

**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 13, 2018 at 6:00 PM**

Adopted 3/13/18

1 **MEMBERS PRESENT:** Chairman Mark Langelo, Michael Boyd, Timothy Conner, Robert
2 Dickinson, Lauren Kornel, and Anthony Lombardo

3

4 **MEMBERS ABSENT:** Arthur Barr excused

5

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

9

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

11

12 **Chairman Langelo** called the meeting to order

13

14 1. **Roll Call.**

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

16

17 2. **Pledge of Allegiance.**

18 Chairman Langelo led the Pledge of Allegiance to the Flag.

19

20 3. **Approval of the December 12, 2017 and January 9, 2018 regular meeting minutes.**

21

22 Mr. Conner stated that there is a correction in the December 12, 2017 meeting minutes on page 4
23 of 6 line 12 the dissenting vote was his and not Mr. Lombardo.

24

25 *Motion to approve the December 12, 2017 minutes as corrected made by Ms. Kornel and*
26 *seconded by Mr. Boyd.*

27

28 *Approved unanimously.*

29

30 *Motion to approve the January 9, 2018 minutes made by Ms. Kornel and seconded by Mr. Boyd*

31

32 *Approved unanimously.*

33

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

35 Application #3098 – **APPLICATION FOR REZONING** – request for Rezoning from AC
36 (Agriculture) to PUD (Planned Unit Development) and Amendment of the Eagle Lakes Planned
37 Unit Development (PUD) Development Agreement for the Eagle Lakes Phase 2 PUD. Parcel
38 Number 22-12-31-0000-01010-0011; 202.2+/-acres in the subject parcel, with 611.2+/- acres in
39 Phase 2. Owner: Venture 8, LLC/Applicant: Michael D. Chiumento III, Esq., Chiumento Dwyer
40 Hertel Grant, P.L.

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Chairman Langelo asked for exparte disclosures, none provided.

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

Michael D. Chiumento, III Esq. of Chiumento Dwyer Hertel Grant, P.L. representing Venture 8, LLC, gave a brief overview of the project.

Chairman Langelo opened the Public Hearing.

Nancy Dance, 3800 Old Kings Road South, spoke in opposition to the project. Submitted her concerns in writing which are attached to these minutes as Attachment “A”

William Fedun, 3650 Old Kings Road, spoke in opposition to the project.

Andrea Miller, 4014 Acoma Dr. Ormond Beach Volusia County, spoke in opposition to the project.

Mary Arnoff, 24 Audubon Lane spoke in opposition to this project.

John Dance, 3780 Old Kings Road, spoke in opposition to the project.

Roberta Polletta, 4159 Sanora Lane, Ormond Beach, Volusia County spoke in opposition to the project.

Paul Martin, 4015 Calusa Lane, Ormond Beach, Volusia County spoke in opposition to the project.

John Cibiras, 47 Audubon Lane, spoke in opposition to the project.

David Graham, 6 Turtle Ridge Drive, spoke in opposition to the project.

Sue Levesque 39 Eagle Lakes Drive, spoke in opposition to the project.

William Greyson, 33 Turtle Ridge Drive spoke in opposition to the project.

Don White, unincorporated Flagler County resident spoke in opposition to the project.

Joe De Pasqua, 6 Sugar Mill Lane, spoke in opposition to the project.

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1 **Noelle DePasqua**, 1456 Pecos Lane, Ormond Beach, Volusia County spoke in opposition to the
2 project.

3
4 **Ashley McNitt**, 39 Audubon Lane, spoke in opposition to the project.

5
6 **Bill Geiger**, 8 Sugar Mill Lane, spoke in opposition to the project.

7
8 **Chairman Langelo** closed the Public Hearing and asked the applicant if they had any comments.

9
10 **Mr. Chiumento**, stated that he was unaware of any previous agreements or assurance to the
11 Dance family from the previous owner but would look into it. He spoke of the regulatory process,
12 the availability of utilities and reuse in the area, the types of people that it would attract, taxes,
13 notice requirements, schools and wetland impacts.

14
15 **Mr. Conner**, asked if there were there any deed restrictions and was a traffic study done for the
16 increase in units?

17
18 **Mr. Chiumento**, stated he was unaware of any restrictions and that this project was previously
19 vested for traffic and the additional units and the change to age restricted on previously entitled
20 units creates a net reduction of trips generated.

21
22 **Mr. Conner**, asked what is the total density?

23
24 **Mr. Chiumento**, 749 existing entitled units the addition of 202 acres and 210 units there are 111,
25 presently constructed with a balance of 638 entitled.

26
27 **Mr. Dickinson**, asked about notices and traffic studies.

28
29 **Mr. Mengel** explained the county distance requirement for noticing, and the traffic study process.

30
31 **Mr. Conner**, asked if this a mobile home or modular home park?

32
33 **Mr. Chiumento**, they will be trucked in and assembled on site so they would qualify as mobile
34 homes.

35
36 **Mr. Conner**, mobile home park regulated under the mobile home park act?

37
38 **Mr. Chiumento**, replied yes.

39
40

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1 **Chairman Langelo**, asked about the age restriction on the community, also asked the applicant
2 about developing the land in the public benefit. Is the golf course a definite or a maybe?
3

4 **Mr. Chiumento**, the development will be self-contained and will provide a tax base, a wall and
5 buffer will be provided land has been dedicated to the county and set aside for public use. The
6 golf course is a want there are regulatory requirements that must be met.
7

8 **Mr. Dickinson**, asked if there would be something in the PUD to assure a quality development.
9

10 **Mr. Mengel**, this is just the first step and there will be additional steps after this before any dirt
11 can be turned.
12

13 **Chairman Langelo**, hearing no additional Board comments, asked for a motion.
14

15 **Mr. Conner**, made a motion to approve and seconded by **Mr. Dickinson** for the purpose of
16 discussion.
17

18 **Mr. Dickinson**, stated for quality assurances and fine tuning the PUD criteria should be required
19 as a minimum including some of the other concerns discussed in regard to the site plan for
20 something I would be comfortable with for approval.
21

22 **Mr. Conner**, stated that he would be comfortable with conditions being placed on the motion.
23

24 **Mr. Dickinson**, stated that he would like more specific than generalized conditions.
25

26 **Chairman Langelo**, asked if any other Board members had any conditions they wanted to add.
27

28 **Mr. Chiumento**, stated that he understands what the Board is looking for and would work with
29 staff to adhere to all guidelines.
30

31 **Mr. Dickinson**, stated that he has confidence in staff but he would like to see the specifics.
32

33 **Previous motion to approve withdrawn by Mr. Conner with second withdrawn by Mr.
34 Dickinson.**

35
36 *Motion to continue to the April 10, 2018 at 6 p.m. regular meeting made by Mr. Conner
37 seconded by Mr. Dickinson.*

38 *Motion carried unanimously.*
39
40

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- 1 5. Quasi-judicial requiring disclosure of ex parte communication:
2 Application #3123 – **APPLICATION FOR SPECIAL USE IN THE I-PUD (INDUSTRIAL**
3 **PLANNED UNIT DEVELOPMENT) DISTRICT** – request for Special Use for a potable water
4 well (raw water supply) located on a 0.73+/- acre easement within the subject parcel lying West
5 of Seminole Woods Parkway, South of the Flagler Executive Airport and North of the Iroquois
6 Waterway. Parcel Number: 17-12-31-0650-000A0-0013; 40.71+/- acres. Owners: City of Flagler
7 Beach and JTL Grand Landings Development, LLC/Applicant: Kevin A. Lee, P.E., QLH
8

9 **Chairman Langelo** asked for exparte disclosures, none provided.

10
11 **Planning Director Adam Mengel** presented the item and staff’s recommendation for approval.

12
13 **Chairman Langelo** opened the Public Hearing.

14
15 **Chairman Langelo** closed the Public Hearing and asked for Board comments.

16
17 *Motion to approve made by Mr. Conner seconded by Mr. Lombardo.*
18 *Motion carried unanimously.*
19

- 20
21 6. Quasi-judicial requiring disclosure of ex parte communication:
22 Application #3124 – **APPLICATION FOR SPECIAL EXCEPTION FOR BUSINESS AND**
23 **PROFESSIONAL OFFICES, PROFESSIONAL CONSULTANTS, AND MEDICAL AND**
24 **DENTAL OFFICES IN THE R/C (RESIDENTIAL/LIMITED COMMERCIAL)**
25 **DISTRICT** at 5182 N. Oceanshore Boulevard. Parcel Number: 40-10-31-0010-00040-0090;
26 0.92+/- acres. Owner: Exile on Main St, LLC/Applicant: Jay Livingston, Esq.
27

28 **Chairman Langelo** asked for exparte disclosures, none provided.

29
30 **Planning Director Adam Mengel** presented the item and staff’s recommendation for approval
31 with the following conditions:

- 32
33 1. This Special Exception runs with the land.
34 2. Approval is limited to the use of the subject parcel as a business and professional office,
35 professional consultant, and medical and dental office.
36 3. Uses will be evaluated at time of business tax receipt sign-off for adequacy of available
37 parking based on the minimum off-street parking requirements of the Land Development
38 Code.
39 4. All development to occur consistent with the submitted site plan received February 2, 2018,
40 including landscaping installation and fence replacement with an earth tone vinyl fence six

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- 1 feet in height, subject to changes approved by staff based on outstanding agency review
2 comments.
- 3 5. Commercial traffic associated with this Special Exception will utilize the North Oceanshore
4 Boulevard driveway, subject to issuance of a driveway permit by the Florida Department of
5 Transportation.
- 6 6. Should the parcel to the North and/or South develop with a commercial use (also subject to
7 Special Exception approval), a cross-access easement shall be provided, said easement being
8 at least 15 feet in width so as to provide a single drive lane between both parcels. Prior to
9 completion of the development of the parcel to the North and/or South as a commercial use,
10 the applicant, their successors, or assigns, shall remove any landscape buffer, fencing, or other
11 impediment to this cross access easement and further provide onsite improvements so as to
12 provide a physical roadway connection between the two parcels.
- 13 7. New utility service drops shall be installed underground and shall be done in a manner which
14 protects index trees.
- 15 8. All refuse collection containers shall be screened from public view, with vegetative screening
16 that includes shrubs which will achieve a height of five feet within one year, planted with a
17 spacing not exceeding five feet on center, or as an alternative, another form of vegetative
18 screening that creates an effective visual screen.
- 19 9. Signs shall be limited as follows:
- 20 10. Subject to variance approval, the existing monument sign may be utilized provided that a
21 permit is issued for a face change (change of copy).
- 22 11. Any new proposed signage will comply with the Flagler County Land Development Code.
- 23 12. Proposed lighting will demonstrate compliance through building permit application with the
24 County's sea turtle lighting requirements.
- 25 13. The applicant shall not commence development until all other agency approvals and/or
26 permits are issued.

27
28 **Jay W. Livingston, Esq.**, Livingston & Sword, P.A. representing the owner gave a brief overview
29 of the Special Exception.

30
31 **Chairman Langelo** opened the Public Hearing.

32
33 **Dennis Clark**, 5784 N Oceanshore Boulevard, Scenic A1A Pride, spoke in support of this Special
34 Exception.

35
36 **Laura Cohill**, 17 Flagler Drive, clarified the location of the proposed Special Exception.

37
38 **Howard Reed**, 14 Sanchez Avenue, spoke in support of the Special Exception.

39
40 **Randy Odom**, 30 Carolina Highway, spoke in support of the Special Exception.

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2 **Chairman Langelo** closed the Public Hearing and asked for Board comments.

3
4 **Mr. Livingston**, addressed some of the questions and concerns of the community.

5
6 **Mr. Conner**, questioned the amount of parking provided and if parking was expanded would the
7 application come back to the Board.

8
9 **Mr. Mengel**, stated that if there is a change to the site plan adding parking it would come back to
10 the Board.

11
12 *Motion to approve with conditions made by Mr. Boyd seconded by Ms. Kornel.*
13 *Motion carried unanimously.*

- 14
15
16 7. Quasi-judicial requiring disclosure of ex parte communication:
17 Application #3125 – **APPLICATION FOR SETBACK VARIANCES IN THE R/C**
18 **(RESIDENTIAL/LIMITED COMMERCIAL) DISTRICT** – request for relief from the
19 required 40’ front setback and the required 10’ right side yard setback for an existing commercial
20 building and an existing shed and relief from the required setback for an existing freestanding
21 sign at 5182 N. Oceanshore Boulevard. Parcel Number: 40-10-31-0010-00040-0090; 0.92+/-
22 acres. Owner: Exile on Main St, LLC/Applicant: Jay Livingston, Esq.

23
24 **Chairman Langelo** asked for exparte disclosures, none provided.

25
26 **Planning Director Adam Mengel** presented the item and staff’s recommendation for approval.

27
28 **Jay W. Livingston, Esq.**, Livingston & Sword, P.A. representing the owner gave a brief overview
29 of the Variance.

30
31 **Chairman Langelo** opened the Public Hearing.

32
33 **Chairman Langelo** closed the Public Hearing and asked for Board comments.

34
35 *Motion to approve made by Mr. Boyd seconded by Ms. Kornel.*
36 *Motion carried unanimously.*

- 37
38 8. **Staff Comments**
39

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1 **Ms. Stangle**, discussed the issue at the last meeting in regards to Scenic A1A and requirements
2 per the Land Development Code.

3
4 **Ms. Sally Sherman, Deputy County Administrator and Growth Management Director**,
5 expanded on the Board of County Commissioners intentions for Scenic A1A and their input for
6 proposed projects effecting corridor based on minutes from a BOCC workshop in 2004 which
7 was never codified into the Land Development Code.

8
9 **9. Board Comments**

10
11 **Ms. Kornel** noted that A1A is a state and nationally recognized highway and is worth having
12 community input on projects.

13 **Mr. Lombardo** asked if there was a possibility for an A1A Pride Committee requirement in the
14 Land Development Code.

15
16 **10. Public Comments-** Each speaker will be allowed up to three minutes to address the Planning and
17 Development Board on any item or topic not on the agenda.

18
19 **Randy Odom**, 30 Carolina Highway, spoke based on his own personal experience the overreach
20 of the Scenic A1A Pride committee into areas outside of their review criteria when meeting with
21 applicants.

22
23 **Dennis Clark**, 5784 North Oceanshore Boulevard, Scenic A1A Pride Committee, spoke of a
24 section of the Land Development Code he interpreted as being a requirement of review of Scenic
25 A1A.

26
27
28 **11. Adjournment**

29 *Motion made by Mr. Boyd seconded by Ms. Kornel at 8:34 p.m.*

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33 Prepared by: Wendy Hickey
34 Reviewed by: Adam Mengel

Flagler County Planning and Zoning Committee Meeting February 13, 2018.
Written Public Comments Regarding Eagle Lakes Phase II PUD Rewrite submitted
by Nancy H. Dance, homeowner at 3800 Old Kings Road South and also concurred
by homeowner, John R. Dance at 3820 Old Kings Road South.

Comments:

My name is Nancy H. Dance, I reside at 3800 Old Kings Road South and I have lived there for 46 years.

In 2004, my husband and I negotiated the sale of our property with then developer of Eagle Lakes. At the time, there were multiple parties interested and we accepted the offer from Hometown Communities because he was willing to make considerations and accommodate our requests regarding the future use of the property. It was because he was a local developer and his reputation was known that we accepted his offer, even though it was less than the other offers. This was important because we knew our family would be staying on the adjoining property to this project/development for many years to come. One of those provisions was that the project would be custom single-family home lots and that there would not be mobile or manufactured homes. As promised and negotiated, specific language prohibiting mobile homes was written into the Eagle Lakes PUD for both Phase I and II.

Even through the change of ownership, the PUD has remained with the land. When Venture 8 LLC bought the property, they were aware of the existing PUD and there would not be any opposition if they were planning to adhere to the original plan. Clearly, the developer is not amending the existing PUD, but completely overhauling it. This is noted in the Staff's overview summary on page 2 "The proposed PUD agreement is not a revision, so much as it is a total rewrite of the PUD text. Only thing that applies to the original is the references to the platted Phase 1, Section 1.

Our objection is that this proposal should not proceed as it violates the intent of the original PUD.

I have other misgivings regarding the components of the application, but in the essence of time I will submit those here in writing.

Continuation of Comments from Nancy Dance... Additional Concerns

- 1) The owner/developer is proposing to deviate from the Land Development Code to accommodate mobile homes and we feel strongly that the Planning Board should stick with the Land Development Code requirement that all PUDs be platted.
- 2) In the revised PUD to change the existing plan to mobile homes, it does not appear that evacuation shelters have been addressed. Do we really want large scale mobile home developments located east of I-95?
- 3) The 35 ft landscaping buffer is only provided on Old Kings Road and it should be provided along adjacent properties and out parcels.
- 4) Other large scale developments have been approved for Old Kings Road South and with the addition of these units as proposed we have concerns over increased traffic and safety. Is there an appropriate timeline and coordination with DOT to address already existing congestion issues at the intersection of State Road 100 and Old Kings Road (specifically, at Old Kings Elementary at drop off and pick up)? Installation of traffic light at Old Dixie Highway and Old Kings Road. Also, the on and off ramps to I-95 on Old Dixie Highway need to be addressed to accommodate additional traffic.
- 5) In the proposed revisions the only notation regarding Emergency Services is regarding fire hydrants. There is an observable and noted frequency in which Emergency Services are called upon at the existing 385 unit 55+ Plantation Oaks community and with an additional 825 units with the same 55+ model, provisions should be made to ensure that we have ample emergency service staff to accommodate those needs specific to that community.