

**FLAGLER COUNTY
PLANNING AND DEVELOPMENT BOARD
REGULAR MEETING
Flagler County Government Services Building
Board Chambers
1769 East Moody Blvd., Bunnell, FL
MEETING MINUTES
Tuesday, January 8, 2019 at 6:00 PM**

Approved February 12, 2019

1 **MEMBERS PRESENT:** Chair Mark Langelo, Michael Boyd, Timothy Conner (arrived at 6:07
2 p.m.), Jack Corbett, Michael Goodman, Lauren Kornel, and Anthony Lombardo.

3
4 **MEMBERS ABSENT:** None

5
6 **STAFF PRESENT:** Adam Mengel, Planning Director, and Wendy Hickey, Planner

7
8 **BOARD COUNSEL:** Kate Stangle, with Nelson Mullins Broad and Cassel

9
10 **Chair Langelo** called the meeting to order

11
12 1. **Roll Call.**

13 Attendance was confirmed by Ms. Hickey and a quorum was present.

14
15 2. **Pledge of Allegiance.**

16 Chair Langelo led the Pledge of Allegiance to the Flag.

17
18 3. **Election of Chair and Vice Chair**

19 **Chair Langelo** gave an explanation to the board on how succession has been handled for the last
20 few years. Explaining that the Vice Chair usually moves up to the Chair position and since the
21 current vice chair is not in attendance, he would like to postpone the election until Mr. Conner is
22 in attendance.

23
24 4. **Election of Vice Chair**

25
26 Postponed to the next meeting.

27
28 5. **Approval of the December 11, 2018 regular meeting minutes**

29
30 *Motion to approve made by Mr. Boyd, seconded by Mr. Goodman.*

31
32 *Motion carried unanimously.*

33
34 6. Quasi-judicial requiring disclosure of ex parte communication:

35 Application #3162 – APPLICATION FOR A VARIANCE IN THE PUD (PLANNED UNIT
36 DEVELOPMENT) DISTRICT – request for a Rear Yard Setback Variance from the required
37 20 foot rear setback in the Sugar Mill PUD located at 13 Audubon Lane (Lot 44, Sugar Mill
38 Plantation Phase II Subdivision); Parcel Number: 37-12-31-5627-00000-0440; 0.54+/- acres.
39 Owner: Jennifer Dawson Allison/Applicant: East Coast Pools & Spas.
40

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1 **Chair Langello** asked for ex-parte disclosures; no disclosures were made.

2

3 **Mr. Adam Mengel, Planning Director**, presented the staff report giving a brief history of the
4 project and staff recommendation that the Planning and Development Board find that all the
5 variance criteria as listed in the guidelines at Land Development Code Section 3.07.03.E have
6 been met therefore approves a 1.1 foot rear yard setback variance from the minimum 20 rear yard
7 setback for a pool, spa and pool deck at 13 Audubon Lane.

8

9 **Chair Langello** asked if the applicant would like to give a presentation.

10

11 **Jessica Maness, Office Manager, East Coast Pools & Spas, 300 Walnut Street, Ormond**
12 **Beach, applicant** gave a brief over view of the request.

13

14 **Chair Langello** opened the Public Hearing. Seeing no one approach the podium, he closed the
15 Public Hearing.

16

17 **Chair Langello** asked if the Board had any questions.

18

19 *Motion to approve made by Mr. Boyd, seconded by Ms. Kornel.*

20

21 *Motion carried unanimously.*

22

23 7. Quasi-judicial requiring disclosure of ex parte communication:

24 Application #3164 – **APPLICATION FOR A SPECIAL EXCEPTION FOR A HOME**
25 **OCCUPATION/OFFICE USE FOR A REAL ESTATE OFFICE IN THE R-1B DISTRICT**
26 – request to allow a Real Estate Office as a home based business in the R-1b (Urban single-family
27 residential) zoning district at 1240 Lambert Avenue (Lot 8, Block 1, Waterwood Park
28 Subdivision); Parcel Number: 02-12-31-5950-00010-0080; 0.59+/- acres. Owner: William H.
29 Clark and Vickie Lenchner, H&W/Applicant: William H. Clark.

30

31 **Chair Langello** asked for ex-parte disclosures; no disclosures were made.

32

33 **Mr. Adam Mengel, Planning Director**, presented the staff report giving a brief history of the
34 request and staff recommendation that the Planning and Development Board find that all the
35 special exception criteria as listed in the guidelines at Land Development Code Section 3.07.03.F
36 have been met and therefore approves the home occupation for a real estate office at 1240 Lambert
37 Avenue.

38

39 **Chair Langello** asked if the applicant would like to give a presentation. Applicant responded no.

40

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1 **Chair Langello** opened the Public Hearing. Seeing no one approach the podium, he closed the
2 Public Hearing.

3
4 **Ms. Kornel** asked if there any objections or feedback?

5
6 **Mr. Mengel** responded no.

7
8 *Motion to approve made by Ms. Kornel, seconded by Mr. Boyd*

9
10 **Chair Langello** asked if this special exception goes with the applicant or runs with the land like
11 other Special Exceptions?

12
13 **Mr. Mengel** responded he did not clarify that in the staff report. The condition that the home
14 occupation Special Exception runs with the applicant and not with the land can added to the
15 recommendation and the motion.

16
17 *Ms. Kornel amended her motion to state this Special Exception runs with the applicant and not*
18 *the land. Seconded by Mr. Boyd*

19
20 *Motion carried unanimously.*

21
22 8. Quasi-judicial requiring disclosure of ex parte communication:
23 Application #3163 – **APPLICATION FOR REVIEW IN A PUD (PLANNED UNIT**
24 **DEVELOPMENT) TO AMEND AND RESTATE DEVELOPMENT AGREEMENT** –
25 request to amend and restate the Development Agreement for Huntington Villas at Hunters Ridge
26 PUD. Owner: BADC Huntington Communities, LLC/Applicant: Mark Watts, Esq., and Michael
27 J. Woods, Esq., of Cobb Cole P.A.

28
29 **Chair Langello** asked for ex-parte disclosures; no disclosures were made.

30
31 **Mr. Mengel** stated that the applicant has requested that the application be continued to the next
32 meeting based on conversations and discrepancies between the applicant’s relined agreement and
33 the 2015 approved Exhibit 1 (applicant’s request for continuance is attached as Attachment “A”).
34 The approved exhibit 1 was the basis of staffs non-redline Exhibit 1 attachment to the draft
35 Ordinance. Based on this, the applicant acknowledged they were working from a different
36 Exhibit. So, for clarification and to avoid confusion, they felt it was best for the item to be tabled
37 until the February 12, 2019 regular meeting of the Planning and Development Board at 6:00 p.m.
38 in these chambers. He then went on to state that anyone who is in the chambers and would like to
39 comment they can do so at this time. There will be no rebuttal since the applicant is not present:
40 it will be only for a comment for the record.

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1
2 **Chair Langello** opened the Public Hearing for this item.

3
4 **Mr. Jack Bisland, 26 Shear Water Trail**, stated he was concerned about the increase in the
5 number of units in the Villas, the increase in the population, and the reduction in the size of the
6 amenities which may be a significant impact to the area.

7
8 **Chair Langello** asked if there was anyone else who wanted to speak; seeing none he closed the
9 Public Hearing.

10
11 *Motion made by Ms. Kornel to table application #3163 to February 12, 2019 at 6:00 p.m.,*
12 *seconded by Mr. Boyd.*

13
14 *Motion carried unanimously.*

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

17 Application #3150 – **APPLICATION FOR REZONING FROM R/C**
18 **(RESIDENTIAL/LIMITED COMMERCIAL) DISTRICT TO PUD (PLANNED UNIT**
19 **DEVELOPMENT) DISTRICT** – request for rezoning from R/C (Residential/Limited
20 Commercial) District to PUD (Planned Unit Development) District located at 4931 North
21 Oceanshore Boulevard; Parcel Number: 40-10-31-5137-000H0-0000; 12.44+/- acres. Owner:
22 LRA RIO, LLC/Applicant: Atlee Development Group, Inc.

23
24 **Chair Langello** asked for ex-parte disclosures

25
26 **Mr. Conner** stated that he represents one of the neighboring properties, but he and his client had
27 not had any discussions about this project; his client was a notified neighbor.

28
29 **Mr. Goodman** stated that he is Scenic A1A PRIDE committee board member and he asked if
30 that is a conflict of interest.

31
32 **Mr. Mengel** replied no, that Mr. Goodman was acting in his capacity as a board member at the
33 time he heard the information and there was recommendation that came out and that Mr.
34 Goodman did not have a specific benefit from the outcome of the pending request.

35
36 **Mr. Mengel** advised the board that handouts given prior to the meeting have to do with the next
37 two items: one is an email from Mr. Clark, which was read into the record and attached to these
38 minutes as Attachment “B”. The second from Mr. Moylan with the County Attorney’s Office
39 which is attached to these minutes as Attachment “C”. Staff is prepared to make a presentation
40 on both Applications #3150 Rezoning and #3158 Site Development Plan in a PUD, also noted

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1 that the applicant is in attendance and there are members of the public here to make comments.
2 He went on to state that based on the memo from the County Attorney's office staff does not feel
3 comfortable proceeding with these items.
4

5 **Ms. Kate Stangle, Nelson Mullins Broad and Cassel, Planning and Development Board**
6 **Counsel**, summarized the Attorney's office memo for the board stating that as a TRC (Technical
7 Review Committee Member) that the item does not meet the Land Development Code
8 requirements and the A1A overlay district requirements in its current form; there is data and
9 analysis that is not provided. Essentially the application is incomplete and we do not have enough
10 information to evaluate it in its current format. They are requesting that this be postponed until
11 the TRC can reevaluate the applications.
12

13 **Mr. Mengel** stated that the thought was the TRC had given their recommendation; however, if
14 staff as a member of the TRC raises an objection we want to get that resolved.
15

16 **Ms. Kornel** asked if the recommendation request is to be tabled so it doesn't have to be re-
17 advertised.
18

19 **Mr. Mengel** explained to the Board their options: they can go forward with the item; they can
20 continue the item to a time and date certain; or the Board can take no action at all.
21

22 **Chair Langello** asked if staff would be ready within one month for these items to come back to
23 the Board?
24

25 **Mr. Mengel** stated that he believes the issues raised can be addressed by the applicant within the
26 next month.
27

28 **Chair Langello** asked why the TRC member was raising their concern now.
29

30 **Mr. Mengel** stated the issue was brought up in September, and in writing in November and
31 December.
32

33 **Chair Langello** asked if it was due to the density.
34

35 **Mr. Mengel** responded he believed it was a threshold question. It is the PUD language in Article
36 III which references PUDs, more specifically the purpose and intent heading for the Article. The
37 item raised by Mr. Moylan is a threshold question that the applicant is not providing the
38 innovative urban design techniques, protection of natural resources, mix of uses, open space, etc.,
39 which is a prerequisite of a PUD. It is the cookie-cutter zoning that's there that an applicant can't

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1 meet what they want to do so they'll do something different. He stated that the density is not the
2 issue: the density is 7 units per acre. Density is not set by zoning, it is set by future land use.

3
4 **Chair Langello** questioned staff on the applicant's presentation if the Board's action was to table
5 the request.

6
7 **Ms. Stangle** responded that the applicant could state their opinion regarding the continuance,
8 along with allowing members of the public to speak regarding the continuance request.

9
10 **Chair Langello** asked the applicant if they wanted to speak.

11
12 **John Kiddy, Atlee Development Group, Inc., 5851 Timuquana Road, Jacksonville,**
13 **Applicant,** stated this was the second time the item was postponed and that he came ready to
14 present his case but at the last minute was presented with the memo from the Attorney's Office.
15 His advisors have recommended that they defer the public hearing to a time and date certain: at
16 some point and time, we need to get to the issues. We are willing to defer if everyone acts in
17 good faith.

18
19 **Chair Langello** asked staff who was paying for the public notice?

20
21 **Mr. Mengel** replied that the cost of the public notice was shared with the applicant when the
22 applicant has not been the cause of any delay in the process.

23
24 **Mr. Kiddy** asked if he could speak about the uniqueness of the project.

25
26 **Mr. Mengel** replied that that would not be appropriate at this time. Any presentation by the
27 applicant should be delayed until the public hearing. The public has the ability to review what
28 has been submitted.

29
30 **Chair Langello** replied that the Board has a couple of options available: postpone to a date certain
31 or postpone indefinitely, with the latter requiring public notice.

32
33 **Mr. Kiddy** stated they wanted to be on the next available agenda.

34
35 **Chair Langello** confirmed that the applicant wished to be continued to a time and date certain on
36 the next available agenda.

37
38 **Mr. Kiddy** responded yes.

39
40 **Chair Langello** asked for any questions from the Board.

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- 1 **Mr. Goodman** asked if there had been a tree survey submitted.
- 2
- 3 **Ms. Kornel** asked if that was appropriate since the Board was not reviewing the item.
- 4
- 5 **Mr. Goodman** replied that it was something that we would want to see the next time it came in.
- 6
- 7 **Mr. Mengel** thanked the Board for the comment, stating that the tree survey was less important
- 8 for the rezoning and more important for the site plan, the applicant has heard the Board's request.
- 9
- 10 **Chair Langello** asked for any additional questions.
- 11
- 12 *Motion to table Application #3150 until the February 12, 2019 at 6:00 p.m. by Ms. Kornel.*
- 13
- 14 **Mr. Boyd** asked if the motion was for Application #3150 and #3158.
- 15
- 16 **Ms. Stangle** reminded the Board that they should ask for public comment before the vote on the
- 17 motion.
- 18
- 19 **Chair Langello** responded that he wanted to make sure of the Board's direction, if the item was
- 20 to be tabled or if it was not tabled, then allowing the public to air all their grievances out.
- 21
- 22 **Ms. Stangle** stated that the motion to continue could be for both items if that was the intent.
- 23
- 24 **Ms. Kornel** replied that was her intent.
- 25
- 26 *Second by Mr. Boyd.*
- 27
- 28 **Chair Langello** asked for any Board discussion before he opened public comment. He stated
- 29 that the request would be continued until the February meeting and that the Board would not
- 30 engage in a conversation about the request at tonight's meeting. The public was invited to return
- 31 in February and to provide comments to staff prior to the next meeting. If anyone needed to speak
- 32 tonight they could do so.
- 33
- 34 **Janet Sullivan, 35 Nantucket Drive**, spoke in opposition to the project and quoted excerpts of
- 35 the Comprehensive Plan and the Land Development Code as it relates to the barrier island and
- 36 the PUD. Stated that Beachwalk does not meet the minimum requirements for this type of
- 37 development. The PUD is being used to circumvent the existing R/C zoning.
- 38

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1 **Chair Langello** asked for any other public comments and again restated that the Board was not
2 considering the merits of the request tonight, asking for substantive public comments to be made
3 at the next meeting.

4
5 **Dr. Lynn Bravo Rosewater, 200 Ocean Crest Drive #815**, replied that she understood that the
6 request would be continued. She spoke in opposition to the project, citing the extensive
7 vegetation and the loss of the natural resources on the property. The Hammock is one of the last
8 wooded barrier islands in existence in the United States. This is 54 three-story homes. They are
9 counting the water retention as part of the acreage, making the lots smaller. She urged Board
10 members to drive down Hammock Dunes Parkway: it is canopied all the way to the end. It is
11 very important not to treat it like any other piece of land. You can't put the trees back. She hopes
12 the Board members go and look for themselves.

13
14 **Chair Langello** asked for other speakers.

15
16 **Gregory Peugh, P.E., District Manager, Dunes Community Development District**, spoke in
17 limited opposition to the project and its proposed driveway onto Hammock Dunes Parkway,
18 stating that the Dunes Community Development District does not support this or any other future
19 development of any private or commercial entries or curb cuts along Hammock Dunes Parkway.

20
21 **Chair Langello** encouraged speakers to return for the next meeting, closed the Public Hearing
22 and asked the Board for a vote.

23
24 **Mr. Goodman** stated that he had visited the property and gave his perspective of the foliage on
25 the property.

26
27 **Chair Langello** asked Ms. Stangle if it is appropriate for Board members to make individual site
28 visits on items that come before us? In the past something like that was discouraged.

29
30 **Ms. Stangle** stated that she will check on this and we can talk about it at the next meeting. She
31 did not recall it being prohibited, but that decisions made by the Board should be made based on
32 evidence presented and the collective decision of the Board at the meeting, where everyone has
33 the benefit of seeing the same thing.

34
35 **Chair Langello** relayed that in the past site visits were discouraged.

36
37 **Mr. Goodman** said he was the new kid on the block.
38

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1 **Chair Langello** acknowledged it was only Mr. Goodman’s second meeting on the Board. He
2 asked for additional comments; seeing none, he requested the vote on the motion to postpone the
3 requests to a time and date certain for next month’s meeting.

4
5 *Motion carried unanimously.*

6
7 **Chair Langello** advised the Board and the audience that these requests would be heard on
8 February 12, 2019 at 6:00 p.m.

9
10 10. Quasi-judicial requiring disclosure of ex parte communication:

11 Application #3158 – **APPLICATION FOR SITE DEVELOPMENT PLAN IN PUD**
12 **(PLANNED UNIT DEVELOPMENT) DISTRICT** – request for review of a PUD Site
13 Development Plan in the PUD (Planned Unit Development) District for Beachwalk PUD located
14 at 4931 North Oceanshore Boulevard; Parcel Number: 40-10-31-5137-000H0-0000; 12.44+/-
15 acres. Owner: LRA RIO, LLC/Applicant: Atlee Development Group, Inc.

16
17 *[This agenda item was continued to February 12, 2019 at 6:00 p.m. through the Board’s motion*
18 *for Agenda Item #9.]*

19
20 11. **Staff Comments**

21 No comments.

22
23
24 12. **Board Comments**

25
26 **Mr. Boyd** asked if the Board could have the election of the Chair tonight since all Board members
27 were present. There was no objection from the Board and consensus to proceed with the election.

28
29 **Election of the Chair**

30
31 **Chair Langello** opened the floor to nominations

32
33 *Mr. Boyd nominated Mr. Conner for Chair and Mr. Lombardo as Vice-Chair, seconded by Ms.*
34 *Kornel.*

35
36 Following a brief discussion by the Board, Mr. Lombardo declined the nomination as Vice-Chair.

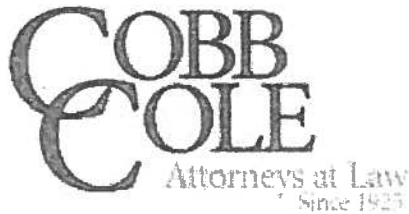
37
38 **Chair Langello** nominated **Mr. Boyd** as Chair and **Mr. Conner** as Vice-Chair, seconded by **Mr.**
39 **Lombardo.**

40

Adam Mengel, AICP, LEED AP BD+C

From: Mark Watts <Mark.Watts@cobbcole.com>
Sent: Tuesday, January 8, 2019 3:49 PM
To: Adam Mengel, AICP, LEED AP BD+C
Cc: Lynne Figenschler; Howard Lefkowitz; Sally A. Sherman
Subject: RE: Huntington Villas PUD Amendment

Thanks, Adam. Following up on my call, we are okay with the continuance tonight so we can clarify any confusion. Howard and I will not attend, but will follow up with you to resolve the inconsistencies between the documents.



Mark Watts
Florida Bar No. 157521
Cobb Cole
231 North Woodland Boulevard
DeLand, FL 32720
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[Website](#) | [Bio](#) | [vCard](#)

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From: Adam Mengel, AICP, LEED AP BD+C <amengel@flaglercounty.org>
Sent: Tuesday, January 08, 2019 2:28 PM
To: Mark Watts <Mark.Watts@cobbcole.com>
Cc: Lynne Figenschler <Lynne.Figenschler@CobbCole.com>; Howard Lefkowitz <howard@badc.us>; Sally A. Sherman <sshorman@flaglercounty.org>
Subject: RE: Huntington Villas PUD Amendment

Hi Mark:

Those dates would end up being February 12th for the Planning and Development Board and March 4th (at 9 a.m., with public hearings starting at 9:30 a.m.) for the BOCC.

I'm checking with Sally through this email to see if she knows of any difficulties with this schedule.

Thanks,

Adam

Adam Mengel, AICP, LEED AP BD+C
Planning Director

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1 *The vote for Mr. Boyd for Chair through a showing of hands was 6 in favor with one opposed*
2 *(Mr. Boyd). The vote for Mr. Conner for Chair through a showing of hands was one in favor*
3 *(Mr. Boyd) with 6 opposed.*

4
5 *The vote for Mr. Conner for Vice-Chair was unanimous.*
6

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

9
10 None

11
12 14. **Adjournment**

13
14 *Motion made by Mr. Boyd at 7:10 p.m.*

15
16 Prepared by: Wendy Hickey
17 Reviewed by: Adam Mengel

Attachment "B"

Adam Mengel, AICP, LEED AP BD+C

From: Dennis Clark <denrclark@gmail.com>
Sent: Tuesday, January 8, 2019 1:30 PM
To: Adam Mengel, AICP, LEED AP BD+C
Cc: Gregory Hansen
Subject: Beachwalk Planning Bord conflict

Adam,

We have a critical community meeting with Commissioner Hansen tonight, preventing me and other interested parties from attending the Planning Board for the Beachwalk proposed rezoning and site plan review. I was hoping that the Beachwalk project could be rescheduled for another time, but I understand the noticing constraints.

If Beachwalk is discussed, I have just a few comments/questions I'd like to present:

1. **Density:** Why have a zoning district if it can be changed so easily purely for the benefit of the developer?
 - I believe that R/C zoning would allow about two thirds of the requested lots, or 34 homes with 75-foot wide lots. Of course they could implement multi-family dwellings or mixed-use, but that is not what they are planning.
2. **Tree Preservation:** In Section 3-P, the following statement has no real requirements to keep 40% of the index tree caliper inches.

"...the developer shall make every reasonable effort to preserve existing Southern live oaks (*Quercus virginiana*) and Sand live oaks (*Quercus geminata*) with a diameter at breast height (DBH) of ten inches (10") or greater."
3. **Open Space** (page 2 of 3): The 25% open space requirement should not be removed because there is no longer a commercial component required in the R/C district. It is just as important to have open space whether there is commercial or not. Also, the stormwater retention pond is already counted as a component and should not be double-counted as open space.

As always, thank you for getting my message out.


Dennis Clark

County Attorney
1769 E. Moody Blvd Bldg 2
Bunnell, FL 32110



www.flaglercounty.org
Phone: (386) 313-4005
Fax: (386) 313-4105

TO: Adam Mengel, Planning Director

FROM: Sean Moylan, Assistant County Attorney as Counsel to the TRC 

CC: Planning Board; Sally Sherman, Growth Management Director; Gina Lemon, Development Review Planner; Wendy Hickey, Planner; Susan Graham, Development Engineer

DATE: January 8, 2019

RE: Application #3150, Beachwalk Rezoning to PUD

This supplemental memo regards the application to rezone a parcel of land north of Jungle Hut Road between State Road A1A and Hammock Dunes Parkway from R/C to PUD (Beachwalk). Please add it to the record for this evening's Planning and Development Board meeting. (Apologies to the Planning Board, but I did not know this item was going to be on tonight's agenda. We had expected it to be further postponed because items from the TRC remain incomplete.)

The Technical Staff Report quotes Land Development Code (LDC) Section 3.03.20.A and attaches the Technical Review Committee (TRC) comments, which likewise reference this LDC provision. As I mentioned at the TRC meeting for this project on September 19, 2018 and in writing for the October and November 2018 TRC meetings for this project, LDC Section 3.03.20.A indicates that the purpose of a PUD zoning district is to provide innovative urban design, creative and flexible concepts, and protection of natural features and open spaces that a strict interpretation of zoning regulations would otherwise prohibit. This is a threshold legal issue that must be addressed in order to approve the rezoning to PUD.

As stated by the applicant at the TRC meetings, the desire to rezone the subject parcel to PUD is to allow for smaller lot sizes, thereby making the project more economically feasible. Without more, this does not meet the purpose of a PUD zoning under the LDC. A PUD cannot be used solely as a vehicle to gain a blanket set of variances. Ultimately, the applicant has the burden of demonstrating to the Planning Board's and the County Commission's satisfaction that the proposed rezoning satisfies the purpose outlined in LDC Section 3.03.20.A.

Charles Ericksen, Jr.
District 1

Greg Hansen
District 2

David Sullivan
District 3

Joe Mullins
District 4

Donald O'Brien, Jr.
District 5

In addition, the density of a proposed PUD must comply with the Comprehensive Plan. In this regard, the Technical Staff Report compares the proposed development with the most intense possible development allowed under the Future Land Use Map (FLUM) for the subject parcel. While this is a relevant point, it does not end the analysis. Landowners are not automatically entitled to the most intense development allowed under the FLUM and, in fact, are often approved for something less based on compatibility with nearby uses and a variety of other planning considerations.

This proposed project adjoins two designated Scenic Byway corridors, State Road A1A and Jungle Hut Road. The proposed rezoning, therefore, should also be viewed in light of the Scenic A1A Overlay District and associated Management Plan. These are expressly applicable to developments along Jungle Hut Road. This was pointed out to the applicant in at least one TRC meeting with the applicant present. Further, the Growth Management Director, at the TRC meeting, directed that this analysis be undertaken based on judicial precedent applicable to Flagler County. I have not, however, reviewed the Management Plan to evaluate how its standards may apply, and I realize Overlay District requirements may be more relevant to analysis of the Site Plan, but nevertheless mention them to suggest that they be specifically addressed on the record where appropriate. There is no analysis in the Technical Staff Report of these issues.

Lastly, there was an internal meeting of County staff regarding this project, which meeting included the Growth Management Director, the County Administrator, the Planning Director, and myself. The instruction from the meeting was that the Planning Director was to stop drafting the ordinance for the applicant. The applicant had attempted to turn over this task to the Planning Director, which we do not think is appropriate. Even otherwise, this application is not ready to be heard. The applicant has not satisfactorily addressed a number of issues that arose during TRC review. For instance, the buffer along State Road A1A and Jungle Hut Road appear to be too small, as does the open space amenity for the number of potential residents, and the emergency secondary access needs to be identified.

Additionally, scheduling this item for the action of the Board of County Commissioners only six days after the Planning Board does not provide adequate time to address issues that may arise. The January 14th Board of County Commissioners meeting is expected to be a complex, contentious meeting, and we should ensure that the Board of County Commissioners has adequate time to review this proposed rezoning on the Scenic Byway. I do not believe that this item is ready to be heard and respectfully believe it should be postponed.