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**PLANNING AND LAND DEVELOPMENT REGULATION COMMISSION
PUBLIC HEARING HELD
SEPTEMBER 9, 2008**

The Public Hearing of the Volusia County Planning and Land Development Regulation Commission was called to order by Frank Severino, Vice Chair, 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, CHAIR
GARY HUTTMANN, VICE CHAIR
JAMES RUSSELL, SECRETARY
TAVER CORNETT
STONY SIXMA
JAY YOUNG
JEFF GOVE**

STAFF PRESENT

**MICHAEL DYER, Assistant County Attorney
MARY ROBINSON, Building and Zoning Director
SCOTT ASHLEY, Planning Manager
DAVID ZECHNOWITZ, Planner III
JOHN H. STOCKHAM, Planner III
CHRISTIAN NAGLE, Planner II
YOLANDA SOMERS, Zoning Secretary
MARCY CHAFFIN, Recording Secretary**

DRAFT

PUBLIC HEARING ON SPECIAL EXCEPTION AND ZONING CASES

Chair Severino explained the procedure for forwarding the Commission’s decisions to the County Council and invited the public to speak for or against any of the cases being heard.

Michael Dyer, Assistant County Attorney, explained that decisions by this body on special exception cases and cases which rezone real property from one classification to another pursuant to the Zoning Ordinance are recommendations only to the County Council and do not constitute a final hearing. New evidence may be introduced at the County Council public hearing. Decisions on variances made by this body constitute final action, subject to an appeal to the County Council. What this means is that no new evidence may be presented at the time of the County Council public hearing on appeal. An aggrieved party that appeals such a decision is confined to the record made before this body. Hearings by this body on rezonings, special exceptions and variances are quasi-judicial in nature meaning that this body is acting more like a court and must take into account all oral, written or demonstrative evidence presented. Their decisions on these cases must be based on competent, substantial evidence in the record. Competent, substantial evidence has been defined, as that evidence a reasonable mind would accept to support a conclusion.

Mr. Dyer asked for disclosure of ex parte communications. He recommended that any Member who has had communications with a member of the public or the applicant on any agenda item, state so at this time with a brief comment.

- Chair, Severino No
- Member Cornett: No
- Member Huttman: No
- Member Russell: No
- Member Young: No
- Member Sixma: No
- Member Gove No

CONSENT AGENDA

Z-08-054 - **Application of Leroy F Jr & Anita E Patten, Owners**, requesting a Rezoning from the A-1 (Prime Agriculture) and FR (Forestry Resource) zoning classifications to the A-1 (Prime Agriculture) zoning classification. The property is located ±140 ft. northeast of Old Perkins Highway, ±1400 ft. north of its intersection with Blackwelder Road, and north of the Rural Community of DeLeon Springs; ± 5 acres (Nagle) 5021-00-00-0512 **Tentatively schedule for the October 16, 2008 County Council at 2:00 p.m.**

Member Huttman **MOVED** to **FORWARD** case # **Z-08-054** to the County Council. Member Cornett **SECONDED** the motion. The motion **PASSED** unanimously.

ITEMS TO BE CONTINUED

Z-08-037 - **Application of Rafael Gonzalez, Agent for Owner, Victor M. San Inocenio, Owner**, requesting a Rezoning from the A-1 (Prime Agriculture) zoning classification to the A-4 (Transitional Agriculture) zoning classification. The property is located on the east side of State Road 415, at its intersection with Sorento Road in the community of Samsula; ± 14.785 Acres (Nagle) 8201-00-04-0010 **30-day continuance requested.**

Member Sixma **MOVED** to continue case # **Z-08-037** for 30 days. Member Young **SECONDED** the motion. The motion **CARRIED** unanimously.

PUBLIC HEARING ON VARIANCE AND SPECIAL EXCEPTION APPLICATIONS

ITEMS TO BE CONTINUED

S-08-038 - **Application of Michael Burkhead, Agent for TBCOM Properties, Agent for Owners, Marco & Veronica Pichardo, Owners**, requesting a Special Exception for a Communication tower exceeding 70 feet in height above ground level (180 ft. monopole) and requesting Waivers to Section 817.00(w)(5)(e) Setback and Separation for a range of 990.6 ft. to 648.5 ft. in lieu of the required 1,000 ft. from a dwelling on A-4 (Transitional Agriculture) zoned property. The property is located on the east side of Fifer Drive, approximately 700 feet from intersection with Beckwith Street adjacent to the City of Deltona; ± 2.5 acres (Stockham) 8101-00-00-0432 **30-day continuance requested**

Member Sixma **MOVED** to continue case # **Z-08-038** for 30 days. Member Young **SECONDED** the motion. The motion **CARRIED** unanimously.

V-08-041- **Application of Michael Burkhead, Agent for TBCOM Properties, Agent for Owners, Marco & Veronica Pichardo, Owners**, requesting a Variance to Section

DRAFT

817.00(w)(5)(e) Setbacks and Separation to allow a 180-foot monopole communication tower (404.02 ft. in lieu of the required 1,000 ft.) on A-4 (Transitional Agriculture) zoned property. The property is located on the east side of Fifer Drive, approximately 700 feet from intersection with Beckwith Street adjacent to the municipal limits of the City of Deltona; ± 2.5 acres (Stockham) 8101-00-00-0432 **30-day continuance requested**

Member Sixma **MOVED** to continue case # **V-08-041** for 30 days. Member Huttman **SECONDED** the motion. The motion **CARRIED** unanimously.

NEW BUSINESS

V-08-053 – Application of Scot B & Monica Sherwin, Owners, requesting a Variance for a waterfront setback for elevated walkway (0 ft. in lieu of the required 5 ft.) on R-4 zoned property. The property is located on the west side of Cherokee Road, approximately 750 feet north from its intersection with Navajo Avenue; ± 8400 sq. ft. (Zechnowitz) 4230-04-00-0240

David Zechnowitz, Planner III, presented the Staff Report. The subject property is improved with a single family dwelling, elevated deck, floating dock and boat house. The house is built on pilings to comply with the building code requirement that the first floor living area be elevated above the base flood elevation. The house is equipped with an elevator for the benefit of the applicant's wife who is disabled. The applicants propose to remove the hip roof that covers the boat house and replace it with a flat roof deck to be used as a party deck. In order for the applicant's wife to access the boat house deck, they propose to connect the house deck with an elevated walkway. This will require a variance to allow a zero foot setback in lieu of the 5 feet required for an accessory structure. The applicant alleges the special conditions and circumstances are that the house is required to be elevated above the base flood elevation and the walkway must be elevated to provide handicap access. This is a personal hardship but is not unique to the land and structure. The proposal to re-roof the boat house with an upper deck is a self imposed hardship. Therefore Staff does not support the request because it does not meet the five criteria for which a variance may be granted.

Member Gove asked if the boat house is considered an accessory structure.

Mr. Zechnowitz answered yes it is an accessory structure. The accessory structure in the request is for the elevated walkway to connect the house to the boat house deck.

Discussion continued about the boat house being an accessory structure as it is out over the water.

Member Huttman asked Staff if it is the use of the boat house after it is re roofed that is the question.

Mr. Zechnowitz stated yes.

DRAFT

Scott Sherwin, 248 Cherokee, owner. He stated that within a mile of his house there are 8-10 flat topped boat houses. He stated they are permanent structures and he wants to build one and connect it with an access pier to his house. He stated that his home was severely damaged in the hurricanes of 2001 and 2004. The original deck floated away in 2001 and damage to structures was partly due to part of the neighborhood being developed within a flood plain. He stated that 10 homes have experienced repeated flooding. He stated that repair was done to the inside of his home in 2001 but further damage from the 2004 hurricanes was extremely extensive being over 50% unlivable and the County would not approve the home to be repaired. He stated the house was demolished and rebuilt complying to the most recent permitting rules resulting in building the home and adjacent back deck 10 feet off the ground to comply with the new elevation codes. He stated they worked with architects, engineers, and plans examiners for over a year to make sure the elevated deck complied with setback rules and other zoning requirements, reworking the plan many times, without requesting any variances. He stated the land under the home was elevated to keep the garage from flooding which resulted in a small hill from the foundation level to the back yard toward the river. He stated the back yard is not level, but it keeps the Tomoko River from flowing over the foundation. He stated they want to finish repairing the boat house so that it completes the site plan and can be accessible by the whole family. He stated that stairs are normally built to an elevated boat house, but due to a handicap condition, his wife can not negotiate stairs. He stated due to the disability, an elevator was placed in the house at great expense; however, it is impossible to build an elevator in the boat house. He continued that even though the new elevation rules do apply to all the houses in the same zoning classifications, they are the only ones in their neighborhood who have had to comply with the rules. He stated they are one of the few that have had to build a stilt structure. He stated they are asking to continue the hurricane safety features and compliance rules to the boat house and walkway. This walkway is an access pier to the boat house and the completed plan is visually, environmentally, and aesthetically correct. He stated they want to connect an existing patio area with a new area with a narrow pathway and this is the minimum variance that will make the boat house accessible. He stated due to the small amount of land between the house and river, there is not enough room to build a long incline ramp.

Member Huttman asked Staff if the variance is for the rear setback which is caused because the walkway is attached to the boat house.

Mr. Zechnowitz stated it is a waterfront setback which is five feet for an accessory structure. The boat house is exempt from the waterfront yard setback.

Member Huttman stated that the reason for the variance is because for the walkway to be useful it must be attached to the structure and it is not causing any other intrusion in any setback than already exists.

Mr. Zechnowitz stated it is encroaching into the yard 5 feet.

DRAFT

Member Huttman asked if it is encroaching to the east of the elevated deck.

Mr. Zechowitz stated yes it is.

Member Gove asked Staff if other boat houses in the area that have a deck on top would be non conforming.

Mr. Zechowitz stated there is no problem with the deck on top of the boat house. The connection of the elevated walkway is the problem because it extends into the 5 foot setback that is required for accessory structures.

Member Young asked Staff if the elevated walkway will go over the existing cement walkway.

Mr. Zechowitz stated yes.

Member Cornett asked if this is similar to a dune walkover or an elevated dock that might be seen at Blue Springs for people to walk on at the edge of the water.

Mr. Zechowitz stated it could be similar.

Member Cornett stated what is the difference between a platform that is raised 18 inches off the ground going to a dock and one that is 10 feet off the ground going to a dock.

Member Russell asked the applicant if his wife is able to access the boat house at current grade level.

Mr. Scott stated his wife can walk on the ground but can not use stairs.

Member Russell asked if an elevator would be more expensive than the whole walkway.

Mr. Scott answered it would be similar to the price of the whole boat house.

Photos were shown of the existing situation.

Member Russell stated the ramp is not over the walkway at grade.

Mr. Scott stated that he is bringing the walkway around the south side of a clump of trees and will blend it in making it more aesthetically pleasing using only 4 pilings in the ground.

Member Gove asked where are the trees located.

DRAFT

Mr. Scott stated there are four trees on one side of the walkway making the walk way blend into the area.

Member Russell asked if the proposed walk way will not be going over the current walkway that is at grade because of the trees.

Mr. Scott answered the walk way will be hidden more by the trees as it is seen from the waterfront. He stated he is asking for 30 feet by 4 feet.

Mr. Dyer stated that the Staff report has outlined the criteria for the variance and also there is a petition for the variance with details and includes responses from the applicant. Depending on the position of the Commission, either the Staff report or the written application could be adopted by reference to satisfy the criteria without more detail.

Member Huttman **MOVED** to **APPROVE** case # **V-08-053** based on criteria 4C that literal interpretation of the provisions of the ordinance would work an undue hardship on the applicant. 4E, the granting of the variance will be in harmony with the intent and the variance will not be injurious to the area involved. Member Sixma **SECONDED** the motion. The motion **CARRIED** unanimously.

Member Cornett commented that there is the potential for anyone to appeal the decision for ten days.

V-08-059 - Application of C. Allen Watts, Attorney for Owner, Kathleen Coughlin Tr., Owner, requesting a Variance for a waterfront yard setback (20 ft. in lieu of the required 25 ft.). The property is located on the west side of John Anderson Drive, between Beau Rivage Drive and Sand Dunes Drive in the community of Ormond Beach; ± 0.6 acres (Zechnowitz) 3221-00-03-0090

Dave Zechnowitz, Planner III, presented the Staff Report. He stated that last month the Commission granted the applicant's variance for a waterfront setback of 21.5 feet in lieu of the 25 feet required. At the hearing the applicant stated the plans were wrong and in fact the request was for 20 feet in lieu of the 25 feet required. However, the 21.5 feet in lieu of the 25 feet was accepted rather than continue. He stated the applicant reapplied for the 20 feet in lieu of the 25 feet. He stated the subject property is a waterfront lot that is developed with a single family dwelling, detached garage, and a swimming pool. The lot is 113 feet deep except where the sea wall extends into the lot at the north end where it is 96 feet deep. The existing cabana is setback 20 feet from this part of the wall which was the requirement when it was built. The applicant is proposing to construct a larger cabana/game room to replace the existing one. In 1998 the zoning ordinance was amended to require a 25 foot waterfront setback regardless of the lot depth making the current cabana non conforming. Staff finds that special conditions and circumstances exist in that the seawall juts into the property which causes a unique non self imposed hardship and the request is the minimum variance that will allow the applicant to build along an existing non conforming setback line and

DRAFT

make reasonable use of the proposed structure for its intended use. Staff recommends APPROVAL of the amended variance request for 20 feet in lieu of the 25 feet.

Micheal Woods, for Mr. Watts, Cobb & Cole, for the applicant. He stated the facts by Staff are accurate and he thanked Staff for the expedited review in a timely manner. The variance was accepted last month for the 21.5. However, the intent was for the 20 feet. The need is caused by the existing footprint of the building and by the bite into the seawall. There will not be any impact to the visible corridors of the neighbors and all neighbors have been property noticed.

Member Cornett **MOVED** for **APPROVAL** of case # **V-08-059** based on the Staff Report. Member Huttman **SECONDED** the motion. The motion **CARRIED** unanimously.

CONSENT AGENDA- Cont.

Z-08-024 – **Application of Glenn Storch, Storch Morris & Harris, LLC, Attorney for Owner, K1J6, LLC, Owners,** requesting a Rezoning from the A-3 (Transitional Agriculture) zoning classification to the A-2 (Rural Agriculture) zoning classification. The property is located at the terminus of Airport Road, approximately ¼ mile north of CR 15-A, the property is the Bob Lee Airport; ± 33.23 acres (Zechnowitz) 6017-00-00-0050 **Tentatively schedule for the October 16, 2008 County Council at 2:00 p.m.**

Dave Zechnowitz, Planner III, presented the Staff Report. He stated the property is the site of the Bob Lee Flight Park which is a non conforming grass airstrip that has existed for about 50 years. A fixed wing aircraft landing field is not a permitted use in the A-3 zoning classification nor as a special exception. It is permitted as a special exception in the requested A-2 classification which is the purpose of the request which allows the applicant to apply for a special exception to legitimize the Flight Park and make improvements to the park. The properties adjacent to the airstrip to the east, west, and north are zoned agricultural and located to the south are mobile homes and residential areas. The subject property has three separate future land use designations. The airstrip is designated as public/semi-public, in recognition of its publicly regulated airport use. The area to the south where the old hangers, pole sheds, and tethered planes are located is urban low intensity and rural. According to the comprehensive plan, the A-2 zoning is consistent with the rural future land use because the minimum lot size of 5 acres matches the one dwelling unit per five acre density requirement. It is also consistent with the urban low intensity because it matches the bottom end of the density range at .2 or one dwelling unit per five acres. The A-2 should be considered consistent with public/semi-public, because it was applied to the airport in recognition of the half century existence of the airport. Staff recommends APPROVAL of the request.

Glenn Storch, 1620 S. Clyde Morris Blvd. Suite 300, Daytona Beach for the applicant. He stated the Bob Lee Airport is an institution in west Volusia. It has been here for about 50 years but it is showing wear. Mr. Lee has passed away and his daughters unsuccessfully tried to run the airport so they have sold it to K1J6, LLC,

DRAFT

which is managed by Adrian Thompson. He stated that Mr. Thompson is a pilot that understands airport operations business and he desires to operate the airport in a safe and better manner. He stated that when he looks at zonings he considers what is there now, how it affects the adjoining property owners, and is there a way to make the entire area better. Photographs were shown to indicate the condition of the current hangers which are vested and grandfathered allowing them to be maintained. He stated the current hangers are probably not up to current standards for safety and hurricanes and that it is planned to tear down the existing hanger facilities replacing them with modern hangers. He stated that it is important that this works with the adjacent property owners by making it safer and a better property value. There have been concerns that the size of the planes would increase with the airport improvements but the size of the planes can only increase if the runway is extended. He stated that the runway is 3000 feet which allows only certain sizes of aircraft to be able to land on the site. He stated that it can be stipulated that the runway will not be extended and will be maintained at the current size which maintains the current size of planes and number of planes in the area. Another concern is the lighting which FAA does require on the site, however, the intention is that it is run as a day time airport. If there is a need for a night landing there will be lights in place, which will be very dim. The lights will only turn on for 15 minutes at a time then shut off, which will be an automated system. He stated it can be stipulated that the lights be shaded so they do not cascade onto the adjoining property owners so it will not impact them. He stated that there are concerns in regards to storm water impact to the adjoining area especially with the recent impacts to the area. Currently there is no storm water retention on the site, however, there will be a full scale storm water review requiring them to maintain, collect and keep all the storm water on site. There will be no credits for the existing impervious surfaces and he stated that St. John's will give credit for impervious surface, but Volusia County will not. The storm water protection for the entire site will be designed during the DRC process and a stipulation can be added if needed. The fuel storage will be stipulated to be a least 25 feet away from the property lines. He stated that landscape buffers will be next to the airport including a 15 foot landscape buffer next to the air strip which will not have any trees due to safety reasons. He stated they are working with FDOT to make certain safety will be increased for the airstrip and operations. The concern about noise is addressed by this being a daytime airstrip with the exception if someone does need to land at night they can. He stated there can be hours for operation for the plane maintenance area of 7 am to 10 pm, although it is not noisy as there are no air jacks. He stated it will be stipulated there will be no flight schools, parachute based operations, or other uses that would increase the use of the airport any more than used now. He concluded that the plan for this current airstrip is for it to be made safer, bring it up to code, safer in regards to hurricanes, and increase the value of the surrounding properties by fixing the property.

Mike Dyer, Assistant County Attorney, stated there are two cases, Z-08-024 and S-08-025 for which the testimony will be identical for each, therefore the cases can be consolidated with separate votes.

DRAFT

Chair Severino asked if the conditions stated by Mr. Storch would be more appropriate for the later case S-08-025.

Mr. Dyer stated yes. The cases may be consolidated with two separate votes with conditions to be imposed speaking to the Special Exception.

Mr. Storch stated the cases are together. The reason for the rezoning request is because Special Exceptions are allowed in A-2 designations, so the property is being down zoned with a Special Exception. All the testimony should be taken for the Special Exception.

Discussion continued in regards to joint testimony for the two cases and separate votes.

OLD BUSINESS

S-08-025 – Application of Glenn Storch, Storch Morris & Harris, LLC, Attorney for Owner, K1J6, LLC, Owners, requesting a Special Exception for a Fixed-wing aircraft landing fields and helipads on the proposed A-2 (Rural Agriculture) zoned property. The property is located at the terminus of Airport Road, approximately ¼ mile north of CR 15-A, the property is the Bob Lee Airport; ± 33.23 acres (Zechnowitz) 6017-00-00-0050 **Tentatively schedule for the October 16, 2008 County Council at 2:00 p.m.**

Dave Zechnowitz, Planner III, presented the Staff Report. He stated that Staff supports **APPROVAL** for the case. A report from the County Traffic Engineer stated that the level of service on the adjacent thoroughfares will not be adversely impacted. He stated there were comments from Mr. David Roberts, the Florida Department of Transportation, Airport Inspection and Safety Manager, that answered all of Staff's questions and concerns. He stated that after reviewing the report from Mr. Roberts, Staff supports a total of 56 airplane hangers, 40 T-hangers and 16 box hangers along with 10 tie downs along the airstrip.

Member Cornett asked for clarification of a box hanger.

Adrian Thompson stated that there are two types of hangers. A T-hanger which are T's back to back to each other. A box hanger is an individual hanger or could be a cluster of individual hangers which are not T- hangers. Every building is a permanent building.

Member Huttman asked if there were any comments from the City of DeLand as there have been discussions regarding sky diving and concerns about a tower at the DeLand Airport.

Member Cornett stated he thought it was self limiting based on the length of the runway and the style of plane used to carry sky divers which traditionally is a twin

DRAFT

engine, large body that handles up to 10 divers and may take more than 3000 feet to get off the ground.

Mr. Storch stated the airport is for small planes and gliders. He stated there can not be a business operation located there for either sky diving or a flight school. The impact is being minimized.

Member Young asked what will be done with the runway surface.

Mr. Storch stated within three years it will be paved for safety purposes and the size will remain the same as it is now.

Member Young asked if it wouldn't become more accessible, increasing the usage.

Mr. Thompson stated the surface now is 3300 feet of usage for landing and take off. The thresholds of the runway are displaced because of GSprings Road where it is crossed with a 50 foot screen and it is similar at the other end where the fernery is located. He stated there are displaced thresholds meaning although the actual runway strip is longer than the 3300 feet, due to the obstacles at each end, the use is limited. He stated paving the runway makes it safer because of wet surfaces and pot holes. The paving will not increase the ability of larger aircraft to use it because it is restricted by it's physical length and end of runway obstacles.

Member Young stated he does not use unpaved runways when he flies because of possible obstructions.

Mr. Thompson stated that breaking efficiency on grass is reduced compared to the friction of the paved runway.

Member Young asked if traffic flow will increase as those who did not use it before because it was grass may well use it now.

Mr. Thompson stated he did not think traffic would increase because although it is grass, it is one of the best he has seen as Bob Lee did maintain it well. The limiting factor is the length of the runway. As example, Emery Riddle will not operate on less than 4000 feet. He continued there will not be any parachutes and no flight schools. Essentially it will remain as Bob Lee had it which is an aviation enthusiast's place where people can use the planes and have fun; it will not be a commercial operation. However, because of the public license, it will be available to the public, but not encouraged.

Member Young stated that on the aviation charts the classification will change from grass field to paved field now.

Mr. Storch stated there will not be any additional encouragement to use the field.

DRAFT

Member Cornett asked if the storm water calculations will take into account the future impervious surface.

Mr. Storch answered absolutely. When it is going through the DRC, the storm water will be prepared for the eventuality of the runway being paved. The reason it will not be paved initially is that Mr. Lee did not want it paved for three years.

Member Cornett asked if the lighting that will come on for night landing is automated.

Mr. Thompson stated the lighting is pilot controlled lighting. Pilots click the transmit button on their radios three times and that automatically puts the lights on for 15 minutes. If the lights are needed back on the pilots transmit again. He stated that runway lights are unidirectional meaning they are shaded and aligned with the runway so there is not a 360 degree shine radius. They typically have 110 degree radius so as a pilot is approaching the runway the lights shine at them. If the pilot is not aligned with the runway they will appear dimmer. The non light part will be directly facing the residential areas.

Member Young asked if the runway is paved, will it be required to be beaconed by the FAA.

Mr. Thompson stated if it is not an instrument airport, the lighted beacon would have to be turned on throughout the day and activated at night by the pilot. The beacon shines at a forty-five degree angle up into the sky and not panning across the sky.

Member Young asked what type of tower the beacon will have.

Mr. Thompson stated it will be on a standard small pole.

Member Cornett asked if RC (radio controlled) aircraft usage will be allowed.

Mr. Thompson answered no; it is not consistent with fixed wing operations.

Member Cornett asked how access to the airport will be handled.

Mr. Storch stated there is access, but the question will be if it is required to be paved which is a DRC issue. The residents in the area do not want it paved.

Mr. Thompson stated he recently worked on the shell road after the Postman told him if the road was not repaired, the mail will not be delivered. Mr. Thompson stated he brought in a contractor to rehabilitate the road for \$3500.00 and he received many calls from the neighbors stating they did not want anything done to the road.

Mr. Storch stated the intent is to maintain the road as it is with low traffic and will work with traffic engineering regarding the road issue.

DRAFT

Member Huttman asked about a letter from Joyce Phillips.

Mr. Storch stated Ms. Phillips is asking for them to purchase her property, however, there is already legal access to the airport.

Karen Clark, 3106 Deer Trail, Deland, stated she is a property owner in Whisper Wood. She originally was very concerned that there may be a large concrete air strip with a lot of air traffic; however, she found that Mr. Storch was handling it and this gave her relief. She has spoken with him and he addressed all her concerns. Her main concern for the people in the community, including her mother, was the drainage. She stated the area does flood with heavy rains. She stated that the issues of the drainage system, buffer area, fuel storage, noise, electronic interference and radio controlled planes have been all addressed to her satisfaction.

Duane Wright, 420 Lake Blvd, Sanford, stated he and his parents own property north of the airport. He stated that he and his father have been using the Bob Lee Airport since they flew their plane there in 1986. The grass strip is great and he has never seen it flooded. He stated he is in favor of the improvements including the recent road repairs. He stated he has been an aircraft mechanic since 1978 and the noise is not much, only some when doing a mag check, which is not often.

John Cheney, 5775 Falling Tree Lane, Port Orange, owner of 4211 Gold Springs. He stated that he is in favor of the site improvements with the stronger, safer buildings. He stated his main concern is that it needs to be cleaned up before a hurricane. The buildings won't withstand much and could become projectiles.

Member Cornett **MOVED** to **FORWARD** case # **Z-08-024** to the County Council with a recommendation of **APPROVAL** based on the Staff Report and testimony. Member Sixma **SECONDED** the motion. The motion **CARRIED** unanimously.

Member Cornett asked if the 7 am to 10 pm limitation for maintenance is needed.

Mr. Storch stated that maintenance will be mostly done in the daytime however, if there were people there, they could stay and finish until 10 pm if needed.

Member Cornett asked about Emory Riddle touch and go situation.

Mr. Storch stated it is FAA regulated. He stated nothing will be based at the airport.

Chair Severino asked if the current length will stay as it is with no changes.

Member Cornett answered yes.

Mr. Dyer stated that the Staff report will have the details for the County Council.

DRAFT

Member Cornett **MOVED** to **FORWARD** case # **S-08-025** to the County Council with a recommendation of **APPROVAL** to include the Staff recommendations presented, of 40 T hangers, 16 box hangers, and 10 tie downs with stipulations made in the presentation relating to maintaining the current runway concept, the current number of planes as modified by Staff recommendation, the shaded and automated lighting, stormwater to County specifications, fuel with a 25 foot setback, landscape buffers at 15 feet, 7 am to 10 pm limit for maintenance, no radio controlled flights, no flight school, and no sky diving. Member Sixma **SECONDED** the motion. The **MOTION** passed unanimously.

PUBLIC ITEMS

PH-07-136 - **Application of Alex Ford, Attorney for Owner, Ronald Luznar, Owner**, requesting a public hearing on whether or not to allow, pursuant to the Cabbage Patch BPUD (Resolution No. 2000 54), the following:

Temporary campsites for 3 days before, during, and 3 days after any regularly scheduled racing event at the Daytona International Speedway for Speed Weeks, Biketoberfest, the Pepsi 400, and Bikeweek, and related special events and itinerant merchant sales.

The property is located on the northeast corner of Tomoka Farms Road and Pioneer Trail, near the Silver Sands Bridle Club, in the Rural Community of Samsula; ± 4.2 acres (Zechnowitz)

Dave Zechnowitz, Planner III, presented the Staff Report. He stated that at the January 8th, 2008 public hearing this item was heard by the Commission and approved for the one event of Bike Week. That approval was subject to approval of a traffic impact analysis if required by the County Traffic Engineer. No further events could take place until the decision was made. The case was to return to the PLDRC pending the decision. Staff received a memo stating that the traffic impact analysis will not be required of the applicant at this time. He stated that Staff is requesting that the Commission confirm the **APPROVAL** of the PH-07-136 subject to the 16 conditions outlined in the report for the remainder of 2008 thru the end of 2009.

Alex Ford, 145 E. Rich Avenue, Attorney for the owner, stated that condition # 15 will be taken out. This will be for the 2 year period post dated back starting to February 2008. He stated bringing forward the same conditions but without the traffic impact analysis which is not required.

Member Sixma asked Mr. Ford if he was okay with the other 15 conditions.

Mr. Ford stated yes they have been previously been accepted.

DRAFT

Member Sixman **MOVED** for **APPROVAL** with the 15 conditions recommended by Staff. Member **SECONDED** the motion. The motion **CARRIED** unanimously.

STAFF ITEMS

None

COMMISSION COMMENTS

Welcome of Jeff Gove to the Commission.

PRESS AND CITIZEN COMMENTS

None

ADJOURNMENT

Having no further comments from the public, staff or Commissioners, Chair Severino thanked everyone and adjourned the meeting at 10:19 am.

Frank E. Severino III, Chair

Date

James Russell, Secretary

Date