

**CITY OF DELTONA, FLORIDA
PLANNING & ZONING BOARD MEETING
WEDNESDAY, DECEMBER 18, 2013**

A Regular Meeting of the Deltona Planning and Zoning Board was held on Wednesday, December 18, 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 Vice-Chairman Ramos.

2. ROLL CALL:

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

Also present: Planning & Development Director Chris Bowley, AICP; Ron Paradise Assistant Director of Planning and Development; Tom Pauls, AICP, Planning Manager; Scott McGrath, Planner II; and Administrative Assistant, Kathrine Kyp.

3. APPROVAL OF MINUTES:

A. Minutes:

1. Meeting – October 16, 2013.

Motion by Member Hickey, seconded by Member Olasimbo, to adopt the minutes of the Planning & Zoning Board Meeting of October 16, 2013, as presented.

Motion carried with members voting as follows: Member Hickey, for; Member Olasimbo, for; Member Zischkau, Abstain and Member Ramos, for.

4. PUBLIC COMMENTS: None

5. OLD BUSINESS: None

6. NEW BUSINESS:

A. Ordinance No. 18-2013: Land Development Code Amendments – Phase II-B (Ordinance No. 18– 2013).

Tom Pauls provided a summary on the Phase II-B Amendments to the Land Development Code (LDC) Amendments: Chapter 70, definitions; Chapter 74, process, content, checklist and operations, Chapter 75 (new), for procedures on Site Plans and Subdivisions, Chapter 106, streamlining subdivisions and Chapter 110, cleanup with setback planned unit development and fences. The basis for Phase II-B is to streamline the process and make the document user-friendly for the citizens and staff.

Member Burbank asked Mr. Pauls concerning Sec. 110-828, Page 110:138. Items (b) #1 and #2, if it meant that grass parking within Deltona is prohibited. Mr. Pauls stated, yes. Member Burbank asked when special events are held, and parking is on the grass, the City or Church events are in violation of this Code. Mr. Pauls stated that he is coordinating with the Parks and Recreation Department and the Fire Department regarding this and requested language from Member Burbank. Member Burbank suggested using the language; unless approved otherwise, and recommended creating a process where the entity provides a site plan once it becomes part of the special event permit. Member Burbank also stated that if the City complied with the ADA requirements on handicap parking spots, we would create more green space and save developers money. Mr. Pauls replied they are making headway.

Member Burbank also stated that the Site Plan Review and Plat Review process, at one time, was brought to the Planning and Zoning Board to review and the only time the City Commission became involved was when this Board said no. Then, the City Commission became the adjudicating body. Site Plans are going straight to the City Commission. Mr. Pauls said that Member Burbank's point was discussed at the October 28, 2013, City Commission Workshop, and at the outcome of the session it was recommended and agreed to by the majority of the City Commissioners that the Development Review Committee review all Site Plans and governed the final say. The change in the procedure is to ensure that the public health, safety and welfare is protected, while streamlining the length of the process.

Member Zischkau made motion to move item 6A until the meeting in January, due to volume of the document, and needing additional time to review. Member Olasimbo stated the document, with changes, was provided months ago and is coming back to the Board for final approval. Member Burbank asked Mr. Zischkau if he was concerned on the volume or the content of information. Member Zischkau said that it was one in the same. Mr. Pauls stated that on October 17, all the Board members received the document and some members have commented on the agenda memo and the language that was changed.

Motion by Member Zischkau, seconded by Member Walosik, to recommend that the Board move item 6A till the January meeting.

Vice-Chairman Ramos called for a voice roll call. Motion fails 5 to1 with members voting as follows: Member Walosik, against; Member Olasimbo, against; Vice-Chairman Ramos, against; Member Hickey, against; Member Zishkau, for; Member Burbank, against.

Member Zischkau directed questions to Attorney Wade Vose regarding the LDC definition for Adult

Bookstore. Member Zischkau entered a pamphlet, 'What the Church Teaches – Pornography' into the record. Member Zischkau stated an adult bookstore could have an area where children are permitted and the Code would allow the store to not be labeled as an adult bookstore. He suggested that we regulate them and clean up this definition. Mr. Olasimbo stated that this is just a definition and there is an Adult Entertainment ordinance. Member Burbank stated that the definition accommodates convenience stores that are allowed to have a percentage of it and that we should not stop the progress of the LDC. He suggested that Member Zischkau attend a City Commission meeting and bring up his concerns there.

Motion by Member Burbank, seconded by Member Olasimbo, to recommend to the City Commission to approve Ordinance No. 18-2013.

Motion carried 5 to 1 with members voting as follows: Member Walosik, for; Member Olasimbo, for; Vice-Chairman Ramos, for; Member Hickey, for; Member Zischkau, against; Member Burbank, for.

B. Ordinance No. 17-2013: Ordinance No. 17-2013 Amending the Comprehensive Plan of the City of Deltona, by amending the Capital Improvements Element providing for the replacement of the Capital Improvement Project sheets.

Ron Paradise provided a brief explanation on the annual update to the Capital Improvement Element document showing the City is adhering to and implementing level of service standards for roadways, parks, solid waste, water, wastewater etc. The budgetary information in the document has been taken from the City's budget that was approved in September of 2013.

Member Zischkau asked for clarification on the document and budget numbers. Mr. Paradise stated the Growth Rate of 2.5% is a population projection and the solid waste stream is predicated on last year's trash pickup. The level of service standards are out of the Comprehensive Plan. Those numbers have been projected out to the future.

Member Zischkau asked for clarification on the storm water budget projection, due to the drastic decrease in funds when compared to past years. Mr. Paradise explained that the City had a backlog of storm water management projects, due to Tropical Storm Fay and other flooding issues, and the City spent a lot of money trying to provide repairs. A good portion of the money spent was funded by the CDBG grant. At this point in time, the City has caught up significantly.

Member Burbank noted an observation on page 22, within the Normandy Section B verbiage and Mr. Paradise stated he will look into it and change it, if need be, before going in front of the City Commission.

Motion by Member Burbank, seconded by Member Hickey to recommend that the City Commission approve Ordinance No. 17-2013 amending the Comprehensive Plan of the City of Deltona, by amending the Capital Improvements Element, providing for the replacement of the Capital Improvement Project sheets.

Motion carried 5 to 1 with members voting as follows: Member Walosik, for; Member

Olasimbo, for; Vice-Chairman Ramos, for; Member Hickey, for; Member Zischkau, against; Member Burbank, for.

C. RZ13-007, Amendment to the Official Zoning Map (Ordinance No. 1-2014).

Scott McGrath provided a brief explanation stating the applicant, Tractor Supply Company, is requesting it to be rezoned from Rural Residential, a County zoning classification, to C-1 (Real Commercial).

Public Comments:

Leon Jones, resident from 3470 Sandlor Dr., spoke against the rezoning and requested the Board deny the request. If the request will not be denied, Mr. Jones is requesting no access be granted to the commercial lot from Sandlor Dr. and that a wide buffer of natural vegetation is required along Sandlor Dr. Mr. Jones is also requesting the company to install the latest technology for security lighting and signage to reduce light pollution.

Discussion ensued regarding whether vehicular access would be connected to Sandlor Dr. Mr. Bowley, following comments regarding a previous tract vacation, affirmed that there would not be any vehicular connection between the Tractor Supply project and the Pell property to the south and Sandlor Dr. Mr. McGrath elaborated that the applicant is also providing LED lights and a 30 wide buffer. Mr. Walosik agrees with Staff's recommendations.

Rodney Honeycutt from Honeycutt and Associates, Inc., the applicant for Tractor Supply assured that there will not be any access to Sandlor Dr. He stated that they are increasing the north buffer to 30 feet in its natural state, as well as add a fence to help with the buffer. Member Burbank asked Mr. Honeycutt if Staff was requesting a cross-access easement to the west to accommodate future development. Mr. Honeycutt stated that it is not part of the Tractor Supply site, but will be a part of the vacation of the Plat for the entire property and be along the south side of the Tractor Supply site.

Motion by Member Burbank, seconded by Member Olasimbo to recommend that the City Commission approve RZ13-007, Amendment to the Official Zoning Map (Ordinance No. 01-2014) with conditions that any access to Sandlor Dr. be for emergency purposes only and the buffer yard to the north be at minimum 30 feet with a fence in between.

Motion carried unanimously.

D. RZ13-008, BPUD Rezoning for the Saxon-Sterling Silver (Ordinance No. 2-2014).

Ron Paradise stated that because of the complexity of the TIA, it would be appropriate to hire an outside consultant to review that document. Staff is working with the applicant to secure the escrow funds to hire that consultant. Mr. Paradise stated that Staff is requesting to defer the item to date certain of February 19, 2014, to formulate comments and give the City Staff and the P&Z Board time to review the comments. Mr. Paradise made note that the Board should not engage in discussion unless to make a motion to defer the hearing to February 19, 2014. Mr. Vose concurred with Mr. Paradise to not discuss the item until everything is made available.

Mr. Walosik requested to view the revised Master Development Plan amendment. Mr. Zischkau asked Mr. Paradise when the application was made and why the process is taking so long. Mr. Paradise replied that the Staff did not realize the full breath of the traffic situation until the TIA was submitted. The application was submitted in mid-November. Mr. Zischkau asked who has the authority to approve the hiring of the expert. Mr. Paradise stated it is allowed as part of a City Ordinance through the fee schedule allowing for the hiring of outside help, if needed.

Motion by Member Burbank, seconded by Member Olasimbo to defer item D. RZ13-008, BPUD Rezoning for the Saxon-Sterling Silver (Ordinance No. 2-2014) to February 19, 2014.

Motion carried unanimously.

Member Zischkau left before adjournment at 8:01p.m.

7. MEMBER QUESTIONS/COMMENTS:

A. By the Board:

Member Ramos wished all Happy Holidays.

B. By Planning & Development Staff:

Mr. Paradise said, the City has been approached by the Federal Emergency Management Agency and the Florida Department of Emergency Management with regard to updating the City's Flood Plan Management Regulations, which needs to be adopted February 19, 2014. The Board will be presented with a new Flood Plain Model Ordinance on January 15, 2014, and then to the City Commission in February for adoption.

Mr. Bowley wished all Happy Holidays and Merry Christmas.

Mr. Vose reiterated to the Board that if they have had any ex-parte communications, to remember them and be prepared to have them disclosed appropriately at the appropriate time.

8. ADJOURNMENT:

There being no further business, the meeting adjourned at 8:15 p.m.

ATTEST:



Kathrine Kyp, RECORDING SECRETARY



David McKnight, CHAIRMAN

Victor RAMOS, Vice Chairman