



Crossroads of Flagler County

**Board Members:**  
**Carl Lilavois, Chair**  
**Gary Masten, Co-Chair**  
**Lyn Lafferty**  
**Gary Garner**  
**Cory Romaniuk**

## **PLANNING, ZONING AND APPEALS BOARD MINUTES**

**Tuesday, April 1, 2025**

**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 Masten, Co-Chair; Gary Garner; Lyn Lafferty; Cory Romaniuk

**Non-voting:** Community Development Director Joe Parsons; City Attorney Paul Waters; Community Development Coordinator Adrian Calderin

- 2. Disclosure of Ex-Parte communications.**  
None.

- 3. Approval of Minutes**

- a. March 4, 2025 Planning, Zoning and Appeals Board Minutes**

**Motion:** Approve the March 4, 2025 Planning, Zoning and Appeals Board Minutes.

**Moved by:** Gary Garner

**Seconded by:** Gary Masten

**Board Discussion:** None

**Public Discussion:** None

**Vote:** Motion carried unanimously

**New Business:**

- 4. SE 2023-08 Requesting a modification to an approved special exception for the Phoenix Crossings development.**

Community Development Coordinator Calderin introduced and explained the item. He explained the applicant is amending the previously approved development layout to be consistent with the submitted site plan. Staff recommended approval with the following conditions:

1. The special exception use shall run with the land and may be transferrable should the ownership of the property ever change only if the new owner continues the use of the property as allowed under this special exception as approved. If under any circumstance the use of the property changes beyond what is allowed within this special exception, then the special exception shall become null and void.

City Attorney Waters explained the process for quasi-judicial hearings and swore in the following people:

Adrian Calderin, Community Development Coordinator  
Joe Parsons, Community Development Director  
Sandra Shank, Applicant  
Kimberly Buck, Engineer of Record  
Susan Pierson  
John Pierson  
Penny Buckles

Kimberly Buck, the Engineer of Record, explained the need for the modification of the approved special exception.

Sandra Shank, the applicant, presented the application and what the development will consist of.

Susan Pierson and John Pierson expressed their concerns with the development regarding flooding and crime associated with affordable housing.

Mary Nobles explained her concerns with the development regarding developing the site and affecting the mobile home park as well as flooding and safety.

Ms. Buck responded and explained what is required by the City and State for stormwater management.

City Attorney Waters explained to the Chair about point of order.

Penny Buckles stated she doesn't believe the Board is in a position to make a decision tonight and recommended the Board continue the item to allow the developer to have a townhall meeting with the surrounding residents. She further voiced her concerns and opposition to the development. Ms. Buckles asked why there can't be a time limit on the special exception. Community Development Director Parsons explained that the City does not have specific regulations on special exceptions and does not differentiate between conditional use and special exception; staff makes the recommendation for a special exception to run with the land based on the nature of a request.

Sharon Donofrio asked if this is going to be a gated community. Ms. Buck responded it will not be gated. Ms. Donofrio further expressed her opposition to the development and how the mobile home community will have no protection.

Lyn Thompson expressed how individuals released from the nearby jail traverse through the mobile home community and asked who would protect them.

June Dash asked how many people would be living in the development. Ms. Shank said there could be 2 people per unit.

Board Member Romaniuk recommended the Board table the item to allow the citizens in attendance to gain clarity from the applicant.

Board Member Lafferty asked the reason for this special exception modification. Community Development Coordinator Calderin explained the site layout was approved with the previous special exception and needed to be modified to be consistent with the new layout shown on the submitted site plan. He further explained the uses are not being amended from what was approved and are considered to be vested.

Co-Chair Masten asked if the density had changed from the previously approved layout. Community Development Coordinator Calderin stated there is no change in density. Co-Chair Masten asked what in the layout changed since the initial approval. Community Development Coordinator Calderin stated it has changed from four apartment buildings to two two-story apartment buildings. He then presented to the Board the previously approved layout (*Attached as exhibit to the minutes*).

Co-Chair Masten asked if the ingress/egress had changed, the width of the roadway changed, and if the wall mentioned by the applicant was part of the original plans. Community Development Coordinator Calderin stated the ingress/egress and the width of the roadway had not changed, but the wall was not in the original layout.

Co-Chair Masten asked the applicant if the density has changed since the prior approval. Ms. Shank responded it was lowered from 30 units to 28 units.

Co-Chair Masten asked staff if the recommendation for the special exception to run with the land was in the initial approval. Community Development Coordinator Calderin said it was not as staff has been implementing this language for the past few years to coincide with standard planning practices.

Board Member Lafferty asked if it would be reasonable to amend the condition so that the City can review and approve changes in ownership to ensure the new owner has the same credentials as the applicant. Community Development Coordinator Calderin said that is the Board's discretion. City Attorney Waters gave the Board some background information about the Bert Harris Act.

Board Member Lafferty asked the applicant about the organization's credentials. Ms. Shank stated she is accredited by the Council of Accreditation and further explained the funding she has received deed restricts the property; it is not similar to the affordable housing seen in the town center of Palm Coast. She explained to the Board and audience what LIHTC (Low Income Housing Tax Credit) is and how it does not pertain to her development.

Co-Chair Masten asked if the City Commission will also hearing this item. Community Development Coordinator Calderin said the PZA Board has final authority unless it is appealed to the City Commission.

Board Member Lafferty asked if notice requirements have changed since this was previously approved. Community Development Coordinator Calderin said it was properly noticed, and the requirements have not changed. He further clarified that the City's Land Development Code prohibits the issuance of any building permits prior to the issuance of required State agency permits such as the St. Johns River Water Management District.

**Motion:** Approve SE 2023-08 Requesting a modification to an approved special exception for the Phoenix Crossings development with the following condition:

1. The special exception use shall run with the land and may be transferrable should the ownership of the property ever change only if the new owner continues the use of the property as allowed under this special exception as approved. If under any circumstance the use of the property changes beyond what is allowed within this special exception, then the special exception shall become null and void.

**Moved by:** Gary Masten

**Seconded by:** Gary Garner

**Vote:** Motion carried by majority vote 3-2.

**Yes:** Gary Masten; Gary Garner; Lyn Lafferty

**No:** Carl Lilavois; Cory Romaniuk

**5. MJSP 2023-15 Requesting approval of the major site plan for the Phoenix Crossings project, located off of North Bay Street.**

Community Development Coordinator Calderin introduced and explained the item. He explained the site plan has been reviewed by the Technical Review Committee and it meets applicable local and State land development regulations. Staff recommended approval with the following conditions:

1. The development agreement to address ingress/egress, rights-of-way, stormwater management, potable water and sewer must be approved and executed by the City Commission prior to any building permits being issued.
2. Obtain and provide the City a St. Johns River Water Management District Environmental Resource Permit as necessary for the proposed construction with regards to stormwater management. The SJRWMD permit shall be provided to the City prior to the issuance of any building permits.
3. On sheet C014, revise "Palm Harbor Parkway" to "North Bay Street" under sequence of major activities.
4. On sheet C006, the dead-end sign at the entrance point from Elkin Street in Phoenix Way was provided but was incorrectly placed on Elkin Street at the end of Elkin Street; place the dead-end sign within Phoenix Way and the entry point to Phoenix Way.
5. On Sheets C012 and C013, provide the City with a 30-foot-wide sanitary sewer easement with labeled metes and bounds describing the easement and tying to a property corner for the existing 15-inch gravity sewer which crosses Parcel 10-12-30-0850-02130-0030 in a west to east direction. Call out the proposed 30-foot-wide easement, with metes and bounds description, within the Civil Plan set on plan sheets C007 and C012. The applicant shall also provide the metes and bounds

easement in a recordable format, as approved by the City, and recorded in the Clerk of Court of Flagler County, Florida, after which a copy is to be provided to the City.

6. The alley ways and right-of-way located within the subject parcels must be vacated prior to the issuance of any building permits.
7. All land and/or easements must be donated or executed with the property instruments, as described herein and in the development agreement, prior to the release of the site plan pursuant to Section 22-7 in the Land Development Code.

Board Member Garner asked where the proposed easement is going to be located. Community Development Coordinator Calderin said it will be located between the parking lot and the stormwater pond for the public sanitary sewer line that runs across the property.

Board Member Lafferty asked staff if the landowner is responsible for retaining stormwater runoff on their property. Ms. Buck, the Engineer of Record, stated that is correct.

Susan Pierson asked why there needs to be a stop sign and dead-end sign on Elkin Street next to her property. Community Development Coordinator Calderin said the entire right-of-way is named Elkin Street and the portion that is giving access to the development is where the signs will be located.

Mark Pierson expressed his concerns about flooding in the area and how it will increase with this development.

Penny Buckles asked if the City Commission will be reviewing the site and construction plans. Community Development Coordinator Calderin stated they will not as the PZA Board has final authority on approving site plans unless it is part of a Planned Unit Development. She further asked if there is sufficient water and sewer capacity to fulfill the needs for the development. Community Development Director Parsons stated they reserved their capacity early on when they first submitted plans.

Mary Rosenstangel expressed her concerns with the development flooding the mobile home park.

Board Member Lafferty explained her understanding of the stormwater management regulations.

Chair Lilavois expressed his concerns with the management of the flooding in the area.

**Motion:** Approve MJSP 2023-15 Requesting approval of the major site plan for the Phoenix Crossings project, located off of North Bay Street with the following conditions:

1. The development agreement addressing concerns regarding ingress/egress, rights-of-way, stormwater management, potable

water and sewer must be approved and executed by the City Commission prior to any building permits being issued.

2. Please obtain and provide to the City a St. Johns River Water Management District Environmental Resource Permit as necessary for the proposed construction with regards to stormwater management. The SJRWMD permit shall be provided to the City prior to the issuance of any building permits.
3. On sheet C014, revise "Palm Harbor Parkway" to "North Bay Street" under sequence of major activities.
4. On sheet C006, the dead-end sign at the entrance point from Elkin Street in Phoenix Way was provided but was incorrectly placed on Elkin Street at the end of Elkin Street. Please place the dead-end sign within Phoenix Way and the entry point to Phoenix Way.
5. On Sheets C012 and C013, provide the City with a 30 foot wide sanitary sewer easement with labeled metes and bounds describing the easement and tying to a property corner for the existing 15 inch gravity sewer which crosses Parcel 10-12-30-0850-02130-0030 in a west to east direction. Please call out the proposed 30 foot wide easement, with metes and bounds description, within the Civil Plan set on plan sheets C007 and C012. The applicant shall also provide the metes and bounds easement in a recordable format, as approved by the City, and recorded in the Clerk of Court of Flagler County, Florida, after which a copy is to be provided to the City.
6. The alley ways and right-of-way located within the subject parcels must be vacated prior to the issuance of any building permits.
7. All land and/or easements must be donated or executed with the property instruments, as described herein and in the development agreement, prior to the release of the site plan pursuant to Section 22-7 in the Land Development Code.

**Moved by:** Gary Masten

**Seconded by:** Lyn Lafferty

**Vote:** Motion failed by majority vote 3-2.

**Yes:** Lyn Lafferty; Gary Masten

**No:** Carl Lilavois; Gary Garner; Cory Romaniuk

**6. SE 2025-01 Requesting approval of a special exception use to operate a material recovery facility for wood recycling and composting on property zoned AG&S, located at 10900 State Highway.**

Community Development Coordinator Calderin introduced and explained the item. He explained the City recently adopted changes to the Land Development Code that would require this type of use to be allowed only through a special exception. He further stated this is an after-the-fact application as the applicant has been operating the use prior to submitting the application. Staff recommended approval with the following conditions:

1. The facility shall maintain an active City facility operating permit at all times.
2. A scale or some other similar mechanism shall be provided on site for weighing all materials brought to the site. Other methods

- of reporting materials to the City for determining host fees must be approved by the City's Solid Waste Department.
3. The site shall have a designated, consistent water supply at all times on site for fire control measures.
  4. The site shall be visually buffered on all sides of the property as approved by the City through the site plan review process.
  5. Restroom facilities contained within a permanent structure that is connected to well and septic shall be required to be constructed on the site by April 1, 2026. This deadline may be administratively extended as determined by the City's Community Development Department so long as the applicant and/or property owner can demonstrate good faith in fulfilling this requirement.
  6. Material piles shall not exceed 25 feet in height.
  7. The site and operations shall comply with FDEP regulations as well as applicable regulations in the Florida Fire Prevention Code. Any conditions of approval for this special exception that conflict with FDEP regulations and/or the Florida Fire Prevention Code, the stricter regulation shall prevail.
  8. 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 circumstances the use of the property changes beyond what is allowed within this special exception, this special exception shall become null and void. If the conditions are ever violated and/or not fulfilled, then at that point it shall be considered ground for removal of the special exception at the discretion of the Planning, Zoning and Appeals Board.

The applicant, Matthew Lahti with Gulfstream Design Group, presented to the Board how they intend on using the property under the special exception request.

Board Member Lafferty asked what the solid waste permit application is for. Community Development Coordinator Calderin said it is one in the same as the City facility operating permit application.

Board Member Romaniuk asked if staff would consider allowing the applicant to use portable restrooms rather than well and septic systems. Community Development Coordinator Calderin said it would be up to the Board's discretion.

Community Development Coordinator Calderin gave a brief history of this property regarding previous special exception applications.

Community Development Director Parsons spoke to the ongoing code enforcement case for the property.

Board Member Lafferty asked if the FDEP permit allows other uses. The property owner, John Adams, stated he is and will only be able to create top soil. He further explained his operations on the property.

Discussion ensued about the pile heights.

Co-Chair Masten asked the applicant and owner about the on-going code enforcement case. Mr. Adams explained the history of the case and how it is currently being addressed.

Discussion ensued about the type of facility the applicant is proposing and whether or not it is an agricultural business.

Jesse Kruppenbacher expressed his support for the applicant and his operations.

Sam Bertha expressed his support for the applicant and his operations.

City Attorney Waters asked the Board if there were any Ex Parte Communications. All Board members said they had none.

Board Member Garner asked if they had to put in a restroom if they don't put a scale house. Community Development Coordinator Calderin stated staff does not have an issue with the applicant using portable restrooms.

**Motion:** Approve SE 2025-01 Requesting approval of a special exception use to operate a material recovery facility for wood recycling and composting on property zoned AG&S, located at 10900 State Highway with the following conditions:

1. The facility shall maintain an active City facility operating permit at all times.
2. A scale or some other similar recording mechanism shall be provided to measure or weigh all materials brought to the site. Other methods of reporting materials to the City for determining host fees must be approved by the City's Solid Waste Department.
3. The site shall have a designated, consistent water supply at all times on site for fire control measures that is mutually agreed between the applicant, the City, City Fire Inspector, and County Fire Department.
4. The site shall be visually buffered on all sides of the property as approved by the City through the site plan review process.
5. Restroom facilities contained within a permanent structure that is connected to well and septic shall be required to be constructed within the site by April 1, 2026. This deadline may be administratively extended as determined by the City's Community Development Department so long as the applicant and/or property owner can demonstrate good faith in fulfilling this requirement.

6. Material piles shall not exceed 25ft in height.
7. The site and operations shall comply with FDEP regulations as well as applicable regulations in the Florida Fire Prevention Code. Any conditions of approval for this special exception that conflict with FDEP regulations and/or the Florida Fire Prevention Code, the stricter regulation shall prevail.
8. All fines and fees assessed by the City's Code Enforcement Board must be paid and satisfied prior to the issuance of a city business tax receipt and be brought into compliance.
9. 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 the conditions are ever violated and/or not fulfilled, then at that point it shall be considered ground for removal of the special exception at the discretion of the Planning, Zoning and Appeals Board.

**Moved by:** Gary Masten

**Seconded by:** Gary Garner

**Vote:** Motion carried unanimously.

**7. SE 2025-02 Requesting approval of a special exception use to operate a church, located at 500 North Pine Street.**

Community Development Coordinator Calderin introduced and explained the item. He stated the applicant is purchasing the property and has requested to continue the use of the church on the property. Permission to use the property for a church was granted to the current owners of the property in January 2020. Staff recommended approval with the following condition:

1. 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 circumstances the use of the property changes beyond what is allowed within this special exception, this special exception shall become null and void.

City Attorney Waters asked if the Board had any ex parte communications. All Board members stated they had none.

Community Development Director Parsons stated this building was originally built in 1975 as a church and the use had continued since that time.

Penny Buckles expressed her concerns with the continued use based on the current traffic patterns and congestion resulting from the current owners. The applicant, David Rucker with the St. Alexis of Wilkes-Barre Orthodox Church, explained their plans for the property and how they would like to expand to this property; they would have a smaller congregation than the current church.

Eric Crandall expressed his concerns with the use of the property as a church as the current church activities create a lot of traffic in the area. He requested the Board deny the special exception. The applicant stated they will have a smaller congregation than the current owners of the property.

Board Member Romaniuk asked if the property was allowed to operate currently as a church. Community Development Coordinator Calderin stated it was granted a special exception for a church in January of 2020. Board Member Romaniuk further expressed his concerns about the traffic volumes created by a church.

**Motion:** Approve SE 2025-02 Requesting approval of a special exception use to operate a church, located at 500 North Pine Street with the following condition:

1. 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 circumstances the use of the property changes beyond what is allowed within this special exception, this special exception shall become null and void.

**Moved by:** Gary Masten

**Seconded by:** Gary Garner

**Vote:** Motion carried unanimously.

**Old Business: None**

**8. Public Comment**

None.

**9. Board comment**

None.

**10. Adjournment of Planning and Zoning Meeting**

**Motion:** Adjourn

**Moved by:** Gary Garner

**Seconded by:** Gary Masten

**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\*\****