

**FLAGLER COUNTY
PLANNING AND DEVELOPMENT BOARD
REGULAR MEETING
Flagler County Government Services Building
Board Chambers
1769 East Moody Blvd., Bunnell, FL
MEETING MINUTES
Tuesday, April 10, 2018 at 6:00 PM**

Adopted 5/8/18

1 **MEMBERS PRESENT:** Chairman Mark Langello, Timothy Conner, Robert Dickinson, Lauren
2 Kornel

3
4 **MEMBERS ABSENT:** Arthur Barr excused, Michael Boyd excused, Anthony Lombardo excused

5
6 **STAFF PRESENT:** Sally Sherman, Senior Special Projects Coordinator; Adam Mengel, Planning
7 Director; Wendy Hickey, Planner; Gina Lemon, Development Review Planner III

8
9 **BOARD COUNSEL:** Kate Stangle, of Broad and Cassel

10
11 **Chairman Langello** called the meeting to order

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 Langello led the Pledge of Allegiance to the Flag.

18
19 3. **Approval of the March 13, 2018 regular meeting minutes.**

20
21 *Motion to approve the March 13, 2018 minutes by Ms. Kornel and seconded by Mr. Conner.*

22
23 *Approved unanimously.*

24
25 4. Quasi-judicial requiring disclosure of ex parte communication:

26 Application #3098 – **APPLICATION FOR REZONING** – request for Rezoning from AC
27 (Agriculture) to PUD (Planned Unit Development) and Amendment of the Eagle Lakes Planned
28 Unit Development (PUD) Development Agreement for the Eagle Lakes Phase 2 PUD. Parcel
29 Number 22-12-31-0000-010 – 011; 20.12 +/- acres in the subject parcel, with 611.2 +/- acres in
30 Phase 2. Owner: Venture 8, LLC/Applicant: Michael D. Chiumento III, Esq., Chiumento Dwyer
31 Hertel Grant, P.L.

32
33 5. Quasi-judicial requiring disclosure of ex parte communication:

34 Application #3129 – **APPLICATION FOR REVIEW IN A PUD (PLANNED UNIT**
35 **DEVELOPMENT) DISTRICT – AMENDMENT TO THE PUD DEVELOPMENT**
36 **AGREEMENT** – request to amend the development agreement for the Beach Haven PUD. Parcel
37 Numbers: 37-10-31-0365-00000-00H0 and 37-10-31-0366-00000-00L0; 0.19 +/- and 0.22 +/-
38 acres. Owner: Hari Maru Florida, LLC/Applicant: Michael D. Chiumento III, Esq., Chiumento
39 Dwyer Hertel Grant, P.L.

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1 **Chairman Langelo** asked for ex-parte disclosures, none provided.

2

3 **Planning Director Adam Mengel** presented the item and the staff's recommendation for a
4 recommendation for approval to the Board of County Commissioners, finding that Tract H may
5 now be developed as a Type 2-C lot since five years has elapsed following the recording of the
6 Beach Haven – Unit One plat, but that Tract L may not yet develop as Type 2-C lot since two
7 years remain until five years have elapsed following the recording of the Beach Haven-Unit Two
8 plat.

9

10 **Chairman Langelo** asked the applicant if the applicant would like to speak.

11

12 **Michael D. Chiumento III, Esq.**, Chiumento, Dwyer, Hertel, Grant & Kistemaker, P.L., 145
13 City Place #301, as the applicant, gave a brief overview of the request and added that the developer
14 would like to omit the additional time limit for Unit 2 and would like the ability to develop both
15 Tracts H and L now and not separately two years apart.

16

17 **Chairman Langelo** opened the Public Hearing.

18

19 **Shelly Tarbox**, 3654 Montclair Drive, Jacksonville, adjacent property owner to the west, spoke
20 regarding the project and its history. Future development at this point is unknown. If we do not
21 reserve the greenway now, what will happen in the future?

22

23 **Jean Beamer**, Halifax Plantation, asked about Beach Haven and where it was located, if this was
24 the same as Eagle Lakes.

25

26 **Mr. Mengel** responded that the Eagle Lakes items had been withdrawn from this meeting and the
27 Board of County Commissioners' meeting on April 16th.

28

29 **Chairman Langelo** closed the public hearing and asked for any response from the applicant.

30

31 **Mr. Chiumento** responded that the time had passed and there was no development to the north
32 or south. He asked for any questions from the Board.

33

34 **Chairman Langelo** asked if this property was platted/developed in two phases?

35

36 **Mr. Chiumento** responded two phases.

37

38 **Chairman Langelo** asked if the PUD amendment was specific to that second phase of
39 development or was it all encompassed together in the first phase.

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1 **Mr. Chiumento** asked Mr. McGarvey to address the Board.

2
3 **James N. McGarvey**, of Hari Maru, 1102 A1A N Suite 102, Ponte Vedra Beach, the developer,
4 stated that the changes to the PUD were not major and were just minor changes: setbacks, building
5 envelopes, drainage easements, etc. Some of those amendments to the PUD just got carried over.

6
7 **Chairman Langelo** summarized that there were few changes through the PUD amendments.

8
9 **Mr. McGarvey** replied that there were minor modifications made along the way.

10
11 **Chairman Langelo** asked if the Board had any additional questions. Seeing none, he asked for
12 a motion.

13
14 **Mr. Dickinson** asked if any neighbors had expressed any concerns following public notice.

15
16 **Mr. Mengel** stated no.

17
18 **Chairman Langelo** asked for a motion.

19
20 **Mr. Dickinson** made a motion to approve the application without staff's recommended time
21 constraints, making both properties available for development immediately.

22
23 **Mr. Conner** asked counsel if the Board was charged with regulating or enforcing commitments
24 the developer made to their lot owners and restrictive covenants or are we just charged with
25 reviewing the mandates of the County Commission and the County Code.

26
27 **Ms. Stangle** stated it is the Code.

28
29 **Chairman Langelo** asked for additional comments. Seeing none, he asked for a motion.

30
31 *Motion to recommend approval as amended made by Mr. Dickinson, seconded by Mr. Conner.*
32 *Motion carried unanimously.*

33
34 **6. Staff Comments**

35
36 None

37
38 **7. Board Comments**

39
40 **Mr. Dickinson** resigned his position on the board as of tonight due to business conflicts.

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Chairman Langello suggested that there be changes to the makeup of the Board such as 3 members from unincorporated areas and the remainder be at large.

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

Roberta Poletta, 4159 Sanora Lane, Ormond Beach, spoke in support of thoughtful, compatible, and sustainable development.

Shelly Tarbox, 3654 Montclair Drive, Jacksonville, asked about the next steps for the .

9. **Adjournment**

Motion made by Mr. Lombardo at 6:40 p.m.

Prepared by: Wendy Hickey
Reviewed by: Adam Mengel