



City of Deltona

Chairman
Tom Burbank

Vice-Chairman
Noble Olasimbo

Members:

Victor Ramos

Wendy Hickey

Adam Walosik

Herb Zischkau

Stony Sixma

Staff Liaison
Chris Bowley, AICP

**PLANNING & ZONING BOARD MEETING
WEDNESDAY, AUGUST 20, 2014**

7:00 P.M.

**CITY HALL COMMISSION CHAMBERS
2345 PROVIDENCE BOULEVARD
DELTONA, FLORIDA 32725**

AGENDA

- 1. CALL TO ORDER:**
- 2. ROLL CALL:**
- 3. APPROVAL OF MINUTES: July 16, 2014**
- 4. PUBLIC COMMENTS:**
- 5. OLD BUSINESS:**
- 6. NEW BUSINESS:**
 - A. CU14-004, Conditional Use Application CU14-004 Harmony Clinic (Resolution No. 2014-22).**
- 7. MEMBER COMMENTS:**
- 8. ADJOURNMENT:**

NOTE: If any person decides to appeal any decision made by the Planning & Zoning Board with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings, and for such purpose he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based (F.S. 286.0105).

Individuals with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk at least three (3) working days in advance of the meeting date and time at (386) 878-8100.

CITY OF DELTONA, FLORIDA
PLANNING & ZONING BOARD MEETING
WEDNESDAY, JULY 16, 2014

A Regular Meeting of the Deltona Planning and Zoning Board was held on July 16, 2014, in the City’s Commission Chambers located at 2345 Providence Boulevard, Deltona, Florida.

1. CALL TO ORDER:

The meeting was called to order at 7:00 p.m. by Chairman Burbank.

2. ROLL CALL:

Chairman	Tom Burbank	Present
Vice Chairman	Noble Olasimbo	Present
Member-Secretary	Wendy Hickey	Present
Member	Victor Ramos	Absent-Excused
Member	Adam Walosik	Present
Member	Herb Zischkau	Absent-Unexcused

Also present: Planning & Development Director, Chris Bowley, AICP; Planning & Development Assistant Director, Ron Paradise; Planning & Development Planning Manager, Tom Pauls; Administrative Assistant, Kathrine Kyp.

3. APPROVAL OF MINUTES:

A. Minutes:

1. Meeting – June 18, 2014.

Motion by Member Olasimbo, seconded by Member Hickey, to adopt the minutes of the Planning & Zoning Board Meeting of June 18, 2014, as presented.

Motion carried unanimously.

4. PUBLIC COMMENTS: None

5. OLD BUSINESS: None

6. NEW BUSINESS:

A. RZ14-003, BPUD Rezoning for 148.13+/- acres of the Deltona Activity Center. (Ordinance No. 17-2014).

Mr. Paradise presented a summary of the BPUD application with regard to land use compatibility and traffic safety for the proposed property in the northern portion of the area known as the Deltona Activity Center. The application is to rezone approximately 148 acres from Agriculture and Industrial to BPUD, allowing for a wide mixture of uses such as medical offices, auto

1 dealerships, hotels, assisted living facilities as ancillary, restaurants, retail uses and more. Mr.
2 Paradise stated that, land use compatibility will be afforded to the residential neighborhoods that
3 surround the site, Arbor Ridge, Timbercrest and residential neighborhood to the north, with a 40-
4 foot landscape buffer and a master stormwater pond just westward and southward of the
5 neighborhoods. In addition, proposing a stair stepping decrease of intensity from the west-side of
6 the areas to the east. He discussed limiting and intensity and capping the trip generation for the
7 project at 17,415 trips, as well as incremental traffic improvements to protect the surrounding
8 traffic networks now and in the future. He stated that City staff has asked the applicant to deliver,
9 for the first City Commission meeting, a phasing traffic mitigation plan and a trip equivalency
10 matrix. Mr. Paradise explained that another incentive for the developer/applicant to provide
11 appropriate traffic mitigation is to ensure that traffic impact fee obligations are used to better
12 manage impacts of the project more locally versus the impact fee payments incrementally
13 collected by the City and County. Those are distributed City wide, or in the case of the County,
14 used anywhere within the requisite impact fee zone.

15
16 Member Walosik asked Mr. Paradise if the spine road had any configuration and whether it will be
17 a public or private road. Mr. Paradise said that the applicant prefers it to be dedicated to the City.
18 Mr. Walosik said that there is no reason for it to be dedicated to the City, as it does not connect
19 anywhere and is specific to this project. He asked if there is any connectivity between this site and
20 the adjoining neighborhoods. Mr. Paradise replied that there are stub-outs for both the Timbercrest
21 and Arbor Ridge neighborhoods to be used for emergency access and non-vehicular access only.
22 Member Walosik discussed the access design for the spine road after the plat has been recorded
23 and his concerns for the vehicle storage and intersection queue analysis for the projects that may
24 need dual left and signal adjustments.

25
26 Mr. Olasimbo and Mr. Paradise discussed the 40-foot landscape buffer at the north and northeast
27 of the property and if staff discussed with the applicant the option of a retaining wall. Mr.
28 Olasimbo discussed that staff should share the traffic modeling information with Department of
29 Transportation, as it will affect interstate and traffic movement will need to be addressed. Member
30 Olasimbo made suggestions regarding that the monitoring and modeling could be done during the
31 first phase, and for them to include the trip survey.

32
33 Member Hickey noted that her questions regarding connectivity and residential buffering had
34 previously been addressed by fellow Board members and therefore had no further questions.

35
36 Chairman Burbank and Mr. Paradise discussed the TIA phasing approach and development
37 intensity inconsistency. This is an attempt to facilitate a significant level of traffic on the City
38 transportation network, without having to engage in significant transportation mitigation activities.
39 When staff researched Chapter 163, Florida Statutes, it states that the local government has the
40 ability (and obligation) to ensure that mobility is addressed, at minimum, in a safe manner that
41 makes the most efficient use of public infrastructure. This information is what led to the phased
42 traffic studies and improvements.

43
44 Chairman Burbank discussed recommendations on monitoring and phasing the traffic studies and
45 improvements for the Developer's Agreement (DA). He suggested to have all new development
46 projects that come into the City provide staff with what is built at that time. Chairman Burbank
47 also stated that within the Developer's Agreement, number seven (7) paragraph (f), remove the

1 term preliminary plat. Chairman Burbank asked whether bars/nightclubs as permitted uses were
2 considered. Mr. Paradise said that it was not within the submitted list of permitted uses. Chairman
3 Burbank and Mr. Paradise discussed “big box” and replacing it with retail sales and services
4 throughout the DA to follow the definition in the Code. Chairman Burbank asked whether or not
5 the City can control where transportation traffic impact credits are dispersed, since they are State
6 and County roads. Mr. Paradise replied that the City hopes to collaborate regarding the
7 transportation impact fees with the State and County.

8
9 Member Walosik stated that this intersection should have a mast-arm traffic signal. Member
10 Walosik also stated that there should be dual lefts from Howland Blvd. into this project and from
11 the project onto Howland Blvd. Mr. Paradise concurred, as DRMP has stated the same within their
12 traffic review.

13
14 William Barfield, legal counsel representing the applicant, Trafalgar Holdings, 225 S. Westmonte
15 Drive, Suite 2040 Altamonte Springs, Florida. He commented on the outparcel that remains out of
16 the project and that they are working with the family. Until such time, an easement on Persimmon
17 Avenue will be left for access. He provided an explanation regarding the list of permitted uses in
18 the northwest area to include restaurants with evening entertainment, instead of the bars and
19 nightclubs as a sole use, as agreed upon with the surrounding property owners. He addressed the
20 traffic concerns from staff and stated that their project is not tripping any levels of service, but will
21 work with City staff to create a program to work out the issues.

22
23 Paul Momberger, consultant to the applicant, ZevCohen, 300 Interchange Boulevard, Ormond
24 Beach, Florida, spoke regarding setbacks and buffers. There will be 300 foot buffer on the rear of
25 the site between the stormwater pond location and landscape.

26
27 Member Walosik discussed improvements for the project, i.e. bike paths and bridge connections to
28 adjacent properties, pedestrian connectivity, etc. He asked to add verbiage to the Development
29 Agreement to include this.

30
31 Member Hickey asked about the landscape buffer, which shows 30 feet on the Master
32 Development Plan (MDP) and 40 feet in the Developer’s Agreement. Mr. Paradise stated the DA
33 has been updated to reflect 40 feet; the MDP has not been updated to reflect this number, but will
34 be.

35
36 Chairman Burbank asked if Mr. Momberger would have the equivalency matrix and transportation
37 phasing plan ready for staff’s deadline for the first City Commission meeting. Mr. Momberger
38 stated that if they could not meet the deadline, then they would request it to be pushed back.

39
40 Discussion regarding the spine road configuration occurred between Member Walosik, Member
41 Olasimbo, and Mr. Momberger.

42
43 Chairman Burbank opened the public hearing.

44
45 Kristopher Beatty, 2876 Forest Edge, Deltona, Florida, spoke regarding his personal property
46 abutting the project. He referenced the City of Deltona Design Pattern Book, stating it is showing
47 the Rhode Island Road extension coming through this project, adjacent to his neighborhood. Mr.

1 Paradise explained that this road extension was repealed by the City Commission in 2010. Mr.
2 Beatty also thanked the Board for their support on residential buffering.

3
4 Discussion between the Board and staff occurred regarding the importance of intersection
5 improvements and the need for the matrixes.

6
7 **Motion by Member Olasimbo, seconded by Member Hickey, to recommend that the City**
8 **Commission approve Ordinance No. 17-2014, subject to the conditions proposed by City staff**
9 **report as well as the improvement of the Master Development Plan with less intense uses on the**
10 **east side and more intense uses on the west side of the development, the upgrade of traffic**
11 **signal from span wire to a mast arm (recommended), add multimodal pedestrian facilities,**
12 **update the landscape buffer to 40 ft. on the MDP, and include transportation phasing if**
13 **improvements.**

14
15 **Motion carries unanimously.**

16
17
18 **B. CU14-003, Conditional Use, to allow a house of worship with a maximum of**
19 **210 fixed seats to be located in an RE-1 zoning district (Resolution No. 2014-08).**

20
21 Mr. Pauls provided a brief summary regarding the Conditional Use application allowing for a
22 house of worship in an RE-1 zone.

23
24 Member Olasimbo spoke regarding sight distance from the site to Lake Helen-Osteen Road and
25 advised staff to look at the safety of traveling vehicles going in and out of the site very seriously
26 when it comes before staff at site plan review.

27
28 Discussion occurred between the Board and staff regarding traffic mitigation, left hand turns into
29 the site from Lake Helen-Osteen Road, road improvements since the site has a blind curve, and
30 other safety concerns that need to be addressed.

31
32 Kelly Santos, pastor of IMED church, explained to the Board the need to reapply again. She stated
33 that after receiving the approval on their loan, the permits had expired so the church needed to
34 start from the beginning. She thanked the Board and stated that they will do whatever is needed to
35 receive the approval again.

36
37 Chairman Burbank opened the public hearing.

38
39 Phil Giorno, 2135 Brewster Dr. Deltona, Florida, commented that the area has been riddled with
40 crime and allowing the church will help beautify the area.

41
42 Abraham Brignoni, 1850 Amero Ave. Deltona, Florida, stated that they have been in existence for
43 over 14 years, sharing the space with the First Presbyterian Church on Howland Boulevard, and
44 they want to occupy this location, to bring a light into the community.

45
46 **Motion by Member Hickey, seconded by Member Olasimbo, to recommend that the City**
47 **Commission approve Resolution No. 2014-08, subject to the conditions outlined by City staff, in**

1 **addition, it is recommended that staff ensure clear site distance and construction of the left turn**
2 **lane on Lake Helen Osteen Road (which would need Volusia County approval).**

3
4 **Motion carries unanimously.**

5
6
7 **7. DISCUSSION:**

8
9 **A. By the Board:** Chairman Burbank asked Mr. Bowley when they anticipated having a
10 replacement for Mr. McKnight. Mr. Bowley replied that the nomination is on the upcoming
11 City Commission agenda.

12
13 **B. By the City Attorney:** None.

14
15 **C. By Planning & Development Staff:** None.

16
17 **8. ADJOURNMENT:**

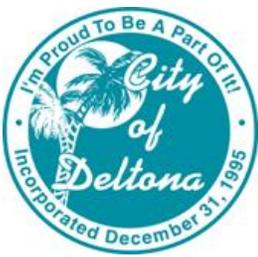
18
19 There being no further business, the meeting adjourned at 8:16 p.m.

20
21
22 **ATTEST:**

Tom Burbank, CHAIRMAN

23
24
25 _____
Kathrine Kyp, RECORDING SECRETARY

26
27



AGENDA MEMO

TO: Planning and Zoning Board **AGENDA DATE:** August 20, 2014
FROM: Chris Bowley, AICP, Director **AGENDA ITEM:** 6-A
Planning and Development Services
SUBJECT: Conditional Use Application CU14-004 Harmony Clinic (Resolution No. 2014-22).

LOCATION: 1948 Saxon Boulevard, Deltona, Florida 32725. Generally located at the southeast corner of the intersection of Diane Terrace and Saxon Boulevard.

BACKGROUND: The City has received an application for a Conditional Use for the Office Residential (OR) zoned property located at 1948 Saxon Boulevard. Dr. Carrero, the owner, intends to convert the current single family dwelling into a medical office/clinic (Sec. 110-313(c)) for his chiropractic practice. The OR district permits “medical and dental offices and clinics” as a Conditional Use. The application meets the purpose and intent of the OR zoning district.

For more information concerning this proposal including detailed graphics, public service analysis, etc., see the attached staff report.

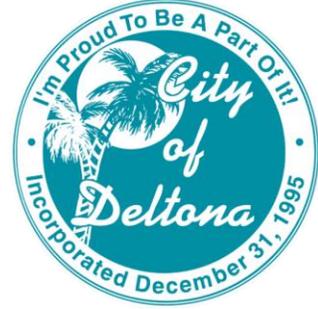
ORIGINATING DEPARTMENT: Department of Planning & Development Services

REVIEWED BY: Reviewed by Chris Bowley, AICP, Director, Planning & Development Services
PRESENTED BY: Presented by Scott McGrath, Planner II, Planning & Development Services

STAFF RECOMENDATION: That the Planning and Zoning Board recommend that the City Commission adopt Resolution No. 22-2014 allowing for the Conditional Use.

POTENTIAL MOTION: **I hereby move to recommend that the City Commission adopt Resolution No. 2014-22.**

ATTACHMENTS: CU14-004 Staff Report
Resolution No. 2014-22
Survey
Site Plan



Memorandum

To: Planning and Zoning Board
From: Chris Bowley, AICP
Date: July 31, 2014
Re: Conditional Use Application, Project No. CU14-004, Harmony Clinic

SUMMARY OF APPLICATION:

Applicant: H. Lester Carrero, owner.

Request: The City has received an application for a Conditional Use for the Office Residential (OR) zoned property located at 1948 Saxon Boulevard. Dr. Carrero intends to convert the current single family dwelling into a medical office/clinic (Sec. 110-313(c)) for his chiropractic practice. The OR district permits “medical and dental offices and clinics” as a Conditional Use. The application meets the purpose and intent of the OR zoning district.

A. SITE INFORMATION:

1. **Tax Parcel No.:** 8130-16-06-0120
2. **Property Acreage:** ± 0.3 Acres
3. **Property Location:** 1948 Saxon Boulevard, Deltona, Florida 32725. Generally located at the southeast corner of the intersection of Diane Terrace and Saxon Boulevard.
4. **Legal Description:** Lot 9, excluding the northern 6.6 feet, measured on the entire length for new right of way Block 98, Deltona Lakes Unit 3, map book 35 pages 105-120 included per ordinance 4958 pages 2266-2267 per ordinance 6178 page 2455 per ordinance 6260 pages 0976-0977 per ordinance 6884 page 1727.

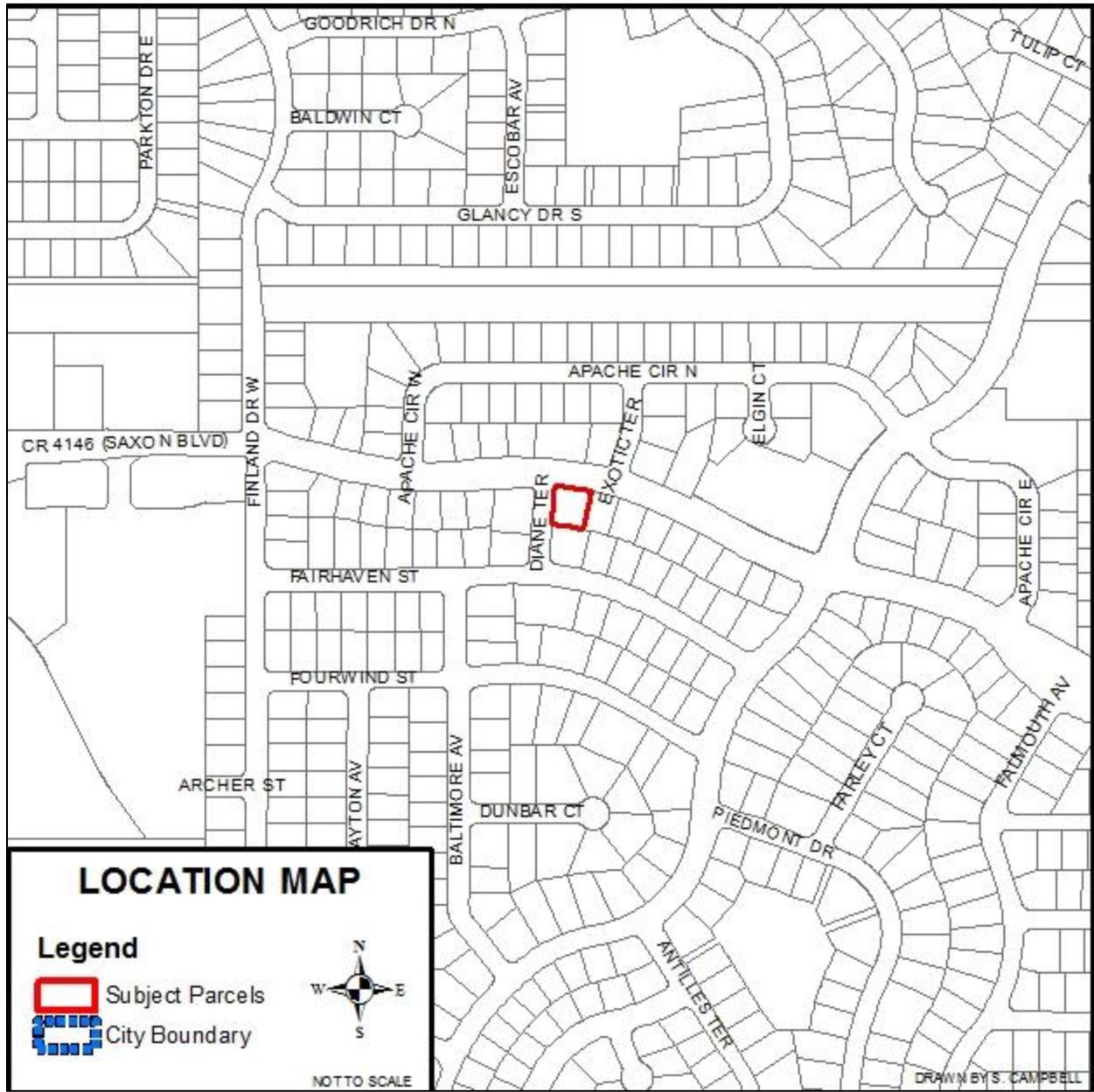


Figure 1: Location Map



Figure 2: Aerial Photo

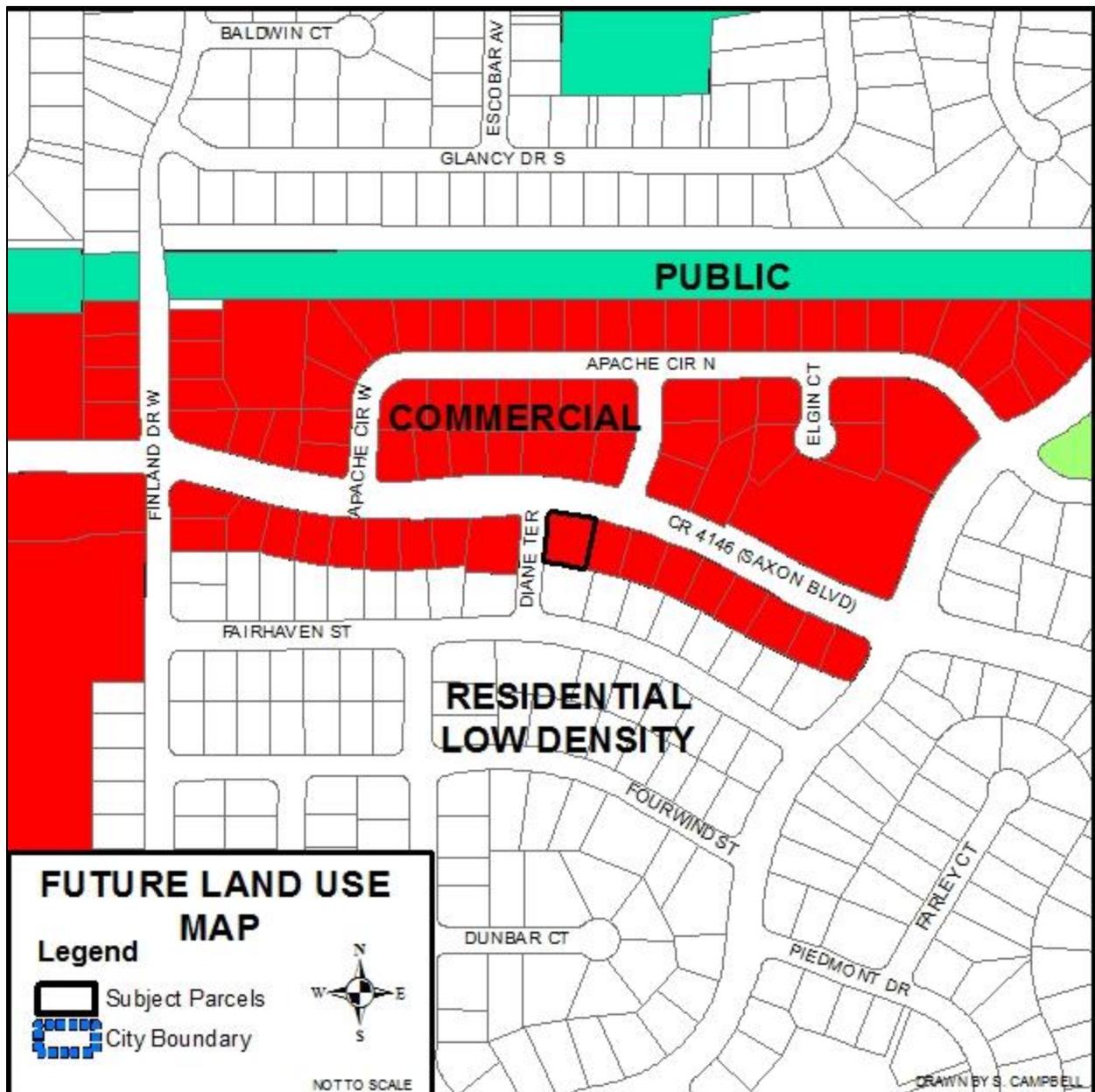


Figure 3: Future land Use Map

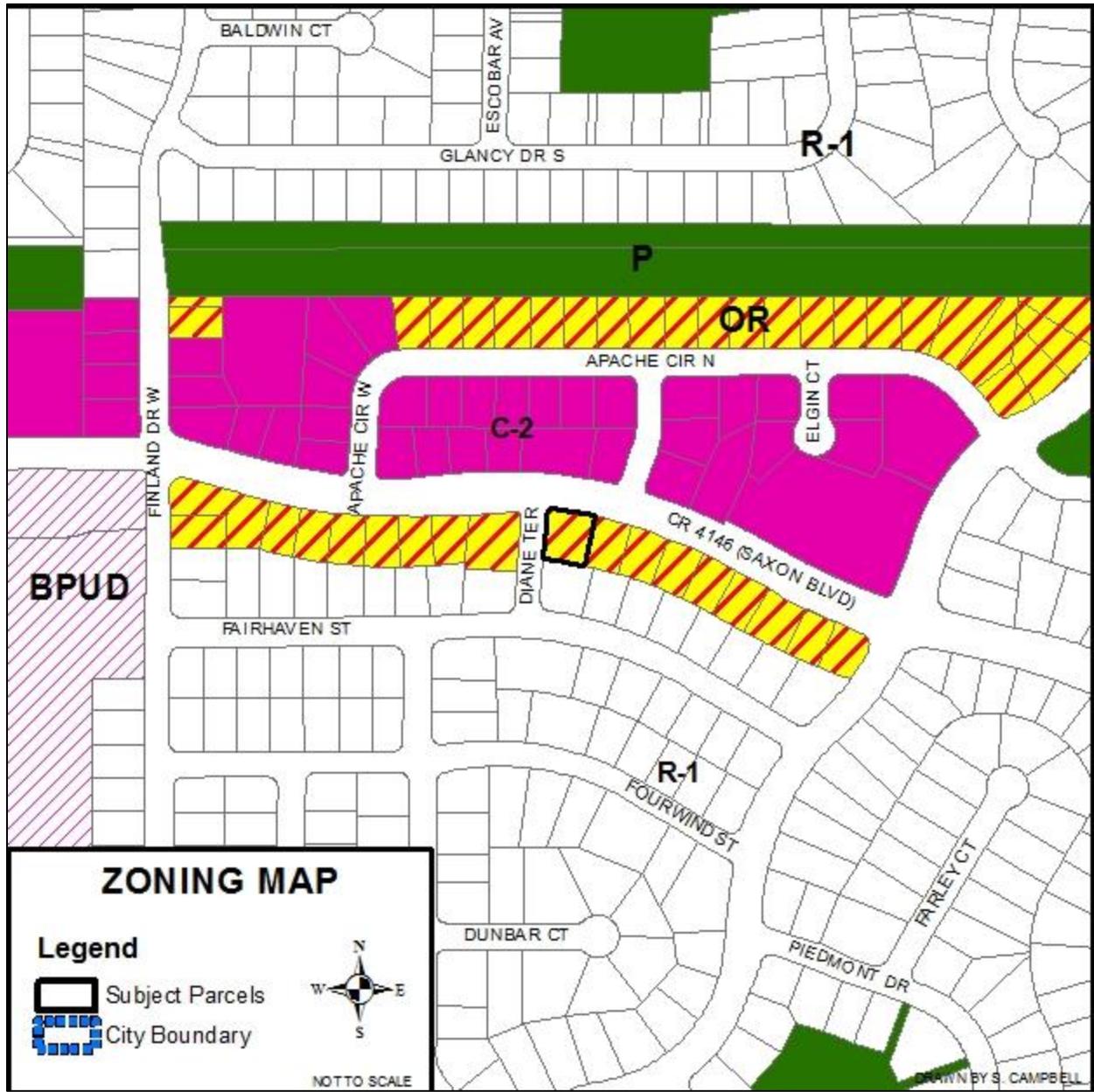


Figure 4: Zoning Map

B. Existing Zoning:

- 1. Subject Property: Office Residential (OR)**
- 2. Adjacent Properties:**
 - North: General Commercial (C-2)**
 - South: Single-Family Residential (R-1)**
 - East: Office Residential (OR)**
 - West: Office Residential (OR)**

C. Zoning Description:

Deltona Code of Ordinances, Chapter 110, Section 313.

Purpose and intent. The purpose of the Office Residential (OR) zoning district is to meet two objectives. First, the district is intended to be established in single-family residential areas where road expansions and/or high traffic volumes, nearby nonresidential development, and existing or developing nuisances (noise, lights, vibrations, etc.) decrease or potentially diminish the future potential for the continued use of the area for single-family residential purposes. Second, the OR district is intended to be established as a buffer between existing or proposed single-family residential development and existing or proposed commercial development and high traffic volume streets, and other nuisance producing areas. Designation of an area as an OR zoning district recognizes that the area is a transitioning commercial area, as referenced in the adopted Deltona Comprehensive Plan, as it may be amended from time to time.

The proposed site and use intent meets this intent and purpose.

D. Background:

The subject property fronts on Saxon Boulevard and is located at the southeast corner of the intersection of Diane Terrace and Saxon Boulevard. The property is generally located about a half-mile east of I-4. The City Deltona's Building Official inspected the building to assess the structural integrity after a car accident and noticed work being done without a building permit. The unit was in the process of being converted from a residential dwelling into a medical clinic for chiropractic services. The interior work has since been permitted and completed.

The owner, Dr. Lester Carrero, has been working with City staff to bring the property into compliance and be able to use the property as a medical office/clinic. Medical offices/clinics require a Condition Use permit in the OR zoning district.

E. Support Information

Public Facilities:

- a. Potable Water: to be supplied by Deltona Water
- b. Sanitary Sewer: to be supplied by private septic system
- c. Fire Protection: Fire Station 63
- d. Law Enforcement: Volusia County Sheriff's Office (VCSO)
- e. Electricity: Duke Energy

F. Matters for Consideration:

Per Code, Section 110-1102(g), the City Commission may deny any application for a Conditional Use for one or more of the following reasons:

1. Is the proposed use consistent with the intent of this chapter?

Yes, “medical and dental offices and clinics” is cited as a Conditional Use in the OR zoning district and the proposed use is consistent with the purpose and intent of the City’s Land Development Code.

2. Is the proposed use consistent with the Comprehensive Plan?

Yes, the Comprehensive Plan Future Land Use Map designation is Commercial (C) and the proposed use is consistent with the Comprehensive Plan.

3. Will the proposal adversely affect the public interest?

No, the conversion from residential to office meets the purpose and intent of the OR zoning district and the location of non-residential use at this site which is adjacent to an arterial roadway (Saxon Boulevard) is compatible.

4. Can the applicant meet the expressed requirements of applicable City Conditional Use regulations?

Yes, however, per the generalized site plan submitted with this application, variances will also be needed for the site to function as a non-residential use. If the Conditional Use and variances are granted, the applicant will also need to submit an application for a Final Site Plan.

5. Will the applicant be able to meet all requirements imposed by federal, state or local governments?

No, the applicant will need zoning variances to meet local requirements. The variances have been applied for in a separate accompanying application.

6. Will the proposed use generate undue traffic congestion?

No, removing the entrance from Saxon Boulevard will help to reduce starts and stops on the thoroughfare that cause congestion. The existing drives are also in close proximity to the Diane Terrace intersection, limiting clear line of site for vehicles. According to the 9th Addition of the ITE Manual, medical and dental office building would generate 36.13 trips per day per 1,000 square feet. The existing structure is 1,656 square feet, thus generating 60 trips per day. The pass-by trips would offer a 10% decrease and, no longer using the structure as a residence would subtract another 10 trips for adjust total of 44 new trips per day on Saxon Boulevard. This would not be considered undue congestion.

7. Will the proposed use create a hazard, public nuisance or be dangerous?

No, the medical office/clinic would relocate the drive from Saxon Boulevard to Diane Terrace, reducing the number of driveway cuts on Saxon Boulevard, improving clear sight distances and increasing the safety of the area.

8. Will the proposed use materially alter the character of surrounding neighborhoods or adversely affect the value of surrounding land, structures or buildings?

Yes, allowing the medical office/clinic at 1948 Saxon Boulevard would meet the general intent of the first objective of the OR zoning classification. However, to meet the requirements of the Land Development Code for Final Site Plan, variances are needed to reduce the buffer yard between the proposed office and the residential uses.

9. Will the proposed use adversely affect the natural environment, natural resources or scenic beauty, or cause excessive pollution?

No, the area is already developed in an urban fashion and the transition from dwelling to medical office/clinic will not have an adverse effect on the environment or cause excessive pollution.

CONCLUSION/STAFF RECOMMENDATION:

Staff recommends approval of the Conditional Use application #CU14-004 with the following conditions:

1. Approval of the variances needed to complete the Final Site Plan application process.
2. Applicant cannot use the building as a home occupation per Section 110-807.
3. All SJRWMD stormwater management requirements must be met on-site.
4. The rear landscape buffer must offer 100% opacity through the use of vegetation with or without a fence or screen wall.

RESOLUTION NO. 2014-22

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELTONA, FLORIDA; GRANTING A CONDITIONAL USE TO PERMIT A MEDICAL OFFICE/CLINIC WITHIN AN OR, OFFICE RESIDENTIAL ZONING DISTRICT, FOR THE PROPERTY LOCATED AT 1948 SAXON BOULEVARD, WITHIN THE CITY OF DELTONA; PROVIDING FOR CONDITIONS OF APPROVAL; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Deltona has received application number CU14-004 to allow for a Conditional Use within an OR, Office Residential, zoning district for a medical office/clinic to be located at 1948 Saxon Boulevard; and

WHEREAS, Section 110-313(c) of the City of Deltona Code of Ordinances requires medical and dental offices and clinics to be a Conditional Use within the OR, Office Residential zoning district; and

WHEREAS, Section 110-1102, of the City of Deltona Code of Ordinances provides regulations for Conditional Use review and the proposed Conditional Use application number CU14-004 is consistent with Section 110-1102 of the City of Deltona Code of Ordinances; and

WHEREAS, the granting of a Conditional Use for application number CU14-004 does not include, address, or entitle zoning variances to be requested by the applicant and shall include conditions of approval that the structure on-site not be used for a home occupation, per Section 110-807 of the City of Deltona Code of Ordinances, and that variances are obtained under separate application to achieve site plan approval; and

WHEREAS, the granting of a Conditional Use for application number CU14-004 does not include, address, or entitle zoning variances to be requested by the applicant; and

WHEREAS, the City of Deltona held public hearings after due public notice to review the proposed Conditional Use application number CU14-004.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF DELTONA FLORIDA, AS FOLLOWS:

SECTION 1. In accordance with the City of Deltona Code of Ordinances, the City of Deltona City Commission hereby grants approval for Conditional Use, CU14-004, for the use of medical office/clinic to be located at 1948 Saxon Boulevard, subject to the conditions of approval listed within Resolution No. 2014-22.

SECTION 2. This Resolution shall become effective immediately upon its adoption and is valid for a period not to exceed twelve (12) months from the date of adoption.

PASSED AND RESOLVED THIS _____ DAY OF _____, 2014,
BY THE CITY COMMISSION OF THE CITY OF DELTONA, FLORIDA.

BY: _____
JOHN C. MASIARCZYK, SR., Mayor

ATTEST:

JOYCE RAFTERY, CMC, City Clerk

Approved as to form and legality
for use and reliance of the City of
Deltona, Florida

GRETCHEN R. H. VOSE, ESQ., City Attorney

