



# PLANNING AND ARCHITECTURAL REVIEW BOARD MEETING MINUTES

Tuesday, July 02, 2024 at 5:30 PM

City Commission Chambers – 105 S. 2ND Street, Flagler Beach, FL 32136

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ALL MEETING ITEMS WILL BE CONTINUED UNTIL MEETING IS COMPLETE.

**1. Call the meeting to order**

Chairman Joseph Pozzuoli called the meeting to order at 5:37pm.

**2. Pledge of Allegiance**

Lisa Smith led the Pledge of Allegiance.

**3. Roll Call / Determination of Quorum**

Present: Chairman Joseph Pozzuoli, Vice-Chairman Marshall Shupe, Joann Soman, Scott Chappuis, Lisa Smith

Absent: Paul Chestnut, Brenda Wotherspoon

Staff Present: Attorney Drew Smith and Secretary Michele Ficocello

**4. Approval of Meeting Minutes - May 7, 2024**

- a. Joann Soman - Typo on page 4 of 4, "Vice Chairman Marshall Shupe motioned to adjourned meeting." Incorrect grammar, adjourned should be adjourn.

Chairman Pozzuoli - Page 3 of 3. "Joann Soman seconded the motion." Chairman Pozzuoli thought the motion was to deny and could not find where the motion was made. Lisa Smith pointed out the motion was made by Brenda Wotherspoon to table the final site plan, but was out of order being further up the page in the minutes.

Joann Soman motioned to approve the minutes as amended. Marshall Shupe seconded the motion. Motion passed unanimously.

**5. Old Business - NONE**

**6. New Business**

- a. **Application PFS24-0001:** Conceptual Site Development Plan - Request to construct a residential rental community consisting of twenty-two coastal cottages.

**Parcel ID No.:** 11-12-31-0650-000D0-0050

**Zoning District:** General Commercial (GC)

**FLUM:** Medium Density Residential (MDR)

**Owner:** ALT Homes LLC, T.J. McNitt - 3371 N State St, Unit 1, Bunnell, FL 32110

**Applicant:** ALT Homes LLC, Katie Crooke, Representative - 3371 N State St, Unit 1, Bunnell, FL 32110

Representatives for ALT Homes, LLC were present. City Planner Lupita McClenning introduced the item along with a power point presentation. This application had previously gone before the Board at the May 2, 2024 meeting. Based on the Board comments at that meeting, the Applicant choose to modify the elements of their site plan and submit a new conceptual site plan for the Board's consideration. The City Planner met with the Applicant prior to this meeting. At the initial meeting,

the site plan did not meet the requirements for parking. A revised site plan was submitted to reflect the compliance with parking requirements. This revised plan was not included with the meeting agenda packet, but was provided to the Board at the meeting. The initial site plan in the agenda packet reflected 1.5 parking spaces per unit. The revised site plan reflects 2 parking spaces per unit. The next step for the Applicant is to submit a final site plan and meet with the City Staff for technical review.

Chairman Pozzuoli opened Board discussion.

Scott Chappuis - no questions at this time.

Brenda Wotherspoon submitted comments via email to the Secretary:

Legacy Pointe Cottages – I apologize for any oversights as it is difficult viewing on my laptop.

1. Wasn't able to find the mailbox station. Should have parking and/or easy access for carrier and residents alike.
2. Strongly suggest a 'dog walk' area for the health and safety of the residents. Wouldn't need to be any larger than a hotel designated area. Even if the intention is 'no pets', there are always those who skirt the community rules using loose emotional support, etc. laws.
3. The entries are tight with respect to oncoming traffic, pedestrians and bicyclists. Would suggest stop signs at both entry and exit points at Leslie and Joyce for safety. Sat in leasing and sales offices for 25 years and watch the hurried way folks enter and leave communities – let's try to slow down the traffic via design.
4. Pleased to see Joyce Street will be paved. However, the applicant speaks of children who will need safe passage to John Anderson and beyond should the school bus stop be located there. Coupled with the retired pedestrians and electric wheel chairs coming out of the neighboring community, an increased presence of sanitation trucks, existing single family home driveways along the route, etc., we need to address a sidewalk on Leslie Street (or Joyce). Is there a way to fund this? Whether grants, splitting the cost, etc., this needs to be considered for everyone's safety. Apologize if I missed this being addressed already.

Joann Soman - addressed the mailbox concern referenced in Brenda Wotherspoon's submitted comments.

Chairman Pozzuoli requested the Applicant come up to the podium for their presentation. Katie Crooke, representative for ALT Homes, LLC spoke. Ms. Crooke stated the previous site plan submitted in May was approved and they could have moved forward had they wanted to. They modified the site plan after careful consideration for the Board's comments and for the City's overall vision. Ms. Crooke provided a rendering to the Board as a visual aid. The cottages will be long term rentals, not short term rentals. The vision is to be family and community orientated. After Joann Soman asked, Ms. Crooke explained the mailbox placement has not been determined, but might be up towards the northside. There is also space on the southside. Ms. Crooke referenced the project benefits letter which was provided in the agenda packet to the Board (page 30). ALT Homes, LLC representative Harry Newkirk spoke and detailed the benefits letter (page 30 in the agenda packet). Mr. Newkirk explained the mailbox will be centralized and a mail kiosk. Other benefits will include the paving of Joyce Street, units will have private yards, appropriate for residents of all ages, greenspaces, improved stormwater plan and one story units blend better with surrounding homes.

Scott Chappuis - inquired about only 2 handicap spaces for 22 units. Mr. Newkirk explained the rule in Florida is 1 space per 25 units.

Joann Soman - no questions, the concept is pretty and preferred over the last concept.

Lisa Smith - likes the project.

Marshall Shupe - inquired about handicap accessibility. Applicants responded that 1 parking space would be designated per unit. Vice-Chairman Shupe really likes the project, but did have concerns over accessibility for first responders. City Planner explained these concerns can be worked out during the technical review of the final site plan. Applicant explained there will be more fire hydrants due to the modification of the conceptual plan. Vice-Chairman Shupe expressed concerns over the occupancy and make-up of the residents that this project would be catering to. Applicant stated they are gearing this project towards workforce housing.

Chairman Joseph Pozzuoli - thinks it is a very nice project and it is one story instead of three. Chairman Pozzuoli was curious about the elevation. The landscaping is extensive. Inquired about a safety fence along the perimeter of the pond. Applicant stated there will be a retaining wall and open rail fence. Chairman Pozzuoli inquired about a sidewalk being put in. Applicant stated that a sidewalk was not part of this project. City Planner stated this can be discussed later at the technical review.

Vice-Chairman Shupe - inquired about signage. City Planner stated that will be worked out in technical review.

**b. Application PSPR24-0002: Final Site Plan Approval – Restaurant renovation and addition request.**

**Parcel ID No.:** 12-12-31-4500-00490-0020

**Zoning District:** General Commercial (GC)

**FLUM:** Commercial

**Owner:** Flagler Fish Company of 5 LLC, Carolyn Casper – 180 S Daytona Ave., Flagler Beach, FL 32136

**Applicant:** Joseph Pozzuoli Architect – 314 Moody Blvd, Flagler Beach, FL 32136

Chairman Pozzuoli recused himself due to a voting conflict on this item. Chairman Pozzuoli is the applicant on behalf of the owner for this item (Form 8B attached to minutes and was distributed to the Board prior to the meeting). Gavel was passed to Vice-Chairman Shupe.

City Planner Lupita McClenning introduced the item along with a power point presentation. This item came before the Board previously on November 14, 2017 and was denied due to parking space non-compliance. Ordinance 2018-03 was passed by the City Commission February 22, 2018 establishing a parking pool which now brings the item into compliance.

Scott Chappuis - concern over exhausting the parking pool. City Planner explained they are taking 28 spaces, but that will not exhaust the parking pool. Mr. Chappuis likes the project.

Applicant Joseph Pozzuoli presented on behalf of the Applicant. Mr. Pozzuoli explained the City has a plan for angled parking in the future. City Attorney directed the Board to page 37 of agenda packets to clarify the concerns of exhausting the parking pool.

Brenda Wotherspoon submitted comments via email to the Secretary:

Flagler Fish Company

What a wonderful addition!

1. Love the addition of the 3 palm trees shown in the median separating the car park from the outdoor doggie dining. With the limited amount of trees and greenspace presently on the entire block, could we suggest the 'golf cart' parking area include some type of green relief? Even one tree or two to frame the space would cool the outdoor eating area and lesson the intensity of the hardscape. At minimum a planter or two along Daytona.

Joann Soman - no comments or questions.

Lisa Smith - no comments or questions.

Vice-Chairman Shupe opened public comment.

Caryn Miller, CRA Director - project meets CRA standards and she is all for it.

Vice-Chairman Shupe closed public comment.

Joann Soman motioned to approve Application PSPR24-0002 Final Site Plan. Lisa Smith seconded the motion. Motion passed unanimously.

- c. **ORDINANCE 2024 - XX** - AN ORDINANCE OF THE CITY OF FLAGLER BEACH, FLORIDA, AMENDING THE CITY OF FLAGLER BEACH LAND DEVELOPMENT REGULATIONS, ARTICLE II, ZONING; AMENDING SECTION 2.04.02.9.1 (A) RELATED TO RESIDENTIAL DIMENSIONAL STANDARDS.

Gavel passed to Chairman Pozzuoli.

City Attorney presented item. Former City Planner Larry Torino suggested further modifications to the table (page 74 of agenda packet) including a strikethrough of the first two rows, "minimum lot area" and "density per square foot." If those are taken out, footnote one would be attached to the fourth row "minimum lot width." City Planner explained most of the platted lots in the City are 50 foot. Some lots were subdivided and did not go through the Board, only recorded with the Property Appraiser. After a disaster, a structure would need to be rebuilt according to the building code and the current regulatory code. According to the current code, the minimum lot width is 75 feet. This proposed ordinance would align the code with the current platted lots. Should there be a disaster, this alignment will assist in recovery and rebuilding efforts.

Chairman Pozzuoli - if there was a hurricane, would the current code effect the owner's ability to rebuild? City Attorney clarified in a disaster recovery effort, with the existing code, there would be more hoops for a lot of record to get through in order to rebuild and a subdivided lot would definitely have a problem rebuilding.

Scott Chappuis - if this makes it easier for recovery after a disaster, then it is necessary.

Joann Soman - no comments or questions.

Lisa Smith - no comments or questions.

Vice-Chairman Shupe - had questions about the chart calculations. Why such a big jump between low density and medium density. City Planner stated that is a great question, but the information comes straight out of the City's code and reflects the goals/visions of the City's Comprehensive Plan at the time the code was written. City Attorney recommended coming at it from another angle as this is a low density/medium density community and that is why you see such a big jump to high density.

City Attorney recommend motion to approve as amended by his earlier comments

Vice-Chairman Shupe motioned to approve as amended. Joann Soman seconded.

Chairman Pozzuoli opened public comment, seeing none, public comment was closed.

Motion passed unanimously.

## 7. Board Comments

Earlier in the meeting, prior to the presentation of Application PFS24-001, Chairman Pozzuoli welcomed the new City Planner Lupita McClenning.

Chairman Pozzuoli - addressed City Planner regarding packets given to the Board and hoping she is more stringent about only accepting applications that meet the criteria and checklist outlined.

## 8. Other Business

- a. City Planner Report

City Planner Lupita McClenning outlined with a power point presentation the upcoming proposal going before the City Commission for new software called Gridics. This tool will assist Staff and

Residents. This software will integrate our current code, information from the property appraiser, CRA and other sources. The software will also serve as a project tracker.

Chairman Pozzuoli - would like to be notified when the training is available.

Vice-Chairman Shupe - will assist the public on what they can and cannot build on a parcel.

Scott Chappuis - will help avoid code violations.

City Attorney gave heads up that the building height ordinance will most likely be coming back to the Board next month and Veranda Bay annexation will be coming soon.

## **9. Adjournment**

Joann Soman motioned to adjourn the meeting. Vice-Chairman Shupe seconded. Motion passed unanimously.

Chairman Pozzuoli adjourned the meeting at 6:33pm

Submitted via Email

PAR Board Meeting  
7/2/2024  
Brenda Wotherspoon Comments

I am out of state and unable to attend tonight's meeting. Please accept the following in my absence:

Legacy Pointe Cottages – I apologize for any oversights as it is difficult viewing on my laptop.

1. Wasn't able to find the mailbox station. Should have parking and/or easy access for carrier and residents alike.
2. Strongly suggest a 'dog walk' area for the health and safety of the residents. Wouldn't need to be any larger than a hotel designated area. Even if the intention is 'no pets', there are always those who skirt the community rules using loose emotional support, etc. laws.
3. The entries are tight with respect to oncoming traffic, pedestrians and bicyclists. Would suggest stop signs at both entry and exit points at Leslie and Joyce for safety. Sat in leasing and sales offices for 25 years and watch the hurried way folks enter and leave communities – let's try to slow down the traffic via design.
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# **FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS**

LAST NAME—FIRST NAME—MIDDLE NAME <b>Pozzuoli Joseph Dominick</b>		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <b>Flagler Beach - PARB</b>	
MAILING ADDRESS <b>314 Moody Blvd, K.B. 32136</b>		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY	
CITY <b>Flagler Beach</b>	COUNTY <b>Flagler</b>	NAME OF POLITICAL SUBDIVISION: <b>Flagler</b>	
DATE ON WHICH VOTE OCCURRED <b>07.02.2024</b>		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, Joseph D. Pozzuoli, hereby disclose that on July 2nd, 2024.

(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 Flager Fish Company of S, LLC, 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.

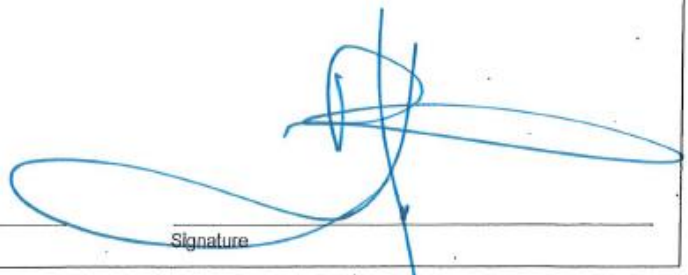
(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

I am Chair of the PARB & Design Professional of the Project to be presented to the PARB.

Date Filed

07.01.2024

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.