

**CITY OF DELTONA, FLORIDA
PLANNING & ZONING BOARD MEETING
WEDNESDAY, JULY 18, 2012**

A Regular Meeting of the Deltona Planning and Zoning Board was held on Wednesday, July 18, 2012, in the 2nd Floor Conference Room, 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	David McKnight	Present
Member-Secretary	Heather Mulder	Excused
Member	Adam Walosik	Present
Member	Noble Olasimbo	Present
Member	Victor Ramos	Excused
Member	Michael Kiepert	Present

Also present: Planning & Development Services Director Chris Bowley; Planning & Development Services Assistant Director Ron Paradise; Planning & Development Services Planner II, Scott McGrath; and Administrative Assistant II, Pauline Shattuck.

3. APPROVAL OF MINUTES:

A. Minutes:

1. Meeting – May 16, 2012.

Motion by Member McKnight, seconded by Member Olasimbo, to adopt the minutes of the Regular Planning & Zoning Board Meeting of May 16, 2012, as presented.

Motion carried with members voting as follows: Member Kiepert, for; Member Walosik, for; Member Olasimbo, for; Member McKnight, for; and Chairman Burbank, for.

4. PUBLIC COMMENTS: None

5. OLD BUSINESS: None

6. NEW BUSINESS:

A. Small Scale Comprehensive Plan Amendment CP12-001, Pine Ridge Fellowship United Methodist Church (UMC)

Amendment to the Comprehensive Plan Future Land Use Map of the City of Deltona, to designate the properties at 937, 939, and 941 Howland Blvd. from LDR-Low Density Residential to Commercial, Ordinance No. 12-2012.

Mr. Paradise introduced Steven Cox, summer intern, for Planning & Development.

Mr. Paradise said these applications are policy oriented requests. He said the policy is whether the commercial designation is appropriate for this location; and for the rezoning, is the C1 zoning with the list of permitted uses and the potential conditional uses appropriate at these properties. Mr. Paradise said there is sign-up sheet available for those who would like to be kept informed of the progress of the small scale amendment as it progresses through the DCA process.

Mr. McGrath gave a brief overview of the small scale amendment staff report.

Member Walosik said the P&Z has reviewed a similar project on Howland Blvd. A site plan attachment would be helpful to make a decision. Looking at this property boundary and location, it is quite difficult to make the right call. In his opinion, when the Board is deciding on up-zoning the City should get something. The something is supposed to be a superior site plan. If the Board would have a chance to review, and put some input into the site plan they would probably accomplish a superior site plan.

Mr. Bowley said this is a vacant tract of land and Pine Ridge does not have a development program proposed. They do not have an end user to do a site plan. They are positioning the property now with the hopes that up-zoning would make it a marketable piece. Discussion ensued regarding site plan thresholds and P&Z involvement.

Member Walosik said there could be potential access and circulation issues. Member Bowley said Volusia County has a set of construction plans for the widening of this part of Howland Blvd., which contemplates access improvements to this site. Discussion ensued regarding access improvements and road widening.

Chairman Burbank opened the public hearing.

Tim Goodenough, 3439 Goldenhills Street, Deltona, said he does not approve of the project since there are certain types of businesses he would object to having in his neighborhood, such as a liquor store or a cash for gold type of use. Also the church worship service, the daycare, and Pine Ridge high school already are noisy and businesses would bring in additional noise pollution. He cited additional traffic and pedestrian safety issues due to the high school located across the street. Also, there already is an abundance of available vacant commercial properties nearby, and he feels commercial properties should be kept together.

Chairman Burbank said a business would not be able to sell liquor unless fifty percent or more is food sales. A liquor store cannot be built near a school; however a drive through liquor store could be built.

Chairman Burbank closed the public hearing.

Motion by Member Kiepert, seconded by Member Olasimbo, to recommend that the City Commission approve CP12-001, Ordinance No. 12-2012.

Motion failed for lack of quorum, with members voting as follows:

Member Kiepert For
Member Walosik Against
Member Olasimbo For
Member McKnight Against
Chairman Burbank For

Chairman Burbank asked how this affects hearing the rezoning application. Mr. Paradise said the rezoning cannot be heard. The small scale application will be forwarded to the City Commission with the P&Z Board recommendation of not adopting the small scale amendment. There was further discussion regarding the quorum.

Chairman Burbank called for a five minute recess to look up the quorum issue in the City's Code of Ordinances.

After the recess Mr. Bowley said the motion did not pass. On the record, according Section 110-1201, Rules and Procedures, under Article XII "...a quorum shall be four members and no recommendations for approval of any applications shall be made unless four members concur." The vote was 3 to 2, with 5 members in attendance. We have quorum for attendance, but not for the vote.

At the end of the meeting Pastor Stilwell-Hernandez said he thought there would be another opportunity to address concerns regarding the applications to the Board besides the public comment time. Chairman Burbank apologized stating that he thinks they were all a little confused by the 3 to 2 vote since he had never seen that before. He told Pastor Stilwell-Hernandez that he would get the opportunity to speak at the City Commission meeting being held on August 6, 2012, and that the rezoning would be heard at the August 15th Planning & Zoning Board meeting.

B. Rezoning RZ2-002 Pine Ridge Fellowship United Methodist Church (UMC)

Amendment to the Official Zoning Map of the City of Deltona, to rezone the properties at 937, 939, and 941 Howland Blvd. from RE-1 Residential Estate One to C-1 Commercial, Ordinance No. 13-2012.

This item was not heard; however, it will be heard at the August 15th, 2012 meeting.

7. DISCUSSION:

A. By the Board:

Member Olasimbo said he received an e-mail about Planning Commission/Board training available in Naples, Florida. He asked whether there were funds available through the City to attend the training. Mr. Bowley said he checked with the Finance Department and there is no

general budget for board members' training and education already established by the Commission. While the City has reimbursed in the past for local events, such as VCOG, this event is in Naples and will likely not be considered a reasonable expense for reimbursement. Member Olasimbo asked if funds could be budgeted for next year. Mr. Bowley said all departments have been through the budget process for next year and Planning & Development's budget has been set.

Chairman Burbank asked for a Land Development Code update. Mr. Bowley said he would ask Tom Pauls, Planning Manager, to present an update.

B. By the City Attorney: N/A

C. By Planning & Development Staff: None

8. ADJOURNMENT:

There being no further business, the meeting adjourned at 7:38 p.m.

ATTEST:

Tom Burbank, CHAIRMAN

Pauline Shattuck, RECORDING SECRETARY