

**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 12, 2019 at 6:00 PM**

Approved March 12, 2019

1 **MEMBERS PRESENT:** Chair Michael Boyd, Timothy Conner, Jack Corbett, Michael Goodman,
2 Lauren Kornel, Mark Langelo, and Anthony Lombardo.

3

4 **MEMBERS ABSENT:** None

5

6 **STAFF PRESENT:** Adam Mengel, Planning Director; Gina Lemon, Development Review Planner
7 III; and Wendy Hickey, Planner

8

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

10

11 **Chair Boyd** 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 Chair Boyd led the Pledge of Allegiance to the Flag.

18

19 3. **Approval of the January 8, 2019 regular meeting minutes**

20

21 *Motion to approve made by Mr. Langelo, seconded by Mr. Lombardo.*

22

23 *Motion carried unanimously.*

24

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

26 Application #3165 – **APPLICATION FOR A SPECIAL EXCEPTION IN THE AC**
27 **(AGRICULTURE) DISTRICT** – request for a Special Exception in the AC (Agriculture)
28 District for Guest/Servant Quarters located at 870 County Road 65; Parcel Number: 13-12-29-
29 5550-00140-0030; 5.23+/- acres. Owners/Applicants: Patricia L. Baird and Dorothy J. Magray,
30 JTWROS.

31

32 **Chair Boyd** asked for ex-parte disclosures; no disclosures were made.

33

34 **Mr. Mengel** presented the staff report giving a brief history of the project and staff
35 recommendation that the Planning and Development Board find that all special exception criteria
36 as listed in the guidelines at Land Development Code Section 3.07.03F have been met and
37 therefore approved the guest/servant quarters at 870 County Road 65, subject to the following
38 conditions:

39

1. The Special Exception runs with the land.

40

2. Owner or contractor to obtain all permits prior to commencement of work.

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- 1 3. The parcel shall remain under single ownership and not be subdivided.
- 2 4. Occupancy of the guest quarters is limited to family members and nonpaying guests of the
- 3 occupants of the principal structure or a period of time not to exceed six (6) months per
- 4 year.
- 5 5. While there are presently two electric meters serving the parcel, should there ever be cause
- 6 to abandon or reconstruct the electric service, the Owner agrees to utilize a single meter
- 7 and connection for power.
- 8 6. Maintain a single onsite sewage disposal system.

9
10 **Chair Boyd** asked if the applicant would like to give a presentation. Applicant responded no.

11
12 **Chair Boyd** opened the Public Hearing. Seeing no one approach the podium, he closed the Public
13 Hearing.

14
15 **Chair Boyd** asked if the Board had any questions.

16
17 *Motion to approve made by Mr. Langelo, seconded by Ms. Kornel.*

18
19 **Mr. Corbett** asked if the property had a caretaker would they be limited to six months?

20
21 **Mr. Mengel** responded that is how it is structured in our Code. It is intended not for someone
22 who is living permanently on the property.

23
24 **Chair Boyd** asked for any other discussion. Seeing none, he called the question.

25
26 *Motion carried unanimously.*

- 27
28 5. Quasi-judicial requiring disclosure of ex parte communication:
29 Application #3166 – **APPLICATION FOR A SPECIAL EXCEPTION IN THE C-2**
30 **(GENERAL COMMERCIAL AND SHOPPING CENTER) DISTRICT** – request for a
31 Special Exception in the C-2 (General Commercial and Shopping Center) District for a Contractor
32 Storage Yard located at 5658 North Oceanshore Boulevard; Parcel Number: 40-10-31-3150-
33 00000-0420; 4.26+/- acres. Owner: Hammock Harbour, LLC/Applicant: Phillip Wilson of
34 Doctor Dredge, LLC.

35
36 **Chair Boyd** asked for ex-parte disclosures.

37
38 **Mr. Goodman** disclosed that he was in attendance at the Scenic A1A PRIDE Committee meeting
39 that this item was on the agenda. He stated that he did not participate during that portion of the
40 Committee meeting.

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1 **Mr. Mengel** presented the staff report giving a detailed history of the site and the current request,
2 along with staff recommendation that the Planning and Development Board finds all the special
3 exception criteria as listed in the guidelines at Land Development Code Section 3.07.03.F have
4 been met and therefore approved the contractor storage yard at 5658 North Oceanshore Boulevard
5 subject to the following conditions:
6

- 7 1. The Special Exception runs with the land.
- 8 2. Owner or contractor to obtain all permits prior to commencement of work.
- 9 3. Landscape buffers and the stormwater system improvements are to be located within the
10 35-foot North and South buffers as previously approved through Application #2087,
11 including:
 - 12 a. A six foot high wooden privacy fence installed along both North and South parcel
13 lines, running a distance of 408+/- feet easterly from West parcel line at the
14 Intracoastal Waterway; and
 - 15 b. Landscaping to be installed and maintained in perpetuity consistent with either;
 - 16 i. the Buffer Plan – bearing an 11-22-99 date by Donald E Burnett, ASLA –
17 submitted with Application #2087; or
 - 18 ii. in the event that the then-existing trees as depicted on the Buffer Plan are no
19 longer on site or viable due to the recent hurricanes, the landscaping shall meet
20 the requirements of the FCLDC Sec. 5.01.04(6) (c) and (8) to be demonstrated
21 through submittal of a landscape plan for staff review and approval with plan
22 submittal and landscape material installation to occur no less than six (6) months
23 following the date of the Planning and Development Board’s order.
- 24 4. As an existing developed site, the front perimeter landscape area (buffer) along North
25 Oceanshore Boulevard shall be improved – and maintained in perpetuity for the duration
26 of the use – with plant materials meeting the requirements of FCLDC Sec. 5.01.04 (8) so
27 as to create a the desired 40- foot wide undulating, diversified non- uniform front perimeter
28 buffer to be demonstrated through submittal of a landscape plan for staff review and
29 approval, with plan submittal and landscape material installation to occur no less than six
30 (6) months following the date of the Planning and Development Board’s order.
- 31 5. Outdoor storage will be limited to the 75-foot by 75-foot area depicted on the site plan
32 sketch provided with the Special Exception application submittal.
- 33 6. Signage will be limited to no greater than six feet in height and with a sign area not to
34 exceed 32 square feet, and the sign’s location meeting applicable minimum setbacks.
- 35 7. All onsite lighting will be shielded and aimed downward to comply with the County’s
36 Marine Sea Turtle lighting requirements.
- 37 8. The dumpster enclosure shall be a minimum of six feet in height on three sides and be
38 constructed in the location depicted on the site plan sketch, except that the enclosure shall
39 be a minimum of 25 feet from the left (South) side parcel line adjoining the Hammock
40 Hardware parcel.

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- 1 9. Onsite bulk storage or disposal of hazardous materials is prohibited.
- 2 10. Future tenants and their uses will be evaluated on a case-by-case basis at the time of the
- 3 business tax receipt (BTR) sign-off to ensure that adequate offstreet parking exists to
- 4 accommodate all onsite uses. If additional parking is required, a site plan submittal will
- 5 be necessary showing the location, number, and proposed surface treatment of the
- 6 additional parking areas.
- 7 11. The fire sprinkler system in the main building and fire alarm system will be inspected,
- 8 certified, and maintained in an operable condition for the duration of the use consistent
- 9 with the applicable regulations
- 10 12. The owner will install a Knox Box or Lock to provide afterhours access by the Fire
- 11 Department in the event of an emergency.

12
13 **Chair Boyd** asked if the applicant would like to give a presentation.

14
15 **Chair Boyd** opened the Public Hearing.

16
17 **Dennis Clark, 5784 N. Oceanshore Boulevard, Palm Coast, Scenic A1A Pride Committee**
18 **Chair**, stated that when the A1A Committee had reviewed this project the applicant had stated no
19 sign nor dumpster was planned. He was surprised to see these as part of the plan. There is not a
20 problem with the dumpster but the sign would have to be setback significantly because of the
21 driveway.

22
23 **Jim Buckley, 2891 John Anderson Drive, Ormond Beach, Property Owner**, stated that they
24 are not changing anything. There is no sign anticipated at this time and the dumpster was
25 corrected by the tenant: the type he will be using will be kept in the building and will be able to
26 roll out for pickup. He also ensured as this progresses all requirements will be adhered to.

27
28 **Chair Boyd** closed the Public Hearing and asked for Board comments.

29
30 **Mr. Langelo** pointed out to the applicant that based on Florida and Federal ADA requirements
31 the handicapped parking space must be as close as possible including a flat paved path to the
32 entrance of the business.

33
34 **Mr. Conner** asked if structures constructed in 1999 were grandfathered as it related to the A1A Overlay
35 and would that include any improvements within the front 40 foot buffer.

36
37 **Mr. Mengel** responded in the affirmative.

38
39 **Ms. Kornel** asked what was the discrepancy between the applicant and Scenic A1A about the sign?
40

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1 **Mr. Mengel** stated that after the applicant met with Scenic A1A staff had requested the applicant add
2 anything to the plan as it may apply to any future tenant. The location of the sign is depicted within 50 feet
3 of the driveway and would have to be setback 20 feet from the front property line. He also noted that if
4 and when a sign is proposed it will have to meet the Scenic A1A Overlay requirements for size and
5 location.

6
7 *Motion to approve with the correction made to the conditions changing no less than six months*
8 *in Condition 3.b.ii. to no more than six months, made by Mr. Lombardo, seconded by Mr.*
9 *Conner.*

10
11 *Motion carried unanimously.*

- 12
13 6. Quasi-judicial requiring disclosure of ex parte communication:

14 Application #3163 – **APPLICATION FOR REVIEW IN A PUD (PLANNED UNIT**
15 **DEVELOPMENT) TO AMEND AND RESTATE DEVELOPMENT AGREEMENT** –
16 request to amend and restate the Development Agreement for Huntington Villas at Hunters Ridge
17 PUD. Owner: BADC Huntington Communities, LLC/Applicant: Mark Watts, Esq., and Michael
18 J. Woods, Esq., of Cobb Cole P.A.

19
20 **Chair Boyd** asked for ex-parte disclosures; no disclosures were made.

21
22 **Mr. Mengel** presented the staff report giving a detailed history of the development and the current
23 request to reduce the amenity area and add additional lots. He then went on to give the staff
24 recommendation that the Planning and Development Board recommend approval of the
25 amendment and restating of the PUD Development Agreement for Huntington Villas PUD
26 adopted through an ordinance titles similar to: AN ORDINANCE OF THE BOARD OF
27 COUNTY COMMISSIONERS OF FLAGELR COUNTY, FLORIDA; AMENDING AND
28 RESTATING THE HUNTINGTON VILLAS AT HUNTER’S RIDGE DEVELOPMENT
29 AGREEMENT FOR THE HUNTIGTON VILLAS PLANNED UNIT DEVELOPMENT;
30 AMENDING FLAGLER COUNTY ORDINANCE

31
32 **Chair Boyd** asked the applicant if they would like to speak.

33
34 **Mark Watts, Esq., of Cobb Cole P.A., 231 North Woodland Boulevard, Deland, Applicant,**
35 stated that what they are trying to do is pull all together and consolidate the changes that have
36 been made since the original Development Agreement was approved and to add some changes
37 that have become evident over the course of the project starting to develop. He spoke about the
38 proposed changes to the amenity center and the reduction of the tract size. He discussed what the
39 original six million dollar amenity center was to contain and that the original plan was for this
40 amenity center to be a for-profit revenue source. The original plan was the amenity was to be

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1 held within a separate holding company and sell memberships not only to the HOA but to others
2 outside so that it would be a profit center for the Developer. He spoke of how the current
3 developer acquired the property in 2013 and has since made some adjustments to make the project
4 viable in today's market. The plan contains 250-300 units for which a six million dollar amenity
5 center would not be sustainable and not using the for-profit model it is not a feasible plan. He
6 also spoke of the multiple meetings between the developer and the HOA about the revised plan.
7 Describing that the new amenity package would be a three-quarters of a million dollar amenity
8 package that includes a fitness room, meeting room a pool area and other items. It would be
9 constructed and dedicated to the HOA as part of the development, paid for by the developer. Mr.
10 Watts showed on the overhead projector the original amenity center and the proposed amenity
11 center renderings, attached to these minutes as Attachment "A" and "B", giving an overview of
12 each of the renderings and stating that the proposed amenity would be constructed this year.

13
14 **Mr. Langello** asked if the amenity center was to be open to the public, was there any benefit to
15 the homeowners? Getting a reduced membership fee? Were there any lots sold with that amenity
16 plan? Were they promised any amenity or advantage that they are no not getting?

17
18 **Mr. Watts** responded yes, there were lots sold and they are not getting the original amenity center,
19 and they are not having to pay for it. The structure was tiered-pricing for memberships so if you
20 were a resident within Huntington you had your HOA fees paid in part for a membership in the
21 club was a component, and they were higher than what they have come in with. He stated he
22 believes the HOA fees charged now are about \$299 a month.

23
24 **Howard Lefkowitz, Vice President, BADC Huntington Communities, LLC 300 Interchange**
25 **Boulevard, Suite D, Ormond Beach, Developer/Owner**, clarified that the proposed meeting
26 room that was discussed is really an air conditioned exercise facility and there is not a specific
27 meeting room in the facility but there is an area about 50 feet along the side of the pool that at
28 some point can be enclosed as a meeting facility. He noted that several houses were sold
29 advertising the original amenity. He went on explain the original concept of that facility and how
30 after about two years into the project they realized that they couldn't afford nor borrow the funds
31 for the amenity facility and if the facility was completed, the residents would have paid more
32 monthly fees and their fees would have been significantly higher. Yes, they were advertised with
33 that facility and yes, there were maybe 15-20 residents at the time. What has changed is the
34 facility is being built by the developer and given to the HOA, so they are coming out better. This
35 is for the economics of it and when you assess our market we do not have a highly physically
36 active group of people as you might find in Margaritaville. He went on discussing the pros and
37 cons of if this was part of the Community Development District and how this was better overall
38 for the residents of the community.

39
40 **Chair Boyd** asked if any of this had come up during the community meetings?

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1 **Mr. Lefkowitz** responded yes, he provided copies of minutes to staff of the two community
2 meetings (included as part of packet provided to Board for this meeting) that this item appeared
3 on the agenda. They were fully informed and were even shown pictures. He went on to state that
4 he feels everyone whom had a desire to know is well informed of the proposed changes.
5

6 **Mr. Watts** stated that 2017 was the first meeting the HOA annual meeting of the association, that
7 is where we rolled out and showed the new amenity center, floor plan design etc. It happened
8 again at the July 2018 HOA annual meeting and then again at the CDD meetings in December
9 and January.
10

11 **Mr. Langelo** stated the minutes were not clear of the residents' reaction.
12

13 **Chair Boyd** opened the Public Hearing for this item.
14

15 **Carol Hodak, 15 Huntington Place**, spoke in opposition to the proposed change, noting the
16 original amenities and what is proposed.
17

18 **James Hodak, 15 Huntington Place**, spoke in opposition to the proposed change. He does
19 understand the financial aspects of the situation but feels this was not presented to the entire
20 community.
21

22 **Chair Boyd** as if Mr. Hodak attended any community meetings?
23

24 **Mr. Hodak** responded he attended two community meetings.
25

26 **Mr. Langelo** asked Mr. Hodak if he was aware that the original concept was to be a for-profit
27 amenity.
28

29 **Mr. Hodak** responded that he was not.
30

31 **Mr. Langelo**, asked if the proposal from the developer would offset what was expected? Stated
32 he was trying to get where the community is on the concept.
33

34 **Mr. Hodak** read into the record what was to be included in the ninety eight dollar monthly fee
35 charged for the community. He stated this was what was promised and that that is what we are
36 looking for.
37

38 **Mr. Corbett** asked what was the total HOA fee promised?
39

40 **Mr. Hodak** responded about five hundred a month.

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1 **John Dockery, 17 Huntington Place**, stated that he has been a resident since August of 2016, he
2 had not been able to go to all the meetings, but the amenity has been downsized every time there
3 was a meeting. He felt that this will have a negative impact on the value of his property. He also
4 added that as of 5 p.m. today the developer is still advertising the original amenity. He questioned
5 if the developer is aware they cannot build the amenity then why are they still advertising it as
6 part of the development? The proposed 1,200 sq. ft. building will be 600 sq. ft. of bathrooms.
7 They are adding this all to get two more duplexes in and more profit for them.

8
9 **Tom Eldredge, 19 Huntington Place**, spoke in opposition and is in agreement with the previous
10 speakers.

11
12 **Robert Heidorn, 21 Shear Water Trail**, purchased a home in 2016, spoke in opposition and
13 agrees with the previous speakers. But he feels that the developer should not benefit from the
14 additional property and that the HOA should retain it for the future.

15
16 **Chair Boyd** asked if there was anyone else who wanted to speak; seeing none, he closed the
17 Public Hearing.

18
19 **Mr. Watts** stated that the original amenity was to be a revenue stream for the developer. The
20 developer would have been making additional profits from this. We are not increasing the number
21 of units: 154 was what we have previously been approved for and 154 is what we have to be
22 considered tonight. There are costs that are being taken over by the developer building the center
23 without the prospect of future revenue. The requirement for recreation under the DRI
24 (Development of Regional Impact) has been satisfied with the amenities in the Volusia County
25 portion of the development. This amenity is not required under the DRI Development Order nor
26 is it required through any zoning document. Within the original HOA documents there was a five
27 thousand seven hundred dollar capital fee that was assessed for every house built that went to the
28 amenity center. The fees were waived initially because there was not a feasible plan in place at
29 the time. This amendment is for the zoning: the size of the property, the size and scope of the
30 amenity center, is a matter between the developer and the HOA.

31
32 **Mr. Lefkowitz** stated that everything he had stated had been in black and white as the State
33 mandates all documents are provided early on and become public record.

34
35 **Mr. Corbett** asked how much more property is available on the amenity area?

36
37 **Mr. Watts** stated it was reducing from 2.9 acres to 2.6 acres.

38
39 **Mr. Langelo** at what point is this a civil matter?
40

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1 **Ms. Kate Stangle, Nelson Mullins Broad and Cassel, Planning and Development Board**
2 **Counsel**, stated this is a zoning application you should be looking at the zoning criteria within
3 the Land Development Code and not promised amenities.

4
5 **Chair Boyd** asked according to staff if the minimum requirements have been met?

6
7 **Mr. Mengel** responded yes.

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

11
12 *Motion made by Mr. Lombardo, seconded by Mr. Goodman.*

13
14 *Motion carried 6 to 1, with Mr. Langello dissenting.*

15
16 7. 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 Boyd** asked for ex-parte disclosures.

25
26 **Mr. Goodman** stated that he was present at the Scenic A1A PRIDE committee board meeting.

27
28 **Mr. Conner** stated that he represents the owner of the property to the north of this project, but he
29 and his client had not had any discussions about this project.

30
31 **Mr. Mengel** presented the staff report giving a detailed history and explanation of the proposed
32 rezoning. Noting that since this item was postponed from last month's meeting and the Hammock
33 Dunes CDD voiced their opposition to private connection to Hammock Dunes Parkway, the
34 revised plan does remove any propose connection to Hammock Dunes Parkway. Staff
35 recommendation is the Planning and Development Board recommend to the Board of County
36 Commissioners approval of Application #3150, amending the zoning classification of a total of
37 12.44 acres, more or less, identified as Parcel Number 40-10-31-5137-000H0-0000, from R/C
38 (Residential/Limited Commercial Use) to PUD (Planned Unit Development) District, and
39 approval of the Beachwalk Planned Unit Development, finding that the PUD is consistent with
40 the Comprehensive Plan and the Land Development Code, and specifically finding that the

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1 proposed PUD does not affect adversely the orderly development of Flagler County and complies
2 with the comprehensive plan adopted by the Flagler County Board of County Commissioners and
3 the proposed PUD will not affect adversely the health and safety of residents or workers in the
4 area and will not be detrimental to the use of adjacent properties or the general neighborhood,
5 with the PUD rezoning ordinance titled as:
6

7 AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF FLAGLER
8 COUNTY , FLORIDA AMENDING THE ZONING CLASSIFICATION OF A TOTAL OF
9 12.44 ACRES, MORE OR LESS, BEING PARCEL H AND I OF THE PROPERTY
10 APPRAISER'S SUBDIVISION NUMBER 379, PARCEL NUMBER 40-10-31-5137-000H0-
11 0000, FROM R/C (RESIDENTIAL/LIMITED COMMERCIAL USE) TO PUD (PLANNED
12 UNIT DEVELOPMENT) DISTRICT; ADOPTING A PUD DEVELOPMENT AGREEMENT
13 AND CONCEPTUAL PUD SITE DEVELOPMENT PLAN; PROVIDING FOR FINDINGS;
14 AND PROVIDING FOR AN EFFECTIVE DATE.
15

16 **Chair Boyd** asked if the applicant would like to make a presentation.
17

18 **Sidney Ansbacher, Esq., Upchurch Bailey and Upchurch 780 N Ponce De Leon Blvd. St.**
19 **Augustine, counsel for the applicant,** stated that Mr. Mengel covered much of what he was
20 going to cover and he added that they were in constant conversation with staff and with the office
21 of the County Attorney concerning not only compliance with the PUD but to go above and
22 beyond, with 3,600 linear feet of sewer line proposed to be extended to serve this development
23 and upsized for future connections within the Hammock consistent with the reduction of septic
24 tanks within the Corridor. Mr. Hadeed as the County Attorney proposed second-hand through
25 Adam late Friday requesting that we do an enhancement to Jungle Hut Road. There are two
26 operative provisions within the Corridor plan, one adding educational facilities and two enhancing
27 the existing corridor. The applicant's proposal was met with some approval from staff knowing
28 that it is your role as the recommending body and finally the Board of County Commissioners
29 who determines sufficiency. We proposed a contribution of twenty five thousand dollars to be
30 used along Jungle Hut in any combination of education and sidewalk or landscape facilities. We
31 have agreed to an energy-efficient plan using Energy Star and Water Star consistent with FPL
32 and the SJRWMD standards. We are also assessing aging in place to determine what age in place
33 would mean for this project. He spoke of the other proposed amenities that the applicant is willing
34 incorporate into the plan.
35

36 **Ms. Kornel** asked if there was ever a landscape analysis done?
37

38 **Mr. Ansbacher** responded no.
39

40 **Chair Boyd** opened the Public Hearing for this item.

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1
2 **Dennis Clark, 5784 N. Oceanshore Boulevard**, read into the record a hand out that is attached
3 to these minutes as Attachment “C” in which he shared his concerns related to the proposed
4 development.

5
6 **Dr. Lynn Bravo Rosewater, 200 Ocean Crest Drive #815**, spoke in opposition to the proposed
7 development, citing the proposed density on the property, the destruction of trees and the lack of
8 innovation as it pertains to a PUD.

9
10 **Chair Boyd** asked if there was anyone else who wanted to speak; seeing none he closed the Public
11 Hearing.

12
13 **Mr. Ansbacher** responded to the concerns of tree preservation and how the code would be
14 followed.

15
16 **Chair Boyd** asked for comments by the Board.

17
18 **Mr. Lombardo** asked what is the maximum height and minimum square footage for the
19 community? Will it be age restricted?

20
21 **Mr. Mengel** replied the maximum height will be 35 feet and the minimum area under roof may
22 be 1,200 square feet. Age restriction is being considered, but no determination has been made at
23 this time.

24
25 **Mr. Conner** asked if the County Attorney’s Office concerns that had been provided to us at the
26 last meeting have been addressed.

27
28 **Mr. Mengel** responded that he had not coordinated with the County Attorney’s Office in regards
29 specifically to the previous letter. The applicant’s attorney is correct that staff and the County
30 Attorney’s Office have been in conversation regarding improvements to the Corridor.

31
32 **Mr. Conner** stated that was the reasoning for this item to be postponed until tonight. He asked
33 if County Attorney’s Office letter is still a relevant part of the evidence before us or not?

34
35 **Al Hadeed, Flagler County Attorney**, stated that because the property lies within the A1A
36 Corridor that special consideration should be taken in all development, especially compatibility
37 with the area.

38
39 **Mr. Conner** asked why there were perimeter buffers only on three sides?
40

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1 **Mr. Mengel** responded because to the north is a commercial plat. The commercial development
2 would provide the buffer as an uncomplimentary use when and if the parcel to the north develops.

3
4 **Mr. Goodman** asked since a buffer along the north side is not needed, why can't the developer
5 take some of that area if it had been residential and have the developer add more greenspace?

6
7 **Ms. Kornel** stated tradeoffs are typical in PUD negotiations.

8
9 **Mr. Goodman** asked what is the buffer requirement for residential to residential?

10
11 **Mr. Mengel** responded that there is no requirement. There is a requirement when uses are
12 uncomplimentary, like commercial to residential. The required buffer would be on the
13 commercial parcel.

14
15 **Ms. Kornel** asked about the County Attorney's Office memo and his reference to judicial
16 precedent, what did that refer to?

17
18 **Mr. Hadeed** responded giving an overview of a case that referred to a proposed commercial hotel
19 in 2011, and the need for the project to be consistent with the Comprehensive Plan and the Land
20 Development Code, including the Corridor Management Plan.

21
22 **Ms. Kornel** spoke of the requirement for compliance with the Comprehensive Plan, especially
23 the policies especially in the recreation element.

24
25 **Chair Boyd** asked staff if we had enough information to make a decision?

26
27 **Mr. Mengel** responded that he had provided as much information as possible to make a decision.

28
29 **Ms. Stangle** added that it is up to the Board to make sure it is consistent with the Comprehensive
30 Plan and the Land Development Code.

31
32 **Chair Boyd** asked for a motion.

33
34
35 *Motion to approve made by Mr. Langello. seconded by Mr. Lombardo, with the additional*
36 *condition of a minimum home square footage of 1,800 sq. ft.*

37
38 *Motion carried 5 to 2, with Mr. Corbett and Ms. Kornel dissenting.*
39

**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 12, 2019 at 6:00 PM**

Approved March 12, 2019

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

2 Application #3158 – **APPLICATION FOR SITE DEVELOPMENT PLAN IN PUD**
3 **(PLANNED UNIT DEVELOPMENT) DISTRICT** – request for review of a PUD Site
4 Development Plan in the PUD (Planned Unit Development) District for Beachwalk PUD located
5 at 4931 North Oceanshore Boulevard; Parcel Number: 40-10-31-5137-000H0-0000; 12.44+/-
6 acres. Owner: LRA RIO, LLC/Applicant: Atlee Development Group, Inc.
7

8 **Mr. Mengel** presented the staff report giving a detailed history and explanation of the proposed
9 Site Development Plan and gave the staff recommendation that the Planning and Development
10 Board recommend to the Board of County Commissioners approval of Application # 3158, a PUD
11 Site Development Plan consistent with the Flagler County Comprehensive Plan, the Flagler
12 County Land Development Code, and the Beachwalk PUD Development Agreement, subject to
13 the following conditions:
14

- 15 1. add a five foot (5') wide landscape buffer tract along the East project boundary adjoining the
16 County's Greenway parcel;
- 17 2. identify and label the proposed roadway as a private roadway tract;
- 18 3. delete the clarifying footnote in the Dimensional Requirements Table referencing the
19 measurement of minimum lot width;
- 20 4. add the twenty four foot (24') wide cross-access and utility easement to coincide with the
21 easement location within the Hammock Commercial Park subdivision, recorded at Map Book
22 37, Pages 10 and 11, Public Records of Flagler County, Florida;
- 23 5. add the 10 foot (10') front easement to the Conceptual Lot Layout Detail graphic and label
24 the purpose (utility, drainage, etc.) of the easement;
- 25 6. correct (or delete) the 110 foot (110') typical lot depth label shown within Lot 39 – the
26 minimum lot depth is 115 feet (115'), unless these lots are different from the others, then the
27 Dimensional Requirements table and the Development Agreement needed to be amended to
28 change the minimum lot depth from 115 feet to 100 feet; and
- 29 7. correct notes on the PUD Site Development Plan as follows:
 - 30 a. the maximum building height is stated in the Development Agreement as two stories
31 above a garage, not to exceed 35 feet (35') in height;
 - 32 b. add the roadway tract to the listing of maintenance responsibilities for the Homeowners
33 Association;
 - 34 c. delete fire services from the list of services provided by the City of Palm Coast and add
35 Flagler County as the fire protection provider – Palm Coast will be the water and sewer
36 utility provider, with Flagler County providing fire protection; and
 - 37 d. delete references to the minimum tree planting requirement of 1 tree for every 3,000
38 square feet of lot area and the tree species and size requirement – these are listed in the
39 Land Development Code and the added notes are no more restrictive than the LDC so the
40 inclusion of the reference here is redundant.

**FLAGLER COUNTY
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Approved March 12, 2019

1 **Sidney Ansbacher, Esq., Upchurch Bailey and Upchurch, 780 N Ponce De Leon Blvd., St.**
2 **Augustine, counsel for the applicant,** requested that they bring back this item to the next
3 scheduled meeting.
4

5 **Mr. Langelo,** noted that the sidewalk and secondary exit was not shown or addressed on the
6 current plan so that it will need to be addressed on the revised plan for next month.
7

8 **Mr. Ansbacher** responded that it will be addressed in some form prior to next meeting.
9

10 **Chair Boyd** opened the Public Hearing for this item; seeing none, he closed the Public Hearing.
11

12 **Chair Boyd** called the question.
13

14 *Motion made by Ms. Kornel to continue Application #3158 to March 12, 2019 at 6 p.m.,*
15 *seconded by Mr. Conner.*
16

17 *Motion Carried unanimously.*
18

19 **9. Staff Comments**
20

21 No comments.
22

23 **10. Board Comments**
24

25 **Mr. Conner** discussed site visits.
26

27 **Ms. Stangle** discussed the County's position.
28

29 **Mr. Langelo** discussed his experience with site visits while on other Boards.
30

31 **11. Public Comments** - Each speaker will be allowed up to three minutes to address the Planning
32 and Development Board on any item or topic not on the agenda.
33

34 None.
35

36 **12. Adjournment**
37

38 *Motion made by Ms. Kornel.*
39

40 *Meeting adjourned at 9:15 p.m.*

**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 12, 2019 at 6:00 PM**

Approved March 12, 2019

- 1
- 2 Prepared by: Wendy Hickey
- 3 Reviewed by: Adam Mengel

Attachment "A"

THIS PROJECT CONFORMS TO THE FOLLOWING CODES
2010 FLORIDA BUILDING CODE - BUILDINGS

SHEET NO
A3
OF SHEETS

DRAWN: DG
DATE: 3.4.15
CHECKED: BPB
CHECKED:
PROJECT #: 14004

HUNTINGTON VILLAGE AMENITY CENTER ORMOND BEACH, FL

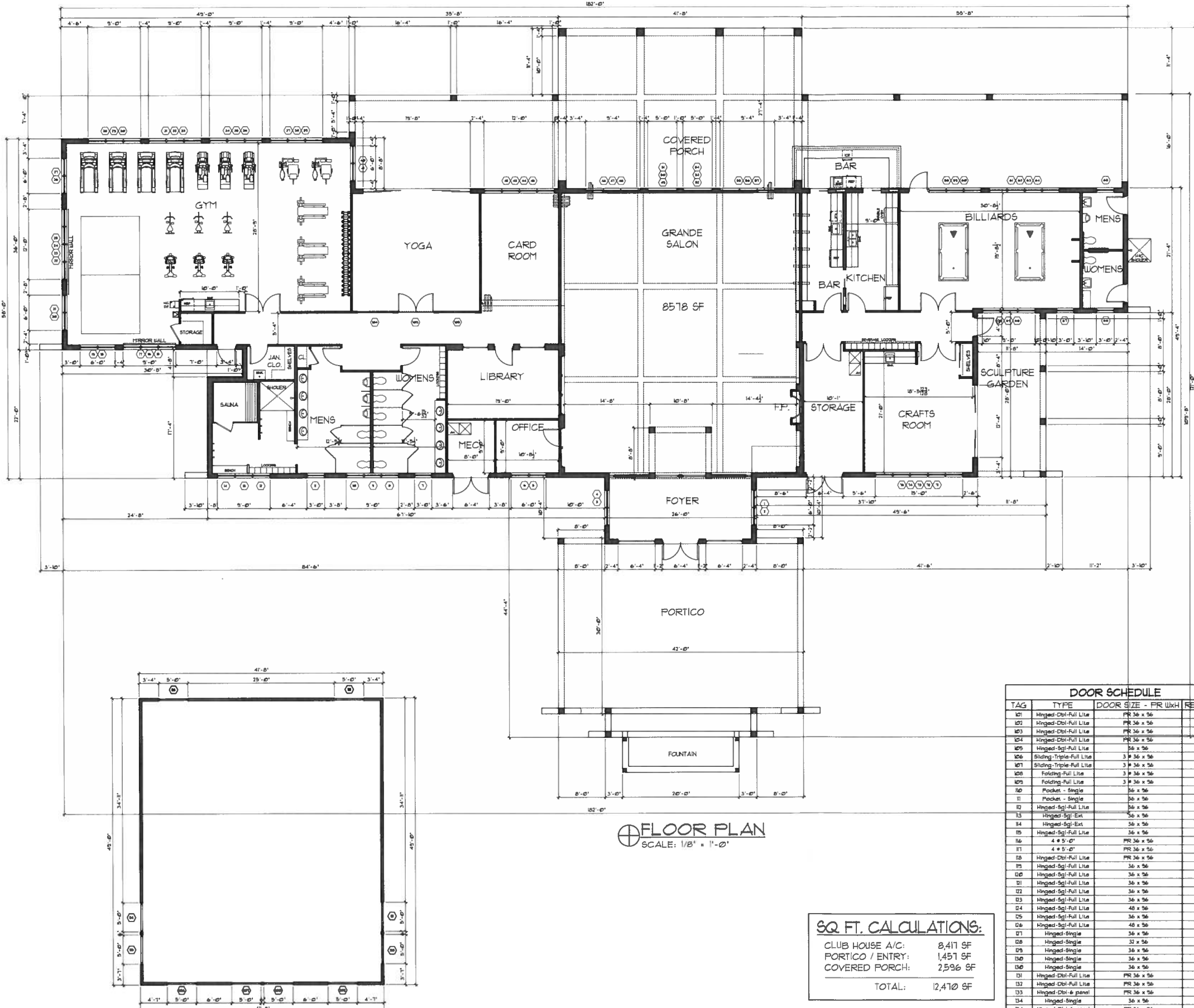
BENJAMIN P. BUTERA A.I.A.
51 W GRANADA BLVD ORMOND BEACH, FL 32174 BUTERADESIGNS.COM P. 386.676.2789 AA3600445



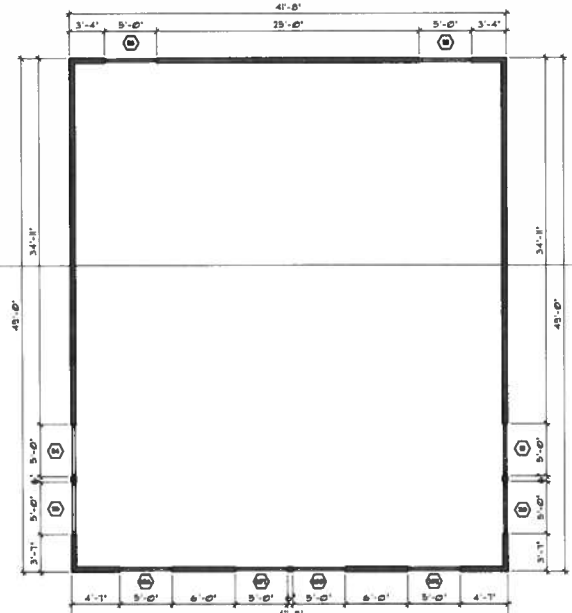
REVISIONS

AA36001445

ARCHITECT'S SEAL



FLOOR PLAN
SCALE: 1/8" = 1'-0"



CLEARSTORY PLAN
SCALE: 1/8" = 1'-0"

SQ. FT. CALCULATIONS:
CLUB HOUSE A/C: 8,411 SF
PORTICO / ENTRY: 1,451 SF
COVERED PORCH: 2,596 SF
TOTAL: 12,410 SF

NOT FOR CONSTRUCTION

WINDOW SCHEDULE				
TAG	TYPE	OPENING WIDTH	OPENING HEIGHT	REMARKS
1	FIXED	3'-0"	8'-0"	..
2	FIXED	3'-0"	8'-0"	..
3	FIXED	3'-0"	6'-0"	..
4	FIXED	3'-0"	6'-0"	..
5	FIXED	3'-0"	8'-0"	..
6	FIXED	3'-0"	8'-0"	..
7	FIXED	3'-0"	8'-0"	..
8	FIXED	3'-0"	2'-0"	..
9	FIXED	3'-0"	2'-0"	..
10	FIXED	3'-0"	2'-0"	..
11	FIXED	3'-0"	8'-0"	..
12	FIXED	3'-0"	2'-0"	..
13	FIXED	3'-0"	2'-0"	..
14	FIXED	3'-0"	2'-0"	..
15	FIXED	3'-0"	2'-0"	..
16	FIXED	3'-0"	2'-0"	..
17	FIXED	3'-0"	2'-0"	..
18	FIXED	3'-0"	8'-0"	..
19	FIXED	3'-0"	8'-0"	..
20	FIXED	3'-0"	8'-0"	..
21	FIXED	3'-0"	8'-0"	..
22	FIXED	3'-0"	2'-0"	..
23	FIXED	3'-0"	2'-0"	..
24	FIXED	3'-0"	2'-0"	..
25	FIXED	3'-0"	2'-0"	..
26	FIXED	3'-0"	8'-0"	..
27	FIXED	3'-0"	8'-0"	..
28	FIXED	3'-0"	8'-0"	..
29	FIXED	3'-0"	8'-0"	..
30	FIXED	3'-0"	8'-0"	..
31	FIXED	3'-0"	8'-0"	..
32	FIXED	3'-0"	8'-0"	..
33	FIXED	3'-0"	8'-0"	..
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45	FIXED	3'-0"	8'-0"	..
46	FIXED	3'-0"	3'-6"	..
47	FIXED	3'-0"	3'-6"	..
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49	FIXED	5'-0"	3'-6"	..
50	FIXED	5'-0"	8'-0"	..
51	FIXED	5'-0"	2'-2"	..
52	FIXED	5'-0"	3'-6"	..
53	FIXED	5'-0"	2'-2"	..
54	FIXED	5'-0"	8'-0"	..
55	FIXED	3'-0"	3'-6"	..
56	FIXED	3'-0"	3'-6"	..
57	FIXED	3'-0"	3'-6"	..
58	FIXED	3'-0"	8'-0"	..
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73	FIXED	3'-0"	2'-0"	..
74	FIXED	3'-0"	2'-0"	..
75	FIXED	3'-0"	2'-0"	..
76	FIXED	3'-0"	8'-0"	..
77	FIXED	6'-2"	8'-0"	..
78	FIXED	6'-2"	8'-0"	..
79	FIXED	5'-0"	3'-0"	..
80	FIXED	5'-0"	3'-0"	..
81	FIXED	5'-0"	3'-0"	..
82	FIXED	5'-0"	3'-0"	..
83	FIXED	5'-0"	3'-0"	..
84	FIXED	5'-0"	3'-0"	..
85	FIXED	5'-0"	3'-0"	..

DOOR SCHEDULE			
TAG	TYPE	DOOR SIZE - PR WxH	REMARKS
D01	Hinged-Dbl-Full Lite	PR 36 x 56	..
D02	Hinged-Dbl-Full Lite	PR 36 x 56	..
D03	Hinged-Dbl-Full Lite	PR 36 x 56	..
D04	Hinged-Dbl-Full Lite	PR 36 x 56	..
D05	Hinged-Sgl-Full Lite	36 x 56	..
D06	Sliding-Triple-Full Lite	36 x 56	..
D07	Sliding-Triple-Full Lite	36 x 56	..
D08	Folding-Full Lite	36 x 56	..
D09	Folding-Full Lite	36 x 56	..
D10	Pocket - Single	36 x 56	..
D11	Pocket - Single	36 x 56	..
D12	Hinged-Sgl-Full Lite	36 x 56	..
D13	Hinged-Sgl-Ext	36 x 56	..
D14	Hinged-Sgl-Ext	36 x 56	..
D15	Hinged-Sgl-Full Lite	36 x 56	..
D16	4 # 5'-0"	PR 36 x 56	..
D17	4 # 5'-0"	PR 36 x 56	..
D18	Hinged-Dbl-Full Lite	PR 36 x 56	..
D19	Hinged-Sgl-Full Lite	36 x 56	..
D20	Hinged-Sgl-Full Lite	36 x 56	..
D21	Hinged-Sgl-Full Lite	36 x 56	..
D22	Hinged-Sgl-Full Lite	36 x 56	..
D23	Hinged-Sgl-Full Lite	36 x 56	..
D24	Hinged-Sgl-Full Lite	36 x 56	..
D25	Hinged-Sgl-Full Lite	36 x 56	..
D26	Hinged-Sgl-Full Lite	36 x 56	..
D27	Hinged-Single	36 x 56	..
D28	Hinged-Single	32 x 56	..
D29	Hinged-Single	36 x 56	..
D30	Hinged-Single	36 x 56	..
D31	Hinged-Single	36 x 56	..
D32	Hinged-Dbl-Full Lite	PR 36 x 56	..
D33	Hinged-Dbl-Full Lite	PR 36 x 56	..
D34	Hinged-Single	36 x 56	..
D35	Hinged-Dbl-6 panel	PR 36 x 56	..
D36	Hinged-Single	36 x 56	..
D37	Pocket - Single	36 x 56	..
D38	Hinged-Dbl-Full Lite	PR 36 x 64	..
D39	Bl Pass-Dbl	PR 30 x 56	..

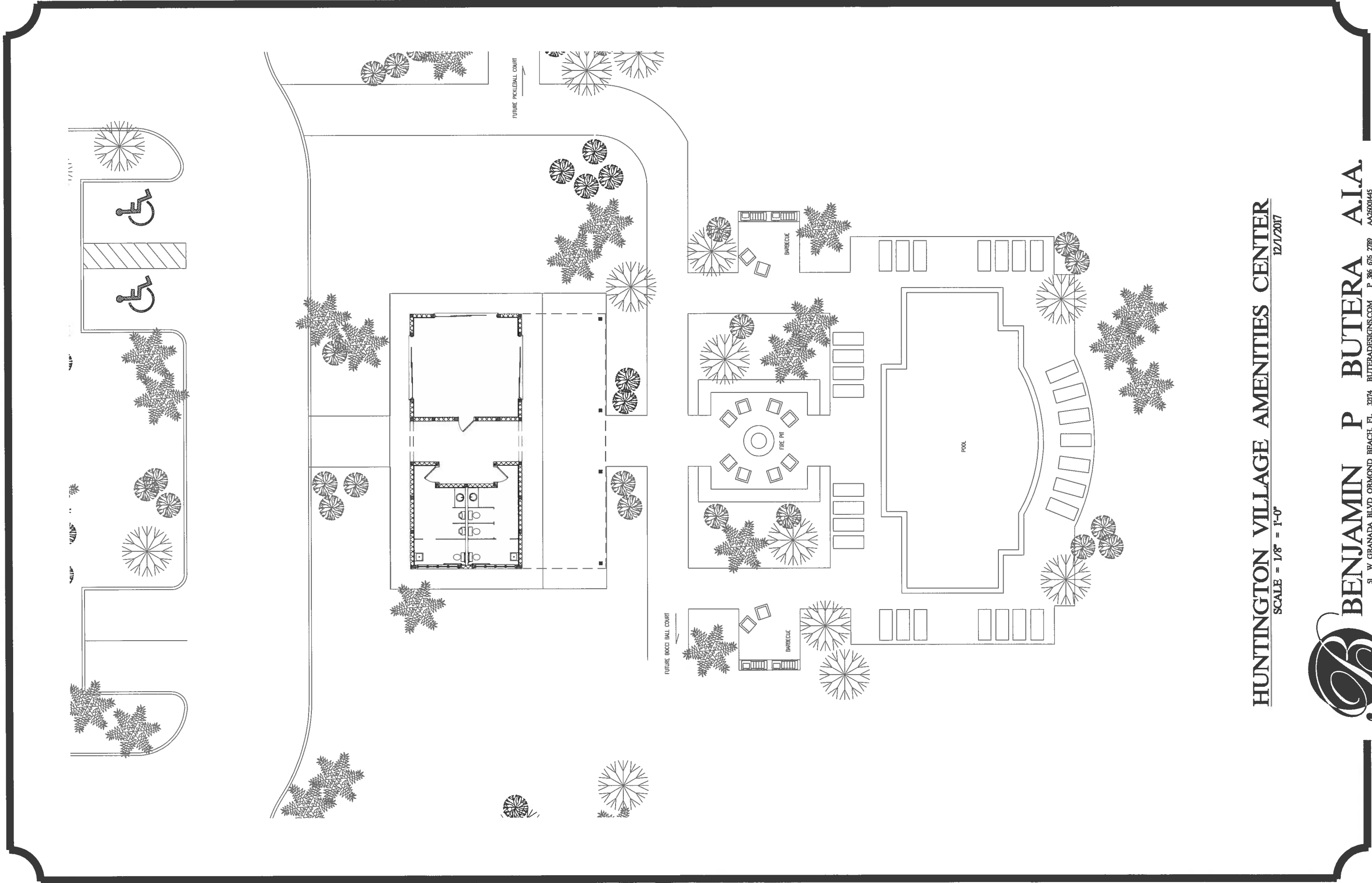
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Rec'd
2/12/19

APP # 31123 KTRUK WATTS

Attachment "B"

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HUNTINGTON VILLAGE AMENITIES CENTER
12/1/2017
SCALE = 1/8" = 1'-0"



BENJAMIN P BUTERA A.I.A.
51 W GRANADA BLVD ORMOND BEACH, FL 32174 BUTERADESIGNS.COM P 386 616 2789 AA25001445

APP # 3163
MARK WATTS
Rec'd
2/12/19

BEACHWALK

Dennis Clark - 5784 N Oceanshore Blvd

You may recall that three community members submitted their analysis of this project at the prior Planning Board meeting. I ask that all information submitted be carried forward into this proceeding. I will attempt not to repeat myself.

The decision that you have before you today is extremely important because it sets a precedent for similar developments in the future. This is the first time to my knowledge that a PUD is being considered which disregards the purpose and intent of a PUD.

Comparing these small lots to those in antiquated developments and with Hammock Dunes, Ocean Hammock, and others where homes were clustered in order to provide ample green space is not a valid comparison.

showing that all values indices

The fact that there is no tree survey in your package points out that meeting the 40% required tree preservation requirement is a problem. Stating that individual lot owners will be responsible is not really feasible. The statement that "the developer shall make every reasonable effort to preserve existing Southern live oaks" will be impossible to track or enforce.

In a many projects like this, a site plan review is done in conjunction with the PUD application to determine if the development plan is feasible. I think in this case, we would see that it is not.

Flagler County Legal has given you their opinion on this project, so you will be supported by them with your decision to deny both the rezoning and PUD development plan.