

## Planning and Zoning Board Meeting

October 7, 2024

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

**Present:** Thomas Bien, Jon Hall, John Frankhouser, Chair Larry Wheatcraft, Kip Hulvershorn. **Absent:** Stephen Yates and Curtis Hodges.

**Changes to agenda:** Items **5D and 5I** were requested to be continued for the November meeting. **Motion to approve the continuation passed unanimously.** No minutes were read.

### PUBLIC PARTICIPATION

A resident on Glencoe Ave. showed a photo of her two acres that flooded on 9/14 and flooded last year during Hurricane Ian. She feels that all the new development around her has caused this. She thinks that further development near her property should be curtailed. An analysis should be completed following the next major rain event.

### NEW BUSINESS

**A-8-24 and A-9-24 (0.68 and 0.34 acres respectively, located on the north side of Juanita Drive east of Corbin Park Road).** A request was made by the owner of these two properties for a voluntary annexation, Comprehensive Plan amendment, and rezoning **from** Volusia County Future Land Use (FLU) designation of Urban Low Intensity, and Volusia County zoning designation of R-4, Urban Single Family Residential with an "A" attached for Airport Height Notification Zone **to** a City FLU designation of Medium Density Residential and City zoning designation of R-2, Single Family Residential. **Motion to recommend approval of A-8-24 to the City Commission was unanimous. Motion to recommend approval of A-9-24 to the City Commission was unanimous.**

**Z-5-25.** Director of Development Services, Shane Corbin, presented two proposed changes to the city's LDRs. The first relates to the appeal process for variance denials (Article 111). The second to restricted uses/criteria for the airport noise impact zone in the Code of Ordinances (Chap. 22). Both problems and confusion were discovered with recent applications. Per the direction of City Manager Cowper, staff performed a review of the code for various appeal processes and discovered that the city's LDRs did not contain a set procedure. The City Manager would decide if appeals would go to the Circuit Court or the City Commission and were not handled consistently. The recommendation is to remove the CM's interpretation of city planner's code for appeals and have the Planning and Zoning Board make the "final administrative action." Any "further appeals must be filed within 30 days of the board's written order of rendition in the circuit court of Volusia County."

The second recommendation to Chapter 22 of the Code of Ordinances eliminates the Airport Board of Adjustments, as there isn't one. Appeals would be heard by the Planning and Zoning Board.

One Board member asked if city staff will make a report to help with determination on appeals. They will.

**The motion to recommend approval of Z-5-25 changes to the LDR and Code or Ordinances to the City Commission was unanimous.**

**A-10-24: 158 Spruce St. (0.25 acres).** A request was made for a voluntary annexation, Comprehensive Plan amendment, and rezoning **from** Volusia County Future Land Use (FLU) designation of Urban Medium Intensity, and Volusia County zoning designation of R-4, Urban Single Family Residential with an "A" attached for Airport Height Notification Zone **to** a City FLU designation of Medium Density Residential and City zoning designation of R-2, Single Family Residential. **Motion to recommend approval of A-10-24 to the City Commission was unanimous.**

**A-11-24: 1997 Pioneer Trail (0.63 acres).** A request was made for a voluntary annexation, Comprehensive Plan amendment, and rezoning **from** Volusia County Future Land Use (FLU) designation of Urban Medium Intensity, and Volusia County zoning designation of R-4, Urban Single Family Residential with an “A” attached for Airport Height Notification Zone **to** a City FLU designation of Medium Density Residential and City zoning designation of R-2, Single Family Residential. **The motion to recommend approval of A-11-24 to the City Commission was unanimous.**

**V-19-24. 207 Magnolia and 118 Douglas (0.44 acres which will have a multi-family complex built when sites are joined; zoned MU).** A variance request was made to allow for removal of a specimen tree which results in property falling below 80% specimen tree protection, which has had previous evidence of preservation and current evidence of rot in branch collar. The tree is approximately 92 years old and close to the proposed structure where it may cause a hazard due to its condition. The applicant showed a proposed landscape plan and is replacing more trees than needed with some being Magnolias.

Chair Wheatcraft suggested to Staff that they investigate putting a general text amendment for future redevelopment regarding tree replacement rather than going through the variance process for a single tree. **The motion to recommend approval of V-19-24 to the City Commission was unanimous.**

**A-12-24. 1301 Woodland Ave. (0.28 acres) ).** A request was made for a voluntary annexation, Comprehensive Plan amendment, and rezoning **from** Volusia County Future Land Use (FLU) designation of Urban Medium Intensity, and Volusia County zoning designation of R-4, Urban Single Family Residential with an “A” attached for Airport Height Notification Zone **to** a City FLU designation of Medium Density Residential and City zoning designation of R-2, Single Family Residential. **The motion to recommend approval of A-11-24 to the City Commission was unanimous.**