

**CITY OF DELTONA, FLORIDA
PLANNING & ZONING BOARD MEETING
WEDNESDAY, AUGUST 15, 2012**

A Regular Meeting of the Deltona Planning and Zoning Board was held on Wednesday, August 15, 2012, in the City Commission Chambers, 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	Present
Member	Adam Walosik	Present
Member	Noble Olasimbo	Present
Member	Victor Ramos	Present
Member	Michael Kiepert	Present

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

3. APPROVAL OF MINUTES:

A. Minutes:

1. Meeting – July 18, 2012.

Motion by Member McKnight, seconded by Member Kiepert, to adopt the minutes of the Planning & Zoning Board Meeting of July 18, 2012, as presented.

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

4. PUBLIC COMMENTS: None

5. OLD BUSINESS: None

6. NEW BUSINESS:

A. Rezoning RZ12-002 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 Retail Commercial, Ordinance No. 13-2012.

Mr. Paradise said the request is to rezone three parcels from RE-1 to Commercial. The small scale amendment for this property which was previously heard by the Planning and Zoning Board was not approved due to lack of quorum. The City Commission heard and approved the small scale amendment, which has been forwarded to the VGMC for their review.

Mr. McGrath explained the rezoning map amendment application for 4.68± acres, located on the west side of Howland Blvd. across from Pine Ridge High School. The applicant asked for a C-1 zoning, which is consistent with the Comprehensive Plan and with the commercial zoning across the street.

Chairman Burbank asked the Board Members to look at an exhibit of the Pine Ridge UMC property that he had provided. He said that looking at all the proposed easements--stormwater, track, drain, access, utility and landscape easements, why is this project not being processed as a BPUD instead of a straight C-1; it would still be consistent with the Comp. Plan. Discussion ensued. Mr. Bowley said this would be a question for the applicant since it is their concept. As it stands right now the applicant just wants to sell three commercial outparcels at the front of their property. There is no intended land use at this time; they do not have a proposal for development at this time.

Chuck Rudis, Coldwell Banker Commercial, applicant representing Pine Ridge Church, said the Church approached him and asked him to look at the property to see the viability of what it might be as far as retail because of its proximity to the high school, being located in front of the church and being separated from the adjoining properties. Knowing that Howland Blvd. was going to be 4-laned, increasing the traffic dramatically there might be some interest from some sort of a retail development, possibly a dollar-type store. Because of the entitlements, and the time it takes it to get those done, it would have more of an appeal to that type of development. Because of the traffic in front of the church and the school they felt that impact on the surrounding neighborhood would be minor. Regarding the easements, it was their intention for the stormwater to be held on each individual parcel, depending on the use. They put an easement on the survey just in case there would be a possibility in the future to keep the option open to utilize the large parcel behind the church. They tried to keep the uses as minimal as possible. They don't know how the parcels will be used. He said retailers will go where they want to go looking for ideal locations.

Member Kiepert asked if it was the Church's intention to rezone was to just be ahead of the curve when Howland Blvd. is 4-laned. Mr. Rudis replied in the affirmative, stating that because it takes some time to go through the small scale amendment and rezoning process, a retailer would not

need to go through this additional process. They have no idea what the development will be other than the zoning uses for the property.

Member Walosik said it is his opinion the first step would be to secure potential businesses and then go through the processes, not the other way around. Mr. Rudis said that would be great if businesses were lined up and ready to go. He thought that would have been the case at the Activity Center and some of the other places. However, the first question asked by a developer is about the zoning. Member Walosik said there is a lot of empty commercial zoned property in this area. Mr. Rudis said with a retailer like Dollar General, one of the first things they look at, for example, is about traffic coming to and from these types of site (sites with a traffic light, good traffic, proximity to schools). It makes sense for retailers so they could get the traffic flow they need.

Member McKnight said he agrees with Member Walosik. There is availability of zoned commercial property, vacant and developed, in close proximity to the Church area. If businesses were dying to come into that area they would go there. He said that twice Mr. Rudis has made reference to a dollar store. He thinks that is the last thing that this City is looking for on Howland Blvd. Mr. Rudis said you have to look at what's being built right now. Member McKnight said he understands that, but he also knows what this community needs; dollar stores are not what we need.

Chairman Burbank said the applicant will not have control over what type of establishment will be built on the properties, especially due to the extensive list of C-1 uses. He said he is not sure how the applicant would feel about some establishments on the list--such as a liquor store, pool hall, clinic, or a Hooters restaurant. Chairman Burbank said that with the BPUD process the Church could limit what could or could not be built. Mr. Rudis said it is a matter of opinion and he could see Chairman Burbank's view. He said also if someone bought the property and then resold it the Church would not have a say in the development.

Chairman Burbank opened the public hearing.

Matilda L. Morabito, 3495 Fish Hawk Road, Deltona, said she opposes the rezoning because it will increase the traffic, safety issues for the children, increased noise level, Deltona does not need any more minimum wage jobs, and there are other vacant commercial properties in the area.

There was discussion about access onto Fish Hawk Road and Howland Blvd.

Tim Goodenough, 3439 Goldenhills Street, Deltona, said he opposes the rezoning because the residents will have no control over what type of business will go in, additional noise pollution and the abundance of C-1 zoned property already available in the area.

Chairman Burbank called for a recess at 7:35 p.m. due to a storm surge shutting down the recording system. Chairman Burbank called the meeting to order at 7:59 p.m.

Mr. Goodenough continued his comments stating he is opposed to the rezoning because of school safety issues due to increased traffic.

Mark Nelson, 3480 Fish Hawk Road, Deltona, said he opposes the rezoning because of the effect on people living on his road, disrupting his and the neighbor's quality of life, and safety issues.

John Brundehlor, 3495 Fish Hawk Road, Deltona, read a letter pointing out safety and noise issues, devaluation of his property, and hurting the wildlife on his property.

Katherina Holly, 3429 Fish Hawk Road, Deltona, said she opposes the rezoning due to traffic, school, and safety issues. She said she already cannot get out of her road at times, and there should not be commercial areas in residential/rural areas.

Chairman Burbank closed the public hearing.

Member Olasimbo said everyone has a valid point. The question we should be asking is whether the zoning is consistent with the comp plan. He said there probably is not enough information to make that call, but it is within the zoning requirement for commercial land use designated on this property. All that has been discussed--schools and traffic that is there today--will be there tomorrow. He approves of the rezoning.

Member Walosik said there is not enough information to support the commercial rezoning on this property, and at this point, he cannot support the request.

Member McKnight said generally he is in support of commercial rezoning. However, this location being beside neighborhoods, in front of a Church, across the street from a high school, within a couple of miles from two or three other schools, and with the people that are at the meeting that live on Fish Hawk Road already having trouble getting onto Howland Boulevard--he cannot see adding three businesses and additional access for those businesses. He cannot support the rezoning. Once the Church sells these properties they do not have control over the type of businesses that will be built, and he does not want to see church members filling up Chambers protesting the type of businesses being proposed, complaining to the P&Z Board and City Commission about what is being proposed on these properties. The applicant representing the Church twice mentioned dollar stores, and that is the last thing we need on Howland Blvd. He cannot support the rezoning without knowing what type of business will come in.

Member Mulder said she has some reservations about traffic and the high school, however, when talking to the public, all she hears is that Deltona needs businesses and economic development. Trying to be ahead of the curve is one way of being proactive, by rezoning so that a company can come in and build. She hears the citizens' concerns. She does not want another Dollar General in the area, but the City needs to be proactive and she feels the properties will eventually be zoned commercial; she does not see residential being built on Howland Blvd. in the future.

Member Ramos said he agrees and disagrees with Member Mulder, unfortunately, he does not perceive commercial being currently needed in this area. Addressing the residents, he said you

have a rural area; unfortunately you are living on a County road that eventually will be developed. He does not support the rezoning at this time.

Member Kiepert said we need economic development and he respects the Church's right to be proactive and to get ahead of the game in regard to getting the property rezoned so they can hopefully do something quickly when Howland Blvd. will be 4-laned. That is something that is unavoidable all the way through. He said he lives on the other end of Howland Blvd. A RaceTrac gas station will be built next to the High School. He follows what is being said about traffic, but it is something that needs to be worked with.

Chairman Burbank said creating C-1 zoning does not create economic development, it just provides places where people can build. He said that currently there are enough commercial zoned properties. This project needs to come forward as a BPUD to give the City and the residents more control over how it is developed. With a PUD the City could insist on proper screening, limit hours of operation, and limit the type of business. He also is concerned about traffic near the school.

Mr. Bowley said the City does have an Economic Development Administrator who is actively trying to fill a lot of vacant space at Howland/Courtland and 415/Howland. He is focused on businesses going in on those existing commercial nodes to the north and south of this property.

Mr. Bowley stated as far as the BPUD question, if the applicant was considering developing all 25 acres, they certainly would not be here with a small scale amendment; it would be considered an expedited large scale amendment. That large scale amendment would take a minimum of six months to twelve months to go through. If that were a large scale amendment, considering all 25 acres and incorporating the Church, we would certainly consider BPUD zoning with a master stormwater facility, access, etc. The Church requested the small scale amendment and C-1 rezoning, which seems to be consistent with most of the State applications. There are deed restrictions, developer's agreements, and development orders that would control, or place land use controls on property. If the Church, as the owner, prefers to establish a property owners' association, they have the right to do so. If they want to privately place deed restrictions on the property, they can do that as well so that they know that, post selling the property to others, that those by-right uses, listed in the C-1 as permitted uses, are limited. That is an option as well.

Mr. Bowley said this segment of Howland Blvd. is typical to what he has seen outside of Deltona in the pre-widening of a known or announced widening project you see a level of positioning going on with properties. This is not the only property Planning & Development has been approached about to consider commercial in this segment prior to the widening of Howland Blvd. As this roadway gets widened to 4 lanes, it becomes more of an arterial into the City, into the regional roadway network, and this will not be the only request to rezone from residential to commercial or other type of land use to commercial.

Motion by Member Kiepert, seconded by Member Mulder, to recommend that the City Commission approve RZ12-002, Pine Ridge UMC Rezoning, Ordinance No. 13-2012.

Motion failed by vote of 4 to 3, with members voting as follows:

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

B. Land Development Code Amendment

Discussion on amendments to the Land Development Code.

Mr. Bowley said Phase 1 of the Land Development Code (LDC) took place last year with staff reorganizing the Land Development Code to make this process easier. Staff is now in Phase 2 of the process. Over a large period of time, Planning & Development has received over 70 requests from the public to City Commissioners, to Board Members, and other staff members, requesting that there be consideration for amendments or updates to the Code. These requests deal with changes to the sign ordinance, which was recently done, changes to land use conditions, lotting patterns, economic development, etc. Staff took a systematic approach and has ranked these items and came up with a much shorter list. The shortened list will be brought before the City Commission at a Workshop on October 8th for the first round of amendments. With public input in October/November, and then into December having a City Commission/P&Z Board Workshop for LDC Amendments of Phase 2A, then make any additional refinements that come from that workshop. The official meeting at the P&Z Board meeting will be in January. In February 2013, the LDC will be presented before the City Commission for adoption of Phase 2A. Considered for Phase 2A are granny flats, shopping centers, adding to Definitions (Ch. 70), Ch. 74 Administration, Ch. 86 Concurrency Management, improvements under Ch. 96, Ch. 110 Zoning, and other provisions such as outdoor cafés.

Chairman Burbank discussed some items to be included in the changes. He spoke about granny flats, alcohol sales--1,000 ft. distance between churches and alcohol sales establishments, outdated language, P&Z Board 1st meeting provision, and handicapped spacing.

Discussion ensued regarding involvement of P&Z Members' input into the LDC changes.

7. DISCUSSION:

A. By the Board: None

B. By the City Attorney: N/A

C. By Planning & Development Staff: None

8. ADJOURNMENT:

There being no further business, the meeting adjourned at 8:31 p.m.

ATTEST:

David McKnight, VICE-CHAIRMAN

Pauline Shattuck, RECORDING SECRETARY

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