MEMBERS PRESENT: Chairman Michael Boyd, Timothy Conner, Jack Corbett, Mark Langello, and Anthony Lombardo.

MEMBERS EXCUSED: Michael Goodman and Laureen Kornel

STAFF PRESENT: Adam Mengel, Growth Management Director; Gina Lemon, Development Review Planner III; and Wendy Hickey, Planner

BOARD COUNSEL: Kate Stangle, with Nelson Mullins Broad and Cassel.

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

1. Roll Call.

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

2. Pledge of Allegiance.

Chairman Boyd led the Pledge of Allegiance to the Flag.

3. Approval of August 13, 2019, September 10, 2019, and October 8, 2019 regular meeting minutes.

Mr. Langello offered some remarks about the three sets of minutes.

Motion to approve by Mr. Conner, seconded by Mr. Corbett.

Motion carried unanimously.

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

Application #3190 – APPLICATION FOR AMENDMENT TO PUD (PLANNED UNIT DEVELOPMENT) TO THE SEASIDE LANDINGS PUD DEVELOPMENT AGREEMENT – request is for third amendment to the PUD Development Agreement for Seaside Landings PUD. Parcel Numbers: 38-12-31-5445-00000-00A0 through -00E0, and 38-12-31-5445-00000-0010 through -0990; 250+/- acres; Owner/Applicant: Bulow Shores Homeowners Association, Inc.

Chairman Boyd asked for ex-parte disclosures.
Mr. Langello provided his disclosure of having a conversation with his business partner who is a lot owner within the development and the lot owner is at the meeting and intends to speak.

Ms. Stangle followed up on Mr. Langello’s disclosure to confirm that Mr. Langello’s business partner is not the applicant and based on the outcome of the item there would not be a financial benefit to either Mr. Langello or his business partner.

Mr. Langello confirmed that they have business property together, but not the property in the item before the Board.

Mr. Mengel presented the staff report for the amendment to the PUD Development Agreement for Seaside Landings. He summarized the proposed changes to the PUD Agreement for the Board Members.

Jim Roche, Esquire, McCabe | Ronsman, Attorneys at Law, 110 Solana Road, Suite 102, Ponte Vedra Beach, Florida 32082, representative for the applicant, Bulow Shores Homeowners Association, Inc., gave a presentation to the Board and described the main goals of the proposed change to the PUD Development Agreement.

Mr. Langello questioned the ability of the Board of Directors of a Homeowners Association to apply for the change to the PUD; he questioned if anyone has presently built to exceed the 35% lot coverage, and questioned if driveways and sidewalks are included in the lot coverage.

Ms. Stangle and Mr. Mengel collectively responded to the ability for the Board of Directors of the HOA to apply for the requested change. Mr. Mengel provided responses to the remaining questions by Mr. Langello.

Mr. Lombardo questioned if there was anything in the association documents that describes the inability of the lots on the west side of John Anderson to utilize the common area for tree planting. He also questioned if there was a plan of the common area to locate the proposed plantings. He questioned if there was a previous 1,000 s.f. limit in place.

Mr. Roche explained that the dock size is limited by the St. Johns River Water Management District and being added to the PUD document with this amendment.

Mr. Conner questioned the legal authority of the Homeowners Association to negotiate property rights of the individual property owners.
Mr. Roche responded that the HOA could be the applicant to amend the PUD by virtue of the
documents encumbering the entire development including the parcels individually owned and
there being nothing in the Land Development Code that states that they are not a proper
applicant.

Mr. Corbett questioned if there was anything else planned for the common area where the
trees are proposed to be planted.

Mr. Roche responded that there are some stormwater ponds in the area, these plantings are
only available on first come/first served as long as space is available.

Mr. Conner asked staff about the procedure to amend a PUD Agreement without it being
associated with a plat; he referred to regulations within Article IV, Subdivision Regulations.

Mr. Mengel explained the differences between an amendment to a PUD document and a
subdivision plat.

Mr. Langello questioned if the applicants are amending the lots they are bringing forward or
every lot in the place.

Mr. Mengel responded that they are amending the PUD Agreement which is the zoning for
the entire development.

Chairman Boyd opened Public Comment on this item:

Mark Main, owner of 107 Seaside Point, expressed concern about the increase in fees due to
the increased maintenance of the tree plantings on the common area. He spoke of the drainage
easements within the development and the requirement for placement of fill on an adjacent lot
at his cost. He asked if the Board could consider adding a requirement to the PUD Agreement
for the reimbursement to the developing lot owner by the adjacent vacant lot owners when fill
takes place.

Les Abend, Board of Directors Member and President of the Homeowners Association,
explained relative to membership consent that there have been numerous Board of Directors’
meetings talking about the proposed amendments and they have informed their members of
the proposed amendments. He explained that the areas for the proposed trees are surrounding
the existing dry retention ponds.
There being no one else from the public to speak, Chairman Boyd closed public comments and
asked for Board comments:

Mr. Langello felt he could clarify the point that Mr. Main, was trying to make regarding the
side lot line drainage easements and the required placement of fill.

Staff and Counsel explained that this is an issue that took quite a bit of time and the
requirement is through a restrictive covenant and the County is not a party to it. It was a
mechanism put in place by the Developer to avoid having to incur the cost of filling the lots.
The covenant is not a part of the PUD Agreement.

Mr. Conner commented that he continued to struggle with the procedural approach.

Ms. Stangle agreed with Mr. Mengel that the amendment is not a plat addendum. She
explained that some jurisdictions have restrictions in place within their land development code
that limits who can be an applicant to amend a PUD Agreement. All owners have been
provided notice.

Mr. Conner through the Chair, asked the applicant if there was a reason that they could not
hold a special meeting of their membership and get an approval.

Mr. Roche responded that he was not so sure that they are required to, and asked what
percentage of approval he would be looking for. He continued his position that the Board of
Directors through the corporate entity of the owners association has the capacity to present the
application on behalf of the membership.

Motion by Mr. Corbett to recommend to the Board of County Commissioners approval of
Application #3190, seconded by Mr. Lombardo.

Motion carried with four (4) votes in the affirmative and Mr. Conner dissenting.

5. Quasi-judicial requiring disclosure of ex parte communication:
Application #3204 – APPLICATION FOR A VARIANCE IN THE AC
(AGRICULTURE) DISTRICT – request for a 13 foot side yard and 38 foot rear yard setback
variance for a detached garage at 76 Kentucky Avenue; Parcel Number: 32-12-29-2600-00000-
0760; 0.92 +/- acres. Owner/Applicant: Joshua T. Gaither.

Chairman Boyd asked for ex-parte disclosures; none were provided.
Mr. Mengel presented the staff report and summarized the Variance request as a 38’ rear setback Variance and 13’ side yard setback Variance. The request is being presented before construction.

Josh Gaither, 76 Kentucky Avenue and owner of the subject property, explained that he moved to the area to be able to have a barn. He has spoken with his neighbor to the west whom did not have a problem with the request as long as at least a 12’ setback was maintained. He likes the existing trees and does not want to damage them.

Mr. Corbett questioned the turnaround area, was it grass or pasture?

Mr. Gaither explained it is grass, perhaps in the future he would improve it with asphalt millings.

Chairman Boyd opened the public hearing. There being no one from the public to speak, Chairman Boyd closed public comments and called for questions from the Board.

Mr. Langello expressed that the lot is unique in that it has limited amount of area with tree line. This is on the west side of the county and a large setback for a small lot. He stated that he believes the request meets the requirements

Motion to approve made by Mr. Langello, seconded by Mr. Lombardo.
Motion carried with four (4) votes in the affirmative and Mr. Conner dissenting.

6. Staff Comments

Mr. Mengel advised members of the action filed by the Hammock Community Association and discouraged members from speaking to anyone about the item.

7. Board Comments

Mr. Conner commented about the lack of procedural fixes included within the Land Development Code and requested that the Board of County Commission fix the Code. He asked if there was anything that the Planning and Development Board could do to cause this to happen.
Mr. Mengel explained that update of the Comprehensive Plan is coming due and the completion of the rewrite of the Land Development Code should follow. He advised that the Board of County Commission and County Administrator are both aware of the needed updates. Prioritization is important and the Comprehensive Plan update should occur first to avoid repeated amendments.

Mr. Langello suggested bringing back the rewrite of the Land Development Code by committee.

Mr. Mengel advised that the Land Development Code Advisory Committee had finished its work and the product had been provided to the consultant who produced the draft document, 12 chapters. Staff was making a chapter by chapter review which halted when our administrative changes took place.

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.

None.

9. **Adjournment**

*Meeting adjourned at 7:33 p.m.*

Prepared by: Gina Lemon
Reviewed by: Adam Mengel