



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, March 5, 2024

6:00 PM

1769 East Moody Boulevard (GSB),
First Floor Conference 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: Chair Carl Lilavois; Co-Chair Gary Masten; Board Member Janice Catoggio; Board Member Gary Garner; Board Member Lyn Lafferty

Non-Voting: Community Development Coordinator Adrian Calderin; Interim Community Development Director Joe Parsons; City Attorney Paul Waters; Infrastructure Director Dustin Vost

2. Disclosure of Ex-Parte communications.

None

3. Approval of Minutes

a. February 6, 2024 Planning, Zoning and Appeals Board Minutes

Motion: Approve the February 6, 2024 Planning, Zoning and Appeals Board Meeting Minutes.

Moved By: Gary Masten

Seconded By: Gary Garner

Board Discussion: None

Public Discussion: None

Vote: motion carried by unanimous vote.

New Business:

4. MJSP 2024-01 Request approval of the major site plan for the Wastewater Treatment Facility Expansion Project.

Community Development Coordinator Calderin introduced and explained the item. He stated this expansion will cater to the future growth of the City; Staff recommended approval of the major site plan.

Co-Chair Masten asked what the time frame is from start to finish. Infrastructure Director Vost answered it will be 24 months from groundbreaking.

Motion: Approve the major site plan for the Wastewater Treatment Facility Expansion Project.

Moved By: Gary Masten

Seconded By: Gary Garner

Vote: motion carried by unanimous vote.

Old Business:

5. SE 2023-06 Request approval of the special exception to store commercial vehicles and equipment on 105 North Forsyth Street

Chair Lilavois recused himself from voting and passed the gavel to Co-Chair Masten

Community Development Coordinator Calderin introduced and explained the item. He stated what the surrounding area consists of and what the nature of the request is. He further said this is an after-the-fact request. Staff recommended approval with conditions.

Board Member Lafferty asked if the request involves a rezoning of the property. City Attorney Olsen said this is not a rezoning and only a request for a use that is not otherwise allowed for the current zoning district.

Board Members Lafferty and Catoggio discussed the implications on property taxes if a commercial use for a residentially zoned property were allowed.

City Attorney Olsen reminded the Board the request is for a special exception and not a rezoning. The request does not have precedential value as every request is unique.

Board Member Lafferty asked what would happen if the applicant does not follow through with the conditions placed upon the request. Community Development Coordinator Calderin said code enforcement would be started if any of the conditions are violated, and if in the future the applicant decides to expand his business, then he will need to come back to the Board.

Co-Chair Masten asked if the requested use has been in place since 2021 and if there are any documented complaints. Community Development Coordinator Calderin stated the use has been in place since 2021 and affirmed there are no documented complaints.

The applicant, Corey Udell and Michelle Udell, explained their reason for the request and what their intent is for the property. They presented items to the Board (shown in Exhibit A).

Board Member Garner asked the applicant if the only equipment being stored on the property is the truck, trailer, and the equipment on the trailer. The applicant confirmed this is true and plans to build a carport to store the equipment and vehicles under.

Francine Lilavois and Carl Lilavois expressed their concerns with granting the use to the applicant.

Motion: Approve the special exception request with the following conditions:

1. The property must adhere to the noise limitations for commercial use outlined in Section 26-199 of the Code of Ordinances. Any violation of these limitations will adhere to Section 26-203 of the Code of Ordinances.
2. All proposed Parking for the storage of the company's vehicles and/or trailers shall be that of a sealed surface according to Section 34-202(7) in the Land Development Code.
3. The special exception use shall remain incidental and accessory to the existing residential building.

4. Commercial vehicles permitted to park overnight on the property shall be small in nature such as pickup trucks and associated light duty single axle landscape trailers. Trailers used for hauling small lawn mowers, edgers, weed eaters, and associated small equipment shall be allowed as well. No more than five (5) company vehicles and/or trailers shall be stored on site at any given time.
5. Heavy duty trucks and trailers shall be prohibited on the property. These will include, but are not limited to, dump trucks, industrial vehicles, and tow trucks.
6. Storage of any landscaping materials and/or supplies on the subject property, such as sod, pavers, stones, concrete, mulch, fill material, soil, and other materials considered to be used by the landscaping company shall be prohibited.
7. Storage of any debris collected through business operations, such as, but not limited to, tree and landscape debris, shall be prohibited on site.
8. This special exception use shall only be effective for the current owner of the property, Udell's Landscaping Services LLC, and will not be transferable should the ownership of the property ever change. If under any circumstance the ownership of the property changes, this special exception shall become null and void.
9. The business will be required to obtain a business tax receipt with the City to operate their business out of this site and within the City limits.

Moved By: Gary Garner

Seconded By: Gary Masten

Roll Call Vote:

Gary Masten – Yes

Gary Garner – Yes

Janice Catoggio – No

Lyn Lafferty – Yes

Carl Lilavois - Recused

Vote: motion carried by 3-1 vote.

6. Public Comment

None

7. Board Comment

None

8. Adjournment of Planning and Zoning Meeting

Motion: Adjourn

Moved By: Gary Masten

Seconded By: Gary Garner

Vote: motion carried by unanimous vote



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****

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME <i>L. Larois CALL E</i>		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <i>PLANNING BOARD</i>	
MAILING ADDRESS <i>19 EASTWOOD DR</i>		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:	
CITY <i>PALE COAST</i>	COUNTY	<input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY	
DATE ON WHICH VOTE OCCURRED <i>3-5-24</i>		NAME OF POLITICAL SUBDIVISION: <i>Bunnell</i>	
		MY POSITION IS: <input type="checkbox"/> ELECTIVE <input checked="" type="checkbox"/> APPOINTIVE	

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office MUST ABSTAIN from voting on a measure which inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on other side)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, CARLE LIAVOIS, hereby disclose that on 3-5-, 20 24:

(a) A measure came or will come before my agency which (check one)

- ☒ inured to my special private gain or loss;
- ☐ inured to the special gain or loss of my business associate, _____;
- ☐ inured to the special gain or loss of my relative, _____;
- ☐ inured to the special gain or loss of _____, by whom I am retained; or
- ☐ inured to the special gain or loss of _____, which is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

We own Property Next Door & Are not sure the Request will hurt or ~~make~~ make our Business more difficult.

3-27-24
Date Filed


Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.

Exhibit “A”

Items presented to the Board by Applicant

Roosevelt C. & Diann Brown

102 North Forsyth Street - Bunnell, Florida 32110

March 5, 2024

**City of Bunnell
Planning, Zoning and Appeals Board
604 East Moody Blvd. Unit 6
Bunnell, Florida 32110**

RE: Udell's Landscaping Services LLC, request to utilize the property at 105 North Forsyth Street for the storage of commercial vehicles and equipment.

Udell's Landscaping Services have been an excellent neighbor for approximately 2 years. The business and entrance are located approximately 60 ft. from my front door and master bedroom window. The workers pickup and load equipment at approximately 7:30 am – 8am each day. The sounds that are made are very minor for approximately 15min. The only types of equipment I have noticed on the property are pickup trucks, small trailers carrying lawn mowing equipment.

My property, located at 102 North Forsyth Street is the last parcel of property on North Forsyth Street that the City of Bunnell hasn't commercialized. I built my home on North Forsyth Street when the entire street was multifamily/residential in 1988.

The Following is a list of disruptive things occurring on North Forsyth Street, far beyond what Udell's landscaping could ever accomplish:

- The City of Bunnell Solid Wasted Management garbage pick-up truck picks up garbage/recycling material between 12:30 am and 1:30 am on Tuesday, Wednesday and Friday also a commercial dumpster directly next door on Thursday. The City empties 7 trash containers approximately 30 ft. outside my bedroom window with loud banging annoying noise. Udell's Landscape Services have never been as disturbing as the City of Bunnell garbage collecting service.
- Directly next door (south side) to my home the City of Bunnell approved converting a single family home into a commercial business. On a weekly basis large tractor trailers load and unload equipment.
- Directly next door (north side) to my home the City of Bunnell approve a commercial business and allowed them to park approximately 15-20 vehicles on the small lot with vehicles extending so close to North Forsyth Street, when approaching the stop sign on West Lambert Street, the vehicles and trash dumpster is a traffic hazard and view obstruction.
- During the approximately 2 years Udell's Landscaping service have been a 105 North Forsyth Street, no one in the neighborhood have complained to me about them parking their vehicles and equipment or loud noise at the current location.

As a longtime resident on North Forsyth Street I approve of Udell's Landscaping Service to continue parking vehicles and equipment at 105 North Street. In the last few years, the City of Bunnell Have allowed approximately 90% of North Forsyth Street to become a commercial area.

Sincerely,



Roosevelt & Diann Brown

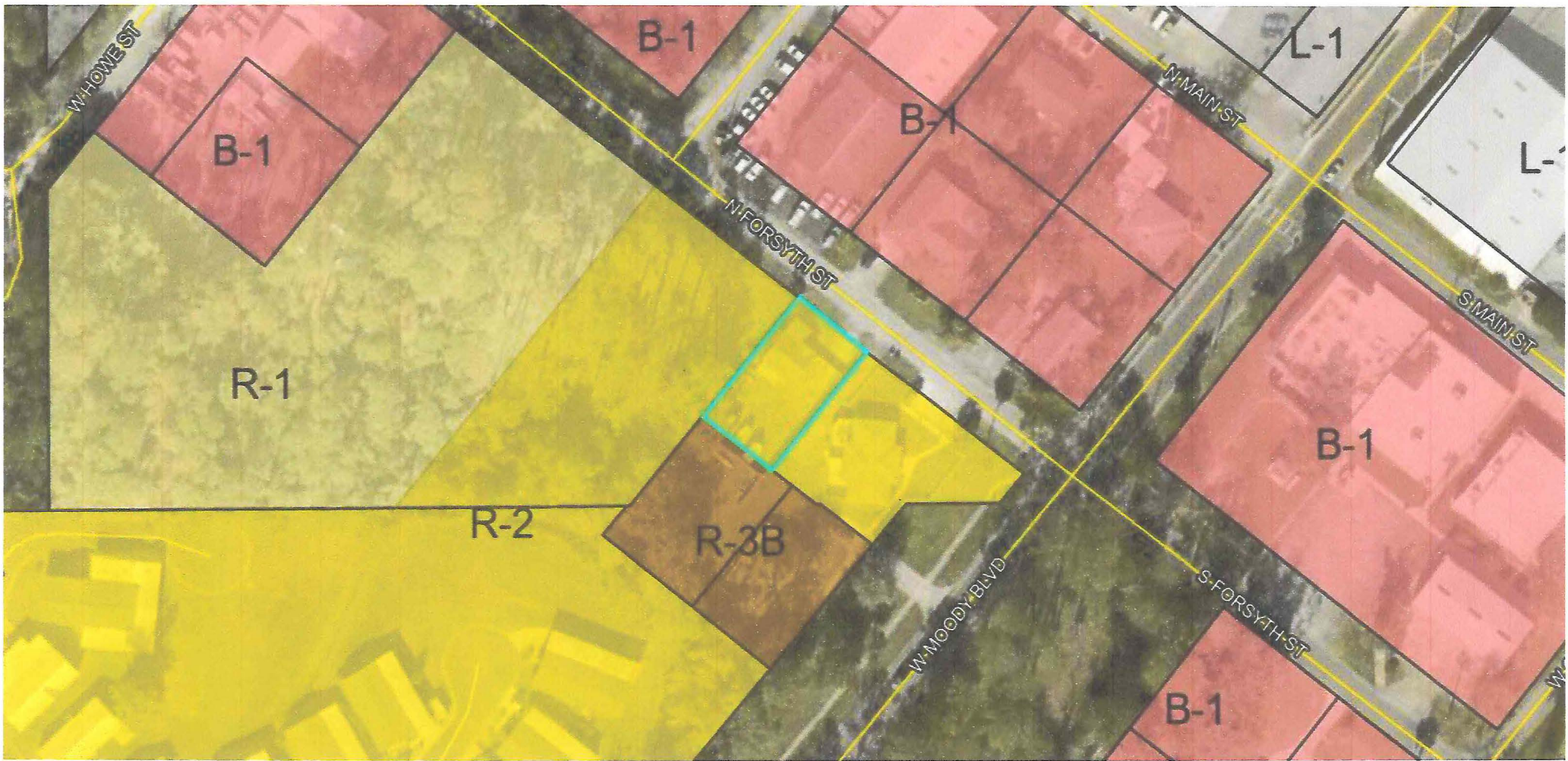


PHOTO TAKEN 12/1/2003

