

**CITY OF DELTONA, FLORIDA
PLANNING & ZONING BOARD MEETING
WEDNESDAY, OCTOBER 16, 2013**

A Regular Meeting of the Deltona Planning and Zoning Board was held on Wednesday, October 16, 2013, in the 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 McKnight.

2. ROLL CALL:

Chairman	David McKnight	Present
Vice-Chairman	Victor Ramos	Present
Member	Tom Burbank	Absent (excused)
Member	Wendy Hickey	Present
Member	Noble Olasimbo	Present
Member	Adam Walosik	Absent (excused)
Member	Herb Zischkau	Present

Also present: Planning & Development Director Chris Bowley, AICP; Ron Paradise Assistant Director of Planning and Development; Scott McGrath, Planner II; and Administrative Assistant Traci Houchin.

3. APPROVAL OF MINUTES:

A. Minutes:

1. Meeting – August 21, 2013.

Motion by Member Hickey, seconded by Member Olasimbo, to adopt the minutes of the Planning & Zoning Board Meeting of August 21, 2013, as presented.

Motion carried with members voting as follows: Wendy Hickey, for; Noble Olasimbo, for; Herb Zischkau, for; Victor Ramos, for; and David McKnight, for.

4. PUBLIC COMMENTS: None

5. OLD BUSINESS: None

6. NEW BUSINESS:

B. Election of Secretary.

Chairman McKnight called for nominations for the position of Secretary. Vice-Chairman Ramos nominated Member Olasimbo. There were no further nominations. Nominations were closed and the nomination carried unanimously. Member Olasimbo accepted the nomination of Secretary.

A. Project RZ13-006 – An amendment to the Business Planned Unit Development (BPUD) for the property know as Deltona Landings located at 901 Doyle Road.

Mr. Bowley introduced Scott McGrath, City Planner, and stated that he will be giving the presentation.

Mr. McGrath provided a brief history on the BPUD located at Deltona Landings. He said that the BPUD dates back to 1997 and was updated in 2003 to allow for a financial institution, First Trust Bank. In 2011, First Trust Bank closed several branches including this location. Mr. McGrath said that Goodwill Industries of (Goodwill) Central Florida approached the City and expressed an interest in opening an Attended Donation Center (ADC) in that particular location. He explained that there would be no retail component, only collections, and that all donations would be stored inside and later relocated to a larger donation center. Mr. McGrath said at this time, the current BPUD does not allow for an ADC, therefore, Goodwill is asking the City to amend the Development Agreement to allow for this type of use.

Member Zischkau said that he thinks that this is a great idea, but is concerned with the master list for BPUD's and whether or not this is a permitted use. Mr. McGrath explained that this is a new use and that it is not in the Code. Member Zischkau said that, if this is not on the list of permitted uses, then the zoning has to be changed and it would be illegal to make a zoning change for this particular parcel. Member Zischkau said that he feels that the best way to do this is to add ADC to the list of permitted uses that will have an effect on all BPUDs.

Mr. Bowley reviewed the Code, Chapter 70-30, Definitions and said that "Attended Donation Center" is not defined at this time. However, Chapter 110, Zoning, C-1 Retail Commercial Districts shows a list of permitted principal uses that is typically used for a Business Planned Unit Development (BPUD). He explained that the ADC is not listed, but that Retail Specialty Shop is listed, and that is the most similar use.

Ms. Shannon Hoagland introduced herself as the attorney representing Goodwill and explained that the BPUD that is currently in place has a long list of uses and that the ADC falls under Retail Specialty Shop. Ms. Hoagland said that this will be about the 15th center open in Central Florida and that all other locations in Central Florida have fallen under the Retail Category. She said that the amendment that they are asking for is that Retail Specialty Use be listed as Retail/ADC.

Member Zischkau asked staff if there is any precedence for including a donation center within the Retail Specialty Shop Use and Mr. Bowley said that they do not as this would only be a donation center in the City without retail use. He also asked Mr. Bowley if the C-1 zoning list of uses would automatically become a part of the BPUDs and Mr. Bowley said that it would not. Again, Member Zischkau reiterated that if the City chooses to add a new definition then it needs to be consistent for all BPUDs in the City. Mr. Bowley said that a BPUD is flexible zoning, not by-right zoning.

Mr. Paradise said that in looking at the entire pallet of commercial zoning that is available in the City, there is some language that speaks to a Stamp Redemption Center and a Collection Recycling Center. Therefore, he believes that there is some language in the preambles of the zoning classifications that

allow for some interpretive activity to occur by the Director. He said that the intent of this is to maintain measurability of the Zoning Ordinance. Mr. Paradise said that staff did discuss this with Ms. Vose and she had no objections.

Member Zischkau said that he believes that Mr. Paradise's statement helps to define where the City does not want them to go and that this type of discretionary authority should not be given to administrative personnel. Member Zischkau said that he is trying to avoid the City being challenged at a later time by an owner of another BPUD. Ms. Hoagland confirmed that Retail Specialty Shop is currently in the Development Agreement. She said that she spoke to Ms. Vose who suggested that staff add the ADC as a part of that language.

Member Zischaku suggested that in the absence of the City Attorney, perhaps the Board could provide some type of direction that the applicant and the City could agree on. However, Chairman McKnight said that he would like to see the Board move forward with this.

Ms. Hoagland said that she has a copy of the actual proposed amendment that would be signed and recorded and that Ms. Vose has also reviewed the amendment. She said that, as of this time, she has not received any objections, so she believes that Ms. Vose is comfortable with the way it is being proposed. Member Zischaku asked Ms. Hoagland to provide the Board with a copy of the document. He said that this will allow the Board to make a recommendation and approval. Chairman McKnight asked Ms. Hoagland what type of hours the ADC will have, as he fears that drop-offs may occur when the center is unattended, which can present blight in the City. Ms. Hoagland stated that the ADC will be open from 8 a.m. to 7 p.m., seven days a week.

Member Hickey asked if there is a limit on the size of donations and Ms. Hoagland said that they do not accept appliances, but that there really is no size limit except what staff can carry. Member Hickey also asked if there will be a dumpster on site and how trash will be handled. Ms. Hoagland explained that as they do not use dumpsters at the ADC because the on-site staff has to carry in the items. She said that they load everything on their trucks and it goes to salvage or to the retail stores.

Motion by Member Olasimbo, seconded by Vice Chairman Ramos to recommend that the City Commission adopt Ordinance No.15-2013 with the cited conditions.

Amended motion by Member Zischkau to change the language in Section 3 of the Ordinance to read: The existing Development Agreement shall be amended to clarify that an ADC is included in a RSS use as in the draft. This "Amendment to the amended PUD Developers Agreement" attached hereto as Exhibit A.

Amended Motion fails for a lack of second.

Original Motion carried 4 to 1 with members voting as follows:

Member Hickey	For
Member Olasimbo	For
Member Zischkau	Against

**Vice Chair Ramos
Chairman McKnight**

**For
For**

7. MEMBER QUESTIONS/COMMENTS:

A. By the Board:

Member Hickey said that she was pleased with all the information as it was received and presented.

Vice Chair Ramos said that staff made some great recommendations on this agenda item.

Member Olasimbo asked if they will be reviewing the Land Development Code (LDC) sometime in the future and Mr. Bowley said that it will be coming up at a workshop on October 28, 2013.

B. By Planning & Development Staff: No comments

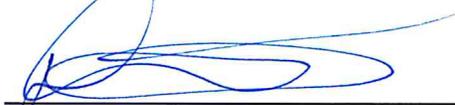
8. ADJOURNMENT:

There being no further business, the meeting adjourned at 7:42 p.m.

ATTEST:



Traci Houchin, RECORDING SECRETARY



David McKnight, CHAIRMAN

Katherine Kyp for Traci Houchin