



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

Thursday, April 11, 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 6:00pm and let the Pledge of Allegiance.

Present: Carl Lilavois, Chair; Gary Masten, Co-Chair; Gary Garner; Lyn Lafferty (*Arrived late at 6:04pm*)

Excused: Janice Catoggio

Non-voting: Community Development Coordinator Adrian Calderin; Community Development Director Joe Parsons; City Engineer Marcus DePasquale; City Attorney Paul Waters.

2. Disclosure of Ex-Parte communications.

None.

3. Approval of Minutes

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

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

Moved By: Gary Garner

Seconded By: Gary Masten

Board Discussion: None

Public Discussion: None

Vote: Motion carried unanimously

New Business:

4. SE 2023-02 Requesting approval of a special exception use for a concrete batch and asphalt plant located at 3060 Steel Rail Dr.

Community Development Coordinator Calderin introduced and explained the item. He explained the zoning regulations do not permit the operation (use) of a concrete batch plant, but the use could be allowed through the approval of a special exception. The area is suited for this type of use. Staff recommended approval of the special exception with the following conditions:

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 to use 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.

City Attorney Waters swore in the following audience members:

Jacquelyn Rector
Scott Sowers
Joseph Schofield
Chad Grimm
Andrew Giannini
Jack Wilson

Co-Chair Masten asked staff why there is a condition for the use to run with the land rather than becoming void with a change in ownership as has been done in the past. Community Development Coordinator Calderin stated research has been done and shows this type of special exception use should run with the land.

Motion: Approve SE 2023-02 Requesting approval of a special exception use for a concrete batch and asphalt plant located at 3060 Steel Rail Dr. with the following conditions:

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 to use 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.

Moved By: Gary Garner

Seconded By: Gary Masten

Vote: Motion carried unanimously

5. SE 2024-01 Requesting approval of a special exception to allow a landscaping business to operate and park/store/maintain commercial vehicles on property zoned AG, Agricultural District.

Community Development Coordinator Calderin introduced and explained the item. He stated the property is zoned agricultural and does not allow for the proposed use to occur without permission from the City. The area is rural in nature and has commercial uses in the immediate area. Staff recommended approval 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, trailers, equipment, and/or employee parking shall be that of a sealed surface per Section 34-207(7) in the Land Development Code or as otherwise stated in Section 34-207(9)(g). Handicap Parking must be of a sealed surface.
3. The special exception use shall be classified as the principal use of the property.
4. With the potential of employees working on the property to maintain the applicant's equipment and vehicles, the proposed building must contain a restroom facility to service any on-site operation that is within the limitations allowed under this special exception.
5. Maintenance of vehicles owned by the applicant, and which are described herein, shall be allowed so long as it does not violate the City's noise ordinance.

6. The commercial vehicles/equipment permitted to be parked/stored overnight on the property shall be a maximum of 30.
7. The property shall be fenced to create a visual buffer from the storage of the commercial vehicles for the neighboring properties.
8. The maximum number of vehicles allowed shall not be exceeded. Any vehicle found exceeding the maximum number of vehicles allowed provided herein shall be considered as a violation of this special exception.
9. 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.
10. Storage of any debris collected through business operations, such as, but not limited to, tree and landscaping debris, shall be prohibited on site.
11. The two parcels will be required to be combined into one lot/parcel as the proposed development of the building shows to be spanning across both properties on the conceptual plan.
12. 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 to use 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.
13. Prior to using the property, the business will be required to obtain a business tax receipt with the City to operate their business out of the site and within the city limits after any required building permits and site plan approvals have been issued and/or finalized.

Board Member Lafferty asked what type of fence will be required for the buffer. Community Development Coordinator Calderin said it will have to be at least 98% opaque.

Co-Chair Masten asked staff why there is a condition for the use to run with the land rather than becoming void with a change in ownership. Community Development Coordinator Calderin stated with improvements being proposed, it is feasible for this special exception to run with the land.

Board Member Lafferty asked how the use of the land would be monitored. Community Development Coordinator said code enforcement would regularly monitor the area and the City would investigate any complaints received about the property operations.

Motion: Approve SE 2024-01 Requesting approval of a special exception to allow a landscaping business to operate and park/store/maintain commercial vehicles on property zoned AG, Agricultural District 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, trailers, equipment, and/or employee parking shall be that of a sealed surface per Section 34-207(7) in the Land Development Code or as

otherwise stated in Section 34-207(9)(g). Handicap Parking must be of a sealed surface.

3. The special exception use shall be classified as the principal use of the property.
4. With the potential of employees working on the property to maintain the applicant's equipment and vehicles, the proposed building must contain a restroom facility to service any on-site operation that is within the limitations allowed under this special exception.
5. Maintenance of vehicles owned by the applicant, and which are described herein, shall be allowed so long as it does not violate the City's noise ordinance.
6. The commercial vehicles/equipment permitted to be parked/stored overnight on the property shall be a maximum of 30.
7. The property shall be fenced to create a visual buffer from the storage of the commercial vehicles for the neighboring properties.
8. The maximum number of vehicles allowed shall not be exceeded. Any vehicle found exceeding the maximum number of vehicles allowed provided herein shall be considered as a violation of this special exception.
9. 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.
10. Storage of any debris collected through business operations, such as, but not limited to, tree and landscaping debris, shall be prohibited on site.
11. The two parcels will be required to be combined into one lot/parcel as the proposed development of the building shows to be spanning across both properties on the conceptual plan.
12. 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 to use 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.
13. Prior to using the property, the business will be required to obtain a business tax receipt with the City to operate their business out of the site and within the city limits after any required building permits and site plan approvals have been issued and/or finalized.

Moved By: Gary Garner

Seconded By: Gary Masten

Vote: Motion carried unanimously.

6. SE 2024-02 Requesting approval of a special exception to allow the use of an interactive pet daycare and boarding facility, located at 3363 North State Street.

Community Development Coordinator Calderin introduced and explained the item. He explained the zoning regulations do not permit the proposed use but can be allowed through a special exception. Information provided by the applicant was shared. The proposed use is compatible with the intent of the zoning district and the use will be located in a new building which is under construction. Staff recommended approval with the following conditions:

1. The business must adhere to Code of Ordinances Section 10-14. – Standards of care and inspection of commercial animal establishments.

Board Member Lafferty asked what is to the north of the proposed building. Community Development Coordinator Calderin said there are currently two multiunit buildings within the same parcel.

Board Member Lafferty asked the applicant, Jacquelyn Rector, if the dogs will be hand-walked. Jacquelyn stated they will not and explained proposed business operations. Board Member Lafferty asked what is the max number of animals that would be allowed at the facility. Jacquelyn Rector said there are six play areas that would house 10 dogs each and 44-units for overnight stay.

Motion: Approve SE 2024-02 Requesting approval of a special exception to allow the use of an interactive pet daycare and boarding facility, located at 3363 North State Street with the following conditions:

1. The business must adhere to Code of Ordinances Section 10-14. – Standards of care and inspection of commercial animal establishments.

Moved By: Gary Masten

Seconded By: Gary Garner

Vote: Motion carried unanimously.

7. MJSP 2023-01 Requesting approval of the major site plan for Bunnell Shade and Shelter located at 1225 W Moody Blvd.

Community Development Coordinator Calderin introduced and explained the item. He stated the development plans are consistent with the Comprehensive Plan and meet all applicable requirements in the Land Development Code. Staff recommended approval with the following conditions:

1. Submit all FDOT permits to the City upon issuance from the state agency.

Board Member Garner asked what permits are required from FDOT for a storage facility. City Engineer DePasquale stated they are required to obtain access permits as it is a State right-of-way.

Co-Chair Masten asked if the property is or is planned to be fenced. The Engineer of Record, Joseph Schofield, stated it is proposed to be fenced.

Motion: Approve MJSP 2023-01 Requesting approval of the major site plan for Bunnell Shade and Shelter located at 1225 W Moody Blvd with the following condition:

1. Submit all FDOT permits to the City upon issuance from the state agency.

Moved By: Gary Garner

Seconded By: Lyn Lafferty

Vote: Motion carried unanimously.

8. MJSP 2023-05 Requesting approval of the major site plan for Sparks Concrete Inc. located at 3060 Steel Rail Dr.

Community Development Coordinator Calderin introduced and explained the item. He explained the development had to replat the lots prior to this plan review being completed. Staff recommended approval with the following conditions:

1. Prior to the issuance of any building permits and development of the site, the following will need to be addressed and/or corrected on the major site plan:
 - a. The City does not have capacity to provide industrial use potable water for concrete production. As discussed in the pre-application meeting, an industrial/commercial well permit must be provided to supply water for the proposed concrete plant/industrial uses on the site.
 - b. Provide a force main pump out assembly on the force main which equals the size of the proposed force main. See standard detail S-13 for layout and requirements. Note: the pump out assembly, valves, and check valves are required for all commercial properties and are to protect the property owners from unforeseen force main pressures from other lift stations connected to the force main within Steel Rail Drive and the City.
 - c. If the force main velocities cannot be met with a 2" force main and the currently proposed pump, kindly increase the pump horsepower such that the DEP minimum 2ft/s velocity can be met within the minimum required 2" force main. Alternatively, since this is on private property, the originally proposed 1.5" force main can be used, but at the property owner's own risk. Unfortunately, in either case, the City cannot assist with the maintenance of private force mains.
 - d. On sheet C-102, show the setbacks for the 800 Square foot storage building.
 - e. On sheet C-107, correct the square footage of the office building to be consistent with the other plan sheets. The sheet calls out the office building being 1,250 square feet; however, the rest of the plan sheets call out the office building being 1,050 square feet.

Motion: Approve MJSP 2023-05 Requesting approval of the major site plan for Sparks Concrete Inc. located at 3060 Steel Rail Dr with the following conditions:

1. Prior to the issuance of any building permits and development of the site, the following will need to be addressed and/or corrected on the major site plan:
 - a. The City does not have capacity to provide industrial use potable water for concrete production. As discussed in the pre-application meeting, an industrial/commercial well permit must be provided to supply water for the proposed concrete plant/industrial uses on the site.
 - b. Provide a force main pump out assembly on the force main which equals the size of the proposed force main. See standard detail S-13 for layout and requirements. Note: the pump out assembly, valves, and check valves are required for all commercial properties and are to protect the property owners from unforeseen force main pressures from other lift stations connected to the force main within Steel Rail Drive and the City.
 - c. If the force main velocities cannot be met with a 2" force main and the currently proposed pump, kindly increase the pump horsepower such that the DEP minimum 2ft/s velocity can be

met within the minimum required 2" force main. Alternatively, since this is on private property, the originally proposed 1.5" force main can be used, but at the property owner's own risk. Unfortunately, in either case, the Cit cannot assist with the maintenance of private force mains.

- d. On sheet C-102, show the setbacks for the 800 Square foot storage building.
- e. On sheet C-107, correct the square footage of the office building to be consistent with the other plan sheets. The sheet calls out the office building being 1,250 square feet; however, the rest of the plan sheets call out the office building being 1,050 square feet.

Moved By: Gary Masten

Seconded By: Gary Garner

Vote: Motion carried unanimously

9. **FLUMA 2024-01 Requesting to amend the Future Land Use Map in the Comprehensive Plan by Ordinance for 2,787+/- acres of land within the City of Bunnell, owned by JM Properties X LLC and Wayerhaeuser Company.** City Attorney Waters asked the Board to accept supplemental documents prepared after the agenda was published. The Board unanimously accepted, and the documents were made part of the agenda.

Community Development Coordinator Calderin introduced and explained the item. He explained this large-scale Future Land Use Map is for a mixed-use community called the Reserve at Haw Creek and will provide a variety of densities and intensities. The applicant plans to dedicate land to the City to accommodate the growth this development will create. This amendment meets the intent of the City's Comprehensive Plan. Staff recommended approval.

Board Member Lafferty asked if what the applicant is proposing meetings the maximum densities within the designations. Community Development Coordinator Calderin answered it complies with the Comprehensive Plan and further explained the different densities and intensities allowed. Board Member Lafferty further asked if this will affect future applications for developing agricultural land. Community Development Coordinator Calderin stated it does not as each application is reviewed on a case-by-case basis.

Chad Grimm with Northeast Florida Developers gave a short introduction and description about the proposed development.

Co-Chair Masten asked if they are developing other areas in the County. Mr. Grimm stated not at this time.

Board Member Lafferty asked about zoning districts differing in intensity abutting each other. Community Development Coordinator Calderin explained staff does take that into consideration when rezonings are being proposed on a case-by-case basis along with what is being proposed and the neighboring area.

Chair Lilavois asked what the density will be in the Rural Estates land use designation. Mr. Grimm explained the max density allowed is one unit per acre with clustering development allowed.

Intergovernmental School Planner Whitson stated he has had talks with the development team and would like to discuss more with them on a few technical details.

Motion: Approve FLUMA 2024-01 Requesting to amend the Future Land Use Map in the Comprehensive Plan by Ordinance for 2,787+/- acres of land within the City of Bunnell, owned by JM Properties X LLC and Wayerhaeuser Company.

Moved By: Carl Lilavois

Seconded By: Gary Garner

Vote: Motion carried unanimously

Old Business: None

10. Public Comment

None.

11. Board Comment

Co-Chair Masten asked why Phase 6 in the Grand Reserve Subdivision started land clearing prior to getting their plans approved, and if the developers received a Florida Fish and Wildlife permit to relocate gopher tortoises within the land. City Engineer stated the developers did receive the permit and successfully relocated the gopher tortoises that were surveyed on the property.

Board Member Lafferty expressed her dissatisfaction with the lack of medical professional offices in the County.

12. 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****

City of Bunnell
Future Land Use Map Amendment
Data and Analysis
Reserve at Haw Creek Planned Unit Development

Status

The intent of this amendment is to change the City's Future Land Use Map for approximately 2,787± acres of land to accommodate the Planned Unit Development known as the Reserve at Haw Creek. This is planned to be a mixed-use community containing multiple single and multi-family residential uses along side varying commercial uses. There are also some areas planned for industrial uses and public services.

There are two (2) parcels to be annexed into the city limits that will be annexed prior to the adoption of this Future Land Use Amendment.

Below is a summary of information for evaluation.

Data

Location

The subject area is located between State Highway 100 West and State Road 11. Part of the proposed development is also located along County Road 302 and County Road 65. See Exhibit "A" for the property location.

Existing Use of the Subject Properties

The properties are currently vacant wooded land. There is a 300' FPL Easement that runs through from north to south of the eastern area of the subject area.

Size

The total area of the subject area is approximately 2,787± acres.

Land Use

Existing FLUM

The existing Future Land Use designations for this area are Single Family-Low Density (SF-L), Agriculture and Silviculture (AG&S), and Conservation-1 (CON-1). These are shown in Exhibit "B".

The current Future Land Use allows:

- 132.64± acres of Single Family-Low Density use at 4.0 units per acre = 531 units
- 2,654.36± acres of Conservation-1 and Agriculture and Silviculture Density at 1.0 unit per 5 acres = 531 units

Total Allowable Density: 1,062 units

Adjacent Properties

The Future Land Use designations for the properties adjacent to the subject area at the time of the City's proposed amendment are:

North:	Commercial-Medium (COM-M), Unincorporated Agriculture & Timberlands (AG-Timber), Unincorporated Conservation (CONS)
South:	Agriculture & Silviculture (AG&S) and Conservation-1 (CON-1)
East:	Commercial-Medium (COM-M), Single Family-Medium Density (SF-M), Single Family-Low Density (SF-L), Industrial (IND)
West:	Unincorporated Agriculture & Timberlands (AG-Timber) and Unincorporated Residential: Low Density/Rural Estate.(RES-LOW-RE)

Existing Conditions

The existing property uses abutting the subject area at the time of the City's proposed amendment are:

North:	Vacant; Timberland; Improved Agricultural; Single-Family
South:	Vacant
East:	Vacant; Business Park; Light Industrial; Single-Family
West:	Vacant; Improved Agricultural, Single-Family

The proposed amendment will ensure compatibility and harmony with the adjacent property uses through acceptable engineering and site development practices enforced through the City's Land Development Code, adopted additional PUD development standards, and through cooperation with the County during plan review.

Proposed FLUM

The proposed Future Land Use designations are shown in Exhibit "B". The proposed zoning for the subject area will be PUD and will have additional zoning/development criteria for this area.

The proposed Future Land Uses would allow:

- 770 Acres of Rural Estates Density at 1.0 unit per acre = 770 Units
- 1,437.5 acres of Single Family-Low Density at 4.0 units per acre = 5,750 units
- 95.5 acres of Single Family-Medium Density at 8.0 units per acre = 764 Units
- 212 acres of Multifamily Density at 20.0 units per acre = 4,240 Units
- 44 acres of Commercial-Medium Density at 20.0 units per acre = 880 Units

- 44 acres of Commercial-Medium Intensity at 0.4 FAR = 766,656 square feet of commercial use
- 216 acres of Industrial Intensity at 0.5 FAR = 4,704,480 square feet of Industrial use
- 12.5 acres of Public Intensity at 0.6 FAR = 326,700 square feet of Public use

The change in the designations for the subject area would result in a density increase of 11,342 residential units while also adding 766,656 square feet of commercial use, 4,704,480 square feet of industrial use, and 326,700 square feet of public use.

Population Analysis

The subject parcel is vacant at this time. Based on the extent of expected wetlands and limited uplands, development of the property will be about 50% - 60% of the total subject area. Given the developable acreage as provided by the applicant, the total approximate density will be 5,833± units for a total estimated population of 14,583 persons.

Impacts on Public Facilities and Services

Any future development of the property, all site engineering, drainage and required infrastructure improvements will be reviewed pursuant to the City review process to ensure that the development complies with all applicable federal, state, and local regulations and permitting requirements. No development may take place prior to compliance with all applicable regulations.

Sanitary Sewer Impacts

The subject area will utilize a Regional, advanced Wastewater Treatment Facility the developer plans to construct for the mixed-use community and dedicate it to the City of Bunnell. There will be developer agreements in place for this mixed-use community as the City does not currently have capacity to service this area. The future flow rates and capacity needs for this area can be found in the Utility Limited Due Diligence Analysis completed and provided by the applicant.

Potable Water Impacts

The subject area will utilize a Regional Potable Water Supply Facility the developer plans to construct for the mixed-use community and dedicate it to the City of Bunnell. There will be developer agreements in place for this mixed-use community as the City does not currently have capacity to service this area. The future flow rates and capacity needs for this area can be found in the Utility Limited Due Diligence Analysis completed and provided by the applicant.

Drainage

Development of the subject area will be subject to the stormwater regulations of the St. Johns River Water Management District and the City of Bunnell. All appropriate stormwater permits will need to be obtained before the development can proceed.

Solid Waste

The subject area will have a significant impact on the City's Solid Waste services. Therefore, the developer will be required to provide additional Solid Waste Vehicles to the City through developer agreements to maintain the City's level of service standards.

Traffic Circulation

The subject area will have multiple access points along State Highway 100 West and State Road 11 with additional access points on County Road 302 and County Road 65. The buildout of this development will have significant impacts on the number of trips that these roads currently experience. A traffic study has been completed and provided by the applicant.

Schools and Recreation

The subject area is expected to produce 862 students once the development is completed and built out. The School District will require for the individual phases of the development to acquire concurrency reservations. Currently, the middle and high schools are over capacity. Therefore, the developer will be required to further acquire proportionate share mitigation agreements with the School District. The development as a whole will contain a multitude of parks and recreational areas to service the surrounding residential uses. Thus, the subject area will not create a significant impact on the City's recreational facilities, but it may have some impact on the school system as determined by the School District.

Facility Conclusion

These Future Land Use changes will create a significant impact to City facilities or public services; however, the developer has planned to construct appropriate water and sewer facilities for the Planned Unit Development through various developer agreements with the City and will dedicate these improvements once they are completed. There will be areas dedicated to Fire and Rescue to maintain the level of service and to reduce the response times for incidents the community may produce, and areas dedicated to the City for their maintenance yard which houses the Public Works and Solid Waste Departments.

Consistency with Goals, Objectives, and Policies of the City of Bunnell Comprehensive Plan, Northeast Florida Strategic Regional Policy Plan, and the State Comprehensive Plan

This Future Land Use Map amendment is consistent with the State Comprehensive Plan and the Strategic Regional Policy Plan. It is also consistent with the 2035 Bunnell Comprehensive Plan.

Comprehensive Plan Analysis

The City of Bunnell is starting to experience an increase in growth. The development of the subject area will create a significant impact on the public services the City provides, but the developer will be responsible for upgrading the existing services through developer agreements with the City. The proposed Future Land Use categories are consistent with the surrounding Future Land Use Designations and the existing land uses as it will be extending from the urbanized core of the City and inhibiting the effects of urban sprawl by promoting

higher-density development, encouraging mixed-used development, and preserving green spaces to maintain a balance between growth and environmental conservation.