

>> PLDRC Mike check, Thursday, December 17 live from Volusia County, Florida

>> Second Mike check loose a county planning development December 17, 2020, I am reading it off the screen sources correctly. I am talking to you now. Volusia County planning and land development regulation commission, public hearing December 17, 2020. Copy that. Thank you sir.

>> The December 17, 2020 planning and regulation development commission is now starting. I could ask anybody to sounds any audible devices and if you will join me for the Pledge of Allegiance.

I pledge allegiance to the flag of the unit states of America and to the public which stands one nation under God, indivisible in liberty and justice for all.

>> Good morning, everyone. I would like to thank everyone for joining us this morning in the chambers and those of us who are joining us in the PLDRC webinar.

>> (Roll Call)

>> Present

>> Rhonda Mills's

>> Here

>> Frank Posta

>> Here

>> I believe we have a member online for circumstances, he cannot attend.

>> OK, but Mrs. (Name), I don't believe he can participate.

>> If this board makes a turn -- the determination that the virtual participation of the member due to extraordinary circumstances due to Covid-19, this board, who are physically present here, a vote to recognize and therefore, Mr Costa may participate and vote today so long as there is a two-way live communication between us.

>> OK, we are going to address that now. Anybody in a position feel him in participants make two we do not have opposition? So, he will be participating virtually. The only thing, Steve, if you could hear me, I do not have a recognition of you wanting to speak. But Ms Summers will have that. So, if you will turn your mic on when you want to speak, that'll indicate that you will have something to say. Then we go to do a roll call, she will turn your mic on. OK?

>> Sounds good. Alright, buddy. OK, we do have minutes from September 17, 2020 this morning. Is there any discussion of the minutes?

>> I will make a motion to approve this.

>> I will second.

>> OK, Ms Shelley has made the motion to approve the minutes from September... September, 17 2020 with the second from Mr Young. All of those in favour start by saying I.

>> I.

>> Mr Costa, are you in favour?

>> Yes.

>> OK. Motion carried, unanimous. OK. Let's move on here. For those of you joining us this morning to the webinar, after Steph has presented your case today and commissioners have had your opportunity to ask questions of your staff, the summers will engage your mics at that time. I will ask you to state your name and edges for the record. This will give you an opportunity to add any pertinent information and answer any questions the commissioners may have about your case. We also may have requested to speak for or against the case being heard today. When the case is being heard, it is time to have public participation. For those of you who are joining us in the chambers, I will ask you to come forward. So you can be recognized. For those of you who are joining on the webinar, Ms Summers will engage your microphones. You can be recognized. At that time, I would like for you to state your name and not just for the record. We will be limiting you to a three minute time limit. I will give the commissioners an opportunity to ask any questions they may have of you. After the comments have been heard, I will give the applicant an opportunity to address any concerns the speakers have and answer any questions the commissioners may have. At this time, I would like to turn it over to Mr Sawyer for legal comments.

>> Thanking Mr chair. Just a reminder to the commissioners and the members the public that the decisions by this body on special exception cases, engaged which will resume from one classification to another resume to the zoning board immense recommendations only to county counsel and constitute a final hearing. New evidence may not be introduced at the County Counsel public hearing. Decisions on variances and by this body to the Council. What this means that known evidence may be appointed by times or cancel the time of appeal. On upon agreement, the party may make a recommendation by this party. Hearings by this party aren't these zoning's or quads apposition major that these quads are taken as a court and must take into account oral written or demonstrated presented. Their cases must be based on cons -- substantial evidence of the record. Confident substantial evidence must be presented. Thank you Mr chair.

>> Thank you Mr (Name). The evidence disclose the record that any export communications that have occurred before the public hearing on which the vote has been taken any quasijudicial matter. I will start with Mr Steve costo.

>> Yes -- none

>> Mr Young?

>> None

>> Ms Penn them?

>> None

>> Wister Shelley?

>> None

>> And I have none. OK. We don't have anything to be continued or withdrawn. We'll move on to business and I'll ask Ms Van Damme to read them to public writer -- record.

>> Application of Robert a Merrill the third Esquire returning for Scott Van to core, care of Halifax plantation section O LRC. An Halifax plantation section P LRC. Owners requested a major amendment to resolution 89-99 to amend certain dimensional requirements and lots classifications.

>> Thank you Ms Van them. Mr Ashby, you have this case as morning?

>> Yes I do, Mr chair. Good morning chair and commissioners. This is a major amendment to an existing Halifax plantation, which is a DRI. Also, the agreement is a mixer of 8DRI/PD document. As proposed, the MMS would affect the annotated master landings plan to changed as needed certification track within the PUD document. While the master plan and as well as doing some unit

redistribution between certain develop in the pockets of the project. Also, a redesignation of a park site, which was initially intended to be dedicated to the county for residential use, in lieu of that there will be a payment to the county for that to land and also some changes to the tree protection requirements of the document. Just a little background. Halifax plantation consists of three phases, phases one, two, three – phase 1 is look at on the north side of (Name) Dixie Highway. The second and third phases occupy the third area on the south side of old Dixie hideaway. Adjacent to the old Dixie Highway I-95 interchange. The phase 2 area consists of (unknown term) acres. 195 dwellings. Over the years, the number of dwellings have been reduced in numbers through minor minutes, both the breakdown would -- which is in the report of the civil family and allow multifamily units. This amendment seeks to increase the number from what the current level is, but still be below what the original approval from 1990 were. In general, the minutes would affect a redesignation of the track and in each of the tracks, if you will, are developed references developed within pocket of agreement. Which is the of the screen, is the area that is the neighbourhood commercial area that is known as development pocket 28. The applicant is requesting to reclassify this pocket from the current neighbourhood commercial to multifamily 1, 2, 3, many's classification in order to develop this property for a multifamily residential unit. Another change that is being proposed, or major changes in the referenced previously, is about the park you see on your screen. The developed pocket 31 is proposed to be expanded northward and overtake two areas that were intended to be a park – the screening yellow are the proposed lot areas. This abruptly 5.4 area of public area, if you see there is also wetland area there and the applicant came to us to make the changes, we were looking at what will be able to be replaced either on-site or somewhere else within the development. So, because of the lack of a cohesive land area that is remaining within the PD area, staff and the applicant have agreed to a payment in lieu of providing a additional land area and that amount is \$234,647.55 that is based in the 5.4 areas you see in yellow that we deemed as being more usable portion of the park area. Minus the wetlands and the little area to the south of the wetlands. That figure is based on what calculation of the project would be -- pay on parking Those are some of the major changes. Going through some of the adjustments, development, will be changing for the acreage. And some of them are four units. Section M, these are highlighted in the development event agreements, pages 16 and 17, section M on development pocket 20 4A would be reduced to 20 units total. Then the increases come, the majority are with development pocket 31, which is becomes of the replacement of the park. And also, development pocket 31 is disbanding, so in part of the expansion, it is reducing the acreage in the number of units that is supposed in development pocket 30. Which is highlighted. So the total number of units for a single family would be 1197. With the condition of development pocket 28, 754, which is a grand total of 1951 dwelling units. Less than what was originally approved in 1999. Another change we want to point out is that we want to help streamline pre-protection language. There are some changes to section 4 special conditions, to make the language refer to the minimum environmental protection requirements of the county. Chapter 72. It is a pretty lengthy description about the protection language. This cleans it up and makes it more concise. Staff would review these changes in accordance with the criteria in the staff report on pages six, seven, and eight. We are finding that we can support this request based on the changes we have worked out with the applicant. Therefore, we recommend that you forward this PUD amendment, PUD – 28 to counsel, with recommendation of approval, subject to the four conditions that are listed on page 8 and nine of the package. Happy to address any questions or comments at this time.

>> Thank you. Any comments or questions from staff? OK, I have some questions Mr Ashley. In the original PUD, it did contain the park elements, and the commercial units, is that correct?

>> Yes sir.

>> OK. On a project of this size, do we not take that into consideration on our PUD's when we approve those originally? For the park area, and the commercial areas?

>> Right. On the PUD document, the applicant is required to provide 40 acres of parkland that is to be dedicated to the county. Most of that area- if you look at the larger plan, please- you will see on the plan on the left, all of the blue area, that is parkland that has been cited in the document that is to be provided. The additional land is what we saw in yellow. That is the area that the applicant is requesting to develop the lots and expand development pockets 31 over. We try to work with smaller lot sizes and parklands around it because they were able to demonstrate that they met the 40 acre requirements and still suggest if could they builds the single-family lots on the area that we pointed out as the expansion of development pocket 31. But, the relevant area made it difficult from a Parks and Recreation perspective to have a functional park area, for accessibility and use. It might have been a small trail area, but not a functional park for active, or even passive recreational type uses. The applicant tried to supply some alternative sites within the PUD, that did not work out for the County Parks and Recreation folks. We are currently working with the school board, there is an 18 acre school sites within the PUD that has not been developed. So we are working with the school board as a possible joint use of that site. The money that the applicant is willing to contribute with the conveyance of the land is hopefully to go towards that design and construction of subtype of this facility in conjunction with the school. If a school is ever to be built on the site, based on the size, it would probably be an elementary school and, if so, some of the facilities would be a joint use with the school. Maybe the playground area during the day, then afterwards, to rescheduling, it could be a public park for recreational leagues of some sort. In that time period. So, we are looking at this as a favourable trade-off. At this point, this gives the county some capital to do something, because we are not in a position to do something to make improvements to these park sites. These 18 acres is a little more pliable for arranging and improving for a park. Versus these two areas, which are subdivided by a major road through the development. Collectively, like I said, 5 acres was really limited as it is. So we feel this is a good trade-off, and to provide for that, as far as the commercial you mentioned, there is a much larger commercial light industrial designated area on the northwest portion of the PUD area, near the Dixie Highway and I-95 interchange. That currently contains a small shopping centre, it has a bank, a convenience store, and additional out parcels that have yet to be developed. A much larger site actually behind the shopping centre, that you may be seeing in the next year or so, as another amendments to make some changes to that commercial area. Right there is sufficient commercial area already in the PUD. To the north of the PUD, it is the old Windsong PUD. So, there is an opportunity for commercial development.

>> But the area in blue is also a conservation area, is it not?

>> What is not highlighted here is the area in blue, except the white area, that is a system throughout the PUD that is terms of stone water management. It is also connected to the strictly canal. Across the

canal, that area although it is provided, it has minimal usage because there has been a lot of upland, to take care of other environmental issues early on- 20 years ago. The conservation was placed over that area, as well as some areas to the south. The usable area at this point is known as the smaller blue area. That is some upland area that we can use for parking sites. It does have a connection to what is known as Monahan Drive. That is the South Road within the PUD. That provides for development of a park site, as well as the other property that we are looking at.

>> The monetary payment that you are speaking of \$234,000, that is noted as an impact, park impact. Who would have to pay those impacts in the events that this was not to be changed for the park area? Would the developer have to pay those impact fees regardless?

>> As a new development, yes, Sir.

>> So in the original PUD, was this part of the plan? To make them make that a park? And if so, they would have to pay those impact fees regardless?

>> There is some impact fee being paid, there are other park sites that are privates to this PUD. But these areas were specifically to be dedicated to the public. So the impact fees that were being paid, there were some agreements with the 89 documents, that precluded some of the impact fees. There are certain road impact fees were repaid, there are a lot of allowances made for the area they have dedicated. The original PUD included the east side of Dixie Highway, which is now part of the state park area. So, there were some trade-offs at that point, with that land swap, to provide some sort of compensation for parks. So, the calculation we are looking at, on an acreage breakage basis, the impact fees requirements, adds up to the \$234 and change.

>> OK, I will leave my further comments for later. Any other questions from staff? OK, is the applicant present?

>> Yes sir. I am Rob Merrill with the law firm, in Daytona, also in Woodland Avenue in DeLand. On behalf of Scott and Todd (Name), Scott is here with me today. We appreciate you guys taking the time with us. Scott has done a good job, and always does, of presenting the case. It makes my job a lot easier. We have worked with your staff for the better part of the year to bring this to you. There has been a lot of work already done. Scott, Clay, Susan, some of the others, the best in the business, I hope you guys take their recommendation to heart. On this case. Scott has done a good job of getting us to a place where everyone is comfortable with this proposal today. Hopefully you guys will be as well. (Name) is here with me, in addition our civil engineer who has a lot of history on this piece of property. He will be helpful in having any questions that you might have. I would say that, there is a lot of history in this project. Scott gave you some of it, he has been involved with this since the 1980s. They were of course fortunate to buy Halifax plantation when it was partially built out by a company called Dell Need. There is some interesting history here, Tony is the president of the Homeowners Association out there, he was part of Dell Needs (?), which is the development part of a company called Child (?), which is an insurance company. They did the master plan for the Halifax plantation. To your point about the parklands, there is interesting historical context there. Scott mentioned, the state park piece of it, Chubb and Bell Meed, the development arm of Chubb, had a lot of land out there

and a great deal of it went to parklands. Or to conservation lands, and parklands, as part of their development not only of Halifax plantation, but national gardens and the other lands they had out there. You might also know them as the company that developed Daytona Beach Shores. So, all of the condominiums, golf course, and all of the commercial, public, and all those things. I think even City Hall landed that job and they'll need development. Correct me if I am wrong on the details, but there is a lot of history in the Halifax plantation and in that area. I think that is relevant to the park side of it, and all the natural lands that have been preserved out there. Somewhere along the way, (Name) decided that they did not want to be in the development business in Volusia County. So they sold the land to Scott and Todd, who I have known since childhood. Scott and Todd are the kind of guys who had hammers in their hands before they were potty trained. They have done construction in this area for many, many years. They have had a lot of successful residential type projects. If you have had any experience with them, you will realize they have an excellent reputation, and they put a lot back into the community. They have a lot of pride in the ownership of Halifax plantation. So, Scott knows the lay of the land. Every inch of that land out there. If you have any geographical questions, I'm sure he can orient you further. I think that, there have been a lot of changes from 1989, until now. On this project, a couple of which are before you today. I think both of them are very positive things. They are the result of a lot of things, market changes, changes in the homeowners and the people who live out there, want to have happen on the property. I think that Scott gave you a good representation of what is happening there. But I will add a little bit of context. In part, because I have lived there my entire life, I know the area very well. Scott the same way. I think you can put the first request, which has to do with the change of commercial to residential, at the corner of Monahan and old Dixie. If you read the newspaper, I think you know what they say our loop initiative is. Parker, Scott, and I all live on the loop. The loop is at Granada Bridge and John Anderson, Up John Anderson to hybrids Road, across the intercoastal out beyond what was once Cobb's Corner. If you have heard of the restaurant Cobb's Corner in the middle of the estuary, across the creek on Walter Borden, to old Dixie. So, if you go right as old Dixie, the shopping centre that Scott was talking about on the north side of Halifax plantation, is pretty fully developed. It has a 711, restaurants and such. All the folks who live in Halifax plantation, and across the I-95, have a lot of shopping opportunities at that location. I am telling you about that because if you go left on old Dixie, the first easterly entrance is at Monahan. That is the corner that Scott was showing in Orange. Which was originally slated to be commercial. To serve the people who live out there. Well, I think you will hear from the folks who live out there, or the residents who lives around there, I received a letter for the presidents of that location, they said that... I would tell you emphatically that I think the folks that are involved in the save our loop initiative would be... I don't know if they're here or not... But they would be very excited to have the commercial change to residential in that location. If you guys ever been out there, this is a very scenic, gorgeous place. If you ride your bicycle around – I rode my bicycle around the holy. It is about 20 miles I think. I don't do it much anymore, but now I ride my motorcycle around it. But it is very gorgeous, very scenic, and a large portion of Teleflex plantation to the north has been developed in that area. So don't really see it because the tree cover along the preserved area on the loop itself is very effective and makes it such that you don't really see the developed behind it. When you get to the corner of Monahan and old Dixie, if you were to see a convenience store there then I think it might be something that folks wouldn't like. So, Scott and Todd of manticore have been here the older lives -- their whole lives. It is just how they want to treat this project. Their decision to change the designation before you tonight, I think today, I think this is something that a large part is not really a beneficial decision that they are

making, but it is beneficial for the community and not just the community and the plantation, but for the greater community in the northern beach area which enjoys in the scenic loop. If you have any questions about that, I would be hyper- -- happy to elaborate. This is because I kept my tires around there with Scott and Parker. Some of the questions that I can't -- got from the chair, I think stepping back from the global context about parklands and reservation lands on the county doesn't work. Frankly, I would start with the entire county. I think everybody properly voted this past election, and on the ballot was the updating of the Volusia River and Eco funds, which 60% of us supported, again. Clay Henderson and all of the others who are in the leadership back in the 80s that brought that initiative forward, I think they did a fantastic job. I think the people of Volusia County liked the idea of us owning more public lands -- both preservation and for active and passive recreation. You know, I think the problem that has been recognized by your partial recreation department is that they don't have the funds to maintain the land, approve the land, and let people actually enjoy it. So, the idea of having a trade offer some portion of the public park land that was shown in the DRI originally, for funding, which, Mr chair, when you talk about impact ease and who would've paid... They are paying the park impact teas anyway. These aren't really impact fees. These are a quid pro quo contribution, which I think is unprecedented. It is \$250,000 for a very small piece of the puzzle here, if you will. I think it will have a lot more value and I think the staff is recognizing that the recreational of approval for this. To try to bring some... Not just in the Halifax plantation, anyway, but I think in the Northwest sorry northeast quadrant of Volusia County. I don't know for sure about the allocation that Scott and the other impact teas of the quadrant, but in other words, may be some parts of old Dixie need some enhancement. Etc. So the benefit of the bargain if you will hear is it his way on the high side towards the county, from my standpoint. I think you hear from homeowners and I think they feel the same way both about the replacement of the commercial... The neighbourhood commercial into the residential as well as the idea that is not the appropriate place for public park. I would mention to you also, as Scott said, there's a whole lot of park and recreational activity out there -- with golf course, tennis courts, their Pro shops, and lots of other outdoor activities that are there for the residents now that I think are in place and everybody seems to be happy with. Sorry to go along -- sorry to go so long with that. I thought some historical context to be great. If you have the questions for me, or Parker, Scott, or even just a Jessica is with me. -- Jessica Kao, if you have any other questions about Jessica, Scott or Parker. If anybody has any comments that require us to further way our homeowners we do have time if we could.

>> Sure. Any questions for Mr Merrill?

>> oh, great. Thanks.

>> OK. We had to produce a portion forms Ms Summers?

>> I do have two. One online. And one of the floor.

>> OK, let us go with one online first. What did that say?

>> Mr James O Nikki

>> Mr Flynn Nikki are you there?

>> hello?

>> Yes, sir. Can you state your name and address of the record.

>> James Venky, 321 Silver Avenue, apartment H.

>> Alright, Daphne, do you have any comments to make on the request this morning?

>> I had a couple. One, there is a lot of discussion here about these parts. I was just curious that if you

take with the option of the possibility of a part, you say 5 acres is not a lot, but if you have no parts in the area at all then taking away 5 acres is eliminating any chance of the park, right? Second, for the multifamily that is being proposed, why is it multifamily and not single-family? Additionally, if it is going to stay multifamily then why is there an interest in that multifamily onto silver mines Avenue? Why not just leave it having a single entrance and exit onto Comeau Drive?

>> OK. We will have the applicant address those questions. Should we listen to the other public participation? Anything else you would like to bring up, Sir? Might come back to...

>> The reason why I suggest the omission deal entrance and exit is that they can build the berm again with trees. To help preserve the area that a lot of us spent a lot of money to live in.

>> OK. So, are you for or against this request this morning?

>> I am against it as is. But I am hoping to suggestions or modifications.

>> OK, sir. Let me see if any of the commissioners have any questions for you. Ms Van Damme?

>> Sir, can ask I feel about the removal of the neighbourhood commercial portion?

>> As eliminating it out right, or for family use, I am OK with that. I just do not want it to be multifamily with that density -- dense unit number, or I don't want having direct assess -- access onto my street.

>> OK.

>> Will move to the others here. Miss Summers two

>> Anthony...

>> Yes or can I have your name just for the record?

>> Anthony, 3694 wisteria known

>> Or its can you give us your thoughts.

>> I am part of the board that has already signed a letter that has been sent in and we thought it was extremely important to have someone here for the board presenting the people couldn't be here. As an officer of Bellamy development, the original developer, as well as the president of the homeowner association for 25 years, and with this history, I am expressing my opinion as the request of the current developer, Scott Vanacore, to change the land use for the parcel at bill six yen drive. More reported to the county, as a board member, having recent conversations with current residents, I can attest that the overwhelming opinion of residents is to have this essential development in that parcel. They recognize, also, that Scott Vanacore has heard their concerns and he is voluntarily down zoning that parcel. With regard to the park situation, Scott has informed the residents of the current flat showing proposed public park areas in the west end of section oh. Ms Ashley, if I interpreted right, maybe it is off the table. But I will read what I have. This is reached concerns from the members and strongly negative comments have been voiced to me and to Scott about having a public county park in the middle of the subdivision. In response, if there is going to be a park, Scott suggested an alternative. A passive linear park consisting of walking and jogging trails or maybe some exercise stop points to be located away from the main road. At an open board meeting, this idea was presented and was enthusiastically supported by the members that were present. Subsequent feedback to the HOA office for many of their other residents also voiced strong negative reaction to a typical public park, but at the same time, overwhelmingly supported Scott's alternative proposal. Now, again, I don't know where that fits into what I just heard today. Representing residents who could not be here, and as the numbers came out, we have 1245 for they are now with houses selling. I think were going to have 1255 by the end of the year. I think you mentioned around 1700 will be in total. So, I end up resenting as a homeowner association board, what we know our residents in the community are looking for. I trust the county will give weight to the community's concerns and the preferences that the community has. That

is it.

>> Do we have the questions for the speaker?

>> OK, I have one. How does the board feel about the multifamily?

>> Well, I don't know that we have discussed it as multifamily, but there has been no objection to that. Remember, I have a little bit of a different viewpoint because of the history. So I know about the restrictions about how many multifamily you could have, how many single families you can have. So, when I present to the HOA board, any discussion on this, it is knowing that there is limitations on single-family count that we can have in there. So I don't think there is any objection to the multifamily. If it is going to be like... I haven't seen the drawings yet, but if it is similar to what multifamily – it is not high-rise multifamily, OK? I assume, Scott? OK. So, it is similar to the other subdivisions, which we call townhomes. Alright? That has not been negative at all. There is one going on right now. So, I don't feel there is a problem with having multifamily is there.

>> OK, sir.

>> I do feel that the commercial does not need to be there, as was demonstrated and talked about by Mr Merrill.

>> Thank you. Alright I don't have the more questions for you. You have a seat. Thank you. Miss Somers, our next speaker?

>> Peter Hill.

>> Good morning all. My name is Peter Hill, for complete honesty.

>> Mr Hill, can get your address also goes back too sorry, 1345 Tiverton Circle.

>> Think you could continue.

>> As I said I'm a member of the board also. Most importantly, I am also a homeowner. I have lived there and been in there for a while. Personally, and people that I have spoken to because I am a hole-in-one or representative so I speak to a lot of people within the development, there are... They are overwhelmingly in agreement that hopefully the transition of changing commercial area in the park is approved by this board. We applaud the work your stuff is done, and we applaud the ability to bring this to you today, and you hearing us. I am just repeating a lot of things you have already said. I will be very brief. You will probably hear people against it. I hope you will weigh the desire of the community as a whole, as opposed to the few naysayers. That is my speech, unless you have questions of me.

>> Any questions for the speaker? Frank Koestler?

>> So you are a homeowner and also a member of the board?

>> Yes, sir.

>> What are the naysayers concerns would you say?

>> You may hear one today, I don't know if that gentleman is here today, I have been told that he has bought a lot, and it is going to change from the commercial to residential.

>> That is one individual. But you said there was a group.

>> No, I did not say there was a group, I said you may hear a few naysayers. There are people who

are blue, and people who are red.

>> When you are presented with the changeover of removing the commercial, were you aware that they were also potentially looking at multifamily? Was that together?

>> Your definition of multifamily, from my understanding of what the developer wants to create, is different than 'multi family.' These are detached townhomes, golf villas, same as the developments there now. They blend in neatly. They are nice. I do not see any objection from the people that I have spoken to about letting this go forward.

>> OK, thank you.

>> OK, Miss Van Damme, do you have a question?

>> No.

>> Thank you sir. Mr Ashley?

>> Since this comment has come up about the multifamily, let me clarify this, there are two multi-family classifications in the PUD. The one they are requesting is the MF12 and 3, a designation it allows for a single-family, two-family, or three family unit buildings. Unit 2 would be your mobile traditional multi-family, more traditional multi-family looking development. But the MF one, two, and three are a single duplex or triplex, just for clarification.

>> Thank you, Mr Ashley. Miss Summers, do we have anyone else who would like to speak?

>> Tommy Lee?

>> Good morning, can I get your name and address?

>> My name is Tommy Lee, I live at 308 Silver Mines Ave. I have been over this proposal several times now, everything that Mr Vanacore has said is very accurate. I am not on the board of the HOA, but I live there. The proportion of the bill that was proposed for commercial to residential, Mr Vanacore has done a great job on that. What I oppose is duplexes or triplex at the entrance to my home division. I live at the Estates section which is the new section that Mr Vanacore has built. Homes there run up to \$800,000, we are not interested in a area on that street in the very entrance of the subdivision of our home. I think that is what most of the naysayers have a problem with. The visual effect of having a beautiful neighbourhood and coming out to multiplexes. That would be it.

>> OK, any questions for the speaker? Thank you, sir. Miss Summers?

>> Arthur Lindsay?

>> Good morning. My name is Arthur Lindsley, I live at 5400 Rock Shea Blvd., unit 401 in Port Orange, Florida. I recently bought lot 39, right across the street from the so-called new subdivision. I bought my lot back in March, pending a home sale in North Carolina. When I was dealing with the

sales agents, and we saw the dirt being graded, we asked what it was for. We were told it was to relocate. I said OK, anything else going there? They told me, not to their knowledge. So, we were about to close on our house on December 22, this week coming, and I went to the salesperson and I asked what they are doing across the street. I asked if they were going to be high density housing there because I do not want that. He said to me, I do not know. Call the office and find out. So I called the office and talked to a guy named Bud. I asked if there was going to be high density housing and he told me, No. Then I looked at a map. There is my lot. There is a thing right there. I have worked in banking for most of my career, and I will tell you, when you build communities, you do not build these types of homes next to these neighbourhoods. You segregate them to other neighbourhoods. I worked in the appraisals department, and I will tell you that it will diminish the value of the homes that we are building. That is a fact. No matter what anyone else wants to tell you, I have 20 years of experience on this. I objected to the fact that you are building these high density homes right across the street from me, and will allow them to turn into rentals, and it will diminish the property value. I don't care if they turn into residential, but what they need to be doing, in my view, is building the same type of homes across from me to preserve the integrity of the neighbourhood. I am really upset about this. I do not think it is fair. I think Mr Vanacore should consider building some of those homes contiguous with the homes that are across the street. So we can maintain our values. Number two, maintain the integrity of traffic coming in here. I have worked in planning to Bellman's before. You always segregate them into different corners. I can see the lots are going back. The land, they should build those into separate communities away from this. Like Scott said, a separate area for that. They should not build them right next to my home. It is not right. It is not fair. I do not care if they change it from residential to commercial. I am fine with that. However, they should build low-density homes in those areas close enough to us and then segregate the rest of them off. I think that is the fair way of doing it. I did not like the fact that I was told one thing then found out another thing.

>> Yes, sir. Hold on just a moment. Scott, this area he is speaking about, is that the commercial designation that he is talking about? Two multifamily?

>> Yes, sir.

>> OK, so they did not tell you it was commercially zoned?

>> No, I tried to get information from them. If you look at the map, it seems like there is going to be... I just pulled it up here. Wait a second. I have lost it. Give me one minute, please. What did I do with it? Here we go. I will show you, maybe I am mistaken. I don't want to jump the gun. It just appears to me, when I look at this map right here, if I can blow this up. I can show it to you. I do not know what this is. Is this going to be commercial or residential? There is my lot right there, and there is all these little developments up here. See?

>> That orange area was designated commercial, correct? It is up there, Sir. Up on the screen. Yes. Yes, that is commercial designation. I do not know if you are the gentleman they are speaking of that bought it because of the commercial use. But you're saying you're going to build a home there?

>> Across the street, yes.

>> And you have no objection to single-family, but you object to multi-family?

>> I think that land there should be contiguous with the land-use across the street. My understanding, when I built there, was my understanding yesterday when I asked about it. They said that is the way it was going to be. They did not say what it will be used for. I sent a text message to a guy named Bud yesterday, to get clarification. What will this be used for? I am one of his customers. I asked what it was for. I never got an answer back.

>> As of right now, it is designated commercial.

>> I understand, I don't mind it be designated as residential, but I want whatever is built there to be similar to what I have, and organized in a way that is contiguous with the neighbourhood. In my experience, when you reappraise these homes, I have over 20 years of that experience in my life. The value of these homes go down. And in addition to that, you can argue that the resale of these homes are much more difficult, because people do not want to live across the street from this.

>> I get your point, but what I am saying is under the current PUD, it can be a commercial use and not necessarily residential. OK?

>> From my understanding, it was going to be used for residential multi-family use.

>> That is what they are requesting. Multi-family use. The under the current PUD...

>> I get that. I am saying, if you improve it and make it residential. What I am saying is to be contiguous with the neighbourhood. If you want to build this additional land out there, build one of these tracts somewhere else. That is my complaint.

>> OK. Any other...

>> My concern is it is now commercial. If we turn it down, it would be commercial. Which would you be against, commercial, or multifamily?

>> I would rather have it residential.

>> Right now, if we do not accept it it will be commercial.

>> I understand that, my question is the following, why does multi-family have to be built instead of single-family, low density? Does it have to be zoned for that? Why is my house zoned differently from that house, as far as usage goes? That is my question to you.

>> I will not argue that, I am just saying that you bought it next to commercial. So it would still be less effective. I think your argument is I would rather be against multifamily residential than commercial.

>> You are missing my point, sir. My point is that it is OK if you go residential on it, as long as the type of residential is low density, versus a high density.

>> You prefer to see it low density versus high density.

>> I think that is fair.

>> I think you would be doing people with homes on that street a big disservice. That is my point. I appreciate your time and Merry Christmas.

>> And to you. Anyone else, Miss Summers?

>> Mr James, on the line, would like to speak again.

>> OK, go ahead.

>> Mr James.

>> Can you hear me? Yes, I want to follow up with what was just said by my other two neighbours. For one potential neighbour. Like I said, I am OK with the zoning from neighbourhood commercial, which is not like you can build a factory there. Every document that I could find, until recently, showed this as being owned by a church. So I was not too concerned by the fact that it was owned neighbourhood commercial. That is really what I want to say. Let's be clear, this was not originally owned by (Name) stations, or something like that. Again, I am OK with it being rezoned to residential, just not multifamily.

>> Alright sir. Anyone else?

>> No sir.

>> You want to continue cosmic

>> I'll be brief, sir. I will start before Parker addresses the question. I will just address this clearly, this is commercial now. They point out that this is the type of residential that Scott and Todd are proposing. But, more importantly, Scott will actually tell you what is love there, but I will characterize those things that will be stores, banks, other things that will be convened other people nearby in residence. You know, it probably was a good idea back in 1989. But now it has been successful to the public, and a 7-Eleven around the corner, I think it is not needed by the people at this point. Frankly, you've heard from most people in their petition, they would much prefer to have it down to multifamily. But I want to let Scott to talk a little bit about the product in terms of multifamily. We are not talking but high-rise apartments here. I want to make that clear. Scott Ashley can also tell you, what the code says about that, in terms of the allowances. But at the end of the day, I want to talk for a second more globally about the concept of what will be next door to me, in terms of very residential products. If you look at high-quality mixed-use development, this is a committee does that mixture of uses. If you bend the Halifax plantation – I was there yesterday. I drove there again and several times. When you drive the multifamily areas, you can't tell it is multifamily. There is a lot of product out there that people love that

has party walls that has multiple units in one building. They are fantastic looking units. They fit in the community, and because somebody happens to have a party wall with two units except somebody who has one unit, I don't think it makes them a bad person or a bad housing product. In fact, I think it works well to a better sense of community with different types of people that have different types of desires from the housing standpoint. This means him as a good or a bad person next door to you. So, I think that is an important global context. But I will ask Scott, after Parker talked about the access points, which is the point on the plan to hear, but what he does. I think he does a great job at it. When the plan but they do. Whether it is multifamily or single family. So,...

>> Mr Parker, freely. What is on their...

>> It is Vanacore.

>> It is not the church as the gentleman mentioned?

>> Scott can talk about it. I think the technical access that can be addressed, I will talk about very simply by saying it needs to access points regarding this withered is commercial or multifamily. Parker can speak to that more intelligently.

>> OK, your name and address, circumspect too good afternoon good morning, Parker Rittenberg 7029 rigid word Avenue. I have 20 years of history. I was a young man when I started developing Halifax plantation and designing subdivisions in Halifax for 35 years. I am very proud of the community up there. A couple of things that I want to touch on. First off, I did a layout on this piece of property for a gas station convenience store strip centre. That would be the type of use that the current neighbourhood commercial would allow. So, when Mr Vanacore came forward, what he wants to build here is basically five and six unit attach flats, single story. Not like your townhouse with the second floor, but a single story. These are 55+ buyers potentially. So, I see on the map that we have the MF 2 designation. I heard, earlier, Scott that MF 1, 2 3 is what is on the staff board. We need to get through that. What is being proposed is for units of acre. In the world density, for units of acre is low-density. It is not high density, it is low-density. I wanted to point that out. So as Scott pointed out, they have these landscape burns. I most architect so I did the landscape berm plan. So goes the extra mile to actually screen is develop and, when they are single family are multifamily, and the roadway. So these will be well screened. Talking about the access, a couple of years ago – it is hard to do him any products anymore without too many interest – if you look at the orange exhibit above, I designed silver mines. The stub out to the neighbourhood commercial is existing. It has utilities as well as access on the left side of the drawing, as I'm looking at it. There is also, from the main road, that was recently constructed in the North, the two -- the excess was construct on the site. It was single-family and multifamily. If you look at the Halifax plantation with a broad brush, there are pockets of multifamily, low-density multifamily, next to the single-family all throughout. So this consistent with the PUD. But he did want to point out that what I heard Scott say with the MF 1 rule two 3 duplex triplex, Vanacore wants to build our flats attached, 40 of them, and that plan reflects it. So, I can answer any questions I can.

>> Any questions for the speaker? Yes, Frank Costa?

>> How are you doing morning? I believe it is not multifamily. You have to put buffers to make a civil family.

>> We are having a 35 buffer on that side it will have a landscape firm fully planted.

>> With the intention of a developer, was there any limit area site plan put together? As far as the...

>> As far as the...

>> As far as the representation. I think visually it would go in your favour.

>> Scott, you can blow that orange area and see the line into playing. Make sure I don't have it upside down here. Thank you.

>> He wanted to see the commercial. Sorry.

>> OK, what we have here is old Dixie Highway. The existing roadway in. This is the orange on the top. So, basically, you have a fuel canopy with convenience stores resending a parking field.

>> If we look at that from here, what you're looking at the large parking lot.

>> It to be a large parking lot with a strip centre and a gas station, yes.

>> OK, yes.

>> What I was pointing up with the orange is that is the underlying multifamily that has been planned as well.

>> Ms Van Damme?

>> What is the buffer for the sickle from the residual going to be?

>> There is 35 feet from the right way to the first unit.

>> So, 35 feet of planted or just the...

>> That is the setback. What we have right now, we are the appended to the county. They approved it. There's going to be about 25 foot of landscape berm with a custom hedge and oak trees and 30 foot centres and creek materials. I believe they have those. A subzone of the process of building the berm. To get the zoning or not, he is going to screen the site for the neighbourhoods.

>> Alright. I don't that we have more questions for you.

>> Thank you.

>> Anyone else, Ms Somers?

>> Mr Vanacore continued little bit about me does out there with the multifamily, if you want to be here that to become dribbles what it is. Unless you are already good. If you already good...

>> I'm good. Do you want here at two

>> Yes.

>> OK bring him forward.

>> Scott Vanacore 1450. I want to start that we have low-density multi from the parcels with the community and they are heavily screened and they are right next door to many single-family homes like the gentleman talked about. So, we have currently five pods within Halifax plantation that are low-density, multifamily, right next door and right across the street from 350 and 450 houses. I'm keeping in mind people want. So I built these berms, which are approximately 4 foot tall with my berms on top that reach another four or 5 foot. See of a 9 foot solid screening with oak trees around them. If you were to go to the Halifax plantation, you'll see that I've built and planted probably miles worth of that stuff. So, it would be heavily screened. I have been approached by Cumberland Farms now, while wall, people like that. I just don't feel that is a great fit for the loop. I am taking a monetary loss going from commercial to residential. A great monetary loss. Secondly, or thirdly, the 'he said, she said', this one fella – about what my sales manager said – if he did his due diligence, like you should when you buy real estate, he knows there is commercial there. The site is way too small to continue to build larger homes on it. It is too small of a site to build the road effectively and put more larger lots on that site. So, again, we have many communities that are already low density multifamily amongst single-family, larger homes. It is very tastefully done. The way they fit in. The last point I would like to make is that Tony, who when he spoke, he spoke for thousands of people and we have a couple naysayers, like you say, but they happen to live right to there. There is currently 40 or 50 people that live right there that are not standing here also. So, the overruling support for the parks, and for this piece, has

been our plan. Thank you.

>> Thank you, sir. Any questions?

>> Good morning, Scott.

>> Good morning.

>> So, when people read multifamily, the first thing that pops into their head's rental units. I understand the concept here. These are basically duplexes – these are high end duplexes or quads, I would imagine and erode.

>> Exactly. One story.

>> Is there any... Is there anything that is what you put into the documents in this particular enclave and regarding rental of these units?

>> Tony might be of the end of it better, but we don't really allow rentals. That is not... We don't allow rentals. This is the rental community.

>> OK

>> I can tell you that in our many other communities that are low-density, multifamily, you may have one or two.

>> Sure.

>> You might have wanted to the rent amount because is a really quality high design units. So the rental thing is that situation here. We are not going to stories. These are one-story flats.

>> You already said what I wanted to hear. It was no rental. That's it. Number rentals. Thank you.

>> Yes, we don't encourage that at all.

>> Thank you, Sir. Anyone else, Ms Somers?

>> I have a question.

>> Mr Steve Costello?

>> Go ahead, Mr Costa.

>> Good morning. Question for the applicant, how did you come up with the fair value with the parklands?

>> This is Rob, a publicity with the parklands as well, but they have the formula that was used for the formulation of the park impact fees for the county some years ago. It was the thing that was inhibited to the number of acres of park language could be created as a result of impact fees. These guys pay the impact fees anyway, Steve. What they're doing here is that they are making a contribution in lieu, is what is happening. It is not like what they are doing with the pipeline unit for road when you're going through a currency thing with roads in lieu of impact fees. In this case, I don't know for sure because I don't know what -- I don't handle every case that goes across the board, but I will tell you that I suspect is unprecedented. That nobody has ever spent a quarter of \$1 million on 5 acres is being converted from a park to lots. You know, it is a significant contribution in lieu as opposed to an actual impact fee payment. The number was generated from a formula based on the ordinance for how many acres of park, how much it would cost for certain number of acres per park. Scott, do you have already thing different for that?

>> No, as Robert indicated, we looked at the quality of the land. The upland portion of the parcel that came up on the acreage based on the numbers that we reviewed and also concurred by Parker and use the impact fee as a way to attribute what the impact would be. That is how we came with the Anchorage times the amount. We came up with the \$207,000.

>> We were open for us less, for the record.

>> I understand. So, Scott, what you're telling me is that there wasn't a appraisal done for this land. It was just based on an impact fee number?

>> Yes, because this designated part now... As you are looking at the roughly 5 acres... A little over five areas of acre that is proposed to be impacted by the change, we use that as a formula. Here's the park land. They were able to... Again, it is not an impact fee, but they were willing to compensate by using impact fee compensation as a manner of determining value.

>> Is there confirmation? Is it owned by the applicant or the county?

>> The area is owned by the applicant. It would be required to be dedicated to the county as part of the plan in review. If this is to be reviewed, and not dedicated to us, then they would stay with them.

>> OK, I understand. Thank you.

>> Steve, for what it is worth, Scott went through numbers in front of me. He is looking at lots to be valued, which gets you \$244,000, which is less than this. He is not getting a great deal, for what it is worth, but he is trying to do the right thing.

>> Would he be willing to sell those lots today, at that price?

(Laughter)

>>(Laughs) We can work a deal if you like.

>> OK, no further questions.

>> Alright, anyone else, Miss Summers?

>> No, sir.

>> OK, Miss Van Damme.

>> Quick question for Mr Ashley. Is there something between what the applicant is expecting for multifamily, and what the county is expecting for multifamily?

>> I did want to jump to that. The disconnect, I apologize for that, and quality control. The document we have been working off, the agreement Park in reference to MF 1 classifications. I made the assumption that it was an MF 1, 2, and 3. The plan has been consistently for MF 2. I believe the disconnect was probably in the agreements, I just followed that agreement. I apologize for that.

>> Anyone else? OK, we will close the floor for public participation and open for commission discussion. Ms. Shelley?

>> I wanted to point out as well, as was clarified by Scott, with the staff recommendations, that I would

suggest that we take out the 1, 2, and 3 and keep it as 2, as our staff said. Currently in the comments it says 1, 2, and 2. I just wanted to point that out.

>> OK.

>> If that is alright with staff, and everyone.

>> Any other comments? I would like to say one thing, when I first saw this report, I was very sceptical. As always, I come here with an open mind. I can tell you the first thing I thought was that there was very high density, that Mr Rittenberg, mentioned that there were 4 units per acre. To me, that is not high density. Where you see developments come across 8 units per acre, to me, that is high density. The Homeowners Association has made their point, as far as the park area. I can understand as making it a public park area, and have people coming from outside and using the park. I understand them not wanting to have that type of park there. The other thing was the multifamily. I was thinking about that, but then I look at the offsets. Say, if it is not multifamily, as it already has a commercial designation, to me, that would impact property values even more than the multifamily. So, after I have heard everything this morning, I am in favour of going ahead and sending this to the County Counsel for recommendation and approval. That is my thought.

>> Mr Chair, I would make a comment, that was my concern. I have to exclude what this gentleman said because if I bought a piece of property, I would know there was commercial next to it before, for sure. I would rather not be against commercial. So, I have to disallow that in my mind. I have to say, I would be in favour of this as well. That is just my comments.

>> Any other comments? Tim?

>> My reaction, when I read this, was concerned. So many times we seem to be approving PUD's with the understanding that there is going to be neighbourhood commercial for internal trip captures. I was concerned that we were removing that, and what were we doing with internal trip captures? But it was explained to me about the large area that is to the north of here. So, it alleviated my concerns about that. I would have to say, I would be in favour of this as well.

>> OK, and saying this, Mr Ashley, the compensation you are going to be receiving, is it earmarked specifically for park use?

>> I do not know the details 100%, but that is the intent that it would be used for the park for that area. Whether it is internal, or likely indicated, there is a park out on Old Dixie, for improvements. But it is slated for that portion of the county, yes.

>> OK. In saying that, and the events that it does not come through with the school board, or the internal park area, to be developed and utilizing that for that. Could we earmark this for the Volusia echo?

>> Mr Chair, those are separate funds. They would have to go through the echo or for review process.

This would be amended in the area, so that there is an approximate and reasonable connection between the payments and the expenditure that the county is putting it to. But, it would just fall into another fund, such as the general fund, or a designated recreational fund which may be combined with a forever, or echo fund, but I would recommend that it not be sent or co-mingled with those forever, or echo funds. Those go through a separate process that the county is working through.

>> But we could hear the market specifically for park use? Or something of that nature?

>> You can make a recommendation, yes.

>> That is a drop in a bucket going into the general fund.

>> Let's discuss that. The types of park use, obviously that is what the land that the county is not receiving its dedication was paid for. So let me talk with staff to see what we can put in the document. So that money does not just disappear and it is not able to be used on the 18 acre school sites and the approximate area.

>> OK, that can be addressed going forward to the County Council, correct? OK. I am ready to entertain a motion.

>> I will be glad to make a motion. I recommend that we forward the PUD 20, – 2008 for Council action. With the recommendation for approval. With a request for amendment attached as amended by staff, and also noting the M2, and there first.

>> I will second that.

>> OK, I have a motion from Miss Edith Shelley, as stated, and a second from Mr Young. Any comments on the motion? Miss Van Damme?

>> Would we be more comfortable in putting in the condition that these monies need to be put toward parks of some type? Can we make that a condition?

>> Yes, as a recommendation.

>> I would be glad to put that in my motion.

>> I will be glad to go along with that.

>> Can you look at the last two sentences in recommendation one? Where it starts, monetary contribution to allow... I am not sure how specific we can make this fund.

>> It is tied to the park impact the fund. So, capital expenditure related to park improvements. I have not taken a closer look at that, but that could be some of the infrastructure for parks, such as parking, stormwater, things like that.

>> I think the concern we got up here is that the money goes into a fund, and not for any park. That is the concern I think that we have.

>> If it is not used, yes.

>> Mr, If I could, the reference and condition one, is the money is allowed for two park sites, let me put this on the screen. The area in yellow, the two park sites that would be replaced with the expansion of Development Pocket 31. At this point, the proposed 12 lots. So, that is what the exchange is, the intention of the monetary contribution is to allow these two park sites in lieu of dedicating to the county, it could be residential. We would get the money to use elsewhere, either in development, or near the area of Halifax plantation. It is not intended, from what I understood, a park site. These are between Development Pockets 31 and 32. They are supposed to be dedicated to the county. This is what they are making the contribution to, to develop as single-family.

>> This is the contribution to parks?

>> Yes, to the county, for park usage. Based on the acreage of the land in yellow, that is where the money is coming from. That is the 5.4 acres of area impacted.

>> Yes, but what is it being used for? What is the money being used for? That is what we are concerned about. We know that that is being taken out, but what we are talking about is what is the actual fund being used for?

>> I do not know if it has been worked out by Parks and Recreation yet.

>> That is what we want to discuss- that money be earmarked specifically for parking use.

>> That has certainly been the conversation. We work with the Parks and Recreation Director and management staff for that purpose. I do not think they have a blueprint yet for where the money will specifically go and what they will actually pay for.

>> As long as it is park use.

>> I will refer this to the attorney. Can we legally... can this board legally request it, or make it part of the provision that it be directed to that? Do we have that authority?

>> I would not recommend that because you never know what the best use of those capital funds would be. The County does have some plans that we would look towards using these monies for.

>> Can we just generally say that they should be delivered to the Parks Department, rather than a general fund?

>> Well, it is the Parks Department. It has its own budget. You can put that, the monies should be

used for parking construction or improvements in the area. So, even if it falls into the general fund, it would be swapped with other monies.

>> A general park fund.

>> I will just say one thing, things can be legally required, and there would be things that can be volunteered. In this case, we would be happy to volunteer that the funds be directed, whether by passivity or geography. We want to contribute to parks. We will say that for the record, giving you the evidence of that. Between now, and the County Counsel, I think he just did a good job we will make sure he goes forward that way. We will work out whatever needs to be memorialized so that everyone is comfortable, with the County Counsel. I think you have made the record clear, by volunteering it, I think we are safe that we can do this.

>> Alright, we have a motion, and we have a second. The motion was stated with the amendment was it am to? Correct? OK. MF 2. All those in favour signified by saying 'aye'. Motion carried unanimously.

>> Ms (Name)?

>> Can we have the next motion please?

>> Get the next one contact.

>> The attorney for Michael Woods. Miller properties Limited. Circle K stores Inc. Owners requesting a major amendment to resolution 2008-92, a mandate permitted uses... Sorry. I meant they permitted uses and development standards and rezoning from B for an planning development zone property.

>> Thank you, Ms Van them. Mr Bedford you can take the stand please

>> Trevor Bedford, planner 2. This project is a amendment to the existing be PUD called The Pantry. It is a rezoning approximately 1.26 acres from before to the planning to unit development with the business subclassification. The overall end of this is a redevelopment of eight existing convenience store with fuel pumps. The location of this is in the eastern corner of the intersection of the state road 40 in US Highway 17 in Barboursville. Again, it is currently a zone pantry and the bee PUD 4. The of future land use is the rural community of Barboursville. A little bit of background on this. Again, there is a existing convenience store with a PUD that was approved in 2008 to modify the site, but it looks like a lot of that was not redeveloped yet. Since then, Florida Department of Transportation has acquired a right-of-way to widen State Road 40 in US-17. Part of the existing development was required by the Department of transportation and that includes land where the existing fuel canopy lies, based on our existing aerial photos. In order to accommodate this, the Applegate needs to redevelop the site and should back a little bit, and they are also proposing to add approximately 1.26 acres to the PUD. In the graphic of lower left of your screen right now, you can see there is a little bit highlighted in blue. That is approximately the right-of-way that the Department of transportation has acquired. What is highlighted in red is the additional 1.26 acres, currently zone B4 that they plan as the zone has picketed. The applicant intends to... Basically the intention of this is to modernize the site layout. A lot of this doesn't really need the current codes. So, the general use proposed is a convenience store with seven fuel pump islands in a canopy. In the rear, they are proposing three fuel pump islands for oversized vehicle with canopy. They will be -- there will be an existing restaurant with a gas station and an outdoor 800 square-foot patio. They have also asked, specifically mentioned, to allow the outdoor display of propane tents, bagged ice, ATM, and movie rental machines adjacent to the exterior walls. If the site is, for whatever reason, is not able to be developed to a convenience store as planned, we have

included potential permitted units -- uses as the B2 zoning district as they permitted the zoning classification along with a additional list of permitted uses that is attached to the POD document. Those additional uses are included as current permitted uses in the B PUD, pantry, the existing zoning. For the setbacks, the applicant has proposed to have 35 foot setbacks required from all property lines with a 35% maximum lot coverage. This is consistent with a typical commercial zoning classification requirement. For the parking, they have proposed a total of 42 spaces with nine of those being for oversized parking in the rear. They have provided a parking study to demonstrate the need on the side for that amount parking. We have asked them, and they have included in the developed agreement that a no overnight parking will be allowed on site. For signage, one area where they do vary slightly from a code, but we have reached an agreement with the applicant. They have proposed three wall signs -- typically a publicly on a corner would be able to have two wall signs. However, the site design will have three entrances, since they have fuel pumps in the rear. So there proposed to have one wall sign over each entrance to the store. They will have two 16 ft.² signs under each canopy, and two 16 ft.² signs above each entrance. Again, there be one on each road. So one on State Road 40 and one on US Highway 17. For environment considerations, the advocate has taken into account some historic trees on site and have committed to maintaining those trees in perpetuity. They will work with environmental staff and final site plans in order to submit a plan to remove exotic plant species from the area. We believe that this does meet all of the required criteria for rezoning. We believe it is consistent with comprehensive plan, it is not anticipated to have any negative impact on the environment for natural resources. It will meet all current requirements. It will support the economy of the area with the expansion of existing use, and we don't believe that it is anticipated to have any negative effects on the public health, safety and welfare. With that, we give our staff recommendation to forward the rezoning application in case number PUD 20-090 with the final recommendation of approval with the final staff recommendations that approval is subject to staff order resolution. The final design of land and structures have been subject to modifications as required to comply with the County accounting zoning requirements and lending code with landing site review. There is also additional dedication and off-site improvements needed to maintain the requirements. The property owner shall submit and receive a approval for its mission exempts an application from the county plan developed office to create lot 1 and Lot 2, as depicted in the preliminary plan, to the final site plan approval. I'm available for questions.

>> Think he was to Bedford. Is any questions from staff? OK, hearing none. Is the applicant present?

>> Good morning everybody.

>> Good morning, Mr Woods.

>> Michael Woods from the Lawfirm, call, 32, on behalf of the applicant. I'm happy to be here on this project for nature. I am just basically making everything little bit better. If you're familiar with the site, or having travelled the roadway, or heading out of town, this used to be -- for me -- going to school the University of Florida... I'm leaving was counting out going into the local forest. It was signature, when he got to the train tracks, I was going to write and back to the land, that I was a stone's throw away from being home. Although, as the gator now, we don't know things by stone throws but you throws. Via the last game. Be that as it may, I never stopped at this gas station. Going to school. This is because if you went there, you know it is old. It is a poor configuration. It is an old-style gas station. The functionalities, safe access points, it is a whole lot of work to be done with it. Luckily, through timing of fortune, F DOT has decided to come modernize the intersection. They nevertheless require the right way to do so. As the staff probably reflected, because of the approximate exact corner, we

basically have to tear everything down. We require additional property for the Miller brothers. Also from Circle K. So the property you have now is what allows us to build a larger store, setting off the right-of-way properly with proper setbacks, providing with all of the environmental buffering that we require. Staff did touch upon me. We will provide all of the stores upon the purposes that led us to reconfigure our driveway little bit. We are very confident we will be able to do that. We are able to have a modern facility with safe access. If you've travelled there, again, you will know that everybody in their RVs are going out of town. We have some operations in the North to go through there. There is existing diesel that is there now. I think, even as Stafford point, there is a photo the traffic study that shows a diesel truck hauling logs on that parcel right now. I don't know how that guy got in there. But I don't know how he got out. The site is designed now, he will be able to accommodate that safely. There is a PD in place now. Because of the code there is an additional wall signage and we will have three senators around the building. Then just some clarification for our camping signage on there. Otherwise, we are insulated, buffered, and our engineers are in the chat room, and your peers and, with the Bowman Construction, is able to answer the question you may have. We are fortunate to have this done. We have just ironed out. We are happy to answer any questions you might have.

>> Thank you Mr Wood. Anyone have questions on that? Ms Van Damme?

>> On page 5, we are talking about that in the event that the site is not redeveloped as described above...

>> Yes.

>> You have asked for other uses. With those other uses be restricted to a single use?

>> The reason I put that in... I put this – my cartridges well my PDAs. Most PDR used for single use. We note is going to happen. Early in my career I was a gentleman who went on his own and did a PD rezoning on another site, stripped all of the uses available, and so doing... Eight, the reason why he wanted that PD contractually permitted that he wanted the vehicle store to get you whole. The effort to try to get any use restore and that property at that time was horrendous for the small business person. The reason why that language is there is that if Tesla do something great tomorrow, we don't need gasoline stations anymore. What will be printed by the straight zoning area, weighed a great discussion with Trevor on what he says will be appropriate. It will effectively create a zoning category that will say there is your use. Now go through the recycling process of one of the uses.

>> OK.

>> Any other questions for the applicant? Thank you, Mr Woods.

>> Thank you.

>> Ms Summers, do we have public participation for this?

>> Yes, sir.

>> OK. We get them online? Or if they are in the chamber.

>> Carol Encino? They are online.

>> They are online? I'm not to try to pronounce that name.

>> Ms Carol?

>> There you go. Ms Carol, are you there?

>> If you are, turn your mic on and we will recognize you. OK, let's go to the next one.

>> I have no one else other than the engineer, Mr Peterson, who was with Mr Woods.

>> Is Ms. Carol online?

>> Yes sir, I will send her a message.

>> OK, we have no other participation, other than Miss Carol. We will give her a few seconds to be online, if she does not, then we will close this for public participation. OK. We are going to close the floor for public participation, and open up for commission discussion or a motion.

>> I will be glad to make a motion. That we forwards the rezoning application case number PUD – 20 – 090, to the County Counsel for final action, with recommendation of approval. Subject to the staff recommended conditions.

>> I will second.

>> OK, I have a motion from Ms. Shelley, and a second from Mr Frank Coste. Motion as stated. Any discussion on the motion? Hearing none, all those in favour signified by saying "I". Any opposed? Motion carried unanimously. Thank you very much. Miss Van Damme.

>> Next case application of Sandra Carlson, agent for James and Sandra Bradley, requesting a variance to separate nonconforming lots and forestry rezone property.

>> Thank you Ms. Van Damme. Miss Jackson, good morning ma'am.

>> Good morning. OK, this is a variance, two variances associated with this case. The first is to reduce the east side yard from 10 feet to 9.1 feet. The other is to reduce the west side yard from 10 feet to 9.7 feet. The property is located at the northern terminus of March hen village. It is about 534... I think I am on a different case. I just realized that.

>> That is the next one.

>> Let me back up a little bit.

>> OK.

(Laughter)

>> I looked at this picture, I thought, that is not what I am talking about. Alright. Here we go, again. I apologize. Alright. OK, we are on case of the 20 10 21. Let's hope I get it right this time. Let's hope I get it right this time, this variance is to separate one parcel from two other parcels. So, it is to separate parcel that is designated as 0510, from the two other parcels 0500, and 0520. They are all forestry resources owned property. On the graphic on the screen, you can see the parcel numbers. So, it is the one closest to the road at once to separate from the other two. It is located on the east side of Old Bubbling Road. At the intersection with Bubbling trail, approximately 1.25. It is zoned SR, it requires a 20 acre lot size and 150 foot lot width. The subject property is about 10 1/2 acres, the other two are between 10 and 11 acres in size. None of them meet the FR standards. The subject property is within

the Lake George Pines unrecorded phase 2 subdivision. The parcels were at one time under common ownership with the two adjacent parcels. Each of the parcels does not meet the FR requirements. In 1988 when the subdivision was created, it was zoned A 3, and all the lots met the requirements at that time. In 1990, with the adoption of the forestry resource future land use, and then we adopted the forestry resource zoning classification, that is what created the nonconformity. So, two years after it was subdivided. The current owners purchase the property in 2004, they are actually the third owner in the chain of title on this property. They would like the ability to build a house on the property, but they cannot right now because it does not conform and it is not considered a lawful buildable lot because of that. So, approval of this variance request would make it designated as a lawful, nonconforming lot eligible for building permits. I also want to point out that the development pattern in the area is of similarly sized lots. You can see on the aerial that many of them have homes on them. It is not out of character with the area. With that, Steph does recommend approval of this variance request because we find that it meets all five criteria. Happy to answer any questions.

>> Thank you, Miss Jackson. Any questions for staff?

>> I have a question. Back when this was A 3, what was it setback for zoning, right now?

>> Oh, big.

>> That is what I am afraid of. I understand the history, so the rezoning... it seems like a lot of them should be rezoned to what they were. My concern is if they will have a property in the future for setback requirements.

>> It is still 10.5 acres. They have plenty of room to meet their setbacks.

>> OK. That was my concern. OK. Is the applicant's presence? The applicant is not present? Do we have any public participation?

>> No, sir.

>> OK, we will close the floor for public participation, and open the floor for council. I will say when these rezoning was done, there were a lot of parcels that should not have been rezoned, for whatever reason. I know a lot of them did this. I had this happened. So, I am in favour of going ahead and approving this variance request.

>> Mr Chair, since no one is commenting, I will make a recommendation that we approve variance 21 – 021. If staff has no conditions. So without any conditions. I'm sorry, I missed one, didn't I?

>> Including the one condition? I will second.

>> I have a motion to approve the 21 – zero 21 and a second. Any discussion on the motion? All those in favour signify by saying "I". Any opposed? Motion carried unanimously. Miss Van Damme.

>> Next case V 2 21 – zero 22. Application of gallery homes, for owners, requesting variances to the minimum yard requirements and planned unit development zone property.

>> Thank you Ms. Van Damme, Ms. Jackson, can we get the staff report on this?

>> This is the one that has two variances associated with it. Variance one is to reduce the east side yard from 10 feet to 9.1 feet. The second variance is to reduce the west side yard from 10 feet to 9.7 feet. The property is located at the northern terminus of marsh 10 village, about 534 feet from its intersection with Quail Hollow Drive. In the DeLand area. It is zone PUD. The lot conforms to the standards of the PUD requirements. It is a cul-de-sac lot. It is approximately 8520 ft.² in area. Per the Quail Hollow PUD development agreements, the required setbacks on this lot are front 25 feet, rear 30 feet, and details 10 feet. The total buildable footprint of the lot, with those setbacks in place, is over 4000 ft.² in area. The minimum requirement house size in the PUD, is 1200 ft.². So, there is plenty of room on that lot to build the minimum house size required. The applicants wish to construct a home on this property, a one-story house of 2024 ft.². Their house will meet the front and rear setbacks, but they are requesting the variance to the side yard setbacks. As proposed, the house encroaches 0.9 feet to the east side yard, and 0.3 feet to the west side yard. When staff evaluated this variance request, we have to recommend denial, as we find that it fails to meet four of the five criteria. It does not meet criteria one, there is no special circumstances associated with this property. It is a typical cul-de-sac lot. There does not appear to be any specific physical features that would preclude meeting the variances. Or meeting the setback requirements. The request does result from the desire of the applicants to build a specific house plan. Literal interpretation of the zoning requirements does not deprive the applicant of commonly held rights. And, it is not the minimum variance. The house can be redesigned to fit within the setbacks. We do find however, that it may meet criteria five, it is not necessarily considered injurious to the area, because the actual request of the encroachment is so small. It would probably not appear to be out of character. You probably would not notice it. However, we got an email and I believe it was forwarded to you, from the HOA, that indicates the HOA has concerns over drainage issues in the neighbourhood. Therefore, the HOA is in opposition to this variance request. So, with that, should the PLDRC find that the applicants have provided competent and substantial evidence to support the request, we have provided one condition for your consideration. I should have gotten to these graphics earlier, but I did not. You can see there that the variance site plans shows the area of encroachment. It is fairly minor. It also shows, on the right-hand side, what the buildable area of the lot is. With that I would be happy to answer any questions.

>> Any questions for staff? OK. Hearing none. Miss Jackson, one of the things that you have in here, is in the event that they should deviate from the site plan, they would have to request another variance application? Would they have to wait for the year timeframe in order to do so?

>> So, it is my understanding, if they request the exact same variance they have to wait. But if they are requesting something different, they do not. I would actually like to ask for Yolanda to weigh in on that.

>> Sure, let me bring up the provisions of the code. I did not find that this is cooperating with me. OK. I apologize, let me find that exact section of the code.

>> We will move on and you can address that. It is just concerning to me that they might have to wait a year, in the event that they made any alterations to their site plan.

>> Our code expert, she is saying that if it is denied, then they have to wait a year. But if it is approved and they say they design something different- if it has more encroachment- then they could come back in.

>> OK, that was my question. Alright, is the applicant present? Good morning, can I get your name and address for the record?

>> Good morning I am Allison Rouse with Gallery Homes, I am here as an agent for Mr And Mrs. Eras. Our address is 200 S. Spring Garden here in DeLand. Sorry, I am not good at public speaking.

>> That is OK. You have heard the staff report. is there anything you would like to add?

>> Absolutely, we would like to clarify some of the information on the report that is incorrect. We have been notified by the river HOA, that the minimum living elite -- area is 1400 ft.² with a minimum two car garage. I have the development guidelines if anyone needs to see it that were approved in 2018. The square footage requirement can be found in section 4A. The report states that the minimum living condition area is 1200 ft.² which is in contradiction to the HOA requirements. The reports lead you to believe that we are building a much larger home than the minimum requirement 1400 ft.² that I mentioned. The report states the minimum size is 1200 ft.², the applicant desires to construct a one-story 2024 ft.² civil family residence.

>> That is 45 ft.² over the minimum. With a two car garage requirement, where it too thousand 24 ft.². Altogether total. -- 2024 feet. It makes them think that we can do 2400 ft.² and they think it's too thousand. That is simply not the case. The report also states that the buildable footprint of the property is 4516. However, if we saw the pictures, here we go. Within narrow front yard of the front yard set it would probably have to be a minimum of 50 feet to accommodate them up this home. With the two car garage therefore making the buildable area about 3433 ft.². The buildable area is not a standard shape that could easily accommodate any standard home. If you would like I could have our survey drop what they hear will actually look like. I mean you cannot really get much less than 40 feet on the home. You are not going to have that. Your house is just going to be the garage. So, with that, we believe that the clarification would have a great impact on the opinion stated within section 4. So for example number one of the report states, the report states actually... Actually the report has another error. It states the lot as 8520 ft.² with no special physical features. A lot is actually 10,734 ft.², but if you take the realistic buildable front-end back to 50 feet. The building here is only 3000 433 which leaves only 33%. The actual lot area buildable 68% of the area is not buildable. Which is a very large percentage. This should constitute a special condition or circumstance does exist to this property. As far as a requirement for section 1. Number one I should say. Section 4 number two states that a house could be designed for the 4516 ft.² of buildable area. We would ask that the buildable area be adjusted. And also please keep in mind that designing a custom home to fit a small irregular shaped building area of the property is much more costly. This is a request that would cause undue financial burden for the

property owner. For the minor exception to be afforded to them. All County residents should have the right to build affordable housing to the property. It would seem unfair to regulate anyone out of affordable housing stop people from a 1400 square-foot home up to something else that would have to be two stories at this point. To meet requirements. And these are variances that have been granted throughout the community. On multiple occasions. In order to not build a home on your property, but to extend your home. And add square footage, and add impervious areas and add carports. We are not looking to add anything. We are looking to build a minimal modest home on these people's property. Section 3, references background of the report which I think we can all say has some clerical errors. And they mentioned that it would result in much larger house. He spoke to one of larger home. They want a small retirement home. And they are on a budget. So we can't really do anything bigger. Without it being a financial burden for them. In the home that I have chosen is within the aesthetics of the community. As far as section 4. A modest 1445 condition living area home with a two car garage that meets the minimum HOA requirements with a 9 inch exception to the east side yard setback and a 4 inch exception. To the west side set backyard is a minimal request that makes possible the reasonable use of the 30% applicable land. But assuming --... Would create a much larger encroachment in the back. So if we push the house back that is not a problem. And we can set it back further to meet that 10 feet. But, we have had her surveyor move this house on more locations than you can count. -- More locations. Every time we do that he creates a three, four foot -- for encroachment into the rear yard.... It has the least impact any of the setback. And that is why we pick this. You know if a 5 foot setback encroachment on the rear! Where is it preferable we would be more than glad to accommodate. Because there have been a lot of those granted throughout the community. Cashback on the rear. We received I think Yolanda forwarded the letter from the HOA last night and we received it this morning. We would like you to be aware that this is an encroachment. A lot of that was about drainage. This was a minor adjustment to the setback, and we would not be in any of the drainage (inaudible) we would still be able to create the swells and things that we need to have drainage stay within our property. With the home and driveway, the impervious area would be about 28%. Which is well under the guidelines of the County of 35. I believe it is 35 in that area. Typical around the county. Calorie homes nor the property owner can really be held accountable for what some of the contractor. Within the community. We pride ourselves on trying to be environmentally friendly. We don't trip lots we have a good relationship with the county on clearing. Things of this nature will be no different. We Expected not to go the home for this property owner. The antipathies -- anticipation that they need that land for drainage properties. We will and property owners will sign the drainage affidavit to obtain our building permit that states we will make sure our drainage does not go on the other properties and we will create the necessary swells to do so. So other than that.!

>>OK any other questions. I think you have made yourself pretty clear. (Laughs) Do we have any public participation on this other than the email that you received?

>>Closer.

>>OK thank you.

>>Thank you.

>>We regular close to four from purchase -- public participation.

>>I will make a motion on this. I think she did an excellent presentation. I don't see this is really an improved infringement on it. So I make a motion that we approve the 21 -- oh 20 to both variances. With the one condition that the step recommends. --

>>I will second.

>>OK I have a motion to approve B – 21... With both recommendations of the staff recommendation. Those in favour confirm by saying I

>>I

>>Motion carries unanimously. -- Next case application of James Joyce Robert... Owners requesting variances to the minimum yard requirements on urban single-family residential R for zone properties.

>>Thank you send them

>>Miss Jackson can I get the staff report on this.

>>Yes sir, there are two variances on the applicant wanting to build it talking about house. One is to reduce the east side from 15 feet to 1 foot. And the other is to reduce the west side yard from 15 feet to feet -- to feet. The location of the property is on the south side of Godfrey Road. About 25 feet east of its intersection with Canal Road in the Edgewater area. It is owned R4 requires a 7500 square-foot minimum lot area, and the 75 foot lot width. This property exceeds those requirements. It is 15,300 ft.² in area. In 135 feet in lot with. The property does contain a house, and it contains 150 ft.² shed. The property as you can see on the screen is wedge-shaped. So it is a little bit different, in that the point of the wedge goes out into the middle of the canal. I tried to make these two graphics kind of the same. But it is hard. The Arial is a little bit twisted, but you can see that the corner of the lot is that they corner, at the rear or the end of the canal. And they really only have about 35 feet of land area. Or area before the existing seawall pans. In turn the corner at the end of the canal. And so they have very little room in which to put any kind of dock or boathouse for this property. So the applicant, with the location where the applicant proposes to put the boathouse. The pilings would be about three to half feet from the east property line, and for 1/2 feet from the west property line. -- 4 1/2. So that the overhang for the boathouse which would be allowed normally to extend beyond up to 3 1/2 feet. Or have to step back, whichever is less. In this case, it would further encroach into the setbacks. And therefore what they are requesting includes the overhang. It is not just to the first vertical wall. So in order to, to place this particular boathouse in this location. They're asking for the setbacks to 1 foot, to the east side line. And 2 feet to the west side line. To include the overhang for the boathouse. So when we evaluate this, we have to recommend denial. As it fails to meet one of the five criteria. We find that it does not meet criteria for that it is not the minimum variance required. They could build a smaller boathouse. They could not build the boathouse. Maybe just building talk, and be requesting a lesser variance. However, we do find that it meets four of the five criteria. We do find that there are special circumstances associated with the lot due to its triangular-shaped, and the point being out in

the middle of the canal. And being at the end of the canal. In the shape of the lot is not due to actions of the applicant. Literal interpretation of the ordinance, would probably not allow dock, or both house on this property. Which appears to be a common right among these property owners. Almost every property has a dock. Or a boathouse, on their canal front. And we also find that it is not likely to be injurious to the area. Several properties in the area including the neighbouring properties to the west, have docks and boathouses. That appeared to be constructed at or near the property line. And it doesn't appear that this particular dock, configuration, would impede any of the neighbouring docks. They would still be able to get to their docks, and their boathouses. Without interference from the construction of this. So should the (unknown term) that the applicants have provided competent substantial evidence we have provided two conditions for your consideration. Happy to answer any questions.

>>Thank you Ms. Jackson. Any questions for staff? Ms. Jackson is that a boathouse on the west property, a joint property right here? On the side right there?

>>I believe it is with the platform on top.

>>OK. Alright. If the applicant present?

>>Mr Joyce?

>>Yes I am here good morning.

>>OK Mr Joyce you have heard the staff report. Is there anything you would like to add to that?

>>No. I would just like to just say that if you look at the way that the canal comes down. I am kind of in a cold. So the canal comes down, and then it gets back around 30 feet to my seawall. So I am kind of in the cold. So my boathouse placing it there is not going to be, in either my neighbour to the last or my neighbour to the east. I will not impede their access in and out to their own boat dock. Nor any travel down the canal. And my neighbour to the west, he has the same wedge-shaped property. And he has the same you know, access to his talk the way he had to design and build it. He had to go right up to his own property line. Do we have any public (unknown term)?

We are going to move right on and close for bird poly participation open a commission discussion.

>> I remember we had something about Botox a while back, I did a lot of research, I passed it at the time. We have had a couple of you similar to this, I do not see any other solution than to leave setbacks on this. I am not in favour of it, if you talk to have dealt with like this before, that is just my intake on it. We have not had any in a while, I went back 17 years and looked at them, and we have had about 4 of these.

>> In neighbour to the west has had no objection.

>> We have no objection.

>> Thank you.

>> Miss Jackson would both of these neighbours have been notified of this variance request? OK thank you.

>> I am going to make a proposal that we approve the 21 – 023 with the two conditions and recommended approval.

>> I will second.

>> I got a motion to approve V- 21 – 023 variances one and two, all those in favour say I, motion approved unanimously.

>> This case is application of Vincent A and Barbara M Warren owners requesting a variance to allow more than one accessory structure exceeding 500 ft.² in area on urban single-family residential R3 zone property.

>> This variance is to allow two accessory structures over 500 ft.² in size on a residentially zoned property. It is located on the south side of (unknown term) about 146 feet west of the intersection with Canary Drive. The property is zoned R3 requires a 10,000 square-foot lot area, and lot with 85 feet. The property is almost 1 acre it is .91 of an acre, and it is 124 feet and with, it exceeds the minimum standards by quite a bit. Is about four times the size of our normal lot.

So the urban essentials zone and classifications only allow one accessory structure over 500's 4 feet in size, on this particular property there is already a shed of about 600 ft.² on the property and you can see it is kind of a dark area on the south sides of the area photographed. The applicant would like to build another detached carport that measures 25' x 40', 1000 ft.² in size, they want to store a boat underneath it and probably some additional equipment. In order to be able to do that, where they are showing it to be located as you can see on the variance's site plan on the right, it means all the setbacks that are required. When we evaluate this variance request, we have to recommend denial as we find it finds to meet three of the five criteria. Number one, there are no special circumstances associated with the lot. It is an R 3 zone lot, even though it is larger in size than normal, it still must meet the criteria. The circumstances for this request are due to the desires of the applicant to want an additional accessory structure. It is not the minimal variance obviously, they could design it smaller, they could renovate the shed to be larger, they could have a two door garage associated with the garage, they could expand that. There are other options, so we cannot find that it is the minimum variance. We do find that it meets criteria 3, we find that the other options may not be viable because they would require creation of a hardship and that there is a lot of demolition and construction work that would have to go on to the existing structures that is maybe unnecessary. And we also find out that it may not be (unknown term) to the area, as you can see in the photograph the neighbours to the east and the south, they seem to have necessary structures as well. As I say the lot is four times larger than it is required, if it was subdivided, each of those lots could have an accessory structure greater than 500 feet in size. Would not feel it would be out of character for the area nor what it impacts the

adjacent property owners.

If the applicant is able to provide competent and substantial... we have two pieces for your consideration. As any questions.

>> Any questions for staff? Hearing then is the applicant present?

>> Mister Warren?

>> Good morning.

>> Good morning sir could be get your name and address for the record?

>> (inaudible)

>> You've heard the stop report this morning, do you have anything that you would like to add to that?

>> This PowerPoint presentation. In January I had a deck built, first of all the property... circle that comes into our backyard. After the deck comes I checked the permit to build a boat cover, they informed me that the house proceeds and I could not have half of that...

These are neighbours, I apply and went ahead for plan for the building envelope. This one here came about, this is the current day. That is the (unknown term) ahead with a few trailers and the neighbours (inaudible). This is the existing shed you can see the buildings in the backyard from the neighbours. You have the enabling building, that is what I would hope for it to look like thank you.

>> I noticed that in the package you had approved from the adjoining property owners as well?

>> They had no problem, all the surrounding neighbours. The one on the rear, and the west side. Across the street is a home with 60 feet thick (unknown term) and they have a 30 x 40 building, cottage, they have a corkboard on the side and it just seems kind of strange that mine was denied. I hope this approval will hope to be good.

>> Let us see if we have any public participation, if we do I will let you come back and address any concerns that anyone may have. Any public participation?

>> Based on all the signature papers that are in here, I do not see any opposition from the neighbour, is that correct? In which case I will make a motion to approve case number V 21024 with the two staff recommendations.

>> I will second that.

>> Second.

>> I have got a motion to approve V 21 024, all those in favour signify advice and I? Motion carried unanimously, let us go to the next one. Last one!

>> Next case is requesting a variance to the minimum yard requirements on urban single-family residential R 4 zoned property.

>> This request is for an existing accessory structure, to reduce the south side yard to 23.2 feet, the property is located on the northwest corner and intersection of Williams Avenue and (unknown term) of the New Orleans area. R 4 requires 7200 feet and... the property is 11,954 ft.² and 139 feet in plot with, it exceeds the minimum standards. The property is located in the foreign say subdivision, it was platted in 1956. It is a corner lot, so it has to front yards adjacent to the abutting streets. And then to side yards. The owner purchased this property in 2017, when they purchased it it contained a house built in 1995, the shed in this photograph, that was built in 2000. You can see it has a boat parked by it and the shed exists. For some reason I do not understand the December 2019, the new owner was issued a notice of violation for the shed when they have been there for 20 years. The new owners have applied to get an after-the-fact building permit for that shed, they are unable to obtain it because it does not approach into that front yard setback adjacent to the street by a few feet. This shed is located 100 feet from the Williams Avenue right of way, it is located behind the house, but it is located just a few feet into the setback adjacent to Arlene Street, there is however about 20 feet of grass area between the property line and the Travelled Way in Arlene Street, you can see it in this graphic, it is dirt and kind of turns into a 2 track Rd. It is not really a major travel way it is just the end of the block. When they evaluate this particular area, -- For granting the variance.

>>We do have some conditions associated with all recommendations of approval.

>>Thank you Ms. Jackson, any questions for staff? OK hearing then. As the applicant present?

>>Mr Daniel?

>>Hello good morning?

>>Mr Daniel?

>>Can you hear me, good morning?

>>Yes good morning.

>>State your name and address for the records are.

>>Can yell, 295 Withers Avenue, Palmer city Florida.

>>OK you heard the staff report was anything you could add to that?

>>Everything is correct there. I appreciate the report. I am a first-time homeowner. Veteran. I guess

our acquired the issue before less so I'm trying to remedy, fix it right now.

>>OK, do you have any questions for the applicant?

>>Yeah, I had just have one. That street, that perch street right along the side of what is it? Abilene? Arlene? Is that he's at all? Were very much?

>>It is barely used. It is just between me and the sidestreet of the person next to me. I was recommended to get a vacate, but I would try to do this first. And it would eliminate my... Because they decided it is to backorders. Instead of being one property, like one front. They got her for being two fronts. Because this is technically a corner on the street that is not really travelled on. So that is why they got meal with the setback.

>>I also noticed that in the end of the street, there is a square area looks like it is a parking lot. What is that?

>>It looks like my neighbour can't, he can't parking for the house. So he can only park on the side there.

>>OK. Thank you.

>>Thank you.

>>OK, if we have no other questions for the applicant I am going to ask for any public participation. Do we have any public participation in this case?

>>No sir.

>>Hearing then, I'm going to close the floor for public participation and open up for commission and -- emotion.

>>I will make a motion to approve the... On the condition that staff recommend.

>>Second.

>>OK I have a motion to approve 21 – 025 on the pre-recommended conditions for Mr Young, and the second from the Shelley. Any discussion on the motion?

>>Yeah, I find it a little unsettling. That this individual, that this gentleman had to basically spend his time and effort to put this together for something that has been there for 20 something years. I just wanted to go on record on saying that.

>>OK you are going have a lot of agreement on that.

>>OK all those in favour signify by saying I.

>>I.

>>Any post?

>>Motion carried soon as you -- motion carried unanimously. I don't think we have any old business. We have a public items?

>>No sir.

>>You have any stock items?

>>No sir.

>>To have any commission comments?

>>Parking.

(Laughter)

>>We have addressed that earlier.

>>I got that.

>>I would like to wish everybody a Merry Christmas, and a safe one. We might not sealing till next year.

>>Same to everybody for me. I hope that everybody makes it through the new year.

>>Yes. OK to have any press or citizen comments here?

>>This meeting is adjourned.

>>We have an account teacher.

>>By the way thank you for your professional lives and this morning -- professionalism. That made up for the parking.

>>Just as an FYI we have a new county sheriff. And we have a new District 3 County member. So you might want to reach out... You might want to reach a true councilmen if you're still interested and your applications are due. You have to reapply. Because you all expire in March. I can send you the application.

>>You might as well email to everyone.

>>Mystery you still interested?

(Laughter)-- Mr Young?

>>He was telling me this morning how many years.

>>(inaudible)

>>He got continued.

>>... We are not going to reprint them. So save your packets.

>>I was gonna toss them, so thank you.