



# Planning and Zoning

1769 E. Moody Blvd Bldg 2  
Bunnell, FL 32110  
Phone: 386-313-4009



**FLAGLER COUNTY PLANNING AND DEVELOPMENT BOARD**  
**Government Services Building**  
**Board Chambers**

**1769 East Moody Blvd. Bldg 2, Bunnell, Florida 32110**

**MEETING**

**A G E N D A**

**DATE – JANUARY 10, 2017**

**TIME – 6:00 P.M.**

1. Roll Call.
2. Pledge to the Flag.
3. Election of Chair.
4. Election of Vice Chair.
5. Approval of November 8, 2016 and December 13, 2016 meeting minutes.

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

**Application #3043 – APPLICATION FOR REVIEW – DRI NOPC AND AMENDMENT TO PUD SITE DEVELOPMENT PLAN;** request for a Notice of Proposed Change (NOPC) and a Planned Unit Development (PLUD) modification to the Bulow Plantation Development of Regional Impact (DRI) and the Bulow Plantation PUD (Resolution No. 2000-15); Parcel Numbers: 38-12-31-0000-04050-0010 and 38-12-31-0000-04050-0030; Owner: MHC Bulow Plantation, LLC, and MHC Bulow Plantation Two, LLC, respectively / Agent: Mark W. Shelton, AICP, Kimley-Horn and Associates, Inc.  
*Project #2016080015* (TRC, PDB, BCC)

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

**Application #3061 – APPLICATION FOR REVIEW – SITE DEVELOPMENT PLAN APPROVAL FOR AN EXISTING SPECIAL USE IN THE PLANNED UNIT DEVELOPMENT (PUD) DISTRICT** for System Improvements to the Plantation Bay Wastewater Treatment Facility at 1600 Old Dixie Highway; Parcel Number: 03-13-31-0650-000C0-0050; Owner/Applicant: Flagler County / Agent: Phillip J. Locke, P.E., with McKim and Creed and Flagler County Engineering.  
*Project #2016120001* (TRC, PDB)

Charles Ericksen, Jr.  
District 1

Vacant  
District 2

David Sullivan  
District 3

Nate McLaughlin  
District 4

Donald O'Brien Jr.  
District 5

8. Quasi-judicial requiring disclosure of ex parte communication:  
**Application #3062 – VARIANCE IN THE PUD (PLANNED UNIT DEVELOPMENT) DISTRICT – SIDE YARD SETBACK VARIANCE** for an existing at 4 Via Capri (Ville Di Capri subdivision); Parcel Number: 04-11-31-3011-000000-0020; Owner: Constantine Mitsopoulos / Applicant: Tropical Enclosures.  
*Project #2016120002* *(TRC, PDB)*
9. Staff Comments.
10. Board Comments.
11. 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.
12. Adjournment

PLEASE TAKE NOTICE THAT INDIVIDUAL COMMISSIONERS OF THE BOARD OF COUNTY COMMISSIONERS MAY ATTEND THIS EVENT. THE COMMISSIONERS WHO ATTEND WILL NOT TAKE ANY ACTION OR TAKE ANY VOTE AT THIS MEETING. THIS IS NOT AN OFFICIAL MEETING OF THE BOARD OF COUNTY COMMISSIONERS OF FLAGLER COUNTY. THIS NOTICE IS BEING PROVIDED TO MEET THE SPIRIT OF THE SUNSHINE LAW TO INFORM THE PUBLIC THAT COMMISSIONERS MAY BE PRESENT AT THESE DISCUSSIONS.

PURSUANT TO SECTION 286.0105, FLORIDA STATUTES STATES THAT IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY A BOARD AGENCY, OR COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT A MEETING OR HEARING, HE OR SHE WILL NEED A RECORD OF THE PROCEEDINGS, AND THAT, FOR SUCH PURPOSE, HE MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT, PERSONS NEEDING ASSISTANCE TO PARTICIPATE IN THIS MEETING SHOULD CONTACT THE PLANNING & ZONING DEPARTMENT AT (386) 313-4009 AT LEAST 48 HOURS PRIOR TO THE MEETING.

**FLAGLER COUNTY  
PLANNING AND DEVELOPMENT BOARD  
REGULAR MEETING  
Flagler County Government Services Building  
Board Chambers  
1769 East Moody Blvd., Bunnell, FL  
MEETING MINUTES  
Tuesday, November 8, 2016 at 6:00 PM**

*Draft*

1 **MEMBERS PRESENT:** Chairman Michael Boyd, Arthur Barr, Michael Duggins, Lauren  
2 Kornel, and Mark Langelo

4 **MEMBERS EXCUSED:** Robert Dickinson, Troy Dubose

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

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

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

13 1. **Roll Call.**

14 Attendance was confirmed by Gina Lemon and a quorum was present.

16 2. **Pledge of Allegiance.**

17 Chairman Boyd led the Pledge of Allegiance to the Flag.

19 3. **Approval of Minutes.**

20 Approval of minutes of the September 13, 2016, regular meetings.

22 Mr. Langelo noted a typographical error on page 2 line 29 ninth word should be the and not he.

24 *Motion to approve the September 13, 2016 minutes with the above mentioned correction made  
25 by Mr. Langelo seconded by Mr. Barr, motion carried unanimously*

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

28 **Application #3040 – VARIANCE IN THE PUD (PLANNED UNIT DEVELOPMENT)**  
29 **DISTRICT;** request for a 12.5 foot setback variance from the required 15 foot rear setback for a  
30 deck over a screened enclosure at 134 Harbor Village Point South (Lot 201, Harbor Village  
31 Marina Phase 2 S/D, Map Book 33, Pages 39 through 44, Public Records of Flagler County,  
32 Florida); Parcel Number: 04-11-31-3119-00000-2010; Owner/Applicant: Larry A. Jones and  
33 Margaret Sheehan-Jones. Variance to also be provided for Lots 185, 186, 187, 188, 190, 193,  
34 195, 196, 199, 200, 202, and 205, with written consent for the variance provided by lot owners:  
35 Wayne and Kimberly Forister; Stephen Stieneker; Thomas N. Cooke; Roger Louis Florentine,  
36 Sr., Trustee; 4 G’s Management, LLC; and Ulrec, LLC.

38 No ex-parte communications were disclosed.

39

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1 Mr. Mengel presented the staff report noting that this is a request for a rear yard setback  
2 variance for a 12 ½ (twelve and one-half) foot variance from the 15 (fifteen) foot minimum rear  
3 yard setback within the Harbor Village Marina Phase II, subdivision. This is part of a Planned  
4 Unit Development it has some unique situations that are mentioned in the staff report we have  
5 this stretch of 21 (twenty one) lots that have been reconfigured through a replat and their rear  
6 yards facing west about a common marina tract. This particular lot is the only home developed  
7 within this stretch Phase II of the development. Showing a aerial of the lot showing the marina  
8 tract and pointing out the width that is involved from the parcel boundary and the rear portion  
9 they would have another 15 (fifteen) 18 (eighteen) feet before you get to the bulk head. So there  
10 is some extra area that is there. This differs from the other lots within the subdivision that are  
11 further to the north because they have a different situation they have their own docks and they  
12 are on a common waterway that is there that connects to the intercoastal so there are different  
13 situations with this whole range of these lots. I just want to show you a few things the zoning  
14 and the land use. The deck is on an existing patio the required setback is 15 (fifteen) feet the  
15 request to for the deck to extend to 2 ½ (two and one-half) feet from the rear lot line so you have  
16 a 12 ½ foot (twelve and one-half) foot variance. The original request we expanded we had our  
17 TRC meeting we wanted to receive written consent from other lot owners within Phase II so we  
18 had 12 lots that we added to this for a total of 13(thirteen) lots that have provided consent prior  
19 to our meeting. In justification for this all the lots within this Harbor Village Marina Phase II are  
20 similarly unique with the rear lot line of the parcel adjoining the marina. Other owners may still  
21 apply for a variance in the future. In a quick side bar we were discussing the 21 (twenty-one)  
22 lots.

23 Staff's recommendation is the 12 ½ (twelve and one half ) rear set back variance for lots 185,  
24 186, 187, 188, 190, 193, 195, 196, 199, 200, 202, and 205 all within the Harbor Village Marina  
25 Subdivision Phase II as all the guidelines in section 3.07.03(e) have been met. You may want to  
26 consider to add to this motion to be specific for the porch so that does not consider a second  
27 floor for consideration the potential worry here is the 12 ½ (twelve and one half ) rear set back  
28 variance would apply to all lots that I mentioned there are 13 (thirteen) lots in total that we will  
29 be conveying a right that wasn't intended here today this was prompted by a single home that is  
30 there already lot 201 and while we were doing this one we wanted to extend it to the other lot  
31 owners who sent back the consent the 12 (twelve) other owners. We think this will be incentive  
32 for some development to happen within Phase II which has been a hindrance because of the  
33 marina frontage on the rear lot lines you still have that common area that is there. The applicant  
34 is present and would like to clarify some of the statement I have made here.

35  
36 Mr. Larry Jones, 134 Harbor Village Point South, property owner /applicant, stated Mr. Mengel  
37 did a very good job of describing the situation the only thing I would add to that the request we  
38 are making is consistent with the developers master plan and in fact the master plan would have  
39 provided what we are requesting tonight was approved by Flagler County in 2001 and the  
40 circumstances described in the document provided by the builder developer of Yacht Harbor

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1 Village that provides the explanation of what leads to what is considered a nuisance to the  
2 people who own property on the south end. The proposed porch and deck that we are requesting  
3 would not extend beyond the existing patio. It will sit 23 (twenty three) feet back from the  
4 bulkhead. I contrast that with the north end of the property where the back lanai can be within 3  
5 (three) foot of the bulkhead. Where they would be in line with the porch and the open deck. We  
6 would still be substantially farther back then our neighbors on the north end. I would also share  
7 with you we have the support of the Flagler Planning Staff we have the support of the original  
8 developer we have the support of the architectural control board they control the front door  
9 for all construction in Yacht Harbor Village. They approve all the builders they review all the  
10 plans and they supervise all the construction. The property Owners Association supports this  
11 proposal. One of the reasons they do and by the way they all live on the north end is because  
12 this imposes a fiscal impact in two ways, (A), it impacts the property values and ( B)”, it  
13 impacts our operating budget in since we have not had a home built on the south end since 2015  
14 we cannot enjoy the improved lots on the south end that are enjoyed on the north end where  
15 some 27 (twenty seven) homes have been built in the last 2 (two) years. Homes are not being  
16 built on the south end because of this nuisance and hardship. I am here to answer any questions.

17  
18 Chairman Boyd, asked if anyone on the Board had any questions?

19  
20 Mr. Langelo, responded this question is for Mr. Mengel, Mr. Jones eluded to something I read  
21 in here about the HOA and a previous approval of a design in the PUD to allow this setback and  
22 I am assuming that is all correct. So, if we are doing a whole bunch of these but not everyone  
23 and this seems a little odd I don't know if it is a time element that we are going through the  
24 variance verses just amending the PUD to allow this as a matter of fact and not a variance.

25  
26 Mr. Mengel, the declarant had mentioned in his letter the mechanics of this we have talked  
27 about this with the applicant and the declarant that this was in the era of when we were doing  
28 plat addenda so this is a little different or unique of what we would have if we just more  
29 routinely or as we have on this agenda this evening amending a PUD development agreement  
30 this would actually require the consent of all the land owners potential lien holders within that  
31 development and potentially we grew it larger because the plat addendum included the parcels  
32 to the north also it became a much larger group of lots.

33  
34 Mr. Langelo, the numbers you gave were not sequential.

35  
36 Mr. Mengel, Yes sir,

37  
38 Mr. Langelo, and that is because you couldn't reach these people

39  
40 Mr. Mengel, Yes sir,

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1 Mr. Langelo, will this cause an issue that we have some that are setback further and some that are  
2 forward and will they be able to come if this is granted to get this all straight. I guess you are saying the  
3 reason you are not doing the PUD is because all the property owners within this unit would have a say so  
4 and it may affect their value and could put this request in jeopardy so I get that if that is the concept. So  
5 are you saying you need the permission of the owners to put it in this variance from?

6 Mr. Mengel, when we first discussed doing it just after our Technical Review Committee meeting we  
7 decided we needed written consent from all owners we sent it out giving sufficient time and now with the  
8 extension because of the hurricanes I think we close to doubled that time that we had and the ones we  
9 listed in the staff report are those who we received a written consent from. There would not be any  
10 prohibition on others or those folks coming back in a seeking their own variance. We did want to do this  
11 in mass, as many as we could.

12 Mr. Barr, asked the photograph of the screen lanai is that just a typical?

13 Mr. Jones, that is a north end house so that is typically what you would see on the north end.  
14 You would see the lanai is within 3 (three) feet of the bulkhead.

15  
16 Mr. Barr, Is that what you intend to build?

17  
18 Mr. Jones, no sir, on the south end our lots are a little unique that we have a 15 (fifteen) foot  
19 buffer and a 8 (eight) foot walkway that abuts the bulkhead. We will be 22 (twenty two) foot  
20 back with the porch. It is still a substantial setback.

21  
22 Mr. Mengel noted Mr. Jones put that in as an example of how the two (2) situations are different  
23 the north and the south. The north you have much closer to the bulkhead this is not an  
24 unreasonable request that he is trying to put in there and still then have a difference between the  
25 north and the south lots you have the extra distance adjoining the marina parcel that you do not  
26 have on the north side.

27  
28 Mr. Barr, asked is this holding up a photo that was part of the applicants submittal?

29  
30 Mr. Jones responded we would like to build a covered lanai with an open deck on top there will  
31 be a deck off the second floor.

32  
33 Mr. Barr asked there will be a structural deck on the second floor?

34  
35 Mr. Jones responded open deck.

36  
37 Mr. Mengel added screened below

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1 Mr. Jones agreed yes, screen below.

2

3 Chairman Boyd opened the hearing to public comments, seeing none he opened up Board  
4 Comments.

5

6 *Motion to approve made by Mr. Langello to include the language “open second floor deck*  
7 *creating first floor porch which may be enclosed” , Seconded by Mr. Barr.*

8 Ms. Kornel. asked does it really matter if the upper portion

9 is open or closed?

10 Mr. Mengel, responded this being the second floor deck it would affect sight lines for adjacent  
11 properties

12 *Chairman Boyd, called the question, motion approved unanimously*

13

14 5. *Quasi-judicial requiring disclosure of ex parte communication:*

15 **Application #3045 – VARIANCE IN THE R-1 (RURAL RESIDENTIAL) DISTRICT;**  
16 request for a two foot fence height variance within the front yard setback at 4298 Old A1A (a  
17 portion of Government Lot 2, Section 9, Township 11 South, Range 31 East); Parcel Number  
18 38-11-31-0000-02610-0000; Owner/Applicant: Robert S. and Tracy B. Wall.

19

20 No ex-parte communications were disclosed.

21

22 Mr. Mengel presented the staff report noting this is the third request for a taller fence height  
23 along Old A1. It has limited traffic and it will be a continuation of the variances. This would be  
24 for a one (1) foot height variance for the sides and 2 (two) feet height variance along the front  
25 for 6 (six) feet in the front and 5 (five) feet on the sides. He then went onto submit the staff  
26 report for the record.

27

28 Staff’s recommendation is that all guidelines Section 3.03.7 (E) for a 2 (two) foot fence height  
29 variance with in the front yard setback for the parcel located at 4298 Old A1A

30

31 Chairman Boyd opened the hearing for public comments, seeing none he close public comments  
32 and opened Board comments.

33

34 Mr. Langello, we have done this already and it makes sense my only comment was they are  
35 keeping the fence the same style can I assume that.

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*Draft*

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Mr. Mengel, responded yes sir.

*Motion to approve made by Ms. Kornel, Seconded by Mr. Duggins  
Chairman Boyd called the question, motion carries unanimously*

6. Quasi-judicial requiring disclosure of ex parte communication:  
Application #3053 – VARIANCE IN THE R-1 (RURAL RESIDENTIAL) DISTRICT;  
request for a two foot rear yard setback variance at 19 Westmayer Place (Lot 23, Seaside Manor  
S/D, MB 5, Page 10, Public Records of Flagler County, Florida); Parcel Number: 26-11-31-5450-  
00000-0230; Owner/Applicant : Linda Brittain.

No ex-parte communications were disclosed.

Mr. Mengel presented the staff report noting that this is a home under construction within the  
Seaside manor subdivision. The lots are angled and is challenging when placing a home on the  
property. The zoning and future land use and aerial maps were displayed depicting the subject  
parcel. The variance is for a 2 (two) foot rear yard setback variance for a cantilevered third  
floor. Construction is underway so it is an after the fact variances, it is a cantilevered situation  
that we missed in our staff review and was caught during inspections which does create a  
hardship for the property owner.

Staff's recommendation the guidelines of the LDC Section 3.07.03 have been met and  
recommend approval of the 2 (two) yard rear setback variance for the third story cantilevered  
area at 196 Westmayer Place

I would like to submit the staff report and testimony for the public record as part of the decision  
making.

Chairman Boyd opened the hearing to public comment seeing none he closed public comments  
and opened it up to Board comments.

Mr. Langelo, pointed out that the way the lots sit the cantilevered is only on a fraction of the back  
and not the entire back of property which is even less intrusive. I am sure staff looked at this does  
the LDC talk about the foundation wall or all the way up the wall? This may not even be a  
variance situation at all. I think this is a minor issue and I can see how staff could miss this we  
don't affect overhang

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1 Mr. Mengel responded it refers to the furthest projection of the wall of the structure is what we  
2 have always considered it so we would omit the overhang unless a PUD specifies some of our  
3 PUD's do specify measuring from an extension or overhang that is allowed but we would take the  
4 furthest extent of any living area.

5  
6 *Motion to approve made by Mr. Langello, Seconded by Ms. Kornel*  
7 *Motion carries unanimously*  
8

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

10 **Application #3051 – SPECIAL EXCEPTION FOR GUEST/SERVANT QUARTERS IN**  
11 **THE AC (AGRICULTURE) DISTRICT;** request for a Special Exception for Guest/Servant  
12 Quarters at 2050 State Road 100 West (Tract 3, Block 15, and Tract 1, Block 16, Section 8,  
13 Township 12 South, Range 30 East, St. Johns Development Company's S/D, MB 1, Page 7, Public  
14 Records of Flagler County, Florida); Parcel Number: 08-12-30-5550-00150-0030;  
15 Owner/Applicant: Alan K. and Catina D. Russell.

16  
17 No ex-parte communications were disclosed.  
18

19 Mr. Mengel presented the staff report providing an aerial future land use and zoning map of the  
20 site noting that there were a half dozen structures on the left side of the property that have been  
21 removed that can be seen on the aerial. The request is for a guest house a single wide mobile  
22 home in the far northwest corner. The purpose of that is to enable the owner of the home that is  
23 under construction to remain residing on the property through construction and CO of the new  
24 home. There is a provision in the Land Development Code that you have one home per parcel.  
25 We have no issue while the home is under construction when you get closer to CO the mobile  
26 home would have to be vacated or have the kitchen removed to render it uninhabitable with  
27 approval of this guest house application they would be able to retain the mobile home.  
28

29 Staff's recommendation is the Planning and Development Board find based on all the testimony  
30 and evidence presented the Special Exception guidelines have been met and approve application  
31 # 3051 for a Special Exception in the AC zoning district for a Guest/Servants quarters at 2050  
32 State Road 100 West subject to conditions:  
33

- 34 1. Special Exception runs with the land
- 35
- 36 2. All development to be consistent with the submitted siteplan and subject to changes  
37 approved by staff based on outstanding agency review comments  
38

39 Submitting the staff report and along with any question to applicant that you as a basis for your  
40 decision.

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1  
2 Chairman Boyd opened the public hearing to public comments seeing none he closed public  
3 comments and opened Board comments.  
4

5 Mr. Langelo asked the applicant was interested in doing this on a temporary basis or a  
6 permanent situation? And does this mean the kitchen stays in it as well?  
7

8 Mr. Mengel, responded temporary was the immediate need due to the home being under  
9 construction. We have not discussed beyond this but it is their prerogative.  
10

11 Mr. Langelo, asked the approval would allow it to stay there?  
12

13 Mr. Mengel responded it would. Indefinitely and be replaced.  
14

15 Mr. Langelo asked and the kitchen would stay?  
16

17 Mr. Mengel responded yes for this approval. We have had a few of these the underlying  
18 thinking of staff is the parcel size I did want to make note of that there were other structures  
19 mobile homes that were taken off of this property so there could have been an argument made  
20 that made for a larger vested right to maybe more dwelling units on this site. I think this  
21 consolidates that operation this also prevents that guest quarters to be cut out on its own as a  
22 separate unit though that is a possibility based on the parcel size five (5) acres by right in the  
23 agriculture zoning district.  
24

25 Mr. Langelo asked this is two separate permits two power permits?  
26

27 Mr. Mengel responded yes sir it is to the best of my knowledge because of the distance between  
28 the two units.  
29

30 ***Motion to approve made by Ms. Kornel seconded by Mr. Duggins***  
31 ***Motion approved unanimously***  
32  
33

- 34 8. **Quasi-judicial requiring disclosure of ex parte communication:**  
35 **Application #3048 – APPLICATION FOR AMENDMENT TO A SEMI-PUBLIC USE;**  
36 request to amend the Semi-Public Use in the General Commercial (C-2) District for God’s Family  
37 Bible Church, Inc., at 256 Old Brick Road (Lot 17, Briarwood Acres S/D, MB 5, Page 75, Public  
38 Records of Flagler County, Florida); Parcel Number: 12-12-30-0900-00000-0170;  
39 Owner/Applicant: God’s Family Bible Church, Inc.  
40

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1 No ex-parte communications were disclosed.  
2 Mr. Mengel presented the staff report noting this is request for an amendment to an existing  
3 Semi-Public Use. This had come through just a few months ago. It had some clarification that  
4 happened after the approval came in. We have this building at 256 Old Brick Road that is going  
5 through some permitting processes for us, there was some parking that was approved. There is  
6 an operation to the north still going on the adjacent parcel across Old Brick Road adjacent  
7 through the roadway connection to the north. Mr. Mengel showed the area map noting the  
8 location of the 3,600 sq. ft. metal building. A permit has been submitted to convert that 3,600  
9 sq. ft. building from a storage use to a church sanctuary. That permit has been signed off  
10 awaiting this process that we are going through now.

11  
12 So this is linked very closely to the Semi-Public Use and the site plan so much so that when  
13 much to our resistance there has been occupancy that has been occurring within this building,  
14 we are aware of it we are monitoring the situation but prior to the permit going through we have  
15 had some limited occupancy occurring and we have had a situation where over occupancy has  
16 occurred. Even since that time of approval of the original Semi-Public Use so hence the  
17 amendment to add some additional parking to create greater single event occupancy. We have  
18 talked to the church members and the pastor about having multiple services. Wanting to  
19 encourage that to happen so if you do have a large event or you have a large congregation what  
20 you do is you work the best within the situation you have you then have multiple services  
21 maybe across multiple days in order to accommodate your congregation so we are seeing this as  
22 a quick remedy to a problem. It is a good problem to have if you are a church you want to have  
23 a congregation that is growing you want to have that ability for extension and for this is  
24 probably what everyone wants to have the ability to have that traffic that you need to continue  
25 you operations on the north end you still have that construction that is happening. A previously  
26 approved Semi-Public Use that will be developed with their Family Life Center along with the  
27 permanent parking we think that will kick in you will have twenty parking spaces and one  
28 handicapped space to us that is going to create the situation of up to eighty occupants within the  
29 building. I want to have a representative from the church I spoke with them and I want to have  
30 someone come up and make that statement on the record not only here but also at the Board of  
31 County Commissioners Meeting that the church agreed to that 80 (eighty) maximum occupancy  
32 condition so that we are clear on all sides. Realizing that certain situations will occur and we  
33 know that weddings, funerals those things when you have those events, we are going to be the  
34 ones outside going you are at 85 (eighty five), you are at 87 (eighty seven) you have exceeded  
35 that we realize that is going to happen on a somewhat temporary basis we do not want it to  
36 become the rule we want that to be the exception. So this arrangement we have got in this  
37 amendment with these additional parking spaces allows the occupancy to go up to 80 (eighty).  
38 With that I would like to show these details the plans that were submitted you have the additional  
39 parking spaces that are shown, all this being amendments to that plan you had previously approved  
40 through the earlier application with this. I will conclude my comments and give the

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1 recommendation. This recommendation is identical to the previous recommendation that was  
2 provided for the Semi-Public Use with the only exception and you saw it in your revised staff  
3 report. So I will only read this part into the record.  
4

5 1. This amendment to Semi –Public Use should be binding upon the applicant subject to all  
6 conditions as included within the applicant’s submittal package including application and site plan  
7 and shall limit the occupancy of the 3,600 sq. ft metal building to no more than 80 occupants.  
8

9 The following additional conditions are identical to what we had previously which are provided  
10 within your packet for the earlier Semi- Public Use application. With that I will conclude my  
11 report. I would request my report be submitted for the record and along with any answers and  
12 questions and certainly the applicant testimony all being the basis for your recommendation to the  
13 Board of County Commissioners relating to this amendment to the Semi- Public Use. That would  
14 conclude my comments Mr. Chair.

15 Chairman Boyd asked would the applicant like to make a statement please come forward.

16 Dennis Bayer, 109 6<sup>th</sup> Street S. Attorney for the applicant God’s Family Bible Church. We agree  
17 and we understand that the occupancy will be limited to 80 (eighty) people the way our goal is  
18 right now is to be open by the end of the year we are shooting for a Christmas target date as far as  
19 having the Certificate of Occupancy and things of that sort and we will be going to 4 (four)  
20 services, 6 (six) o’clock on Saturday, 8(eight) o’clock, 10(ten) o’clock on Sunday morning and a  
21 spanish service at 11:30 (eleven thirty) on Sunday morning. So we understand the need to have  
22 more than one service and again this is, I don’t know how much we talked last time we were here  
23 but we own the property across the street. Where ultimately they will have their large sanctuary  
24 there and the only reason they are in the place they are now is because they were occupying as  
25 tenants and they were asked to vacate the premises on fairly short notice. So we agree the 80  
26 (eighty) seating. Parking for 80 (eighty) spaces we agree with staff as far as recommendation of  
27 approval we would ask you give us a recommendation of approval as well.

28 Mr. Barr asked Mr. Mengel are they already approved for 60 (sixty).

29 Mr. Mengel responded we were up to 49 (forty-nine) people with 13 (thirteen) spaces that was  
30 12(twelve) plus one handicapped for a maximum occupancy of 49 (forty-nine) and that was one  
31 space for every 4 (four) seats.

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1 Mr. Barr asked is that how you backed into the 80 (eighty) because the building is certainly large  
2 enough to handle more.

3 Mr. Mengel stated for the record: “I would like to mention there are three pieces to this the  
4 building occupancy determined by the Fire Marshall, the determination by the Health Department  
5 on the limits to the septic tank which is connected to an onsite disposal system for sewage, and our  
6 limitations on parking. Those three work together in concert”.

7 Mr. Barr asked so; if they had unlimited parking what would be the occupancy?

8 Mr. Mengel responded there would still be some limitations I think of all those Fire was the least  
9 restrictive in their regulations there is that potential that one you reach their threshold there is some  
10 building configuration you can do differently even have 2 (two) hour separation you can have  
11 sprinklers so that can elevate your occupancy even more so. I would say the next one is 85 (eighty-  
12 five) I think with the existing septic system, there wasn’t much of a cushion here with the 80  
13 (eighty).

14 Mr. Langelo asked what is the method of monitoring occupancy other than the Fire Marshal  
15 walking in and taking a head count.

16 Mr. Mengel stated that is the typical thing and obviously complaint driven for us but that is the  
17 typical reaction.

18 Chairman Boyd opened the hearing to public comments, hearing none he close public comments  
19 and opened Board discussion.

20 *Motion to approve made by Mr. Barr, seconded by Mr. Duggins.*

21 *Motion carried unanimously.*

22 9. *Quasi-judicial requiring disclosure of ex parte communication:*  
23 **Application #3049 – APPLICATION FOR REZONING FROM AC (AGRICULTURE) TO**  
24 **PLANNED UNIT DEVELOPMENT (PUD) DISTRICT**; request for rezoning from Agriculture  
25 (AC) to Planned Unit Development (PUD) located at 10406 State Road 11; Parcel Numbers: 31-  
26 13-30-0000-01030-0000, 0010 and 0040; Owners: Richard Daniel Cody, John Walter Cody,  
27 Melanie Ruth Bennett, and Kendrick Dewitt Cody; John W. and Linda Cody; and John Cody,  
28 respectively; Applicant: Charlie Faulkner, on behalf of John and Linda Cody.

29  
30 No ex-parte communications were disclosed.

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1  
2 Mr. Mengel presented the staff report noting that this is a rezoning from Agriculture to Planned  
3 Unit Development (PUD) providing the aerial, future land use, and zoning maps depicting the  
4 proposed site. This site had gone through the a land use change about 2 (two) years ago and this  
5 is the next step. The site is approximately 10(ten) acres this is for a PUD for the Pest Control  
6 and related uses this will enlarge the existing pre Land Development Code non conforming use.  
7 This rezoning is consistent with the Land Use the reasoning for all this is that Mr. Cody was  
8 looking for an extension to his office but was unable to do so because the land use would not  
9 allow that we had a non conforming land use. This was one of the administrative amendments  
10 we brought forward and of that only two of them were eventually approved we had this one and  
11 Santore if this is successful we will come forward with Santore's PUD agreement and site  
12 development plan some later time we may use this as the template to move forward. We worked  
13 with the applicant throughout the drafting of both of those documents the site development plan  
14 and agreement and they are fulfilling the requirements of the policy we are setting out the uses  
15 including the ancillary uses to the pest control and not extending beyond that or other  
16 commercial use that would be deemed noxious or deemed inconsistent with our parcel specific  
17 limited policy.

18  
19 Staff's recommendation is to recommend to the Board of County Commissioners approval of  
20 application #3049 for the rezoning from AC to PUD the change is consistent with the  
21 Comprehensive Plan and the Land Development Code. And further I would like to submit the  
22 staff report along with all comments for the record.

23  
24 Chairman Boyd opened up the public hearing to public comments; hearing none, he closed  
25 public comments and opened up Board comments.

26  
27 Chairman Boyd asked if this is something to grow the business.

28  
29 Mr. Mengel responded it is a two prong approach even to the degree if we had a building permit  
30 that could potentially come in for a reroof or something like that in our Land Development Code  
31 in concert with the Building Code it would have required us to do both of these steps so the  
32 short answer is it is to eventually grow the business. The immediate need is to increase his  
33 office space that is the extent of his present expansion. The other phases if they happen at all  
34 will happen in the long term and is for the potential for his business to expand.

35  
36 Chairman Boyd asked, the long term goal is not any other kind of development just grow his  
37 business.

38  
39 Mr. Mengel responded, yes sir.

40

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1 Mr. Langelo asked is this limiting. Can they put a residence on this property?  
2

3 Mr. Mengel responded there is a home already there historic kind of family homestead and I  
4 understand that it is used occasionally as a residence.  
5

6 Mr. Langelo asked in this particular PUD zoning would this then take away the right to have a  
7 residence on this property?  
8

9 Mr. Mengel responded it is not a specifically listed within the permitted uses and you are correct  
10 and while there is a residence on the property we have not included it within the list of uses.  
11

12 Mr. Langelo, do you know if the applicant had intentions for that use continuing.  
13

14 Mr. Mengel responded you are providing a recommendation but you are correct your  
15 recommendation does not include a single family residence. A residential unit on the property is a  
16 permitted use.  
17

18 Mr. Langelo asked the cell tower was next to this?  
19

20 Mr. Mengel responded the cell tower was to the north east about a half a mile.  
21

22 Mr. Barr asked the driveway access does DOT get involved with driveway access and decel lanes?  
23

24 Mr. Mengel responded they will in future phases not at this point the addition of the office would  
25 not prompt a DOT review. The future phases would also include water management approval and  
26 the applicant would have to secure any other agency permits for any future expansion. The office  
27 would be deminimus and not require any DOT review or water management review.  
28

29 Mr. Langelo asked if we do recommend approval would you be notifying the applicant of the  
30 residence before it goes to the BOCC so it there is a chance to change it to add the residence.  
31

32 Mr. Mengel responded I believe that it was just overlooked  
33

34 *Motion to approve made by Mr. Langelo seconded by Ms. Kornel.*  
35

36 *Motion carried unanimously.*  
37

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

39 Application#3037 – APPLICATION FOR REVIEW IN THE PUD (PLANNED UNIT  
40 DEVELOPMENT) DISTRICT; request to amend the PUD Development Agreement for

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1 Harborview Marina PUD; Owner: WGA Investments, LLC and Great Star Investors VIII, LLC;  
2 Applicant: Parker Mynchenberg & Assoc., Inc.

3  
4 No ex-parte communications were disclosed.

5  
6 Mr. Mengel presented the staff report noting that application #3037, 3038 and 3039 are all related  
7 they are amendments to the previously approved Harbor View Marina Planned Unit Development  
8 (PUD) I am going to spend some extra time for the people in the gallery here this evening.

9 I would like to ask that the comments be specific for each application # 3037 is for the PUD  
10 Development Agreement #3038 is for the site development plan and #3039 is for the Preliminary  
11 Plat. I do realize there may not be a distinction to the public but there is within our processes. We  
12 have broken these out separately it is a good way show what is being done with this amendment.

13 Aerial maps of the area were displayed showing the location of the subject property north of the  
14 McKenna yacht basin, north of Roberts Road east of Colbert Lane and adjoining to the east is  
15 Palm Coast Plantation a plated development. Also displayed was the Future Land Use, and Zoning  
16 maps for reference. The request is to amend the approved PUD agreement for approximately  
17 109.(one hundred nine ) 21(twenty one ) acres to request in a large part and the 2 (two) remaining  
18 items the sole purpose is to reconfigure the single family portion of the development and that is the  
19 portion to the far west side adjoining Colbert Lane. The part of the agreement deletes several  
20 sections of the agreement and I will bring to your attention. There is a portion of the traffic study  
21 that I didn't include here because this is all verbiage within the development agreement. I wanted  
22 to make sure I brought these 2 (two) pieces to you the portion of the traffic study language within  
23 the Development Agreement committed to participation in fair share program referenced in the  
24 Development Agreement to finance offsite transportation improvements Colbert Lane from State  
25 Road 100 to Roberts Road and was based on large part a 2006 Traffic Impact Study prepared for  
26 Landmar Group by Lassiter Transportation Group it was never fully ratified it was in the heyday of  
27 development that was occurring in this area. We had several parties Landmar being the major  
28 player that was doing this Harbor View Marina that was part of that so you had these contributions  
29 that were provided within that totaling over \$500,000.00 towards future improvements to occur but  
30 that was never agreed upon we never had all parties come forward the development all went  
31 stagnant Landmar went defunct. The parcels Grand Reserve West and Grand Reserve South are  
32 being offered for sale. There are annexations happening at least the pressure to do so from Palm  
33 Coast. You also have Grand Swamp on the western side of Colbert lane you have a lot of these  
34 pieces that have picked up since then and not a lot of conclusion. For the record I wanted to make  
35 sure you were aware of it for that and I didn't bring enough clarity to that within the PowerPoint  
36 but I will read it out loud To you which will be more dull. From 2008 we had comments that came  
37 back from the applicant because we kept coming around this traffic idea so their assertion their  
38 basis for them omitting it from the Development Agreement this time is in large part is that it is not  
39 needed. So, we had this evaluation from Traffic Planning Design from April 2008 and I will quote  
40 " Traffic study for the Harbor View Marina identified a requirement to improve the intersection of

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1 Colbert Lane and State Road 100 with an additional east bound left turn lane and associated  
2 receiving lane the projects total trips of the deficient movement are projected to be 145 vehicles  
3 peak hour the total traffic volume of the approach of 514 vehicles at peak hour the project share of  
4 traffic of the east bound traffic with a left turn movement at 28 percent. The intersection of Roberts  
5 Road and Colbert Lane is not included in the analysis because the project is not expected to add  
6 traffic to its minor movements. Traffic from the Harbor View Marina Village will be traveling  
7 north and south on Colbert Lane. In the past this proposed intersection will not directly impact the  
8 critical minor approaches or turning movements.”This from the letter dated April 17, 2008. Along  
9 with that there was a signalization plan for the signalization of Colbert Lane and Harbor View  
10 Drive an intersection was included within that response to staffs comments at that time. So we had  
11 those pieces coming in an attempt to resolve our ongoing questions related to the traffic mitigation.  
12 Now fast forward to this time and what we are facing is really not a whole lot of difference of what  
13 we had at 2006. We have had some more infill development that has happened. We have had some  
14 more plats for development certainly in Palm Coast Plantation but we have had those larger  
15 developments as part of that study back in 2006 it just never happened. So here we are we call  
16 these ghost trips you have a reservation happen some idea in 2006 you pay to play come forward  
17 with your mitigation amount for your off site traffic improvements and you will be able to advance  
18 forward on these projects and remember at that time we were always being right at or just below  
19 the Development of Regional Impact (DRI) threshold so the idea was that we weren’t getting  
20 those regional focused impacts coming in that fashion effectively what we had done was we had  
21 gone through and said in lieu of the DRI type analysis we are going to create our own sector plan.  
22 We are going to look at this as its own unique situation with this group of developments and have  
23 them come in and propose something unique to traffic more than anything else where it has left us  
24 now. I would say we really don’t have much of a situation than what we have as real world  
25 impacts in 2006. We still have a situation where we have a level of service probably at worst a  
26 level of service of “C” on Colbert Lane. We have a 2 (two) lane configuration that can be widened  
27 to 4 (four) but I don’t see that happening any time soon. The more realistic option to us for  
28 consideration is signalization that will happen prior to that from a safety standpoint. You will have  
29 those traffic movements as the developments get larger as they do develop then you will have  
30 these left turn movements that will be the consideration because you will have stacking happening  
31 in places you don’t want it to happen so the is where your signalization will kick in or your 4  
32 (four) laning happens as my prediction as a no traffic guy I will give you that expectation at least  
33 on my side. The other deletion we have on note in the agreement is we have the deletion of the  
34 conveyance of our parcel the language conveying lot 157 which has happened that obligation has  
35 been met for us as it stands now we don’t necessarily want to be part of the PUD or part of the  
36 plating so that language was inserted in there. It was forward looking at the time and it said this is  
37 being reserved out this going to be conveyed now has been conveyed the intent remains to be  
38 developed as the fire station site will likely be necessary for that as the development occurs and get  
39 more substantial in this area. You have a fire station on the north end at Palm Coast Parkway a  
40 City station site and we have the reserve site on John Anderson that was part of the Ginn

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1 Development on John Anderson some 2(two) to 3(three) miles to the south. So you have some  
2 other reserved areas approximate to this that may need some consideration by us before  
3 committing to a fire station site here but that language will be deleted specifically from the  
4 agreement that is the 2 (two) pieces that we pulled out with recommendation here along with that.  
5 What we started with is that this accomplishes the text amendment the document itself reduces the  
6 number of lots by 7 (seven) from 161 to 154 single family lots then you have the renumbering then  
7 for the multifamily unit count 155 to 159 those multifamily pads for the condominiums that were  
8 part of this larger approval that all happened previously and again that part is not being amended.  
9 This limited request being the Development Agreement and your recommendation then on this  
10 application would advance to the Board of County Commissioners specific to the Development  
11 Agreement only.

12  
13 Staff's recommendation is approval of application #3037 amendment of the Development  
14 Agreement of a PUD for Harbor View Marina consistent with the Comprehensive Plan and the  
15 Land Development Code subject to the following condition:

- 16  
17 1. Text to be added to the Development Agreement to provide for subsequent traffic studies to be  
18 completed prior to site plan approval and or issuance of a land development permit whichever  
19 occurs first of any multifamily condominium lot and those numbers 155 to 159 as shown on  
20 the plans with any adverse off site traffic impacts to be subject to payment of proportionate fair  
21 share contribution.

22  
23 I may have used some terminology that may be foreign to some folks here. In 2008 we had this  
24 discussion at the Board level we have a Proportionate Fair Share Ordinance, it is on the books and  
25 at the time the Commission was very cognizant of that and had a discussion with the applicant on  
26 that particular point and when that kicks in is when you have a deficiency on your roadway. Like  
27 you have those traffic impacts that have been determined there is no other capacity and that is  
28 when your proportionate fair share kicks in I will submit to you we are not at that situation. The  
29 intent of this language within the comment and I will also defend the applicant here somewhat we  
30 have not talked about this and run this through any kind of vetting to see if they are satisfied with  
31 it. They are being hit unaware with this comment they know it is out there they tried to reach out to  
32 us but we didn't have enough time with the hurricane and everything else that is going on. So this  
33 is hitting them pretty cold but what we want to do with this is ad I am holding to this is that the  
34 single family I believe there is sufficient capacity for that and what I understand thatch is what is  
35 moving forward here that is the push right now to final plat but this is for subsequent permitting as  
36 those condo pads develop and when and if they do they will have to come through individual  
37 traffic impact analysis and if there is adverse conditions found that would be address by the

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1 developer at that time of that vertical development occurring prior to that approval coming into  
2 play that is the intent of the comment from staff recommendation certainly open to any discussion  
3 and the insight the applicant may provide on this and I hope to be fair to everyone on this with this  
4 and my explanation for the rational with that I will conclude my comments and submit my staff  
5 report for the record and the analysis and comments provided as basis for your recommendation  
6 whatever it may be ultimately as it applies to the Development Agreement and that concludes my  
7 comments. I await your questions and the applicant is present. I know they have a presentation.

8 Jim Morris, P.A., 750 Oak Heights Court, Port Orange, Fl, Attorney for the applicant, Let me take  
9 the last first I believe Mr. Mengel has been fair in his assessment in proportionate share or cost  
10 sharing and the language suggested in the staff report is agreeable to us and I think the way that he  
11 characterized it in the availability for single family we know it is there everyone knows that  
12 Colbert lane has available capacity When Mr. Mengel was analyzing the aspects of traffic lights  
13 and so on that is probably your most likely scenario and when the other development comes on  
14 line that is certainly when a contribution should be mad. We are absolutely intent with the  
15 recommendation have no objection to it or any argument with the reasoning that pertains to that.  
16 The other thing that is most important in understanding request is that in the staff report and I  
17 alluded to the paragraph on the front page it talks about the changes in the single family units. This  
18 amendment is really for the purpose of reconfiguring the single family lots from the configuration  
19 approved in 2006. The new configuration does not have the internal waterways for a boat to pass it  
20 is just stormwater ponds that you see now and the unit count is slightly reduced. The multifamily is  
21 there it has been there approved for quite some time we have no proposal to change that. In lieu of  
22 having water access through waterway in the development is this block stack storage building it is  
23 roughly opposite of the Sea Ray building/plant as it is in regard to the basin and that is the extent  
24 of the changes we propose we agree with the staff recommendation rather than take up more of  
25 your time now I would just as soon answer questions from the audience members after you have  
26 had a chance of listing to anyone else.

27 Chairman Boyd asked the board if they had any questions.

28 Mr. Langello, I remember this application If I can just set the stage this property has not been  
29 developed. First thing the fair share money that we are talking about does this mean that there is  
30 not a traffic impact fee to be paid by the single family resident? Is this in lieu of or addition too?

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1 Mr. Mengel responded I hope I mentioned this and I thought I did in the staff report the  
2 transportation impact fee is currently in a moratorium The Commission can reinstate that at any  
3 time. I did not intend that to be in lieu of the Proportionate Share contribution to be in lieu of.

4 Mr. Langelo asked that if the traffic impact fee comes back on line is this on lieu of or addition  
5 too?

6 Mr. Mengel responded it is in addition too. This does kick in very specifically and my intent was  
7 to track that language that we have within our Proportionality Fair Share Ordinance to the extent I  
8 have paraphrased it here where there is a specific where the transportation impact fee is  
9 argumentatively broad in scope is based on a rational nexus so the rational nexus test says that  
10 there should be some linkage between what you are approving where you are paying the fee and  
11 where you can demonstrate some benefit from the usage of that fee by a capacity improvement.  
12 The Proportionate Fair Share contribution is specific in that it is related to that specific  
13 geographical off site improvement adjoining the property of where the contribution was necessary.

14 Mr. Langelo, asked when you called it a rational nexus I thought it was going to effect the heart of  
15 the impact fee was that it was to offset the impact of that development and the monies were spent  
16 to improve the situation related to that impact and not somebody else's impact isn't this kind of  
17 double dipping?

18 Mr. Mengel responded the impact fee would be broader in its scope.

19 Mr. Langelo stated " the impact fee could be used for other things but in addition to this but if you  
20 have an impact you are double dipping on this Fair Share thing, because it could be used  
21 specifically for one part of it but that impact fee is for all of it. The idea of the impact fee was  
22 supposed to capture this type of an impact and I am just wondering what is tripping this to this Fair  
23 Share I don't want to get into a long discussion but I was just curious. I know you mentioned the  
24 moratorium but I didn't know if you were omitting that part of it. My other comment was that  
25 when we did this before you talk about the multifamily

26 Because of the number of people the site anticipated you had to have two (2) exits and we had to  
27 go through Palm Coast Plantation and have a breakdown barrier If I remember anyway we had to  
28 make that second entrance If they keep doing the single family and they trip the number of  
29 residents they would need for the second exit and are they going to have to develop that road to  
30 that second exit which would be part of what you are asking for in the multifamily phase and you  
31 are over lapping those two (2) things.

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1 Mr. Mengel, responded the second entrance and that specific requirement you will see us talk  
2 about at the time of Preliminary Plat which is one of the remaining two (2) items for project  
3 tonight It was contemplated since 2006 it was discussed in 2008 and as the plat advance there  
4 would have to be a waiver specifically approved by the Board of County Commissioners this does  
5 have the greater than 50 lots which is the number that requires two (2) points of entry, paved  
6 access correction there is two (2) considerations there two (2) access points and the secondary  
7 emergency egress. So, what you have happening here is effectively a waiver of that and we will  
8 talk about it more when we get to the Preliminary Plat I don't see that as something necessarily  
9 related to the traffic to the transportation side of the house.

10 Mr. Langelo asked so do you have to develop the road paving into second site development to  
11 achieve that is not going to trip this Fair Share part because they are trying to use the other part.

12 Mr. Mengel, responded what you actually have you do have that secondary egress you have  
13 Harbor View Drive and Heron Drive Riverwalk Drive and if I am remembering correctly in the  
14 Palm Coast Plantation approval there was some unmanned gates provided I will let the applicant  
15 speak more directly about the parties to cross those. It is my understanding with this development  
16 advancing there will be a waiver needed but ultimately emergency egress will be provided out  
17 through Palm Coast Plantation in order to reach that second access point further to the north on  
18 Colbert Lane so there is a secondary egress provided it can either be provided if Harbor View  
19 Drive and Colbert Lane intersection is blocked for whatever reason folks can egress here through  
20 Heron Drive or Riverwalk Drive.

21 Mr. Langelo, asked that wont trip the Fair Share thing.

22 Mr. Mengel responded, no sir.

23 Chairman Boyd opened the public hearing to public comments.

24 Ms. Edith Ferrena, 282 South Riverwalk Drive, Palm Coast, which is about 100 feet from the two  
25 (2) eastern most proposed condo towers. When I bought my house back in 2011 I could never have  
26 imagined 95 foot tall buildings behind my house. In fact my real estate listing described the area  
27 behind my property as a preserve as did the listing of my neighbors. I am here today because I am  
28 putting my faith in my local government to uphold and enforce the laws of the Municipal Codes  
29 and the Comprehensive Plan of Flagler County. Flagler County Comprehensive Plan objective  
30 13.3 states "New development is compatible with the design and environmental character of the  
31 area in which it is located." Multistory towers clearly are incompatible with the design which the

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1 area is located. In fact Palm Coast Plantation slogan is “Living in harmony with nature” it is not  
2 living in harmony with 95 foot tall condominium towers. In fact there is only one other building  
3 this tall in the entire county that is the Aliko. Municipal Code 3.04.02 F(2) states “ the proposed  
4 PUD will not affect adversely the health and safety of residents or workers in the area and will not  
5 be detrimental to the use of adjacent properties or the general neighborhood. 95 foot tower directly  
6 behind our home would certainly be detrimental for so many reasons; first of all we would have a  
7 loss of privacy in fact one of the reasons I bought my house was when I walked in I saw the  
8 beautiful family room with a fourteen (14) foot ceiling and a lovely transom window right up on  
9 the top with a beautiful view that view will be no more if phase II is implemented with these  
10 condominium towers. In addition the Harbor View community pool will be right behind my house  
11 that will likely create noise problems the parking garage will emit fumes and will there will  
12 certainly be noise a parking lot, car alarms etcetera 95 foot towers leaning over our home will most  
13 certainly lower our property values. Homes are usually are biggest investment there are a lot of  
14 people whom have invested within a couple hundred feet of what is being proposed. It is wrong to  
15 negatively impact our nest egg such as this unnecessarily. I know some people are saying this has  
16 already been approved but Municipal Code 3.04.02.H (2) deals with the expiration of a PUD and it  
17 says “The applicant must begin and substantially complete of the Planned Unit within 2 (two)  
18 years of the time of final approval: this PUD was not substantially developed and complete within  
19 2 (two) years according to our law this PUD should have expired in 2008. I hope you will give this  
20 matter careful consideration it affects the quality of life for many residents who already own  
21 homes in the area. Thank You.

22 Ms. Gail Cornis, 286 South Riverwalk, Palm Coast, I am actually 2 (two) lots away from the lady  
23 that just spoke and if time permits I would like to show you a picture or two (included with these  
24 minutes as part of the official record). My husband and I are concerned about the 2 (two)90 foot  
25 towers directly behind our house. In fact if you would take our lot and flip it over you would be  
26 hitting the footprint of one of the towers that is how close it is. The impact is really harmful not  
27 just to us but the owners of lots 67-72 I know that there are only 6 (six) lots directly impacted and  
28 we are really impacted. My husband and I purchased our lot 69, in 2009 and built our home in 201,  
29 the total value of our home is \$420,000 my husband and I are retired civil servants it is not like we  
30 are wealthy people this was our retirement home we wanted to live in peace in this community.  
31 We knew nothing about the Harbor View PUD until 2014 when the gotoby.com article came out.  
32 We will be directly and adversely affected by the planned location of these two condo towers so  
33 close to our property line these are the ways we feel we will be impacted, #1. lack of privacy and I  
34 have a picture to show that as our home is a courtyard home anyone in the units facing east will

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1 have a direct view into our courtyard, and depending how high the unit is perhaps a direct view  
2 into our living room. #2 Noise, noise from the balcony noise from the pool noise from the parking  
3 garage car emissions there is so many cars in such a close proximity to our house we are concerned  
4 about air quality. My husband has COPD (chronic obstructive pulmonary disease) as a result of  
5 military combat service. Sadly we will not see the afternoon sun those towers behind the house  
6 will totally block out the sun I am estimating probably about one o'clock in the afternoon and it is  
7 all due to the fact the condos are abutting each other like the Great Wall of China.#3 Security risks  
8 we are concerned about condos are often rented out we anticipate an influx of transients at very  
9 least trying to actively get into the Palm Coast Plantation property and the worst maybe our house  
10 both are quality of life issues. Finally what concerns us the most is the loss of property value if the  
11 towers are built and we decide to sell we believe the value of our house will be severely degraded  
12 creating a financial hardship which may carryover to other homes in the area. As I said earlier we  
13 had no knowledge of this development prior to 2014 and we are not alone in that others in our  
14 immediate vicinity also didn't and I would just like to bring up a point of interest that says In a  
15 earlier staff report from the Planning & Zoning Department from June 2006 said "the justification  
16 of 110 foot building next to existing single family lots is not an example of superior design it can  
17 be argued that the purchasers of the individual lots within Harbor View know or should know of  
18 the design they are buying into but the same cannot be said for the purchasers within Palm Coast  
19 Plantation Unit . So back in 2006 they knew that people like me and my husband were going to  
20 have this problem. We believe that the proposed PUD may not adversely the entire Palm Coast  
21 Plantation community it will directly affect the residents in unit 4 and it will be detrimental to the  
22 use of our properties and our neighborhood we will be severely affected in terms of quality of life  
23 and financial hardships. If I may I would like to show you what our view is now and what it will  
24 be If I could just describe it our home is built around the pool there is an eight (8) foot wall on this  
25 side with the screen enclosure over the top and the back of the house is the bedroom the living  
26 room and the dining room it is all open there with the screened in lanai behind it. We don't have  
27 much in property behind the house structure itself it is only about 20 feet so the house is 100 feet  
28 long so what is behind it is trees there are cypress trees probably 50 feet tall something like that so  
29 part of it arguably could be our view would be obstructed as far as the trees but beyond the trees  
30 there is that Great Wall of China. It is extremely upsetting for us I understand the PUD has been  
31 approved but like the lady before me I would like to prevail on your I don't know your sensibilities  
32 sense of fairness and we are the little guys doe if you have any questions I would be happy to  
33 answer them.

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1 Ms. Stephanie Contrada, 166 Heron Drive, in Palm Coast Plantation, and it is on the south end of  
2 Heron Drive, I would not be directly affected but I am close enough. My husband and I bought the  
3 property in 2004 for our retirement home we had a house built in 2006 and the reason we built it  
4 was the beautiful surrounding area the park across the street the lake behind our home the  
5 conservation area the natural beauty and just the whole area it is just beautiful. Now we are talking  
6 about these proposed condominiums that are practically in our view it is completely out of  
7 character with the whole area there is nothing like that along Heron or in the development that is  
8 going to be anything like that and even in Grand Haven it's going to severely affect our property  
9 values. To be honest I would just want to sell my house tomorrow if these condominiums go up it  
10 is just not my idea of why I bought this beautiful home and like I said it was our forever home. I  
11 am not a public speaker I am just horrified that 90 foot condominiums are going to be there that  
12 don't belong there they are completely out of character with the whole area. I am really unhappy  
13 and I would never do it again if I know this was going to happen. Thank You for your  
14 consideration.

15 Mr. Jim Ludwig 210 Heron Drive Palm Coast I am directly across from Harbor View Drive across  
16 from another set of the condos proposed. There is nothing much I can say the ladies have not  
17 already said I hold the very same feeling they do a 7 (seven) 8 (eight) story condominium is  
18 completely out of place. When we were searching for our house in 2013 we searched all over Palm  
19 Coast and came upon Palm Coast Plantation and found that was exactly where we wanted to be all  
20 the houses are single level even our Community Center is a single level sorry most of the houses  
21 are single level there are some two story homes, but there is no giant high rises or anything else That  
22 is what we set out for the quality of life and for us and our kids and certainly never anticipated  
23 there would be a 7(seven) 8 (eight) story building would end up in that place. There is only one  
24 other building in Flagler County even that tall and that is over by the beach where you have other  
25 commercial buildings. So I hope you would take that into consideration. As previously stated the  
26 Plat has long been expired So yes I understand it was proposed planned 10 (ten) years ago that has  
27 long since expired We are just looking for similar buildings none of us would be against single  
28 family homes or single family housing development it is the big towers all of us are concerned  
29 about. We are also concerned about our financial well being as well we all have mortgages or at  
30 least most of us have mortgages should we decide to move we would need to pay those as well.  
31 Thank You.

32 Chairman Boyd closed the public comments and opened up Board comments.

33 Mr. Barr, asked Mr. Mengel to clarify the status of and the Continuity of the PUD.

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1 Mr. Mengel responded you do have the time line provided in the packet I didn't want to go and  
2 read it to you all but. You did have a mix of land uses on here and this did have some industrial on  
3 it I think that was the basis for in a large part for the density that was assigned to this you can see  
4 also in that application from September of 2004 it would have allowed the maximum density of10  
5 (ten) units per gross acre or at least in the portion that was intended to have some residential  
6 development that was assigned to this it The Planning Board from that history has recommended  
7 denial the applicant had amended their application then remembering then in some former  
8 industrial site as the justification as I remember reading it they reduced it down from the maximum  
9 10 (ten) units per gross acre to a maximum of 7(seven) units per gross acre you have a transmittal  
10 that happens I think a year later of that Land Use Amendment which is not uncommon on how our  
11 process have progressed and by December of 2005 the Land Use Amendment goes through June  
12 2006 you have the rezoning from Industrial to Planned Unit Development subject to the conditions  
13 that were specific to this proposal July 2006 the PUD comes into effect Ordinance 2006-20  
14 recorded in the public records and then August 2006 very close to my first meeting with the  
15 county. Ernie Caldwell on behalf of this developer and a presentation he had made to the  
16 Commission at the time regarding the gopher tortoises and there would not be an incidental take  
17 permit even though I think one had been issued as they were perusing that our goal was to save the  
18 tortoises. February 2008 PUD site development plan advance again some gaps with this 2008  
19 BOCC approval of the Harbor View Marina Site Development Plan and PUD and Preliminary  
20 Plat. So, at this point you have all those pieces together where we had a subsequent land  
21 development permit that was issued in 2008 permits from other agencies that came into play you  
22 had the water Management District, Army Corps of Engineers and others I am not recalling at this  
23 point and those permits remained in effect to the extent that a new development was underway  
24 they had some compliance issues with the Corp of Engineers not the fault of the developer but  
25 because the County had not adopted its Manatee Protection Plan as the state and come back  
26 wanting us to do so and that translated that heavy hand of injustice In my opinion the Army Corps  
27 of Engineers that it was the biggest secret that was kept by them that they revoke the permits  
28 without a lot of notice to those permit holders so it was a surprise to this developer when they then  
29 commenced work and the Corps had in fact revoked their permit. We are just settling those issues  
30 as our Manatee Protection Plan is now in effect and we are moving forward with those projects and  
31 those permits coming back on line so with this the Land Development Permit has no expiration  
32 and we do have some projects and this is certainly one of those that has a longer progression than  
33 others certainly because the substantial economic downturn movement probably the largest push  
34 on all of these similar projects others that are similarly situated. To state this one more time the  
35 comments that you have heard I would certainly encourage those speakers maybe not directly to

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1 each of them but make those comments that they have because this the avenue to make those  
2 comments this is appropriate time, venue this and the Board of County Commissioners this is their  
3 chance to state their feelings on this but at the same time though I am realistic and certainly  
4 empathetic to the situation but they are not alone. I now have had 3 (three) projects that have come  
5 back from this era who then had a group of owners who were not present when that original  
6 development came through and now are conveying to our bodies that we were caught unaware. So  
7 we have these rights this bundle of sticks that planners talk about the entitlements that have been  
8 conveyed to the developer. More so you have permits that have been issued if we do nothing  
9 today. They can proceed with the development as approved at this point there will be no affect to  
10 the condos. The problem for the developer then is how to make the canal system work and not  
11 build the dry Stackhouse that is proposed those are the substantial changes seen with this. Let's  
12 look forward on these 3 (three) applications and assume none are approved our land development  
13 permit remains still in effect and they can proceed with the development as it was approved in  
14 2006 and land development permit issued in 2008. That is the bad side to this and our goal in land  
15 use decisions, land use deliberations of this type certainly puts you in the position though it is not  
16 unique for you to balance those issues I certainly think this venue is appropriate for those folk that  
17 have been provided notice to state their concerns on the record and to have those known and for us  
18 to move on from there to every extent that is appropriate and your consideration as a  
19 recommending body to the BOCC for these 3 (three) items.

20 Mr. Langelo asked Mr. Mengel this Riverwalk and Heron Drive are they Palm Coast or Flagler  
21 County?

22 Mr. Mengel responded , that is Flagler County

23 Mr. Langelo, stated so this is all was all zoning in Flagler County and I do remember the Heron  
24 Drive issue and that was there was Riverwalk Drive there in 2008

25 Mr. Mengel responded yes it was.

26 Mr. Langelo asked these lots that some of the people here talked about. I don't remember  
27 anything about Riverwalk Drive. That had existed then and at the time they were undeveloped but  
28 the developer of those lots had the chance to come into the Planning Board that is why I say I don't  
29 remember any comments coming in back in that era.

30 Mr. Mengel responded the other part I think is important to mention is there is commonality  
31 between the developments there was and I will let the applicant talk about this if not now the next

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1 application at least common partners some common that is why you see the roads are connected  
2 these were not 2 (two) disjointed projects these were interconnected so there was this idea to have  
3 this single family within this component a multifamily within other component this site clearly  
4 more intensely impacted than the Palm Coast Plantation portion remember we had the history here  
5 it was all part of that Lehigh cement operation had that industrial characteristic for years and that is  
6 the justification I think it is pretty clear in the record when you look back.

7 Mr. Langelo the comment about the property value and someone spoke about the Alike and the  
8 other one down in Flagler Beach has anyone ever looked at the values of the land immediately  
9 surrounding.

10 Mr. Mengel responded no I have not. In the quasi-judicial hearing point that we are at if there was  
11 evidence presented professional testimony to would have had to be provided subject to cross  
12 examination there has been a opinion that has been asserted and for what it is face value I am not  
13 aware of anything any adjustment from the property appraiser provides for single family lots that  
14 adjoin those 2 (two) developments

15 Mr. Barr asked I have a question about the intersection of Colbert Lane. Is there a dedicated  
16 southbound left turn lane into the project and a northbound right turn decel lane as well?

17 Mr. Parker Mynchenburg responded yes

18 Mr. Langelo asked Mr. Mengel as a recommending body here your comment was well placed you  
19 said that if we did nothing these could go forward anyway

20 Mr. Mengel responded yes

21 Mr. Langelo stated “this is a time they are asking for something they are reducing the number of  
22 units by 7(seven) but there was a change in the height of the building ?

23 Mr. Mengel responded no sir if you look specific to this item the Development Agreement you  
24 have that redline strikethrough version it shows up on page 4 (four) it has maximum building  
25 height both the A- single family 45 (forty five) feet and B-multifamily net 80 (eighty) feet  
26 maximum building height 95 (ninety five) feet seven residential stories over residential parking  
27 both have stayed consistent since the 2006 approval and the only addition that is made as part of  
28 this request is a subpart C-stackhouse at 70 (seventy) feet.

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1 Mr. Langello asked so there wasn't any thought to any reconsideration of the heights and the  
2 proximity for the lot.

3 Mr. Mengel responded we had not provided any comment on that.

4 Chairman Boyd hearing no more board comments entertained a motion from the board.

5 Mr. Jim Ludwig 210 Heron Drive Palm Coast You were talking about the property value whether  
6 or not if it had an impact just put yourself in the shoes of any buyer if you went to look at one  
7 house that is X dollars and behind it you have nothing but a beautiful wooded area very private  
8 natural preserve . Then behind another house you are looking at for the same price there is a large  
9 tower lots of traffic lots of noise which house are you going to buy there is no question and  
10 everybody on the is room would buy the one on the preserve. So there is no doubt that it is going  
11 to impact values. I don't have documentation for that but just naturally think about it.

12 Mr. Langello addressing the public this is a recommendation to the Board the elected officials and  
13 if some of my comments gave you some information to bolster your argument and I think you gave  
14 a good presentation.

15 Chairman Boyd again entertained a motion from the board Hearing no motion asking Ms. Stangle  
16 for guidance. Do we need to have a motion one way or another?

17 Ms. Stangle responded the rules do not contemplate this. This would be a first

18 Mr. Langello stated "one of my problems is based on what I heard from the audience I was  
19 oblivious to the fact of that subdivision I don't remember it from back in the day either. I am  
20 probably looking at this from one angle and I am hearing another angel and I don't have enough  
21 information and I think that they can proceed without anything tonight should give the people in  
22 the audience some pause there was no victory one way or another. However I don't know if the  
23 applicant is in a big rush and I would like to know if you guys are trying to push this thing through  
24 right away or on a time line.

25 Mr. Jim Morris attorney for the applicant I want to respond to your question but I also want to give  
26 you some additional information because I didn't get backup we intend to move forward and we  
27 are trying to do that as promptly as we can. So from the perspective you find yourselves in as a  
28 Quasi Judicial Board it seems to me there is evidence to support a recommendation in support of  
29 staff or there is not and the staff recommendation is competent substantial evidence and you don't

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1 have anything to repute that what you have is lay opinion in relation to what some people think as  
2 a comparison value next to a preserve or something like on that in that order. When we talk about  
3 property rights it is always a two-way street. My client has vested rights and development rights  
4 that has been there since 2006 the approval has been there since 2006 and it was previously  
5 explained to the board it was previously industrial property. And out of curiosity I wondered how  
6 Lehigh canal got created in the first place and I talked to some people that have been here for a  
7 long time apparently it was dug in the 1940's and once upon a time that plant worked 24 hours a  
8 day making cement pilings that is why you have what you have out there. What you have now is  
9 the evolution from that time period. If you look only to the east towards the 4 (four) or 5 (five) lots  
10 you heard from It is easy to come from one perspective but if you back up further and look at what  
11 Mr. Mengel pointed out to you earlier which is a large industrial piece of property. The conversion  
12 of that to residential activity is part of Palm Coast Plantation, you also have to look to the south  
13 and to the southwest immediately to the south you have Sea Ray it is not going anywhere as far as  
14 I can tell and kind of behind Sea Ray to the southwest you have a much more intensive  
15 development owned by Jim Cullis and his group. What we have before you tonight I want to use a  
16 couple of exhibits and a power point This is the 2006 development plan and we have an orange  
17 line showing where the changes are being made nothing in here is changing. The characterization  
18 of if we build this development which is before you tonight. What is before you is the stackhouse  
19 which is roughly which is opposite of Sea Ray a new lot configuration and the absence of the canal  
20 system and a lift that was going to bring boats down to a lock to go out so what we are doing we  
21 are changing the approach to an approach which recognizes the way development happens today  
22 and wants the people who buys these lots to have space in the stackhouse you got that as well as  
23 you have wet slips here for sale. Nothing over here by the condominiums is proposed to be  
24 changed. if we take the hypothetical and nothing happens and the County Commission says we are  
25 not doing anything nothing changes to the condominium project. What you get a development  
26 pattern that may not be as acceptable as I today's market as when it was originally proposed for the  
27 single family homes. I understand the point of view of the neighboring homeowners and they gave  
28 the dates that they purchased their properties after the 2006 approval of this development. This  
29 development agreement has not expired it is not out of date it can be acted on today even though  
30 the arguments are emotional and persuasive but more appealing from an emotional perspective as  
31 the quasi- judicial component by basing a decision from the evidence they have not won their case  
32 the staff report has a persuasive point in this it isn't an expired agreement and I respectfully think  
33 you should make a decision one way or the other whatever the sentiment of the Board is but as you  
34 take your position and look at the evidence to determine what side will prevail then I think you  
35 have to make an recommendation for approval. I cannot tell you what to do you are the fact finders

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1 you are the judges I can't tell the judge what to do. I will answer any question if you have any.  
2 Thank you.

3 Chairman Boyd again asks for a motion

4 Mr. Barr asked since there was additional evidence presented can we reopen discussion?

5 Chairman Boyd responded yes

6 Mr. Barr asked the 2006 exhibit and approval was that done by the original developers of Palm  
7 Coast Plantation. So Palm Coast Plantation sold the lots to the folks on the east side was also the  
8 developer of this property that planned that multistory condominium.

9 Mr. Morris responded they had developed this plan before selling the lots to the people you heard  
10 earlier tonight and those people who bought those lots bought with constructive notice of what the  
11 plan was but if they had actual notice I can't tell you what their real estate agents told them we  
12 have all heard stories like that throughout our lifetime. The point is in 2006 the development plan  
13 was there and it was able to be identified at that time the Commission has been aware of it and  
14 approved as it was explained in the chronology presented by Mr. Mengel.

15 Mr. Langelo asked having sat on this Board during that application don't recall the back lots. Do  
16 we have any separation requirements and of the developer can you move the buildings further to  
17 the west you have some grassy area there?

18 Mr. Morris, responded that is conservation area

19 Mr. Langelo so there is no easy movement of the buildings

20 Mr. Morris responded yes sir. Let me tell you have an east west access a straight line you know we  
21 have come into the winter months you know how much the angle of the sun has changed it is not a  
22 straight shadow line.

23 Mr. Langelo just trying to have a little give and take but there is no easy solution

24 Mr. Morris responded and from the perspective of give and take and I don't mean this in a smart  
25 way this isn't even on the table this is what has been approved.

26 Mr. Langelo responded it can be to the table if we wanted it to be meaning you the Board or  
27 whatever.

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1 Mr. Morris responded yes sir

2 Mr. Langelo asked Mr. Chairman is it the hope tonight is that we come up with a solution or do  
3 you want to table it. I understand where the property rights are I don't know if there was any  
4 further information that they needed.

5 Chairman Boyd, stated I don't think there is any more information that would bear on the subject.  
6 But I would say making a motion would move this particular item along If a got a second or if it  
7 didn't get a second if it got approved or not approved but the motion would move the item along. I  
8 would like to entertain a motion

9 ***Motion to approve made by Mr. Barr seconded by Ms. Kornel***

10 Ms. Kornel stated the application essentially we are not changing what was previously approved as  
11 far as the towers go. The application before us tonight deletes the conveyance of the property to  
12 the County for the fire house its already done deleted the section on the Fair Share Program for the  
13 transportation that is essentially what I see the changes are and it's been approved repeatedly as  
14 we have gone through the process My questions have been answered.

15 Mr. Duggins stated he sat through most of the meetings ten years ago I didn't like the project then  
16 I like it better now with the part they are proposing on the single family part I thought it was  
17 stupid to do a canal lake and lift system. This is now gone I don't like the condo part of it I didn't  
18 like it back then and I don't like it now I wondered what would happen to the lots on Riverwalk  
19 they were just starting to sell lots out there and they thought it would all be built by 2008  
20 economics stopped that. What we are looking at tonight is a far better project at least on this little  
21 part of it of what was proposed. Mr. Mengel because of the downturn in the economy did the  
22 legislature passed a rule that all these developers kicked their projects down the road even if they  
23 had a sunset am I right in my thinking?

24 Mr. Mengel responded there were more extensions that were aimed toward natural disaster  
25 declarations from the Governor. There were 5 or 6 legislative extension of development  
26 expirations and the developer tool advantage of at least 3 of them.

27 Mr. Duggins reiterated what we are looking at is only the single family section not the  
28 condominiums.

29 Chairman Boyd state I have a motion and a second I will call the question all

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1        *Motion carries unanimously*

2    11. *Quasi-judicial requiring disclosure of ex parte communication:*

3        **Application #3038 – APPLICATION FOR REVIEW IN THE PUD (PLANNED UNIT**  
4        **DEVELOPMENT) DISTRICT;** request to amend PUD Site Development Plan for Harborview  
5        Marina PUD; Owner: WGA Investments, LLC and Great Star Investors VIII, LLC; Applicant:  
6        Parker Mynchenberg & Assoc., Inc.

7  
8        No ex-parte communications were disclosed.

9  
10       Mr. Mengel presented the staff report noting that this is the Site Development Plan of the three  
11       applications. He again showed the aerial, zoning and future land use map reiteration that what this  
12       application is doing is only reconfiguring the single family lots and then showing the old plan and  
13       the proposed plan. Describing the breakdown of the overall development 23.4 percent is single  
14       family lot area 11 percent is road way tract 21.5 percent is conservation and 15.8 percent is  
15       multifamily and 3.2 percent is commercial additional information is within the staff report

16  
17       Staff recommendation application# 3038 a amendment to the Site Development Plan for Harbor  
18       View Marina provided findings that the development is consistent with the Comprehensive Plan and  
19       the Land Development Code. I would like to submit the staff report along with my testimony and  
20       the testimony of the applicant for the record.

21  
22       Mr. Jim Morris for the applicant, I would like to incorporate Mr. Mengel’s findings and conclude  
23       this is a code compliant application meeting the standards of Flagler County and incorporating them  
24       by reference and stand on his expertise and testimony to the Board.

25  
26       Chairman Boyd opened the public hearing to public comments.

27  
28       MS. Edit Ferrera, 282 South Riverwalk Dr, “one little piece of the time line missing from earlier  
29       this evening is back in 2014 when I read about this PUD on GOTOBY.com, I met about 30 (thirty)  
30       of my neighbors with Mr. Mengel and Ms. Sally Sherman here at the County offices. At that  
31       meeting all of my neighbors shared our shock and dismay about this PUD. I brought it up to Mr.  
32       Mengel then that according to our municipal code as I mentioned before what I can understand that  
33       this PUD expired but Mr. Mengel and Ms. Sherman did not have that interpretation of the municipal  
34       code 3.04.02.H (2) which says that it must be substantially complete within 2 (two) years and I do  
35       understand that there have been some extensions granted by the state. But Mr. Mengel stated that  
36       the only way you can ever address this is or have this changed is if there is substantial changes in  
37       the PUD. That does not mean of the developer wants to make the condominiums a lower height that  
38       is not a substantial change but the PUD would have to be reapplied for if there were substantial  
39       changes. Well now that there is no canal system and no lift to take the boats over into the Lehigh

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1 Cut and now there is a boat stack and the number of condominiums has changed and all that I would  
2 consider that a substantial change so I am not a lawyer but I would think this whole thing has to be  
3 re-approved. One more thing as far as the single family goes there is not a bigger proponent than me  
4 to have that developed because every day I have to drive by this terrible eyesore I don't know if you  
5 have been over there but they dug that marina with their expired Army Corps of Engineers permit  
6 and it is a horrible mess Cline Construction had hulking rusting machinery all over that place there  
7 has been vandalism. I have calls from my neighbors about have I seen anything some kid is being  
8 accused of vandalizing a Cline crane it is a total mess and it has been that way for years there is  
9 supposed to be a silt fence that is down not to mention the gopher tortoises that were murdered but I  
10 want to see it beautified because it is really horrible so as far as the single family goes let's get  
11 going on that. My interpretation is that this whole PUD needs to be re-approved number one it is  
12 expired and number two there have been substantial changes."

13  
14 Chairman Boyd asked for any other public comments seeing none her opened the hearing to Board  
15 comments.

16  
17 Mr. Langelo asked to have either Mr. Mengel or Mr. Morris address the substantial change that she  
18 was told.

19  
20 Mr. Mengel responded I don't remember saying that but there are provisions within our Land  
21 Development Code that talk about minor and major site plan amendments minor are administrative  
22 These are criteria that we would be allowed to approve a site development plan without bringing it  
23 to a Public Hearing, the same or greater amount of open space the same or fewer number of parking  
24 spaces the same or fewer number of dwelling units. That is the narrow focus we have and arguably  
25 without the stackhouse we would be looking at this administratively. As to the 2 (two) year  
26 expiration I am charged with interpreting the Land Development Code and we have developments  
27 that that have had specific expiration dates these development within the heyday of our  
28 development processes when we were processing with the number we had coming in and with the  
29 pace that we had and in 2014 and any other time I my tenure I have shared this our dynamic at the  
30 time was we would not have thought 10-12-14 years later to even put an expiration date you would  
31 have been laughed out of the room if you put an expiration date on a PUD at the because it would  
32 have been how fast can I put a shovel in the dirt how quick can I get this going. At that time with  
33 that range a half dozen applications or more coming forward similar to this one coming to this  
34 Board and the Board of County Commissioners we never contemplated expiration. Certainly that  
35 language is in Our Land Development Code I am not going to say it isn't we have intentionally at  
36 that time not provided an expiration and it is my opinion supported by a legal opinion that Ms.  
37 Ferrena is aware we discussed this we have documents we have supporting documents from the  
38 County Attorney to support this opinion I have provided that says that this and other similarly  
39 situated effectively have no expiration and as I mentioned in the time line of public hearings this has  
40 been vetted through multiple levels of reviews and Board of County Commissioners approvals that

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1 came along with this all that leading to a land development permit and if I can put you back into  
2 that developers perspective that they mentioned. A developer with a permit in hand has those tools  
3 to come in and start the vertical development. I submit to you and the time frame will not be  
4 disputed here and what we have talked about here 2006 to 2008 2006 PUD approval, 2008 Site Plan  
5 approval and Preliminary Plat, enabling a developer to put a shovel in the ground followed in quick  
6 succession by the issuance of land development permit I would submit we all those things in line  
7 that shows that this was an active development as of 2008. Our land development permits do not  
8 expire we have an expiration date of 2109 I think it is put into our systems because we know these  
9 process take time should we address this in hindsight maybe we should but the developer had  
10 progressed as they had appropriately done so and within the time frames that the Land Development  
11 Code establishes for them to do what they are supposed to do in terms of zoning and land use so  
12 that then led to a land development permit being issued within that 2(two) year time frame I  
13 would say everything was met on this one and I will still hold to that opinion and still support it. I  
14 believe this is an active development permit that is out there for this development to commence as it  
15 has been previously approved now seeking that amendment for a portion of it and continue that  
16 development.

17  
18 Mr. Langelo asks so this application would help further help the single family portion of this  
19 development.

20  
21 Mr. Mengel responded yes it will

22  
23 Chairman Boyd asked if there were any more Board comments hearing none he asked for a motion.

24  
25 ***Motion to approve by Ms. Kornel and seconded by Mr. Duggins***  
26 ***Motion carried unanimously***

27  
28 12. **Quasi-judicial requiring disclosure of ex parte communication:**

29 **Application #3039 – APPLICATION FOR REVIEW – PRELIMINARY PLAT;** Preliminary  
30 Plat for Harborview Marina PUD; Owner: WGA Investments, LLC and Great Star Investors VIII,  
31 LLC; Applicant: Parker Mynchenberg & Assoc., Inc.

32  
33 No ex-parte communications were disclosed.

34  
35 Mr. Mengel presented the staff report nothing that this is the final of the series of three  
36 amendments and with your recommendation all three of these will be advanced to the Board of  
37 County Commissioners to the next available meeting where public notice be provided. This  
38 follows in line with the PUD Site Plan the development plan has a decrease in the single family  
39 lot count from 161 to 154 lot the renumbering of the multifamily lots due to that the elimination  
40 of the canal system in the single family portion of the development and adding in the dry boat

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1 storage of building within the common area. All other portions of the preliminary plat remain as  
2 previously approved. In our processes this advances as preliminary plat and as you can imagine  
3 in our 2008 approval this along with it has the construction plans and we have posted them on  
4 line and that provides the foreshadowing of the land development permit. One the preliminary  
5 plat is approved by the Board of County Commissioners the developer can commence with that  
6 particular step and consistent with the construction plans that are effectively being amended  
7 here with this amended preliminary plat. Singular to that single family portion of this now we  
8 have the Development Agreement Site Development Plan and the Preliminary Plat all being  
9 consistent with the single family portion of the development and have the construction plans go  
10 along with it.

11  
12 Staff's recommendation is approval of application # 3039 amendment to the Preliminary Plat for  
13 the Harbor View PUD the plan is consistent with the Comprehensive Plan and the Land  
14 Development Code subject to the following conditions:

- 15 1. All development to be completed consistent with approved construction plans.
- 16 2. Final plat approval subject to Board waiver for 2(two) points of ingress/egress to a paved  
17 County road system requirement. 4.06.02.A (4)

18  
19 Mr. Jim Morris for the applicant I would incorporate Mr. Mengel's comments into the record. In  
20 regard to the discussion about access we have 2 (two) connection points to get to the primary  
21 road that goes to Colbert Lane. He went on to add additional traffic management information for  
22 the record.

23  
24 Chairman Boyd opened up the public hearing to public comments seeing no one he closed  
25 public comments and opened Board comments.

26  
27 *Motion to approve made by Ms. Kornel seconded by Mr. Langelo.*

28  
29 *Motion carried unanimously.*

30  
31 13. Quasi-judicial requiring disclosure of ex parte communication:

32 **Application #3046 – APPLICATION FOR REVIEW IN THE PUD (PLANNED UNIT**  
33 **DEVELOPMENT) DISTRICT – PUD SITE DEVELOPMENT PLAN;** request to amend the  
34 Hunter's Ridge Temporary RV Storage Planned Unit Development (PUD) (Ordinance No. 2010-  
35 07). Parcel Number: 22-14-31-0000-01010-0110; Owner: U.S. Capital Alliance, LLC; Applicant:  
36 Kimberly A. Buck, P.E., Alann Engineering Group, Inc.

37  
38 Chairman Boyd asked if anyone had any disclosures to report for this item. None reported.

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1 Mr. Mengel presented the staff report noting that this is an amendment to the Hunters Ridge Planned  
2 Unit development (PUD) for RV Storage .Maps were shown of the location of not only the PUD but the  
3 proposed area for the RV storage . The parcel consists of 10.41 acres the request to amend the site  
4 development plan from originally fourteen (14) RV storage spaces to nine (9)depicted on the current  
5 plan. This item and the item following had come before Board of County Commissioners Meeting  
6 (BOCC) where it was discussed to grant a two (2) year extension on these PUDs. We had taken forward  
7 even before this application was forwarded to you. So you will see we have added that into the  
8 conditions. So the temporary nature of this unless the time is extended by the Board would expire in  
9 2018 and it would have some previsions for extension if needed.

10 Staff's recommendation to the Planning and Development Board is to recommend approval to the Board  
11 of County Commissioners application #3046 an amendment the Hunters Ridge site plan for RV storage  
12 PUD finding the change is consistent with the Comprehensive Plan, Land Development Code subject to  
13 the following conditions prior to development on this site :

- 14 1. This PUD will expire on September 8, 2018 unless an extension is approved by the
- 15 BOCC.
- 16 2. Final Site Plan approval not to occur until or in conjunction with the dedication of
- 17 Airport Road
- 18 3. Issuance of a stormwater management permit or letter of exemption from St. Johns
- 19 River Management District.
- 20

21 Mr. Mengel concluded his presentation, submitting his report and testimony for the record.

22 Kimberly Buck P.E., Alann Engineering 880 Airport Rd. Ormond Beach, representing the applicant  
23 Hunters Ridge. Mr. Mengel did an excellent job and I am here to amend the PUD to provide temporary  
24 RV storage over the next few years. This site is slated for storage and would probably be some outdoor  
25 and indoor either controlled or mini warehouse storage in the future so it gives us time to do an amended  
26 application but in the meantime offer a place for our residents. R.V.'s

27 Chairman Boys asked if there were any public comments seeing none he closed the public comments and  
28 opened up to Board comments.

29 Mr. Barr, asked what is the Airport Road connectivity to this project

30 Mr. Mengel, responded, Airport Road is constructed on its west side passed the roundabout that connects  
31 to state road 40 there is utilization of the roadway it is open but it has not yet been platted the plat had  
32 been approved but not completely executed and recorded in the public records. During the September  
33 BOCC meeting during this item a representative of another development within Hunters Ridge and  
34 related to Airport Roads platting specifically requested that these items be tied together When you look

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1 at it there isn't that linkage we do understand , this being a request along with the next one from the  
2 Master Developer more would complete an obligation that had been agreed to in the past but has yet to  
3 be fully executed and so the other representative had requested that the BOCC place that condition We  
4 do not see that as an issue and everything is moving forward within Hunters Ridge. We have had  
5 discussions with the Master Developer an overview of the issues some have been hanging out there for a  
6 number of years and we think it is great step and the language included in this condition will not create  
7 any difficulties to anyone.

8 Mr. Barr, asked it not being dedicated up until this point is there anything that we don't know about?

9 Mr. Mengel responded no and it is probably good it happened this way. There were legal description  
10 issues that were not consistent, ultimately there is going to be a change in the dedication for the  
11 maintenance of Airport Road. We have had a mix of assumptions of maintenance of the Right of Way  
12 (ROW) so we have a couple of things to be ironed out There also needs to be a Master HOA for Hunters  
13 Ridge itself. There is a n existing CDD and potentially a second CDD that will be in play for the  
14 maintenance of public ROW, common areas so in the end it is good. There has been some pushback from  
15 the Master Developer for this representative and that particular development but I think we are all  
16 moving in lockstep. We will get there.

17 Chairman Boyd asked for anymore comments hearing none. He asked for a motion from the Board.

18 *Motion to approve made by Mr. Langelo and seconded by Ms. Kornel.*

19 *Motion carried unanimously.*

20 14. **Quasi-judicial requiring disclosure of ex parte communication:**

21 **Application #3047 – APPLICATION FOR REVIEW IN THE PUD (PLANNED UNIT**  
22 **DEVELOPMENT) DISTRICT – PUD SITE DEVELOPMENT PLAN;** request to amend the  
23 Hunter's Ridge Office Park – Phase 1 Planned Unit Development (PUD) (Ordinance No. 2010-  
24 09). Parcel Number: 22-14-31-0000-01010-0120; Owner: U.S. Capital HR, LLC; Applicant:  
25 Kimberly A. Buck, P.E., Alann Engineering Group, Inc.

26  
27 Chairman Boyd asked if anyone had any disclosures to report for this item. None reported.

28 Mr. Mengel presented the staff report noting this is an amendment to a Planned Unit Development  
29 (PUD) site development plan specific to the Hunters Ridge Office Park Phase I development. It is  
30 located on the southwest corner of the intersection of Airport Road and Hunters Ridge Blvd. at the  
31 southwest quadrant of the roundabout. Maps and photos were displayed, showing the area to the south,  
32 Huntington Woods Phase I a recorded plat and to the southeast across from Hunters Ridge Blvd you  
33 have Huntington Villas coming forward for final plating at least phase I as you can see construction

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1 will happen very soon he went on showing the extension of Airport Road where it is finished but has not  
2 received its final plat recording. as noted in the previous item.

3 This particular the site is 8.33 acres in size and it is limited to a temporary sales office. This also has a  
4 2018 expiration date and the developer will be able to ask for an extension if needed. This Office PUD is  
5 to run the road from Hunters Ridge Blvd to Airport Rd. It will have an office park within that corner so  
6 you would have this connector road through this overall development that may happen in quick  
7 succession. The temporary Office will be accessible to the public it will not just be a construction trailer  
8 it will also be a sales office. There is a handicapped parking space and ramp for accessibility. It is a  
9 modular building and will have recycled asphalt for the regular parking. We have asked for some  
10 additional landscape to be added and it is shown on the site plan. The Health Department will determine  
11 if a holding tank for sanitary sewer will be sufficient for the temporary use.

12 Staff's recommendation is for approval of Application # 3047 and amendment to the site development  
13 plan for the Hunters Ridge Office Park Phase I PUD the change is consistent with the Comprehensive  
14 Plan and the Land Development Code subject to the following conditions prior to development on this  
15 site:

- 16 1. This PUD will expire on September 8, 2018 unless a time extension is approved by  
17 the Board.
- 18 2. Final Site Plan approval not to occur until or in conjunction with the dedication of  
19 Airport Road
- 20 3. Approval and issuance of permits for potable water and sanitary sewer will be  
21 through the City of Ormond Beach the sanitary sewer alternatively subject to Health  
22 Department review for a temporary holding tank permitted
- 23 4. Issuance of a stormwater management permit or letter of exemption from the St.  
24 Johns Water Management District.

25  
26 Mr. Mengel, added that the conditions added for the stormwater management permit instructs the  
27 developer not to commence development, but legitimately we cannot hold them to this and State Statute  
28 says that we cannot withhold any permit we have where we tell them they can't commence development  
29 until these other things are in place.

30 Mr. Mengel concluded his presentation entering it into the record.

31  
32 Kimberly Buck P.E. Alann, Engineering Group , 880 Airport Road, Ormond Beach., representing the  
33 applicant noting she didn't have anything to add.

34  
35 Chairman Boyd, asked if anyone from the public wished to comment  
36

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1 James Hodak, 4219 Mayfair Lane Port Orange, FL I currently have a home under construction in the  
2 Huntington development directly behind this business section. My wife and I have a couple of concerns  
3 when you say business use what type of business use? It is not clarified anywhere.  
4  
5 Mr. Mengel, Responded this is an existing approved PUD it is intended for office commercial it is limited  
6 in scope within the PUD as it is presently crafted. He also invited Mr Hodak to come in or call the office  
7 where staff can talk specifically what the PUD would allow.  
8  
9 Chairman Boyd asked if there was anyone else from the public that would like to comment? Hearing none  
10 he closed the public comments section and opened it up for Board comments.  
11  
12 Mr. Langelo asked staff this is called temporary and its going to sit is there a time limit or a build out?  
13 What is the nature of temporary in regard to this building ? Is it till it is 100% built out? Does it have to go  
14 away five (5) years from now, or two (2) years from now? What is the nature of temporary?  
15  
16 Mr. Mengel, responded I would like to link it with the previous item the temporary RV storage. It was  
17 clearly temporary in its original approval and in the immediate request. This PUD is a permanent office  
18 park so this piece of it is temporary in nature this point it is approved through September 8, 2018 and  
19 subject to extension by the Board.  
20  
21 Mr. Langelo, stated “you said the PUD was extended, what about the structure” When they get a permit or  
22 a CO time limit that we can tie to this assuming this is temporary verses a conventional building and the  
23 purpose of that so it wont be here forty (40) years from now and we are still have it instead of building a  
24 permanent building.  
25  
26 Mr. Mengel, responded not as it is structured in what you see before you. What we had discussed that at the  
27 2018 date the Developer would come forward with an extension. We had discussed infromally for as long  
28 as ten (10) years this would be accomplished by an initial five (5) year extension and a subsequent five (5)  
29 year extension of the PUD.  
30  
31 Mr. Langelo, asked once someone has a building permit having a CO is not the same thing.  
32  
33 Mr. Mengel, responded being a modular building and being temporary there is permanence with this and I  
34 understand where this is coming from.  
35  
36 Mr. Langelo, We are calling it temporary and it is a temporary structure and therefore temporary has some  
37 sort of limit to it or do we just say temporary and whenever they feel like it they take it away this century or  
38 the next century.  
39  
40 Mr. Mengel, responded I can give some history of temporary sales centers that have had a longer duration  
41 we had the one at Matanzas Shores ,Surf Club we have one here off of Huntington Place and I am not aware  
42 of a suspense date on that it is a modular building also I think it is appropriate from the applicant what the

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1 intent is and if you think there is a recommendation you would like to go forward to the BOCC please do  
2 so.

3  
4 Ms. Buck , The intent of the Developer is to build out the office park and set up a permanent sales office  
5 within the office complex.

6  
7 Mr. Langello, Do you have a trigger that your client feels comfortable with. Like units in the park to be  
8 developed or a certain amount of the business in the business park how would you define temporary.

9  
10 Ms. Buck, responded it is difficult to say, I would suggest five (5) years

11  
12 Mr. Langello responded so this structure would remain no longer than five (5) years from CO. So if I made  
13 a motion with that language it would be acceptable to you with the opportunity to apply for an extension.

14  
15  
16 *Motion to approve made by Mr. Langello with the additional language that the structure would remain*  
17 *no longer than five years from date of CO Seconded by Mr. Barr.*

18  
19 *Motion Carried Unanimously.*

20  
21 **15. Staff Comments.**

22 None

23  
24 **16. Board Comments.**

25  
26 **17. Public Comments.**

27 None.

28  
29 **18. Adjournment.**

30 Motion to adjourn was made at 8:48 p.m.

31  
32 Drafted by: Wendy Hickey

33 Reviewed by: Adam Mengel

34

35

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1 **MEMBERS PRESENT:** Chairman Michael Boyd, Arthur Barr, Robert Dickinson, Troy Dubose  
2 Michael Duggins, Lauren Kornel, and Mark Langello

3  
4 **MEMBERS EXCUSED:** None

5  
6 **STAFF PRESENT:** Sally Sherman, Deputy County Administrator; Adam Mengel, Planning  
7 Director; Wendy Hickey, Planner; and Gina Lemon, Development Review Planner III

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

10  
11 Chairman Boyd called the meeting to order at 6:00 p.m.

12  
13 1. **Roll Call.**

14 Attendance was confirmed by Gina Lemon and a quorum was present.

15  
16 2. **Pledge of Allegiance.**

17 Chairman Boyd led the Pledge of Allegiance to the Flag.

18  
19 3. **Approval of Minutes.**

20 Minutes for the November 8, 2016 regular meetings not available at this time minutes will be  
21 available for next meeting.

22  
23 4. Quasi-judicial requiring disclosure of ex parte communication:

24 Application #3043 – APPLICATION FOR REVIEW – DRI NOPC AND AMENDMENT TO  
25 **PUD SITE DEVELOPMENT PLAN**; request for a Notice of Proposed Change (NOPC) and a  
26 Planned Unit Development (PUD) modification to the Bulow Plantation Development of Regional  
27 Impact (DRI) and the Bulow Plantation PUD (Resolution No. 2000-15); Parcel Numbers: 38-12-  
28 31-0000-04050-0010 and 38-12-31-0000-04050-0030; Owner: MHC Bulow Plantation, LLC, and  
29 MHC Bulow Plantation Two, LLC, respectively / Agent: Mark W. Shelton, AICP, Kimley-Horn  
30 and Associates, Inc.

31  
32 Ms. Hickey, noted that staff requests that this item not be heard at the December 13, 2016 regular  
33 meeting and postponing it to a time and date certain to the Boards January 10, 2017 regular  
34 meeting at 6 p.m. so to preserve the public notice.

35  
36 Chairman Boyd asked if there was anyone in the audience who wanted to speak on this item.  
37 Hearing none, he asked for a motion to move this item to the January 10, 2017 regular meeting.

38 *Motion to approve made by Mr. Dickinson seconded by Mr. Dubose*

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1     *Motion approved unanimously*

2

3     5. Quasi-judicial requiring disclosure of ex parte communication:  
4     Application #3056 – VARIANCE IN THE PUD (PLANNED UNIT DEVELOPMENT)  
5     DISTRICT; request for a 10.06 foot rear yard setback variance at 12 Avalon Terrace (Sea Colony  
6     subdivision Phase 2 Lot 245); Parcel Number: 20-10-31-5365-00010-2450; Owner: Jan and  
7     Elisabeth Faber / Applicant: Skyway Builders, Inc.

8

9     Chairman Boyd asked if anyone had any disclosures to report for this item. Mr. Dickinson stated  
10    that he is currently working on some landscaping plan for the Sea Colony HOA and it is not  
11    related to this item.

12    Ms. Hickey presented the staff report noting the location and history of the subdivision. She  
13    went on to describe the request in detail along with the applicant's responses to the Variance  
14    criteria. And provided the staff recommendation for the approval of the 10.06 foot rear yard  
15    setback variance in addition to the recommendation of approval she also presented an alternative  
16    if the Board should determine that the variance criteria had not been met.

17    Chairman Boyd asked if the Applicant would like to make a statement.

18    Mr. Don Gordon, applicant of Skyway Builders, 395 Palm Coast Pkwy S.W. Unit 1, Palm  
19    Coast. The owners have asked me to do this addition. They have recently purchased this house  
20    and one of the reasons they purchased the house they knew it was small and they were told at  
21    the time of purchase that they would be able to do this addition because everybody else had  
22    done it. They just feel they need the extra space to make it their home. If you deny the variance,  
23    they would probably have to put the property up for sale and find another location and start over  
24    again. The house is pretty well rundown and they are looking to bring it up and the neighbors  
25    are very encouraged that they are willing to do that is why we are asking for a variance, to make  
26    it a little better for them and to make them permanent residents.

27    Chairman Boyd opened the hearing to public comments seeing no one he closed public  
28    comments and opened Board comments.

29    Mr. Langelo, asked staff it was stated about changing the PUD. Making a change to PUD is not  
30    something that the applicant can do that has to done by the HOA or something like that. So that  
31    is not applicable tonight.

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1 Mr. Mengel No, I threw that out there because we have come to the point this juncture before.  
2 There have been repeated variances that are very similar We have had a few of these over the  
3 years and at some point and not penalizing this owner that would be the solution

4 Mr. Langello, So, that could be something you can do proactively?

5 Mr. Mengel, Yes

6 Ms. Kornel asked had any of the neighbors objected.

7 Ms. Hickey responded that staff has not received any objections and that within the Board's  
8 packets there were copies of letters of support from the neighbors.

9 Mr. Dickinson stated "the packet demonstrates that the precedent has been set over the last few  
10 years by other construction to support of granting the variance".

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

14 6. Quasi-judicial requiring disclosure of ex parte communication:  
15 Application #3057 – REPLACEMENT OF NON-CONFORMING USE IN THE R/C  
16 (RESIDENTIAL/ LIMITED COMMERCIAL) DISTRICT; request for the replacement of  
17 existing mobile home at 323 County Road 302; Parcel Number: 18-12-30-5550-00040-0012;  
18 Owner: Melba Bemby / Applicant: Dammie Bemby.  
19

20 Chairman Boyd asked if anyone had anything to report for this item

21  
22 Ms. Hickey presented the staff report noting the location, zoning and future land use and history of  
23 the property along with Staff's recommendation of approval allowing for the existing mobile  
24 home dwelling unit to be replaced with a new mobile home dwelling unit at 323 County Road 302  
25 ( Parcel # 18-12-30-5550-00040-0012).  
26

27 Chairman Boyd opened the public hearing to public comments seeing none he then opened the  
28 hearing to Board comments.  
29

30 Chairman Boyd stated that he is familiar with this property and that the only reason it is zoned  
31 commercial is because of the grocery store which went out of business more than twenty years ago.  
32 So what they are basically doing is replacing an existing mobile home with another mobile home.  
33 Mr. Dickinson, asked there are two site plans which one is the final.  
34

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*Draft*

1 Ms. Hickey responded the preferred configuration was the one with the Mobile home toward the  
2 front of the property.

3  
4 Mr. Langelo asked there is no thought in you changing the zoning is there? I have no problem  
5 with it. As a ex mobile home installer I was just wonder about the trees that are overlapping the  
6 building are they going to have any issue if they want to cut those trees down?

7  
8 Ms. Lemon responded that the Tree Protection Ordinance would not hinder the removal of any  
9 trees.

10  
11 Chairman Boyd asked if there were anymore comments if not he will entertain a motion

12  
13 *Motion to approve made by Mr. Langelo seconded by Mr. Dickinson*  
14 *Motion carried unanimously*

- 15  
16 7. Quasi-judicial requiring disclosure of ex parte communication:  
17 Application #3058 – SPECIAL EXCEPTION IN THE R/C (RESIDENTIAL/LIMITED  
18 COMMERCIAL) DISTRICT; request to operate a Massage Therapy Practice at 5915 N.  
19 Oceanshore Blvd.; Parcel Number: 40-10-31-3250-00140-0030; Owner: Absente 2 LLC /  
20 Applicant: Bryce Creighton.

21  
22 Chairman Boyd asked if anyone had anything to report for this item.

23  
24 Ms. Hickey presented the staff report noting the location, zoning and future land use of the site and  
25 the special exception guidelines. In addition previously approved variances for this property  
26 allowing multiple uses but not including massage therapy were discussed. She then presented staff  
27 recommendation for approval with the following conditions:

- 28  
29 a) This Special Exception runs with the land;  
30 b) The allowed Special Exception uses on this parcel include: a Bank (without drive-thru),  
31 Florist, Travel Agent, Gallery, Jewelry, Beauty Shop, Boutique , Limited Instruction  
32 School, Restaurant/Coffee Shop, and Licensed Massage and Physical Therapists, providing  
33 compliance with all applicable Land Development Code provisions can be achieved on the  
34 existing site, including off-street parking requirements;  
35 c) All signage must be in compliance with Flagler County Land Development Code criteria;  
36 d) Compliance with the Flagler County Land development Code, Section 6.05.00 Marine  
37 Turtle provisions and;  
38 e) If expansion of the existing site is needed in order to accommodate required parking  
39 specifically for a restaurant/coffee shop, then a new application requesting a Special  
40 Exception for the restaurant/ coffee shop will be required.

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*Draft*

- 1  
2 Chairman Boyd asked if the applicant would like to speak.  
3  
4 Mr. Brice Creighton 5 Wayne Ave., Palm Coast, applicant I am a licensed Massage Therapist and  
5 I have lived in the Hammock for many years and Maria is my partner and we have unit Band its  
6 only a few minutes from my home. We both have worked in Jacksonville at many spans and we  
7 have a lot of experience and we want to bring it to the Hammock where I live. We have spent  
8 about \$15,000 investment and all the equipment is new and very nice and up to date and we are  
9 ready to open our doors and we will have a sign on the glass door and we already have a sign on  
10 the marquee on A1A. We just need this Special Exception so we can open and help people.  
11  
12 Chairman Boyd opened the public hearing to public comments seeing no one he closed public  
13 comments and opened Board Comments.  
14  
15 Mr. Barr asked looking at the site plan there are four parking spaces on rear. How do they access  
16 them?  
17  
18 Mr. Mengel responded there is a dirt road Seminole Ave. in the back and that is the parking for the  
19 residential unit on the second floor.  
20  
21 Mr. Langelo asked how specific are the exception definitions? This one here is massage therapy is  
22 that a very strict interpretation that if they did any other thing related to that say facial for instance.  
23 How specific are these things. So we are trying to find a broad definition that would encompass it.  
24 It seems like you have a whole bunch of lists and obviously the real intent is that it is to be used as  
25 commercial neighborhood. It would be a shame to keep coming in with every single applicant to  
26 do this.  
27  
28 Mr. Bryce Creighton, I failed to mention that we did have a state inspector come in and inspect our  
29 unit and they gave us a massage establishment license. We both have our licenses through the state  
30 and we also had an inspector from the state board of massage therapy.  
31  
32 Mr. Dickinson, asked about the restaurant/coffee shop that is a approved use but now there is  
33 going to be item (e) as a condition that is a restaurant/coffee shop is introduced at a later date it  
34 has to come back can you please elaborate a little bit about this.  
35  
36 Ms. Hickey responded that will only be required if the parking becomes deficient for the use.  
37  
38 Chairman Boyd entertained a motion form the Board.  
39  
40 ***Motion made to approve by Mr. Barr seconded by Mr. Dickinson.***

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*Draft*

1     *Motion carried unanimously*

2     Ms. Kornel, stated she would excuse herself from items 8 and 9 due to a conflict of interest.

3     Ms. Stangel, asked if Ms. Kornel would explain the conflict.

4     Ms. Kornel, stated it was a perceived conflict due to her employment with the City of Ormond  
5     Beach. I never vote on Hunters Ridge projects.

6     8. Quasi-judicial requiring disclosure of ex parte communication:  
7     Application #3059 – APPLICATION FOR SITE DEVELOPMENT PLAN REVIEW IN A  
8     PUD for Celedine at Hunter’s Ridge, consisting of 39.83+/- acres; Parcel Number: 22-14-31-0000-  
9     01010-0090; Owner: US Capital Alliance, LLC / Applicant: Allan Feker / Agent: Kimberly A.  
10    Buck, P.E., Alann Engineering Group, Inc.

11  
12    Chairman Boyd asked if anyone had anything to report for this item

13  
14    Ms. Hickey presented the staff report noting the size location, future land use and zoning of the  
15    subject property She also gave an overview of the proposed project and staff recommendation for  
16    approval of the site development plan for Celedine.

17  
18    Ms. Kimberly A. Buck Alann Engineering Group, Inc. 800 Airport Road, Ormond Beach applicant  
19    I am available if you have any questions.

20  
21    Chairman Boyd opened the public hearing to public comment seeing no one he closed the public  
22    comment and opened Board comments.

23  
24    Mr. Langelo asked how much of this that we are looking at is in Ormond.

25  
26    Mr. Mengel, responded none of this part is in Ormond

27  
28    Mr. Langelo this is basically a small part of the bigger deal that they are apparently changing the  
29    corporation name form one name to another but they are still a bigger development out there.

30  
31    Mr. Mengel, responded if you look on the future land use the part to the right the boundary that we  
32    have the county line beyond that it is Ormond Beach and we have our jurisdiction to the west side  
33    of that. The way these are taken down individually we call them clusters in the Development Order  
34    so as they move forward they would come with individual development agreements PUD site  
35    development plans and the platting individually. So that this one is being submitted by the Master  
36    Developer it is before you would have seen Hunters Ridge Residential Golf, Hunters Ridge Timber

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*Draft*

1 Company, Hunters Ridge Golf Company so those are the three entities that had combined  
2 ownership and not this is a different entity still with the principal Mr. Feker who is there with some  
3 partners. So you have this new group US Capital Alliance that is there so basically you still have  
4 the same ownership that is there different entity different operating group that is there you will see  
5 this is the first of several that will come forward. The one item I need to mention I the staff report I  
6 wrote it in there of the Notice of Non-Compliance but I did neglect to mention the part and we  
7 talked somewhat with the applicant about this we wanted to advance this through the Planning  
8 Board step but this request cannot advance to the Board of County Commissioners until the order  
9 rescinding the Notice of Non-Compliance we had until that order itself is recorded in the Public  
10 Record then we will proceed to the Board of County Commissioners.

11  
12 Mr. Langelo asked, that is just a formality because the County Commission already approved it.

13  
14 Mr. Mengel, responded it has got several layers to it, there are some agreement s that were part of  
15 that and so you are correct. The actual approval has taken place all those agreements are in  
16 substantial form it is now the part for us to go forward with the closing part. You have some  
17 transfer properties that have to happen some assignment documents for assign and some of those  
18 rights so you have that final cleanup and all of those are precursors to the order actually being  
19 finalize and recorded in the public record. So, conceptually it has been approved by the Board of  
20 County Commissioners and we did that preliminary step for all those other documents to follow.

21  
22 Mr. Langelo, asked the one we saw several meetings ago that also had the sales trailer put in there  
23 is that the same company is this the same or something different.

24  
25 Mr. Mengel, responded it's the same it's actually a different entity this one is US Capital HR but it  
26 is the same principal. I think it is the same parties it is just a different legal entity and that actually  
27 that single parcel that is the only parcel with that ownership on it. The remainder of the DRI is  
28 under US Capital Alliance LLC but it is the same group.

29  
30 Mr. Langelo, clarified so that trailer and commercial even though they are the same company is  
31 for that neighborhood and the other four I guess are for this neighborhood? Are they going to be  
32 separated can they have one over here and one over there?

33  
34 Mr. Mengel, responded I think that the intent I don't want to speak for them but I think that  
35 temporary office that we had would be the potential sales center. The language that the applicant  
36 incorporated in to this Development Agreement has become a standard kind of a boilerplate for us  
37 where we have a certain amount of lots developed and out of those lots the three of those then can  
38 be used I think it is five lots that can be developed as models and can be used for sales purposes  
39 and so that gives some flexibility to the builder but that temporary office is that same entity that  
40 would most likely be used for sales purposes for this development and others to follow.

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*Draft*

1 Mr. Langello asked so, going forward everyone of those cluster neighborhoods could have that  
2 language where they can have four or five models so every one of them can have it that is  
3 consistent with the whole thing.  
4

5 Mr. Mengel, responded yes I think because of the housing type like this one may be more of a  
6 patio home and then the next one might have a larger footprint, so the other part is you might have  
7 different builders doing a takedown so I don't want to obligate anybody to use that temporary sales  
8 center. But as it seems now there will be that common sales center the one we had before that was  
9 reviewed that would become the hub for any of these that follow  
10

11 Mr. Langello, stated "the only thing is that you had the survey five pages of survey stuff are you  
12 guys going through those numbers and trying to close the surveys?"  
13

14 Mr. Mengel responded I am pretty sure we did on this one.  
15

16 Chairman Boyd asked if there were anymore Board Comments seeing none he asked for a motion.  
17

18 ***Motion to approve made by Mr. Barr seconded by Mr. Langello***  
19 ***Motion carried unanimously***

20  
21 9. Quasi-judicial requiring disclosure of ex parte communication:  
22 Application #3060 – APPLICATION FOR PRELIMINARY PLAT IN A PUD for Celedine at  
23 Hunter's Ridge, consisting of 39.83+/- acres; Parcel Number: 22-14-31-0000-01010-0090; Owner:  
24 US Capital Alliance, LLC / Applicant: Allan Feker / Agent: Kimberly A. Buck, P.E., Alann  
25 Engineering Group, Inc.  
26

27 Chairman Boyd asked if anyone had anything to report for this item  
28

29 Ms. Hickey presented the staff report in detail  
30

31 Chairman Boyd opened the public hearing to public comment seeing no one he closed the public  
32 comment and opened Board comments.  
33

34 Mr. Langello asked are we approving the plat with the scriveners errors to be corrected or has that  
35 already been done? Or are we approving subject to?  
36

37 Chairman Boyd asked if the Board had anymore comments seeing none. He then asked for a  
38 motion  
39

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*Draft*

1        *Motion to approve the plat subject to all the scriveners' errors being corrected and seconded by*  
2        *Mr. Dickinson*  
3        *Motion carried unanimously*

4  
5        10. Staff Comments.

6            None

7        11. Board Comments.

8            Mr. Langelo wished everyone a Merry Christmas.

9

10        12. Public Comments – Each speaker will be allowed up to three minutes to address the Planning  
11            and Development Board on any item or topic not on the agenda.

12

13        13. Adjournment

14

15  
16            Drafted by: Wendy Hickey

17            Reviewed by: Adam Mengel

18

DRAFT



December 7, 2016

Adam Mengel, AICP  
Planning Director  
Flagler County Planning and Zoning Department  
1769 E. Moody Blvd. Bldg. 2, Suite 105  
Bunnell, FL 32110-0787

**Re: Bulow Plantation NOPC/PUD  
Public Hearing Time Extension**

Dear Adam,

Kimley-Horn and Associates, Inc., on behalf of MHC Bulow Plantation, LLC and MHC Bulow Plantation Two, LLC, formally requests an extension of the 30 to 45 day public hearing requirement as set forth in Chapter 380.06(19)(f)(3), Florida Statutes for the Bulow Plantation NOPC and PUD applications.

As the Applicant is currently in the process of completing the required Biennial Monitoring Report (BMR) for the Bulow Plantation DRI, we believe it would be more appropriate for the NOPC and PUD hearings to be scheduled after the submittal of the BMR document. We are on schedule to submit the BMR document to the appropriate review agencies by December 30, 2016.

Upon your review and approval of this request for extension, please schedule the applications for the first available Planning and Development Review Board meeting after December 30, 2016. Pursuant to recent conversations with Flagler County staff, we understand that the NOPC and PUD could be heard by the Planning and Development Board on January 10<sup>th</sup> and by the Board of County Commissioners on February 20<sup>th</sup>, 2017.

Should you have any questions, please feel free to contact me at (904) 828-3900.

Sincerely,  
**KIMLEY-HORN AND ASSOCIATES, INC.**

A handwritten signature in blue ink, appearing to read "Mark W. Shelton".

Mark W. Shelton, AICP  
Senior Planner

cc: Ryan Shoup, Joseph P. Mecca, P.E., and William J. Schilling Jr., P.E.

**Flagler County Government  
Planning and Zoning Department  
Staff Report**

---

**TO:** Chair and Planning Board Members

**FROM:** Planning and Zoning Department

**DATE:** January 10, 2017

**SUBJECT:** Application #3061 – Site Development Plan Review for Existing Special Use in the PUD (Planned Unit Development) District

---

- I. Requested Action & Purpose:** This request is quasi-judicial in nature (not legislative) and does require disclosure of ex parte communication. The request is for Site Development Plan approval for improvements to the Plantation Bay Wastewater Treatment Facility (PBWWTF), an existing Special Use in the Plantation Bay Development of Regional Impact (DRI).
- II. Location and Legal Description:** Being part of Tracts 5 and 6, Block C, lying in Section 3, Township 13 South, Range 31 East and all of Tracts 1 and 2, Block D, lying in Section 4, Township 13 South, Range 31 East, Bunnell Development Company, lying Section 3, Township 13 South, Range 31 East. Address: 1600 South Old Dixie Highway; Parcel #12-12-30-0900-00000-0170.
- III. Owner:** Flagler County Florida  
**Applicant:** Flagler County, Florida
- IV. Parcel Size:** 24.11+/- acres
- V. Existing Zoning & Future Land Use Classification:**  
Zoning: PUD (Planned Unit Development) District  
Future Land Use: Conservation, Agriculture & Timberlands and Mixed Use:  
Low Intensity / Low-medium Density
- VI. Future Land Use Map Classification / Zoning of Surrounding Land:**  
North: Residential Low Density Rural Estate / R-1 District;  
South: Conservation and Mixed Use: Low Intensity - Low-medium Density / Agriculture and PUD Districts  
East: Residential Low Density Rural Estate; Mixed Use: Low Intensity - Low-medium Density and Agriculture & Timberlands / R-1 and PUD Districts  
West: Residential Low Density Rural Estate and Mixed Use: Low Intensity - Low-medium Density / R-1 and AC Districts

- VII. Land Development Code (LDC) Sections Affected:** 3.06.05(C)5, Special uses existing at the time of the effective date of this article and as indicated on the Land Use Map of 1985 are hereby legally established as conforming special uses. Expansion of conforming special uses and conforming buildings on existing or approved sites shall require site plan review by the planning board and county commission. Expansion of special uses which include additional land shall require reapplication and meet all requirements under this section 3.06.05.

This agenda item is:

quasi-judicial, requiring disclosure of ex-parte communication; or  
 legislative, not requiring formal disclosure of ex-parte communication.

- VIII. Summary:** This request is for Site Development Plan approval for the proposed improvements to the Flagler County Utilities at Plantation Bay. The PBWWTF is a 0.475 MGD Annual Average Daily Flow (AADF) extended aeration package wastewater treatment facility permitted by the Florida Department of Environmental Protection (FDEP) under Permit Number FLA011597 to provide treatment for the Plantation Bay community directly adjacent to the facility and nearby residential and commercial properties. The plant also provides reuse water to the Plantation Bay Golf Course for irrigation purposes. The plant was constructed in the 1980s by a private developer and has been in continual service since being brought online. The improvements include construction of one (1) influent screening system, one (1) submersible triplex master pump station, one (1) 0.475 MGD package wastewater treatment plant, one (1) filtration system, chlorine contact tank modifications, one (1) submersible duplex reject pump station, (1) 1.0 MG reject water ground storage tank, one (1) motor control center building two (2) new centrifugal blowers, one (1) standby generator, yard piping, controls, electrical and site improvements related thereto.

This application has been reviewed by the Technical Review Committee (TRC). The response to the comments has been provided and the request for the site plan approval for the Special Use is sufficient for review by the Planning and Development Board.

The review and approval of this site plan will be limited to TRC and Planning and Development Board review, since the Board of County Commissioners previously approved the scope of work for this project. The Board of County Commissioners on September 3, 2014 approved a Work Authorization (RSQ-Q015-0-2014) for McKim and Creed, Inc. to prepare preliminary engineering of wastewater system improvements. This Site Development Plan is part of the work product by McKim and Creed, Inc., related to the Board's September 2014 action and other related work authorizations in an effort to bring the wastewater system into compliance with an FDEP Consent Order issued prior to the County's acquisition of the utility.

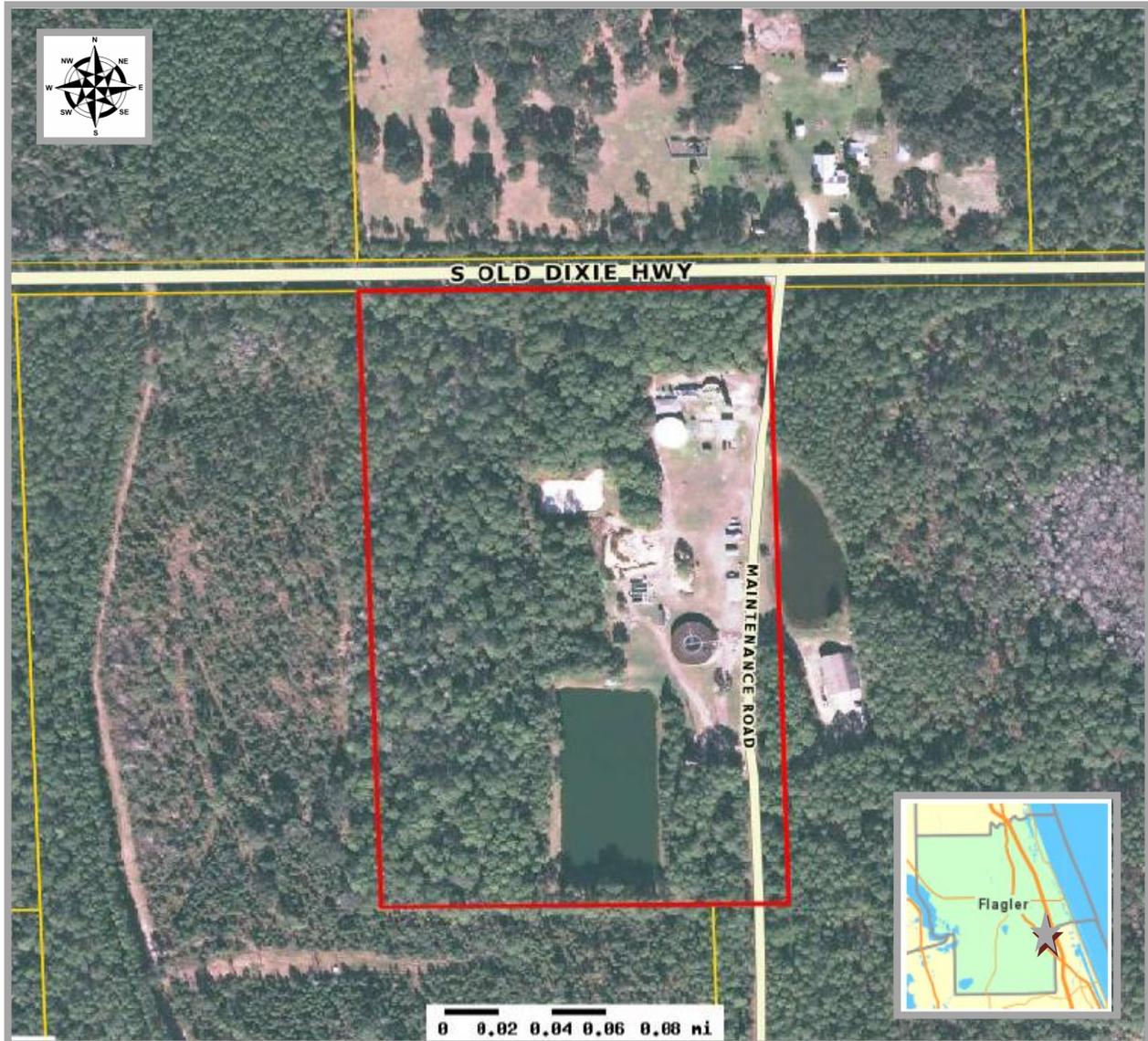
Subsequent to the aforementioned Work Authorization, Flagler County acquired the PBWWTF and conditions related to the FDEP issued Consent Order. Under the amended consent order, the County is required to make modifications to the PBWWTF to improve process and effluent reliability. The modifications include construction of reject storage, effluent quality monitoring and the requirement to meet Class I Reliability as outlined in the Florida Administrative Code (FAC). The County engaged both McKim & Creed, Inc., and Kimley Horn & Associates, Inc., to provide engineering services that will secure construction funding through the FDEP State Revolving Fund and bring the PBWWTF into compliance. These improvements are reflected in the current site development plan.

- IX. Recommendation:** The Planning Department recommends that the Planning and Development Board find that the site plan presented is sufficient and approve Application #3061 for an Application for Review – Site Development Plan Approval for improvements to the Plantation Bay Wastewater Treatment Facility (PBWWTF), an existing Special Use in the Planned Unit Development (PUD) District.
- X. Suggested Adoption Language:** The Planning and Development Board finds that the site plan presented is sufficient and approve Application #3061 for an Application for Review – Site Development Plan Approval for improvements to the Plantation Bay Wastewater Treatment Facility (PBWWTF), an existing Special Use in the Planned Unit Development (PUD) District.

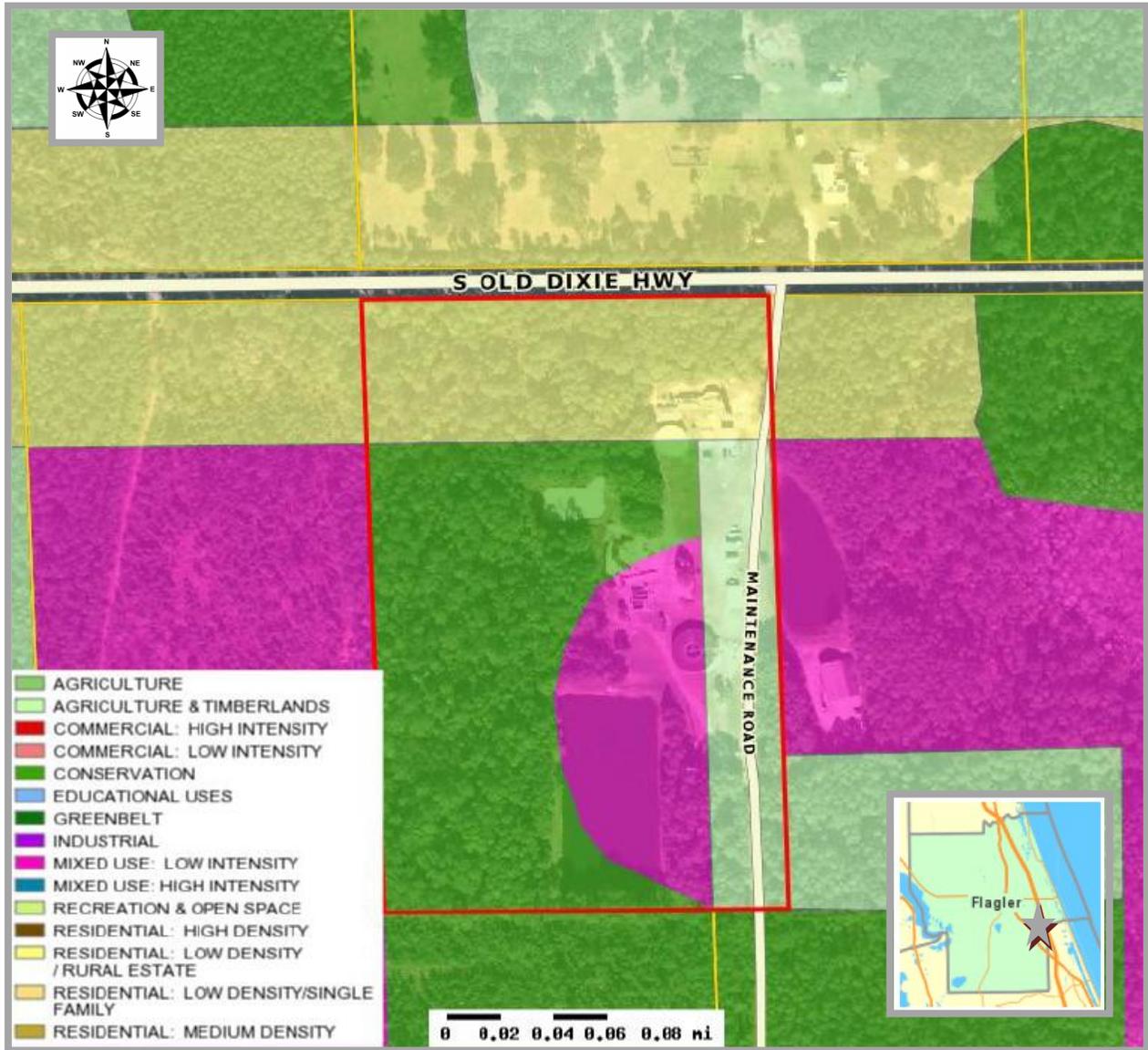
### **Attachments**

1. Application and supporting documents
2. Site Development Plan

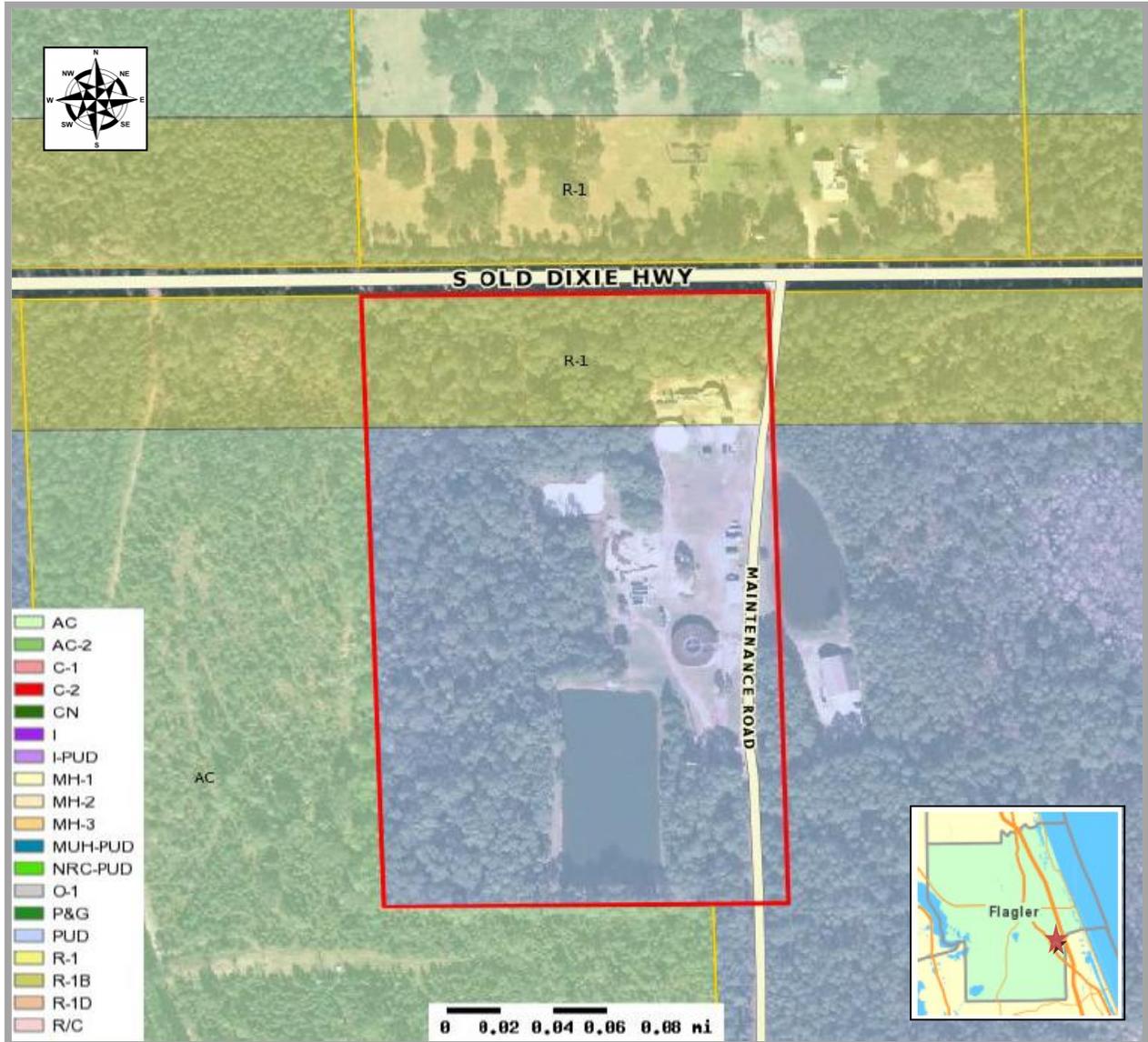
### Location Map



### Future Land Use Map



### Zoning Map



PARCELID	PROPOWNER	M_ADDRESS	M_CITY_ST	M_ZIP
03-13-31-0650-000B0-0080	PAUL DAVID JOHNSON	1621 S OLD DIXIE HWY	BUNNELL FL	32110
03-13-31-0650-000C0-0040	WL RESIDENTIAL LAND LLC	2379 BEVILLE ROAD	DAYTONA BEACH FL	32119
03-13-31-0650-000C0-0050	FLAGLER COUNTY FLORIDA	1769 E MOODY BLVD BUILDING 2	BUNNELL FL	32110
04-13-31-0650-000A0-0010	CLARA S TOWNSEND ET AL	100 PROFESSIONAL CENTER DR	BRUNSWICK GA	31525

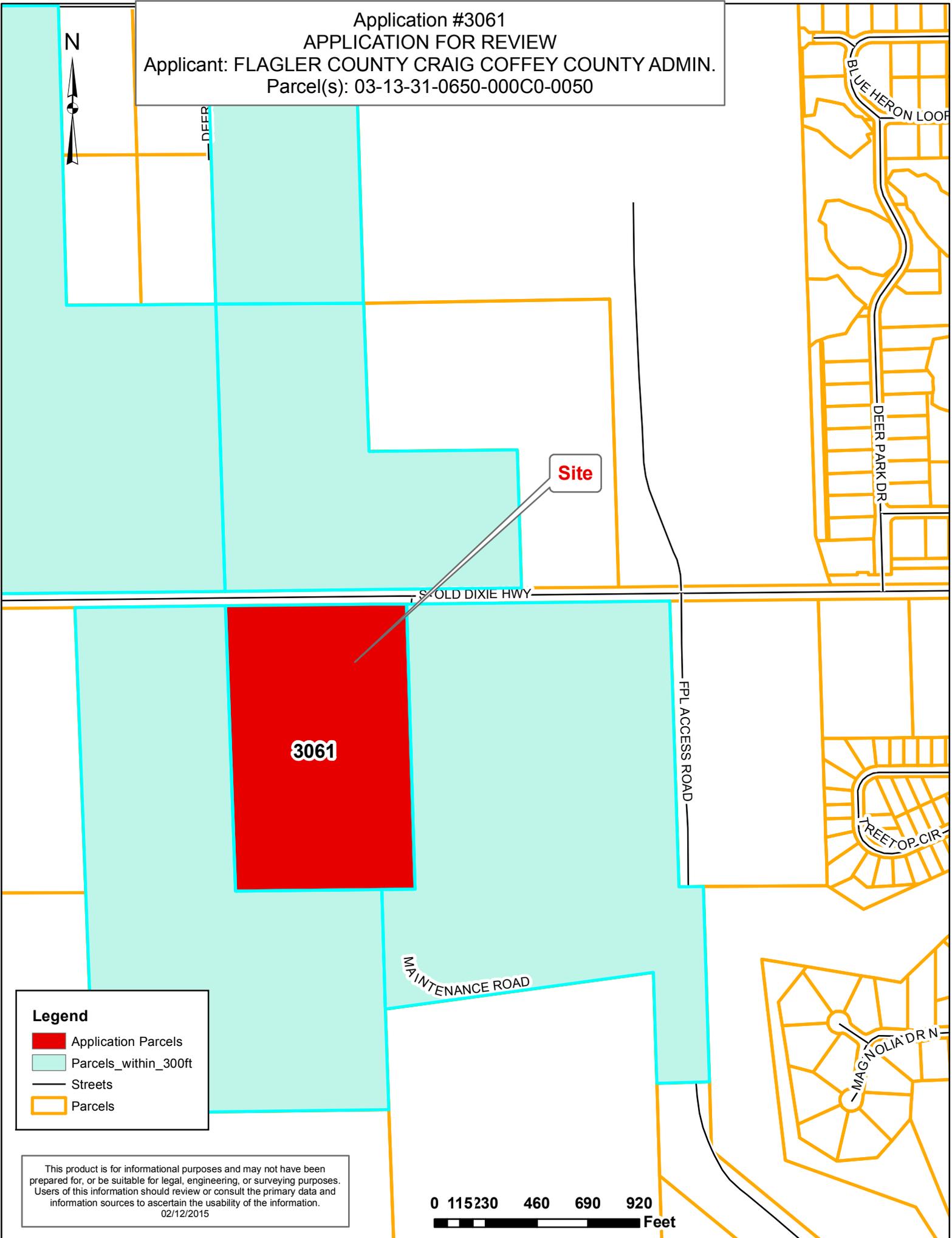
I hereby affirm mailed notice to each owner on December 22, 2016 for the Planning & Development Meeting on 1/10/2017

  
 Wendy Hickey, Planner



#3061

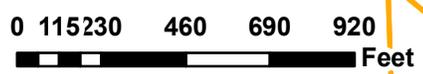
Application #3061  
 APPLICATION FOR REVIEW  
 Applicant: FLAGLER COUNTY CRAIG COFFEY COUNTY ADMIN.  
 Parcel(s): 03-13-31-0650-000C0-0050



**Legend**

- Application Parcels
- Parcels\_within\_300ft
- Streets
- Parcels

This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.  
 02/12/2015





# APPLICATION FOR REVIEW

FLAGLER COUNTY, FLORIDA  
 1769 E. Moody Boulevard, Suite 105  
 Bunnell, FL 32110

Telephone: (386) 313-4009

Fax: (386) 313-4109

Application/Project #: \_\_\_\_\_

<b>PROPERTY OWNER(S):</b>	Name(s):
	Mailing Address:
	City: State: Zip:
	Telephone Number Fax Number

<b>APPLICANT(S):</b>	Name(s):
	Mailing Address:
	City: State: Zip:
	Telephone Number Fax Number
	E-Mail Address:

<b>SUBJECT PROPERTY:</b>	SITE LOCATION ( <i>street address</i> ):
	LEGAL DESCRIPTION: ( <i>briefly describe, do not use "see attached"</i> )
	Parcel # ( <i>tax ID #</i> ):
	Parcel Size:
	Current Zoning Classification:
	Current Future Land Use Designation
	Subject to A1A Scenic Corridor? YES NO

**PURPOSE OF SUBMISSION / PROJECT DATA:** \_\_\_\_\_  
 \_\_\_\_\_

\_\_\_\_\_  
 Signature of Owner(s) or Applicant/Agent if Owner Authorization form attached Date

**\*\*OFFICIAL USE ONLY\*\***

PLANNING BOARD RECOMMENDATION/ACTION: APPROVED [ ]  
 \*APPROVED WITH CONDITIONS [ ]  
 DENIED [ ]

Signature of Chairman: \_\_\_\_\_

Date: \_\_\_\_\_ \*approved with conditions, see attached.

**\*\*OFFICIAL USE ONLY\*\***

BOARD OF COUNTY COMMISSIONERS ACTION: APPROVED [ ]  
 \*APPROVED WITH CONDITIONS [ ]  
 DENIED [ ]

Signature of Chairman: \_\_\_\_\_

Date: \_\_\_\_\_ \*approved with conditions, see attached.

Required Attachments:

- 1.) Copy of Owner(s) recorded Warranty Deed;
- 2.) 33\* sets of complete site plan meeting all requirements of Flagler County Land Development
- 3.) Application Fee \$320.00 + cost of newspaper ad(s) and postage at prevailing rate and \$50 for each notification of public hearing (posting of sign). Make check payable to BOCC.

\*Fee amount per Resolution 2008-31.

\*10 sets of plans for the Technical Review Committee **due upon submittal of application**, 13 sets of plans for Planning Board, and 10 sets of plans for the BCC.

**NOTE: All applicants are requested to provide at least one set of documents/plans in a size no larger than 11" x 17" plus one electronic submittal in PDF format is preferred**

Pursuant to Section 286.0105 of Florida Statutes, Flagler County hereby notifies all interested persons that if a person decides to appeal any decision made by the Planning Board or Board of County Commissioners with respect to any matter considered at such meetings or hearings, he or she will need a record of the proceedings, and for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made which record includes the testimony and evidence upon which the appeal is to be based.

Revision date 05/08

# PLANTATION BAY WWTF IMPROVEMENTS FOR FLAGLER COUNTY

PUBLIC WORKS DIRECTOR/  
COUNTY ENGINEER

Faith Alkhatib



ISSUED FOR PERMIT

## COUNTY COMMISSIONERS

DISTRICT 1

Vice Chair

Charles Ericksen, Jr.

DISTRICT 2

Commissioner

DISTRICT 3

Commissioner

David C Sullivan

DISTRICT 4

Chair

Nate McLaughlin

DISTRICT 5

Commissioner

Donald O'Brien, Jr

FLA011597      AUGUST 8, 2018  
FDEP PERMIT NUMBER      DATE

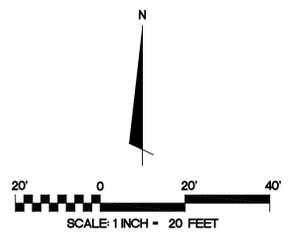


160 Cypress Point Parkway, Suite C214  
Palm Coast, Florida 32164  
Phone: (386)274-2828, Fax: (386)274-1393  
CA Lic. No. 29588

[www.mckimcreed.com](http://www.mckimcreed.com)

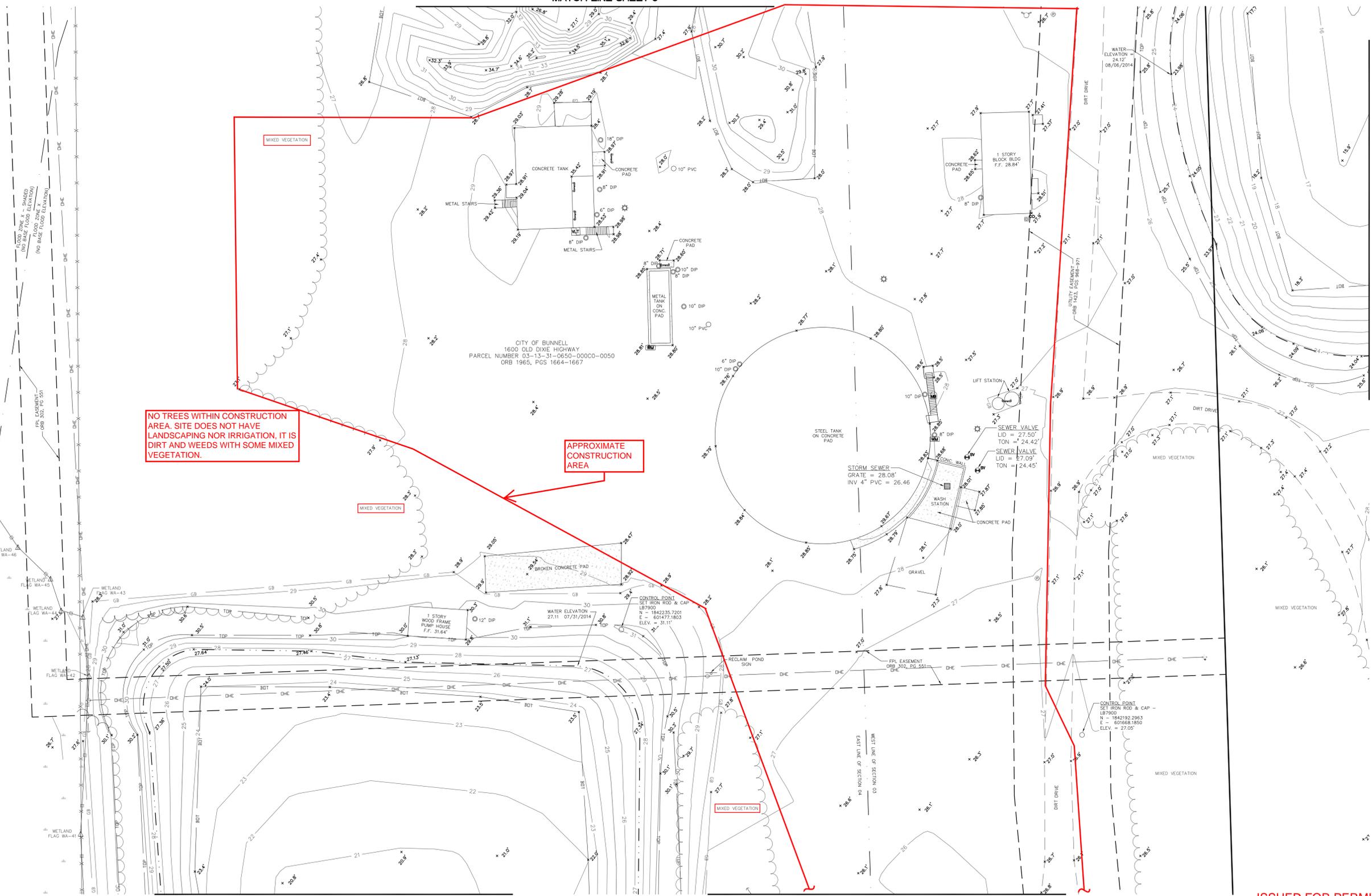
PHILLIP J. LOCKE, P.E.  
No. 57527

**TOPOGRAPHIC SURVEY**  
 PART OF BUNNELL DEVELOPMENT COMPANY'S LAND  
 SECTIONS 03 AND 04, TOWNSHIP 13 SOUTH, RANGE 31 EAST  
 CITY OF BUNNELL, FLAGLER COUNTY, FLORIDA



MATCH LINE SHEET 3

MATCH LINE SHEET 7



NO TREES WITHIN CONSTRUCTION AREA. SITE DOES NOT HAVE LANDSCAPING NOR IRRIGATION, IT IS DIRT AND WEEDS WITH SOME MIXED VEGETATION.

APPROXIMATE CONSTRUCTION AREA

SEE SHEET 1 OF 7 FOR NOTES, ABBREVIATIONS AND SYMBOL LEGEND

MATCH LINE SHEET 5

MATCH LINE SHEET 6

ISSUED FOR PERMIT

DATE	REVISION	BY
08-25-2014	ADDITIONAL TOPO	JJW

**ATS Land Surveying, LLC**  
 1362 N. US HWY 1, SUITE 304  
 ORMOND BEACH, FL 32174  
 Phone: 386.264.8490 Fax: 386.845.9216  
 LB97900

I HEREBY CERTIFY THAT THIS SURVEY OF THE SUBJECT PROPERTY IS CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF, AS SURVEYED IN THE FIELD UNDER MY SUPERVISION AS SHOWN HEREON. I FURTHER CERTIFY THAT THIS SURVEY MEETS THE MINIMUM TECHNICAL STANDARDS AS SET FORTH IN THE FLORIDA ADMINISTRATIVE CODE CHAPTER 6J-17, ADOPTED BY THE BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS, PURSUANT TO FLORIDA STATUTES SECTION 472.027, BEING SUBJECT TO THE QUALIFICATIONS NOTED HEREON.

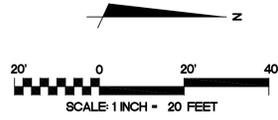
SIGNED \_\_\_\_\_  
 JOSEPH JAY WOOLDRIDGE, PSM#9994  
 DATE AUGUST 25, 2014

TOPOGRAPHIC SURVEY  
 FOR  
 FLAGLER COUNTY ENGINEERING DEPARTMENT  
 1769 E. MOODY BLVD, BLDG #2, SUITE 309  
 BUNNELL, FLORIDA 32110

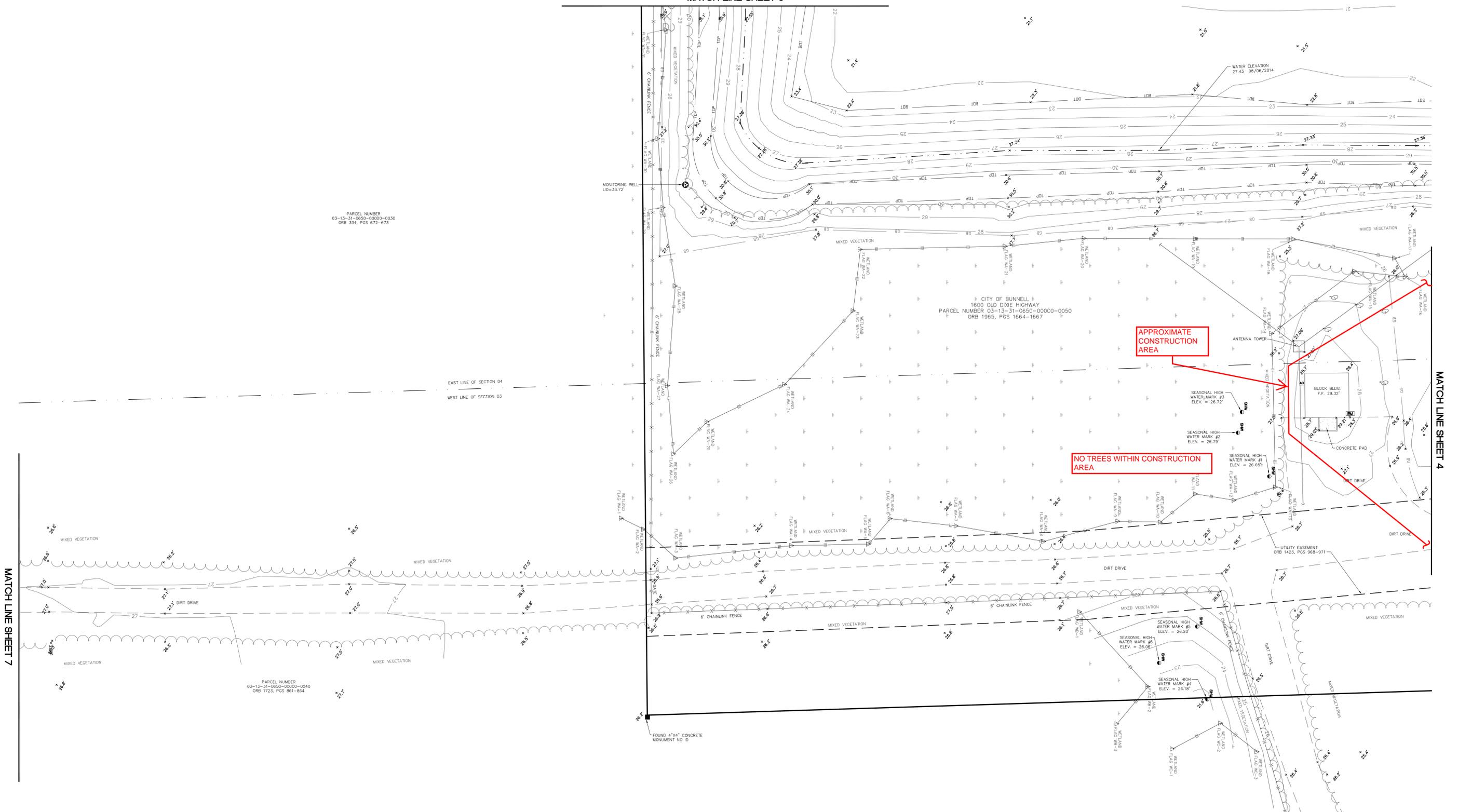
ATS NO.	2014-FLG-0005
DRAWN	TLT
CHECKED	JJW
SHEET NO	4 OF 7
FILE LOCATION	S:\_Survey Projects 2014\ 2014-FLG-0005\PlantationBay Facility_PRR\dwg\2014-FLG-0005 TOPO.dwg

COPYRIGHT 2014

**TOPOGRAPHIC SURVEY**  
 PART OF BUNNELL DEVELOPMENT COMPANY'S LAND  
 SECTIONS 03 AND 04, TOWNSHIP 13 SOUTH, RANGE 31 EAST  
 CITY OF BUNNELL, FLAGLER COUNTY, FLORIDA



MATCH LINE SHEET 5



PARCEL NUMBER  
 03-13-31-0650-00000-0030  
 ORB 334, PGS 672-673

CITY OF BUNNELL  
 1600 OLD DIXIE HIGHWAY  
 PARCEL NUMBER 03-13-31-0650-00000-0050  
 ORB 1965, PGS 1664-1667

PARCEL NUMBER  
 03-13-31-0650-00000-0040  
 ORB 1723, PGS 861-864

FOUND 4"x4" CONCRETE  
 MONUMENT NO ID

MATCH LINE SHEET 7

MATCH LINE SHEET 4

SEE SHEET 1 OF 7 FOR NOTES, ABBREVIATIONS AND SYMBOL LEGEND

MATCH LINE SHEET 7 ISSUED FOR PERMIT

DATE	REVISION	BY
08-25-2014	ADDITIONAL TOPO	JJW

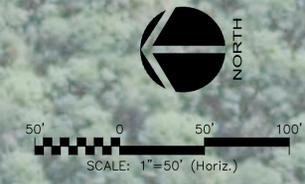
**ATS Land Surveying, LLC**  
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 ORMOND BEACH, FL 32174  
 Phone: 386.264.8490 Fax: 386.845.9216  
 LB97900

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SIGNED \_\_\_\_\_  
 JOSEPH JAY WOOLDRIDGE, PSM#6994  
 DATE AUGUST 25, 2014

**TOPOGRAPHIC SURVEY**  
 FOR  
**FLAGLER COUNTY ENGINEERING DEPARTMENT**  
 1769 E. MOODY BLVD, BLDG #2, SUITE 309  
 BUNNELL, FLORIDA 32110

ATS NO. 2014-FLG-0005  
 DRAWN TLT  
 CHECKED JJW  
 SHEET NO 6 OF 7  
 FILE LOCATION: S:\\_Survey Projects 2014\  
 2014-FLG-0005\PlantationBay  
 Facility\_PRR\dwg\2014-FLG-0005  
 TOPO.dwg  
 COPYRIGHT 2014



**SITE ACCESS ROAD**

**SITE IS OPEN FOR PARKING**

SEE SHEETS C-1.2A AND C-1.3A FOR PROPOSED WASTEWATER TREATMENT PLANT IMPROVEMENTS

**SUMMARY OF WORK**  
 Provide all labor, equipment and materials needed to construct: one (1) influent screening system, one (1) submersible triplex master pump station, one (1) 0.475 MGD package wastewater treatment plant, one (1) filtration system, chlorine contact tank modifications, one (1) submersible duplex reject pump station, (1) 1.0 MG reject water ground storage tank, one (1) motor control center building two (2) new centrifugal blowers, one (1) standby generator, yard piping, controls, electrical and site improvements; along with other items included in the Contract Drawings and Technical Specifications. Project is located at the Plantation Bay Wastewater Treatment Facility located at 1600 Old Dixie Highway, Bunnell, FL 32110.

**X TREES TO BE REMOVED**

Tree Removal Table		
Item	Description	Estimated Size (DBH)
1	Pine	6-inch
2	Pine	12-inch
3	Pine	18-inch

OLD DIXIE HIGHWAY

APPROXIMATE PARCEL AREA (PER COUNTY APPRAISER INFORMATION): 24.11 Acres

REVNO.	DESCRIPTIONS	DATE
E	75% SUBMITTAL	OCTOBER 2016
D	REVISED 30% DESIGN	AUGUST 2016
C	UPDATED 30% DESIGN	APRIL 2015
B	ISSUED FOR PERMITTING	APRIL 2015
A	30% CLIENT SUBMITTAL	MARCH 2015

SEAL  
 PHILLIP J. LOCKE, P.E.  
 No. 57527

SEAL

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 Palm Coast, Florida 32164  
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FLAGLER COUNTY

PLANTATION BAY WWTF IMPROVEMENTS

EXISTING SITE PLAN

DATE: OCTOBER 2016	SCALE: CS 101-29230003
MCE PROJ. # 2923-0003	HORIZONTAL: 1"=50'
DRAWN: DMP	VERTICAL: NA
DESIGNED: NCS	C-1.1A
CHECKED: MR	
PROJ. MGR: P.J.L.	REVISION

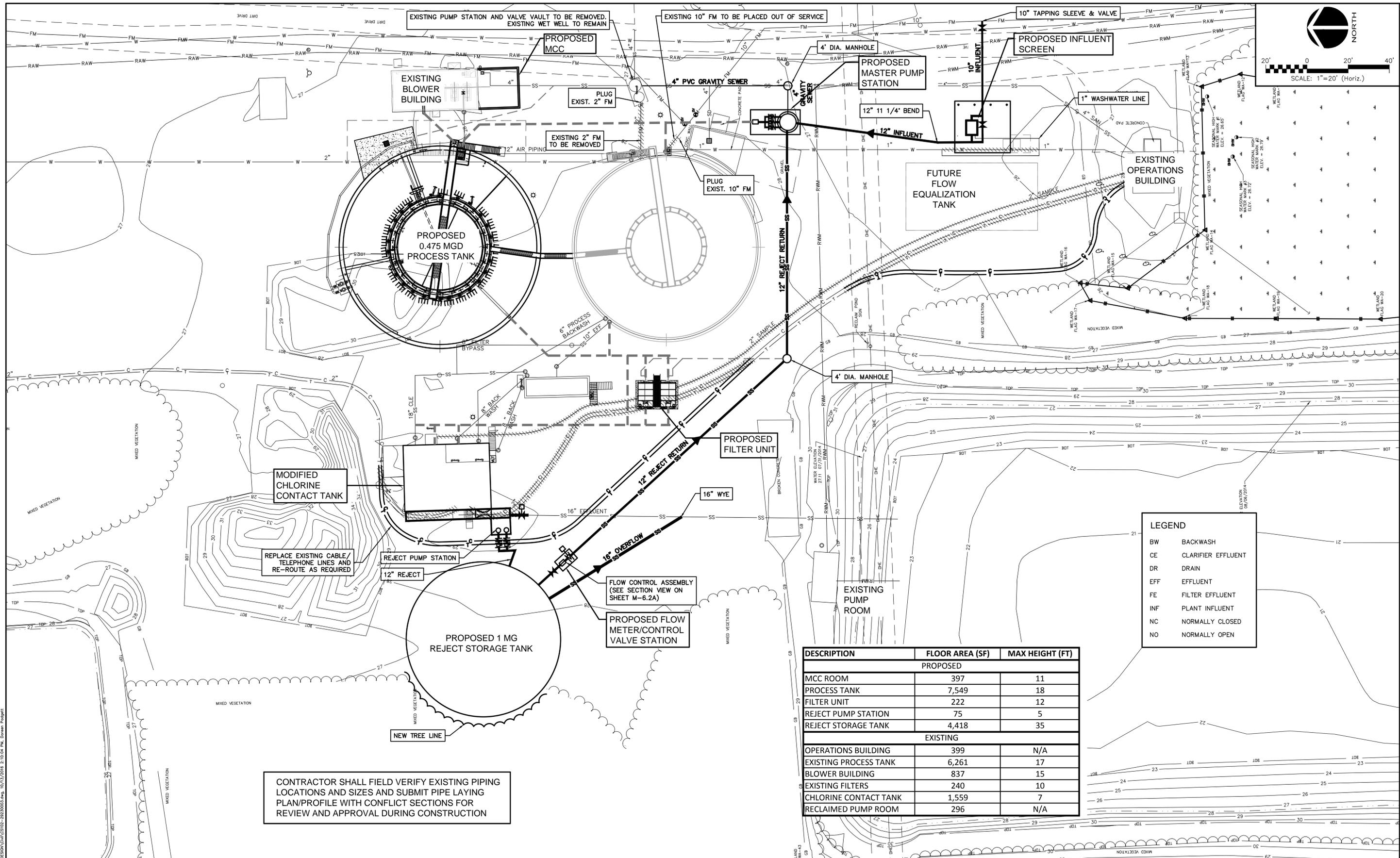
STATUS: **ISSUED FOR PERMIT**

S:\2023\2023\40-Dwgs\MASTER PLAN DESIGN\DWG\CS 101-29230003.dwg, 10/13/2016, 2:07:18 PM, Doreen, Pjgpgt





SCALE: 1"=20' (Horiz.)



**LEGEND**

- BW BACKWASH
- CE CLARIFIER EFFLUENT
- DR DRAIN
- EFF EFFLUENT
- FE FILTER EFFLUENT
- INF PLANT INFLUENT
- NC NORMALLY CLOSED
- NO NORMALLY OPEN

DESCRIPTION	FLOOR AREA (SF)	MAX HEIGHT (FT)
PROPOSED		
MCC ROOM	397	11
PROCESS TANK	7,549	18
FILTER UNIT	222	12
REJECT PUMP STATION	75	5
REJECT STORAGE TANK	4,418	35
EXISTING		
OPERATIONS BUILDING	399	N/A
EXISTING PROCESS TANK	6,261	17
BLOWER BUILDING	837	15
EXISTING FILTERS	240	10
CHLORINE CONTACT TANK	1,559	7
RECLAIMED PUMP ROOM	296	N/A

CONTRACTOR SHALL FIELD VERIFY EXISTING PIPING LOCATIONS AND SIZES AND SUBMIT PIPE LAYING PLAN/PROFILE WITH CONFLICT SECTIONS FOR REVIEW AND APPROVAL DURING CONSTRUCTION

REV. NO.	DESCRIPTIONS	DATE
E	75% SUBMITTAL	OCTOBER 2016
D	REVISED 30% DESIGN	AUGUST 2016
C	UPDATED 30% DESIGN	APRIL 2015
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SEAL  
PHILLIP J. LOCKE, P.E.  
No. 57527

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**FLAGLER COUNTY**  
 FLAGLER COUNTY  
 FLORIDA

**PLANTATION BAY WWTF IMPROVEMENTS**  
 YARD PIPING PLAN

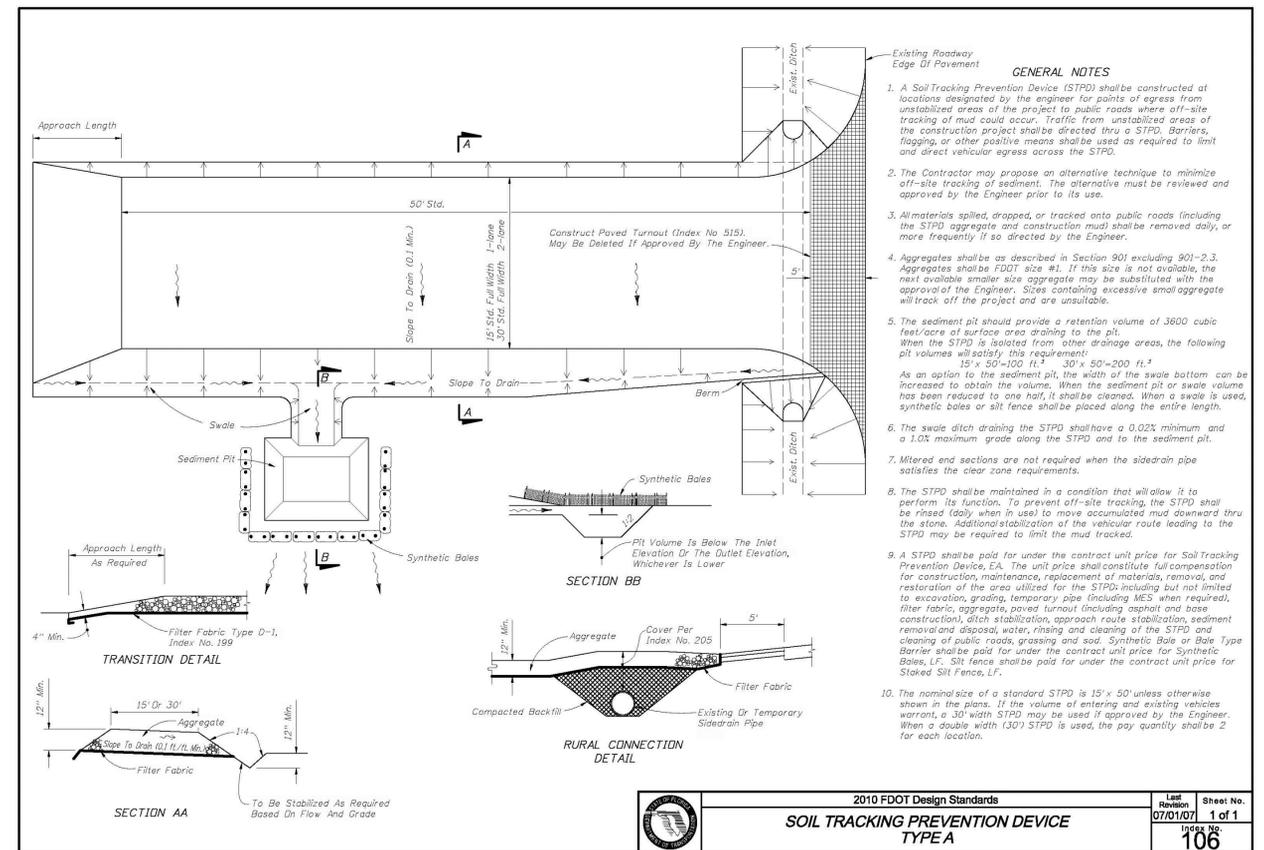
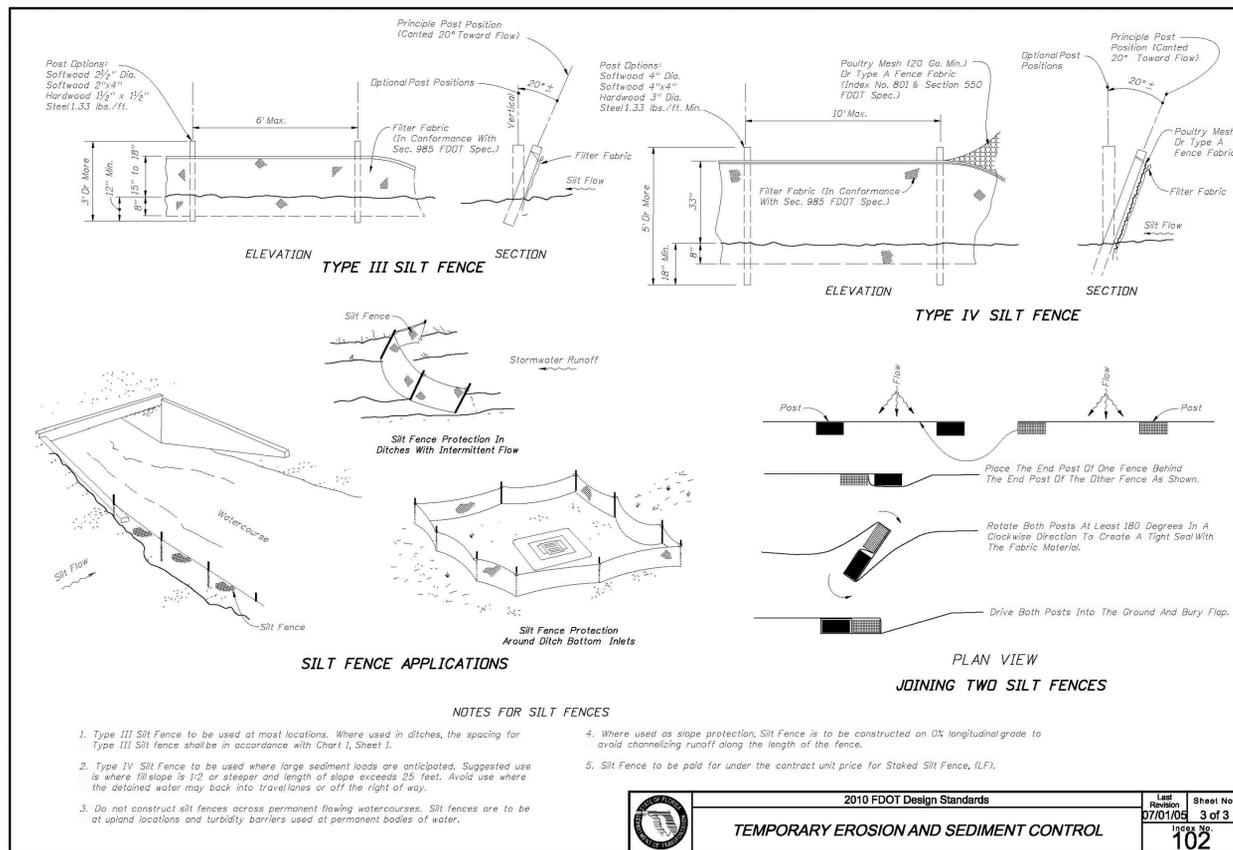
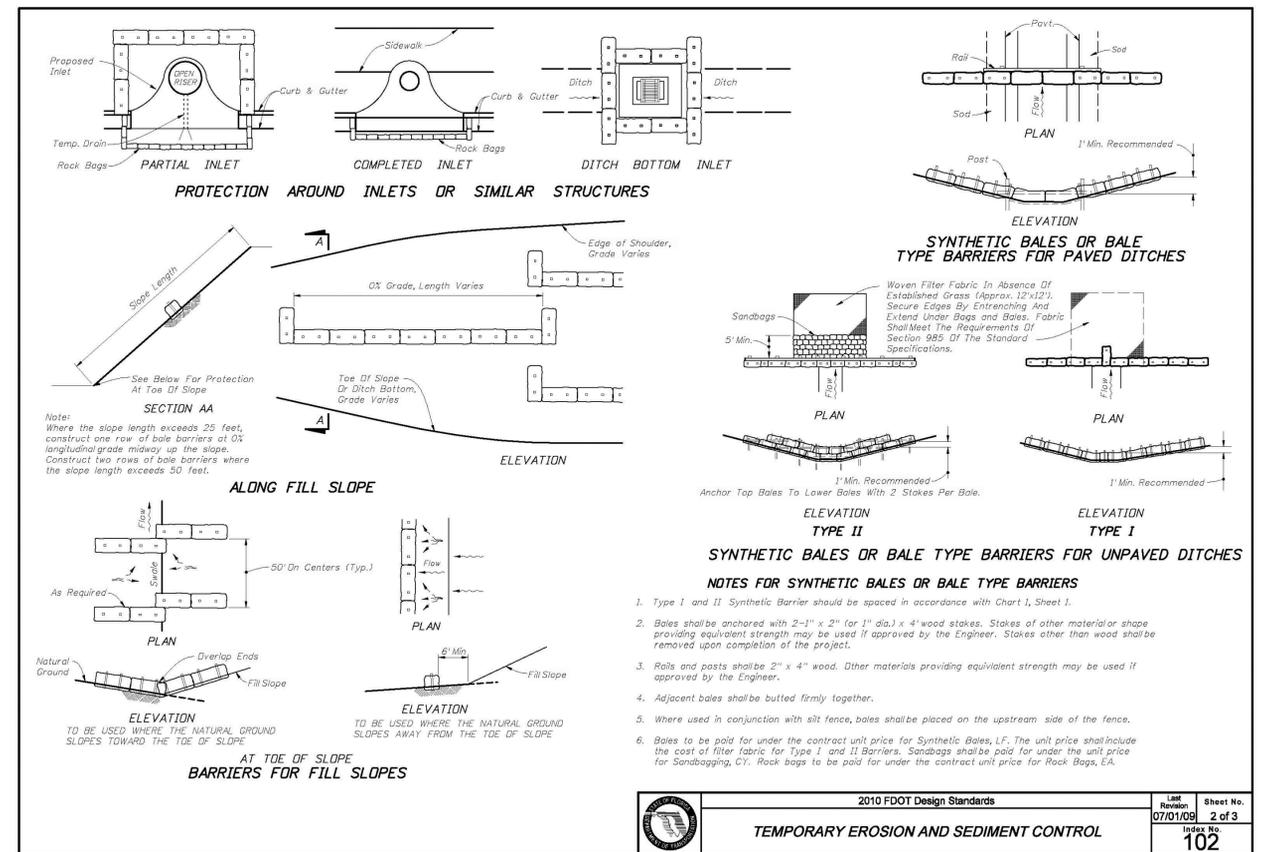
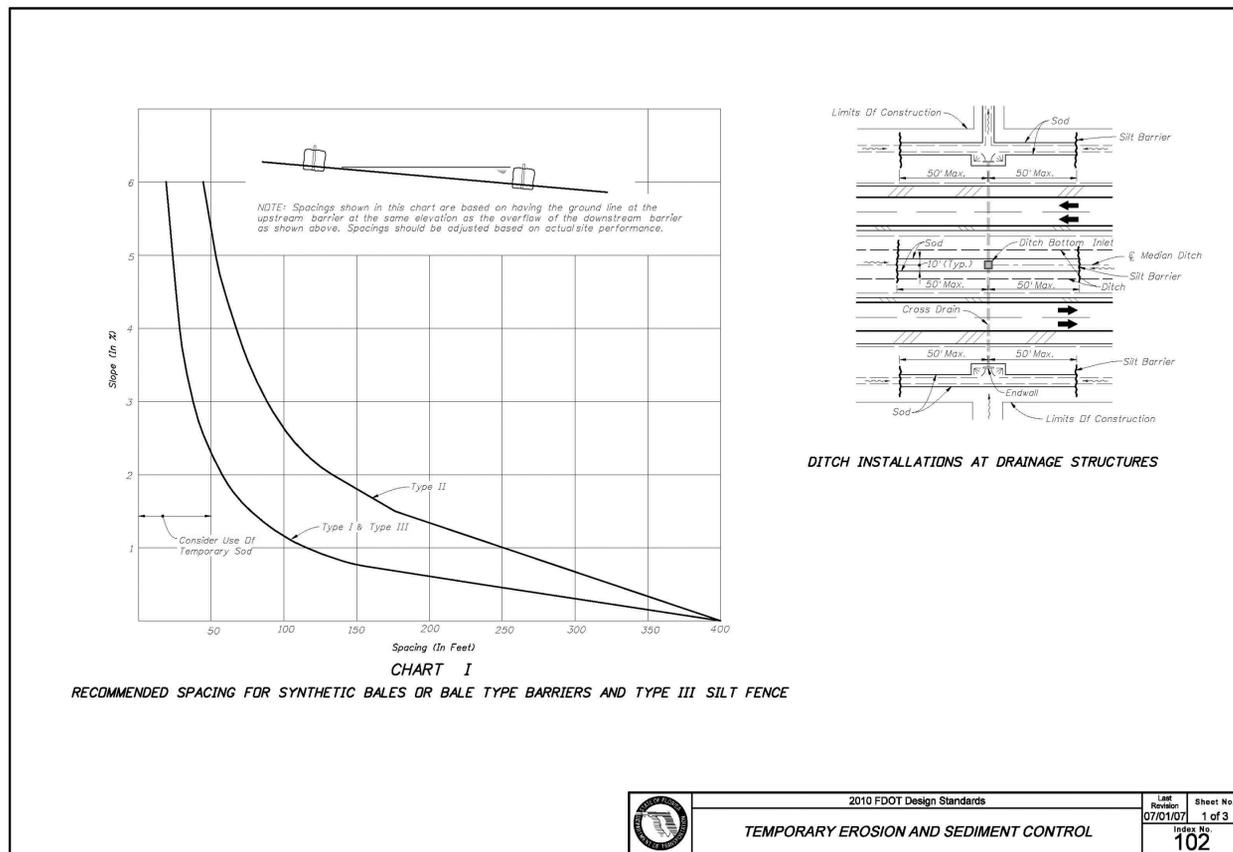
DATE: OCTOBER 2016  
 MCE PROJ. # 2923-0003  
 DRAWN: DMP  
 DESIGNED: NCS  
 CHECKED: MR  
 PROJ. MGR. PUL

SCALE: 1"=20'  
 HORIZONTAL: NA  
 VERTICAL: NA

MAC FILE NUMBER: CS102-29230003  
 DRAWING NUMBER: C-1.3A

STATUS: ISSUED FOR PERMIT

S:\2023\2023\30-Demo\30-Master\_Pump\_Design\CA\2923-0003.dwg, 10/17/2016 2:10:04 PM, Doren Padgett



S:\2023\0023\00-00000000\_MASTER\_PUMP\_DESIGN\DWG\2501-29230003.dwg, 10/12/2016 2:11:37 PM, Doreen Padgett

REVNO.	DESCRIPTIONS	DATE
E	75% SUBMITTAL	OCTOBER 2016
D	REVISED 30% DESIGN	AUGUST 2016
C	UPDATED 30% DESIGN	APRIL 2015
B	ISSUED FOR PERMITTING	APRIL 2015
A	30% CLIENT SUBMITTAL	MARCH 2015

SEAL

PHILLIP J. LOCKE, P.E.  
No. 57527

SEAL

**MCKIM & CREED**

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**FLAGLER COUNTY**

**PLANTATION BAY WWTF IMPROVEMENTS**

**EROSION CONTROL DETAILS**

DATE: OCTOBER 2016  
MCE PROJ. # 2923-0003  
DRAWN: DMP  
DESIGNED: NCS  
CHECKED: MR  
PROJ. MGR. P.J.L.

SCALE: HORIZONTAL: NA  
VERTICAL: NA

DRAWING NUMBER: C-2.1A

STATUS: ISSUED FOR PERMIT

November 30, 2016

M&C: 2923-0003 (13)

Mr. Adam Mengel  
Director of Planning and Zoning  
Flagler County  
1769 Moody Blvd Bldg. 2  
Bunnell, FL 32110

RE: Flagler County – Plantation Bay WWTF Improvements Project  
Site Development Plan Application

Dear Mr. Mengel:

We are submitting a Site Development Plan Application Package for improvements proposed at the Plantation Bay Wastewater Treatment Facility (PBWWTF). Improvements include construction of one (1) influent screening system, one (1) submersible triplex master pump station, one (1) 0.475 MGD package wastewater treatment plant, one (1) filtration system, chlorine contact tank modifications, one (1) submersible duplex reject pump station, (1) 1.0 MG reject water ground storage tank, one (1) motor control center building, two (2) new centrifugal blowers, one (1) standby generator, yard piping, controls, electrical and site improvements.

You will find the following enclosed that we discussed during our telephone call on 11/23/16:

- Ten (10) hard copies of the application package, which includes:
  - Application form
  - Site plan drawing set containing the following data:
    - a. Lot area in acres or square feet;
    - b. Existing tree groupings;
    - c. Location, floor area and maximum height of existing and proposed buildings;
    - d. Lot lines, easements, public right-of-ways;
    - e. Location of site access road and parking. No traffic disruption is anticipated with this construction.
    - f. Existing landscaping
    - g. Existing utilities and proposed yard piping.
- One (1) CD with PDF version of the application package and the complete preliminary construction drawing set.

139 Executive Circle  
Suite 201  
Daytona Beach, FL 32128

386.274.2828

Fax 386.274.1393

[www.mckimcreed.com](http://www.mckimcreed.com)

You will see that there is no existing and no proposed landscaping at the site and that we are requesting an exemption for an Environmental Resource permit since there are no anticipated impacts for stormwater runoff from the project. We understand that fees may be waived for this project or that the County will handle the transfer of funds internally. Additionally, please forward copies of any of this information to the Fire

Marshall, building department and any other interested parties so we can be sure comments are addressed prior to construction commencement.

If you have any comments or concerns, please do not hesitate to contact me at [plocke@mckimcreed.com](mailto:plocke@mckimcreed.com) or (727) 442-7196.

Sincerely,  
**McKIM & CREED, INC.**



Phillip J. Locke, PE  
Senior Project Manager

Enclosures/

cc: Ms. Faith Alkhatib, P.E., County Engineer, Flagler County  
Richard Gordon, P.E., Flagler County  
Mark Ralph, P.E., McKim & Creed  
Curtis Burkett, P.E., McKim & Creed  
Nicole Smith, E.I., McKim & Creed  
Lewis Bryant, P.E., Kimley-Horn

January 3, 2017

M&amp;C: 2923-0003 (13)

Mr. Adam Mengel  
Director of Planning and Zoning  
Flagler County  
1769 Moody Blvd Bldg. 2  
Bunnell, FL 32110

RE: Flagler County – Plantation Bay WWTF Improvements Project  
Site Development Plan Application

Dear Mr. Mengel:

As discussed during the Technical Review meeting held on December 21, 2016; please find ten (10) sets of 11"x 17" plans and one (1) CD with electric plans that have been revised to include a summary of work and show trees to be removed along with a summary tree removal table (refer to Sheet C-1.1A or pg. 4 of 7 on PDF). It is understood these updated drawings will be used for the Planning Board meeting on January 10, 2017 and that three (3) full-size, sealed plans will be submitted following the Board meeting that will also address additional comments.

If you have any comments or concerns, please do not hesitate to contact me at [plocke@mckimcreed.com](mailto:plocke@mckimcreed.com) or (727) 442-7196.

Sincerely,  
**McKIM & CREED, INC.**



Phillip J. Locke, PE  
Senior Project Manager

Enclosures/

cc: Ms. Faith Alkhatib, P.E., County Engineer, Flagler County  
Richard Gordon, P.E., Flagler County  
Mark Ralph, P.E., McKim & Creed  
Curtis Burkett, P.E., McKim & Creed  
Nicole Smith, E.I., McKim & Creed  
Lewis Bryant, P.E., Kimley-Horn

**FLAGLER COUNTY**  
**TECHNICAL REVIEW COMMITTEE COMMENTS**

**MEETING DATE: 12/21/2016**

**APP #3061 - APP FOR REVIEW - PLANTATION BAY WWTF EXPANSION**

**APPLICANT/OWNER: FLAGLER COUNTY FLORIDA**

Distribution date: Friday, December 16, 2016

Project #: 2016120001

Application #: 3061

Attached are departmental comments regarding your submittal to Flagler County for the above referenced project. **Any questions regarding any of the comments should be addressed to the department providing the comment.**

Flagler County Building Department	386-313-4002
Flagler County Planning Department	386-313-4009
Flagler County Development Engineering	386-313-4082
Flagler County General Services (Utilities)	386-313-4184
County Attorney	386-313-4005
Flagler County Fire Services	386-313-4258
E-911 GIS Specialist	386-313-4274
Environmental Health Department	386-437-7358
Flagler County School Board	386-586-2386

**REVIEWING DEPARTMENT: BUILDING DEPARTMENT**

No Comments at this time

**REVIEWING DEPARTMENT: PLANNING DEPARTMENT**

Application #3061  
Planning comments  
Completed by Adam Mengel

1. If possible, please provide a narrative statement describing the scope of work. It is not clear from the site plan what is included in the scope of work.
2. While the notes on the included Topographic Survey by ATS Land Surveying, LLC, bearing an August 25, 2014 revision date indicate that there are no trees within the construction area, the aerial photo used as the base for the Existing Site Plan, Sheet C-1.1A, appears to show trees proximate to the proposed process tank and the proposed reject storage tank. If these are trees, please provide a data table tallying the tree type and DBH for each tree to be removed.
3. With the exception of any assessment of parking - "location and number of all parking spaces" from the checklist - it appears that the minimum Site Development Plan Submission requirements have been met.

**REVIEWING DEPARTMENT: DEVELOPMENT ENGINEERING**

Comments prepared by Susan Graham 12/7/2016:

Standard Comments:

1. The Applicant is to provide technically complete and approved Site Development Plans that comply with the Land Development Code. Existing elevations and proposed grading must be included within the plan.
2. Once all of the comments have been resolved, submit three (3) sets of complete signed and sealed Site Development Plans with your Land Development Permit application, if more than one copy of the approved plan is desired furnish additional copies.
3. An "AS-BUILT" survey and an Engineer's Certification of Completion must be provided.
4. All provisions of the Flagler County Code must be adhered to. The notes used on the Plans

must comply with the Public Works Manual. The location of driveways must be in accordance with the County's Right of Access Management Ordinance.

Site Plan specific Comments:

4. Please update the County Commissioners per the recent elections.
5. Provide a complete set of plans that are to scale.
6. It is not clear what is new construction and what are modifications to existing structures. Any new structures must include finished floor elevations as well as proposed grading information.
7. Further comments will be provided upon submittal of complete, to scale plans.

**REVIEWING DEPARTMENT: FIRE INSPECTOR**

No Comments at this time.

**REVIEWING DEPARTMENT: ENVIRONMENTAL HEALTH DEPT**

No Comments

**REVIEWING DEPARTMENT: COUNTY ATTORNEY**

No Comments at this time

**REVIEWING DEPARTMENT: UTILITIES**

No Comments at this time

**REVIEWING DEPARTMENT: ENVIRONMENTAL PLANNER**

No Comments at this time



**Flagler County Government  
Planning and Zoning Department  
Staff Report**

---

**TO:** Chair and Planning and Development Board Members  
**FROM:** Planning and Zoning Department  
**DATE:** January 10, 2017  
**SUBJECT:** Application #3062 –Variance in the PUD (Planned Unit Development) District

---

- I. **Requested Action & Purpose:** This request is quasi-judicial in nature (not legislative) and does require disclosure of ex parte communication. The owners of the subject parcel, Mr. & Mrs. Mitsopoulous, are requesting a 1.56 foot side yard setback variance from the four foot minimum side yard setback within in the PUD (Planned Unit Development) district.
- II. **Location and Legal Description:** The subject parcel is located at 4 Via Capri described as Lot 2, of the Subdivision plat for Ville Di Capri ; Parcel #04-11-31-3011-00000-0020
- III. **Owner/Applicant:** Constantine G. and Li Lian Mitsopoulos, Husband and Wife/  
Tropical Enclosures
- IV. **Parcel Size:** 0.20+/- acres (8,713.93+/- square feet)
- V. **Existing Zoning & Future Land Use Classification:**  
Zoning: PUD (Planned Unit Development) District  
Future Land Use: Mixed Use Low Intensity
- VI. **Future Land Use Map Classification / Zoning of Surrounding Land:**  
North: Mixed Use Low Intensity/Planned Unit Development (PUD)  
South: Mixed Use Low Intensity/Planned Unit Development (PUD)  
East: Mixed Use Low Intensity/Planned Unit Development (PUD)  
West: Mixed Use Low Intensity/Planned Unit Development (PUD)  
  
**Land Development Code Sections Affected:**  
Section 3.07.03.E, *Variance Guidelines*, Section 3.06.09.B. Swimming pool and screen enclosure regulations in all residential districts.
- VII. **Report in Brief:** This request is for a 1.56 foot reduction from the four foot minimum side yard setback in the PUD (Planned Unit Development) district. This variance request is a before-the-fact variance.
- VIII. **Background:** The subject parcel lies within the PUD (Planned Unit Development) district. It is within the Ville Di Capri Subdivision, Plat Map Book 28 Pages 60-61 recorded at Public Records of Flagler County Florida. This

parcel was purchased on December 1, 1994 by Mr. Mitsopolous through the Warranty Deed recorded at Official Records Book 524, Page 66, Public Records of Flagler County, Florida. On July 26, 2016 the applicant applied for building permit #2016070170 for the construction of a pool enclosure; at that time, the applicants were advised that the proposed enclosure did not meet minimum setbacks. The applicants were advised that the Ville Capri Planned Unit Development (PUD) required a minimum of four foot side yard setback and a ten foot minimum setback from the home on the neighboring property. On December 6, 2016, the applicant then applied for this variance requesting a 1.56 foot reduction from the four foot minimum side yard setback for the construction of a pool screen enclosure.

During the review for this variance staff identified an existing concrete wall that was installed at the time the home was built on this property which starts out along the lot line of the subject property, but was constructed onto the neighboring property at 2 Via Capri. As best can be determined, the setbacks provided as part of the application package are measured from the property line itself and not from the encroaching wall so that the relief requested and granted by the variance is the minimum relief necessary. While the owner through the letter dated December 5, 2016 requested a variance “for a reduction in the side setback from 5 feet to 3.5 feet,” the survey depicts the proposed enclosure placed – at it closest point – at 2.44 feet from the neighboring lot. Accordingly, staff has provided this variance as a request for relief of 1.56 feet to reduce the side setback from four feet to 2.44 feet, matching the extent of the proposed enclosure. It should also be noted that this variance, if granted, will reduce the required minimum setback between structures from ten feet to 8.44 feet.

The Technical Review Committee met on December 21, 2016 and subsequently the applicant responded to the Committee comments. All staff comments have been satisfied.

Public notice has been provided for this application according to LDC Section 2.07.00. No comments have been received as a result of the public notice.

**IX. Variance Criteria Analysis:** LDC Section 3.07.03.E, *Variance Guidelines*, states that a variance may be granted only upon a finding by the Planning and Development Board that all of the criteria listed in the guidelines have been found in favor of the applicant and that a literal enforcement of the provisions of this article will result in an unnecessary hardship. These criteria are listed below followed by the applicant’s statements (included below and attached in their entirety) and staff’s analysis:

1. *There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, topography, or other unique features that, when considered in whole or in part, creates an unnecessary hardship; and*

Applicant's response: "There is a small child living in the house with severe allergies to mosquitoes. There is a bank owned property next door to us that has a neglected green pool for the last three years. In light of the mosquito borne diseases we do not go outside, use our pool or our back yard."

Staff analysis: This parcel is not extraordinary in that is consistent with the Ville Di Capri Planned Unit Development. While the lot is irregular in shape, it is similar to the majority of the lots within the Ville Di Capri subdivision.

2. *Such conditions were not created by the affirmative action's of the applicant and the applicant has acted at all times in good faith; and*

Applicant's response: "This condition was created by ITT Community Development Corp. who put in the roads, house, pool, pool deck and stucco fence. ITT also built the neighboring home and concrete block and stucco wall 5' away from the pool deck. We were under the wrong assumption, that 5 feet between the pool deck and wall that I have maintained since 1994 was our property."

Staff analysis: The new screen enclosure would be on the subject property and not encroaching into the neighboring property as the existing fence/wall installed by the original developer. The improvements as presently located on the lot were originally installed by the developer.

3. *The variance, if granted, would not cause substantial detriment to the public health, welfare, safety, and morals of the community or impair the purpose and intent of this article; and*

Applicant's response: "This would not adversely affect anyone. The Community Association has approved it. The neighboring lot has a stucco concrete block wall that is five feet away from our proposed structure."

Staff analysis: Staff agrees that the granting of this variance would not pose a substantial detriment to the public or impair the purpose and intent of this article.

4. *No variance may be granted for a use of land or building that is not permitted by this article.*

Applicant's response: None provided.

Staff analysis: The property is zoned PUD (Planned Unit Development) and is used as a single-family dwelling. The pool enclosure is a permitted use within this PUD (Planned Unit Development) district.

- X. Quasi-judicial / Legislative Review:** This agenda item is:  
  X   quasi-judicial, requiring disclosure of ex-parte communication; or  
       legislative, not requiring formal disclosure of ex-parte communication.
- XI. Staff Recommendation:** Based on the provided application and supplemental information, the Planning Department recommends that the Planning and Development Board make a finding that all criteria as listed in the guidelines at LDC Section 3.07.03.E been met and therefore recommends approval of a 1.56 foot side yard setback variance from the minimum four foot side yard setback in the PUD district for a pool screen enclosure on the parcel located at 4 Via Capri (Parcel # 04-11-31-3011-00000-0020)
- XII. Suggested Adoption Language:** The Planning and Development Board finds that all variance criteria as listed in the guidelines at LDC Section 3.07.03.E have been met and therefore approves a 1.56 foot side yard setback variance from the minimum four foot minimum side yard setback in the PUD district on the parcel located at 4 Via Capri (Parcel # 04-11-31-3011-00000-0020).

**Attachments**

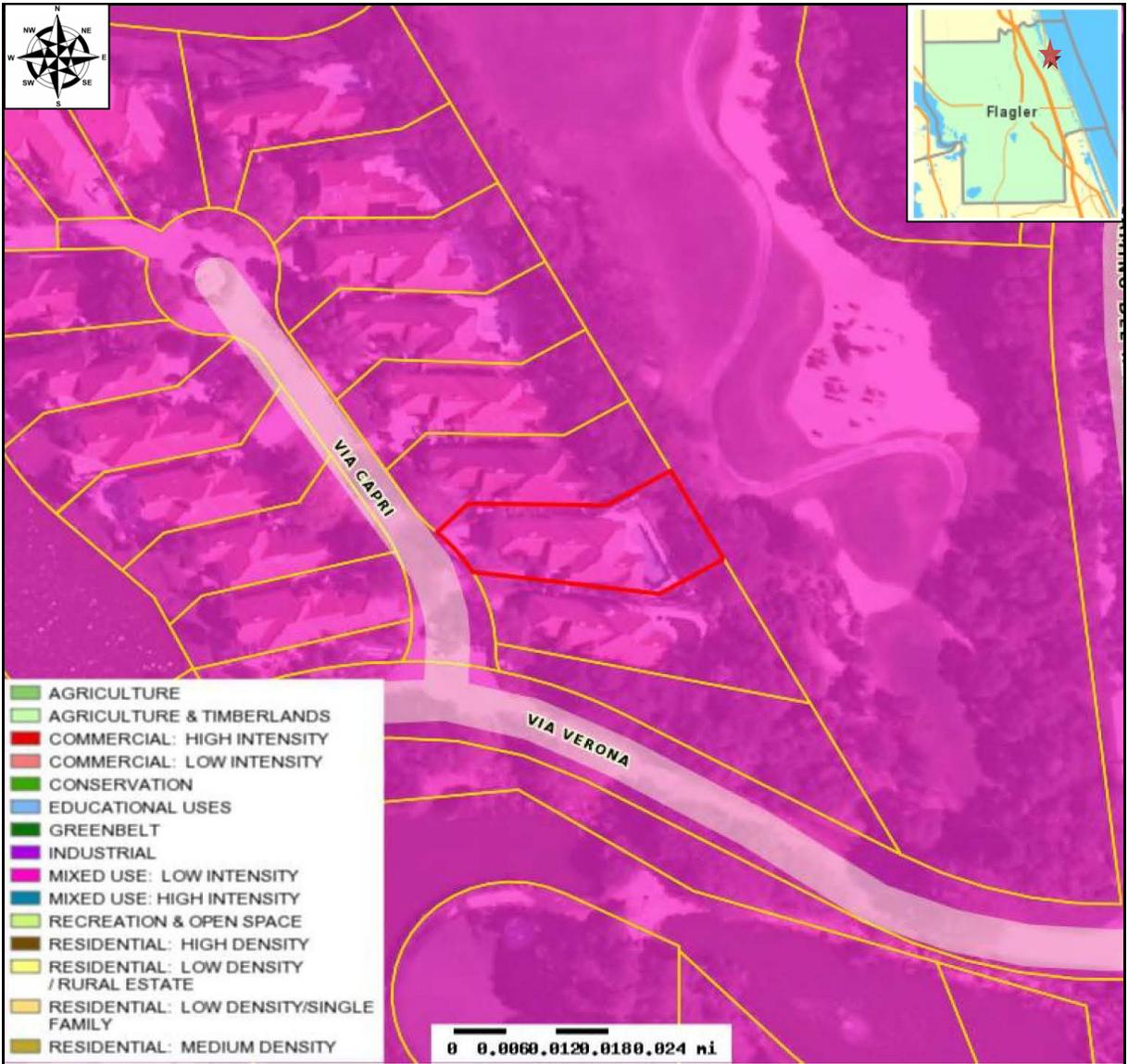
1. Notification list and map
2. Application and supporting documents
  - a. Application packet with survey
  - b. Applicant's response to variance criteria
  - c. TRC Comments

## MAP SERIES

### Property Appraiser Aerial



### Future Land Use Map



### Official Zoning Map



PARCELID	PROPOWNER	M_ADDRESS	M_CITY_ST	M_ZIP
04-11-31-2984-00030-0000	HAMMOCK DUNES CLUB INC	30 AVENUE ROYALE	PALM COAST FL	32137-2237
04-11-31-2984-00050-0000	DUNES COMMUNITY DEVELOPMENT	5000 PALM COAST PKWY	PALM COAST FL	32137
04-11-31-2984-ORP0B-0010	HAMMOCK DUNES OWNERS	PO BOX 353338	PALM COAST FL	32135
04-11-31-2985-00000-00A1	GRANADA ESTATES NEIGHORHOOD	PO BOX 353338	PALM COAST FL	32135-3338
04-11-31-2987-00000-0010	JOHN & EDNA REID	2 VIA VERONA	PALM COAST FL	32137
04-11-31-2987-00000-0420	JANE C LAVEZZOLI TRUSTEE	1 VIA ROMA	PALM COAST FL	32137
04-11-31-2992-00000-0070	RICHARD B & KIM L QUELLO	15 CORTE VISTA	PALM COAST FL	32137
04-11-31-3011-00000-0001	VILLAS NEIGHBORHOOD ASSOC INC	PO BOX 352266	PALM COAST FL	32135
04-11-31-3011-00000-0010	JOHN T & NANCY A CISNE	PO BOX 85	CHARLEVOIX MI	49720
04-11-31-3011-00000-0020	CONSTANTINE G & LI MITSOPOULOS	11361 MEADOWOOD DRIVE	BRIGHTON MI	48116
04-11-31-3011-00000-0030	THOMAS F RICHASON&	7113 LAGO SOL COURT	AUSTIN TX	78732
04-11-31-3011-00000-0040	STEPHEN M VIVIANO	8 VIA CAPRI	PALM COAST FL	32137
04-11-31-3011-00000-0050	BARRY & LISA JAMES	10 VIA CAPRI	PALM COAST FL	32137
04-11-31-3011-00000-0060	JOHN B & BARBARA D TAYLOR	12 VIA CAPRI	PALM COAST FL	32137
04-11-31-3011-00000-0070	RONALD E COYLE	14 VIA CAPRI	PALM COAST FL	32137
04-11-31-3011-00000-0080	KIMBERELY BOWMAN	16 VIA CAPRI	PALM COAST FL	32137
04-11-31-3011-00000-0090	T WILLIAM GRIMSDALE	18 VIA CAPRI	PALM COAST FL	32137
04-11-31-3011-00000-0100	STEVE AND SYLVIA PANOS	17 VIA CAPRI	PALM COAST FL	32137
04-11-31-3011-00000-0120	ALAN W HIGGINS	210 WINTERSTAR LOOP	BURNSVILLE NC	28714
04-11-31-3011-00000-0130	JEFFREY J SCHOTT	11 VIA CAPRI	PALM COAST FL	32137
04-11-31-3011-00000-0140	DENNIS ZINKON	22 HUNTLEY CT	HAINES CITY FL	33844
04-11-31-3011-00000-0150	JOHN ALDEN	7 VIA CAPRI	PALM COAST FL	32137
04-11-31-3011-00000-0160	RILEY HEMAN MCGUIRE	200 LITTLE FALLS ST STE 400	FALLS CHURCH VA	22046
04-11-31-3011-00000-0170	FREDERICK W BODGE	131 ISLAND ESTATES PKWY	PALM COAST FL	32137

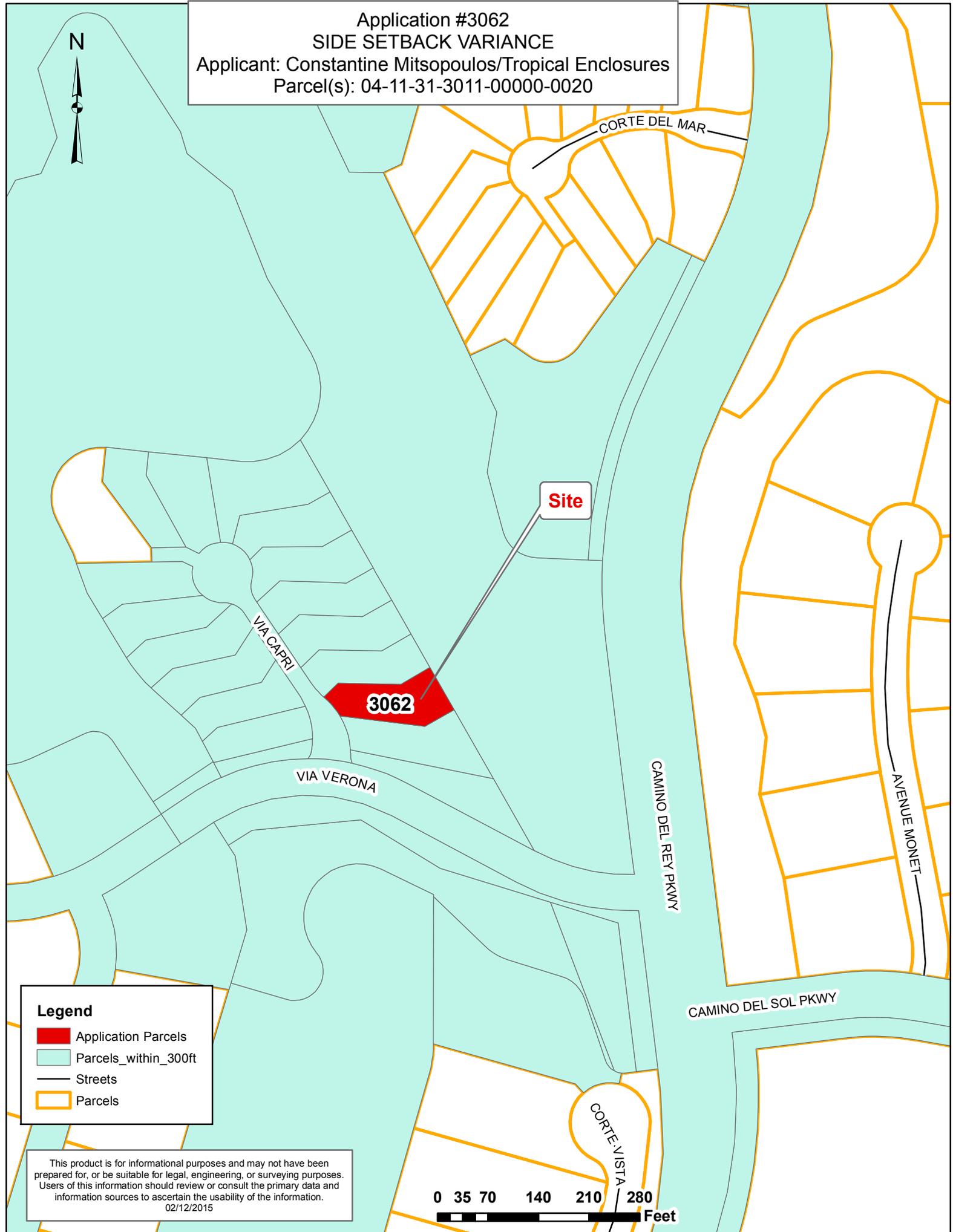
I hereby affirm mailed notice to each owner on December 22, 2016 for the Planning & Development Meeting on 1/10/2017 at 6 pm.

  
 Wendy Hickey, Planner



#3062

Application #3062  
SIDE SETBACK VARIANCE  
Applicant: Constantine Mitsopoulos/Tropical Enclosures  
Parcel(s): 04-11-31-3011-00000-0020



**Legend**

- Application Parcels
- Parcels\_within\_300ft
- Streets
- Parcels

This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.  
02/12/2015





# APPLICATION FOR VARIANCE

FLAGLER COUNTY, FLORIDA  
 1769 E. Moody Blvd, Suite 105  
 Bunnell, FL 32110  
 Telephone: (386) 313-4009 Fax: (386) 313-4109

Application/Project #: 3062/2016120002

<b>PROPERTY OWNER(S)</b>	Name(s): CONSTANTINE MITSOPOULOS		
	Mailing Address: 11361 MEADOWOOD DRIVE		
	City: BRIGHTON	State: MI	Zip: 48114
	Telephone Number 810-588-9893	Fax Number	

<b>APPLICANT/AGENT</b>	Name(s): SCOTT NORTON-TROPICAL ENCLOSURES		
	Mailing Address: 3500 BEACHWOOD COURT STUITE 205		
	City: JACKSONVILLE	State: FL	Zip: 32224
	Telephone Number 904-744-3500	Fax Number 888-349-0315	
	E-Mail Address: SCOTT@TROPICALENCLOSURES.COM		

<b>SUBJECT PROPERTY</b>	SITE LOCATION (street address):	4 VIA CAPRI	
	LEGAL DESCRIPTION: <i>(briefly describe, do not use "see attached")</i>	VILLE DI CAPRI LOT2	
	Parcel # (tax ID #):	04-11-31-3011-00000-0020	
	Parcel Size:		
	Current Zoning Classification:		
	Current Future Land Use Designation		
	Subject to A1A Scenic Corridor IDO?	<input type="checkbox"/> YES	<input type="checkbox"/> NO

**Relief Requested:** \_\_\_\_\_

\_\_\_\_\_  
 Signature of Owner(s) or Applicant/Agent  
 if Owner Authorization form attached

12/6/14  
 \_\_\_\_\_  
 Date

**\*\*OFFICIAL USE ONLY\*\***

PLANNING BOARD RECOMMENDATION/ACTION:

APPROVED [ ]  
 \*APPROVED WITH CONDITIONS [ ]  
 DENIED [ ]

Signature of Chairman: \_\_\_\_\_

Date: \_\_\_\_\_ \*approved with conditions, see attached.

NOTE: The applicant or a representative, must be present at the Public Hearing since the Board, at its discretion, may defer action, table, or take decisive action on any application. Rev. 12/15

December 5, 2016

Flagler County Planning Board:

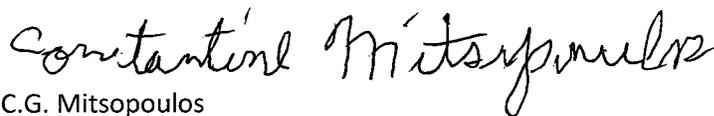
Please consider our request for a reduction in the side setback from 5 feet to 3.5 feet. This is for a screen roof and screen wall enclosure on an existing concrete deck.

The extraordinary condition is we have a small child living in the house with severe allergies to mosquitos. There is a bank owned property next door to us that has had a neglected green pool for the last three years. In light of all the mosquito borne diseases, we do not go outside; use our pool or back yard.

This condition was created by ITT Community Development Corp who put in the roads, house, pool, pool-deck, and stucco fence. ITT also built the neighboring home and concrete block and stucco wall 5' away from the pool deck. We were under the wrong assumption, that the 5 feet between the pool deck and wall that I have maintained since 1994 was our property.

This will not adversely affect any one. The community association has approved it. The neighboring lot has a stucco concrete block wall 5' away from our proposed structure.

Thank you,



C.G. Mitsopoulos

Permit#: 2016070170 Valid #: 575 Permit Type: AL - ALUMINUM

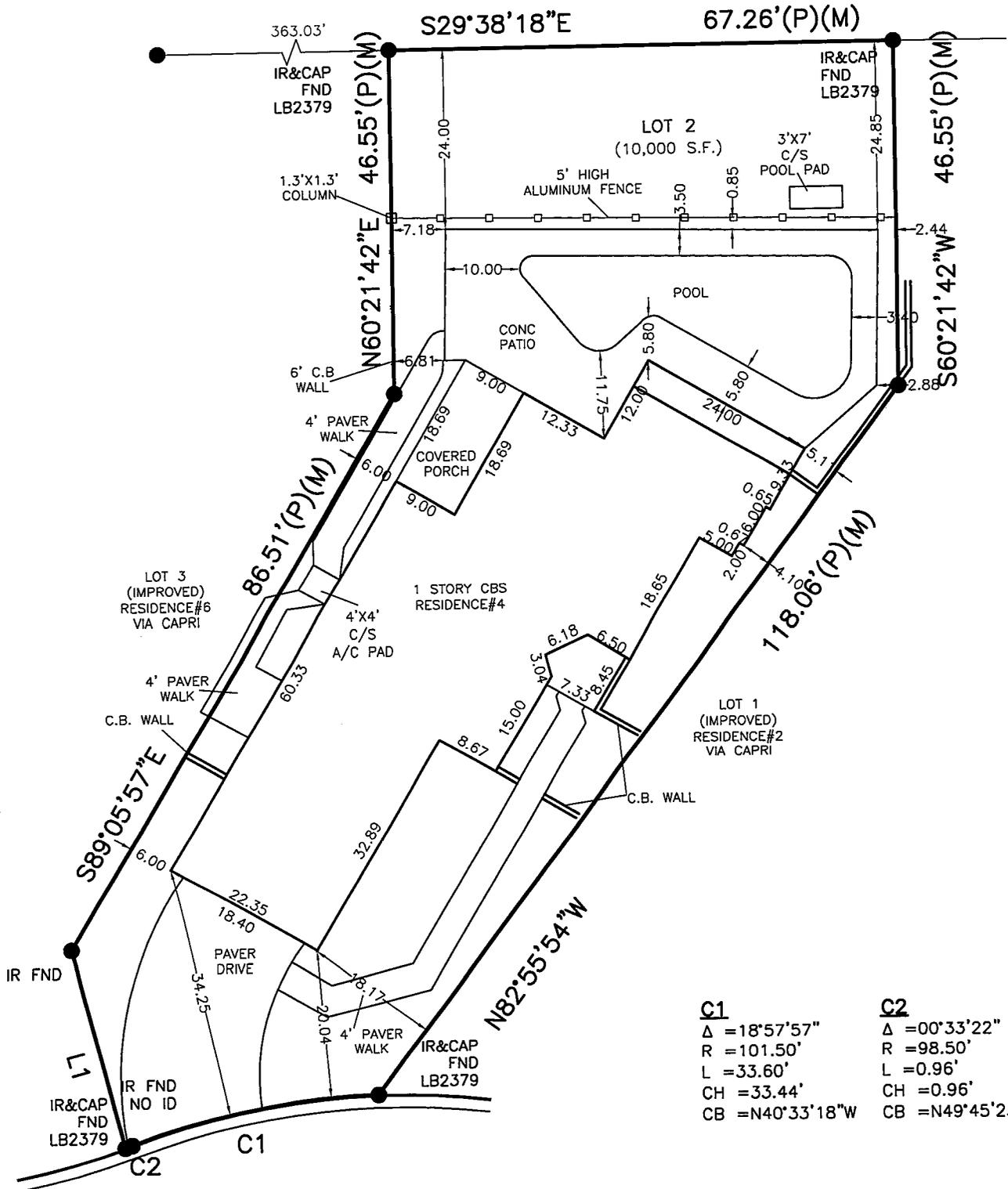
Address: 4 VIA CAPRI

Appl: SCOTT RAY NORTON

DBA: TROPICAL ENCLOSURES BY MASTER SCREENS, INC.

Owner: MITSOPOULOS, CONSTANTINE & LI LIAN

PARCEL "GC-7"



<b>C1</b>	<b>C2</b>
Δ = 18°57'57"	Δ = 00°33'22"
R = 101.50'	R = 98.50'
L = 33.60'	L = 0.96'
CH = 33.44'	CH = 0.96'
CB = N40°33'18"W	CB = N49°45'23"W

TYPE OF SURVEY: BOUNDARY / LOCATION

NOTE: PURSUANT TO FLORIDA STATE LAW, THIS SURVEY IS VALID NO MORE THAN 90 DAYS FROM DATE OF LAST FIELD WORK

DESCRIPTION: LOT 2, VILLE DI CAPRI, A SUBDIVISION AS RECORDED IN MAP BOOK 28, PAGE 61, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA.

LEGEND:

○ IR&C	5/8" Iron Rod & Cap set	Δ	Delta	P/P	Power Pole
● IR&C	5/8" Iron Rod & Cap found	R	Radius	PEP	PEP Tank
○ IP	1/2" Iron Pipe	L	Length	⊕	Manhole
○ N/D	Nail and Disk set	CB	Chord Bearing	⊗	Telephone Riser
○ N/D	Nail and Disk found	CH	Chord Distance	⊙	Cable Television Riser
● PCP	Permanent Control Point	MSL	Mean Sea Level	⊕	Water Meter
□ CM	4"x4" Concrete Monument set	N.G.V.D.	National Geodetic Vertical Datum	⊕	Electric Meter
■ CM	4"x4" Concrete Monument found	N.A.V.D.	North American Vertical Datum	⊕	Fire Hydrant
FND	Found	B.M.	Bench Mark	⊕	Water Valve
C/L	Center Line	T.B.M.	Temporary Bench Mark	⊕	Licensed Business
E/P	Edge of Pavement	TOB	Top of Bank	⊕	Licensed Surveyor
R/W	Right of Way	TOE	Toe of Slope	⊕	Official Records Book & Page
PC	Point of Curvature	C.M.P.	Corrugated Metal Pipe	⊕	F.F.
PI	Point of Intersection	C.B.S.	Concrete Block & Stucco	⊕	Finish Floor Elevation
		Conc.	Concrete	⊕	Non-Radial to Curve
		C/S	Concrete Slab	⊕	Deed
		O/E	Overhead Electric	⊕	Plot Bearing & Distance
				⊕	Measured Bearing & Distance

NOTES:

- The entire map encompassing this survey is recorded in Map Book 28, Pages 60-61.
- No elevations shown on survey.
- Underground improvements and utilities not located.
- Bearings refer to plat datum and to the centerline of VIA CAPRI as being CB: N49°45'45"W.
- Description provided by client.
- No search for encumbering instruments was made by surveyor.
- Error of closure meets or exceeds 1:7500 feet.

PREPARED FOR:

TROPICAL INCLOSURE  
3500 BEACHWOOD COURT SUITE 205  
JACKSONVILLE, FL 32224



STEPHENSON, WILCOX & ASSOCIATES, INC. (CA#27726 / LB#7672)

204 N. Railroad Street PO Box 186 Bunnell FL 32110  
Phone: 386.437.2363 Fax: 386.437.0030 Email: info.swa@gmail.com

TYPE SURVEY:	FIELD DATE	OFFICE DATE	JOB NO.	BY:
Boundary	09/21/16	09/28/16	16-2307	CJB
Formboard				
Foundation				
Final				

I hereby certify that the survey represented hereon meets or exceeds the minimum standards established pursuant to Section 472.021, Florida Statutes, and adopted in Chapter 5J-17 Florida Administrative Code.

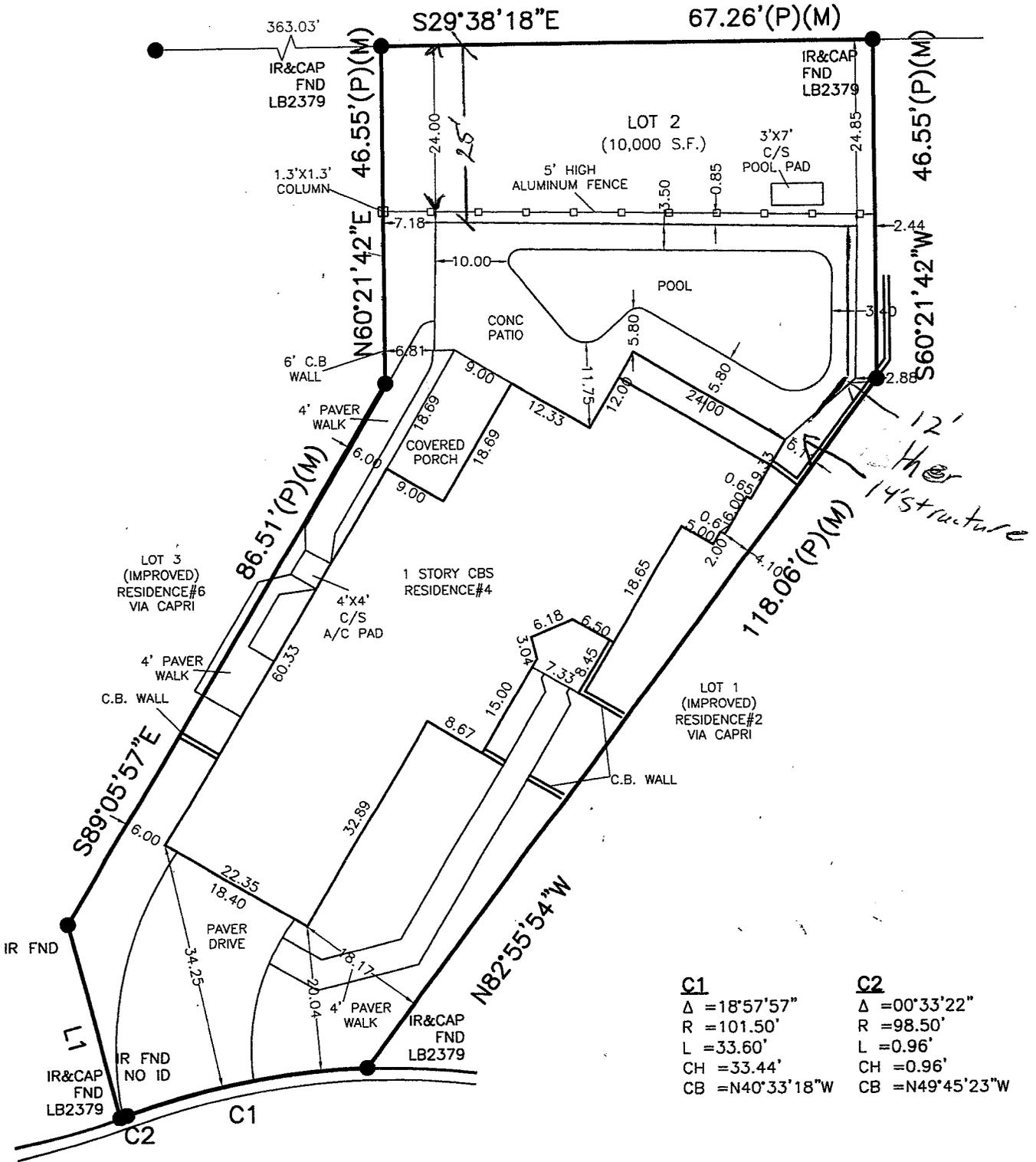
*Dan A. Wilcox Jr.*  
DAN A. WILCOX JR., PSM No. 5749, PE No. 57633

DAVID T. WILCOX, PSM No. 5871

Not valid without the signature and the original raised seal of a Florida Licensed surveyor and mapper.

SHEET  
1 of 1

PARCEL "GC-7"



<b>C1</b>	<b>C2</b>
$\Delta = 18^{\circ}57'57''$	$\Delta = 00^{\circ}33'22''$
$R = 101.50'$	$R = 98.50'$
$L = 33.60'$	$L = 0.96'$
$CH = 33.44'$	$CH = 0.96'$
$CB = N40^{\circ}33'18''W$	$CB = N49^{\circ}45'23''W$

TYPE OF SURVEY: BOUNDARY / LOCATION

NOTE: PURSUANT TO FLORIDA STATE LAW, THIS SURVEY IS VALID NO MORE THAN 90 DAYS FROM DATE OF LAST FIELD WORK

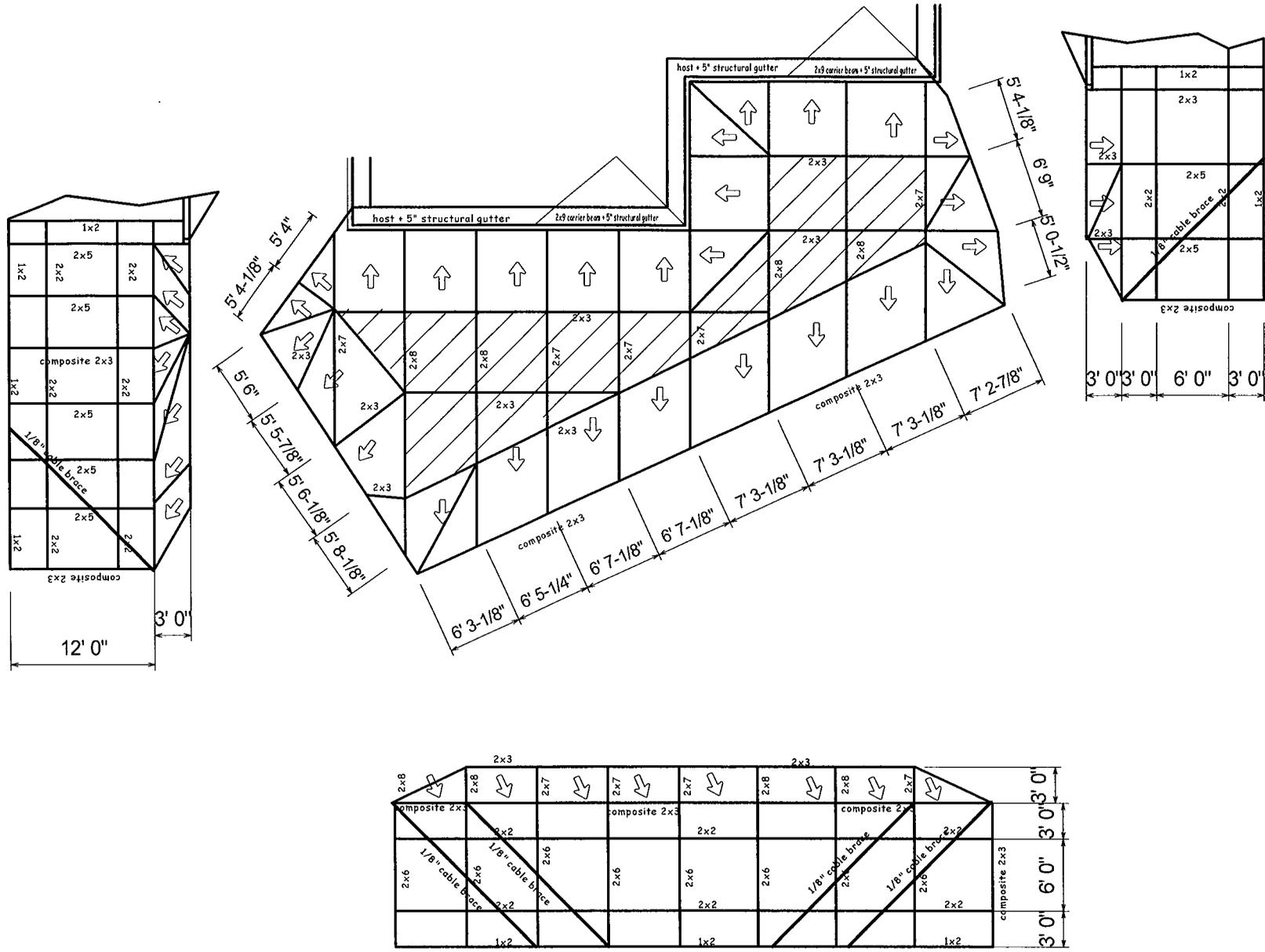
DESCRIPTION: LOT 2, VILLE DI CAPRI, A SUBDIVISION AS RECORDED IN MAP BOOK 28, PAGE 61, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA.

LEGEND:  
 O IR&C 5/8" Iron Rod & Cap set

$\Delta$  R L  
 Delta  
 Radius  
 Length

P/P  
 PEP  
 Power Pole  
 PEP Tank  
 Manhole

NOTES:  
 1. The entire map encompassing this survey is recorded in Map Book 28, Pages 50-51



140 mph wind zone Exposer B Complies with Florida Building Code 2014

<p>Harold William Coffield 2743 Anniston Rd. Jacksonville, FL 32246 904-343-3052 FL PE #50407</p>	<p>Drafting by: Scott Norton 3500 Beachwood ct. suite 205 Jacksonville, FL 32224 904-744-3500</p>	<p>Gus Mitsopoulos 4 Via Capri Palm Coast, FL 32137</p>
---	---	---

sheet #  
**1**  
of 1

Via Capri  
VIA CAPRI COMMON WALLS  
Google Maps



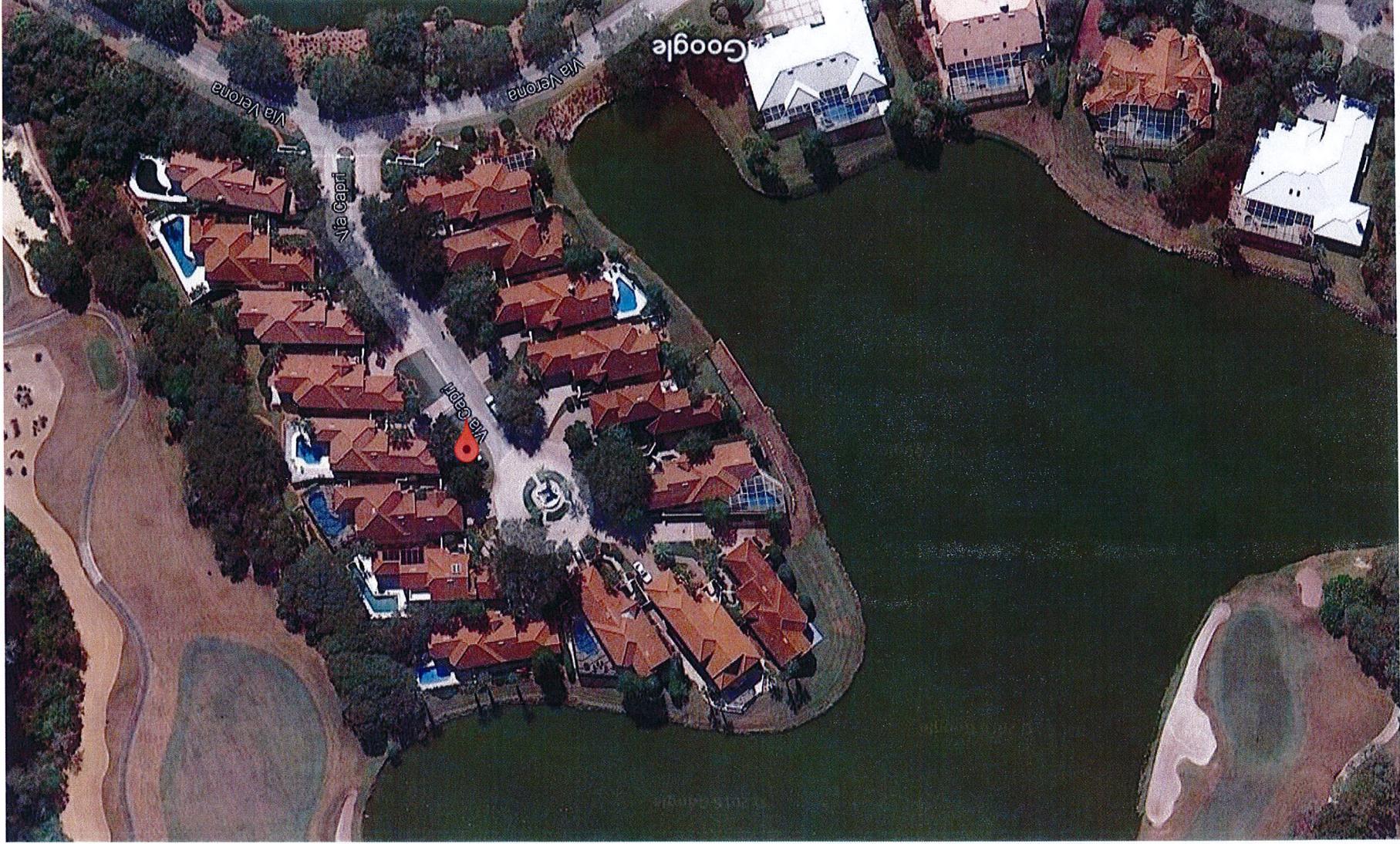
Imagery ©2016 DigitalGlobe, U.S. Geological Survey, Map data ©2016 Google 50 ft

Via Capri  
VIA CAPRI COMMON WALLS



Imagery ©2016 DigitalGlobe, U.S. Geological Survey, Map data ©2016 Google 50 ft

Via Capri  
VIA CAPRI COMMON WALLS



Imagery ©2016 DigitalGlobe, U.S. Geological Survey, Map data ©2016 Google 50 ft



Vía Capri

VIA CAPRI COMMON WALLS

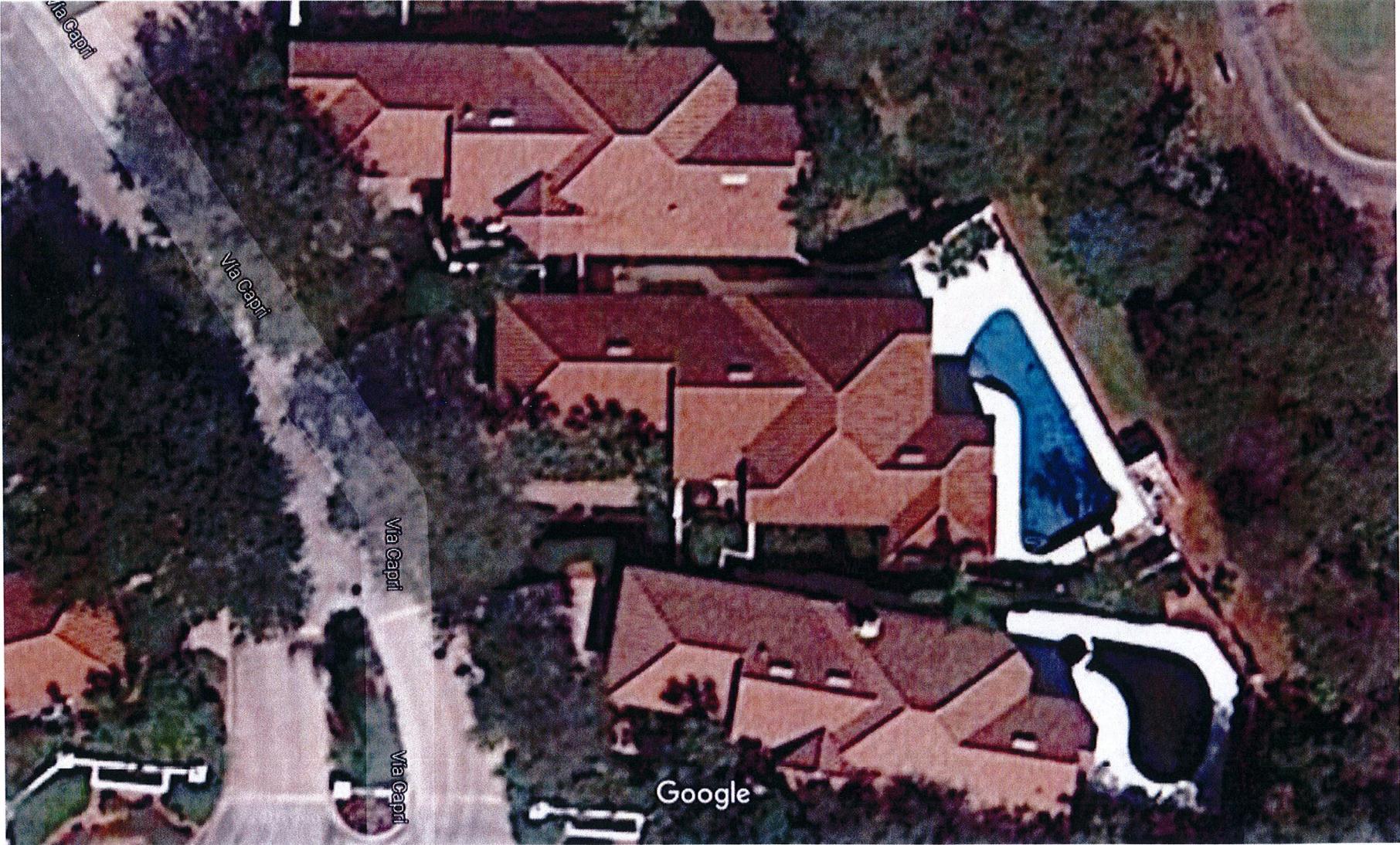


Map data ©2016 Google 20 ft



Vía Capri

VIA CAPRI COMMON WALLS



Map data ©2016 Google 20 ft



Via Capri  
VIA CAPRI COMMON WALLS



Map data ©2016 Google 20 ft

# FLAGLER COUNTY

## TECHNICAL REVIEW COMMITTEE COMMENTS

MEETING DATE:12/21/2016

APP #3062 - VARIANCE FOR SCREEN ENCLOSURE

APPLICANT: TROPICAL ENCLOSURES  
OWNER:MITSOPOULOS, CONSTANTINE & LI LIAN

Distribution date: Friday, December 16, 2016

Project #: 2016120002

Application #: 3062

Attached are departmental comments regarding your submittal to Flagler County for the above referenced project. **Any questions regarding any of the comments should be addressed to the department providing the comment.**

Flagler County Building Department	386-313-4002
Flagler County Planning Department	386-313-4009
Flagler County Development Engineering	386-313-4082
Flagler County General Services (Utilities)	386-313-4184
County Attorney	386-313-4005
Flagler County Fire Services	386-313-4258
E-911 GIS Specialist	386-313-4274
Environmental Health Department	386-437-7358
Flagler County School Board	386-586-2386

**REVIEWING DEPARTMENT: BUILDING DEPARTMENT**

No Comments

**REVIEWING DEPARTMENT: PLANNING DEPARTMENT**

Please provide the distance measurement between the proposed screen enclosure and the neighboring homes.

**REVIEWING DEPARTMENT: DEVELOPMENT ENGINEERING**

This department has no comments on this request.

**REVIEWING DEPARTMENT: FIRE INSPECTOR**

No Comments

**REVIEWING DEPARTMENT: E-911 STAFF**

No comments

**REVIEWING DEPARTMENT: ENVIRONMENTAL HEALTH DEPT**

No Comments