

**PLANNING AND LAND DEVELOPMENT REGULATION COMMISSION
PUBLIC HEARING HELD
JANUARY 10, 2012**

The Public Hearing of the Volusia County Planning and Land Development Regulation Commission was called to order by **Frank Severino**, at 9:00 a.m. in the County Council Meeting Room of the Thomas C. Kelly Administration Center, 123 West Indiana Avenue, DeLand, Florida. On roll call, the following members answered present, to-wit:

- FRANK SEVERINO, CHAIRMAN**
- JEFF GOVE, VICE CHAIRMAN (Absent)**
- JIM RUSSELL, SECRETARY**
- TAVER CORNETT**
- WANDA VAN DAM**
- JAY YOUNG**
- JEFFREY BENDER**

STAFF PRESENT

- IAN A. WILLIAMS, Assistant County Attorney**
- SCOTT ASHLEY, AICP, Planning Manager**
- JOHN H. STOCKHAM, ASLA, Planner III**
- SUSAN JACKSON, AICP, Planner III**
- CHRISTIAN NAGLE, AICP, Planner II**
- YOLANDA SOMERS, Staff Assistant II**
- ROBIN TODD, Staff Assistant II**

Ian Williams, Assistant County Attorney, provided legal comment.

Disclosure of Ex Parte Communications

Members of the Volusia County Planning & Land Development Regulation Commission Board are asked to please disclose, for the record, the substance of any ex parte communications that have occurred before or during the public hearing at which a vote is to be taken on any quasi-judicial matters. All members present did not disclose any communication except as listed below:

None

APPROVAL OF MINUTES

None

1 **APPLICATIONS TO BE CONTINUED**

2
3 **PUD-11-022** – Application of Michael Woods, attorney for Granvil Tracy, owner,
4 requesting a rezoning from the Resource Corridor (RC) zoning classification to the
5 Residential Planned unit Development (RPUD) zoning classification. The property is
6 located at 39 Highbridge Road, east of the City of Ormond Beach; ±14.1 acres 3205-00-
7 00-0021. **Applicant has requested a 30-day continuance to the February 14, 2012,**
8 **public hearing**

9
10 **Member Cornett moved to continue case PUD-11-022 to the February 14, 2012**
11 **PLDRC hearing. Member Russell seconded the motion. The MOTION carried**
12 **unanimously 7:0.**

13
14 **V-09-054** – Application of John Harper, Volusia County, agent for County of Volusia,
15 owner, requesting variances to off-street parking setbacks, number of landscape
16 islands, and landscape buffers on Public (P) and Urban Single-Family Residential (R-9)
17 zoning classifications. The property is located on the west side of Atlantic Avenue at its
18 intersection with Toronita Avenue. The property is near the Atlantic Ocean shoreline
19 and in the community of Wilbur-by-the-Sea; ± 2 acres 6312-04-00-3130, 6312-04-00-
20 3180, 6312-04-00-3190, 6312-04-00-3620, and 6312-04-00-3630. **Applicant has**
21 **requested a continuance to the February 14, 2012, public hearing**

22
23 **Member Cornett moved to continue case V-09-054 to the February 14, 2012**
24 **PLDRC hearing. Member Young seconded the motion. The MOTION carried**
25 **unanimously 7:0.**

26
27 **PUBLIC HEARING ON APPLICATIONS**

28
29 **V-11-069** – Application of Mark Watts, attorney for attorney for Barbara W. and Luke
30 Thornton, owners, requesting variance to setbacks and number of off-street parking
31 spaces on General Commercial / Thoroughfare Overlay Zone (B-4C) zoned property.
32 The property is located at 2110 N. Kepler Road, near DeLand; ± 1.53 acres
33 6035-01-26-0120.

34
35 **Scott Ashley, AICP, Planning Manager**, presented the staff report describing the
36 location of the property and the request for the variances. He noted staff is striking
37 condition number seven regarding the right-of-way vacations.

38
39 **Mark Watts, attorney with Cobb Cole**, explained there was a lot of coordination with
40 county staff and the staff of the City of DeLand to come up with these variances. He
41 explained that the application for the right-of-way vacations would be submitted
42 because there was an agreement to do so with the City of DeLand. Mr. Watts
43 requested to respond to the people that came to speak against this project.

44
45 **PUBLIC PARTICIPATION:**

46
47 **Jeremy Nygard** – spoke in opposition to the project. He expressed concerns with the
48 traffic issues.

1 **Linda Duchesneau** - spoke in opposition to the project. She was also concerned about
2 the traffic issues and possible accidents.
3

4 **Pamela Bachman** – spoke in opposition to the project. She was concerned about the
5 traffic issues. She presented a petition with 20+ signatures of neighbors opposed to this
6 project. She stated she also submitted a letter that gives her option of this project.
7

8 **Thomas MacPhail** – spoke in opposition to the project. He expressed concerns about
9 a continuance as there was short notice on this project. He was also concerned about
10 the overflow of traffic into his business if the number of parking spaces was reduced.
11 The ten-foot buffer would take away from his property, which is across the street from
12 this property. He felt his property value would drop. The variance to the west is for a
13 dumpster. He also felt that having a dumpster as the first thing you see would not be the
14 best thing for a gateway.
15

16 **Member Russell** asked staff if the case was properly noticed.
17

18 **Yolanda Somers, PLDRC Secretary**, replied it was properly noticed 10 days prior to
19 the hearing.
20

21 Dr. MacPhail clarified that he got the one page notice but did not see the plans until last
22 Thursday.
23

24 **Melanie Nygard** - spoke in opposition to the project. She was concerned about the
25 unsafe traffic conditions because of the right turn lane on Kepler Road. She also noted
26 concerns with the mailboxes at the corner of Calla Revilla and Kepler Road, and with
27 the storm water as there is no public sewer or water on this property.
28

29 **Member Young** asked where the mailboxes were located.
30

31 **Member Severino** explained the changes in the setbacks do not change the road.
32

33 **Member Van Dam** clarified that the concerns are with the Calla Revilla and Calla
34 Narauja roads.
35

36 **Member Young** inquired what a two road the right-of-way vacation would deal with. He
37 also asked about impact it would have if they are vacated.
38

39 **Ian Williams, Assistant County Attorney**, explained that the City of DeLand
40 requested the vacation of these roads to allow for more landscaping. The county's legal
41 department raised concern with this because of the access for the residences. Legal
42 staff requests that the application not be processed.
43

44 **Donald Dempsey, attorney for Dr. MacPhail** – spoke in opposition to the project. He
45 inquired if there could be a continuance of the case. If no continuance could be
46 granted, he would object to this project.
47

48 **Member Severino** explained to Mr. Dempsey that he could talk to applicant while the
49 case is still being heard.

1 **Chris Meyer** - spoke in opposition to the project. He was concerned with the
2 maintenance of Calla Revilla and Calla Narauja and the traffic flow if this store goes in.
3

4 **Member Young** asked if Calla Narauja and Calla Revilla were maintained roads as
5 there are traffic and safety concerns.
6

7 Mr. Meyer explained that these two roads are not county maintained roads.
8

9 **Member Van Dam** asked if the concern was that traffic is going to go down Calla
10 Narauja because of the right hand turn lane that starts at Calla Revilla.
11

12 Mr. Meyer explained that it is hard to get out of Calla Revilla so traffic will go down Calla
13 Narauja to San Antonio Street to get back onto Kepler Road. There is an influx of cars
14 when Covidien (the business on the corner of Kepler Road & Highway 92) has a shift
15 change at 5:00 p.m.
16

17 **Member Severino** closed the floor to public participation.
18

19 Mr. Watts stated that the traffic concerns will be addressed with the site plan process.
20 The property is zoned B4 and the uses allowed will generate traffic. These issues about
21 traffic have nothing to do with the variances. There are two deliveries planned per week
22 during business hours. This property will be on the City of DeLand water system.
23 There will be a septic system, and it will have to comply with all of the Health
24 Department regulations as part of the site plan review. He noted the applicant will apply
25 for the vacation of the two roads because the City of DeLand had asked for this. If the
26 roads are vacated, 25 feet will accrue to each of the property owner and easements will
27 have to be granted. He added a cross access easements could be used. A
28 continuance is not an option because of the contract. (Mr. Watts had pictures displayed
29 on the screen). He showed pictures of the two dirt roads and the vegetation that exist at
30 this time. He discussed the possibilities of the vacations and the vegetation issues.
31 Mr. Watts had received feedback from Volusia County Traffic Engineering, and they are
32 not interested in vacating Calla Revilla. He added they will continue to meet with the
33 neighbors throughout the site plan process. The dumpster is not just a dumpster but a
34 landscaped area with masonry walls.
35

36 **Member Severino** asked what the hours of operation would be.
37

38 Mr. Watts replied that some stores operate from 9 a.m. to 7 p.m. and some stores may
39 operate from 7 a.m. to 7 p.m.
40

41 **Member Severino** asked about the driveways and if there would be improvements to
42 the access at Calla Narauja and Calla Revilla.
43

44 Mr. Watts explained that there will be improvements and pavement according to the
45 requirements of Traffic Engineering and/or FDOT through use permits.
46

47 **Member Van Dam** asked if the applicant would be willing to maintain the eastern side
48 of the 25 feet of native vegetation.
49

1 Mr. Watts replied that if the vacation is approved, then a condition could be added to
2 variance #1 stating they would maintain the 25 feet that would become their property.
3

4 **Member Severino** asked for clarifications on the traffic issues that are being raised by
5 the neighbors.
6

7 Mr. Ashley explained that the location of the property has two access points from Calla
8 Revilla and Calla Narauja that could be used. These access points would have to be
9 improved if they are not vacated. The property owners on both sides of the road have
10 to be in agreement to vacate the road.
11

12 **Member Van Dam** requested clarification on Mr. Ashley's explanation of the traffic
13 issues. No matter what type of business that goes on this property, they are going to
14 have to use the two existing roads.
15

16 Mr. Ashley responded the distance between the signal and a new cut would be too
17 close. They will have to use the existing cut.
18

19 **Member Severino** asked if the variances are approved and the contract does not go
20 through, do the variances stand.
21

22 Mr. Ashley explained the variances run with the land, unless it is conditional in the
23 variances for it to be project specific. He also explained that the variances are only
24 good for 12 months.
25

26 **Member Van Dam** asked to know if they were only looking at the setback variances.
27

28 Mr. Williams asked if the company built the building in the middle of the property would
29 that have any effect on the traffic coming in and out of the property.
30

31 Mr. Watts responded it would not have any effect.
32

33 **Member discussion and comments occurred.**
34

35 Mr. Dempsey asked if the commission was going to consider his request to continue
36 this case.
37

38 Mr. Williams explained that the neighbor could appeal this case at County Council, but
39 they are limited to the record presented today and no new evidence can be presented.
40

41 Mr. Watts stated he would not agree to a continuance.
42

43 **Member Russell moved to APPROVE all five variances for case V-11-069 with all**
44 **eight conditions listed in the staff report. Member Cornett seconded the motion.**
45 **The MOTION carried unanimously 6:0.**
46

47 **V-11-075** - Application of Michael Muller, owner, requesting variances to the west side
48 yard setback for accessory structures on Transitional Agriculture (A-4) zoned property.

1 The property is located at 1910 Glenwood Oaks Lane, Deland; ±2.51 acres
2 6944-01-00-037E
3

4 **Scott Ashley, AICP, Planning Manager**, presented the staff report describing the
5 location of the property and the request for the variances. This case was originated
6 because of a code compliance issue.
7

8 **Michael Muller** explained that he did not have a survey when the structure was built
9 and he made a mistake.
10

11 **Member Severino** asked about the site plan and the second variance. He wanted to
12 ensure they were looking at the bottom figure not the top figure.
13

14 **Mr. Ashley** explained that it was the bottom figure that they were considering. If the
15 variance was granted, it would take care of the entire building.
16

17 No public participation.
18

19 **Member Cornett moved to APPROVE case V-11-075 with staff conditions.**
20 **Member Young seconded the motion. Member Van Dam asked about the 75%**
21 **destruction condition. The MOTION carried unanimously 6:0.**
22

23 **V-11-077** - Application of Bruce Krall, Krall Construction, agent for Peter and Susan
24 Molinaro, owners, requesting a variance to the maximum building height allowed for an
25 existing single-family residence on Urban Single Family Residential/Indian River Lagoon
26 Surface Water Improvements and Management Overlay Zone (R-9W) zoned property.
27 The property is located at 6970 Turtlemound Road, Bethune Beach, south of New
28 Smyrna Beach; ± 7,750 sq. ft. 8505-01-54-0090
29

30 **Scott Ashley, AICP, Planning Manager**, presented the staff report describing the
31 location of the property and the request for the variance.
32

33 **Bruce Krall, agent for the owners**, explained that the owners are trying to make
34 changes with the minimum height increase.
35

36 No public participation.
37

38 **Member Young moved to APPROVE case V-11-077 with staff conditions. Member**
39 **Cornett seconded. Member Bender asked about the letter from Environmental**
40 **Management Department about the buffer on the pool. Mr. Ashley replied that it**
41 **is not related to this request. This is part of the building permit. The MOTION**
42 **carried unanimously 6:0.**
43

44 **PUBLIC ITEMS**
45

46 None
47
48

1 **STAFF ITEMS**

2
3 None

4
5 **COMMISSION COMMENTS**

6
7 If case V-09-054 is going to be on the February agenda, staff is requested to provide
8 the information earlier so commission members have sufficient time to review the case.

9
10 **PRESS AND CITIZEN COMMENTS**

11
12 None

13
14 **ADJOURNMENT**

15
16 Having no further comments from the public, staff or commissioners, Chairman
17 Severino thanked everyone and adjourned the meeting at 10:54 a.m.

18