



Crossroads of Flagler County

Board Members:
Carl Lilavois, Chair
Gary Masten, Co-Chair
Lyn Lafferty
Gary Garner
Janice Catoggio

PLANNING, ZONING AND APPEALS BOARD MINUTES

Tuesday, December 3, 2024

6:00 PM

1769 East Moody Boulevard (GSB),
Chambers Meeting Room
Bunnell, FL 32110

1. Call Meeting to Order for Planning and Zoning Meeting and Roll Call

Chair Lilavois called the meeting to order at 6:00 PM and led the Pledge of Allegiance.

Present: Carl Lilavois, Chair; Gary Garner; Lyn Lafferty; Cory Romaniuk, Board Alternate

Excused: Gary Masten, Co-Chair; Janice Catoggio

Non-voting: Community Development Director Joe Parsons; City Attorney Chloe Berryman; Community Development Coordinator Adrian Calderin; City Engineer Marcus DePasquale

Motion: Accept Alternate Board Member Romaniuk as a voting member for the December 3, 2024 Planning, Zoning and Appeals Board Meeting.

Moved by: Gary Garner

Seconded by: Lyn Lafferty

Vote: Motion carried unanimously.

2. Disclosure of Ex-Parte communications.

Chair Lilavois, Board Member Garner, and Alternate Board Member Romaniuk disclosed they spoke with the applicant for item #6 regarding the planned unit development agreement.

3. Approval of Minutes

a. November 5, 2024 Planning, Zoning and Appeals Board Minutes

Motion: Approve the November 5, 2024 Planning, Zoning and Appeals Board Minutes.

Moved by: Gary Garner

Seconded by: Lyn Lafferty

Board Discussion: None

Public Discussion: None

Vote: Motion carried unanimously

New Business:

- 4. SE 2024-06 Requesting approval of a special exception use for residential multifamily on property within the B-2, Business zoning district, located at 1300 East Moody Boulevard.**

City Attorney Berryman swore in staff and audience members that are to speak during public comments. She then explained the process of quasi-judicial hearings.

Community Development Coordinator Calderin introduced and explained the item. He stated the requested use in the B-2 zoning district is only permissible through a special exception. Staff recommended approval with the following conditions:

1. In accordance with the City Code of Ordinances, the Solid Waste account shall be in the property owner's name, not the tenants. Placement of the carts shall be on North Palmetto Street, not on East Moody Boulevard so as to not impede traffic flow. The property owner will need to obtain a local business tax receipt for a landlord when opening the Solid Waste account.
2. The separation between the dwelling units needs to be a two-hour fire wall and be outlined in the plans.
3. This special exception use shall run with the land and may be transferrable should the ownership of the property ever change so long as the new owner continues the use of the property as allowed under this special exception. If under any circumstance the use of the property changes beyond what is allowed within this special exception, this special exception shall become null and void. If conditions are not met and/or are ever violated, then at that point it shall be considered grounds for removal of the special exception at the discretion of the Planning, Zoning and Appeals Board.

Board Member Garner asked how thick a two-hour firewall is. The applicant, Luis Medieros, gave an explanation of the improvements to be made.

Board Member Lafferty asked if the special exception would transfer to new owners. Community Development Coordinator Calderin stated it would transfer to new owners.

Motion: Approve SE 2024-06 Requesting approval of a special exception use for residential multifamily on property within the B-2, Business zoning district, located at 1300 East Moody Boulevard with the following conditions:

1. In accordance with the City Code of Ordinances, the Solid Waste account shall be in the property owners name, not the tenants. Placement of the carts shall be on North Palmetto Street, not on East Moody Boulevard so as to not impede on the traffic flow. The property owner will need to obtain a local business tax receipt for a landlord when opening the Solid Waste account.
2. The separation between the dwelling units needs to be a two-hour fire wall and be outlined in the plans.
3. This special exception use shall run with the land and may be transferrable should the ownership of the property ever change so long as the new owner continues the use of the property as allowed under this special exception. If under any circumstance the use of the property changes beyond what is allowed within this special exception, this special exception shall become null and void. If conditions are not met and/or are ever

violated, then at that point it shall be considered grounds for removal of the special exception at the discretion of the Planning, Zoning and Appeals Board.

Moved by: Lyn Lafferty

Seconded by: Gary Garner

Vote: Motion carried unanimously.

5. MJSP 2024-07: Requesting approval of the major site plan for Pizza Ninjas Inc. located at 3245 Steel Rail Dr.

Community Development Coordinator Calderin introduced and explained the item. He stated the Technical Review Committee has reviewed and signed off on the major site plan with conditions of approval. Staff recommended approval with the following conditions:

1. The zoning map provided on the coversheet does not contain City of Bunnell zoning designations. Please provide a zoning map containing the City's zoning districts.
2. The agreement for shared dumpster usage between the subject property owner and the adjacent property owner to the south must be approved by the City. The agreement must be recorded, after City approval, in the Public Records of Flagler County, Florida for each property in perpetuity. Furthermore, the following will need to be amended and/or added to the agreement:
 - a. Amend item 6 on the agreement to read "both parties agree to split the repairs to the dumpster enclosure 50%-50% in case of any required maintenance and/or repairs.
 - b. Add another item to the agreement that reads "the city shall retain authority to require an additional recycling dumpster enclosure if deemed appropriate by the city's solid waste manager.
3. The existing inlet CB-0 currently collects stormwater from the 3207 Steel Rail Drive parcel. Please provide a recorded perpetual maintenance and operation agreement with a minimum 15' wide stormwater easement to allow this conveyance across/through the proposed project site.
4. The original Steel Rail master development was designed and permitted for each individual property to provide their own privately owned lift station which will connect to the existing 4" low pressure force main within the Steel Rail Right-of-Way. To this end, the currently active Steel Rail Drive FDEP Permit No. 0018791-034-DWC allows developers to install lift stations without a FDEP Permit and proceed with the design and installation as long as the standards listed in the supplied "LOW PRESSURE FORCE MAIN SYSTEMS GRINDER PUMP SYSTEM REQUIREMENTS AND INSTRUCTIONS TO UTILITY CONTRACTORS" are satisfied. Please provide a lift station plan and calculations and have the project Professional Engineer of Record complete and sign/seal the supplied and return to the City.
5. Please obtain and provide a Florida Department of Environmental Protection Environmental Resource Permit Letter Modification as

necessary for the proposed construction with regards to stormwater management.

Motion: Approve MJSP 2024-07: Requesting approval of the major site plan for Pizza Ninjas Inc. located at 3245 Steel Rail Dr. with the following conditions:

1. The zoning map provided on the coversheet does not contain City of Bunnell zoning designations. Please provide a zoning map containing the City's zoning districts.
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5. Please obtain and provide a Florida Department of Environmental Protection Environmental Resource Permit Letter Modification as necessary for the proposed construction with regards to stormwater management.

Moved by: Gary Garner

Seconded by: Lyn Lafferty

Vote: Motion carried unanimously.

Old Business:

- 6. ZMA 2024-06: Requesting to amend the Official Zoning Map of the City of Bunnell, by Ordinance, for 2,787+/- acres of land from Flagler County “AC, Agricultural” and City of Bunnell “R-1, Single Family Residential District” and “AG&S, Agricultural & Silviculture District” to the City of Bunnell “PUD, Planned Unit Development District”.**

Community Development Coordinator Calderin introduced and explained the item. Staff recommended approval with the following conditions:

1. The post development peak rate of discharge must not exceed the pre-development peak rate of discharge for the 100-year frequency/24-hour duration storm.
2. Lot drainage for all subzoning districts within the PUD shall be included in the master stormwater drainage for the neighborhood and/or development as regulated by the St. Johns River Water Management District and/or City of Bunnell.

Community Development Director Parsons gave a short presentation on the process for development entitlements.

The Chad Grimm with Northeast Florida Developers LLC, representing the applicant and property owners, gave a presentation explaining the differences between obtaining entitlements and obtaining development permits along with addressing concerns of the public.

Chair Lilavois said zoning approval of this development is needed before any engineering or in-depth studies can be done to address the concerns from the public.

Board Member Lafferty asked for clarification if a recommendation for the rezoning is also a recommendation for the PUD agreement. Community Development Coordinator Calderin stated the Board is making a recommendation on both the rezoning and the PUD agreement.

Matthew Riden (330 County Road 80, Unincorporated Flagler County resident) thanked the applicant for making the presentation to clarify information on the process. He stated how the development should include more business. He then asked how he could contact the Board outside of the scheduled meetings. Community Development Director Parsons said he could contact staff with any questions or concerns he may have or to get clarification on information.

Stephen Wooden (200 North Railroad Street, City of Bunnell resident) expressed his concerns and opposition with the development.

Steve Sparkman (809 Eighth Street, City of Bunnell resident) expressed his concerns with traffic and flooding regarding this development.

Matthew Riden addressed the Board again and stated a workshop would be beneficial for the community for a development of this size.

Motion: Continue agenda item #6 to the January 7, 2025 Planning, Zoning and Appeals Board meeting.

Moved by: Lyn Lafferty

Seconded by: Gary Garner

Vote: Motion carried by 3-1 vote.

Yes: Carl Lilavois; Gary Garner; Lyn Lafferty

No: Cory Romaniuk

7. Public Comment

None

8. Board comment

Community Development Coordinator Calderin said the joint workshop between the Planning, Zoning and Appeals Board and City Commission has been scheduled for January 2, 2025 at 6:00 pm in the Flagler County Chambers Meeting Room.

9. Adjournment of Planning and Zoning Meeting

Motion: Adjourn

Moved by: Gary Garner

Seconded by: Cory Romaniuk

Vote: Motion carried unanimously

PZA Chair

*****The City adopts summary minutes. Audio files in official City records are retained according to the Florida Department of State GS1-SL records retention schedule*****