

LPA / PLANNING AND ZONING BOARD
MINUTES
JANUARY 4, 2016

The Local Planning Agency / Planning and Zoning Board held a regular meeting on Monday, January 4, 2016 in the City Commission Chambers, 210 Sams Avenue, New Smyrna Beach, Florida. Chairperson Travous Dever called the meeting to order at 6:30p.m.

ROLL CALL

The following members were present:

Travous Dever
Stephen Sather
Ian Ratliff
Pat Arvidson
Jamie Calkins
Steven Casserly
Kelly Azzinaro

Also present were Assistant City Attorney Greg McDole; Interim Planning Manager Jeff Gove; Planner Robert Mathen; Planner Steve Bapp; Board Secretary Tammy Dickerson and members of the public.

ELECTION OF CHAIR AND VICE CHAIR

Mr. Sather nominated Mr. Casserly as Chair, seconded by Mr. Calkins. Motion passed unanimously on a roll call vote, 7-0.

Mr. Calkins nominated Mr. Ratliff as Vice-Chair, seconded by Pat Arvidson. Motion passed unanimously on a roll call vote, 7-0.

APPROVAL OF MINUTES

Motion by Mr. Calkins, seconded by Ms. Azzinaro, to approve the minutes of the regular December 7, 2015, Planning and Zoning Board meeting. Motion passed unanimously on a roll call vote, 7-0.

Mr. Dever stated that case V-3-16: 176 Corbin Park Road was advertised but it's not on the agenda and won't be heard at tonight's meeting. He also stated that the following case is requesting continuance:

- J. **SP-19-15: RESPLENDENT MF / PORTOFINO BLVD. (CLASS III)**
Mark Dowst, P.E., 536 N. Halifax Ave., Suite 100, Daytona Beach, FL 32118, applicant and authorized representative of property owner Venetian View Ventures LLC, 1474 W 84th Street, Hialeah, FL 33014, requests Class III site plan approval for a new multi-family facility proposed for 267 units on an undeveloped 14.88 acre site. The property is within the Venetian Bay PUD zoned

community, and is generally located north of Portofino Boulevard and east of Airport Road, within Tract F of Venetian Bay Ph 2 Unit 1 (VCPA # 7317-01-00-0002).

Mr. Gove stated that the applicant has requested to continue this case until the March 7, 2016 meeting agenda. He stated that the applicant isn't here tonight and there hasn't been a staff report prepared. He stated that they didn't meet the technical issues and therefore they couldn't be heard at tonight's meeting.

Motion by Mr. Sather, seconded by Mr. Casserly, to continue this case SP-19-15 Resplendent MF / Portofino Boulevard (Class III) to the March 7, 2016, Planning and Zoning Board meeting. Motion passed unanimously on a roll call vote, 7-0.

PUBLIC PARTICIPATION

Chairman Casserly opened public participation.

No one from the public spoke regarding any items that were not on the agenda.

Chairman Casserly closed public participation.

OLD BUSINESS

A. V-13-15: SOUTH ATLANTIC AVENUE/OVERCHUCK

John and Natacha Overchuck, 641 Manor Road, Maitland, Florida 32751, applicants and property owners, requests approval of a variance to reduce the required front yard setback on a corner lot from 10' to 5'. The subject property consists of approximately 0.4 acres, is currently zoned R-6, Multi-Family Residential, and is located southeast of the intersection of East 16th Avenue and Hill Street. (VCPA PID # 7422-01-17-0010) (This case was continued from its previously scheduled October 5, 2015, November 11, 2015, and December 7, 2015 meetings, due to inadequate public notice by and/or request of the applicant).

Mr. Gove stated that the case was withdrawn by the applicant.

NEW BUSINESS

B. A-1-16: 1921 & 1933 SOUTH GLENCOE ROAD / 2575 ERENA DRIVE

George and Mary Seney, 1921 South Glencoe Road, New Smyrna Beach, Florida 32168, applicant and property owners, request voluntary annexation, *Comprehensive Plan* amendment from Volusia County Rural to City Rural, and rezoning from Volusia County A-4, Transitional Agriculture to City A-4, Transitional Agriculture, &

Steven L. and Rachel D Hardock, 806 Oakview Drive, New Smyrna Beach, Florida 32169, applicants and property owners, request voluntary annexation, *Comprehensive Plan* amendment from Volusia County Rural to City Rural, and rezoning from Volusia County RA, Rural Agricultural Estate to City RA, Rural Agriculture Estate.

The subject properties consist of approximately 7.5 acres, and are generally located south of SR 44, addressed as 1921 South Glencoe Road (VCPA# 7335-00-00-0063), 1933 South Glencoe Road (VCPA# 7335-00-00-006A), and 2575 Erena Drive (VCPA# 7335-00-00-0074).

C. A-2-16: VACANT PARCEL ON ROSS LANE / 436 WARREN AVENUE

Larry E. Buck, 1603 South Riverside Drive, New Smyrna Beach, Florida 32168, and Cynthia V. Buck, 551 Doras Lane, Bakersville, North Carolina, 28705, and Michael R. Buck, 1143 Corbin Park Road, New Smyrna Beach, Florida 32168 applicants and property owners, request voluntary annexation, *Comprehensive Plan* amendment from Volusia County UMI, Urban Density Intensity to City MDR, Medium Density Residential and rezoning from Volusia County R-4, Urban Single-Family Residential to City R-2, Single-Family Residential.

Suzanne T. Palmer, 436 Warren Avenue. New Smyrna Beach, Florida 32168, applicant and property owner, request voluntary annexation, *Comprehensive Plan* amendment from Volusia County UMI, Urban Density Intensity to City MDR, Medium Density Residential and rezoning from Volusia County R-4, Urban Single-Family Residential to City R-2, Single-Family Residential.

The subject properties consist of approximately 0.44 acres, and are generally located on the north side of Ross Lane (VCPA# 7419-00-00-0330), and north of Canal Street addressed as 436 Warren Avenue (VCPA# 7418-01-23-0010).

D. A-3-16: 2362 MELONIE TRAIL / 2342 MELONIE TRAIL

Robin A. Vinay, 2362 Melonie Trail, New Smyrna Beach, Florida 32168, applicant and property owner, request voluntary annexation, *Comprehensive Plan* amendment from Volusia County Rural to City Rural, and rezoning from Volusia County A-3, Transitional Agriculture to City A-3, Transitional Agriculture.

Jack V. Travis, 2342 Melonie Trail, New Smyrna Beach, Florida 32168, , applicant and property owner, request voluntary annexation, *Comprehensive Plan* amendment from Volusia County Rural to City Rural, and rezoning from Volusia County A-3, Transitional Agriculture to City A-3, Transitional Agriculture.

The subject properties consist of approximately 2 acres, and are generally located east of the East Coast Railroad and north of Williams Road, addressed as 2362 Melonie Trail, (VCPA# 7340-04-00-0160) and 2342 Melonie Trail, (VCPA#7340-04-00-0170).

E. A-4-15: 411 OLD MISSION ROAD

Douglas J. Thompson, 400 Rush Street, New Smyrna Beach, Florida 32168, applicant and property owner, request voluntary annexation, *Comprehensive Plan* amendment from Volusia County UMI, Urban Medium Intensity to City MDR, Medium Density Residential, and rezoning from Volusia County R-4, Urban Single-Family Residential to City R-2, Single-Family Residential. The subject property consists of approximately 0.345 acres, and is generally located south of SR 44 addressed as 411 Old Mission Road (VCPA# 7419-14-11-0040).

F. A-5-16: 2218 DOSTER DRIVE

Edward and Carol Fisher, 2218 Doster Drive, New Smyrna Beach, Florida 32168, applicant and property owner, request voluntary annexation,

Comprehensive Plan amendment from Volusia County ULI, Urban Low Intensity to City LDR, Low Density Residential, and rezoning from Volusia County R-4, Urban Single-Family Residential to City R-2, Single-Family Residential. The subject property consists of approximately 0.69 acres, and is generally located south of SR 44 addressed as 2218 Doster Drive (VCPA# 7344-03-00-0270).

Mr. Mathen reviewed staffs' findings and stated that staff recommended approval of the requested annexations, *Comprehensive Plan* amendments and rezonings. He stated that staff was able to find capable zoning for all applicants except zoning for 1921 South Glencoe Road. He stated that staff has prepared a zoning text amendment to have a compatible zoning district for this parcel which is item G on tonight's agenda. He stated that their approval would be conditioned upon the approval of this zoning text amendment.

Motion by Mr. Dever, seconded by Mr. Calkins, to recommend the City Commission approve the requested annexations, *Comprehensive Plan* amendments, and rezonings with the condition that the zoning text amendment ZT-1-16 is approved for the zoning for A-1-16: 1921 South Glencoe Road. Motion passed unanimously on a roll call vote, 7-0.

G. ZT-1-16: A-4, TRANSITIONAL AGRICULTURE ZONING DISTRICT
The City of New Smyrna Beach, 210 Sams Avenue, New Smyrna Beach, Florida, 32168, requests approval of amendments to the City's *Land Development Regulations* to create the A-4, Transitional Agriculture zoning district.

Mr. Mathen reviewed staffs' findings and stated that staff recommended approval of the proposed changes to the City's *Land Development Regulations*.

Motion by Mr. Sather, seconded by Mr. Ratliff, to recommend the City Commission approve the requested zoning text amendment. Motion passed unanimously on a roll call vote, 7-0.

H. S-9-15: CALLALISA PRESERVE PPL & FPL
Patrick J. Knight, 1900 Adams Dr. E., Maitland, FL 32751, applicant and representative of property owner 524SouthPeninsula, LLC, same address, requests Preliminary & Final Plat approval for an 8 lot single family & duplex subdivision, with associated site improvements. The subject property consists of approximately 3.09 acres, is currently zoned R-4, Multi-Family Residential, and is generally located on the west side of South Peninsula Avenue between Ocean Avenue to the north and 2nd Avenue to the south, on the north and south sides of the Marker 33 entrance driveway (VCPA PID # 7416-00-00-0353).

Mr. Gove reviewed staffs' findings and stated that staff recommends the Planning and Zoning Board approve a recommendation to the City Commission for the requested preliminary and final plat with the following conditions:

- a. The Planning and Zoning Board specifically approve the layout shown on the Exhibit C plans, as required under Section 605.01 F (3) of the LDR, for those seven (7) proposed lots that each have "*direct access and is adjacent to an access drive having a minimum width of 20 feet and approved by the Planning*

and Zoning Board of New Smyrna Beach, but has not been accepted for maintenance by the City and is not available for public uses,”

- b. All outstanding staff comments be addressed, and the plat is approved by all PRC members, prior to City Commission approval, and
- c. A review of the plat be completed by an independent surveyor contracted by the City at the applicant’s expense, to confirm the survey and plat as presented by the applicant, prior to City Commission approval.

Motion by Mr. Sather, seconded by Mr. Dever, to recommend the City Commission approve the requested preliminary and final plat with the following conditions:

- a. **The Planning and Zoning Board specifically approve the layout shown on the Exhibit C plans, as required under Section 605.01 F (3) of the LDR, for those seven (7) proposed lots that each have “*direct access and is adjacent to an access drive having a minimum width of 20 feet and approved by the Planning and Zoning Board of New Smyrna Beach, but has not been accepted for maintenance by the City and is not available for public uses,”***
- b. **All outstanding staff comments be addressed, and the plat is approved by all PRC members, prior to City Commission approval, and**
- c. **A review of the plat be completed by an independent surveyor contracted by the City at the applicant’s expense, to confirm the survey and plat as presented by the applicant, prior to City Commission approval.**

Motion passed unanimously on a roll call vote, 7-0.

I. SP-8-15: BRILLIANCE ALF – US1 & WAYNE AVE / AILANI (CLASS III)

Dr. Rajesh Ailani, PCCC of Volusia, LLC, 1055 No. Dixie Freeway, New Smyrna Beach, FL 32168, applicant and owner, requests Class III site plan approval for the redevelopment of existing buildings for conversion into a 54 bed Assisted Living Facility (ALF) on a 1.2 acre developed site at the southeast corner of the intersection of US1 and Wayne Avenue that is zoned B3, Highway Service Business District (VCPA PID # 7441-02-00-1020).

Mr. Gove reviewed staffs’ findings and stated that staff recommends the Planning and Zoning Board approve the requested site plan with the condition that any outstanding items be addressed by the applicant for the plan to then be approved by all PRC members, as part of the review process still pending at the time of this report.

Grant Renee, Yazz Consultants LLC Engineer for the project, stated his name then addressed the Board. He stated that the driveway access was a FDOT safety improvement. He stated that he was here for any questions the Board might have.

Motion by Mr. Dever, seconded by Mr. Sather, to approve the site plan with the condition that any outstanding items be addressed by the applicant for the plan to then be approved by all PRC members, as part of the review process still pending at the time of this report. Motion passed unanimously on a roll call vote, 7-0.

K. V-1-16: 101 ESTHER STREET / DARRENKAMP

Kevin C. and Terri L. Darrenkamp, 101 Esther Street, New Smyrna Beach, Florida 32169, requests approval of a variance from Land Development Regulation 803.03 to allow a 6 foot high fence in a front yard. The subject property consists of approximately 0.28 acres, is zoned R-2, Single-Family Residential, and is generally located west of North Peninsula Avenue and north of Flagler Avenue addressed as 101 Esther Street. (VCPA#7455-01-00-0991).

Chairman Casserly swore in Mr. Mathen. Mr. Mathen stated his qualifications and educational background and he was qualified as an expert witness. Mr. Mathen reviewed staffs' findings and stated that staff recommended staff recommends denial. However, should the Board determine that all five variance criteria have been satisfied, staff would recommend that the following conditions be applied to the Board's approval:

1. The variances only apply to the sections of fence showed on Exhibit D and not for other accessory structures.
2. The property owner applies for and receives a building permit for the section of fence listed as request # 1, from the City Building Department within 60 days or this portion of the variance would be null and void.
3. The property owner applies for and receives a building permit for the section of fence listed as request # 2, from the City Building Department within 2 years or this portion of the variance would be null and void.

Kevin Darrenkamp, applicant, was sworn in to testify then addressed the Board. He stated that there are two separate reasons for the variance request one being trespassing and vandalism and the other being harassment from the neighbors. He stated that their intent was to put up a 6-foot wooden fence. He discussed the comments that were provided by the neighbors including the legal issues.

Mr. Sather asked if the property had been vacant before they purchased the property.

Terri Darrenkamp, applicant, was sworn in to testify then addressed the Board. She stated that she was told the property was vacant for approximately 10 months before they purchased the property. She stated that after they called the police department during a trespassing issue they were told by the police department that it was partying place during that time period.

Mr. Darrenkamp stated that they have occupied the property for 3 years and the trespassing still hasn't subsided.

Ms. Azzinaro asked if construction is still ongoing.

Mr. Darrenkamp stated that was correct and even when it is completed they don't think the harassment will stop.

Mr. Ratliff asked if a 4-foot fence wouldn't suffice for this issues they were having.

Mr. Darrenkamp stated that they believe people will just jump over it that 2 more feet makes a big difference.

Mr. Dever stated that he thought maybe a 6-foot slated metal fence might work for the trespassing and wouldn't obstruct the view.

Mr. Darrenkamp stated that would be a great idea if trespassing was the only issue but the harassment from the neighbors is the other reason for this request.

Mr. Calkins and Mr. Sather stated that they visited the property.

Mr. Ratliff asked the applicants how they met the variance requirements.

Mr. Darrenkamp stated that we don't feel a privilege to have to put up this fence and a nearby neighbor also has a 6-foot fence so they wouldn't be the only property in the neighborhood with a 6-foot fence. He stated that it's at dead-end so there wouldn't be a traffic issue.

Doyle Kennedy, 2642 Sunset Drive, was sworn in to testify then addressed the Board. He stated that his parents use to live nearby this property and they were having the exact same issues as these property owners. He stated that possibly a rod iron fence that wouldn't obstruct the view would be the answer for this problem they are having with the trespassers.

Randy Herman, 108 Esther Street, was sworn in to testify then addressed the Board. He stated that he has lived in the neighborhood for 5 years and his mother even longer. He stated that applicants were lying that this property was never a party house. He stated that the applicants were aware of what they were buying. He stated that he has suggested mediation with the neighbors and the Darrenkamps but there are no services available. He stated that walls aren't going to solve anything. He stated that they need to call the police if they have issues not build a wall. He stated that his personal view will be affected and the neighbors have a deeded access to the river and it shouldn't be blocked by this request. He stated that the wall should be 25-feet back from the river if they chose to put it up to not block the view.

James Peterson, attorney on behalf of some of the neighbors, stated his name then addressed the Board. He stated that there are means of solving the applicant's issues and that would be the police department or code enforcement. He stated that there is no reason to grant a special privilege for their issues on this property. He stated that there is no special circumstances on this property. He stated that neighbors feel if the applicants feel this strongly about this request at least keep it to 4 foot in height to not block the visibility triangle.

Michael Wintz, 99 Esther Street, was sworn in to testify then addressed the Board. He stated that he is only against the visibility triangle when it comes to this request. He stated that many residents come to this area to see the view of the river, sunset etc. He

stated that in the 19 years he has lived at this property he has had no trespassing issues and has a 4-foot wall around his property. He stated that this property was vacant for 10 months but wasn't a party house during that time period. He stated that unless the Darrenkamps plan to put a wall on top of their seawall this wouldn't stop trespassers and there has been no harassment from the neighbors to the Darrenkamps. He stated that after the Darrenkamps complete construction the issues in the neighborhood will be rectified.

Mr. Calkins stated that he doesn't believe that it's a 4-foot wall around the property at 99 Esther Street he was over 6 foot tall and wouldn't be able to get over the wall surrounding this property.

Mr. Wintz stated that if the problem truly exist then the wall should be on the river front also in front of the property not just on the side where it would be blocking the visibility triangle.

Earl Wallace, 114 Florida Avenue, was sworn in to testify then addressed the Board. He stated that he was in favor of the request that there are problems with trespassers on the riverfront properties.

Mr. Ratliff stated that he didn't see how this variance request wasn't providing special privilege for this property owner. He stated that they should at least build a 4 foot fence and see how it works and then if it doesn't then come back to the Board at that time to request the variance again.

Mr. Calkins stated that he sees this as a unique road and he disagrees with staffs comments on how they don't meet the criteria.

Mr. Dever stated that he agrees but is against a solid fence all the way to the river.

Mr. Sather stated that he also agrees they meet the criteria.

Motion by Mr. Calkins, seconded by Mr. Sather, to recommend approval of the variance with the following conditions:

- 1. The variances only apply to the sections of fence showed on Exhibit D and not for other accessory structures.**
- 2. The property owner applies for and receives a building permit for the section of fence listed as request # 1, from the City Building Department within 60 days or this portion of the variance would be null and void.**
- 3. The property owner applies for and receives a building permit for the section of fence listed as request # 2, from the City Building Department within 2 years or this portion of the variance would be null and void.**

Motion failed on a roll call vote, 3-4 with the following Board members dissenting, Mr. Casserly, Mr. Ratliff, Ms. Azzinaro and Ms. Arvidson.

Ms. Azzinaro and Ms. Arvidson left at 8:06pm.

L. V-2-16: 720 SOUTH DIXIE FREEWAY / SAVE A LOT

Van Morgan of D & R Signs, 133 Thomason Avenue, Daytona Beach, Florida 32117 authorized applicant for Ozinus NSB LLC, 12481 Brantley Commons Court, Fort Myers, Florida 33907 property owner request approval of a variance of Section 604.12.G.2.b.1 to allow wall signage from the allowed 200 square feet to 310 square feet. The subject property consists of approximately 5 acres, with a 35,590 square foot commercial building and is zoned B-3, Highway Service Business District, and is generally located south of Canal Street on the west side of South Dixie Freeway addressed as 720 South Dixie Freeway. (VCPA #7444-01-00-0230)

Mr. Mathen reviewed staffs' findings and stated that staff recommended staff recommends denial. If the Board determines that the variance application meets of the criteria, the following conditions should be applied to the Board's approval:

1. The variance approval is only for the proposed 310 square wall sign located on the north side of the building and not for any additional wall signage.
2. A building permit is obtained within 60 days of this variance approval.

Van Morgan, 133 Thomason Avenue, was sworn in to testify then addressed the Board. He stated that a larger sign is needed for drivers passing by to see the signage without having to break hard or changing lanes for them to have to do a u-turn and go back to the store.

Mr. Sather asked if the formula that Mr. Morgan was stating came from FDOT.

Mr. Morgan stated that was correct.

Mr. Calkins asked if the owner would be willing to lower the size of the sign a little due to the fact they will have a street and wall sign.

Mr. Morgan stated that it's possible but the road sign is obstructed also by a tree.

Nick Patel, 720 South Dixie Freeway, was sworn in to testify then addressed the Board.

Darline Wethington, 1704 Greenridge Circle Jacksonville, was sworn in to testify then addressed the Board.

Mr. Dever stated that it would be nice if the owner of the property would trim up the tree around the sign.

Mr. Patel stated that they don't want to take out the landscape.

Mr. Ratliff stated that he didn't believe drivers would miss that size building to go from a 200 foot sign that is allowed to a 300 foot sign.

Motion by Mr. Dever, seconded by Mr. Calkins, to recommend approval of the variance with the following conditions:

- 1. The variance approval is only for the proposed 310 square wall sign located on the north side of the building and not for any additional wall signage.**
- 2. A building permit is obtained within 60 days of this variance approval.**

Motion passed on a roll call vote, 3-2 with the following Board members dissenting, Mr. Casserly and Mr. Ratliff.

M. V-4-16: 124 S WALKER DRIVE / STORCH

Glenn D. Storch, 420 South Nova Road, Daytona Beach, FL 32114 applicant on behalf of Auto Zone LLC (Contract Purchaser) for property owners Mary K. Whitehouse, 2248 Grand Ave, Deland FL 32720; and Doyle Kennedy, 2642 Sunset Dr. New Smyrna Beach, FL 32168; requests variances to construct a new commercial building as follows:

1. Reduce the minimum lot frontage from 300 feet to 225 feet.
2. Increase the build-to-line from Walker Drive from 25 feet to 100-135 feet.

The subject property is zoned PUD and is in the SR 44 Corridor Overlay Zone (COZ), contains approximately 2.12 acres, and is generally located South of SR-44 and West of South Walker Drive. The property is addressed as 124 South Walker Drive (VCPA # 7343-06-00-0521 and 7343-06-00-0511/portion thereof).

Chairman Casserly swore in Mr. Bapp. Mr. Bapp stated his qualifications and educational background and he was qualified as an expert witness. Mr. Bapp reviewed staffs' findings and stated that staff recommended staff recommends denial. If the Board determines that the variance application meets all of the criteria, the following condition should be applied to the Board's approval:

1. Increase the build-to-line from Walker Drive from 25 feet to 100-135 feet to the building footprint as shown on submitted concept plan.

Mr. Calkins asked what the parcels nearby on SR44 were zoned.

Mr. Bapp stated that the current zoning is PUD.

Glenn Storch, attorney for the applicant, stated his name then addressed the Board. He stated that the applicant has spent about 2 years planning this application because of how difficult the zoning classification is for this property. He plans to build a 7000 square foot building on a 2 acre site which is very small for this size property. He stated that this was a difficult site to work with because of all the different irregularities on the property especially being on a corner lot. He stated that they have worked with staff to set this building back from the road to allow for vegetation and won't affect the neighborhood on the looks of the building directly on the road. He then discussed on

how they met the criteria for the variance. He stated that he will continue to work with staff and the neighborhood to make sure this has no impact on the neighbors.

Jary Hustead, 166 Walker Street, was sworn in to testify then addressed the Board. He stated that he was concerned about the stormwater from the property being transferred on to his property and the fact that this will lower his property value.

Mr. Storch stated that the property owner will be required to retain 125% of the stormwater on their own property so this won't be an issue for the residents in the neighborhood. He stated that they will meet with the neighbors with the plans in the future.

Resident, 826 Flagler Avenue, was sworn in to testify then addressed the Board. He stated that the traffic is already bad in this area why not go to one of these abandon buildings instead of this corner lot.

Steve and Wendy Payne, 144 Walker Drive, were sworn in to testify then addressed the Board. They stated that they wanted this property to stay residential like it is now and this will be an eye sore and not a good place for Auto Zone to be located.

Mike Morris, 2059 Burma Road, was sworn in to testify then addressed the Board. He stated that he was concerned about the traffic already and this will just cause more traffic to the area. He stated that this is a neighborhood and no buffer will make a difference.

Mr. Storch stated that he understands the issues that the residents are having but these aren't directly towards the variance request. He stated that this property is designated commercial not residential. He stated that he will continue to work with the residents on their concerns.

Mr. Dever stated that the concerns can be worked in to the PUD.

Motion by Mr. Dever, seconded by Mr. Ratliff, to recommend approval of the variance with the following conditions:

- 1. Increase the build-to-line from Walker Drive from 25 feet to 100-135 feet to the building footprint as shown on submitted concept plan.**

Motion passed unanimously on a roll call vote, 5-0.

COMMENTS OR STATEMENTS BY MEMBERS OF THE BOARD

Mr. Dever asked what needed to be done to change the PUD and variance process. He stated that the elected officials should be dealing with these issues with PUD.

Mr. McDole asked if he wanted a PUD to be a back room negotiation.

Mr. Storch stated that the LDR could be amended to allow certain things to be negotiated or flexibility with the process.

Mr. McDole stated that would be a good approach.

Mr. Dever stated that items such as landscaping could be negotiated on the staff level.

Mr. McDole stated that he agreed that there should be a list of negotiable items during the PUD process.

Mr. Dever stated that the Board needs to have a workshop to create that list of items that could be negotiated during the process of application not during a variance request.

Mr. Ratliff stated that the Board needs to also have a general discussion on the variance process on the criteria and how the Board views the criteria.

Mr. Dever stated that the criteria is written so there are different views.

Mr. Sather stated that he feels the attorneys should be involved in this discussion.

Mr. Sather stated that he would like to continue the discussion of west Canal and US1 zonings.

There was a discussion with staff when to have the workshop. Mr. Gove stated that he would email available dates to the Board.

REPORTS AND COMMUNICATIONS BY THE STAFF

- January 2016 Development Activity Report
- Annual review of by-laws

Mr. McDole stated that he had a suggestion on rehearings to be changed in the by-laws.

Mr. Casserly stated that he would like to add a time limit on the public speaking.

Motion by Mr. Dever, seconded by Mr. Sather, to continue the bylaws to the February 1, 2016 meeting. Motion passed unanimously on a roll call vote, 5-0.

ADJOURNMENT

With there being no further business, the meeting was adjourned at 9:48pm.