

Board Members:
Carl Lilavois, Chair
Gary Masten, Co-Chair
Jerry Jones
Robin Tyler
Manuel Madaleno
Nealon Joseph (Alternate)

Crossroads of Flagler County

PLANNING, ZONING AND APPEALS BOARD AGENDA

Tuesday, February 1, 2022 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
- 2. Disclosure of Ex-Parte communications.
- 3. Approval of Minutes
 - a. January 6, 2022 Planning, Zoning and Appeals Board Meeting Minutes

New Business:

- 4. Public Hearing Ordinance 2022-XX Requesting to change the Official Zoning Map for 15.2± acres of land, owned by First Coast Rolls Offs, LLC, Bearing the Parcel ID: 01-12-28-0000-01010-0011 from Flagler County, AC- Agriculture to City of Bunnell, AG&S, Agricultural & Silviculture District
- 5. Public Hearing Ordinance 2022-XX Requesting to change the Official Zoning Map for 10± acres of land, owned by Kirk and Christy Chong, Bearing the Parcel ID: 06-13-30-0000-03020-0010 Flagler County, AC- Agriculture to City of Bunnell, AG&S, Agricultural & Silviculture District

Old Business: None

6. Public Comment

Comments regarding items not on the agenda. Citizens are encouraged to speak; however, comments should be limited to three minutes.

7. Board comment

8. Adjournment of Planning and Zoning Meeting

NOTICE: If any person decides to appeal any decision made by the Planning, Zoning and Appeals Board with respect to any item considered at any meeting of this board; He or She will need a record of the proceedings, and for this purpose, He or She may need to ensure that a verbatim record of the proceedings is made, which record is to include the testimony and evidence upon which the appeal is based. (286.0105 Florida Statutes). Any person requiring a special accommodation at this meeting because of disability or physical impairment should contact the City Clerk at (386) 437-7500 at least

48 hours prior to the meeting date.



ATTACHMENTS:

Description Type
Proposed Minutes Minutes



Board Members: Carl Lilavois, Chair Gary Masten, Co-Chair Jerry Jones Robin Tyler Manuel Madaleno Nealon Joseph (Alternate)

Crossroads of Flagler County

PLANNING, ZONING AND APPEALS BOARD MINUTES

Thursday, January 6, 2022 6:00 PM

1769 East Moody Boulevard (GSB), First Floor Conference Room Bunnell, FL 32110

Call Meeting to Order for Planning and Zoning Meeting and Roll Call
 Co-Chair Gary Masten called the meeting to order at 6:00PM and led the Pledge
 of Allegiance.

Present: Gary Masten, Co-Chair; Manuel Madaleno; Robin Tyler; Nealon Joseph

(voting alternate)

Excused: Carl Lilavois, Chair; Jerry Jones

Absent:

Non-Voting: City Attorney Garrett Olsen; City Planner Mark Karet; Code Enforcement Officer Gary Harris; City Manager Dr. Alvin Jackson, Jr.; Community Development Coordinator Christine Hancock; Permit Technician Adrian Calderin; Northeast Florida Regional Council (NEFRC) Representative Margo Moehring; Northeast Florida Regional Council (NEFRC) Representative Robert Jordon

2. Disclosure of Ex-Parte communications.

None

3. Approval of Minutes

a. December 7, 2021 Planning, Zoning and Appeals Board Minutes

Motion: Approve the December 7, 2021 Planning, Zoning and Appeals Board

Meeting Minutes.

Moved By: Robin Tyler

Seconded By: Manuel Madaleno

Board Discussion: None **Public Discussion:** None

Roll Call Vote:

Gary Masten - Yes Manuel Madaleno – Yes Robin Tyler – Yes

Nealon Joseph – Yes

Vote: Motion carried by unanimous vote.

New Business:

Public Hearing: Ordinance 2022-01 Submittal of the Evaluation and 4. Appraisal Review (EAR) of the 2030 Comprehensive Plan to the Florida Department of Economic Opportunity.

Co-Chair Masten read the short title into the record. Northeast Florida Regional Council (NEFRC) Representative Jordon introduced the item. Mr. Jordon explained in November 2020 the EAR process for the City of Bunnell began; it is required every seven years to ensure the City's Comprehensive Plan is in compliance with State statutes. He explained the major proposed changes to the Comprehensive Plan.

Motion: Approve Ordinance 2022-01 Submittal of the Evaluation and Appraisal Review (EAR) of the 2030 Comprehensive Plan to the Florida Department of Economic Opportunity

Moved By: Robin Tyler

Seconded By: Manuel Madaleno

Board Discussion: Voting Alternate Joseph asked about the affordable housing piece. NEFRC Representative Moehring explained legislation didn't change the definition of affordable housing, but instead requires the City have language in the Comprehensive Plan that states it is allowed any residential, commercial, or industrial land use category.

Public Discussion: None

Roll Call Vote:

Gary Masten - Yes Manuel Madaleno - Yes Robin Tyler - Yes Nealon Joseph – Yes

Vote: Motion carried by unanimous vote

5. Ordinance 2021-XX Amending Section 2-87 of the Land Development Code **Expanding Notice Requirements**

Co-Chair Masten read the short title into the record. City Planner Karet introduced the item and explained how this proposed amendment came to be. This amendment will require that notices for both PZA Commission hearings regarding rezonings be mailed out to property owners that reside within 300ft of subject property and for the property to be posted with a hearing notice as well. City Attorney Olsen also read the short title into the record.

Motion: Approve Ordinance 2021-XX Amending Section 2-87 of the Land Development Code Expanding Notice Requirements.

Moved By: Robin Tyler

Seconded By: Nealon Joseph

Board Discussion: Co-Chair Masten asked if the City was compliance when this was first heard. City Planner Karet stated yes; this would be in addition to what is already being done.

Public Discussion: None

Roll Call Vote:

Gary Masten - Yes Manuel Madaleno - Yes Robin Tyler - Yes

Nealon Joseph – Yes

Vote: Motion carried by unanimous vote

Old Business: None

6. Public Comment

None

7. Board comment

None

8. Adjournment of Planning and Zoning Meeting

Motion: Adjourn

Moved By: Robin Tyler

Seconded By: Nealon Joseph Board Discussion: None Public Discussion: None

Vote: Motion carried by unanimous vote.

PZA Chair



City of Bunnell, Florida

Agenda Item No. 4.

Document Date: 1/24/2022

Department: Community Development

Subject: Public Hearing - Ordinance 2022-XX Requesting to change the

Official Zoning Map for 15.2± acres of land, owned by First Coast Rolls Offs, LLC, Bearing the Parcel ID: 01-12-28-0000-01010-0011 from Flagler County, AC-Agriculture to City of

Bunnell, AG&S, Agricultural & Silviculture District

Property Address: 01-12-28-0000-01010-0011
Zoning Designation: Flagler County AC-Agriculture

Future Land Use Designation: Agricultural & Silviculture

Agenda Section: New Business:

ATTACHMENTS:

Description Type

First Coast Rolls Offs Proposed Rezoning Ordinance Ordinance

First Coast Roll Offs Location Map

Location Map(s)

Summary/Highlights:

The applicant is requesting an amendment to the official zoning map to change the zoning on a 15.2± acre property from Flagler County, "AC- Agriculture" to City of Bunnell, "AG&S, Agricultural & Silviculture".

The property is designated "Agricultural & Silviculture" on the City of Bunnell Future Land Use Map in the Comprehensive Plan.

Background:

The applicant, First Coast Roll-Offs, LLC, owns a 15.2± acre property identified as Parcel ID's: 01-12-28-0000-01010-0011. The applicant plans to construct a wood recycling center on this site. These facility are regulated as a "Solid Waste Organics Recycling Facility" by the Florida Department of Environmental Protection. The applicant will be making a separate Special Exception application for this proposed use.

The property is currently zoned Flagler County "AC-Agriculture". Although annexed into the City, the property did not receive a City of Bunnell zoning classification. The Flagler County "AC Agriculture" has a minimum lot size of five (5) acres.

The proposed zoning classification is City of Bunnell "AG&S, Agriculture & Silviculture". The intent of the "AG&S zoning classification is to "permit a range of agricultural and/or silvicultural use and to accommodate very low density residential development at a concentration of one dwelling unit per five acres".

The proposed ""AG&S, Agriculture & Silviculture" zoning is consistent with the Future Land Use Map and the existing pattern of surrounding development.

Staff Recommendation:

Approve the applicant's request to amend the City of Bunnell official zoning map to rezone the subject property from Flagler County, "AC Agriculture" to City of Bunnell, "AG&S, Agricultural & Silviculture".

City Attorney Review:

Approved as to form and legality.

ORDINANCE 2022-XX

AN ORDINANCE OF THE CITY OF BUNNELL, FLORIDA PROVIDING REZONING OF REAL PROPERTY **TOTALING** APPROXIMATELY 15.2 ± ACRES, OWNED BY FIRST COAST ROLL-OFFS, BEARING PARCEL ID: 01-12-28-0000-01010-0011, LOCATED ON THE NORTH SIDE OF STATE ROAD 11 APPROXIMATELY TWO THIRDS OF A MILE WEST OF WATER OAK ROAD WITHIN THE BUNNELL **CITY** LIMITS FLAGLER FROM COUNTY. AGRICULTURE" TO CITY OF BUNNELL, "AG&S, AGRICULTURAL & SILVICULTURE"; PROVIDING FOR THE TAKING OF IMPLEMENTING ADMINISTRATIVE ACTIONS; PROVIDING FOR THE ADOPTION OF **REFERENCE: MAPS** BY **REPEALING** ALL CONFLICTING ORDINANCES: PROVIDING FOR SEVERABILITY: PROVIDING FOR NON-CODIFICATION AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, First Coast Roll-Offs, LLC, the owner of certain real property, which land totals approximately 15.2± acres in size located on the north side of State Highway 11 approximately two-thirds of a mile west of Water Oak Road within the Bunnell city limits and is assigned Tax Parcel Identification Number 01-12-28-0000-01010-0011, by the Property Appraiser of Flagler County; and

WHEREAS, First Coast Roll Offs, LLC has applied to the City of Bunnell pursuant to the controlling provisions of State law and the *Code of Ordinances of the City of Bunnell*, to have the subject property rezoned to the City of Bunnell "AG&S, Agricultural & Silviculture" zoning classifications from the existing Flagler County, "AC, Agriculture" zoning classification; and

WHEREAS, the City's Community Department has conducted a thorough review and analysis of the demands upon public facilities and general planning and land development issues should the subject rezoning application be approved and has otherwise reviewed and evaluated the application to determine whether is comports with sound and generally accepted land use planning practices and principles as well as whether the application is consistent with the goals, objectives and policies set forth in the City's *Comprehensive Plan*; and

WHEREAS, on February 1, 2022 the Planning, Zoning and Appeals Board of the City of Bunnell reviewed this request and recommended approval of the proposed ordinance to the City Commission; and

WHEREAS, professional City planning staff, the City's Planning, Zoning and Appeals Board and the City Commission have determined that the proposed rezoning of the subject property as set forth in this Ordinance is consistent with the *Comprehensive Plan of the City of Bunnell*, the land development regulations of the City of Bunnell, and the controlling provisions of State law; and

WHEREAS, the City Commission of the City of Bunnell, Florida has taken, as implemented by City staff, all actions relating to the rezoning action set forth herein in accordance with the requirements and procedures mandated by State law.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF BUNNELL, FLORIDA:

Section 1. Legislative Findings and Intent.

- (a) The City Commission of the City of Bunnell hereby adopts and incorporates into this Ordinance the City staff report and City Commission agenda memorandum relating to the application relating to the proposed rezoning of the subject property as well as the recitals (whereas clauses) to this Ordinance.
- (b) The subject property, which is approximately 15.2± acres in size, is located on the north side of State Highway 11 approximately two-thirds of a mile west of Water Oak Road in the City of Bunnell.
- (c) The City of Bunnell has complied with all requirements and procedures of Florida law in processing and advertising this Ordinance.

Section 2. Rezoning of Real Property/Implementing Actions.

(a) Upon enactment of this Ordinance the following described property, as depicted in the map attached to this Ordinance, and totaling approximately 15.2± acres in size, shall be rezoned to the City of Bunnell "AG&S, Agricultural & Silviculture" zoning classification from the existing Flagler County, "AC, Agriculture" zoning classification; and

LEGAL DESCRIPTION:

15.20 AC POR NE CRNR SEC 1 THENCE SE 2564.48', SE 2582.74' TO NLY ROW SR100 THENCE SW ALONG SR 100 3506.24' TO POB CONTINUE SW ALONG NLY ROW SR 100 500', NW 1324.47' NE 500' SE 1323.78' TO NLY ROW SR100 AND POB OR 2488/1070 /881,883

ADDRESS: N/A

TAX PARCEL IDENTIFICATION NUMBER: 01-12-28-0000-01010-0011

- (b) The City Manager, or designee, is hereby authorized to execute any and all documents necessary to formalize approval of the rezoning action taken herein and to revise and amend the Official Zoning Map or Maps of the City of Bunnell as may be appropriate to accomplish the action taken in this Ordinance.
- (c) Conditions of development relating to the subject property may be incorporated into the subsequent pertinent development orders and such development orders may be subject to public hearing requirements in accordance with the provisions of controlling law.

Section 3. Incorporation of Maps.

The maps attached to this Ordinance are hereby ratified and affirmed and incorporated into this Ordinance as a substantive part of this Ordinance.

Section 4. Conflicts.

All ordinances or part of ordinances in conflict with this Ordinance are hereby repealed

Section 5. Severability.

If any section, sentence, phrase, word, or portion of this Ordinance is determined to be invalid, unlawful or unconstitutional, said determination shall not be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase, word, or portion of this Ordinance not otherwise determined to be invalid, unlawful, or unconstitutional.

Section 6. Non-codification.

This Ordinance shall be not be codified in the *City Code of the City of Bunnell* or the *Land Development Code of the City of Bunnell*; provided, however, that the actions taken herein shall be depicted on the zoning maps of the City of Bunnell by the City Manager, or designee.

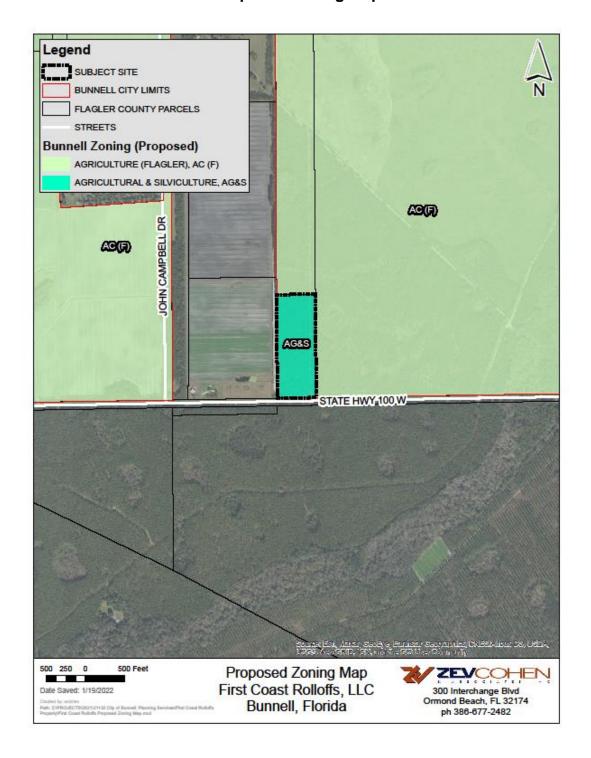
Section 7. Effective Date This Ordinance shall take effect upon adoption. First Reading: on this ______ day of ______ 2022. Second/Final Reading: adopted on this _____ day of ______ 2022. CITY COMMISSION, City of Bunnell, Florida. By: ______ Catherine D. Robinson, Mayor Approved for form and content by:

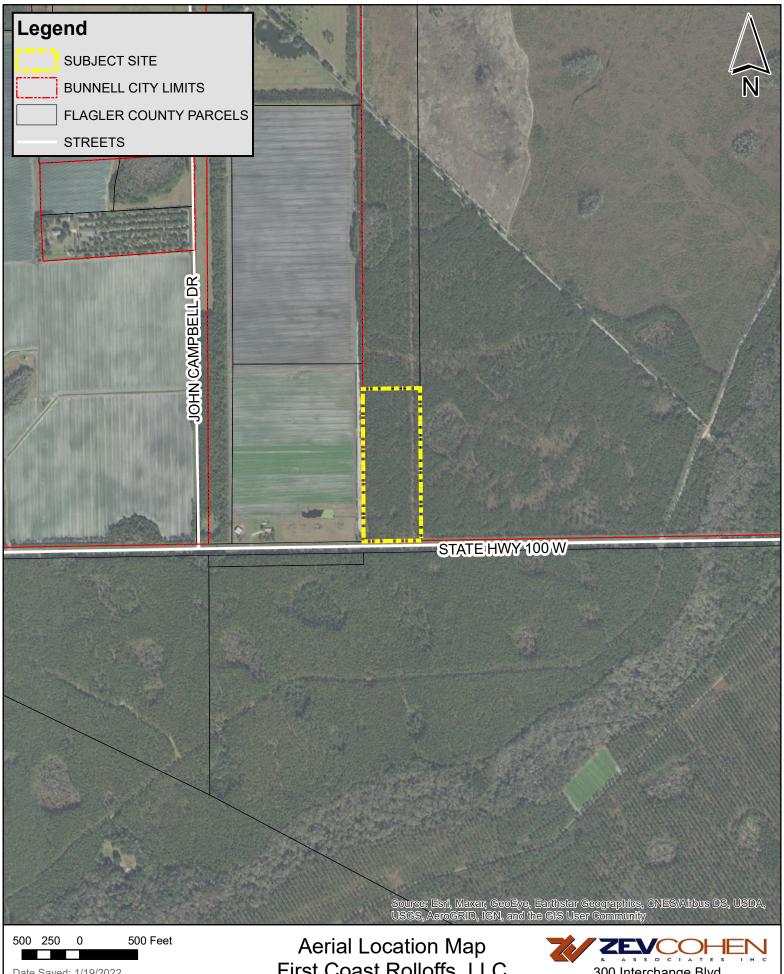
Vose Law Firm, City Attorney

Attes	t :
	Kristen Bates, CMC, City Clerk
	Seal:

Exhibit "A"

Proposed Zoning Map





Date Saved: 1/19/2022

Path: Z:\PROJECTS\2021\21132 City of Bunnell Planning Services\First Coast Rolloffs Property\First Coast Rolloffs Aerial Location Map.mxd

First Coast Rolloffs, LLC Bunnell, Florida

300 Interchange Blvd Ormond Beach, FL 32174 ph 386-677-2482



City of Bunnell, Florida

Agenda Item No. 5.

Document Date: 1/24/2022

Department: Community Development

Subject: Public Hearing - Ordinance 2022-XX Requesting to change the

Official Zoning Map for 10± acres of land, owned by Kirk and Christy Chong, Bearing the Parcel ID: 06-13-30-0000-03020-0010 Flagler County, AC- Agriculture to City of Bunnell, AG&S,

Agricultural & Silviculture District

Property Address: 5925 STATE HWY 11

Zoning Designation: Flagler County AC-Agriculture

Future Land Use Designation: Agricultural & Silviculture

Agenda Section: New Business:

ATTACHMENTS:

Description

Chong Proposed Rezoning Ordinance Ordinance

Chong Location Map Location Map(s)

Summary/Highlights:

The applicant is requesting an amendment to the official zoning map to change the zoning on a 10± acre property from Flagler County, "AC-Agriculture" to City of Bunnell, "AG&S, Agricultural & Silviculture".

The property is designated "Agricultural & Silviculture" on the City of Bunnell Future Land Use Map in the Comprehensive Plan.

Background:

The applicants, Kirk and Christy Chong, own a 10± acre property identified as Parcel ID: 06-13-30-0000-03020-0010. The property is addressed as 5925 State Highway 11. The applicant plans to split the property into 5 acre lots and build two residences on the property.

The property is currently zoned Flagler County "AC-Agriculture". Although annexed into the City, the property did not receive a City of Bunnell zoning classification. The Flagler County "AC-Agriculture" has a minimum lot size of five (5) acres.

The proposed zoning classification is City of Bunnell "AG&S, Agriculture & Silviculture". The intent of the "AG&S zoning classification is to "permit a range of agricultural and/or silvicultural uses and

to accommodate very low density residential development at a concentration of one dwelling unit per five acres".

The proposed "AG&S, Agricultural & Silviculture" zoning is consistent with the Future Land Use Map and the existing pattern of surrounding development.

Staff Recommendation:

Approve the applicant's request to amend the City of Bunnell official zoning map to rezone the subject property from Flagler County, "AC-Agriculture" to City of Bunnell, "AG&S, Agriculture & Silviculture".

City Attorney Review:

Approved as to form and legality.

ORDINANCE 2022-XX

AN ORDINANCE OF THE CITY OF BUNNELL, FLORIDA PROVIDING REZONING OF REAL PROPERTY **TOTALING** APPROXIMATELY 10.0 ± ACRES, OWNED BY KIRK AND CHRISTY CHONG, BEARING PARCEL ID: 06-13-30-0000-03020-0010, LOCATED ON THE EAST SIDE OF STATE ROAD 11 APPROXIMATELY 3.0 MILES NORTH OF COUNTY ROAD 140 WITHIN THE BUNNELL CITY LIMITS FROM FLAGLER COUNTY, "AC, AGRICULTURE" TO CITY OF BUNNELL, "AG&S, AGRICULTURAL & SILVICULTURE"; PROVIDING FOR THE TAKING OF IMPLEMENTING ADMINISTRATIVE ACTIONS; PROVIDING FOR THE ADOPTION OF MAPS BY REFERENCE: REPEALING ALL CONFLICTING ORDINANCES: PROVIDING FOR SEVERABILITY: PROVIDING FOR NON-CODIFICATION PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Kirk and Christy Chong, the owners of certain real property, which land totals approximately 10± acres in size located on the east side of State Road 11 approximately 3.0 miles north of County Road 140 within the Bunnell city limits and is assigned Tax Parcel Identification Number 06-13-30-0000-03020-0010, by the Property Appraiser of Flagler County; and

WHEREAS, Kirk and Christy Chong, has applied to the City of Bunnell pursuant to the controlling provisions of State law and the *Code of Ordinances of the City of Bunnell*, to have the subject property rezoned to the City of Bunnell "AG&S, Agricultural & Silviculture" zoning classifications from the existing Flagler County, "AC, Agriculture" zoning classification; and

WHEREAS, the City's Community Department has conducted a thorough review and analysis of the demands upon public facilities and general planning and land development issues should the subject rezoning application be approved and has otherwise reviewed and evaluated the application to determine whether is comports with sound and generally accepted land use planning practices and principles as well as whether the application is consistent with the goals, objectives and policies set forth in the City's *Comprehensive Plan*; and

WHEREAS, on February 1, 2022 the Planning, Zoning and Appeals Board of the City of Bunnell reviewed this request and recommended approval of the proposed ordinance to the City Commission; and

WHEREAS, professional City planning staff, the City's Planning, Zoning and Appeals Board and the City Commission have determined that the proposed rezoning of the subject property as set forth in this Ordinance is consistent with the *Comprehensive Plan of the City of Bunnell*, the land development regulations of the City of Bunnell, and the controlling provisions of State law; and

WHEREAS, the City Commission of the City of Bunnell, Florida has taken, as implemented by City staff, all actions relating to the rezoning action set forth herein in accordance with the requirements and procedures mandated by State law.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF BUNNELL, FLORIDA:

Section 1. Legislative Findings and Intent.

- (a) The City Commission of the City of Bunnell hereby adopts and incorporates into this Ordinance the City staff report and City Commission agenda memorandum relating to the application relating to the proposed rezoning of the subject property as well as the recitals (whereas clauses) to this Ordinance.
- (b) The subject property, which is approximately 10± acres in size, is located on the east side of State Road 11 approximately 3.0 miles north of County Road 140 in the City of Bunnell.
- (c) The City of Bunnell has complied with all requirements and procedures of Florida law in processing and advertising this Ordinance.

Section 2. Rezoning of Real Property/Implementing Actions.

(a) Upon enactment of this Ordinance the following described property, as depicted in the map attached to this Ordinance, and totaling approximately 10± acres in size, shall be rezoned to the City of Bunnell "AG&S, Agricultural & Silviculture" zoning classification from the existing Flagler County, "AC, Agriculture" zoning classification; and

LEGAL DESCRIPTION:

10.00 ACRES PT OF THE S 1/2 OF S 1/2 POB SE CRNR SEC 6 THENCE SW 1101.62' TO ELY ROW SR 11 NE ALONG ROW 415.34' NE 1030.73' SE 410.02' TO POB OR 2565/1115

ADDRESS: 5925 STATE HWY 11

TAX PARCEL IDENTIFICATION NUMBER: 06-13-30-0000-03020-0010

- (b) The City Manager, or designee, is hereby authorized to execute any and all documents necessary to formalize approval of the rezoning action taken herein and to revise and amend the Official Zoning Map or Maps of the City of Bunnell as may be appropriate to accomplish the action taken in this Ordinance.
- (c) Conditions of development relating to the subject property may be incorporated into the subsequent pertinent development orders and such development orders may be subject to public hearing requirements in accordance with the provisions of controlling law.

Section 3. Incorporation of Maps.

The maps attached to this Ordinance are hereby ratified and affirmed and incorporated into this Ordinance as a substantive part of this Ordinance.

Section 4. Conflicts.

All ordinances or part of ordinances in conflict with this Ordinance are hereby repealed

Section 5. Severability.

If any section, sentence, phrase, word, or portion of this Ordinance is determined to be invalid, unlawful or unconstitutional, said determination shall not be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase, word, or portion of this Ordinance not otherwise determined to be invalid, unlawful, or unconstitutional.

Section 6. Non-codification.

This Ordinance shall be not be codified in the *City Code of the City of Bunnell* or the *Land Development Code of the City of Bunnell*; provided, however, that the actions taken herein shall be depicted on the zoning maps of the City of Bunnell by the City Manager, or designee.

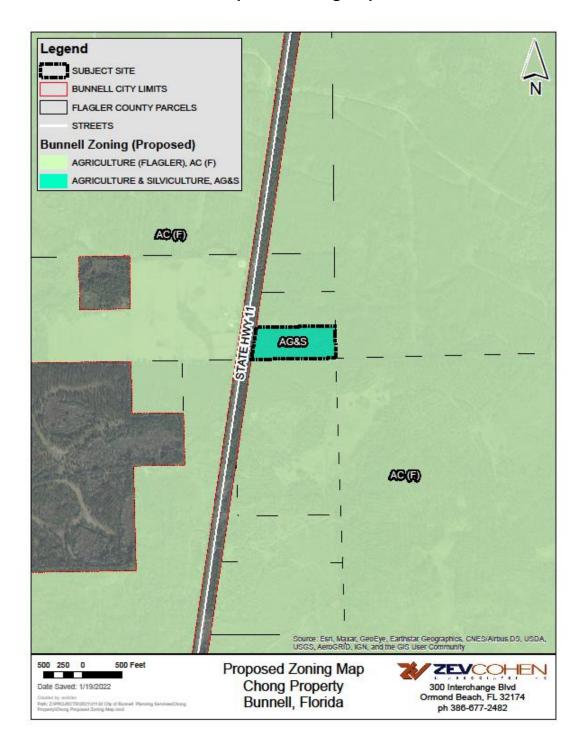
Section 7. Effective Date This Ordinance shall take effect upon adoption. First Reading: on this _____ day of _____ 2022. Second/Final Reading: adopted on this ____ day of _____ 2022. CITY COMMISSION, City of Bunnell, Florida. By: _____ Catherine D. Robinson, Mayor Approved for form and content by:

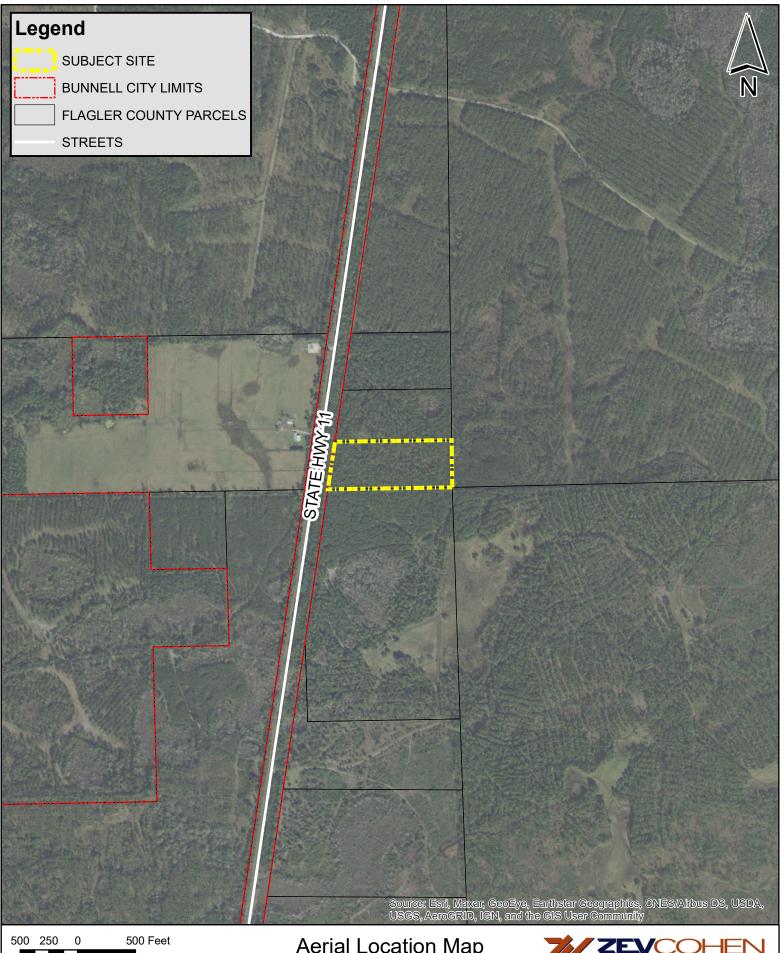
Vose Law Firm, City Attorney

Attes	t :
	Kristen Bates, CMC, City Clerk
	Seal:

Exhibit "A"

Proposed Zoning Map





Date Saved: 1/19/2022

Path: Z:\PROJECTS\2021\21132 City of Bunnell Planning Services\Chong Property\Chong Aerial Location Map.mxd

Aerial Location Map Chong Property Bunnell, Florida



300 Interchange Blvd Ormond Beach, FL 32174 ph 386-677-2482