

1 **PLANNING AND LAND DEVELOPMENT REGULATION COMMISSION**
2 **PUBLIC HEARING HELD**
3 **DECEMBER 13, 2011**
4

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

- 10 **FRANK SEVERINO, CHAIRMAN**
11 **JEFF GOVE, VICE CHAIRMAN**
12 **JIM RUSSELL, SECRETARY**
13 **TAVER CORNETT**
14 **WANDA VAN DAM**
15 **JAY YOUNG**
16 **JEFFREY BENDER**
17

18
19 **STAFF PRESENT**
20

- 21 **IAN A. WILLIAMS, Assistant County Attorney**
22 **BECKY MENDEZ, AICP, Senior Planning Manager**
23 **SCOTT ASHLEY, AICP, Planning Manager**
24 **JOHN H. STOCKHAM, ASLA, Planner III**
25 **SUSAN JACKSON, AICP, Planner III**
26 **CHRISTIAN NAGLE, AICP, Planner II**
27 **YOLANDA SOMERS, Staff Assistant II**
28 **ROBIN TODD, Staff Assistant II**
29

30 **Ian Williams, Assistant County Attorney**, provided legal comment.
31
32

33 **Disclosure of Ex Parte Communications**
34

35 Members of the Volusia County Planning & Land Development Regulation Commission
36 Board are asked to please disclose, for the record, the substance of any ex parte
37 communications that have occurred before or during the public hearing at which a vote
38 is to be taken on any quasi-judicial matters. All members present did not disclose any
39 communication except as listed below:
40

41 **Member Young** stated he had communication with the applicant (Glenn Storch) for
42 case V-11-036.
43

44 **Member Cornett** stated he had communication with the applicants for the following
45 cases: V-11-064, V-11-036, V-11-063 and PUD-11-068.
46

47 **Member Russell** stated he had communication with the applicants for the following
48 cases: V-11-064, V-11-036 and PUD-11-068.
49

1 **Member Severino** stated he had communication with the applicant for the following
2 cases: V-11-064, V-11-036, V-11-063 and PUD-11-068.

3
4 **Member Gove** stated he had communication with the applicants for the following cases:
5 V-11-036 and V-11-063, V-11-064 and PUD-11-068.

6
7 **Member Van Dam** stated she had communication with the applicants for the following
8 cases: V-11-064, V-11-063, V-11-036 and PUD-11-068.

9
10 **Member Bender** stated he had communication with the applicants for the following
11 cases: V-11-036, V-11-063, V-11-064, V-11-071 and PUD-11-068.

12
13
14 **APPROVAL OF MINUTES**

15
16 **November 8, 2011**

17
18 **Member Severino** noted that there is a change to be made on page 9.

19
20 **Yolanda Somers, PLDRC Secretary**, explained that page 9 line 33 through page 10
21 lines 1 and 2 needed to be rearranged to show the vote came after the discussion on
22 the motion.

23
24 **Member Cornett** moved to approve the minutes as presented. **Member Young**
25 **seconded the motion. The MOTION carried unanimously 7:0.**

26
27
28 **APPLICATIONS TO BE CONTINUED**

29
30 **PUD-11-022** – Application of Michael Woods, attorney for Granvil Tracy, owner,
31 requesting a rezoning from the Resource Corridor (RC) zoning classification to the
32 Residential Planned unit Development (RPUD) zoning classification. The property is
33 located at 39 Highbridge Road, east of the City of Ormond Beach; ±14.1 acres 3205-00-
34 00-0021 **Applicant has requested a 30-day continuance to the January 10, 2012,**
35 **public hearing**

36
37 **Member Cornett** moved to continue case **PUD-11-022** to the **January 10, 2012**
38 **PLDRC hearing. Member Russell** seconded the motion. **The MOTION** carried
39 **unanimously 7:0.**

40
41 **V-11-069** – Application of Mark Watts, attorney for attorney for Barbara W. and Luke
42 Thornton, owners, requesting variance to setbacks and landscape buffer standards on
43 General Commercial / Thoroughfare Overlay Zone (B-4C) zoned property. The property
44 is located at 2110 N. Kepler Road, near DeLand; ± 1.53 acres 6035-01-26-0120
45 **Applicant has requested a continuance to the January 10, 2012 public hearing**

46
47 **Member Cornett** moved to continue case **V-11-069** to the **January 10, 2012 PLDRC**
48 **hearing. Member Russell** seconded the motion. **The MOTION** carried
49 **unanimously 7:0.**

1 **V-09-054** – Application of John Harper, Volusia County, agent for County of Volusia,
2 owner, requesting variances to off-street parking setbacks, number of landscape
3 islands, and landscape buffers on Public (P) and Urban Single-Family Residential (R-9)
4 zoning classifications. The property is located on the west side of Atlantic Avenue at its
5 intersection with Toronita Avenue. The property is near the Atlantic Ocean shoreline
6 and in the community of Wilbur-by-the-Sea; ± 2 acres 6312-04-00-3130, 6312-04-00-
7 3180, 6312-04-00-3190, 6312-04-00-3620, and 6312-04-00-3630 **Applicant has**
8 **requested a continuance to the January 10, 2011, public hearing**
9

10 **Member Cornett moved to continue case V-09-054 to the January 10, 2012 PLDRC**
11 **hearing. Member Young seconded the motion. The MOTION carried unanimously**
12 **7:0.**
13

14 **PUBLIC HEARING ON APPLICATIONS**

15

16 **V-11-064** – Application of James Morris, attorney for Jonathan Carlton, owner,
17 requesting variances to substandard lot, lot coverage, and setbacks for an accessory
18 structure (shed) on Urban Single-Family Residential (R-9) zoned property. The property
19 is located at 4268 Oriole Avenue, Wilbur-by-the-Sea, north of Ponce Inlet; ± 3,750 sq. ft
20 6312-01-05-0070
21

22 **Scott Ashley, AICP, Planning Manager**, presented the staff report describing the
23 location of the property and the request for the three variances.
24

25 **Member Severino** inquired if this case started as a code enforcement case.
26

27 Mr. Ashley responded yes.
28

29 **Member Van Dam** inquired if the only portion of the building that was not in compliance
30 was the overhang.
31

32 Mr. Ashley explained that it was the building itself as well as the overhang.
33

34 **James Morris, applicant**, explained that his client could remove the eave. If variance
35 number one is not granted, he will have to move the shed and relocate it to the south.
36

37 **Member Russell** inquired if it was the eaves on the rear of the shed that the applicant is
38 willing to remove.
39

40 Mr. Morris explained he would have to cut the eaves, and they would then be in line with
41 the white frame board, which would need to be reframed and resealed. The wall is 3 ½
42 feet from the property line, and the variance, if granted, would be 1 ½ feet.
43

44 **Member Gove** inquired if the applicant had spoken to any of the neighbors.
45

46 **John Carlton, owner**, explained he talked to all of the neighbors and they were willing
47 to sign a petition to say that they were not opposed to the shed.
48

49 No public participation.

1 There was discussion on the case.

2
3 **Member Russell moved to approve all three variances of case V-11-064 with the**
4 **conditions listed in the staff report. Member Cornett seconded the motion. The**
5 **MOTION carried unanimously 7:0.**

6
7 **V-11-036** – Application of Glenn Storch, attorney for Gary and Jean Oerther, owners,
8 requesting a variance to setbacks, lot size, and landscape buffers for a townhome
9 project on Urban Multifamily Residential / Indian River Lagoon Surface Water
10 Improvements & Management Overlay (R-7W) zoned property. The property is located
11 at east of Turtlemound Road, approximately one-half mile south from its intersection
12 with Mullet Avenue, Bethune Beach, south of New Smyrna Beach; ±0.5 acres 8505-01-
13 36-0240

14
15 **Scott Ashley, AICP, Planning Manager**, presented the staff report describing the
16 location of the property and the history on the property and the request for the four
17 variances.

18
19 **Member Gove** inquired about the non-conforming lot letter.

20
21 Mr. Ashley explained that the property was non-conforming as it did not go through the
22 subdivision process.

23
24 Member Gove inquired if the properties had always been zoned R-7.

25
26 Mr. Ashley answered yes.

27
28 **Glenn Storch, applicant**, explained that the property is not buildable unless variances
29 are granted. The maximum units allowed is six and the minimum is three. The owners
30 are proposing luxury townhouses that will increase the value of the surrounding
31 neighborhood. There will be masonry walls and intense landscape buffers. The
32 Chadham Association is supporting this project. Mr. and Mrs. Lease are supporting this
33 project through their attorney Mr. Morris. He added the garages have been moved 25
34 feet from the front property line. The applicant is requesting covered parking.

35
36 **Member Russell** inquired if they had comments from the neighbor to the south that
37 faces Turtlemound.

38
39 Mr. Storch explained they had contact with the attorney that represented this owner and
40 they did not respond to the information that was given to them.

41
42 **Member Russell** inquired about the area above the two garages.

43
44 Mr. Storch explained the area above the garages is a storage area or play area. The
45 garages are only large enough for the cars and no storage.

46
47 **Member Russell** inquired if units one and two are the only units that have access to the
48 storage areas.

49

1 Mr. Storch explained the plans allow only units one and two access to the storage area.
2 Unit three has storage built in their unit.
3

4 **Member Van Dam** inquired if one of the garages for unit three was put under the
5 building like in units one and two, would that allow for moving the other garages back.
6

7 Mr. Storch explained that they had looked at many other ideas, but they could not figure
8 out a way to utilize the corner.
9

10 **Member Russell** inquired who gets the two car garage.

11
12 **Member Young** explained that there is a door to unit three.

13
14 **Member Gove** further explained that each unit gets two car spaces.
15

16 **Rick Dickson, civil engineer** introduced himself.
17

18 **Member Gove** inquired what the length of the west wall is.
19

20 Mr. Dickson responded it is 127 feet.
21

22 **Member Gove** inquired about shafts labeled as elevator.
23

24 Mr. Dickson explained they are for elevators and stairs to the fourth floor.
25

26 **Member Bender** inquired about putting a separate garage to the north side of the
27 property.
28

29 Mr. Storch replied they had looked at that idea, but putting the garage on the side with
30 the 25 foot setback seemed to work better.
31

32 Mr. Ashley explained that staff considered the least amount of building mass adjacent to
33 the residential area, and eliminating the extra garages.
34

35 Mr. Storch further explained that they were considering privacy as they want to make
36 the neighbors happy.
37

38 **Member Bender** inquired if there had been any contact with the City of New Smyrna
39 Beach about the easement issue.
40

41 Mr. Storch explained that they may move the pool back, and there will be no more
42 vehicular access in this area.
43

44 **Member Bender** inquired about how they will maintain the pool.
45

46 Mr. Storch explained that there will be a wall up to the point of the structure and then an
47 aluminum fence to prevent people from going into this area.
48

49 **Member Russell** inquired if there was a pedestrian gate in the fence.

1 Mr. Storch replied that it is a solid fence.

2

3 **Member Gove** inquired about the existence of utilities.

4

5 Mr. Dickson explained there is a gravity sewer northward and a hand hole near the
6 property line. There will be coordination with the utilities commission.

7

8 Mr. Storch further explained the sewer and water will be accessed off of Turtlemound.

9

10 **Member Russell** inquired if there had been an opposition.

11

12 Mr. Storch responded a gentleman that lives further down would like to see this as a
13 single family home.

14

15 **Member Severino** opened the floor to public participation.

16

17 **David David** – spoke in opposition to this project. He referenced a county council
18 agenda item that was presented in 2009 to vacate South Atlantic Avenue. One of the
19 biggest concerns was if the road were vacated, would it open up the door for a multi-
20 family housing project in a single family neighborhood. The Oerther’s representative at
21 that time stated that they had no intention of putting condominiums on this property as
22 the variance would be too great. Mr. David believes there is no hardship for the
23 Oerthers. He stated there is a signed petition from every neighbor on the block that was
24 not in the packet. There was also a letter from Mr. Morris stating the reasons why this is
25 not suitable for this area, which was also not in the packet.

26

27 **Member Gove** inquired about the petition from all of the neighbors. He wanted to know
28 if Mr. David had contact with the neighbors.

29

30 Mr. David replied he helped collect the signatures for Mr. Morris. All of the neighbors
31 were opposed to this project.

32

33 **Member Cornett** inquired when this petition was signed.

34

35 Mr. David replied around the date of the letter August 1, 2011. He is the only
36 permanent resident. The other owners are part time residents.

37

38 **Member Gove** inquired if the property owners were aware that the project would not be
39 getting its access off of South Atlantic Avenue.

40

41 Mr. David stated each owner received the same packet that was today.

42

43 **Jim Morris, representing Mr. and Mrs. Lease** – spoke in support for the project. Mr.
44 Morris stated his clients agreed with the landscaping, but are concerned with the corner
45 and their view of the ocean. He asked if it was approved; include the conditions in
46 number 2 as it relates to the 45 feet.

47

48 **Member Russell** inquired if there will be a 6-foot wall built on the north and south sides.

49

1 Mr. Morris responded he knew there would be one on the south side.

2

3 Mr. Storch explained in a single family home, a retaining wall can be built to raise the
4 height of the building.

5

6 Mr. Morris further explained there is a condition of a two-foot elevation.

7

8 **Member Russell** inquired if the wall would be built on the property line.

9

10 Mr. Morris explained it is standard practice to build the wall 6 to 12 inches from the
11 property line. His clients are not opposed as there is landscaping.

12

13 **Member Russell** inquired about the south elevation.

14

15 Mr. Morris explained that it is incorporated.

16

17 **Member Young** inquired if all five conditions have been met from the previous case.

18

19 Mr. Morris replied they had worked to get all of these items resolved.

20

21 **Member Bender** inquired if the wall is built on the property line, how will it be
22 maintained.

23

24 Mr. Storch explained they have not addressed this issue and hopefully the neighbors
25 will allow access as they will want it maintained. The wall provides some privacy.

26

27 **Member Van Dam** inquired if three is the minimum that can be built on this property or
28 could two units be built.

29

30 Mr. Ashley explained based on the acreage of the property, the minimum is a little over
31 2.5, which is rounded.

32

33 **Member Russell** inquired what the maximum would be.

34

35 Mr. Ashley explained the maximum number would be seven.

36

37 **Member Gove** inquired if the backup area would require a variance.

38

39 Mr. Ashley explained this would be addressed through the final site plan process as it is
40 a land development code issue. It encroaches into the landscape area, but there is
41 provision in the code that may help with this.

42

43 **Member Severino** closed the floor to public participation.

44 Mr. Ashley stated the applicant added another condition (# 8); there will be not change
45 to the storage area over the garage to become a kitchen area.

46

47 There was commission discussion.

48

1 **Member Cornett moved to approve all of the variances for case V-11-036 with the**
2 **eight revised conditions mentioned (7 conditions from staff and 1 condition**
3 **added by the applicant to say no kitchens in the storage area). Member Bender**
4 **seconded the motion.**

5
6 There was commission discussion on the motion.

7
8 **Ty Harris, attorney with Storch and Harris,** explained the condition was added to
9 ensure the area is not a living area.

10
11 There was additional commission discussion on the motion.

12
13 Mr. Ashley explained if the space is conditioned with heating or air, it becomes
14 habitable.

15
16 Mr. Harris responded it will not be a living area as it is only 15 feet wide.

17
18 There was additional commission discussion on this motion.

19
20 Mr. Storch suggested the motion state there will be no plumbing to the upstairs area.

21
22 **Steve Craig,** builder for the project, stated air or a dehumidifier is necessary for storage
23 areas.

24
25 Mr. Storch inquired if only a bathroom could be added.

26
27 Mr. Craig also inquired if they could state no kitchens.

28
29 **The MOTION carried unanimously 7:0.**

30
31 **V-11-063** – Application of Ty Harris, attorney for Chadham by the Sea Condominium
32 Owners Association c/o Morbitzer Communities, Inc., owner, requesting variances to
33 minimum setbacks for an accessory structure (shed) on Urban Multifamily Residential /
34 Indian River Lagoon Surface Water Improvements & Management Overlay (R-7W)
35 zoned property. The property is located at 6727 Turtlemound Road, Bethune Beach,
36 south of New Smyrna Beach; ± 4.20 acres 8505-03-00-0001

37
38 **Scott Ashley, AICP, Planning Manager,** presented the staff report describing the
39 location of the property and the request for the variances.

40
41 **Member Gove** stated there was concern about the dumpster location.

42
43 Mr. Ashley explained that solid waste containers have to be enclosed.

44
45 **Member Bender** noted he went by the property yesterday, and there were two
46 dumpsters located in the area where the change is proposed. They were not enclosed.

47
48 **Ty Harris, applicant,** stated this was the first time he had heard anything about the
49 dumpster, but he would get it resolved. He added they were in agreement to withdraw

1 variance #2, but would like to pursue a waver as long as he could apply for this variance
2 within a year if necessary.

3
4 **Glenn Storch, attorney for Storch and Harris**, stated a screen would be built to cover
5 the dumpster.

6
7 Mr. Ashley stated that based on the survey, the proposed storage building would be
8 able to meet the 45 foot setback.

9
10 Mr. Harris withdrew the variance number two.

11
12 **Member Severino** explained that the commission was considering variances #1 and #3
13 as variance #2 had been withdrawn.

14
15 No public participation.

16
17 **Member Van Dam moved to approve variances #1 and #3, clarifying the setback**
18 **reduction is for the screening or the dumpster and variance #2 is withdrawn from**
19 **case V-11-063 with the staff recommendation and conditions. Member Young**
20 **seconded the motion.**

21
22 There was discussion on the motion.

23
24 **The MOTION carried unanimously 7:0.**

25
26 **PUD-11-068** – Application of Jim Morris, attorney for Parker Mynchenberg, Managing
27 Member, agent for Plantation Oaks of Ormond Beach, LLC, owner, requesting a major
28 amendment to Resolution 2002-199 regarding but not limited to land uses and
29 development standards within the Residential Planned Unit Development (RPUD)
30 known as Plantation Oaks RPUD. The property is located on the east side of Highway
31 I-95 approximately 500 feet north from its intersection with U.S. Highway 1, near Halifax
32 Plantation, north of Ormond Beach; ± 1033.75 acres. **Tentatively scheduled for**
33 **December 15, 2011, County Council public hearing.**

34
35 **Scott Ashley, AICP, Planning Manager**, presented the staff report describing the
36 location of the property and the request for a major amendment to the PUD. He stated
37 that staff recommended the request be forwarded to the county council for action as
38 presented with the three proposed conditions included in the staff report.

39
40 **Member Van Dam** asked if this proposed change would cover the entire development.

41
42 **Mr. Ashley** confirmed it would.

43
44 **Jim Morris, attorney for Parker Mynchenberg**, explained the proposal is to request
45 another housing type for this development and that no perimeter properties are affected.
46 He also noted he met with each council member prior to submitting this request. He
47 mentioned that staff rescheduled this request from the November hearing to today. Mr.
48 Morris stated the developers have agreed to pay the school impact fees despite this
49 development being a 55 and over community, which is not required to pay impact fees.

1 He added the lot sizes are larger than required and the households are relatively small,
2 with one or two people per household. The proposed type of development will not be
3 visible from the road as it is located in pockets that have vegetation to screen from view.
4 He mentioned that there were letters of support by John Collins, the developer of
5 Halifax Plantation and from the developer of the Ormond Gateway project. Mr. Morris
6 also clarified that this will not be affordable housing. It is a retirement community where
7 the residents will pay lot rent and own their home. Mr. Morris also noted the Ormond
8 Beach City Commission would meet to discuss this project this evening.

9
10 **Member Gove** inquired if the four design standard recommendations in the staff report
11 were agreeable.

12
13 **Mr. Morris** confirmed the recommendations were agreeable.

14
15 There was a discussion regarding the economic impact of manufactured homes versus
16 single-family homes built on the site, and the cost ratio of a stick built single-family
17 home versus a manufactured home.

18
19 **Mr. Morris** included a letter from Gene White, developer of Fairchild Oaks for the record
20 (Evidence A).

21
22 There was a discussion about the transportation and assembly of the proposed homes.

23
24 **Mr. Ashley** explained that staff requested a continuance due to issues with the new
25 design standards for the proposed dwelling type, and that staff recommended
26 acceptance of the application and provided proposed conditions, but that staff had no
27 recommendation of approval or denial.

28
29 **Public Participation:**

30
31 **Joseph Dougherty, 33 Division Avenue, Ormond Beach**, spoke in favor of the
32 request. He added poured concrete foundations would be preferred. Mr. Dougherty
33 noted this could have a positive effect on the area.

34
35 **Elliott Gross, 3913 Hano Court, Ormond Beach**, spoke in opposition to the request
36 citing Florida Statute (FS) 380.06 and comprehensive plan policy 1.3.1.20.

37
38 **Nancy Gross, 3913 Hano Court, Ormond Beach**, spoke in opposition to the request
39 stating it is a substantial change to the area.

40
41 **Jane Gentile-Youd, 3 Magnolia Drive North, Ormond Beach**, spoke in opposition to
42 the request, noting the map in the summary (page 2 of 8) ignores Plantation Bay.

43
44 **Dale Pettigrew, 3401 Castlebar Circle, Ormond Beach**, spoke in opposition to the
45 request. Mr. Pettigrew cited a letter of support from Tony Unanino, President of the
46 Halifax Plantation Home Owner's Association. Mr. Pettigrew did not feel this letter of
47 support accurately captured the concerns of the Halifax Plantation residents.

1 **Joe Jaynes, 21 Reflections Village Drive, Ormond Beach, Ormond Scenic Loop &**
2 **Trail CME**, spoke in opposition to the project. He does not think this change fits with
3 the character and quality expected in the greater Ormond Beach area.
4

5 *The commission took recess from 12:15 p.m. until 1:15 p.m.*
6

7 **Janet Jasanis, 1419 Dolph Circle, Ormond Beach**, spoke in opposition to the project
8 stating the applicant did not give proper notice to adjoining homeowners.
9

10 **Richard Pinter, 1220 Killarney Drive, Ormond Beach**, spoke in opposition to the
11 project. He noted this development does not conform to the neighborhood around it.
12

13 **Elinor Sheriff, 46 Village Drive, Ormond Beach, secretary for the Village of Pine**
14 **Run Homeowner's Association**, spoke in opposition to the project. Ms. Sheriff spoke
15 about the original rezoning case in 2002 and inquired if the issues presented at that
16 time regarding the DRI were still valid today.
17

18 With no other public participation, Member Severino closed the floor to public
19 participation and allowed Mr. Morris to rebut the items mentioned by the public.
20

21 **Mr. Morris** held up the stack of certified return receipts showing that he did notice. He
22 commented that those residents of Halifax Plantation were not by the County ordinance
23 required to receive notice. He also mentioned the article in the newspaper last week
24 regarding today's hearing and the council meeting on Thursday. Mr. Morris noted Mr.
25 Gross quoted the comprehensive plan policy, but did not offer the second part of said
26 policy, which states manufactured homes are consistent with the comprehensive plan.
27 Mr. Morris agreed there are issues regarding the DRI, but offered that, if granted, it be a
28 condition of the approval. He added the DRI language provides for amendments to
29 occur, and that this development will go through the process. Mr. Morris also
30 commented that the scenic perspective, it will maintain its appearance. Mr. Morris also
31 spoke to property taxes, stating the residents will pay taxes on everything within the
32 boundary of their land including the improvements such as golf club buildings and
33 shelters. He also added the development agreement does not allow short-term rentals
34 and this development will consist of residents not tourists.
35

36 There was discussion about tangible and real property taxes, as well as size of the
37 proposed lots.
38

39 **Member Russell** inquires about the issue with the rush of this project.
40

41 **Mr. Morris** explained his client filed the application for the November PLDRC hearing,
42 however, staff had requested to reschedule this application for today's hearing, and his
43 client agreed as long it remained on the county council hearing for December 15, 2011.
44

45 **Member Severino** inquired if Mr. Morris could provide pictures of the similar
46 neighborhood in Flagler.
47

48 **Mr. Morris** stated that they have pictures (Evidence B).
49

1 **Member Van Dam** inquired why there had not been any activity on this development
2 since the 2002 rezoning approval.

3
4 **Mr. Mynchenberg** explained the first step in a development of this magnitude was to
5 get the zoning. In 2002, the zoning issued was resolved. After that time, the design for
6 1,577 units on 1,000 acres began. He added this development also had to receive a full
7 St. John's River Water Management District permit for the entire development and an
8 overall development plan from Volusia County for the entire 1,577 units. Once the
9 developer was ready to begin phase one of the infrastructure, the market changed.

10
11 **Mr. Morris** referred to the aerial map in the staff report, which shows the clearing that
12 has occurred and that the road is there. He added the underpass for the golf carts was
13 not visible nor the berm, which had been installed on the southern portion of the
14 property.

15
16 **Member Gove** inquired about the status of the St. John's River Water Management
17 District permit.

18
19 **Mr. Mynchenberg** replied that it was good until 2014, and there is a senate bill that will
20 allow us to extend it for another two years. The site also has consumptive use permit
21 for the irrigation system, and it is valid.

22
23 **Member Cornett** asked what the public notice requirements are.

24
25 **Mr. Ashley** explained that the applicant must notify the adjoining property owners of the
26 proposed amendment. Some cities may require distance of 300 or 400 feet, but the
27 county does not have a distance requirement. He added that due to large lot properties
28 between Halifax and this property, individual owners were not required to receive public
29 notices. The applicant has complied with the requirement.

30
31 **Member Severino** asked if there were any questions for staff.

32
33 **Member Van Dam** inquired as to the wording of the request because it was different, if
34 the board should act as if this was a rezoning case.

35
36 **Mr. Williams** explained they were making a recommendation for approval or denial to
37 the county council. Staff has not taken a position on this project. It is a major
38 amendment so the board should apply the criteria as listed in the staff report.

39
40 **Member Severino** asked if there were any more questions for staff and inquired about
41 the public's concern that this item was rushed through the process.

42
43 **Mr. Ashley** explained the agenda and notice process.

44
45 **Member Severino** inquired if the same standards as every other rezoning, variance,
46 and special exception case had applied towards this case.

47
48 **Mr. Ashley** confirmed that the staff applies the same standards to all cases and
49 applicants.

1 **Member Severino** inquired if there were any more questions for staff.

2
3 **Member Van Dam** clarified the board was not to decide if this development should have
4 been approved, but rather make a major amendment to it. Ms. Van Dam referred to the
5 included minutes of the 2002 hearing, which approved the project and did not allow
6 mobile homes. She added she did not feel comfortable recommending approval of this
7 request.

8
9 **Member Russell** inquired if the applicant could build on 55-foot wide lots, with a
10 minimum of 5,000 square foot, and put them in as site built houses.

11
12 **Mr. Ashley** responded according to the current development agreement they could.

13
14 **Member Russell moved to forward case PUD-11-068 to county council with a**
15 **recommendation of approval with staff conditions as presented. The motion fails**
16 **for lack of second.**

17
18 **Member Van Dam moved to forward case PUD-11-068 to county council with a**
19 **recommendation of denial based on criteria number 1 (consistency with the**
20 **comprehensive plan). Member Cornett seconded the motion.**

21
22 **The commission discussed the motion.**

23
24 **Motion failed 3 to 4 (Members Severino, Russell, Gove, and Bender opposed).**

25
26 **(Member Young had to leave)**

27
28 **Member Russell moved to forward case PUD-11-068 to county council with a**
29 **motion of approval as presented. Member Gove seconded the motion.**

30
31 **The commission discussed this motion.**

32
33 **Motion carried 4 to 2 (Members Cornett and Van Dam opposed; Member Young**
34 **not present).**

35
36
37 **Z-11-070** - Application of Ronald Grayson Puckett, agent for Ronald Grayson and
38 Carine Puckett, owners, requesting a rezoning from the Urban Single-Family
39 Residential (R-3) zoning classification to the Transitional Agriculture (A-3) zoning
40 classification. The property is located at 4850 Grand Avenue, DeLeon Springs; ± 5.9
41 acres 6944-01-00-0530. **Tentatively scheduled for January 19, 2012, County**
42 **Council public hearing.**

43
44 **Scott Ashley, AICP, Planning Manager**, presented the staff report describing the
45 location of the property and the request for rezoning. The staff recommendation is in
46 support of this request.

47
48 **Member Severino** inquired if there were any questions for staff.

49

1 Carrine Puckett, applicant, stated there were no questions.

2
3 Member Severino inquired is she had anything to add to the staff report.

4
5 Ms. Puckett responded no.

6
7 No Public Participation

8
9 **Member Cornett moved to forward this request to county council with a**
10 **recommendation of approval. Member Russell seconded the motion. The**
11 **MOTION carried unanimously 6-0 with Member Young absent.**

12
13 **V-11-071** – Application of Leonard and Barbara Watts, owners, requesting variances to
14 the required rear yard setback for additions to a single-family dwelling on Residential
15 Planned Unit Development (RPUD) zoned property. The property is located at 1835
16 Quail Hollow Drive, Hontoon Island, DeLand; ± 12,150 sq. ft. 7926-01-02-0110

17
18 **Scott Ashley, AICP, Planning Manager**, presented the staff report describing the
19 location of the property and the request for the variances.

20
21 **Member Russell** inquired if both requests had to be approved.

22
23 **Member Cornett** replied no.

24
25 **Leonard Watts, owner**; explained why they are asking for the request; they will have
26 additional family living with them soon. He stated they went to the home owners
27 association for approval. They also went to the neighbors for their approval.

28
29 **Member Severino** inquired if the closet could be moved 1-foot to meet the setback.

30
31 Mr. Watts replied it could be shrunk, but the owners really like the size they have.

32
33 **Member Gove** explained that this is part of the Quail Hollow PUD and their setbacks
34 are greater.

35
36 No public participation.

37
38 There was commission discussion.

39
40 **Member Bender moved to approve both variances for case V-11-071 with the two**
41 **conditions in the staff report. Member Russell seconded the motion. The**
42 **MOTION carried unanimously 6:0.**

43
44 **V-11-072** – Application of Christopher Bump, agent for David and Kathleen Brynes,
45 owners, requesting a variance to the required front yard setback on Urban Single-
46 Family Residential / Indian River Lagoon Surface Water Improvements & Management
47 Overlay Zone (R-9W) zoned property. The property is located at 6114 South Atlantic
48 Avenue, Bethune Beach, south of New Smyrna Beach; ±12,815 sq. ft. 8505-01-30-0150

49

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

3
4 **Member Gove** inquired if they could cantilever a 3.4 foot porch addition.

5
6 Mr. Ashley explained the ordinance allows an unenclosed balcony or deck to extend
7 into a setback by 3.5 feet or half a yard, whichever is less. The proposal is for a ground
8 supported porch, and the setback would be measured from that structure.

9
10 **Member Gove** asked for clarification, it can be 3.4 feet but cannot have a post.

11
12 Mr. Ashley confirmed.

13
14 **Christopher Bump, applicant**, explained that the house did not currently meet the
15 setbacks and the only thing on the ground would be three 2 X 2 columns.

16
17 **Member Russell** inquired how far out could a cantilever deck be built.

18
19 Mr. Bump stated it could go to 3.6 feet.

20
21 **David Brynes, owner**, explained there are two reasons for the addition. First, they
22 would like to enjoy the property and the ocean. Second, their daughter is a special
23 needs adult child and this would allow her to be outside. The added space would allow
24 a table and chairs outside, and there will be no line of site issue.

25
26 **Member Russell** inquired if this is their primary residence.

27
28 Mr. Brynes replied this is not their primary residence.

29
30 **Member Russell** inquired if they plan to extend the deck itself but not the roof over the
31 deck.

32
33 Mr. Brynes explained they are not planning on having a permanent roof, and they would
34 park under it.

35
36 **Member Gove** inquired when they purchased the property.

37
38 Mr. Brynes explained it was purchased in May 2011.

39
40 No public participation.

41
42 There was commission discussion.

43
44 **Member Russell moved to approve case V-11-072 with the two conditions stated**
45 **by staff. Member Cornett seconded the motion. The MOTION carried**
46 **unanimously 6:0.**

1 **PUBLIC ITEMS**

2
3 None

4
5 **STAFF ITEMS**

6
7 Staff had an idea of urban gardening – buy local, eat local, and wanted commission
8 ideas about it. Mr. Severino requested staff to email the board members the
9 information.

10
11 This could mean many projects requiring PLDRC input. It could also mean a new
12 section of the zoning code that deals with infield zoning.

13
14 Staff stated there could be updates to the comp plan coming this year.

15
16 **COMMISSION COMMENTS**

17
18 None

19
20 **PRESS AND CITIZEN COMMENTS**

21
22 None

23
24 **ADJOURNMENT**

25
26 Having no further comments from the public, staff or commissioners, Chairman
27 Severino thanked everyone and adjourned the meeting at 3:17 p.m.

28
29