HOA and the other adjacent properties?

Mr. Witte, responded all run off for Los Lagos and Las Casitas is maintained within their ponds.

Ms. Ertl, stated so it’s maintained solely within their ponds.

Mr. Witte, Their runoff drains to their respective ponds, all are equalized so that peek stages are maintained throughout.

Ms. Ertl, Will there be any increased water flow to any of the lower elevation land owners?

Mr. Witte, responded no.

Ms. Ertl, concluded her questioning
Mr. Ansbacher, asked Mr. Witte to state his credentials.

Mr. Witte, I am a registered Engineer in the State of Florida

Mr. Ansbacher, asked was this project under your direction and control.

Mr. Witte, responded yes.

End of cross examination.

Mr. Ansbacher concluded by summarizing the project, comments, concerns and conclusions.

Mr. Mengel, discussed building in flood plain and wind velocity areas and proposed FEMA map changes. He also encouraged the purchase of flood insurance.

Albert Hadeed, Flagler County Attorney, discussed that the private agreements between the developer and the HOA and that they are not for Board consideration when making approval determination. He then read into the record the record the findings provided in the staff report asking Mr. Mengel to affirm his findings and determination outlined in the staff report.

Mr. Mengel, affirmed his findings.

Mr. Hadeed, went on to add and to state for the record that in his legal opinion and after extensive research this Development of Regional Impact (DRI) has expired by reason of abandonment. Abandonment meaning no annual reports filed no requests for extension for the DRI buildout agreement and if the DRI was in effect then this is not the appropriate procedure for this change. This is just for the record and should not have any impact on the Board decision.

Mr. Ansbacher, responded this is why we are doing it as a PUD and not as the DRI.

Chairman Dickinson closed the public hearing, and asked for Board comments.

Mr. Langello, stated that the concessions made by the Developer tonight should be conditioned as part of the approval. He also questioned the removal of perk pond 3 and if it will have any effect on the overall stormwater system.

Mr. Witte, responded no.

Mr. Langello, asked if any of this would change any vested rights to the commercial lot?

Mr. Mengel, Plaza Del Playa was approved, developed and used as sales center and the have an approved site plan. It will retain its entitlements.
Mr. DuBose, asked what recourse it there if the stormwater system does not work as planned and it floods their properties.

Mr. Mengel, responded the enforcement powers of the Water Management District.

Mr. Barr, asked if the Board of County Commissioners have more latitude then the Planning Board when making their determination on a project like this.

Mr. Hadeed, they have to make their determination on the evidence presented at the hearing. They do have some latitude as a second look see but they are bound by the Comprehensive Plan and Code.

Chairman Dickinson, asked that the concessions made by the developer being a 5 bedroom limit, no short term rentals less than 6 months minimum, maximum 3 stories including garage, 100 percent opaque buffer along SR A1A and temporary construction entry to the north and a privacy fence along the south property line to be included in the motion.

Mr. Ansbacher, clarified there will not be a fence on the east side it will be a hedge it will be vegetated that will be 4 feet at planting. He then added that the construction entrances will be to the north and the south.

Motion made to recommend approval to the BOCC with the 7 additional items mentioned made by Mr. Langello, seconded by Mr. Dubose.

Motion approved unanimously.

Mr. Mengel, asked the Board that staff’s comments along with the public comments be spread across items 10, 11, 12 and 13.

Motion made by Mr. Dubose seconded by Mr. Langello.

Motion approved unanimously.

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

Application #3078 – APPLICATION FOR PRELIMINARY PLAT IN THE PUD (PLANNED UNIT DEVELOPMENT) DISTRICT – request for preliminary plat for Los Lagos I subdivision. Parcel Number: 37-10-31-1550-00000-0151; 15.0 acres. Owner: LR5A-JV, LP/Applicant: Duval Realty Trust, LLC.

Chairman Dickinson called for disclosure of exparte communications.

Planning Director Adam Mengel presented the item and staff’s recommendation for approval with an added recommendation for an additional easement that would include a landscape buffer.
Chairman Dickinson opened the public hearing.

See additional staff and public comments in item #9

Chairman Dickinson closed the public hearing.

Motion made to recommend approval to the BOCC by Mr. Langello seconded by Mr. Barr
Motion approved unanimously

11. Quasi-judicial requiring disclosure of ex parte communication:
Application #3079 – APPLICATION FOR PRELIMINARY PLAT IN THE PUD (PLANNED UNIT DEVELOPMENT) DISTRICT – request for preliminary plat for Los Lagos II subdivision. Parcel Number: 37-10-31-1550-00000-0155; 8.3 acres. Owner: LR5A-JV, LP/Applicant: Duval Realty Trust, LLC.

Chairman Dickinson called for disclosure of exparte communications.

Planning Director Adam Mengel presented the item and staff’s recommendation for approval.

Chairman Dickinson opened the public hearing.

See additional staff and public comments in item #9

Chairman Dickinson closed the public hearing.

Motion made to recommend approval to BOCC by Mr. Dubose seconded by Ms. Kornel
Motion approved unanimously

12. Quasi-judicial requiring disclosure of ex parte communication:
Application #3081 – APPLICATION FOR SITE DEVELOPMENT PLAN REVIEW IN THE PUD (PLANNED UNIT DEVELOPMENT) DISTRICT – request for review of a Site Development Plan in the PUD District for Las Casitas. Parcel Numbers: 37-10-31-3725-00000-00G0, 37-10-31-155000000-0154, and 37-10-31-3725-00000-003A; 24.6 acres. Owners: Matanzas Shores Owners Association and LR5A-JV, LP/Applicant: Duval Realty Trust, LLC.

Chairman Dickinson called for disclosure of exparte communications.

Planning Director Adam Mengel presented the item and staff’s recommendation for approval in addition to the same comments made on the Los Lagos SDP.
Chairman Dickinson opened the public hearing.

See additional staff and public comments in item #9

Chairman Dickinson closed the public hearing.

Motion made to recommend approval to the BOCC by Mr. Langello seconded by Mr. Barr
Motion approved unanimously

13. Quasi-judicial requiring disclosure of ex parte communication:
Application #3080 – APPLICATION FOR PRELIMINARY PLAT IN THE PUD (PLANNED UNIT DEVELOPMENT) DISTRICT – request for preliminary plat for Las Casitas subdivision.
Parcel Numbers: 37-10-31-3725-00000-00G0, 37-10-31-1550-00000-0154, and 37-10-31-3725-0000003A; 24.6 acres. Owners: Matanzas Shores Owners Association and LR5A-JV, LP/Applicant: Duval Realty Trust, LLC.

Chairman Dickinson called for disclosure of exparte communications.

Planning Director Adam Mengel presented the item and staff’s recommendation for approval.

Chairman Dickinson opened the public hearing.

See additional staff and public comments in item #9

Chairman Dickinson closed the public hearing.

Motion made to recommend approval to BOCC by Mr. Dubose seconded by Ms. Kornel
Motion approved unanimously

14. Quasi-judicial requiring disclosure of ex parte communication:
Application # 3092 – APPLICATION FOR REVIEW IN A PUD (PLANNED UNIT DEVELOPMENT) – AMENDMENT TO DEVELOPMENT AGREEMENT – request to amend the development agreement of Huntington Woods PUD. Parcel Numbers 22-14-31-0000-01010-0030 and 22-14-310000-01010-0040; 29.97+/- acres. Owner: BADC Huntington Communities, LLC/Applicant: Michael J. Woods, Esq.

Chairman Dickinson called for disclosure of exparte communications, none reported.
Planning Director Adam Mengel presented the item and staff’s recommendation for approval.

Chairman Dickinson opened the public hearing.

Mark Watts, Cobb Cole 351 E New York Ave. Deland FL 32724 representing the applicant discussed the changes to be made to the Development Agreement.

Mr. Langello asked why there is a discrepancy between the draft document within the Board Packet and what is being proposed tonight.

Mr. Mengel responded the document within the packet was an original submittal of the proposed Development Agreement that had to be further modified due to Saint John’s Water Management (SJWM) permit considerations.

Mr. Watts stated that at time of TRC we had our engineer using the approved stormwater plan approved by SJWM determined we could only go to 42.6 % total impervious lot coverage.

Chairman Dickinson closed the public hearing, and asked for Board comments.

Motion to recommend approval the draft Development Agreement provided to the Board this evening to the BOCC made by Mr. DuBose and seconded by Mr. Langello

Motion approved unanimously

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

Application #3094 – APPLICATION FOR SIDE SETBACK VARIANCE IN THE R-1 (RURAL RESIDENTIAL DISTRICT) – request for a 2.5 foot side setback variance from the 7.5 foot minimum setback requirement at 94 Hernandez Avenue; 0.31 acres. Parcel Number 40-10-31-0010-001000020. Owner/Applicant: David P. and Angela L. Bailus, husband and wife.

Chairman Dickinson called for disclosure of exparte communications, none reported.

Planning Director Adam Mengel presented the item and staff’s recommendation for approval.

Chairman Dickinson opened the public hearing.

Stephen Ryan, 90 Hernandez Ave., asked if this variance would allow for other variances to be approved and are there time limits on variances?
Adopted 11/14/17

Angela Miniagi 635 N Orange St, Property owner of 99 Hernandez Ave., Asked of all the properties in the area get this set back.

Mr. Mengel each variance does not have a time limit and is treated separately and is based on specific criteria.

Freida Wilson, 96 Hernandez Ave., questioned the justification of the reduction of the setback.

Chairman Dickinson closed the public hearing, and asked for Board comments.

Mr. Langello asked if there would be any elevation adjustments

Chairman Dickinson asked there will be a permitting process for this residential move that will meet the criteria.

Mr. Mengel responded yes.

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

16. Quasi-judicial requiring disclosure of ex parte communication:
Application #3095 – APPLICATION FOR SPECIAL EXCEPTION IN THE AC (AGRICULTURE) DISTRICT – request for a Special Exception for a Land Clearing, Debris Disposal, Storage and Processing Facility at 449 County Road 304; Parcel Number 36-12-30-0650-000A0-0112; 29.71 acres. Owner/Applicant: Darrell Cone Dozer Service, Inc.

Chairman Dickinson called for disclosure of exparte communications, none reported.

Planning Director Adam Mengel presented the item and staff’s recommendation for approval with the following conditions:

1. maintain the current 50 foot buffer around project perimeter and all work limits;
2. maintain the current minimum 25 foot buffer round all wetland areas, with no storage (equipment or materials) permitted to encroach into the wetland buffer;
3. hours of operation to be 7 a.m. to 6 p.m., Monday through Saturday;
4. no outdoor storage of heavy equipment or trucks unless they are screened from view by fencing or natural vegetation;
5. limit height of debris storage pile to 50 foot high maximum or as approved by DEP permit if less than 50 feet in height;
6. maintain compliance with all other agency permits during the duration of the Special Exception approval;
7. applicant to provide necessary improvements within the public right-of-way to ensure safe traffic movement on and off County Road 304, with no damage to pavement and/or drainage flow;

8. these conditions run with the land and are transferrable to a subsequent owner or operator provided that these conditions continue to be met; and expiration of Special Exception approval to be concurrent with DEP permit expiration, or October 31, 2022, whichever occurs first

Chairman Dickinson opened the public hearing seeing no one

Chairman Dickinson closed the public hearing, and asked for Board comments.

Mr. Langello asked the applicant if he was able to he is able to renew his DEP permit would he be able to continue his Special Exception.

Mr. Mengel responded that if his permit has expired and the Special Exception had not been sought for renewal, we would come back to this process. It was discussed in 2012-13 but not this time around.

Mr. Langello stated that what he was eluding to was if conditions do not change he would not have to continue to go through this renewal process.

Mr. Mengel stated that he would be comfortable with that as long as the DEP Permit remains in place and is renewed and does not lapse, then a new Special Exception would be required.

Mr. Mengel amended #9 of the conditions to state that as long as DEP permit remains active additional Special Exception approval shall not be needed.

Motion to approve as amended made by Mr. Langello, seconded by Ms. Kornel. Motion approved unanimously

17. Legislative not requiring disclosure of ex parte communication:

Application #3097 – APPLICATION FOR FUTURE LAND USE MAP AMENDMENT GREATER THAN TEN ACRES – request for a Future Land Use Map Amendment for greater than ten acres from AC (Agriculture Timberlands) to RLSF (Residential Low Density/Single Family). Parcel Number 22-12-31-0000-01010-0011; 202.2+/- acres. Owner: Venture 8, LLC/Applicant: Michael D. Chiumento III, Esq.

Planning Director Adam Mengel stated that the applicant would like this item to be continued to the next regularly scheduled Planning & Development Board Meeting on November 14, 2017 at 6 pm. This item
was noticed and as such would retain public notice but allow anyone who would like to be heard that cannot attend that meeting be heard this evening for the record.

Chairman Dickinson opened the public hearing. Seeing no one he closed the Public Hearing and asked for a motion.

Motion to postpone to November 14, 2017 at 6 pm made by Mr. Langello and seconded by Ms. Kornel

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


Planning Director Adam Mengel stated that this is the related rezoning request to the previous item and the applicant would like this item to be continued to the next regularly scheduled Planning & Development Board Meeting on November 14, 2017 at 6 pm. This item was noticed and as such would retain public notice but allow anyone who would like to be heard that cannot attend that meeting be heard this evening for the record.

Chairman Dickinson opened the public hearing. Seeing no one he closed the Public Hearing and opened asked for a motion.

Motion to postpone to November 14, 2017 at 6 pm made by Mr. Langello and seconded by Ms. Kornel

19. Board Comments None

20. Public Comments None

21. Adjournment

Motion to adjourn made by Mr. Langello at 10:45 p.m.

Minutes drafted by Wendy Hickey.
Minutes reviewed By Adam Mengel.
Comments on Proposed
Los Lagos & Las Casitas Developments
Flagler County, Florida

Focus on Environmental Concerns
October 10, 2017

Glenn M. Greenwald
Consulting Ecologist
U.S. Fish & Wildlife Service, Retired
Changing Environmental Conditions

• Environmental conditions have changed since the projects were first proposed: sea level rise has accelerated; increased/stronger tropical storms, nor’easters, storm surges, and rainfall; and local coastal dunes have been decimated.

• Such changing conditions have increased the frequency and severity of flooding for Lakeside-by-the-Sea ("Lakeside") and many other Northeast Florida coastal communities. Increased long-term flooding from storms is now the “new norm”.
Flooding is a Major Concern

• The proposed development projects would greatly impede the already-stressed Lakeside stormwater management system.

• The proposed 48-acre project area would include about 61% (~29 acres) of impervious land.

• Under the current conditions, the Lakeside stormwater system discharge has not been able to keep up with stormwater inflow, either during or after storm events. Adding 244% more impervious lands to the existing stormwater system would likely produce catastrophic flooding events.
During the few weeks after Hurricane Irma, there were at least three occurrences when the Main Lake level continued to rise, from one to two days after rainfall ceased (= red arrows $\rightarrow$ in graph), despite the continual discharge into the ICW outfall pipeline. During the combined nor'easter / tropical wave event of September 28 - October 1, the Main Lake level rose faster than the ICW discharge outfall could discharge floodwaters (= black arrow $\uparrow$ in graph). Therefore, the rate of stormwater inflow was greater than the rate of stormwater outflow for at least four periods during and in the three weeks after Hurricane Irma. Note that for the Lakeside area, NAVD 88 elevations = NVGD 29 elevations minus 1.03 feet, as determined by VERTCON (https://alt.ngs.noaa.gov/cgi-bin/VERTCON/vert_con.prl).
Wetlands & Deepwater Habitats

- A large portion of the proposed project area contains wetlands and deepwater habitats that would be destroyed if the project proceeds.
- There does not appear to be any mention of Army Corps of Engineers (COE) permits to remove or place fill into wetlands or deepwater habitats in these proposed projects.
- These wetlands and deepwater habitats support a wide array of wildlife species, including species that are protected by state and federal regulations.
- Have any formal wetland delineations been conducted for the project area?
- Has the COE and FWC been contacted about these proposed projects?
Wetland
Wetlands as Stormwater Buffers

• Wetlands act to absorb floodwaters and decrease the rate of runoff into stormwater management systems. They act like a sponge to buffer the effects of stormwater runoff and their continued presence is vital to moderate the severity of flood events.

• The adverse effects created by decreasing the amount of wetlands and deepwater habitats is similar to channelizing streams – stormwater volumes and flow rates are increased – often to devastating levels.
Other Environmental Concerns

• During construction activities, a large amount of fill would be required to elevate the developed areas to meet the project design. Placing this fill would generate a large volume of airborne dust, noise, vibration, and exhaust fumes. These serious environmental problems could possibly last for several years.

• Due to the large amount of needed fill, and depending upon the final project design, the number of dump truck hauls required would likely be in the thousands, perhaps (?) ranging from 10,000 to 35,000 hauls.

• This massive number of dump truck hauls would cause severe damage to local roadways and bridges, plus it would create a serious safety hazard, both inside and outside of Lakeside.

• Many other serious direct and indirect environmental concerns exist.
Conclusions

• The proposed Los Lagos and Las Casitas projects would likely amplify flooding in the already-flood prone Lakeside community.

• The proposed projects would likely cause additional major negative impacts to wetlands, deepwater habits, wildlife, and to the human community at Lakeside.

• Due to this plethora of serious environmental and other concerns, the proposed Los Lagos and Las Casitas projects should not be approved.
PRESERVE  LAKESIDE BY THE SEA  
... keep us SAFE.

STOP MATANZAS SHORES DEVELOPMENT PROPOSALS

KEEP LAKESIDE BY THE SEA FROM CATASTROPHE

Presented to Flagler County Planning Board for 10/10/17 meeting by concerned Lakeside by the Sea community members.
Proposed directly adjoining Lakeside by the Sea: LOS LAGOS AND LAS CASITAS

Today Lakeside – 28% impervious land:
• Safe 20+ years.
• Barely Survived Matthew, Irma, and nor’easter (Sept 30-Oct 1, 2017)

Proposed in flood zone:
• 61% impervious land
• Not safe - 244% INCREASE
• Creates CATASTROPHIC FUTURE

FLAGLER COUNTY
STOP THE PROPOSALS, STOP CATASTROPHE
DON’T RISK OUR SAFETY AND LIVES
Proposals’ recipes for CATASTROPHE: Build in flood area, 61% impervious land, 3-story homes
LAKESIDE PAST FLOODING
Flooding during Matthew, and before surge:
Surf Club, A1A & Lakeside’s South Entrance

LAS CASITAS proposed entrance and building area
LAKESIDE ... DURING MATTHEW
HOMES NARROWLY ESCAPED FLOODING
LAS CASITAS proposed building area

- REPEAT FLOODING – MATTHEW, IRMA & OCT NOR’EASTER.
- FLOODING MAY BE CATASTROPHIC at 61%+ IMPERVIOUS LAND

SOUTH ZONE - DANGERS
Proposed Las Casitas and adjacent land

DANGER: BUILD OUT SOUTH FLOOD AREA
Post-Matthew: Flooded Recreation Area Adjacent to Proposed Las Casitas
DANGER: BUILD OUT NORTH FLOOD AREA
NORTH SECTION FLOODING - Matthew & post-Irma
SAN JUAN DRIVE ADJACENT to LOS LAGOS

DANGER

PROPOSED HOMES IN NORTH SECTION FLOOD AREA
PROPOSED LOS LAGOS AREA...2 DAYS POST-IRMA
UNLIKE THIS IN FLAGLER BEACH, THERE IS NO BUFFER ON A1A IN THE PLANS FOR LOS LAGOS 3-STORY HOMES
Building height conformity will not exist. Proposed vague plans pose multiple dangers.
PROPOSALS AND CATASTROPHE

DANGER – Disaster risks

• 48-ACRE PROJECT, 61% IMPERVIOUS LAND

• CHANGING LANDSCAPE AND LAKE INFRASTRUCTURE

• LARGER BUILDINGS, SMALLER LOTS, UNKNOWN FLOOD MITIGATION
Matthew Ocean **SURGE** across A1A into lake

...**KILLED FISH.**

Life in our lakes was restored, and includes:

- Largemouth bass and bluegill
- Recently introduced species thriving - red drum (redfish), striped mullet, blue crab, and fiddler crab.
LAKESIDE WATER LEVELS: AFTER MATTHEW AND SURGES

...above bulkheads
After Matthew and surges - flooded docks...
LAKESIDE FLOODING – HURRICANE IRMA
Same areas as with Matthew…

ADJACENT TO PROPOSED LAS CASITAS AREA
... 2 DAYS POST- IRMA
NEAR PROPOSED LOS LAGOS AREA

... 2 DAYS POST- IRMA
WATER LEVELS ROSE MORE THAN EXPECTED,
Despite improved drainage & deployed pump
3 weeks post-Irma, after ~24 hours rain we saw flooding Oct 1, 2017, North Tract area
3 weeks post-Irma,
Taken from flooded tennis court looking out to perc pond 3 area, proposed for Las Casitas build.

Photo taken Oct 2.

Flooding again on court and surrounding area.

Opposite vantage point taken outside perc pond 3 area, looking toward Lakeside homes. Las Casitas would flood and Lakeside would flood more.

Photo taken Oct 2.
3 weeks post-Irma, Oct 3

West side A1A South of Lakeside entrance and close to Proposed Las Casitas Building area was flooded during storm Sept 30-Oct 1, 2017.
3 weeks post-Irma, Oct 2
Hammock flooding again during storm Sept 30-Oct 1, 2017.
LAKESIDE SURVIVED 20+ YEARS
DO NOT JEOPARDIZE OUR LIVES

FLAGLER COUNTY
STOP THE PROPOSALS,
STOP CATASTROPHE