

**PLANNING AND LAND DEVELOPMENT REGULATION COMMISSION  
PUBLIC HEARING HELD  
APRIL 8, 2014**

The Public Hearing of the Volusia County Planning and Land Development Regulation Commission was called to order by **Frank Severino**, at 9:04 AM 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  
WANDA VAN DAM  
JAY YOUNG  
RONNIE MILLS  
JEFF GOVE  
JEFFREY BENDER  
JOSEPH ALLEVA**

**STAFF PRESENT:**

**IAN WILLIAMS, Assistant County Attorney  
SCOTT ASHLEY, AICP, Senior Zoning Manager  
WILLIAM GARDNER, Activity Project Manager  
CAROL MCFARLANE, AICP, Planner II  
YOLANDA SOMERS, Staff Assistant II  
DORA ROCKEFELLER, Staff Assistant II**

**APPROVAL OF MINUTES**

- February 11, 2014

**Member Young moved to APPROVE the February 11, 2014 minutes as written. Member Van Dam seconded the motion. Motion CARRIED unanimously (6:0).**

- March 11, 2014

**Member Young moved to APPROVE the March 11, 2014 minutes as written. Member Van Dam seconded the motion. Motion CARRIED unanimously (6:0).**

**Ian Williams, Assistant County Attorney**, provided legal comment.

**Disclosure of Ex Parte Communications**

Members of the Volusia County Planning & Land Development Regulation Commission Board were asked to please disclose, for the record, the substance of any ex parte communications that had occurred before or during the public hearing at which a vote is to be taken on any quasi-judicial matters. All members present disclosed any communication as listed below.

1 Members Mills spoke to, and received an email from, Mr. Taver Cornett regarding PUD-  
2 14-037.

3

4 Member Young received the same email from Mr. Cornett.

5

6 Member Van Dam received the same email from Mr. Cornett.

7

8 Member Severino received the same email from Mr. Cornett. He also received an email  
9 from Mr. Clay Henderson regarding the same case.

10

11 Member Bender spoke to Mr. Cornett.

12

13 Member Alleva had no communications.

14

15 **ITEMS TO BE CONTINUED OR WITHDRAWN**

16

17 None

18

19 **PUBLIC HEARING ON APPLICATIONS**

20

21 **NEW BUSINESS**

22

23 **V-14-032** – Application of Barbara Epps, Bob Herrold’s All Season Pools, agent for  
24 John Bessette & Wendy Barber owners, requesting variances to the west and south  
25 front yards setback requirements for a swimming pool and screen enclosure on Urban  
26 Single-Family Residential/Indian River Lagoon Surface Water Improvements and  
27 Management Overlay (R-9W) zoned property. The property is located at 6921  
28 Tuttlemond Road, New Smyrna Beach; ± 5,000 square feet; 8505-01-38-0470

29

30 Scott Ashley presented the staff report.

31

32 Barbara Epps, 1312 Beacon Street, New Smyrna Beach, agent for John Bessette &  
33 Wendy Barber, owners, agreed with the staff report and recommended conditions.

34

35 **Member Mills moved to APPROVE all variances subject to staff recommended**  
36 **conditions. Member Young seconded the motion. Motion CARRIED unanimously**  
37 **(6:0).**

38

39 **S-14-040** – Application of Clark and Glenda Radtke, owners, requesting a special  
40 exception for a private cemetery on Prime Agriculture (A-1) zoned property. The  
41 property is located at 225 Little Brown Church Road, Pierson; ± 10.24 acres; 4816-00-  
42 00-0141

43

44 Scott Ashley presented the staff report.

45

46 Member Mills inquired about an access easement that would be created for the  
47 perpetual use of any future family members to visit the cemetery.

48

1 Mr. Williams stated that the easement issue would be outside of the special exception  
2 request and be a private issue at a later date.

3 Clark J. Radtke, 225 Little Brown Church Road, Pierson, owner, stated that he owns the  
4 subject property and the adjacent parcel. Mr. Radtke stated that there are no living  
5 family members and that in the event of their death the property will be donated. Mr.  
6 Radtke agreed with the staff report.

7  
8 **Member Young moved to APPROVE the special exception subject to the five staff**  
9 **recommended conditions. Member Mills seconded the motion. Motion CARRIED**  
10 **unanimously (6:0).**

11  
12 **S-14-023** – Application of John Ruth, Florida Telecom Services LLC., agent for Loern  
13 Jones, owner, requesting a special exception for a communication tower exceeding 70  
14 feet above ground level (AGL) and a waiver to Section 72-293(23)(9)(e)(5) separation  
15 from a single-family dwelling from the required 1,000 feet to 825 feet on Forestry  
16 Resource (FR) zoned property. The property is located at 2333 Osteen Maytown Road,  
17 Osteen; ± 51 acres; 9322-01-01-0020

18  
19 Mr. Ashley presented the staff report.

20  
21 John Ruth, 1960 Timberline Road, Weston, managing member of Florida Telecom  
22 Services, agent for Loern W. Jones Trust, owner. Mr. Ruth spoke to the need in the  
23 proposed area for tower coverage. Mr. Ruth stated that he had a letter from Miami  
24 Corporation, as the adjacent property owner, stating they approved of the proposed  
25 location.

26  
27 Member Mills asked if the Florida Telecom proposed tower would interfere with other  
28 towers in the area.

29  
30 Mr. Ruth stated that it would not.

31  
32 Eric Hoffman, P.O. Box 260893 Pembroke Pines, RF Engineer, stated that he reviewed  
33 both of the tower sites. Mr. Hoffman spoke to the need for a tower in the area. Mr.  
34 Hoffman stated that there is carrier interest in whatever tower is to be built.

35  
36 James Morris, 750 Oak Heights Court, Unit 304, Port Orange, spoke to the requested  
37 tower not having a commitment with an existing carrier, and therefore not meeting the  
38 criteria for granting the special exception.

39  
40 Member Young asked staff if there are criteria that addressed the need for a tower.

41  
42 Mr. Ashley referenced the staff report, page 5, criteria 9.

43  
44 Glenn Storch, represents Miami Corporation. Mr. Storch stated that there is a need for  
45 the proposed tower and that it is consistent with the Farmton Local Plan and the River  
46 of Lakes Heritage Scenic Corridor. He has no objection to the proposed tower site, but  
47 would like the applicant to maintain the vegetative landscape buffers to ensure visual  
48 aesthetics.

1 Mr. Ruth wanted to make it clear that he was invited in by Miami Corporation to the  
2 Sampson hearing in order to provide an alternative solution to the compatibility issue  
3 presented at the Sampson hearing.  
4

5 Member Mills asked the applicant if he would be agreeable to the contingency that if the  
6 Sampson tower is approved, will Florida Telecom back out from building this proposed  
7 tower.  
8

9 Member Severino asked the applicant if he would be willing to continue his hearing to  
10 the May 13, 2014 PLDRC hearing.  
11

12 Mr. Ruth agreed to continue to the May 13, 2014 PLDRC hearing.  
13

14 **Member Young moved to CONTINUE the requested special exception to the May**  
15 **13, 2014 PLDRC hearing. Member Mills seconded the motion. Motion CARRIED**  
16 **(5/1). Member Van Dam was opposed.**  
17

18 **PUD-14-037** – Application of F. Robert Huth, Jr. agent for Stetson University, owners,  
19 requesting a rezoning from Urban Single-Family Residential (R-3), Urban Single-Family  
20 Residential (R-4), and Commercial Marina (B-7) zoning classification to the Business  
21 Planned Unit Development (BPUD) zoning classification. The property is located at 2636  
22 Alhambra Avenue, DeLand; ± 9.91 acres; 7923-04-00-0030, 7923-04-00-1160, 7923-  
23 04-00-0830, 7923-04-00-0890, and 7923-04-00-0060  
24

25 Scott Ashley presented the staff report.  
26

27 Clay Henderson, 200 South Orange Avenue, Orlando, on behalf of Stetson University,  
28 provided an overview of the proposal with the introduction of a Power Point presentation  
29 (Evidence 1).  
30

31 Bob Huth, 421 North Woodland Boulevard, DeLand, applicant, spoke to the long term  
32 protection for the site and the neighborhood. He also stated that athletics are an  
33 important part of the Stetson community.  
34

35 Mark Wilson, 2770 Red Wing Road, DeLand, Stetson University Rowing Coach, stated  
36 that Stetson has utilized the proposed site for 14 years. He stated that there are  
37 currently 40 members of the rowing team, and that Stetson is looking to create a world-  
38 class brand. Mr. Wilson spoke to the positive aspects of having the rowing participants  
39 on site. He stated that Stetson has met with the neighbors to ensure that their concerns  
40 are being addressed.  
41

42 Terrence M. Farrell, 2742 Saratoga Road, DeLand, Biology Department at Stetson,  
43 stated that astronomy labs are being conducted at the site during the evening hours as  
44 it offers a dark sky opportunity.  
45

46 Tadd Kasbeer, 110 West Indiana Avenue, DeLand, Dewberry Bowyer-Singleton,  
47 representing Stetson University, spoke to the utilization and loss of structures on the  
48 property. He spoke to current zoning, and what the parcels could actually be utilized for.

1 He stated that current landscape buffers will be enhanced, not torn down and that the  
2 proposed project is consistent with the comprehensive plan.

3  
4 Mr. Henderson, spoke to the changes that would be implemented in the Development  
5 Agreement, from a proposal that he sent to Mr. Glenn Storch, Evidence 2.

6  
7 Member Bender voiced concerns regarding the landscape buffers.

8  
9 Mr. Henderson assured that Stetson will maintain the landscape buffers at the current  
10 setback limits with native vegetation.

11  
12 Member Bender inquired how Stetson plans to address parking issues for events.

13  
14 Mr. Henderson stated that Stetson would be bussing them in from a remote site.

15  
16 Member Bender stated concerns with Alhambra Road being very narrow, and the  
17 impact that any special events will have.

18  
19 Mr. Wilson stated that parking issues would have to be addressed prior to an event.

20  
21 Dr. Michael Blais, 1632 Kalua Way, adjacent property owner, stated that for 21 years he  
22 has lived out there, and he has never experienced any driving issues.

23  
24 Member Bender asked if a traffic study would be completed before the PUD went before  
25 the County Council.

26  
27 Mr. Kasbeer stated that a traffic study was not deemed to be necessary as they look at  
28 day-to-day traffic. Because Stetson has been utilizing this site for 14 years, the day-to-  
29 day traffic won't change.

30  
31 Member Bender asked if busses would be required to shut off their motors during their  
32 stay on the property.

33  
34 Mr. Henderson stated that the issue had already been addressed and was an add-on  
35 condition in the Development Agreement.

36  
37 Member Bender stated that sidewalks should be considered on Alhambra as a safety  
38 measure.

39  
40 Mr. Henderson stated that the issue would be addressed during the development phase  
41 in addition to the requirement for water and sewer lines.

42  
43 Member Bender inquired who would enforce any issues be addressed

44  
45 Mr. Williams stated that code enforcement would address any issues that the public  
46 reported.

47  
48 Mr. Henderson stated that Stetson would do its own policing of the agreement in place.

49

1 Member Young asked how Stetson would address vendors and concessioners.

2  
3 Mr. Wilson stated that he views vendors as a community service to the people attending  
4 the event.

5  
6 Glenn Storch, 420 South Nova Road, Daytona, representing property owners, spoke to  
7 the fact that PUDs allow the opportunity to work out the differences that the two sides  
8 might have.

9  
10 Dr. Blais, spoke to a tornado that came through in 2007. He stated that a debris pile has  
11 accumulated and he is worried about a potential fire issue. He asked the applicant if  
12 they would consider under cutting the brush in that area.

13  
14 Renee Storey, 2688 Flowing Well Road, DeLand, opposition, she feels strongly that  
15 Stetson should be required to conform to the special event permitting process requiring  
16 a 60-day notice.

17  
18 James Kemp, 1647 Center Street, DeLand, opposition, spoke to the affects that Stetson  
19 events have had on his neighborhood in the past.

20  
21 Suzanne Thomas, 1625 Lakeside Drive, DeLand, thinks the regattas are a great thing.  
22 Stated that she knows of a property for sale that is over thirteen acres, making an  
23 excellent solution to the parking issues that Stetson will face.

24  
25 Claudine Hutchinson, 2672 Flowing Well Road, DeLand, spoke to page 15 of the  
26 PLDRRC package. She is concerned with traffic and noise level in the area during  
27 events.

28  
29 Commission discussion started with Member Van Dam stating that Stetson has done a  
30 great job in addressing issues and concerns. Member Bender indicated that safety is his  
31 biggest concern for the project. Member Young referenced page 15 and civic event  
32 issues that concern him. Member Mills had an issue with the height of the proposed  
33 building. Member Alleva had no comment. Member Severino likes the whole concept.  
34 However, events are still a concern for him in regard to the effects on the surrounding  
35 area.

36  
37 **Member Mills moved to FORWARD the requested PUD to county council with a**  
38 **recommendation of approval with the following conditions:**

39  
40 **All staff recommended conditions with PLDRRC modifications as follows:**

41  
42 2.b. No structures, except boat docks, can be located within the 50-foot upland buffer  
43 along Lake Beresford. The location of the eastern-most pavilion will need to be  
44 moved to meet this requirement.

45  
46 **Additional conditions as follows:**

- 47  
48 - Project maximum building height shall not exceed 35 feet.

- 1 - Applicant shall maintain the existing natural vegetation within the required
- 2 perimeter landscape buffers.
- 3
- 4 - The regattas shall be listed as a permitted use valid for a period of (2) two years
- 5 after the effective date of this order and resolution, after which time a major
- 6 amendment application shall be submitted, with a traffic and safety review, to
- 7 allow regattas as a permanent permitted use.
- 8

9 **The PLDRC also recommended the following modifications to the applicant**

10 **submitted Order & Resolution proposals:**

- 11
- 12 - Add 50-foot upland setback from Wekiva River Aquatic Preserve.
- 13
- 14 - The applicant shall develop an events parking plan.
- 15
- 16 - Address signage for “No Parking” on right-of-way.
- 17
- 18 - Applicant shall maintain a level of service “C” for all affected roadways per the
- 19 Hontoon Local Plan.
- 20
- 21 - Establish use for hours of operation and amplified sound timeframes.
- 22
- 23 - Insert an alcohol consumption policy.
- 24
- 25 - The applicant is required to submit to the county a regatta event plan (60) sixty
- 26 days prior to each planned regatta.
- 27
- 28 - Add to the list of prohibited uses, Dormitory and Overnight Camping.
- 29

30 **Member Young seconded the motion. Motion CARRIED (5:1). Member Bender was**

31 **in opposition.**

32

33 **STAFF ITEMS**

34

35 Correction to the November 12, 2013 minutes.

36

37 **Member Young moved to APPROVE the revised November 12, 2014 minutes.**

38 **Member Van Dam seconded the motion. Motion CARRIED (5:0).**

39

40 **STAFF COMMENTS**

41

42 None

43

44 **COMMISSION COMMENTS**

45

46 None

47

48

49

1 **PRESS AND CITIZEN COMMENTS**

2

3 None

4

5 **ADJOURNMENT**

6 Having no further comments from the public, staff, or commissioners, Member Severino  
7 thanked everyone and adjourned the meeting at 1:50 PM.