

## Planning and Zoning Board Meeting

August 5, 2024

Agenda and Video of the meeting can be found [here](#).

**Present:** Thomas Bien, Jon Hall, Stephen Yates, Larry Wheatcraft, Curtis Hodges, Kip Hulvershorn.

**Changes to agenda:** Item 5B will be continued to the September meeting due to lack of proper public notification. Continuation was approved **unanimously**.

### PUBLIC PARTICIPATION

One resident spoke in opposition to the proposed Oak Park Estates development. The property is a flood plain. There are more than 400 homes in the vicinity that could be negatively impacted. The proposed development is in the county. The resident urged that Volusia Forever acquire the property instead of developing it.

### NEW BUSINESS

**V-8-24:** Review a request for four variances (can be found in the Agenda Packet) to preserve a 34" specimen Live Oak tree and allow the construction of a single-family home with a pool and deck at 516 S. Peninsula Avenue. The 100X55 (.13 acre) parcel is a corner lot in the Callalisa Preserve subdivision. To save the tree, which is located on the north side of the property, the proposed house is to be located south and west of where it would conform to zoning regulations. Staff noted that this tree could be cut down with a permit as it is not yet a historic tree, but the owners want to save it. Neighbors also support saving the tree. Member Hodges asked if the house could be made smaller with the response that the proposed house is not overly large, 2146 sq. ft. Member Bien expressed concern regarding the variance request for the front of the property.

Staff recommended approval but proposed conditions to protect the tree during construction. An additional condition to maintain the tree for its life was also proposed. Each variance request was voted on separately. **A motion to approve V-8-24, variance 1 with conditions, was passed 5-1 with Mr. Bien voting, NO. A motion to approve V-8-24, variance 2 with conditions was passed unanimously. A motion to approve V-8-24, variance 3 with conditions was passed unanimously. A motion to approve V-8-24, variance 4 with conditions was passed 5-1 with Mr. Bien voting, NO.**

**SE 3-24:** Review a request for a Special Exception to allow a Pain Management Clinic in the B-3 Highway Service Business District at 900 N. Dixie Freeway. At its June meeting, the P&Z voted unanimously to approve a Zoning Text Amendment to allow pain management clinics in the B-3 district as a special exception with conditions. Due to a public notification issue, the amendment has not yet been approved by the City Commission. It is on the August agendas. The applicant understands the risk that the Commission may not approve the amendment or may add additional conditions. **A motion to approve SE 3-24 was passed unanimously.**

**V-11-24:** Review a request for six variances (can be found in the Agenda Packet) to allow reduced building setbacks and buffer requirements for a new commercial building at 1104 Canal Street. The applicant proposes to build a 5,305 sq. ft. four-unit building on the .64-acre vacant lot. The property which fronts Canal Street and Ingham Road is in the B-3 Highway Service Business District. The

triangular shape of the lot makes it very difficult to site the building. DOT has taken some of the land for a right-of-way, reducing the northern portion (more developable area) of the property in size. The variance requests include (1) a 14.8 ft. variance in lieu of the 20 ft. setback required along Ingham Rd. It was noted that the variance is only for the corner of the building (218 sq. ft.) because of the odd shape of the lot; (2) and (3) variances of 4.5 ft. and 4.8 ft. respectively along the Ingham Rd. landscape buffer; (4), (5), and (6) variances of 3 ft., 4.5 ft. and 7.9 ft. respectively for parking lot curbs. Staff recommended approval with conditions of additional mature landscaping, both taller and thicker as well as keeping the existing vegetation.

Board Comments and Discussion: Mr. Bien asked if there were alternatives. The applicant replied that to make the project financially viable, four units of approximately 1000-1200 sq. ft. were needed. Mr. Bien stated that this is a bad precedent to set. Mr. Wheatcraft stated that this land is very difficult to develop (it is infill), and the project is in line with the economic development goals of the city.

Public Participation: One resident who lives next to the property is concerned about traffic flow. She stated that the Canal-Ingham corner is very dangerous. The greenery and parking lot will make it difficult to get out. Also, there was flooding on this lot. What are they doing about drainage? The applicant stated that there will be an underground exfiltration system under the parking lot. One resident asked if this property was directly next door to the halfway house, to which the response was yes, the Sunrise.

The vote was separated into two motions. **A motion to approve V-11-24, variance 1 with conditions, was passed 4-2 with Mr. Bien and Mr. Yates voting, NO. A motion to approve V-11-24, variances 2-6 with conditions was passed unanimously.**

#### **COMMENTS OR STATEMENTS BY MEMBERS OF THE BOARD**

Chair Wheatcraft will attend the August 13 Commission meeting and present the P&Z's discussion regarding the proposed South Atlantic Avenue retail space and parking garage. He also asked what input the city will have on the proposed Oak Park Estates development which is in the county as many residents have expressed serious concerns about the project. Ms. Doster replied that staff and residents can provide input either directly to the county or to NSB staff who will forward all comments to the county.

#### **REPORTS AND COMMUNICATION BY THE STAFF**

An updated August 2024 Development Activity Report will be distributed at a later date.