

Testing testing – captioning will appear here.

SPEAKER:

We had a little technical difficulty this morning. We will try to work through it I'm sure we will make it through. So anyway, I will get started. The August 20, 2020 meeting of the Planning and Land Development Regulation Commission is now called to order. Could I please have everyone silenced their phones and audible devices. If you would, join me for the Pledge of Allegiance.

(Pledge of Allegiance).

SPEAKER:

Jay, Can I get you to silence your microphone please? Thank you. Good morning. I would like to thank everyone for joining us this morning in the chamber and on the PLDRC webinar. If I can get Ms. Jackson to call the role.

SPEAKER:

Yes sir. (roll call).

SPEAKER:

We do have some minutes to consider this morning. One from April 16, 2020 and we will take those first. Do we have any comments on those minutes?

SPEAKER:

Just one if I could please?

CHAIRMAN MILLS:

Ms. Van Da.

WANDA VAN DAM:

- - (Inaudible) . That was it. .

CHAIRMAN MILLS:

Does anyone else have any changes to the minutes? Hearing none, do I have a motion?

SPEAKER:

I will make a motion to approve the minutes from April 16, 2020 with the amendment of adding, "not".

CHAIRMAN MILLS:

We will take a phone call on this. If I can get a call for the motion Miss Jackson.

(roll call).

CHAIRMAN MILLS:

While we are talking about this, we do have some of our members virtually and some of them here. All of the motions that will be made today will have to be approved by roll call. Okay, we will move on to the July 16, 2020 minutes. Does anyone have discussion on those?

SPEAKER:

Motion to approve.

CHAIRMAN MILLS:

Thank you Ms. Shelley.

SPEAKER:

I will second.

CHAIRMAN MILLS:

I have a motion to approve the minutes from July 16, 2020 from the Shelley and the second from Miss Van Dam. anymore discussion? Hearing none we will have a roll call on this.

(roll call).

CHAIRMAN MILLS:

Motion carries unanimously. We will move on, I've got a few things to talk about this morning. For those of us joining us through the webinar, after staff has presented your case today and the commissioners have had an opportunity to ask any questions, Mr. Summers will engage your mics. At that time I will ask you to state your name and address for the record. This will give you an opportunity to add any pertinent information and answer any questions commissioners may have about your case. when the case is being heard and it's time to have public participation for those of you joining us in the chambers, I will ask you to come forward so you can be recognized. For those of you joining us for the webinar, Ms. Summers will engage your mics so you can be recognized. At that time I'd like you to state your name and address for the record. We will be limiting you to a three minute time limit and I will give commissioners an opportunity to ask any questions they may have for you. After comments have been hurt I will give applicant opportunity to address any concerns the speakers have an answer questions the commissioners have. At this time I will turn it over to Mr. Soria for legal comments.

MR. SORIA:

Just to remind the sport that decisions by this body in cases - - (Inaudible).

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 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. Thank you Mr. chair.

CHAIRMAN MILLS:

And while we are on legal comments I would like to ask the commissioners to disclose for the record any X partake medications occurred before or during the public hearing at which a vote is to be taken on any judicial matter. At this time I will start with Mr. Steve Costa.

STEVE COSTA:

I haven't had any.

CHAIRMAN MILLS:

Okay, Ms. Shelley.

EDITH SHELLEY:

None.

CHAIRMAN MILLS:

Mr. Frank Costa.

FRANK COSTA:

None.

CHAIRMAN MILLS:

Mr. Jay Young.

JAY YOUNG:

None.

CHAIRMAN MILLS:

I did have discussion with Mr. Storch - - no I did not. That was the other PUD. I did not have any either. do we have any items to be continued or withdrawn? Ms. Jackson.

SPEAKER:

Yes sir. That is PUD – 20 – 074. Staff recommends approval of the continuance.

CHAIRMAN MILLS:

Do we have any discussion on that request? Okay, hearing none. I will accept a motion.

SPEAKER:

I moved to continue PUD – 20 – 074 until the September 17 meeting.

CHAIRMAN MILLS:

I have a motion to approve the continuance to our next meeting. PUD – 20 – 074. A motion by Mr. Bender and a second by Miss Van Dam. any discussion? Hearing none, we will take Roll call. (roll call).

CHAIRMAN MILLS:

Motion carries unanimously. We will move right into new business and miss Van Dam, can I get you to give us our first case.

WANDA VAN DAM:

PUD – 19 – 030. Application of Glenn Storch, attorney for LKQ Pick Your Part Southeast, LLC, owners, requesting a rezoning from the Light Industrial (I-1) classification to the Industrial Planned Unit Development (IPUD) zoning classification.

CHAIRMAN MILLS:

Can I get the staff recommendation please?

SPEAKER:

Is currently zoned industrial. And it's currently developed with a salvage yard. And that will remain on the premises. What triggered this to come forward as in IUPUD, - - they were unable to pull a building permit is the whole site doesn't meet code. It's been zoned I won since 1980. It will meet the criteria in terms of lot size and width. If I can get this to work, hold on with me. So this part here is where the cars are stored. This part here is the processing area if you will and this is customer parking over here. So, to try to get them to pull a permit, typically, they'd have to get approval for a special exception for a junkyard because that's what salvage yards are considered. The special exception comes with standards for landscaping, parking, design standards, etc. that they just couldn't meet because it's

been there forever and it was never built to those standards because they didn't exist at that time. What we felt would be a solution to assist with them being able to pull permits that they want to make and will improve the site, the idea was to go through an IPUD process and what we are capturing is this area here and here. All of the improvements that are contemplated in this area here. This area will basically remain as it is. So the owner wishes to construct a processing building. That's number one. Then there's also a small retail building, about 2500 square feet. How do I switch - -? Okay, so there's the site plan. This is a close-up of just this portion. This is the whole site and this is the portion we are dealing with. So they want to put a new retail building here and that will meet nonresidential design standards. They will be removing or portions of these buildings here as well. And I think removing this building, they are going to be putting in a 20 foot landscape buffer here and it will meet our landscaping code. They will be wrapping some landscaping down the side for I believe 250 feet. And that will meet code. There will be an eight foot vinyl fence along the side and it will be on the inside of the landscape as well as down the side. On this side, there's a bunch of trees over here so you can't really see but they are still going to put privacy slats over here. I've kind of gone off script so I don't know where I'm at. So demolition of 3807 feet. Construction of the 9900 square foot processing building. All of these will be made in phase 1. And there is only phase I at this time. If there's going to be a phase 2, they will come back in and revise their development agreements. They are also providing for the parking lot here, 100 spaces including the required amount of handicap spaces, four of them by the building. So that's an improvement to the parking lot. Right now I don't think there's any rhyme or reason for how the parking lot exists. They cemented a parking lot study that supported that 100 spaces would be more than sufficient. And they will also meet minimum tree coverage and replacement for this area which is basically 2.9 acres. So the preliminary plan to pitch the layout of these items, when we reviewed this for the zoning criteria, we found it meets all of the zoning criteria. It's consistent with the plan. It's not anticipated to have a negative impact on the environmental or natural resources, it's been in use since 1976 and to be honest, the processing building will be an improvement to the conditions were now they are doing the car crushing and compacting out in the elements. So the leaching from rainwater hitting on that area will be diminished. There should be no additional impacts on governmental services. It will improve the appearance of the building and the business along U.S. 92 which may have an impact a value. Staff recommends forwarding this case to the County Counsel with the final action for approval. And we do have some conditions for consideration. I'd be happy to answer any questions or the applicant is standing.

CHAIRMAN MILLS:

Thank you Ms. Jackson. Do we have questions for staff? Ms. Van Dam?

WANDA VAN DAM:

Page 4, offstreet parking area shall be reconfigured to accommodate up to 100 vehicle spaces. That seems like an awful lot.

SPEAKER:

It does. But, let me tell you. The parking requirements for a salvage yard are ridiculous. They'd have to provide like 700 spaces or something. We requested that they do a parking study to support the amount of spaces they can provide in that area. And they provided that. I don't have the number off hand. Like so many spaces per 1000 square feet of salvage area and they've got so much salvage area. I think it is truly 300 spaces they would have had to provide. And that is excessive.

WANDA VAN DAM:

Do they need to make this an impervious?

SPEAKER:

We are not going to require that. This site will not be required, this is another caveat. They won't be required to go through final site plan because it's built. Their conceptual plan will serve as their final site plan and they are not required to pave the parking but they will be required to mark the spaces so that people can see where the parking spaces are. They will have to pave the handicap spaces.

WANDA VAN DAM:

Okay, thank you.

CHAIRMAN MILLS:

Any other questions for staff? Hearing on. Mr. Storch if you would state your name and address.

SPEAKER:

My name is Glenn Storch. (Inaudible) This is a classic win-win. A company has on this for years. This business has been there for decades. And they are trying to invest in the property. Do nice things for it. And we were stymied by these regulations that existed. Through no fault of staff but through looking at this, you just couldn't do anything. Too actually, to put the parking in. You treated the storage area for your calculations. It would have been more than 300 parking spaces we would have to have. As you can imagine, we have maybe 10 people that show up at the same time. Plus employees. The 100 parking spaces you are showing, that's just the area we've always had for parking. That's why it's left at 100. But we are adding handicapped parking. From the win-win standpoint, we want to encourage businesses to bring their business up to speed, to make it look better. Especially as far as - - this is State Road 92. This is international Speedway. We want this to look nice. So the goal was, we will put a landscaping buffer. Going to enhance the architectural standards. And we are going to invest in our property. The other alternative is let it stay the way it is. And that doesn't accomplish anything. I appreciate all the hard work staff put into this because it was not easy. This took months and months to find a way to work this through. We thought we could do this as a special exception, we couldn't. We had to go through an IPUD to make this work. At the end of the day, we will have something far better for the community and our business continues to operate.

CHAIRMAN MILLS:

Thank you Mr. Storch. Any questions?

SPEAKER:

By the way, it is nice to see everybody, even virtually. (Laughs).

CHAIRMAN MILLS:

We don't have questions. Let's see if we have any public participation. Do we have any public participation?

SPEAKER:

Yes we do.

CHAIRMAN MILLS:

We do. Okay. If you would come up to the mic will ask your name and address for the record. Are they on?

SPEAKER:

Mr. Hawkins?

CHAIRMAN MILLS:

Mr. Hawkins, are you there?

SPEAKER:

Yes I'm here. I have no questions about this. I'm just logged in.

CHAIRMAN MILLS:

All right, sir. Anyone else?

SPEAKER:

Dennis Gardner.

CHAIRMAN MILLS:

Mr. Gardiner, are you on?

SPEAKER:

Yes, no questions. I've just logged in watching.

CHAIRMAN MILLS:

All right. Thank you sir.

SPEAKER:

Mike Blair.

CHAIRMAN MILLS:

Mr. Blair, are you there? He's gone. Okay. All right. Okay, we don't have any more public participation so we were close for that and open for commission discussion or a motion.

SPEAKER:

I make a motion to approve PUD – 19 – 030 with staff recommendations.

SPEAKER:

I will second that.

CHAIRMAN MILLS:

I've got a second from Mr. Young. Is there any discussion on the motion? Hearing none. We will take a roll call. And I get Ms. Jackson to take ma roll call please?

(roll call).

CHAIRMAN MILLS:

The motion passes to forward case PUD – 19 – 030 recommending approval subject to staff recommendations. Ms. Van Dam, next case.

SPEAKER:

Next case is CPA – 20 – 004. Application of Mark Karet, agent for Ralph E. and Trudy K. Broberg, owners, requesting a Large Scale Future Land Use Map Amendment from the Urban Low Intensity (ULI) to Commercial (COM) designation.

CHAIRMAN MILLS:

Can we get the staff recommendation on this.

SPEAKER:

Yes sir. The property is located on the North side of Doyle Road, approximately 332 feet west of Tequila Trail. It is in the enterprise and Daytona areas. Following this case there's a companion rezoning to revise an existing PUD that allows neighborhood commercial uses to change that to allow a self storage facility. Through the background information, in 1998, the owner rezoned this property

from - - and that development agreement allowed for 35,000 square feet of neighborhood commercial uses. Neighborhood commercial uses are typically B2 zoning classifications. Therefore - - wasn't required for that development agreement. Because they want to change it to a self storage and self storage units are allowed in more intense commercial classifications such as B5, that's what triggers the need for a comprehensive plan a memo to change the use too commercial. In 2000, the development agreement was amended to allow for the construction of a cell tower in the cell tower has been built. Can you see my cursor? It's up in this area over here but nothing else has been built on the site to date. The site is within the enterprise local plan. So there's the existing PUD and this is the proposed future land use map. The site is within the enterprise local plan and the actual local plan was established after the initial PUD and the First Amendment to it. The local plan states the commercial uses should be limited to those areas that are designated for that purpose. It allows for limited commercial uses within the urban land use designation. As long as they are subject to PUD requirements and any use developed as a PUD must demonstrate compatibility with the character and development pattern of the enterprise community. To ensure the intensity of the storage facility is compatible with the area, applicants have agreed to cap the number of external trips to what would be allowed in the current approved development agreement for the 35,000 square foot of neighborhood commercial uses. They will be capped at 1638 net average daily trips per day and 1115 net peak hour trips per day. In addition, there is a new policy being proposed for it to be inserted into the local plan that addresses this particular development to further ensure that the commercialization of this site does not exceed the intent of the local plan and keeps it in character with that area. The first item is that it's limited to a maximum of 85,351 square feet of climate and non-climate controlled storage and 26 covered parking spaces. That is specifically was presented on their site plan, conceptual plan attached to the companion rezoning. Again, the trip cap of 1638 net average daily and 115 net P.M. peak hour. Also the development shall maintain 1.73 acre natural vegetation retention area. I will flip back to the site plan, that's mostly located in this area here. And that can and will be supplemented with these large buffers that are to be maintained in a natural vegetative state. They are required to provide 1.73 acres of the natural vegetation area. That area up to the north is only 1.3. So it has to be supplemented with 50 foot wide buffers. On the east and west. And those are to be maintained with native vegetation, supplemented as necessary with landscaping material that's endemic to the enterprise area. The reason for that is particularly because this property is within - - habitat. But the material that's endemic to the area will be best to support that habitat. So when we review this comprehensive plan amendment, we find it's compatible with the surrounding uses. It provides for a transition between residential and commercial development. Single-family basically surrounds the site in all directions. It's large lot A - 3 type zoning. And B5 does allow such facilities. It may be compatible as long as the buffer is provided as they are committing to and the site plan. In addition, the 1.37 acres of the - - area to the north and the 50 foot wide buffers assist with the, along Doyle Road to the south here, they are providing a 35 foot buffer. That meets code but the setback for the building would be at 50 feet, that exceeds code. We find it consistent with the comprehensive plan. Several policies in the enterprise plan to support it as well. It does not encourage urban sprawl, its impact on concurrency

monitored facilities are minimal. It includes the trip cap, water and solid waste should be less than what would be required if it was a neighborhood commercial use. It will affect parks and schools and water is handled on-site. With that, staff recommends that the board find the future land use amendment consistent with the comprehensive plan and forward the application to the County Counsel with the recommendation of approval to transmit to the Department of economic opportunity into the Volusia growth commission for certification. Happy to answer any questions.

CHAIRMAN MILLS:

Do we have any questions for Ms. Jackson? Ms. Van Dam?

WANDA VAN DAM:

Can you tell me, this cannot be done as an amendment to the existing PUD because of the size or type?

SPEAKER:

Because of the use. Self storage facility isn't allowed in the typical neighborhood commercial zoning classification. It's allowed in a more intense zoning classification, B-5. it's allowed in commercial land use and that's why we have to change it to commercial. It has nothing to do with the size of it.

WANDA VAN DAM:

They cannot do an amendment because self storage is not on the list of compatible use.

SPEAKER:

It's not on the list of B-2 neighborhood commercial uses.

CHAIRMAN MILLS:

Miss Shelley, did you need to speak?

EDITH SHELLEY:

No sir.

CHAIRMAN MILLS:

Okay, alright. Is the applicant present? Good morning, if you just give me your name and address for the record sir.

SPEAKER:

Good morning, my name is - - 142 E. New York Avenue, DeLand. I'm not going to be too lengthy. In the current state, there is an approved PUD that allows what is neighborhood commercial. I think perhaps the neighborhood commercial list of uses has changed perhaps since the PUD was approved.

I'm not sure. In any event there are a number of uses that wouldn't be allowed in this designation that most people probably most people wouldn't want to live next to, quite frankly. I can't go through the list of uses for things that can generate a lot more traffic, a lot more noise and personally, things that I find concerning is a lot more odor. In keeping with that area, for anyone that has been there, enterprise is a beautiful area. It's remote and fortunately or unfortunately becoming somewhat of an island in the area because the development if you look at the overhead, there's the Deltona development to the north. A subdivision on the south side of Doyle Road. It's an area and of course growth towards 415. One of things we need to do, and staff has asked to do is put in trip limitation on the number of trips that can be generated from the site. The trip cap, that's my turn but the limitation on the number of trips it will be in the competence of plan. It's actually lower than what is approved now. I think as I understand the engineering study or traffic study is that the trip cap comes from what would be allowed if somebody developed under the current neighborhood commercial. But the current PUD is actually higher so this trip cap reduces as a matter of law, the maximum number of trips that can ever be generated from this site. It reduces potential trips and I think that's a very important thing in this location. The other part is this, it's just the nature of the use. Self storage, I assume everybody has been to a self storage facility at least once. It's not something you say I want to go there on a Saturday afternoon or after work. It's something you do rarely, store things. So they are low traffic generators. Generally occupied only during the day. They're just not loud, noisy things. They are secure. They just don't bother anybody. Except to the extent that any sort of development bothers people if you live next door to it. This is the most ideal type of development you can have in that area. It serves a real need. There's a real demand in this area for storage. The developer is somebody, that's what they do for a living. I would just comment, not really for your consideration but one of the things that the county and Dell toner has done, with code enforcement, not have storage and just dumped out in people's yards in different parts of that area. It's been a problem over the years. At least there's an opportunity for people to comply and have a cost-effective way to store things. That's why we support it. I will say the comp plan has limitation on the number of square feet for the actual storage. Which matches what's in the PUD. In the future, we may come back and say we would like to amend that, there's a little vacant area left on the site that's not put to use at this time. That may be a perfect spot for expansion. But that's not something we are talking to you about today. May come up in a number of years down the road. Any questions?

CHAIRMAN MILLS:

Do we have any questions? Alright sir. We do have public participation forms and I will give you an opportunity for rebuttal once we've heard those. Right now I'd like to call Mr. Gary Burton up please. Good morning sir. Give us your name and address for the record.

SPEAKER:

Gary Burton. 410 tequila trail. I would like to start off saying I'm representing all the residents on tequila trail in the residents to the immediate south today. Some are located virtually this morning and are

watching. I was the one along with Mr. Storch who is here that allowed the A3 zoning to be considered a PUD. We had a few meetings to that effect and we all agreed in writing and filed with the county that we would go with the PUD with the restrictions on there now. That is the larger buffers and the type of things that can go there. And a self storage was not one of them. It talks about the Gopher tortoise, there's three various sizes that come through our field all the time. So we have the environmental issue. There's a very pristine pond immediately to the east of the site. It's right behind our residents and the Hawkins residence. We are all - - go look at self storage. You can try to clean it as much as you want. You're looking at an area to be paved substantially larger than the 35,000 square feet originally agreed to. Quite frankly, we were led to believe when we find that that it was irrevocable. That was not something that could be modified in the future. Anyway, like I said, I represent all the residents. We are vehemently opposed to this particular usage of the property and to argue with the gentleman here earlier. I'd much rather have a local diner, small grocery store or something is you could walk to rather than hundred thousand square feet plus of self storage. As the gentleman brought up, phase I that you see is only phase 1. Phase 2 would literally take the balance of the property. Thank you.

CHAIRMAN MILLS:

Any questions for the participant? Alright sir, thank you. I also have public participation form for Mr. – no I don't. Do we have anyone else? Miss Hawkins, are you there?

SPEAKER:

Try Damien Hawkins.

CHAIRMAN MILLS:

Mr. Damien Hawkins, are you there?

SPEAKER:

Yes. This is Damon Hawkins.

CHAIRMAN MILLS:

Can you state your name and address for the record.

SPEAKER:

My name is Damon Hawkins and I own the property at 422 tequila trail. One question I have is in the documentation, it references city of Deltona water treatment plant and fish or wastewater treatment. As Mr. Burton just said, (Inaudible).

SPEAKER:

It will be required to connect.

SPEAKER:

So it's outside the city of limits but the city of Deltona will provide water and waste treatments.

SPEAKER:

It within the city of Phil toner service area.

SPEAKER:

Okay, thank you.

CHAIRMAN MILLS:

Anyone else? Thank you for your comment. Miss Jackson, do we have anyone else?

SPEAKER:

Ivan Lopez.

CHAIRMAN MILLS:

Mr. Lopez, are you there? Mr. Lopez, are you there? Is he online there? Mr. Lopez, we have you online but we don't have a live microphone for you. Is your microphone on sir?

SPEAKER:

Is it's on now? My name is Ivan Lopez, address 1390 Doyle Road.

CHAIRMAN MILLS:

Right sir, did you have, you'd like to make?

SPEAKER:

Yes, in regards to the land use, my property is adjacent pretty much about 500 feet to the proposed plan and it will cause a significant drop in value and the convenience to the home which is several hundred feet away for that proposed plan on the property. Basically the storage facility is more like an industrial type of planning. It's going to create a big inconvenience and property value for my property.

CHAIRMAN MILLS:

Alright sir. Let me see if anyone's got questions for you. I don't hear any. I have a question, the other uses, do you feel they would also have an impact on your property values?

SPEAKER:

It will. I think those may have a positive effect if it were - - if it were to be approved, it would definitely cause a significant value on my property. I have a pretty substantial investment in it.

CHAIRMAN MILLS:

Alright sir. We certainly thank you for participating this morning.

SPEAKER:

You're welcome.

CHAIRMAN MILLS:

Do we have any more participants?

SPEAKER:

Can I ask that gentleman a question please? Is he still on?

SPEAKER:

Yes.

SPEAKER:

In looking at the application, I was wondering and I empathize with your concern. Regarding the value of your own property. Is it mostly because of the outdoor storage units as opposed - - they're looking to allow self storage as permitted and then 26 outdoor. Is that what's causing you concern or not necessarily?

SPEAKER:

The overall.

SPEAKER:

The overall project, thank you so much.

CHAIRMAN MILLS:

Miss Jackson, do we have anyone else?

SPEAKER:

No sir.

CHAIRMAN MILLS:

We will ask Mr. - - to come back for a chance at rebuttal.

SPEAKER:

Couple things. Looking for the list of uses of what can go there now, certainly it's not my place and it

would be not well taken for me to tell a neighbor what they want next to their property but we do need to correct a couple things. I do want to remind the board that there are a host of uses their and they ought to look at the list that's in the PUD but I understand Mr. Burton's comments that he was okay with that list of uses. Certainly self storage wasn't contemplated. The other thing I want to let everybody know because I would be concerned about it. As part of the PUD, there are architectural guidelines. There are buffer guidelines. You saw a schematic site plan earlier. This will be largely buffered with vegetation. But the self storage facility in the front that you can see from the road, is going to be an architecturally pleasing building. It has to meet certain standards and it will look nice. It's designed to - - there's all different architecture. I used the wrong word, the Florida vernacular style. So it's designed to fit there. There's one that opened up that's got a modern look but it's next to a public and a café and it looks like a nice building. It looks like a hotel. So this one is designed to be developed to fit with the enterprise community. Just want everyone to be clear that absent an appraiser telling me so, something that's a very low intensity use - - built in a fashion that's aesthetically pleasing. Staff made us put much bigger landscape buffers than what was required. - - I disagree that it would have a negative impact on property values. Versus what could be built now. I think that's an important point. Everything I would point out is, I haven't driven by many times. I suppose there are gopher tortoises out there. But those impacts are created whether you have a laundry mat and a diner or any of those uses. Or you have self storage. Any impact impacts the tortoises and the scrub Jays. The water has to be not developed if it's going to be impacted. They have avoided - - and then water and sewer is right out front.

CHAIRMAN MILLS:

Okay, any questions? Mr. Bender.

JEFFREY BENDER:

Yes. (conversation off microphone)

CHAIRMAN MILLS:

Mr. Costa.

SPEAKER:

It's my understanding that self storage is a low traffic generator. I would think this generates more traffic than a vacant lot. Will have less traffic and impacts on the road than the neighborhood shopping uses that are currently approved. Can you expand upon this version?

SPEAKER:

Yeah, it's so low. It's the least intense - - I don't mean to sound crass, probably the only use of property that is less intense would be a cemetery. And I don't say that to be of noxious. But this is about as low intensity as a traffic generator as you can find. So I can't give you the specific numbers without looking

through it. We did a traffic study, engaged a traffic engineering firm. And we agreed to a trip cap. - - Is not giving anything up there. It's very low trip generation.

CHAIRMAN MILLS:

Any other comments Mr. Costa? Steve?

STEVE COSTA:

I did look at the traffic study. And it has the existing use of shopping center in the proposed use is shopping center, convenience use with gas pumps. It's just confusing, it doesn't show the trip generation from a self storage unit. I was curious why.

SPEAKER:

Okay, I can answer. Again, I'm not a traffic engineer either but I understand that one. So one of the things that because of the, subject to the enterprise local plan. As miss Jackson was saying in her presentation, says that any commercial type development shall be limited to that which is already approved. So what staff required by way of the comp plan amendment was a limitation on the trip generation from this site that would match the allowable trip generation from a neighborhood commercial development on the same piece of property. That is the genesis for and the basis of the calculation of the number of trips in the trip cap. This bylaw cannot exceed that trip but will actually be well below it. If in the future, somebody came back and said we don't want to build self storage, we want to do something else. The common plan would still be in place to protect and respect the enterprise local plan by saying, whatever goes there, the trip generation can't be higher than what's approved today essentially. That I answer your question Mr. Costa?

STEVE COSTA:

Yes. So it's looking beyond the use of self storage. Potential use of self storage is probably 50 trips a day, I would say.

SPEAKER:

Well below whatever this cap is.

SPEAKER:

Right, thank you.

CHAIRMAN MILLS:

Any other questions?

SPEAKER:

I'm not sure if this is a question for staff, can someone talk about, the gentleman that came forward

representing the homeowners out there, talked about the creation of that PUD, certain things were agreed to. What's the difference in the size? 35,000 square foot that was agreed to wasn't understood whether this would be amended or was that in concrete at this time?

SPEAKER:

So I would answer that by saying zoning, nothing is ever in concrete and irrevocable. I've never run across that in my entire career so it would be - - to draft that into the previous development agreement and I didn't see any verbiage to have that be irrevocable.

SPEAKER:

Normally, there will be a restriction. If they say it can be no more than ask. I've seen some that says you can't have a place that serves alcohol. As a general proposition, zoning - - I'm not aware of anything in the public records that limited although I haven't checked that because that's not what I'm here for. That would be something outside the purview of this body. I certainly wasn't involved.

SPEAKER:

Actually, can we get the gentleman standing in the back, but an address that since he talked about it? What was his understanding when this was all done?

CHAIRMAN MILLS:

Mr. Burton.

SPEAKER:

I apologize, I'm not the most polished speaker. By the way, I am in the architectural, structural engineering field for 40 years. I'm familiar with developments. When this was done, there were multiple meetings and phone calls. There were things stricken out. Dry cleaning processes. There were numerous other things. And again the size which was recommended by staff at that time would be 25,000-30,000, not 50 that was requested. Understand too, based upon property value, there are two homes within one year. That are brand-new. And they are highly concerned given the size of this thing. Including phase 2, again, I do this for a living. They will come back to expand if it fills up. As a businessman, I might do the same. It will literally go property line minus buffer, to property line minus buffer. And that's a serious concern. As is the usage. We agreed in good faith with Mr. Storch and - - years ago. Specific PUD and that's what we agreed to. Have we had any inclination that would be modified, we would have kept it A-3 as everything else around it is.

SPEAKER:

(Inaudible) Is your concern, type and size being requested now or once this gets a commercial, even though they're putting a cap on it for whatever can happen in the future. Is your concern more for this particular development or is it concern over what might come down the road once this gets a

commercial designation?

SPEAKER:

That's a two-pronged answer. One being for the first item product, is commercial. Obviously we'd be opposed because you couldn't put anything there in the future. Yes, it's the size and type. It's a light industrial type of situation. Go look at some. I will look at a café, a small neighborhood grocery store - - (Inaudible). That is not allowed to be used under what we agree to originally.

SPEAKER:

So even though another type of use might generate more traffic, you would be more inclined to agree with another type of development.

SPEAKER:

Hundred percent. Here's the thing with self storage and it depends when it maxes out. When they fill all of phase I if you will. There will be peak times like Saturday mornings. Depending on what they have stored. I agree that people store things and forget about it. There's TV shows about that. (Laughs) But not always. There's no reason they couldn't come anytime they want to. So we don't know. That's crap shoot. If you have a diner, if you have a grocery store, if you have a sporting goods store, whatever. It has set limits of when they're open and when they're closed. So, and obviously, substantially smaller.

SPEAKER:

Thank you.

CHAIRMAN MILLS:

I've got a question for you. You keep referring back to the size. Is the size based on the physical size of the building or the size based upon the fact that you think this will generally more than a small shopping plaza or a grocery store? You think it's going to generate more traffic?

SPEAKER:

I look at it this way. 35,000 square feet of hard space. Versus over 85,000 square feet of hard space plus all of the adjacent pavement to get to it. So yeah, that's a big problem.

SPEAKER:

From the conceptual plan, we have the buffers in place.

SPEAKER:

You have the buffers in place but you would not put a type of store in there or whatever you want to call it without some kind of landscaping elements because that's part of code. There are other things

you would have to do. And so there are numerous things that this would essentially not comply with.

SPEAKER:

What I'm hearing is the traffic generation would be less than some of these things that could go in there.

SPEAKER:

If you look at spreading the number of cars over an entire day or an entire open/close scenario. It would be hard to do that. Again, it's not typically, self storage would have a constant flow. It could, I don't know. That's crap shoot. But most assuredly if you had sporting goods, hardware, they're only open certain times of the day. You would not have any issues after hours or before ours. That is right and where, I agree that the vacant lot has no traffic. But right now, that's a main thoroughfare including the intersection of Garfield and Doyle for elementary schools going to - -

SPEAKER:

(Inaudible).

SPEAKER:

Thank you sir.

SPEAKER:

Would you like to come back sir?

SPEAKER:

Couple things, on the site plan - - we are on the comp plan now and it limits, unless you decide to change it. Limits the property to a self storage facility and the square footage of the self storage facility as of right now. If you approve this, it would seriously restrict the use of the property - - it's not just trips limited. Number two, we could do it in the comp plan as well as the PD, the building in the schematically the PD is 54,000 and change of air conditioned space and perhaps - - we don't have it. A rendering of that Florida vernacular. We could limit, it's still 85,000 feet of storage. The building itself, the one-story building, Florida vernacular architecture has to meet the standards from - - driving down Doyle, that's all you see. If that would make everybody feel better, to what we are proposing.

CHAIRMAN MILLS:

All right sir.

SPEAKER:

Thank you.

SPEAKER:

Mr. Young?

JAY YOUNG:

I have some questions because I have relatives that I've doubled is I visited a number of storages. A lot of them allow people, they have storages and on weekends, this one particular one I was in, the people have little mini businesses that on weekends, they actually have people come in and come out and buy stuff out of their many storage areas. And that's open all weekend long. I've noticed too, the self storage areas of RVs and all, some of them are pretty dilapidated and they bring in all kinds of stuff. Trailers with loose debris on it. I'm wondering, what restrictions you have, particularly on this one place I went to. There was about eight little mini storage booths that had people put signs out in front of them on the weekend that they were selling out of them. I'm just wondering, do you have restrictions about this kind of thing. That's my two questions. I'm assuming this is open 24 hours a day that anyone can access at 3:00 or 4:00 in the morning. That's also a question.

SPEAKER:

I've got it down. Hours. Business limitations. This is - - so I will let him talk to some of the particulars but I will share with you, I know exactly what you're talking about. In high school I used to work out in the gym in a mini warehouse. So I get it. They do and we are happy to put it in the document to limit those issues that there is no business that's being operated out of there. They run high-end self storage facilities. They're very well-run and we are happy to put limitations that they would self impose anyway for the sanctity of their operation into the zoning document and the comp plan document. If it's okay for the chair, he can tell you about the hours. We are happy to agree to the hours and how they handle open storage.

CHAIRMAN MILLS:

Yes sir, thank you. If I can get you to state your name and address for the record.

SPEAKER:

- - 163 Murray Hill, Atlanta, Georgia. There won't be any of those business spaces, commercial spaces. That's not what I do. That's not what 99 percent of the world's current self storage developers are looking for. That's kind of a, that stuff for lack of a better phrase, that is low-rent crap and it doesn't really enhance the model and it's not the kind of customer profile I am targeting. And there are absolutely rules about what kind of thing can go on. We will not have people conducting band practices in storage units and things like that. No one's going to be selling anything out of their units that will require running an auto repair thing out of the unit. That's just not allowed. I would say with regard to the boat and RV spots, there's so little place to park these things. There is no self storage, period, in a three-mile ring. Which is crazy. The rents will be high enough on these boat spots and on high enough demand that the guy with the pile of junk in the trailer isn't going to be able to afford the

spots and that wouldn't be tolerated anyway. Nobody's going to this place at 3:00 in the morning either. It's going to be closed at night. We could cut things off at 10:00, at midnight. We can talk about specifics.

SPEAKER:

Okay. - - Key access where they can come anytime they want.

SPEAKER:

I don't think I would get away with that here.

SPEAKER:

He can say anything he wants here. We have to put in the documents. We are happy to agree to put these into the documents. I think, something just occurred to me, in terms of the, and there's not that many of them told – the outdoor parking spaces. We could limit them to enclosed trailers, boats and RVs. You bring up a good point. The market may limit that anyway but he's happy to agree to that as a zoning.

CHAIRMAN MILLS:

When you say you've got a timeframe in mind for opening hours.

SPEAKER:

Could be from 6:00-7:00 in the morning until 10:00 at night.

SPEAKER:

That's a good time. No commercial operations out of any of the storage units. I could go along a lot easier with those conditions.

SPEAKER:

(speaking off mic)

What we have designated, RVs, boats and enclosed trailers only. Does that work?

CHAIRMAN MILLS:

Okay. A lot of these things can be worked out between now and presenting it to counsel. It is that correct? Mr. Soria, do you have a mic sir?

(microphone feedback)

SPEAKER:

I have a question for the applicant. Several questions. If you don't mind taking your mask off please.

First question, you mentioned that the builder, developers and operators are well known, correct?

SPEAKER:

I don't think I said they were well-known because I didn't know them before they hired me.

SPEAKER:

This is what they do for a living.

SPEAKER:- - The contract purchaser

That's what they told me.

is standing next to me. He

SPEAKER:

So it's the gentleman standing next to you. The applicant is not the builder/operator of this facility.

SPEAKER:

The actual applicant is sitting behind me. .

SPEAKER:

Did you conduct any meetings?

SPEAKER:

First thing I did when Mr. - - contacted me is you need to reach out to the enterprise preservation Society. I tracked down a number for him. Somebody from my Rotary club that I knew would know. He had several conversations with them. Showed them plans and talked to them about it. That was done before he went spending money on planners and engineers. If enterprise preservation Society said it was a no go I told him he would be dead on arrival and don't waste your money.

SPEAKER:

So the neighbors around the property were not consulted or shown the plants prior to this meeting.

SPEAKER:

No.

SPEAKER:

Okay.

SPEAKER:

The last question I have, I'm a very visual person. What I'm missing here and you made reference to it, any kind of renderings on what these buildings look like and with operators are and the reputation

would go a long way to garner my support.

SPEAKER:

This is incredibly clumsy of me but - -

SPEAKER:

I like to see what it looks like from the perspective of the throat and the neighbors. I get the buffering and hiding it through the buffer itself which is awesome. But the look of the building and how we would blend in with the rest of the community, I think would be a substantial item to be considered.

CHAIRMAN MILLS:

Okay, what are we doing? Uploading that?

SPEAKER:

Just for clarification, the owners that the community or neighbors met with that went when they agreed to the development are different than what's being proposed now. (Inaudible).

CHAIRMAN MILLS:

Mr. Young, did you have another question?

JAY YOUNG:

No. I was going to ask legal counsel just on what we should do about putting in the document about commercial operations and the hours. How we would go about doing that. But it was mostly to our legal staff.

CHAIRMAN MILLS:

Okay.

SPEAKER:

If I could, that would go in the PUD document, there's a section that's called other requirements and have some of those items on their and we can include additional items being discussed.

SPEAKER:

Thank you.

CHAIRMAN MILLS:

I think we had that rendering. Mr. Frank Costa, did you see that rendering?

FRANK COSTA:

I'm looking at the rendering now. Can't see the name of the company but do they have any others in Florida, self storage units?

SPEAKER:

I've got one under construction that will be managed by a several billion dollar company out of New York called life storage. It does not look nearly as nice as this one. I've got another under construction in Auburn, Alabama. Where I had to incorporate similar architectural elements that will be managed by another national self storage management company. And another under construction in Clemson, South Carolina which I again had to blend the imagery with the corridor zoning authority. Those are examples.

SPEAKER:

Thank you.

CHAIRMAN MILLS:

Are there any other questions for the applicant? Go ahead Mr. Young.

JAY YOUNG:

He said he's turning these various ones over to two different companies to operate. Who will be operating this facility then? If he's not the one doing it, what's the reputation of the one that will be managing this one?

SPEAKER:

I was planning for absolute storage management out of Tennessee to operate this one. They've got a great reputation. Honestly better than a lot of the public storages and extra spaces and life storages. They're the largest privately owned storage management company in America. They have a great culture and they treat their people extremely well. They have very little patience and tolerance for BS on the property.

SPEAKER:

And they won't have any objections to the restrictions on noncommercial and so forth that we asked about?

SPEAKER:

Correct. This would fit quite easily with them, within their platform.

CHAIRMAN MILLS:

Did have a question or comment? Okay. Mr. Elkind, is there anything else you'd like to add? All right.

Do we have any other public participants for this case? Hearing known, we will close the floor to public participation and open the floor to Commissioner discussion.

SPEAKER:

I would go for this thing if we can somehow enhance, put those in the document about the noncommercial and the timeframe. I would be inclined to go along with it then.

CHAIRMAN MILLS:

You want to put those safeguards in there, is that correct?

SPEAKER:

That's correct. I'd like to see noncommercial. That's one of the things that I really think needs to be in there. then also the operation time because the one we've seen, we picked stuff up late at night and I think it's not a good thing.

CHAIRMAN MILLS:

Okay. I just like to make a couple comments here. One is that I realize there was a previous document that was agreed to. That is why we are back here today. Is because they just couldn't go ahead and do it. They had to come back and get authorization to do it. And as Ms. Jackson said, there was nothing in stone when it comes to these documents. They can always come back to the commission or counseling J approvals needed to expand or reduce. So, if all of the criteria is good for it, - - I got someone on the microphone there. Mr. Steve Costa, you got your mic on? Okay. What we do is we end up back here again to discuss any things, because things to change. As far as the adjacent property owners concern about the impact it will have on their properties, if the development would have been done previously with the request that was made from agriculture to the other PUD, it would have had an impact on so. Regardless, there's been a commercial PUD there all alone. It doesn't hasn't been developed out so I'm inclined with the things the applicant has agreed to do to try to safeguard against the late operations in the commercial use and to keep it in somewhat a good aesthetic view of the adjacent property owners and people coming by, I'm inclined to approve this. And that's my opinion on it. Anyone else have a comment? Mr. Costa, Steve Costa.

STEVE COSTA:

Yet, I'd like to make a recommendation for this case to the County Counsel for the land-use change for approval. Recommendation for approval. Then we can discuss any further restrictions in the PUD agreement on the next item.

CHAIRMAN MILLS:

You mean if they were to come back to amend the one doing today?

STEVE COSTA:

This is the future land-use item. I'd like to recommend to forward this to County Counsel. Then we will discuss the restrictions that Jay brought up with the business operation times and the restriction of uses. We will discuss this at the PUD item which is the next item on the agenda.

CHAIRMAN MILLS:

Okay. Ms. Van Dam, you had a comment?

WANDA VAN DAM:

Like I said earlier, I had gone into this thinking this was a win for the community. Apparently they think otherwise. And it apparently is not the same people that they made the original agreement with, that person or group is now selling to someone else which they have a right to request. I'm going to have to go no on this one.

CHAIRMAN MILLS:

Mr. Bender, you had a comment?

JEFFREY BENDER:

After I reviewed this package, it made sense to prove it. Especially going through what we are going through in this country right now and nobody is going to barbershop for beauty shops and all the things that are allowed in the PUD previously approved. On the other hand, I'm also very conscious about the neighbors. And where they fall and what they were agreeing to when this went from agriculture to a PUD. Understand one thing and the next thing you know, things change. So that's where my struggle is. At this point, I'm not quite sure where I am or how I will vote.

SPEAKER:

I made a motion, don't know if we need a second to move on to the PUD.

CHAIRMAN MILLS:

I didn't know that was a motion.

SPEAKER:

I didn't know that was a motion either. This is Edith Shelley, I'd like to make a comment as well. Going back to Steve Costas comments. We have two items, and the first one is the CPA – 20 – 004 which is the future land-use amendment. Not to the PUD which is our next item. I would like to keep the conversation for sake of clarity on the CPA at this time. At the first item before us and then get into that PUD discussion with the next item instead of combining those two discussions, thank you.

CHAIRMAN MILLS:

Okay. Mr. Frank Costa.

FRANK COSTA:

Are we close to public participation?

CHAIRMAN MILLS:

Yes we are.

FRANK COSTA:

Okay. I agree with Edith and Steve on comments regarding this one.

CHAIRMAN MILLS:

Okay. I will entertain a motion. Steve said he made a motion. Would you clarify that motions are.

STEVE COSTA:

Yes, I would like to make a motion for this case. I don't have it in front of me on my screen.

SPEAKER:

CPA – 20 – 004.

FRANK COSTA:

That case to County Counsel with a recommendation for approval.

SPEAKER:

I will second that.

CHAIRMAN MILLS:

I have a motion to forward CPA – 20 – 004 to County Counsel with recommendation for approval and a second from Edith Shelley. Any discussion on the motion? Hearing known, I will ask missed Jackson to give a roll call.

(roll call).

SPEAKER:

Motion passes 4-3.

CHAIRMAN MILLS:

Thank you Ms. Jackson.

SPEAKER:

4-2. Sorry. Too much going on.

CHAIRMAN MILLS:

Miss Van Dam.

WANDA VAN DAM:

PUD – 20 – 067. Application of Mark Karet, agent for Ralph E. and Trudy K. Broberg, owners, requesting a major amendment to Resolution Numbers 98-55 and 2000-181, Ralph Broberg Business Planned Unit Development, including but not limited to changing the list of permitted uses.

CHAIRMAN MILLS:

Missed Jackson, can I get the staff report.

SPEAKER:

I am not going to repeat background information because you are aware. But I do want to go through the requirements of the development agreement. We have the trip cap included in the development agreement. - - Is included. It's already existing and it's up here the minimum setbacks on the East and West yards are 50 feet and on the north yard, they are 204 feet. The landscape offers are the same as the setbacks for the East and West sides. The North landscape buffer is the 240 and Doyle Road is 35 feet. Again, they are to utilize existing vegetation to maintain the existing vegetation. And to plant landscape material that is endemic to the area. Maximum lot coverage, building height and floor area ratio are the same as in the current PUD. It's maximum lot coverage of 35 percent. Building height of 35 feet and maximum floor area ratio of .50. It's in an airport protection overlay zone and it will remain in the overlay zone. In reviewing the criteria, we feel it may have a positive impact on the economy in the area. I would say the property owners have inquired a few times because having trouble developing it or selling the property. (Inaudible).

SPEAKER:

Prohibited uses or anything that's not specifically permitted. Elimination standards are fairly standard. They cannot have anything taller than 20 feet above grade. Any lighting that's 20 feet above grade and all fixtures are to be shielded in a manner that they are fully shielded downwards. There should be no light spillage onto adjacent properties. And then on page 23-45, is where the other requirements are listed currently. No servicing or repair of motor vehicles, watercraft, lawnmowers or other similar equipment shall be conducted on the premises. Then it says no other extraordinary requirements are imposed. We could add hours of operation and I heard them to be 7:00 a.m.-10 PM. And that there will be no businesses or commercial uses conducted within the storage facility. And I think that's the only two additional items to add in this part. Other than that, with that, staff does recommend approval we have provided conditions for your consideration.

CHAIRMAN MILLS:

Thank you Miss Jackson. Any questions? Miss Shelley?

EDITH SHELLEY:

I have a clarification. When the hours of operation were mentioned, I could have written them down wrong but I wrote down 6-10 as what was stated at the podium. Just for clarification.

SPEAKER:

I had six or seven until 10:00 p.m. so I wrote down seven but let the clientele is what he wants.

CHAIRMAN MILLS:

Mr. Young?

SPEAKER:

That's fine. I don't know if the tenant needs to be concerned with this but they need to get access. - -
The tenant may need to come in there at certain times.

SPEAKER:

I need to add a little to this discussion. If you see where this yellow line is, it comes out and notches over and goes up. In the original development agreement and the two previous development agreements, this little piece here, right beside it was included in the legal description associated with that. For the development agreement. Therefore, it ended up getting rezoned PUD, but the legal description had an error. It should have said less than except that, but it didn't. So that was included in there. And the owners of the property don't own it. In the resolution that adopts the development agreement, we've included that this strip of land will revert back to the A3 zoning it was previously. This is a housekeeping item to clean up that error created with the previous legal description. I just want to mention that and get that on the record.

CHAIRMAN MILLS:

Okay. Thank you Miss Jackson. Mr. Frank Costa.

FRANK COSTA:

I kept looking at the conceptual plan. I couldn't make out where tequila trail was but I see it now on this aerial picture. It gives me a better indication. If I see one-four homes adjacent to the property, is that correct?

SPEAKER:

Can you hear me? It's five. According to the gentleman in the audience.

STEVE COSTA:

That's it, thank you.

CHAIRMAN MILLS:

Any other questions for staff?

STEVE COSTA:

I had a question for staff. In the PUD agreement, you are requiring species that are native. My concern is with some of those projects is the existing vegetation will not be sufficiently thick enough to screen the development from the surrounding residential units. Can we include landscaping that is sufficient enough to screen the development from surrounding properties. You mentioned there is a - - foot limit. If you only have a four foot drop, you will be able to see that.

SPEAKER:

So our landscape code has minimum size at planting. It was extremely important to our environmental stuff - - if they have to supplement the natural buffers they have to plant species endemic to the area. I don't know what those are but there are minimum standards written into our landscape code.

SPEAKER:

(Inaudible) I would say include some standard in the PUD document that the existing vegetation is sufficient enough to screen the property from the surrounding property owners. If it's sufficient to do that, I think it's good but if it's not in place, they should be required to plan additional stuff that meets the highest requirements.

SPEAKER:

My question is that it's a single-story building. It's not going to be 35 feet in height. You can restrict the height of the buildings to less than that but let's say you restrict to 25 feet. It's hard to plant something that will reach 25 feet.

SPEAKER:

Oak trees, pine trees, bamboo. Lots of stuff you can plant.

SPEAKER:

So with landscaping, according to our environmental stuff, it's better to plant smaller stuff because it has a better chance of survivability, even though it's smaller and takes longer to grow. Maybe you could require a fence, maybe on the inside of the landscape buffer, six feet in height. That might help but there's nothing that will reach a 25 foot level.

STEVE COSTA:

Yeah, oak trees, pine trees, all that reaches those levels.

CHAIRMAN MILLS:

Your comment is taken and we will move on here if I can get the applicant to come forward please.

SPEAKER:

Thank you Mr. chair, my name is Darren Elkind. My address is 123 E. New York Avenue. Couple things but I will take it out of order to address Mr. Costa's comments. I won't misspeak for you.

SPEAKER:

My name is Mark Karet. She is correct. There's a lot more risk associated with putting in larger plantings. In the initial growing phase. We have 50 feet of very sick vegetation at this point. There is already a requirement in place to the extent to which it would be too thin that we have to supplement it. Right now the plantings within 50 feet of the ads are pretty thick. I think it would be unlikely that we would have to supplement any of the reservation areas that we are showing along the sides. Maybe in the area of the pond. But there's thick vegetation.

SPEAKER:

We can probably pull up a street view.

SPEAKER:

The reference to 20 foot was to the - - most are taller than that.

SPEAKER:

It should be pretty well shielded in the initial phase other than across the lake. Miss Jackson - - there it is. The homes, this is oriented and that we had the aerial that showed the homes on tequila trail. After kind of flip back and forth. What we have done is we have oriented the building onto the site in such a fashion and have the storm water pond and that vegetation so it's all on the east side where those homes are on tequila trail. Tequila trail being to the right as we look at it. So that was just a logical saying. It's just good planning to move the building as far away as you can. And then on the hours, we do need to do 6:00 a.m. -10 P.M. certainly if you had a café it would be opening pretty early in the morning so we think 6-10 is more than reasonable. Mr. Young brought up a good point. I should have thought of that, but I didn't. That would limit customer access. If they needed to get in for something, they would have to get in early. I had some other language to propose for the business operation, such that no business operation, sale of products or other operations of any kind other than storage shall be conducted on the premises. That I think would be a good one. That's what they're going to do anyway but that would shore it up. Thank you.

CHAIRMAN MILLS:

Any questions for Mr. Elkind?

SPEAKER:

This document basically talked about the 85,000 square feet and the parking units. Are you all in a position to say not going to want to expand this?

SPEAKER:

This PD agreement limits to the - - square foot building. If we need to beef that up to make that abundantly clear. I said to you and will always say this to you. I will never tell you anything that I can't say in good faith and good conscience. Anything can happen, look what's going on in the world. I believe they will build a nice self storage facility but I recognize the possibility that it might not happen. Anything could happen with the economy tomorrow. Will somebody, the owner whether it's with me or otherwise be here in 20 years from now? That may happen. I said at the beginning that there is empty space there and certainly we could imagine that even respecting the trip cap, they may come back and ask for it. I said that because I believe they may in the future but they certainly wouldn't ask for unless and until it was years down the road. It may happen. I'm not going to sit here and tell you in good faith just to give you an easy approval that they will never come back and ask for that. They may.

SPEAKER:

And there's no way to limit that anyway.

SPEAKER:

No. I'm going to ask Paolo . Looks like he can answer that. You need your mic..

SPEAKER:

I apologize Mr. Bender. That was a really long-winded answer.

(speaking off mic)

CHAIRMAN MILLS:

Does that answer your question Mr. Bender? Mr. Steve Costa, you had a comment? Mr. Costa? Steve Costa, did you have a comment? For some reason, it's not coming through. We are not getting his audio. He's speaking but it's not coming through. We are not hearing you Mr. Costa.

SPEAKER:

Are the people in the webinar hearing him?

SPEAKER:

Yes.

CHAIRMAN MILLS:

We can't hear you. Is anybody in the booth over there? Mr. Costa wants to know if you were planning on fencing the project?

SPEAKER:

Yes.

SPEAKER:

Are you willing to commit to that in the development agreement? Six foot high fence..

SPEAKER:

So long as it's inside the buffer. Otherwise we want the trees on the outside on the fence on the inside.

SPEAKER:

What type of fence material?

SPEAKER:

It'll be a metallic chain - - a metallic fence. Chain link. Okay.

SPEAKER:

Like an iron picket fence?

SPEAKER:

It's not an aesthetic element, it's a security feature.

CHAIRMAN MILLS:

Mr. Young? We can't hear him. Mr. Young, we can't hear you. Let's try to get through this. Gosh.

SPEAKER:

Paolo is on the webinar. And he can hear them. Can you relay what they are saying?

STEVE COSTA:

The 6:00 a.m.-10 P.M. and not the restricting access after 10:00 p.m., is that what he is concerned about? But not limiting - - he can hear us, we just can't hear him. Okay.

SPEAKER:

I think this is the last month we will be able to do this anyway.

SPEAKER:

It's been extended to October.

SPEAKER:

What I would like to tell them is the fence - - there's a tree buffer, the fence will be on the inside of the tree buffer so it's very maintainable so we don't interfere with the trees. It's a security issue and not an aesthetic issue for us.

SPEAKER:

I'd like to suggest if there's fencing going to be over here. Because this can be seen, this buffer gets planted or the fence goes back here and it somehow blends in to the side of the building. So it's not an industrial chain looking fence.

SPEAKER:

So that is the east side. Any fencing visible on the east side.

SPEAKER:

Black wrought iron, I will write that into the agreement.

SPEAKER:

I trust that everyone will continue to be willing to work with the residents to have these concerns, once they get a chance to look this over and talk to each other.

SPEAKER:

For my part, I am here. My office used to be not far down the road for many years. I am here and subject to my client having to pay me. But I know he will be more than happy to meet with folks that have specific concerns. Most of them should be pretty easy to accommodate within reason. If they say we want you to reduce by 20,000 square feet, I don't want to speak for my client. But if the what we want to see in the way of fence, absolutely.

CHAIRMAN MILLS:

You folks can get together and Mr. Burton, have his concerns addressed. I'm sure he will be a the Council meeting. So this is not a finite decision anyway. Council will have to take this into consideration and they will understand what we talked about and the concerns raised so they can also address that at that point. We can let it be known that there were concerns that they need to consider

at the meeting with the Council. So what we will try to do is move on here. After this case, I don't want to get off track. I will talk about it afterwards. We will go ahead - -

(speaking off microphone)

CHAIRMAN MILLS:

Okay. Do we have people online now? Let's just take a 10 minute recess.

CHAIRMAN:

All right, the PLDRC meeting is back in session. We do apologize for that, we've had major difficulties. So we will take up where we left off and if I can get Mr. Elkind to come back to the podium. Did he step out? There he is. Mr. Elkind, this is in reference to case number PUD – 20 – 067. Is there anything we left out?

SPEAKER:

I don't remember.

CHAIRMAN:

(Laughs).

SPEAKER:

What I did on the break is Mr. Karet pulled up a street view map. Some of the vegetation and sand pines. That vegetation is 14-15 feet generally. Scale from the building, significant length. We can certainly put it together but when you consider the angle if you're standing from the neighbors, you won't be able to see the top of the building from the distance and the existing vegetation. I think from that perspective, it's covered. Certainly everything we talked about before as far as limitations, absolutely happy for it to be in the PUD for it to be a more aesthetically pleasing fence on the East back to the property line where it will be visible. And we will certainly talk with the neighbors. It's maybe a situation where sometimes people don't agree and it is what it is.

CHAIRMAN:

(Laughs) Thank you sir. Any questions for Mr. Elkind?

JAY YOUNG:

Yes, I have one. I want to re-ask the question I was trying to ask you before we got into our problem. The fence, will it completely encompass the area that is rented so that the people can't get in there at the hours that are restricted?

SPEAKER:

Yes.

JAY YOUNG:

That was the question I had back in the beginning. Thank you.

CHAIRMAN:

Okay. Does anyone else have questions for the applicant? Mr. Steve Costa.

STEVE COSTA:

Can you hear me?

CHAIRMAN:

I most certainly can.

STEVE COSTA:

Most excellent. I just logged back on. I heard the end of Darren's explanation of landscaping. I think what would make me happen as it would be sufficient if we included language in the PUD that the landscape around the property, those neighboring residential units would be sufficient enough to screen the project from neighbors. Whether it's existing or to be landscaped. Just sufficient to screen the property. That gives staff the ability to say, to work with the developer and neighbors.

SPEAKER:

Mr. chair, if I may - - if I can recap. In looking at a Google Street view of the scrub type vegetation that's there and the height of the it is probably on the order of at least 15 feet in some places with tall trees obviously. The edge of the buffer to this top of the one-story building. The building is set so far back that it would not be visible to somebody standing on the ground at the property line. We are happy to include something. There is one spot sort of on the east there that it will need to have vegetation. So we are comfortable - - that is what we believe will occur and we are comfortable with a provision or requirement of the PUD. Just want to be clear so there is no question, what does that mean. You cannot see it. I think when we come back to the commission we will have specific language.

CHAIRMAN:

Mr. Costa, go ahead.

STEVE COSTA:

I appreciate that. When you go into an area surrounded by A-3 zoning, I think it's appropriate. Any commercial development should go the extra mile. I appreciate you guys working with us on that. Thank you so much.

CHAIRMAN:

Okay. Any other questions? I don't have any - - I do have public participation. Okay. Who do we have Mr. Summers?

SPEAKER:

Mr. Lopez?

CHAIRMAN:

You wish to speak to the case Mr. Lopez?

SPEAKER:

I would like to know if the fencing will include both the east and west sides of the proposed property.

CHAIRMAN:

Mr. Elkind, would you like to answer that question?

SPEAKER:

Yes and if it's not in the PUD, we can certainly put it in the PUD. The entire property, not the cell tower, but the entire operation that my client has will be fenced in. Some of that, the building may serve as some of the fencing. We haven't gotten into a site plan, but the area will be completely secured so it cannot be accessed by anyone except through the gate. Am I saying that correctly? It cannot be accessed by anyone other than through the gate which we control access. That's central to the idea of a self storage facility.

CHAIRMAN:

Thank you sir. Any other comments Mr. Lopez?

SPEAKER:

No, that will be all for now.

CHAIRMAN:

Thank you very much. Anybody else?

SPEAKER:

Mr. Hawkins, are you still online? I have no others.

CHAIRMAN:

Okay. Is that it? Okay. Mr. Burton, would you like to make a comment? I'll have to get you to state your

name and address again for the record.

SPEAKER:

Gary Burton, 14 Tequila Trail. The reasons we found out about this six months ago, the only reason I know that happened - - rather than then reach out to neighbors, I found out because one of my employees is the ex-president of the enterprise preservation Society and my firm has been very involved with them moving the old schoolhouse. We've done a lot of work with them, pro bono. Okay? Separate issue completely, I get it. But we never knew about any of this had he not told me. That was 6-7 months ago. I don't remember when I emailed the developer and said, I would suggest not buying the land, you will get fought on this. Again, separate issue. The thing for us is this, you have the hours limited. Now. His managing group comes to him in six months or two months or two years and says you know, the business plan of 6-10 or 7-10 or whatever it was agreed to, isn't phase 2 is a lot more of that being developed. Some of that screening in phase 2 may or may not be compromised. And that again, once they are there, they are there.

SPEAKER: I understand. They would have to come back before the board and request those, the change. I don't think it would be a minor amendment. They would have to come back in front of the board.

SPEAKER: With all due respect, chairman, they came back this one too.

CHAIRMAN: Yes, sir.

SPEAKER: Thank you.

CHAIRMAN: All right, anyone else? Anyone else who would like to speak? Okay, hearing no one, we will close public participation in open for commission discussion. For a motion.

SPEAKER: Mr. chair, before any motions, if you could outline the proffers and changes to the PUD development agreement so the commission knows what they are voting on.

CHAIRMAN: Okay. All right, okay, we will be doing hours of operation for the tenants from 6:00 until 10 o'clock. No commercial sales or anything out of the units. Limited to the storage, yes. Just limiting it strictly to storage. Okay? All right. Right, and we also have a landscaping that was decided upon also that they would keep the landscaping in place, that would give sufficient buffer. Also, the fencing.

SPEAKER: Yes, so, the fence will be enclosed the entire storage area and it will be six feet chain link on the inside of the landscape buffer. In addition, the east side visible through the pond area, that will be black wrought iron fencing. And the covered outdoor covered storage will be limited to enclosed trailers, boats and RVs.

SPEAKER: Ms. Jackson, that we put in the packet when it goes to counsel, correct?

SPEAKER: Yes, it will.

CHAIRMAN: In the meantime, if the applicant or applicant attorney would try to get with the homeowners and try to get something worked out there as to what we are looking at future use and whatever. Obviously, that will not occur right now but we would like to see that.

SPEAKER: May say something, Mr. chair?

CHAIRMAN: I will let you say something.

SPEAKER: On the no sales, we understand the desire is there. They do as part of business practice inside the office, they will sell their customers boxes. And tape to put things away.

CHAIRMAN: Yeah we are talking about commercial sales. But you can get the language worked out between now -- okay.

SPEAKER: Thank you.

CHAIRMAN: All right.

SPEAKER: Ms. Shelley has her hands up.

CHAIRMAN: Ms. Shelley?

SPEAKER: Yes, I have a couple of comments on that. On page 23, of the development agreement, it does a ready state no garage sales to be conducted on premises, no servicing or repair of motor vehicles, watercraft etc. should be conducted and it has some of that in there so just so people know there are some of those items already in the development agreement. I have, and thank you for adding the enclosed trailers, I appreciate that because I thought we had agreed on that as well. I would like to throw out, I have a question, when you say wrought iron, does that mean no aluminum fence is allowed? Does it have to be wrought iron?

SPEAKER: I'm just going for the look, I'm using that to describe the look, not necessarily the material.

SPEAKER: Okay, I wanted to clarify that, it is what I was hoping we were doing. To allow an aluminum in there as well. And I would like to highly recommend, I know they will be landscaping. On the outside of the fence, I know that. But I would highly recommend that we support a commercial grade vinyl, vinyl coated chain-link. The metal chain-link really deteriorates quickly in our community in this area. And I have had multiple issues with chain-link fences that do not have the vinyl coding on them and the commercial grade vinyl coding blends in better with the landscaping and also last longer. That would just be a recommendation, I don't know if anyone else would like to support that, thank you.

CHAIRMAN: Thank you Ms. Shelley. Does anyone else have a comment? Okay, I will entertain a motion. Somebody get their feet wet. (laughing)

Everybody's microphone is working, let's go!

SPEAKER: Okay, I will try to do this. Since nobody is butting up. I guess I am the elder here. (laughing)

I recommend approval County Counsel of this PUD with three conditions that let's see, where am I at? I am off here. Hold on, I am wrong -- okay, the three conditions that the staff had already put in, I believe, if I'm correct. I just want to make sure that it was reconditioned. Am I right with the three? Yes.

CHAIRMAN: Yes.

SPEAKER: Yes, there are three. With the three conditions and the conditions that we impose pertaining to time, enclosed trailers, and fencing and also, nonsales of any form other than through ownership in some way. To be sent to County Counsel with the recommendation of approval. I think I have covered everything.

CHAIRMAN: Okay. Do I have a second? Can I get a second from someone?

SPEAKER: I second that.

CHAIRMAN: Okay. I've got a motion to forward to the County Counsel for final action with recommendation of approval with staff recommended conditions and also the conditions outlined that we discussed today. No commercial use, for the tenants and the, as far as the sales and the limiting the storage to enclosed trailers. And the hours of operation to just be to the tenants, not to the actual people that actually run the facility. And adjust the landscape buffers with the six foot high fence. Am I leaving anything out?

SPEAKER: I think you got it all.

CHAIRMAN: Okay. Therefore, is there any discussion on the motion?

SPEAKER: Yes.

CHAIRMAN: Mr. Frank Costa.

SPEAKER: Are like to put this to the applicant and the attorney. What I'm having is not so much with the plan coming forward. I am in that I am in the zone so I feel for them. But you can get your PUD through and get the development order. What I suggest before regards of how the vote ends here, before you take this to counsel that we have the meeting with the neighbors. I do not expect you to come to an agreement of 100 percent. But the fact that you reached out, listened to their concerns, maybe make some concessions prior to going to the Council, may take you a long way, further than it actually may get you tonight. That is it.

CHAIRMAN: Okay, any other discussion on the motion? Ms. Shelley?

SPEAKER: I just guess that I'm ready for the vote. But I agree with Mr. Costa 's comments. The neighborhood meetings are extremely important and I think it causes some of the tension that is going on here among us as board members as well. Because I know those are hard from the development side but so much can be ironed out, not an agreement, not the people would not still be -- but it does show good faith effort that seems to have been lacking.

CHAIRMAN: Mr. Bender?

SPEAKER: I agree with what they said.

CHAIRMAN: Okay. All right, can I get a roll call, Ms. Summers?

(Roll call for vote)

Motion passes, five – two.

CHAIRMAN: All right, we will move onto the next case. Ms. Van Dam.

SPEAKER: Application of Alex Junior attorney for Peter a and Barbara J, one is requesting a variance to the minimum requirements on urban single-family residential R3 residential owned property.

CHAIRMAN: Thank you. Could I get the staff report, please?

SPEAKER: Yes, sir. This variance is to reduce the east side yard from the required five feet to 2.9 feet for an existing pool screen enclosure. The location is on the northwest corner of the intersection of Stone Island Road and arrowhead Trail in the enterprise area. The properties zoned R3 that requires 10,000 square feet of lot area and 85 lot width. It is conformant, 21,115 square feet in size. It is a corner lot, it fronts on Stone Island Road and stone trail. The setback for the structure 30 feet front, 20 feet combined side and the house meets these requirements. For accessory structures, it is five feet side and rear and for pools is eight feet side and rear. And the problem is the pool does meet the

requirements but the screen enclosure does not. The house was built in 1992, in 1993, they obtained a permit for the pool and the screen enclosure and the permit showed that the screened enclosure was to be 7.5 feet from the property line but somehow, it got built at 2.9 feet from the property line. However, the pool does meet the eight foot setback. Current owners purchased the property in 2004. They came in in March of this year, to pull a permit to replace the existing screen enclosure but were denied because it encroaches into the side yard setback. As a side note, the area it encroaches into is also an easement but a private easement. The homeowners association has stated that they have no objection to the screened enclosure being within the easement. As you can see over here on the drawing, the encroachment is just this little corner here. In reviewing of this variance request, staff finds that the case meets five of the five criteria for granting a variance and therefore recommends approval. Happy to answer any questions.

CHAIRMAN: Thank you Ms. Jackson. Any question for the staff? Ms. Shelley?

SPEAKER: I'm sorry, no.

CHAIRMAN: Okay. All right, is the applicant present? If you would state your name and address for the board.

SPEAKER: Alex Ford, 145 -- I keep looking over at the screen for those of you, that's why keep looking to my left. Kind of a weird situation. To me, is a classic variance case, I will not really go into the details, agree with the staff report. The only thing that I would add is, we requested a little bit of a revision to the conditions. And I believe staff is in agreement with those revisions. And I think Yolanda has them somewhere and -- the purpose of the request of revision is, as we see, things are little bit different nowadays. And so, I wanted to clarify the first condition that not only does the variance apply to the request of enclosure but in case of the happens and they don't go forward with the new enclosure they can with the old enclosure. And I would like to contemplate, we had the tornado go through the other day. And the screened enclosure would be gone if it had hit that area. Rather than having to go through a new variance based on the value of the screen enclosure and based on damage to that, but we were suggesting is a change that would address the value of the pool, enclosure and pool deck and yeah, there we go! I Just long enough. That is my proposed revised language. The underlined language are the changes I proposed. I think, the only thing that I struck through was the word "it" in condition two. I don't know if those of you online can see my proposal? Okay then I do not need to read it. I think staff is in agreement with this and if you have any questions, I would be happy to address.

CHAIRMAN: I don't see anyone with questions. I do have a question for staff though. If we agree to the change in the condition, two wouldn't even be needed, would it?

SPEAKER: What he is saying that is if the pool and the existing screen enclosure, the whole thing was just damaged.

CHAIRMAN: Right.

SPEAKER: Then the 50 percent would kick in. But if just the screen enclosure is damaged, and the pool is not, because it is still where it is and they have to replace the screen enclosure, this variance would still apply at that point.

CHAIRMAN: The variance is for the screen enclosure, not for the pool, am I correct?

SPEAKER: That's right.

CHAIRMAN: So do we need the number two in there? At all?

SPEAKER: Mr. chair, if you did not have that number two, then essentially, they, the pool could be destroyed and both the screen enclosure would be destroyed and the variance was still apply so they can build back to essentially, what they're asking for. This one puts a cap so that if it is destroyed and the value of both the combined pool, pool deck and screen enclosure it exceeds 50 percent as determined by the property appraiser, the need to come back and do zoning standards that don't get to fall back on the variance.

CHAIRMAN: Okay, that answered my question. All right. You have any questions for the applicant? Seeing none, to have any public participation?

SPEAKER: No, sir.

CHAIRMAN: Hearing then we will close the floor to public participation. Is there a motion or discussion? Go ahead, Mr. Bender.

SPEAKER: The staff did not say whether they agree with Mr. Ford or not on his proposed changes and the language.

SPEAKER: Yes, we are in agreement.

SPEAKER: Okay. I make a motion to approve V-20-076 with the information the applicant has provided.

SPEAKER: I will second. (laughing)

SPEAKER: Okay I will take the first one which was Mrs. Van Dam. I heard that first. A motion to approve variance V-20-076 with what applicant has proposed. Mr. Bender and a second from Ms. Van Dam. In the discussion on the motion? Hearing none, we will move on and have a roll call.

(Roll call for vote)

thank you very much, who is the guy with the beard? (laughing)

Who is the guy with all of that gray hair down there? (laughing).

SPEAKER: At least he's got hair!

CHAIRMAN: Ms. Van Dam, can we?

SPEAKER: In this case Mr. Karet 5077 application of Brenda Gallo, agent for Sarah Lnne Ackerson --

SPEAKER: This is at the north side and the Pearson area. It is zoned A1, that requires 10 acres and a 150 foot lot with this property exceeds that. His 19.87 acres and about 1300 feet in lot width. The applicable setbacks are 100 foot front yard, 50 foot side and rear, the situation with this property is as you can see on the aerial, there's a lot of wetlands on this property, most of the upper limbs, there are about 2.35 acres of uplands but it is all located for the most part, within the front yard. The setback of the 100 feet. So there is also the requirement for wetland buffer in the rear, which, you can encroach into a wetland buffer but you have to mitigate. Anyway, this property used to contain a mobile home which has been removed. They would like to put a new mobile home on it, in the same basic location there is an existing septic system I believe that they want to be able to utilize. As you can see, the majority of the site is heavily treed and they're interested in putting, I do not know five and aerial that

shows, I think it is right in this area where it is kind of cleared. That might be the old mobile home. They're interested in putting it back there. In order to do that, they are requesting the variance to the front yard setback to go from 100 feet to 47 feet for the placement of the mobile home so they do not have to remove a bunch of trees were impinge into the wetlands any further. Staff finds that this variance meets all five criteria for granting the variance and therefore recommends approval.

CHAIRMAN: Thank you, Ms. Jackson. Any questions for staff? Ms. Shelley?

SPEAKER: I'm sorry, I just left my microphone on, I apologize.

CHAIRMAN: That's okay. All right, is the applicant present? Do we have the applicant on the webinar?

SPEAKER: Yes, one moment. Ms. Gallo?

CHAIRMAN: Are you present? Is your microphone on? Ms. Gallo?

SPEAKER: Ms. Ackerson, the property owner?

SPEAKER: Yes, this is Sara..

SPEAKER: Would you state your name and address for the record, please?

SPEAKER: Sarah Ackerson, current address 7956 Perry Avenue North.

CHAIRMAN: You for the staff report, and hopefully you have seen the staff report. Do you have anything to add?

SPEAKER: Just a couple of things to add. We are putting in a new septic as the current septic was not you know, available for use, I think it is just too old. So we are putting in a new septic and the actual location of the mobile home will be left of that already cleared area. Just slightly to the left, but it will not be where the exact location of that existing home that was torn down.

CHAIRMAN: Okay. So, hold on just a moment.

SPEAKER: Sure.

CHAIRMAN: Is that taken into consideration, Ms. Jackson, as far as the variance request?

SPEAKER: I think the analysis of the criteria still fits. That is where I think the existing one is, this is the only cleared area on the property so if they have to remove a few trees here but they really cannot go back any further. You can see is all wet. It all still applies, they still meet the criteria.

CHAIRMAN: Okay. And the 47 feet would meet the, what was needed, right? On the, the front yard for 47 feet and the wetlands, 25 feet?

SPEAKER: I'm sorry, can you ask that again, please?

CHAIRMAN: The variance request, is 47 feet for the front yard setback?

SPEAKER: Yes.

CHAIRMAN: She's talking about not going back in the specific area on that 47 feet what she needs.

SPEAKER: It will have to.

CHAIRMAN: Okay, all right.

SPEAKER: Okay.

CHAIRMAN: You are aware you have a 47 foot setback now instead of 100 if we approve this, is that correct?

SPEAKER: Yes.

CHAIRMAN: Okay.

SPEAKER: So Brenda Gallo, our permit gal, she's when it came out, we've already cleared some trees she came out and she is the one that measured this.

CHAIRMAN: That is what I wanted to clarify. All right! Anything else you like to add?

SPEAKER: I don't think so.

CHAIRMAN: Okay! Any questions for the applicant? Okay! Thank you and do we have any public participation on this one?

SPEAKER: No, sir.

CHAIRMAN: No public participation, thank you Ms. Ackerson.

SPEAKER: Thank you.

CHAIRMAN: I will close the floor for discussion. Any motion?

SPEAKER: I will make a motion that we approve case Mr. Karet 5077.

SPEAKER: V-20- 077.

CHAIRMAN: Any discussion on the motion? All right we will move on to roll call. Ms. Summers? (Roll call for vote)

CHAIRMAN: Motion carried unanimously. Next case.

SPEAKER: V-20- 079 application of Brian and Julie Weider, requesting variance to the minimum yard requirements on urban single-family residential R-9 zoned property.

CHAIRMAN: Thank you, can I get a staff report?

SPEAKER: Yes, sir. This property is located on the east side of South Atlantic Avenue, north of the intersection with the Mallard Street extension. In the port orange area. The variance request is to reduce the south front yard from the required 15 feet to seven feet for opposed single-family home. The lot is zoned R-9 with 7500 square feet and 75 foot lot width. The lot means the size but does not meet the lot width. It is 50 feet wide. They have a letter so is a lawful nonconforming lot but also considered a corner lot, it is, it faces Atlantic Avenue but the side which is also a front, is considered a yard away and a setback is required there. In the zoning classification, the applicable setbacks are 25 for the front table would be adjacent to Atlantic. Then 15 feet on a corner lot on the other front. The sides are seven feet and the rear or waterfront will be 25 feet. So in this particular situation, there was a previous house that existed on the property, it was demolished in 2008. The Mallard Avenue extension is a right-of-way it contains the pedestrian walk over to the beach. It is not used for vehicular access but it creates the need for two front yards for this property. And what the request is, because of the width of the property being only 50 feet, is to utilize the side yard setbacks as if it were an internal lot in the R-9 classification which would allow seven feet setbacks on both sides. They have designed a house that is 36 feet wide in order to be able to build within the 50 foot lot size. There is 16 feet vegetation between the boardwalk and property line, the South property line of this property. Staff did review the criteria and again, we find that this variance meets all five criteria for recommending a variance and therefore recommend approval.

CHAIRMAN: Thank you Ms. Jackson. Ms. Van Dam, do you have a question?

SPEAKER: There's a boardwalk there and obviously. Can anything other than a boardwalk be put there?

SPEAKER: As in beach access with a road?

SPEAKER: Yeah.

SPEAKER: It is possible. But I don't think that will happen. I can't answer that, I don't know.

SPEAKER: Okay, thank you.

CHAIRMAN: Mr. Young, did you have a question?

SPEAKER: No I'm sorry I left my microphone on.

CHAIRMAN: Okay, is the applicant present? Is the applicant present online?

SPEAKER: Yes, this is Brian Weider.

CHAIRMAN: Yes please state your name and address for the record.

SPEAKER: I am Brian Weider and my wife is Julie. We are here to talk about the 3949 South Atlantic Avenue where we would like to build our private residence for ourselves and my elderly parents.

CHAIRMAN: Okay. Give her the staff report. RBC must have a copy. Did you have anything to add to that?

SPEAKER: No, I think the details have been covered very well. The only factors we had to add was as far as the pedestrian walk over. We want to stay with that. We do not want to put any additional walkways to the ocean. And then in addition, we have reached out and talked to the property owners next to us and the ones specifically that we, the variance is at, where we are coming closer to the boardwalk, the owner on the south side is understanding and has given us approval that they are okay with it.

CHAIRMAN: Okay, sir. Does anyone have any questions for the applicant? Ms. Van Dam?

SPEAKER: Sir, for your protection, have you been able to verify whether or not the boardwalk can be replaced with vehicular access?

SPEAKER: No, I have not done that specifically.

SPEAKER: Okay, thank you.

SPEAKER: Mr. chair, Wiley cannot give a definitive answer that it will, there's always a possibility, is it platted right-of-way and it is a beach approach. And so within the jurisdictions of the county, we can apply for the appropriate permits to open it up for vehicular beach access. We've done that for the beach access areas so it remains a possibility that unless that beach access is vacated by action of County Counsel, we can use it for right of way. I don't actually recall if this is a driving area of the beach.

SPEAKER: No, it is not.

SPEAKER: Okay, it can still be open for emergency access, not for general public access. But for patrol, turtle patrol, cleaning up and things like that. It can be used against for creating like a parking area or a lookout were used for emergency access only. But right now, since it is a non-driving part of the beach, it is not, should not be constructed to accommodate the general public. But still can be used as a right-of-way for a limited purpose.

SPEAKER: Okay, thank you, that helps.

CHAIRMAN: Thank you. Okay, do any public participation on this?

SPEAKER: Mr. Atkin?

SPEAKER: Yes, just in line in case Mr. Weider needed any assistance. Nothing to add at this point.

CHAIRMAN: Did you want to state your full name and address again, sir?

SPEAKER: First name is Dane Aiken, 600 W. New York Avenue in Deland Florida.

CHAIRMAN: Thank you, sir. Any other public participation?

SPEAKER: No, sir.

SPEAKER: May I, this is Brian Weider again, the requester. As far as if they were to put a road, is there, how far or how close to the property line with a be able to do that if the county deemed they needed a road?

CHAIRMAN: El Lado County legal answer that question.

SPEAKER: They would use the entire right-of-way. It depends, I cannot speak to coastal construction. But they can essentially build all the way up to the right of way and use it for right-of-way purposes. Usually, the right-of-way has you know, if it is an actual travel and there's a clear zone area where you're not supposed to have anything. I cannot really speak to that, but the regulatory authority does extend all the way up to the property line.

CHAIRMAN: Does that answer your question?

SPEAKER: Yes, it does, sir. Thank you.

CHAIRMAN: Okay. All right if we don't have public participation will close the floor and open up to a motion.

SPEAKER: I will make a motion that we approve various case V-20-079.

SPEAKER: Second.

CHAIRMAN: With staff recommended condition?

SPEAKER: I don't think there are.

CHAIRMAN: I think there is one. The site plan transfer.

SPEAKER: Yes, with the staff recommendation. Sorry, I did not see that.

SPEAKER: I second. Thank you.

CHAIRMAN: Okay. A motion to approve V-20-079 with one staff recommended condition. From Ms. Van Dam and a second for Ms. Shelley. Any discussion on the motion? Okay, hearing none, can I have a roll call, Ms. Summers? (Roll call for vote)

SPEAKER: Next case V-20-081, -- application of Leslie Jones agent for Alan Burke and Meyer, Patricia Rogers and Leslie Jones own is requesting variance to separate nonconforming lots on resources corridor.

SPEAKER: Approximately 900 feet -- the request is to separate these two parcels that are outlined in yellow. This is the one that will be on the Easter Southeast. That is considered partial a and the other one is parcel B. they are both zoned RC and it requires 25 acres of lot size and 150 foot width. Both the nonconforming. Parcel B, let me see if I get my drawing tool. Parcel B is this parcel. It contains a house. This parcel is vacant.

CHAIRMAN: Mr. Young, I need to gauge a silencer microphone, I apologize Ms. Jackson.

SPEAKER: That's okay.

CHAIRMAN: Go ahead.

SPEAKER: When the properties were created they were subdivided in 1988 and they were zoned A1 at the time and met standards they were rendered nonconforming reactions of the county and adopting the environmental systems corridor Future land use. Which required the density of one dwelling unit per 25 acres and that was followed by the creation of the RC zoning. Because of that and because there was previous common ownership between 1991 and 1993, our code requires that they have to have been maintained together as a cohesive lot. But they have been under separate ownership for the past 27 years and parcel A, the subject property, has changed ownership twice since then. The current owners have owned the property since 2005. And so, in order for them to be able to establish a single-family home on the property, in order to obtain a permit, we have to separate these nonconforming lots. Staff review the criteria and finds that it meets all five criteria and therefore recommend approval. You will find in your staff report that there is some letters of support for the variance.

CHAIRMAN: Thank you, Ms. Jackson. Any questions for staff? Hearing none, is the applicant present?

SPEAKER: Ms. Leslie?

SPEAKER: Yes, I'm here. Leslie Jones, May 8, 2008 --

CHAIRMAN: Thank you, Ms. Jones. You've heard the staff report and do you have anything to add to that?

SPEAKER: No, I think they did a good job and I agree with the staff report.

CHAIRMAN: Let me see if we have questions for you. Any questions for the applicant? Hearing none, okay, is there any public participation?

SPEAKER: It was already provided to you, we have nobody online.

CHAIRMAN: Okay. All right, thank you Ms. Jones. He will move on and close this floor to public participation in open up for commission discussion or a motion.

SPEAKER: Almost approve item number V-20-081 for approval. There are no staff recommendations.

CHAIRMAN: Okay. Can I get a second?

SPEAKER: I will second.

CHAIRMAN: A motion from Ms. Shelley to approve V-20-081. I have a second from Mr. Costa. Any discussion on the motion? Hearing none, Ms. Somers, can I get a roll call, please? (Roll call for vote)

speaker: MOTION PASSES.

chairman: gO ON TO THE NEXT ONE.

speaker: v-20-082 --

CHAIRMAN: Ms. Jackson, can we get the staff report on this one, please?

SPEAKER: Yes the location of this property is at the southeast corner of the intersection of Francis Street and Williams Avenue. In the orange city area. The variance is to reduce the north front yard from the required 25 feet to 20.76 feet for an existing covered porch. The property is owned R-4, the property is conforming over 21,000 square feet lot area and 139 feet in lot width. It is a corner lot. The applicable setbacks are that it has two fronts which are 25 feet and two sides. Which are 20 feet combined with a minimum of eight in one side yard. In 1990 the house was built with the subject line

facing Francis Street the front entrance had a small roof overhang that was not supported with columns. A roof overhang can project into the yard by 3.5 feet and as long as it does not have columns or poster anything holding it up, it is fine. That means zoning code. In October 2019, a re-roof project, it was discovered in an inspection of the job that the owner had extended and enlarged the cover over his front porch. It is supported by columns as you can see. He was told at that point that he needed to get the permitted and when he tried to get it permitted in March of this year, found that he could not permit it because it encroaches into the front yard by 4.24 feet. The variance needed in order to have it as it is constructed. Staff found that it fails to meet three of the five criteria. It does not meet criteria one, two and three. There are not special conditions associated with the land or structure. The need for the variance as a result of the actions of the applicant and three, literal interpretation does not deprive the applicant of a commonly held right. However, we do find that it does meet, it is the minimum variance that will allow existing porch to remain and for the applicant to obtain permits. We do not find it would be injurious to the area involved but because it fails to meet three of the five criteria, staff does have to recommend denial.

CHAIRMAN: Thank you, Ms. Jackson. Any questions for staff? Ms. Van dam?

SPEAKER: Just quickly, Susan, I'm looking at the staff recommendations. They cannot enclose the sport, correct? I mean, if the variance is granted and allows us to stay where it is, they cannot enclose it, correct?

SPEAKER: Well, I think that they could because Lee granted a variance to the setbacks so whatever occurs within that area, it is not a further variance request unless you can condition it here.

SPEAKER: Okay. Thank you.

CHAIRMAN: Any other questions for staff? The applicant present?

SPEAKER: Mr. Daley?

SPEAKER: Yes, Joshua Daily. .

CHAIRMAN: You for the report is anything that you would like to add?

SPEAKER: I don't have anything to add but a stipulation that we cannot enclose it, we have no intentions of enclosing it.

CHAIRMAN: All right, sir. You would be willing to entertain the idea of not adding that as a condition, is that correct?

SPEAKER: Yes I would be perfectly fine.

CHAIRMAN: Okay. All right, let's see if we have public participation. To have any public participation on this Ms. Summers?

YOLANDA SOMERS: No, sir.

CHAIRMAN: We do not have any stillness you have any thing else to add, we will close a four for public participation and open for commission discussion. Anything else to add, Mr. Daily?

SPEAKER: No, I am good sir.

CHAIRMAN: Okay I will entertain a motion for discussion.

SPEAKER: I would just like to come if the other commission members are in agreement to add the

stipulation or the fourth condition that this porch cannot be enclosed.

SPEAKER: I am in agreement.

CHAIRMAN: Okay.

SPEAKER: And with this ablation, I would make a motion that we approve variance case V-20-082 with the three step recommendations and addition of the fourth one that the porch cannot be enclosed.

SPEAKER: Second.

CHAIRMAN: Okay I have a motion to approve variance V-20-082, with a staff recommended commission with the addition that the additional condition not be porch could not be enclosed. Any discussion on the motion? Hearing none, I will ask for a roll call, please.

YOLANDA SOMERS: (Roll call for vote) Motion carries unanimous. Thank you.

CHAIRMAN: Motion carried unanimously and I might add that the motion was made by Ms. Van dam and second by Ms. Shelley. Can we have the next?

SPEAKER: Next case V-20-084, application of John E and Carol A Collins. requesting variance to the minimum yard requirements in urban single-family residential zoned property.

SPEAKER: This property is located on the west side of Palm Avenue, proximally 770 feet east of the intersection with Coquina Avenue. In the Ormond Beach area. There are five variances associated with this request. The first variance is to reduce the south side yard from 11.1 feet to 6.5 feet. For a combined yard of 15.4 feet for an existing single-family dwelling. Variance two is to reduce the south side yard from the required five feet, 3.5 feet for an existing 29.25 square foot accessory structure. Variance three is to reduce the south side yard from the required five feet to four feet for an existing 26.25 square foot accessory structure. Variance number four is to reduce the south side yard. From five feet to 1.7 feet for an existing 101.26 square foot accessory structure and variance five is to reduce the north side yard from the required 15 feet to 3.5 feet for an existing dock. The property is zoned R-4. That require 7500 square feet and 75 foot lot width. It is conformant, 79, 7950 square feet with 106 feet in lot width. It is a waterfront lot on a plotted 40 foot canal connected to the Tomoka River. The applicable setbacks are front 25, sides are 20 feet combined with a minimum of eight and one side of the yard and waterfront is 25 feet. A dock would be 15 feet, accessory structures under 500 square feet would require a five foot side or rear yard. The background for this case, the current owners purchased the property in 2017. They came in for a permit to replace the roof and expand an existing covered screen room and that is when they become aware of the issues. Going through the permitting process. Reviewing the existing survey, these encroachments were found and so, in order to be able to issue the permit for the expansion of the screen room, these issues that need to be addressed. I'm going to go through structure by structure. Structure one, which you can see on the screen, it is a garage but the garage was extended. It was originally constructed in 1960 with the construction of the house. But it was expanded in about 2001 without benefit of a building permit. And it encroaches 4.6 feet into the south side yard. Because it is attached to the principal structure, is required to meet the principal structure setbacks. Combined, they need to be 20 feet. In this case, the other side of the house is 8.9 feet from the property line and so this site needs to be 11.1 but it is not.

Therefore, that his mother variance is to reduce the south side yard from 11.1 to 6.5 and a combined yard of 15.4 feet. To legitimize this existing garage. Structure number two, is a small shed. It measures 29.25 square feet. It encloses an existing well pump. It was built in the early 2000. It measures four and half feet by 6 and a half feet and it encroaches 1.25 feet into the south side yard. Variance number two is to reduce the south side yard from the required five feet to 3.5 feet. Structure number three is another shed. Measures 3 and a half feet by 7.5 feet. It is more like a plastic storage shed. Also put on the lot in the early 2000, it encroaches into the yard so the variance is to reduce the south side yard from the required five feet to four feet. Structure number four, is a wooden shed. It measures 8.3 feet by 12.2 feet. It encroaches 3.3 feet into the south side yard, therefore variance number four is to reduce the south side yard from the required five feet to 1.7 feet. And finally, structure number five is a 472 square foot boat dock with a covered boatlift. In 2008, a building permit was issued for the uncovered boatlift. However, it got built with a roof and there is an additional walkway associated with it. I believe all of that together is 472 square feet. It encroaches 12.5 feet into the north side yard. I'm going to put up the site plan here. It encroaches over here. This is the prettiest site plan ever with all of these colors! You can see this orange over here, is what is supposed to be the dock setback but it was built kind of close over here. So that setback is to reduce the north side from 15 feet to 3.5 feet, it is noted that when we reviewed that particular variance, that the two adjoining properties, they are not impeded from being able to navigate their boat in and out of their respective boatlift. So in reviewing these, for variance one and two, which are, the attached garage and pumphouse, we find that these two variances meet all five criteria for granting a variance and therefore, recommend approval of variance one and two. Variance three and four, which are structures three and four, the two sheds, those we are recommending denial as they fail to meet three of the five criteria. They do not meet criteria one, three and four. There's no special conditions. Literal interpretation of the code does not deprive them of commonly held rights and they are not the minimum variance. Necessary as the sheds could be relocated to elsewhere on the lot. It may be in the rear of the house where they would not require a variance. We do find however, that it meets criteria two and five. The need for the variances is not the result of actions of the applicant, and we do not find that it would be injurious to the area involved. They been located where they are for many years and in that subdivision along those canals, there are similar situations that exist on other properties in the subdivision. As to variance number five, which is the dock, we have to find that it fails to meet two of the five criteria and therefore must recommend denial. It does not meet one, criteria one or three, there are not special conditions and literal interpretation of the code does not deprive the applicant of a commonly held right, although the dock has been there for over 12 years. We do find, it might be a hardship to remove it, but is still not a commonly held right to encroach 15 feet. Criteria that it does meet our two, four and five. The need for the variance is not the result of the actions of the applicant. It is the minimum variance to be able to obtain building permits, the dock is not easily relocated. And it will not be injurious to the area involved, it's existed as it is for many years and it does not impede the neighbors adjoining neighbors docks. I would be happy to answer any questions that you might have.

CHAIRMAN: Thank you, Ms. Jackson. Any questions for staff? Ms. Van dam?

SPEAKER: Ms. Jackson, the desire to expand the screen area doesn't lead to a variance necessity?

SPEAKER: No, sir, no ma'am!

SPEAKER: Okay.

CHAIRMAN: Is the applicant present?

SPEAKER: Mr. Collins?

SPEAKER: Yes, can you hear me now?

CHAIRMAN: Yes, we can. Please state your name and address for the record.

SPEAKER: John Collins, 448 Palm Drive, Ormond Beach. My wife, Carol Collins is here as well.

CHAIRMAN: Okay, you've heard the staff report on this. Do you have anything to add or would you like to add something to this case?

SPEAKER: Yes. Regarding variance number four, it is a woodshed, it would not be able to be moved because it is built, if you're familiar with the Barnes concept, they are, the shed is built on a six by six post on all four corners. You would really have to, I would have to tear it down totally if, to move it one inch. I'm retired, it would be a hardship. The variance number five, I have a real, as that quite a clarification question on the purity of 3 and a half feet, where is that 3 and a half feet? Because I measured on my seawall, it is a full seven feet from the edge of the property to where the boat dock starts. So, where is that 3 and a half feet?

CHAIRMAN: Ms. Jackson, would you like to answer that question, please?

SPEAKER: I'm not quite sure I understand but if we --

SPEAKER: My property ends at the seawall. Correct?

SPEAKER: It does, but the setback is measured as if the property line were to go out into the water and the whole dock has to meet that particular 15 foot setback. Parallel with the extended property line.

SPEAKER: Well, to meet the 15 foot requirement, I would have to tear the whole boathouse down because 15 feet from my property line, goes past the first post that supports the left. If I go on out where you say it would tear down the boathouse I would have nothing left to put the boat in.

CHAIRMAN: Your point is taken, sir.

SPEAKER: Also, sir, it is a little platform that is kind of in front of the boathouse. It is how we can access the boat so, if we were to tear that out, we wouldn't be able to get into the boat being 74 years old, I cannot hop over the side of a boat so the way it is right now, we bought the property based on being able to use it the way it was. And had no idea that all these violations existed. Of all of the things that are not approved, probably, the only one that would not be as serious hardship would be to move the plastic storage house.

SPEAKER: Variance three.

CHAIRMAN: Okay, sir. All right. Let me see if we have any questions for you. Does anyone have any questions for the applicants? Okay, we do not have any questions. Let me see if we have any public participation. Do we have any public participation?

SPEAKER: I do not.

CHAIRMAN: Okay. Mr. and Mrs. Collins, we do not have any public participation. We will take your

concerns and consideration but will close the floor for public participation and open up for commission discussion. Let's see how it goes, okay?

SPEAKER: Okay, thank you.

CHAIRMAN: You're welcome, sir. All right, any discussion on this case or a motion?

SPEAKER: I would like to make a comment that I'm familiar with the area. If you got there we would see all of them this way. I do not see any problem with it at all. Unless somebody else has got a problem with it, I would like to make a motion that we approve all variances trained by let's see, with the conditions that staff has stated. That is my proposal. Approve it, all five conditions with all five variances with the four staff conditions.

CHAIRMAN: Okay.

SPEAKER: Jason, you been up there and are familiar with it, I will second the motion.

SPEAKER: Okay.

CHAIRMAN: Okay, I've got the, a motion to approve V-20-084 for Mr. Young with staff recommended conditions. And all five variances and second from Mr. Steve Costa. Any discussion on the motion?

Hearing none, I will ask for roll call.

YOLANDA SOMERS: (Roll call for vote)

CHAIRMAN: Motion carried unanimously.

SPEAKER: Next case is V-20-085 application of Joseph D and Cheryl M Cartwright, owners, requesting variances to separate nonconforming lots, to the minimum guard requirements, and maximum dock size on rule mobile home MH-4 zone property.

CHAIRMAN: Can I get the staff report, please?

SPEAKER: Yes, sir. The property is located on the west side of Camp South moon Road approximate 500 feet north of the southern terminus. In the aster area. There are six variances associated with this request. First is that we have two separate nonconforming lots. You can see the two lots on the screen that are highlighted in yellow. The subject property is the one on the variance number two is to reduce the front yard from the required 40 feet to 36 feet to construct a new single-family home. Variance number three is to reduce the side yard from 15 feet to zero feet, to legitimize location of an existing wooden dock. Variance number four is to the maximum size of the dock from the maximum of 750 square feet to 1722 square feet. For the existing dock and boatlift. Variance number five is to reduce the side yard from 15 feet to two feet in existing 10 foot by 16 foot shed. And variance number six is to reduce the water front yard from 40 feet to 25 feet for the same shed. The property is zoned MH-4. That requires a one acre lot size and 100 foot lot width. The property is nonconforming. It does meet the width requirement. It is also a waterfront lot. Front 40 feet, side 15 feet, rear or waterfront 40 feet. Because it is zoned MH-4 which is like an agricultural zoning, accessory structures have to meet the same setbacks as the principal structure. So it does not, the five foot or reduced accessory structure setbacks do not apply to this lot. And that is where some of these variances come from. I will go through one of variance by variance and the background information. Variance number one is the nonconforming lot issue. In December 2019, the applicant purchased the property with the intent to construct a single-family home. Found it was nonconforming to the zoning requirements. The

background is that in 1988, it was split without approval through the subdivision process by the previous owners. And it has transferred ownership five times since then. Since it was last held in common ownership. A house previously existed on the property. Since 1981, and it was just removed in 2017. There has been a house on the adjoining property to the south, as you can see, the properties even smaller. Since 1959. In order for the new owners to obtain a building permit for a single-family home, the various separate nonconforming lots is required. Variance number two is to the location of the proposed single-family house. On this variance, the site plan, you can see, let me try the tool. You can see were here, is dark and black area is the area that they requesting the variance for. To go from 36 feet, the required 40 feet to 36 feet just for the little corner. The rest of the house meets the required setbacks. Variance number three and four, have to do with the existing dock structure. It is comprised of a 31 by 19 foot boat house and two large wooden platforms. The boathouse was originally permitted in 2005 as a 19 foot by 25 foot boat house with a five foot by 20 foot dock. It does not appear that that 20 foot by five foot dock was constructed. It doesn't say if the house was large or expanded at a later date. There are no records. They recently added two platforms, this area has been added and I think maybe it is this area here. Because these platforms extend over the water, even the portion that is built over land, is considered part of the dock and that is why the size of it is so large. So that is why the applicant requesting the variance from the maximum dock size. From 752 1722. Also because it's part of the dock, even the part overland has to get a variance to the 15 foot from this property line to the south here. This portion of the platform, all of this, was built over what was previously a concrete slab that extends to the property line and the applicant states that the slab is existed there since 1988. And it was in very poor condition and he felt that instead of like removing the concrete slab and reporting at that building this deck or dock over the concrete slab would be a better solution to the issue. But therefore the variances needed to the dock setback from 15 feet to zero feet. Variance number five and six have to do with the shed located on the property and it is right here in this light blue, you can see there is a weird notch out in this property and it is kind of sitting in that notch out. The shed lies approximately two feet from the South property line. 25 feet from the rear property line adjacent to the water. A larger shed previously existed on this site and I think that there's photographs in your -- there are photographs in your packet that show that, I don't know, I might not have here, I don't. But they used to be a shed that is quite big and located here. And that existed from the aerial photographs it appears to have existed between 2003 and 2015, the applicant would like to keep the shed in the same general location but that requires that they maintain a variance to the side yard from 15 feet to two feet because the shed has made principal structure setbacks and in addition, it has to get a variance from the rear yard to 25 feet, it is recognize that on this lot, unless they redesign the house, to accommodate a location for the shed, that there is no place in the rear yard to be able to place the shed. Because the house right now, as they've shown on their site plan, is that the 40 foot setback. As you can see here, that distance is 40 feet. And so, there is really no place that they can put it unless they redesign the house to have room for the shed. Anyway, when we review the criteria, we find for variance one, which is the nonconforming lots, that it meets all five criteria and recommend approval. For variance number two, which is the front setback for the house we find it fails

to meet two of the five criteria and must recommend denial. It does not meet criteria number three or four. Literal interpretation of the code does not deprive them of the commonly held right. The house can be redesigned to meet setbacks. And it is not the minimum variance to make reasonable use of the land because the house can be redesigned. However, we do find it meets criteria one, two and five. Our special conditions associated with a significantly smaller lot size in the MH-4 zoning classification. Criteria number two, although the house design is a result of the actions of the applicant, the size of the lot isn't so we consider that it does meet that criteria and criteria number five, we do not find it will be injurious to the area involved because there are several other houses in the area that appear to encroach in the setback as can be seen on these aerials that have been provided. It is hard to see but I think that you can kind of tell that construction is a little bit unique out in this area. Which way am I going? Variance number three, this is for the side yard for the dock. We find that we have to recommend denial because it fails to meet one of the five criteria. It doesn't meet criteria to the applicant -- it does not meet criteria two. Because of the decking platform over the top of the concrete. If he had come in and gotten a permit for that, he wouldn't have. He would have known that a 15 foot setback would have been required and we could have done that some other way. We do find however, that it meets criteria number one, three, four and five. There are special circumstances associated with a land because the concrete slab over which it was built, has existed since 1988.

-- It has deteriorated which would remain if the platform is removed. Criteria number four, it is the minimum variance needed in order to allow continued use of the deck and for the applicant to obtain building permits. And we do not find it to be injurious to the area involved. There has been a concrete slab there for over 40 years. The neighbor to the south does not object and if you look at the photographs, well, that is a neighbors house. It is built almost right on the property line. But also, you can see here, they have their dock goes right to the property line. So I do not find it to be injurious. And then, variance number five, we found it fails to meet criteria for the side yard, for the shed. It is not meet criteria number five. We consider this may be injurious to the area two feet from the property line leaves very little room for maintenance of the shed without trespass onto the neighbors property. In non-ag zonings well in a normal residential zoning there able to go, a shed like this would be able to go within five feet. That five feet is partially for maintenance requirements that we might have. Even to just mow behind it. And then also, the neighbors property is very close to the property line. So, but we do find that it meets four of the criteria. There are special circumstances associated with the lot. One being that it is ag zoning and there is very little room to put the shed. The applicant is not responsible for the small size of the lot. Because the size of lot and the accessory structure must meet principal structure setbacks, literal interpretation of the code would affect the applicants ability to construct an accessory structure and five, it is the minimum criteria for, the minimum variance to allow continued use of the shed. However, we do find the shed could be moved to reduce the encroachment, recognizing variances will still be required. And for the rear yard of the shed. We are finding that, we make the finding that this does meet all five criteria to approve the rear yard variance to the shed. It is over 25 feet from the property line. There are special circumstances that, because the lot size and the ag zoning it leaves very little room in order to put an accessory structure in the rear of this property.

Without requesting a variance. And again, the applicant is not responsible for the size of the lot. Literal interpretation would deprive the applicant of the ability to construct an accessory structure. It is a minimum variance to allow continued use of the shed and a 25 foot lot setback will not likely be injurious to the area involved. Based on the lot size of the lot, based on the size of the lot and the footprint of the proposed house, there's really no place in the lot that a rear setback variance would not be needed. So, with that, those are the recommendations for those variances. And if you have any questions I would be happy to answer them.

CHAIRMAN: Thank you Ms. Jackson. Any questions for staff? Hearing none, is the applicant present? Can you please come forward, sir? Good afternoon, sir can I get your name and address for the record?

SPEAKER: Joe Cartwright, 151 rodeo Road Ormond Beach.

CHAIRMAN: You have heard the staff report and comments made. Do you have anything to add to that?

SPEAKER: I think they did a great job and they were very helpful.

CHAIRMAN: Okay.

SPEAKER: It's been a dream to own property on the water. We checked into nonconforming lots and did as much research as we could but we thought we were good in everything. The boathouse was existing, we did at a wooden deck over the concrete, it was swelling so it was almost unusable. Almost unsafe to walk on. And the concrete extended over to the property on the south. So it is one common concrete deck that goes over both properties. The easiest and quickest way was to put the wood over it and make it safe. I did extend the dock portion over the water so I did do that because the polls were existing so I thought you could do that without a permit because it looked into the permit application in 2005, the boathouse and polls were all set so I did that. I understand I do have to get a permit and all of that stuff. But the shed, is approximately 54 inches away from the neighbors house. The house is about 1.5 feet away from a property line and their property line. We put the shed two or two and half feet further away than with the previous building was. It was basically built right on the property line. A little history, one owner owned the property all at one time. And then over the years it was divided. And so here we are today. With a small lot! (laughing) But I do recommend I think staff did a great job. Hopefully they will agree.

CHAIRMAN: All right, sir. Any questions for the applicant? Ms. Van dam?

SPEAKER: Sir, if you would come the portion of the dock that you built over the water, which is right next to your neighbors there, their dock and your dock do not have any issues getting in and out of their dock?

SPEAKER: None whatsoever.

SPEAKER: Okay, that is all.

SPEAKER: I have a picture here to show you.

CHAIRMAN: Can you put that in the overhead projector there? Okay. Pardon me? Okay.

SPEAKER: Said that there was a camera here. Basically, you can see the property line is basically the fence. On the other side of the fence, this is the concrete so it is all one floor. It is all one common

dock area. And the wood is over the concrete. Part of it --

SPEAKER: You just extended it a little bit further into the water.

SPEAKER: Yes, correct.

SPEAKER: All right.

SPEAKER: Mr. Cartwright, can you give that picture to Ms. Somers, for part of the record?

CHAIRMAN: Okay, do we have any other questions for the applicant? Hearing none, do we have any public participation?

SPEAKER: No, sir, we don't.

CHAIRMAN: Okay, Mr. Cartwright will close this floor for public participation and hash it out.

SPEAKER: Ready for it!

CHAIRMAN: Thank you for your patience. We will close the floor for public participation and open up for commission discussion or a Motion. Last one, let's get moving! Someone can speak up.

SPEAKER: I would like to say something, Mr. chair.

CHAIRMAN: Go ahead.

SPEAKER: Yeah, if you remember a while back we had the issue about docks. This one rings a bell but we had one, we either had this one or one other on this, there was only three or four dock issues that we start back and this was the area that we had the dock issues a couple of times brought up. This is not uncommon. In fact, I have a person in my church that has a piece of property along this area. I think all of the docs are probably most of them are nonconforming. We did look into is a number of years ago so this is probably typical. This, to make a comment.

CHAIRMAN: Thank you. Can I get a motion from someone?

SPEAKER: Okay, I will make a motion! I will make a motion that we submit approval of six variances. And with Lee, let's see, they had conditions, I believe there were three conditions. Staff conditions. If I am not mistaken.

CHAIRMAN: Yes there on the screen, can you see that?

SPEAKER: Yes with all threes conditions that we submit for approval, with all three staff conditions.

CHAIRMAN: Okay. We will make a decision on it that we are not submitting will just make a decision.

SPEAKER: I make a motion, I'm sorry. I was trying to find my notes here. I will make a motion that we submit, that we approve all six variances with staffs three conditions.

CHAIRMAN: All right, sir. Do I have a second?

SPEAKER: I will second.

CHAIRMAN: Motion to approve V-20-085, variances one through six. With three staff recommended conditions. For Mr. Young and second from Ms. Van dam. Any discussion on the motion? Hearing none, Ms. Somers, can I have a roll call, please?

YOLANDA SOMERS: Yes, sir. (Roll call for vote).

CHAIRMAN: Motion carried unanimously. All right. Okay. Do we have any old business?

SPEAKER: No, sir.

CHAIRMAN: We do not, okay. Any other public items?

SPEAKER: No, sir.

CHAIRMAN: Any staff items?

SPEAKER: No, sir.

CHAIRMAN: Any staff comments?

SPEAKER: No, except I think Ms. Jackson mentioned the governor has extended the virtual public hearings through October until 12:01 AM.

CHAIRMAN: Okay maybe we'll have the kinks worked out of this.

SPEAKER: It would be nice to have the kinks worked out.

CHAIRMAN: Any commission comments? Was that yours, right? (laughing).

SPEAKER: Especially since I am a little kinky. (laughing).

CHAIRMAN: Okay.

SPEAKER: This is Steve Costa.

CHAIRMAN: Yes, Steve.

SPEAKER: Yes, I just wanted to say that I am quarantined today in death Valley. We set the official Volusia County PLDRC record for the most honest meeting average 112 degrees right now.

Congratulations! (laughing).

CHAIRMAN: Okay! Any other commission comments?

SPEAKER: Wondered why he was quarantined for.

CHAIRMAN: Do we have any press and citizen comments? Seeing none, this meeting is adjourned!