

**VOLUSIA COUNTY
PLANNING AND LAND DEVELOPMENT REGULATION COMMISSION
PUBLIC HEARING AGENDA
SEPTEMBER 12, 2017**

COMMISSION MEMBERS

Frank Severino II, Chairman
Wanda Van Dam, Secretary
Jeffrey Bender
Jay Young
Ronnie Mills
Steve Costa
Ellen Darden

STAFF

Michael Rodriguez, Assistant County Attorney
Scott Ashley, AICP, Senior Zoning Manager
Susan Jackson, AICP, Senior Planning Manager
Michael Disher, AICP, Planner III
Patricia Smith, Planner II
Yolanda Somers, Staff Assistant II
Sherri LaRose, Zoning Technician



NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT (TITLE II)

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 ("ADA"), the County of Volusia ("County") will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities.

County does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations promulgated by the U.S. Equal Employment Opportunity Commission under Title I of the ADA.

County will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in County programs, services, and activities, including qualified sign language interpreters, documents in Braille, and other ways of making information and communications accessible to people who have speech, hearing, or vision impairments.

The ADA does not require the County to take any action that would fundamentally alter the nature of its programs or services, or impose an undue financial or administrative burden.

County will make such reasonable modification to policies and programs for qualified persons with disabilities to ensure they have an equal opportunity to enjoy all of its programs, services, and activities. For example, individuals with service animals are welcomed in County offices, even where pets are generally prohibited.

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of County, should contact the office of the County's ADA Title II Coordinator, Mr. George Baker, at (386) 248-1760 as soon as possible but no later than 2 business days before the scheduled event or meeting. This paragraph shall likewise apply to written requests by a physically handicapped person needing a special accommodation to attend a public meeting in accordance with section 286.26, Florida Statutes.

Complaints that a program, service, or activity of County is not accessible to persons with disabilities should be directed to the County in accordance with the *County of Volusia Grievance Procedure under the Americans with Disabilities Act (Title II)*. A copy of the procedure may be obtained by contacting the office of the County's ADA Coordinator, (386) 248-1760.

County will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids/services or reasonable modifications of policy, such as retrieving items from locations that are open to the public but are not accessible to persons who use wheelchairs.

Assisted listening system receivers are available for the hearing impaired, and can be obtained from the Commission liaison by calling 386-736-5959, extension 12777.



I. Call to Order - 9:00 a.m.

The Frank T. Bruno, Jr. County Council Chambers, Room 204, Thomas C. Kelly Administration Center, 123 West Indiana Avenue, DeLand, Florida.

II. PLEDGE OF ALLEGIANCE

To be led by the commission chair.

III. Roll Call

IV. Minutes

- **July 11, 2017**
- **August 8, 2017**

NOTE: Items to be continued or withdrawn (V.A) will not be discussed unless requested by a commission member, the applicant, or any other affected party. If you wish to speak on any of these items, please advise the commission clerk so that the chairman can be advised. It is requested that applicants attend the hearing to answer any questions, which may arise.

CHAIRMAN'S COMMENT: Chairman to explain the procedure for forwarding the Commission's decisions to the county council and invite the public to speak for or against any of the cases being heard.

LEGAL COMMENT: Mr. Rodriguez will explain 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 the appeal. An aggrieved party that appeals such a decision is confined to the record made before this body. Hearings by this body on rezoning's, 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.

V. Disclosure of Ex Parte Communications

Members of the Volusia County Planning & Land Development Regulation Commission Board 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.

VI. PUBLIC HEARING

A. ITEMS TO BE CONTINUED OR WITHDRAWN

None

B. NEW BUSINESS

PUD-17-021 - Application of Thomas Sullivan, Esq., Gray Robinson. P.A., attorney for RaceTrac Petroleum, Inc., contract purchaser, Fifth Third Bank, owner, requesting a major amendment to Resolution 2008-42 (DeLand Good Capital Group BPUDC) to allow for a new principal use and structures on Business Planned Unit Development/Thoroughfare Overlay Zone (BPUDC) zoned property. The property is located at 2100 East New York Avenue, DeLand; ±4.12 acres; 7011-11-12-0050. ***This is tentatively scheduled for the October 19, 2017 county council public hearing.***

Z-17-051 – Application of Glenn D. Storch, attorney for Glenn and Maria Clifton and the Estate of Sylvia Drew, previous owners and Turnbull Crossing, LLC, owners, requesting a rezoning from the Rural Agriculture/Airport Protection Overlay Zone (A-2A) zoning classification to the Rural Residential/Airport Protection Overlay Zone (RRA) zoning classification. The property is located at 3075 Turnbull Bay Road, New Smyrna Beach; ±31.9 acres; 7304-00-00-0100. ***This is tentatively scheduled for the October 19, 2017 county council public hearing.***

V-17-055 – Application of Richard Jackson, attorney for James and Lillian Knox, owners, requesting a variance to Section 72-206(1) to separate nonconforming lots and a variance to minimum yard requirements for an existing structure on Forestry Resource (FR) zoned property. The property is located at 199 Damascus Road, DeLand; ±30 acres; 7114-00-00-0440, 7114-00-00-0450, and 7114-00-00-0460.

V-17-056 – Application of Kathy and Richard Dixon, Sr., owners, requesting a variance to the minimum yard requirements for an existing accessory structure on Resource Corridor (RC) zoned property. The property is located at 4125 Saddle Club Drive, New Smyrna Beach; ±10.4 acres; 7226-04-00-0060.

V-17-057 – Application of George Barrett, Beach Towne Construction, agent for Michael and Beverly Johnson, owners, requesting Variances to Section 72-277(7) for an unenclosed stairway on a single-family dwelling in Urban Single-Family Residential/Indian River Lagoon Surface Water Improvements and Management Overlay (R-9W) zoned property. The property is located at 850 Grouper Avenue, New Smyrna Beach; ±5,000 square feet; 8505-01-60-0090.

S-17-060 – Application of Suzanne Anderson, agent for Absolute Health Professionals, Inc., owner, requesting a special exception for a group home on Prime Agriculture (A-1) and Resource Corridor (RC) zoned property. The property is located at 579 Johnson Lake Road, DeLeon Springs; ±13 acres; 5936-01-00-0010. ***This is tentatively scheduled for the October 19, 2017 county council public hearing.***

V-17-061 – Application of Steven Cohen, agent for John Preiss, owner, requesting a variance to the maximum lot coverage requirements on Planned Unit Development (Spruce Creek PUD) zoned property. The property is located at 1815 Lindberg Lane, Port Orange; ± 20,161 square feet; 6330-01-00-1360.

V-17-066 – Application of Lawrence and Polly Day, owners, requesting a variance to Section 72-206(1) to separate nonconforming lots on Urban Two Family Residential (R-6) and Urban Single-Family Residential (R-4) zoned property. The property is located at 110 Avalon Drive, Ormond Beach; ± 6,095 square feet; 3221-01-00-1070.

CPA-17-008 – A Comprehensive Plan Large Scale Administrative Text Amendment to the Future Land Use Element to address single-family residential infill development in urban areas. ***This is tentatively scheduled for the October 19, 2017 county council public hearing.***

CPA-17-009 – A Comprehensive Plan Large Scale Administrative Text Amendment to the Intergovernmental Coordination Element to reference the Interlocal Service Boundary Agreement with the City of Oak Hill. ***This is tentatively scheduled for the October 19, 2017 county council public hearing.***

C. OLD BUSINESS

None

VII. OTHER PUBLIC ITEMS

1. Request to rehear variance case V-17-052
.....Scott Ashley, AICP, Senior Zoning Manager

VIII. STAFF ITEMS

IX. STAFF COMMENTS

X. COMMISSION COMMENTS

XI. PRESS AND CITIZEN COMMENTS

XII. ADJOURNMENT