



City of Deltona

2345 Providence Blvd.
Deltona, FL 32725

Agenda

Planning and Zoning Board

Chair Tom Burbank
Vice Chair Adam Walosik
Secretary Wendy Hickey
Member Victor M. Ramos
Member Noble Olasimbo
Member Herb Zischkau
Member Stony Sixma

Wednesday, October 21, 2015

7:00 PM

Deltona Commission Chambers

1. CALL TO ORDER:

2. ROLL CALL:

3. APPROVAL OF MINUTES & AGENDA:

A. Approval of Minutes for September 19, 2015

4. PRESENTATIONS/AWARDS/REPORTS:

5. PUBLIC FORUM:

6. OLD BUSINESS:

7. NEW BUSINESS:

A. Resolution No. 2015-39, Conditional Use Approval for a Granny Flat, File No. CU 15-003

B. Ordinance No. 28-2015, Amend the Official Zoning Map from Professional Business (PB) to Retail Commercial District (C-1) for 3108 & 3096 Howland Boulevard, File No. RZ 15-005

8. STAFF COMMENTS:

9. BOARD/COMMITTEE MEMBERS COMMENTS:

10. ADJOURNMENT:

NOTE: If any person decides to appeal any decision made by the City Commission 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, Joyce Raftery 48 hours in advance of the meeting date and time at (386) 878-8500.



City of Deltona

2345 Providence Blvd.
Deltona, FL 32725

Minutes

Planning and Zoning Board

Wednesday, September 16, 2015

7:00 PM

Council Chambers

1. CALL TO ORDER:

The meeting was called to order at 7:00 pm.

2. ROLL CALL:

Also present: Planning & Development Services Director, Chris Bowley, AICP and Administrative Assistant, Kathrine Kyp.

Present: 5 - Chair Tom Burbank
Member Victor M. Ramos
Member Noble Olasimbo
Member Herb Zischkau
Member Stony Sixma

Excused: 2 - Vice Chair Adam Walosik
Secretary Wendy Hickey

3. APPROVAL OF MINUTES & AGENDA:

A. Approval of Minutes for August 19, 2015

Member Olasimbo noted that the motion for RZ15-003, Ordinance No. 14-2015, amending the Deltona Welcome Center Business Planned Unit Development should have included the condition that no access be allowed onto DeBary Ave. and a right-in access only off of Deltona Blvd.

Member Ramos stated that, although the minutes do not reflect the condition, the condition was relayed to the City Commission at the first hearing.

Motion by Member Zischkau, seconded by Member Ramos, to approve as amended, the Minutes from August 19, 2015 . The motion failed by the following vote:

For: 5 - Chair Burbank, Member Ramos, Member Olasimbo, Member Zischkau and Member Sixma

4. PRESENTATIONS/AWARDS/REPORTS:

5. PUBLIC FORUM:

6. OLD BUSINESS:**7. NEW BUSINESS:****A. Ordinance No. 17-2015: Adopting a Temporary Moratorium on the Processing of Applications Proposing to Use a Package Plant**

Mr. Bowley provided a summary regarding the package sewage treatment plant and the inconsistencies within the Land Development Code and Comprehensive Plan Infrastructure Element. He stated that, the City Attorney concurred that a 12 month moratorium on any applications for a package sewage treatment plant, so the language can be updated.

Discussion between the Board and Mr. Bowley ensued regarding the effect on future developments and the status of the previously submitted Conditional Use application for a package sewer treatment plant.

Chairman Burbank opened and closed the public hearing.

Motion by Member Olasimbo, seconded by Member Ramos, to approve Ordinance No. 17-2015: Adopting a Temporary Moratorium on the Processing of Applications Proposing to Use a Package Plant . The motion carried by the following vote:

For: 4 - Chair Burbank, Member Ramos, Member Olasimbo and Member Sixma

Against: 1 - Member Zischkau

B. Ordinance No. 18-2015: An Amendment to allow a Comprehensive Sign Plan for Renovated Commercial Development in Blighted Areas.

Mr. Bowley provided an explanation regarding the comprehensive sign plan ordinance. He stated that it is designed to help business owners in bighted areas reinvest to in their site. Member Zischkau and Mr. Bowley discussed the variance application process and the timeline on the update of the current sign code to be updated. The variance process stated by Mr. Bowley pertains to zoning hardships, which signage may not always pertain to.

Chairman Burbank and Mr. Bowley discussed the process of any proposed sign changes. Mr. Bowley stated that any requests would come through staff first, then proceed to the Planning and Zoning Board for a recommendation and then to the City Commission for approval.

Chairman Burbank opened the public hearing.

Mike Metzger- 3662 Avalon Park East Blvd., Orlando, Florida, owner of the Deltona Plaza, spoke regarding revitalizing the Deltona Plaza. He stated that 35,000 square feet has been leased out, but the big box companies and each tenant want their own signage.

Chairman Burbank closed the public hearing.

Chairman Burbank and Mr. Bowley discussed the submittal requirements for the sign plan.

Motion by Member Olasimbo, seconded by Member Ramos, to approve Ordinance No. 18-2015: An Amendment to allow a Comprehensive Sign Plan for Renovated Commercial Development in Blighted Areas. The motion carried by the following vote:

For: 5 - Chair Burbank, Member Ramos, Member Olasimbo, Member Zischkau and Member Sixma

8. STAFF COMMENTS:

9. BOARD/COMMITTEE MEMBERS COMMENTS:

10. ADJOURNMENT:

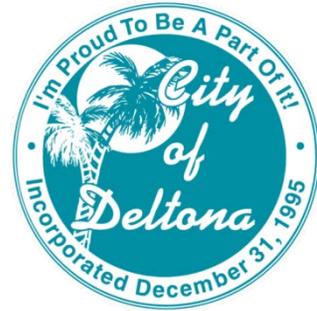
The meeting was adjourned at 7:37 pm.

Tom Burbank, CHAIRMAN

ATTEST:

Kathrine Kyp, SECRETARY

Staff Report



To: Planning and Zoning Board

From: Ron A. Paradise, Assistant Director, Planning and Development

Date: October 21, 2015

Re: Resolution No. 2015-39, Conditional Use Approval for a Granny Flat, File No. CU 15-003

A. Summary of Application:

Applicant:

Donna and Jerald Mayes

Request:

Conditional Use approval for a Granny Flat

Tax Parcel No.: 8130-66-15-0040

Property Acreage: +/- 0.34 Acre

Property Location: The 925 Dandridge Drive site is located in the southwestern section of the City near the City's 122 acre water infiltration and reuse complex.

Legal Description: Lot 4 Blk 1740 Deltona Lakes Unit 66 MB 28 PGS 124 to 127 Inc Per OR 2585 PG 0246

B. Existing Zoning:

1. **Subject Property:** R-1 Single Family residential
2. **Adjacent Properties:**
 - North:** R-1 Single Family residential
 - South:** R-1 Single Family residential
 - East:** R-1 Single Family residential
 - West:** R-1 Single Family residential

C. Background:

The proposal is to construct a stand-alone 915 square foot granny flat to be used for a family member. The property is currently developed with a single-family dwelling featuring 2,351 gross square feet.

D. Matters of Consideration for this Conditional Use:

Section 110-1102, Code of City Ordinances, states that the City shall consider the following matters when reviewing applications for Conditional Use:

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

In 2013 the City Commission added provisions into the zoning regulations of the Land Development Code that expanded the ability to seek a granny flat or ancillary dwelling on an already developed lot. As part of the 2013 revision, criteria were added to the Land Development Code under Sec. 110-817(g). Sec. 110-817 (g) articulates seven criteria intended to manage and guide the development of granny flats within the City. The seven criteria are analyzed as follows:

1) *Minimum Lot area required: 7,500 square feet.*

The lot proposed for the granny flat can be described as an oversized lot for the Deltona Lakes Plat consisting of almost 15,000 square feet.

2) *Be used to house immediate family members or domestic help/caregivers.*

The granny flat is to be used as a domicile for an immediate family member. Circumscribing the use of this facility as consistent with this provision will be done through a declaration of agreement illustrated in criterion number seven.

3) *Shall contain a minimum of 400 square feet of living area but shall not be greater than 35% of the gross floor area of the principal dwelling unit.*

The proposed granny flat is 915 gross square feet – well over the 400 square foot minimum size. The gross floor area of the primary structure is 2,351 square feet. The 915 square foot overall footprint of the granny flat represents a gross floor area not living area. Living area is generally described as area under heat and air, i.e. climate controlled. While a granny flat foot print can be larger than the 35% requirement, maybe to accommodate a garage, the living area can be no less than the aforementioned 35%. Therefore, the subject granny flat cannot be associated with more than 822 square feet of living area. The applicant has designed the facility to feature 811 square feet of living area. The balance will be considered non-climate controlled storage. This provision will be implemented during the building permit process.

4) *Shall have all utility services provided by a common meter with the principal dwelling.*

The intent of this provision is to ensure that the granny flat is maintained as a secondary use and will only be used for immediate family members as is going to be pledged by the applicant.

5) *Shall not have a separate driveway.*

The proposed use will not be associated with a separate drive. As with the utility service provision, this criterion is intended to maintain the proposed granny flat as supplemental to the principal dwelling.

6) *Shall not be assigned a separate address.*

As with other criteria, this section will further the goal of the proposed granny flat being a secondary use on the property. Providing mailing addresses in the City is the responsibility of the Planning and Development Services Department. There will be a data base notation created associated with the parent parcel to deny any request for separate addressing at the site.

7) *All granny flats approved will be subject to a declaration of use agreement between the owner and City stipulating, at minimum, the nature of the occupancy and granting the City the right to inspect the premises in a reasonable manner.*

The applicant has agreed to this condition. If the Conditional Use is approved, the City and applicant will enter into a declaration of use agreement.

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

The City Comprehensive Plan indicates that the City shall “provide” for granny flats in residential areas. See below policy:

Policy FLU1-8.6

The City shall provide for granny-flats, mother-in-law suites, and accessory apartments in residential areas, and for ensuring the availability of housing types appropriate to various age and needs groups, including families with children, multi-generational households, young and/or single adults, empty nesters, and senior citizens.

The proposed Conditional Use application is located within a residential area, will be used by a family member, and will adhere to all zoning setback requirements.

3. Will the proposed use adversely affect the public interest?

The development proposal is limited to one lot within an established residential area. The proposed Conditional Use on the property will not change the residential character of the area and therefore, not be contrary to public interest.

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

As discussed in Section 1, all conditions and requirements cited in the City Code will be met.

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

Improvement of the property associated with the request, if approved, will be subject to the City building permit process. Consistency with applicable regulation will be ensured during the building permit process.

6. Will the proposed use generate undue traffic congestion?

The granny flat, while representing another dwelling on an individual property will be limited to family member use. The traffic generated by the proposed granny flat could be identical to traffic rates associated with a large square foot home providing shelter for a large family. It is quite common that larger families have more than two household drivers.

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

The proposed granny flat will not be associated with any public hazards, nuisances or dangers.

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

The proposed granny flat is a residential use and represents a logical addition to a residential area. The surrounding neighborhood will be safeguarded by the fact that the proposed granny flat will be a supplemental use; not have stand-alone metering or access; and the occupancy of the structure will be limited to family members. To ensure the long term implementation of the aforementioned conditions, the City will have the right to reasonably inspect the property. In addition, the project will be subject to aesthetic requirements (sec. 110-827) that will require that the granny flat be designed and treated (roof lines, exterior finish, etc.) to match the principal structure on the lot.

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

The property is developed and is located in an established neighborhood. There are no natural vegetative communities or wildlife habitat areas associated with the property. However, a small portion of the property that accounts for about 2,400 square feet is located within the 100 year floodplain. The floodplain area on the property is situated in the western portion of the lot. In the field, there are no obvious signs of flooding but there is a noticeable declivity from east to west where the floodplain is located. According to site plan material submitted to the City as part of the Conditional Use application, the granny flat was proposed to be located within the floodplain area of the lot. However, there is ample room on the lot not encumbered by the floodplain to locate the granny flat. The floodplain situation has been discussed with the applicant and the applicant has agreed to move the proposed granny flat out of the floodplain. The City has comprehensive floodplain management rules. The goal of directing development and investment away from floodplain areas is consistent with City floodplain management efforts and the following Comprehensive Plan policy:

Policy FLUI-4.2

The City shall discourage development within any known flood plains as identified by the best available data, such as FEMA flood maps.

Conclusion/Staff Recommendation:

Granny flats are considered residential uses and, conditionally, would be appropriate within a residential neighborhood associated with detached dwellings on individual lots. The proposed granny flat located at 925 Dandridge Dr., as proposed, is clearly subordinate and incidental to the primary principal use on the property – single-family dwelling unit. In addition, the proposed structure is appropriately located and sized to comply with applicable City requirements and would therefore be compatible with the surrounding neighborhood. Finally, a relocation of the proposed structure out of the 100 year floodplain would be consistent with City floodplain regulations and policies.

Staff recommends that the Planning and Zoning board recommend that the City Commission approve the request conditioned on all of the parameters of Sec. 110-817(g) being met and the proposed improvement be located outside of the 100 year floodplain.

RESOLUTION NO. 2015-39

A RESOLUTION OF THE CITY OF DELTONA, FLORIDA, GRANTING A CONDITIONAL USE TO CONSTRUCT A GRANNY FLAT WITHIN AN R-1, SINGLE FAMILY RESIDENTIAL ZONING DISTRICT, FOR THE PROPERTY LOCATED AT 925 DANDRIDGE DRIVE, WITHIN THE CITY OF DELTONA; PROVIDING FOR CONDITIONS AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Jerald and Donna Mayes have submitted an application for Conditional Use, CU15-003, to construct a granny flat within an R-1, Single Family Residential zoning district; and

WHEREAS, in accordance with Section 110-1102 Deltona City Code of Ordinances, the City of Deltona held a public hearing after due public notice to review the proposed Conditional Use Application, Project No. CU15-003.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF DELTONA, FLORIDA, as follows:

Section 1. Conditions of approval. In accordance with the City of Deltona Code of Ordinances, Section 110-1102, the Deltona City Commission hereby grants a Conditional Use, CU15-003, for the construction of a granny flat at 925 Dandridge drive, subject to the following Conditions of Approval:

1. The granny flat shall not have a separate drive way or address.
2. Can be used only for family members
3. Have utility services provided by a common meter with the principal dwelling
4. Subject to a declaration of use agreement between the owner and the City stipulating at a minimum the nature of the occupancy and granting the City the right to inspect the premises in a reasonable manner.

Section 2. Effective Date. This Resolution shall become effective immediately upon its adoption and is valid for a period not to exceed twenty four (24) months from the date of adoption.

PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF DELTONA, FLORIDA THIS ____ DAY OF _____ 2015.

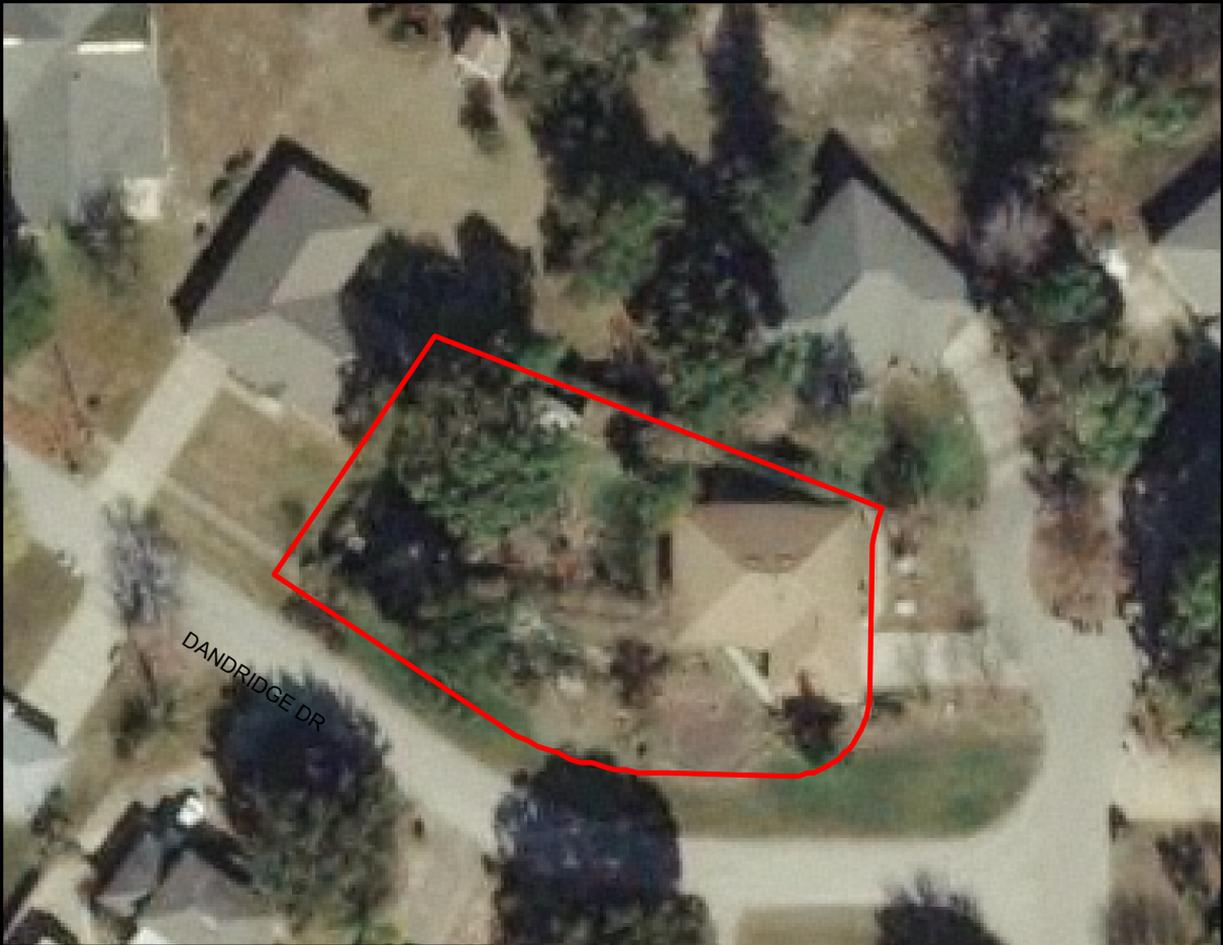
BY: _____
JOHN C. MASIARCZYK, SR., Mayor

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



DANDRIDGE DR

WESTLINE AV

AERIAL PHOTO

Legend

 Subject Parcel



NOT TO SCALE



PUBLIC

**RESIDENTIAL
LOW DENSITY**

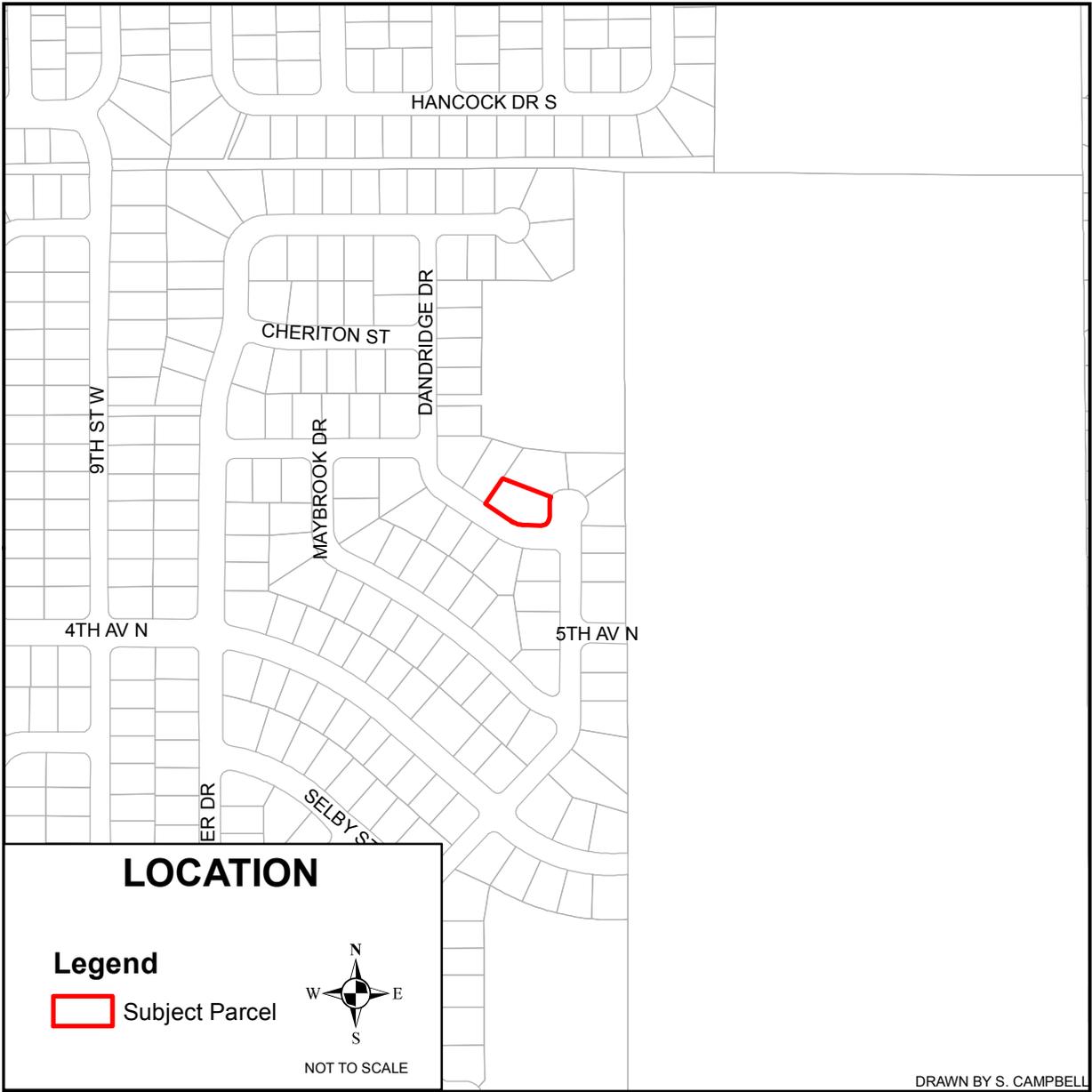
**FUTURE LAND
USE MAP**

Legend

 Subject Parcel



NOT TO SCALE



HANCOCK DR S

CHERITON ST

DANDRIDGE DR

MAYBROOK DR

9TH ST W

4TH AV N

5TH AV N

ER DR

SELBY ST

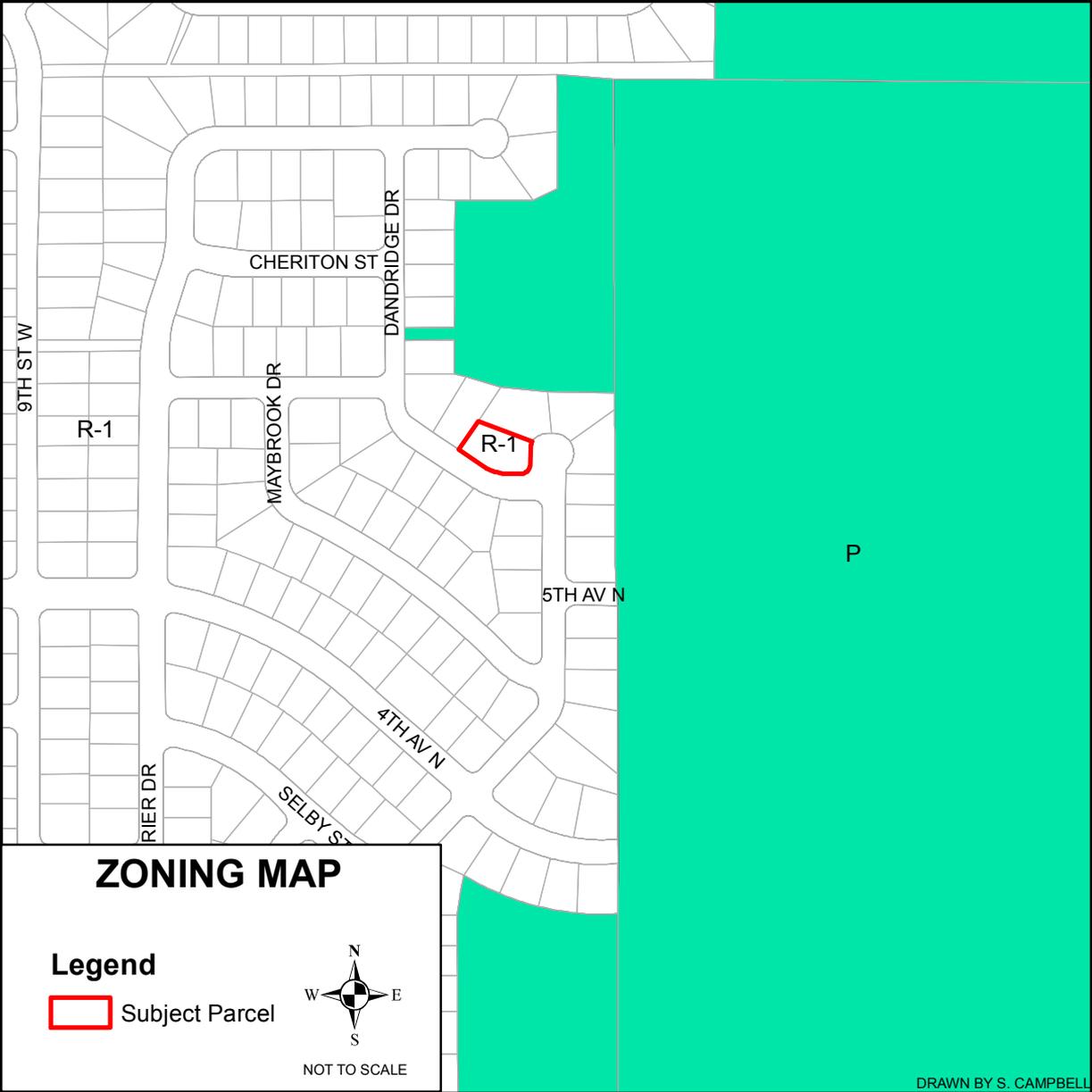
LOCATION

Legend

 Subject Parcel



NOT TO SCALE



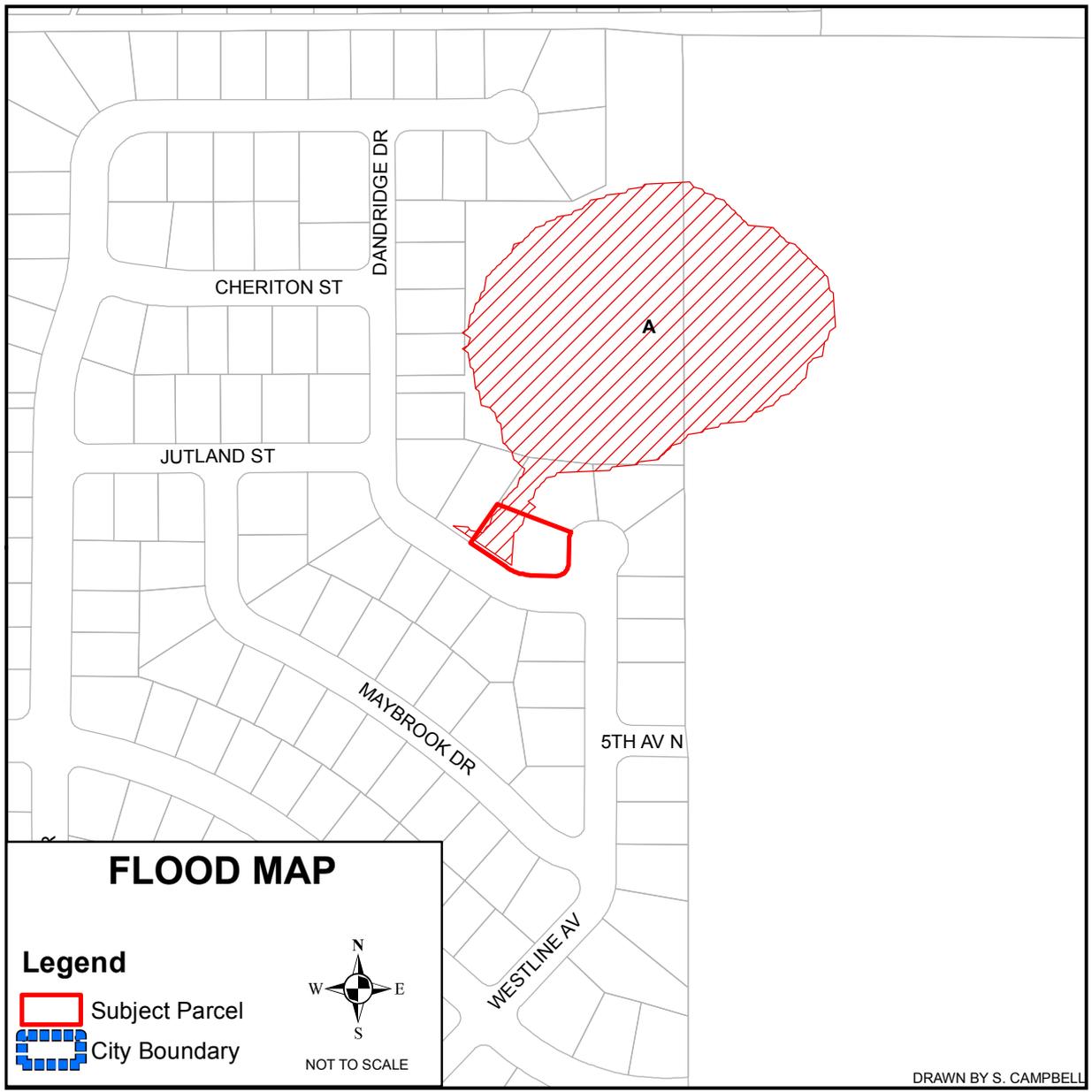
ZONING MAP

Legend

 Subject Parcel



NOT TO SCALE



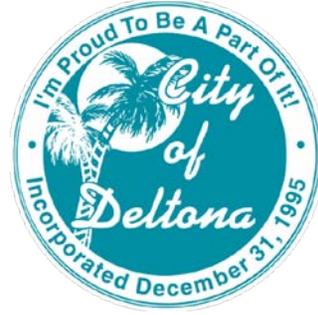
FLOOD MAP

Legend

-  Subject Parcel
-  City Boundary



NOT TO SCALE



Staff Report

To: Planning and Zoning Board

From: Scott McGrath, Planner II

Date: October 8, 2015

Re: Ordinance No. 28-2015, Amend the Official Zoning Map from Professional Business (PB) to Retail Commercial District (C-1) for 3108 & 3096 Howland Boulevard, File No. RZ 15-005.

A. Summary of Application:

Applicant: Sakina, LLC
P.O. Box 951382
Lake Mary, FL 32795

Request: The City has received an application to amend the Official Zoning Map from Professional Business (PB) to Retail Commercial District (C-1) for two contiguous lots in similar ownership fronting on Howland Boulevard near the intersection with Roseapple Avenue.

Tax Parcel No.: 8108-00-00-0025 & 8108-00-00-0026

Property Acreage: ± 2 Acres in total

Property Location: 3108 & 3096 Howland Boulevard

Legal Description: Section 8, Township18 South, Range 31 East, East 200 Feet of West 1494.68 Feet of East 3/4 North of State Route 444 and Section 8, Township18 South, Range 31 East, East 200 Feet of West 1694.68 Feet of East 3/4 North of State Route 444, per OR 4834, Pages 3459-3460 per OR 6079 Page 4199 of the Public Records of Volusia County, Florida.

B. Existing Zoning: Professional Business (PB)

C. Background:

The subject properties to be rezoned front on Howland Boulevard and are located near the intersection of Roseapple Avenue and Howland Boulevard. The property is generally located in the northwestern quadrant of the City east of Deltona High School near the Arbor Ridge neighborhood. The applicant is seeking the zoning amendment to broaden the permitted uses with the intent of encouraging development.

The existing zoning is Professional Business (PB). The purpose and intent of the PB zoning classification for this area was to establish a transitional zone between high volume streets and single family residential areas and between higher intensity development and single family residential areas. Permitted uses include barbers/beauty shops, banks, offices, including medical offices, and even multi-family residential townhomes. The PB zoning can be traced to the original Deltona Lakes Community Development Plan regulations (C. 1973). However, the current PB designation has been updated to account for more contemporary development expectations; an example is the multi-family townhome format allocation.

The proposed zoning is Retail Commercial District (C-1). The purpose of the C-1 zoning classification is to establish commercial development along high volume roads that are also compatible with nearby single-family residential areas. Permitted uses allowed within the C-1 tend to be neighborhood compatible and are intended to serve residential areas with a wide range of goods and services. Permitted activities within the C-1 include a scope of retail uses such as car washes, grocery stores, and convenience stores; service activities, including offices and banks are also allowed. The C-1 zoning does allow ample commercial opportunity, but the uses tend not to be as intensive as other commercial zonings, such as the C-2 or C-3 zoning districts. From a historical standpoint, the uses within the C-1, like the PB zoning, can be traced back to commercial allocations associated with the original Deltona Lakes Community Development Plan.

D. Support Information

Public Facilities:

- a. Potable Water: Volusia County Utilities
- b. Sanitary Sewer: Volusia County Utilities
- c. Fire Protection: City Fire Station 65
- d. Law Enforcement: Volusia County Sheriff's Office (VCSO)
- e. Electricity: Progress Energy

E. Matters for Consideration:

Section 110-1101, Code of City Ordinances, states that the City shall consider the following matters when reviewing applications for amendments to the Official Zoning Map:

1. Whether it is consistent with all adopted elements of the comprehensive plan.

The Future Land Use Map designation for the property is Commercial. According to the Land Use/Zoning Matrix (Table 110-16), the proposed C-1 zoning is a preferred, compatible zoning classification that could be applied to the subject land. Therefore, the requested C-1 zoning is consistent with the Commercial land use category currently designated on the property and is consistent with the following provision:

Policy FLU1-7.20

Consistency of existing zoning on specific parcels of land shall be implemented by the Future Land Use Map. 9J-5.006(3)(c)(1)

In addition, there is recognition within the Comprehensive Plan that the City is underserved with commercial uses. Therefore, the Plan encourages the expansion of commercial uses within the City. See policy below:

Policy FLU1-7.26

The City shall seek to expand commercial, industrial and mixed-use development at appropriate locations.

However, land use compatibility is another theme of the City Comprehensive Plan. Since the property does abut residential areas compatibility is very important. Therefore, the City has well developed buffer requirements intended to provide physical, audio and visual separation between land uses. Such buffer requirements are consistent with the following policy:

Policy FLU1-7.8

Appropriate buffers and transition areas shall be utilized to ensure compatibility between residential areas and commercial and industrial developments in a manner that balances neighborhood protection and economic development goals. 9J-5.006(3)(c)(2)

2. Its impact upon the environment or natural resources.

The property is located within a developed, urban landscape that includes homes, roads, commercial activities, institutional uses, etc. Even though the property is undeveloped, the property is fragmented from other natural land and would not be considered suitable wildlife habitat for listed and non-listed wildlife. The property is not associated with suitable habitat for either gopher tortoises or scrub jays. (No evidence of either species was noted by City staff during field visits.) However, the property will be surveyed and in the very unlikely event that listed species are present, applicable permits will be obtained as required by the City land development regulations.

There are no wetlands on-site and the soils on-site are sandy, well drained and are classified as Apopka Fine Sand and Paola Fine Sand. These soils are suitable for urban development. According to the February 19, 2014, FEMA FIRM maps, none of the site is located within the 100-Year Flood Plain.

3. Its impact upon the economy of any affected area.

At this time, no development is planned for the site. The zoning amendment is to help enhance the marketability of the property. Therefore, the local economy would be unchanged in the short run.

4. Notwithstanding the provisions of Article XIV of the Land Development Code, Ordinance No. 92-25 [Chapter 86, Code of Ordinances] as it may be amended from time to time, its impact upon necessary governmental services, such as schools, sewage disposal, potable water, drainage, fire and police protection, solid waste or transportation systems.

- a. **Schools:** The rezoning does not involve residential entitlements and will not affect local schools.
- b. **Sewage Disposal:** Volusia County's Deltona North system will serve the site and there is capacity available.
- c. **Potable Water:** Volusia County's Deltona North system will serve the site and sufficient potable water capacity is available.
- d. **Drainage:** All site related stormwater runoff will be managed on-site, and will be constructed in accordance with the necessary requirements of the City's Land Development Code and other permitting agencies.
- e. **Transportation Systems:** The subject area fronts on a four lane road- Howland Blvd. Howland Blvd. is a major City thoroughfare. City regulations

typically require a traffic impact analysis (TIA) to be generated (by the applicant), but the City, administratively, has the ability to waive the TIA requirement, especially if the proposed use generates less than a 1,000 trips per day. Based on the fact that there was no use proposed as part of the rezoning, staff has waived the requirement for the applicant to submit a TIA as part of this rezoning request. When the property is developed under the site plan review process, the developer will, in all likelihood, be required to submit a TIA. However, the traffic implications of this rezoning will be analyzed by staff utilizing a hypothetical development format.

Both parcels in total account for about two acres of land. Logic would dictate, in light of contemporary commercial development formats and modern building regulations, that the property would be developed as a unified two acre site. A plausible development that could occur would be a small, one store deep, highway commercial center similar to the use located just to the west of this property that contains the Dunkin Donuts. A similar use as the Dunkin Donuts project would yield approximately 5,000 square feet of retail space. According to the ITE Manual a “specialty retail center” generates 44.32 daily trips per 1,000 square feet of gross leasable area. Therefore, a 5,000 square foot retail center on the site would generate 222 daily trips.

The segment of Howland Blvd. (Wolf Pack Run to Catalina Blvd.) where the property is located is a County road and currently, according to 2014 County traffic counts, operates at a level of service (LOS) of “C”. There are over 10,000 trips of excess capacity on the subject segment of Howland Blvd and enough capacity to support the commercial entitlements associated with the requested C-1 zoning.

5. Any changes in circumstances or conditions affecting the area.

Development activity in the area, partially in response to a new movie theater located in the nearby Deltona Activity Center, has begun to increase. RaceTrac has opened. Dunkin Donuts and ancillary leasable space has been built and occupied. Another phase of Arbor Ridge has been platted yielding an additional 78 lots. An automotive service use adjacent to the car wash has been proposed for land located to the south of the land proposed to be rezoned to C-1. Other businesses have expressed interest in the area. Therefore, development along Howland Boulevard has begun to advance illustrating a need for properly zoned properties.

6. Any mistakes in the original classification.

No known mistakes.

7. Its effect upon the public health, welfare, safety, or morals.

Staff finds that the change from Professional Business to C-1 will have no negative effects on the public health, welfare, safety or morals of the City.

CONCLUSION/STAFF RECOMMENDATION:

The City is underserved by commercial uses, and the proposed C-1 rezoning application will foster greater commercial opportunity within the City. Greater commercial opportunity will also help address the City's over reliance on a tax base dominated by residential uses. Promoting more commercial development and tax base diversification are long standing City goals. However, in the case of this rezoning application, these goals will not be furthered at the expense of land use compatibility. The requested C-1 zoning, like the PB, is neighborhood oriented and the C-1 is intended to serve and be compatible with residential areas. Other tools to ensure land use compatibility include, landscape buffers, floor area ratio and impervious surface limitations, setbacks, building orientation, etc. Finally, the proposed rezoning is consistent with the Comprehensive Plan and can be served by existing public infrastructure (roads, central water and sewer). Therefore, staff recommends that the Planning and Zoning Board recommend that the City Commission approve the rezoning application from PB to C-1.

ORDINANCE NO. 28 – 2015

AN ORDINANCE OF THE CITY OF DELTONA, FLORIDA, AMENDING THE OFFICAL ZONING MAP PURSUANT TO CHAPTER 110, SECTION 1101 OF THE CITY CODE OF ORDINANCES FOR PROPERTY LOCATED AT 3096 AND 3108 HOWLAND BOULEVARD FROM PROFESSIONAL BUSINESS (PB) TO RETAIL COMMERCIAL (C-1) PROVIDING FOR CONFLICTS, CODIFICATION, SEVERABILITY, AND EFFECTIVE DATE.

WHEREAS, the City has received an application to amend the zoning for two contiguous +/-1.0 acre parcels located at 3096 and 3108 Howland Boulevard from Professional Business (PB) to Retail Commercial (C-1); and

WHEREAS, the City of Deltona, Florida and its Land Planning Agency have complied with the requirements of the Municipal Home Rule Powers Act, sections 166.011 et. seq., Florida Statutes, in considering the proposed rezoning from PB to C-1; and

WHEREAS, after said public hearing, the City Commission of the City of Deltona, Florida, has determined that the C-1 zoning is consistent with the Comprehensive Plan of the City of Deltona, Florida.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF DELTONA, FLORIDA, as follows:

Section 1. Located in the City of Deltona, Florida, the zoning for the following properties are hereby amended to C-1: Section 8, Township18 South, Range 31 East, East 200 Feet of West 1494.68 Feet of East 3/4 North of State Route 444 and Section 8, Township18 South, Range 31 East, East 200 Feet of West 1694.68 Feet of East 3/4 North of State Route 444, per OR 4834, Pages 3459-3460 per OR 6079 Page 4199 of the Public Records of Volusia County, Florida.

Section 2. This Ordinance is adopted in conformity with and pursuant to the Comprehensive Plan of the City of Deltona, the Local Planning and Land Development Act, Sections 163.161 et. seq., Florida Statues, and the Municipal Home Rule Powers Act et. seq., Florida Statues.

Section 3. Conflicts. Any and all Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

Section 4. Severability. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

Section 5. Effective Date. This Ordinance shall take effect immediately upon its final adoption by the City Commission.

PASSED AND ADOPTED THIS ____ DAY OF _____, 2015.

FIRST READING: _____

ADVERTISED: _____

SECOND READING: _____

JOHN C. MASIARCZYK SR., MAYOR

ATTEST:

JOYCE RAFTERY, CMC, CITY CLERK

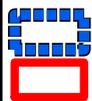
Approved as to form and legality for use
and reliance by the City of Deltona, Florida

GRETCHEN R. H. VOSE, ESQ., CITY ATTORNEY



AERIAL PHOTO

CR 4145 (HOWLAND BLVD)

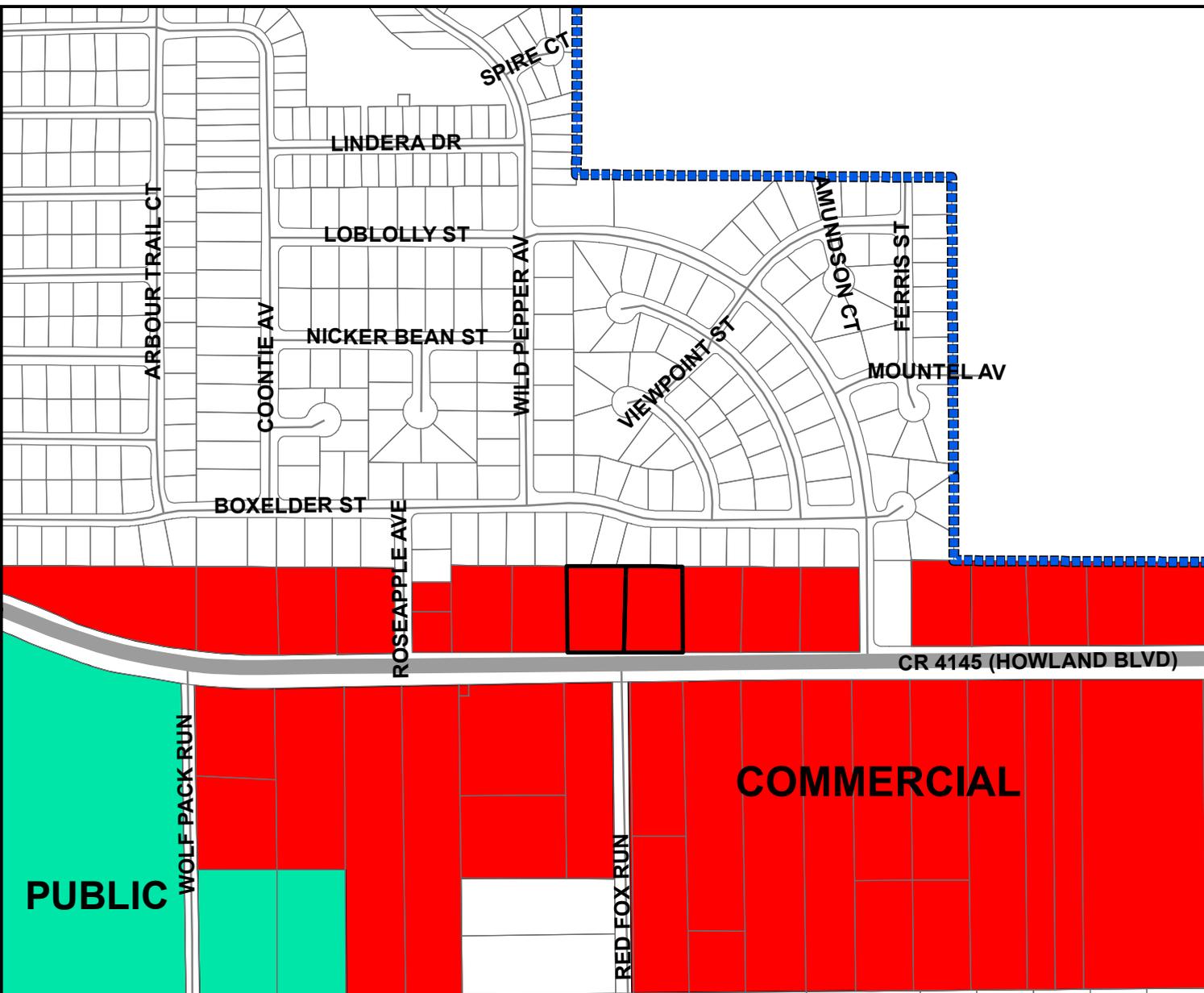


City Boundary

Subject Property



RED FOX RUN



COMMERCIAL

PUBLIC

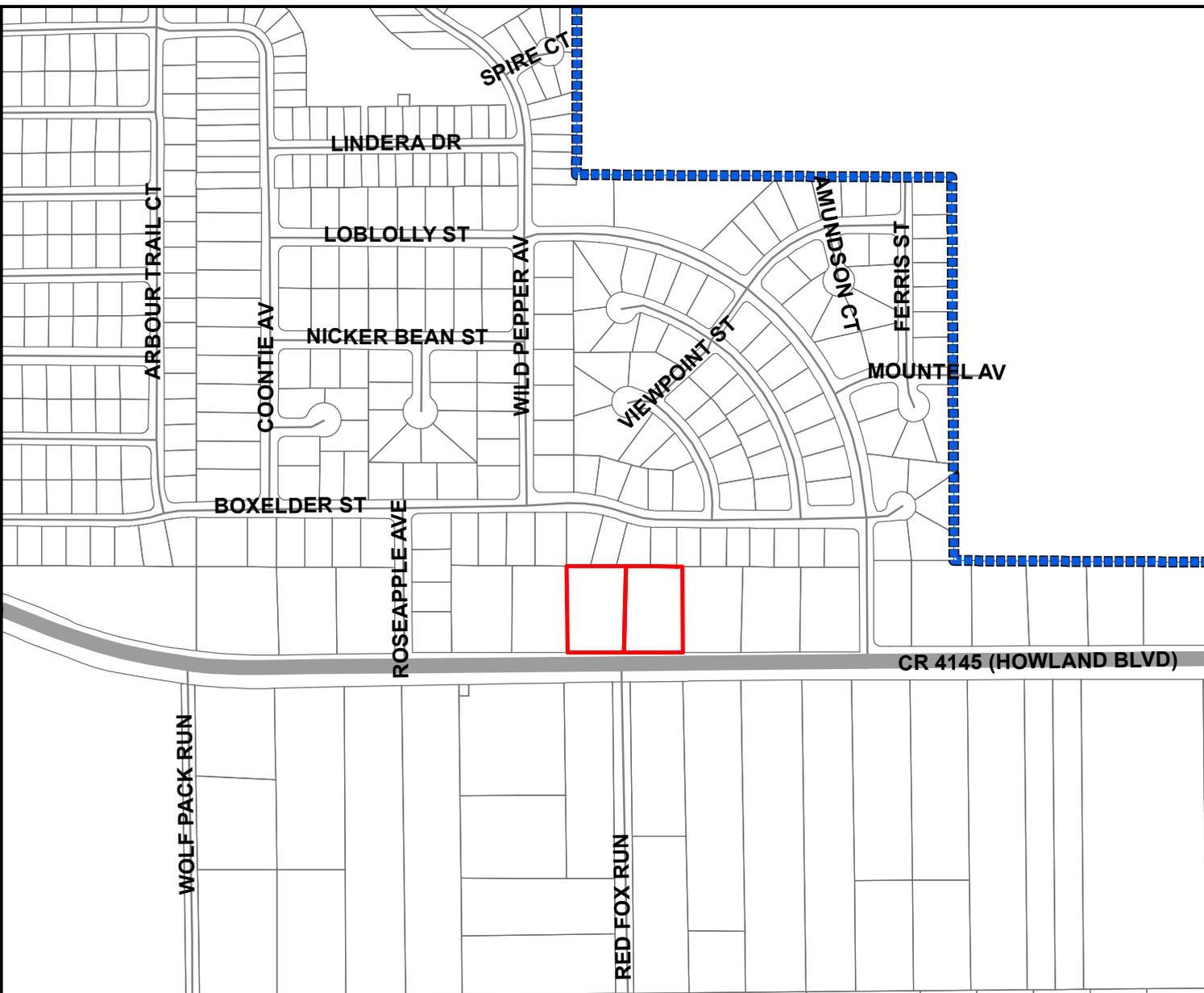
**FUTURE LAND
USE MAP**

-  City Boundary
-  Subject Property

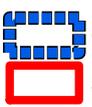


**RESIDENTIAL
LOW DENSITY**

RED FOX DR



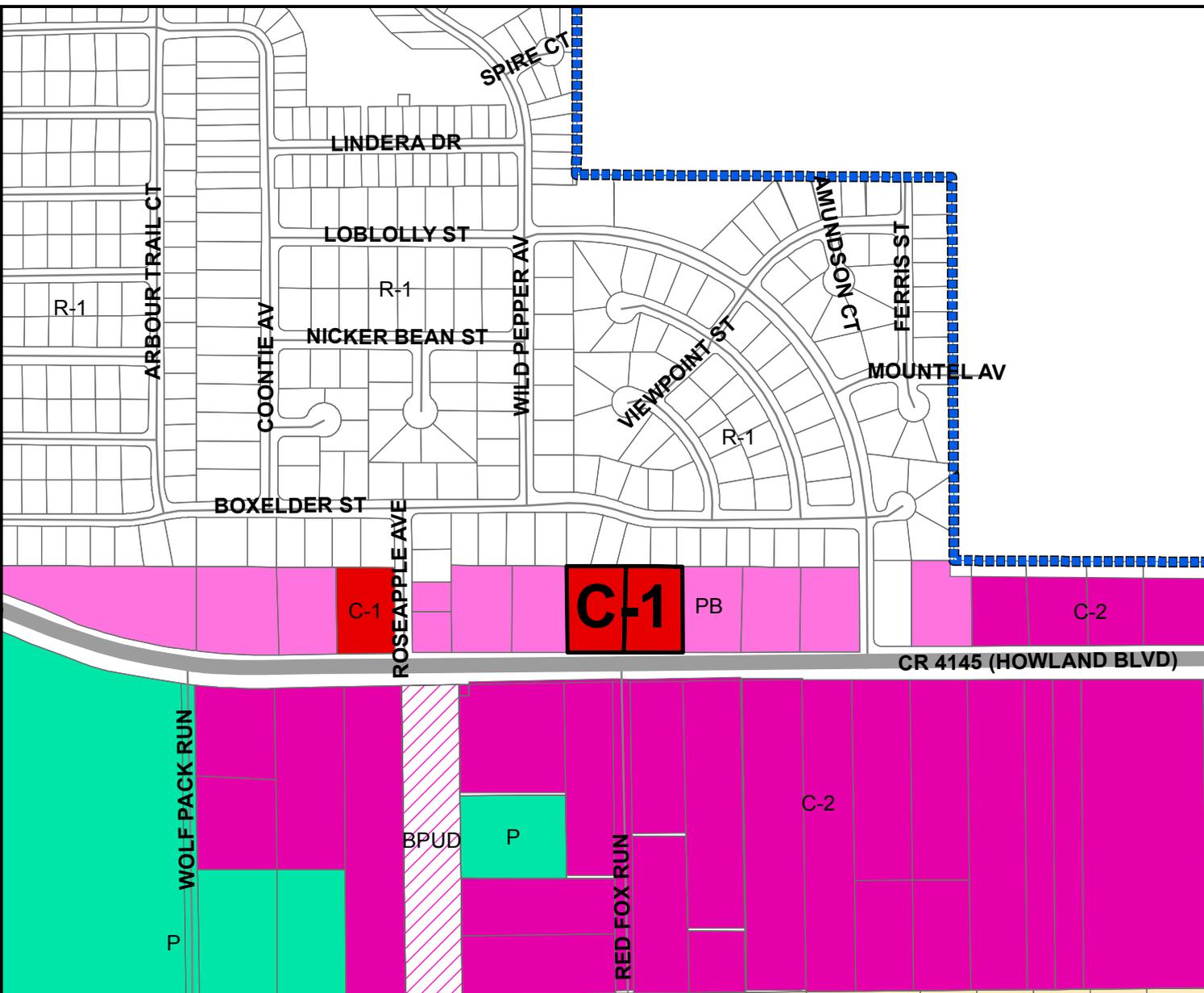
LOCATION MAP



City Boundary
Subject Property



RED FOX DR

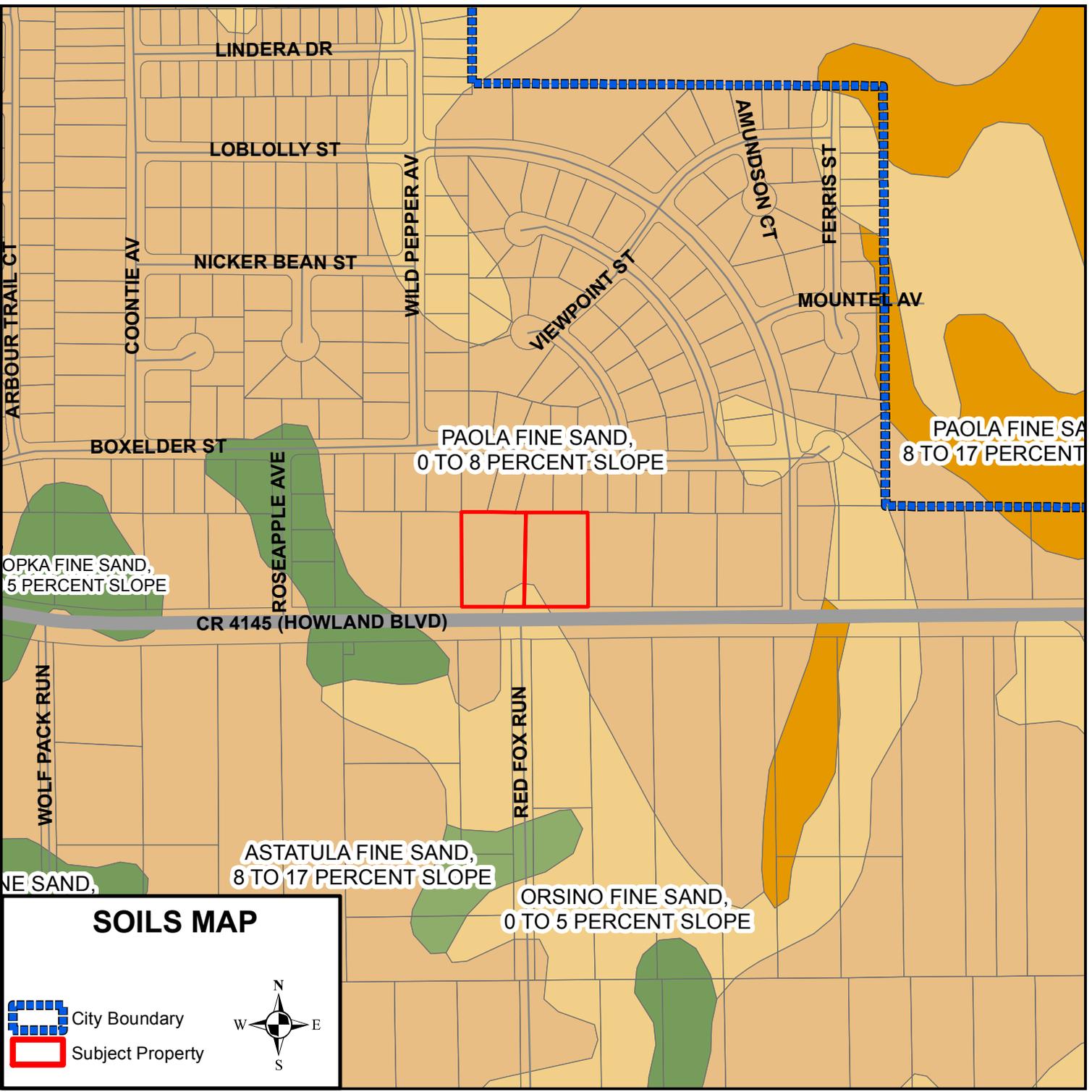


PROPOSED ZONING MAP



City Boundary
Subject Property



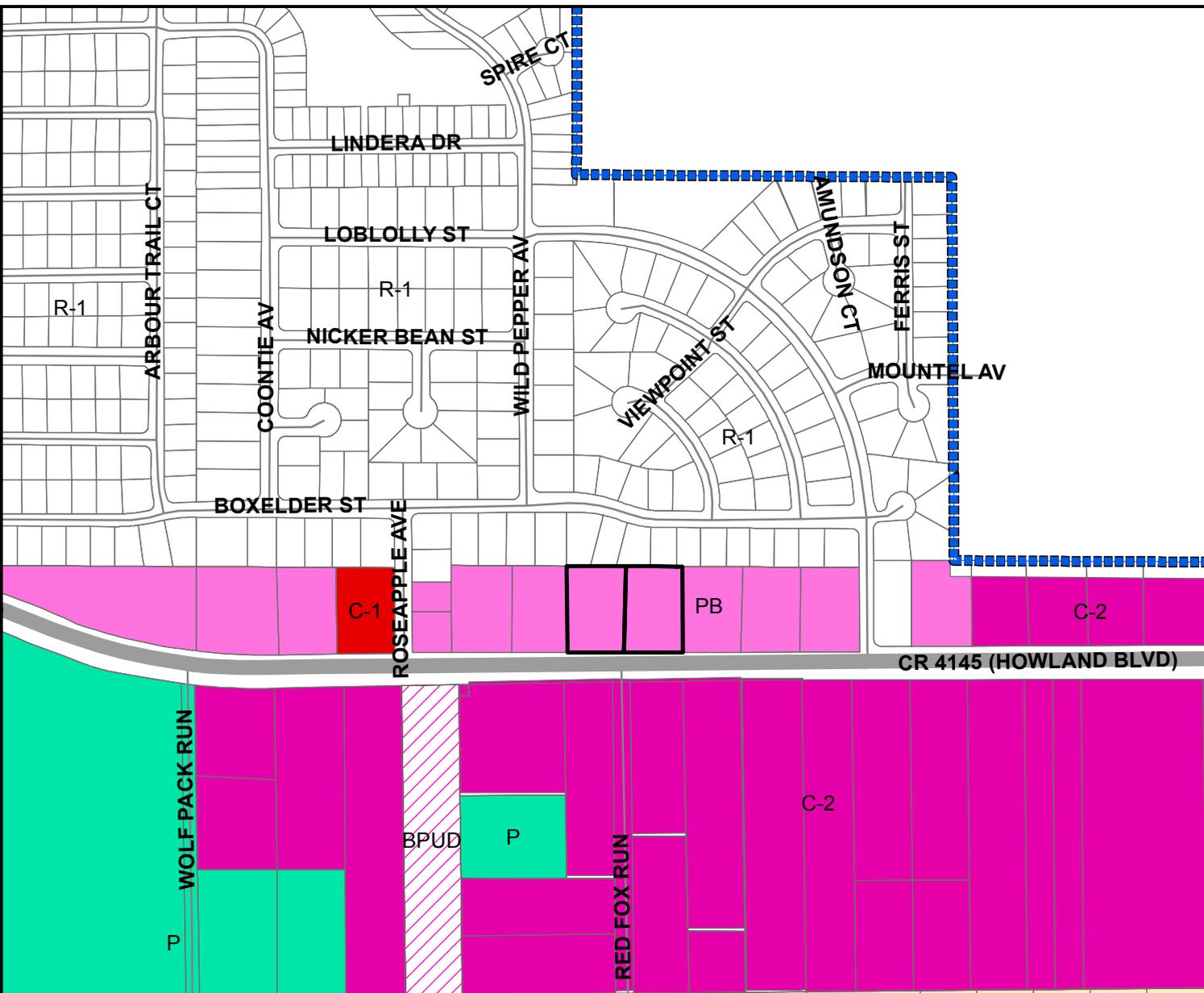


SOILS MAP

 City Boundary

 Subject Property

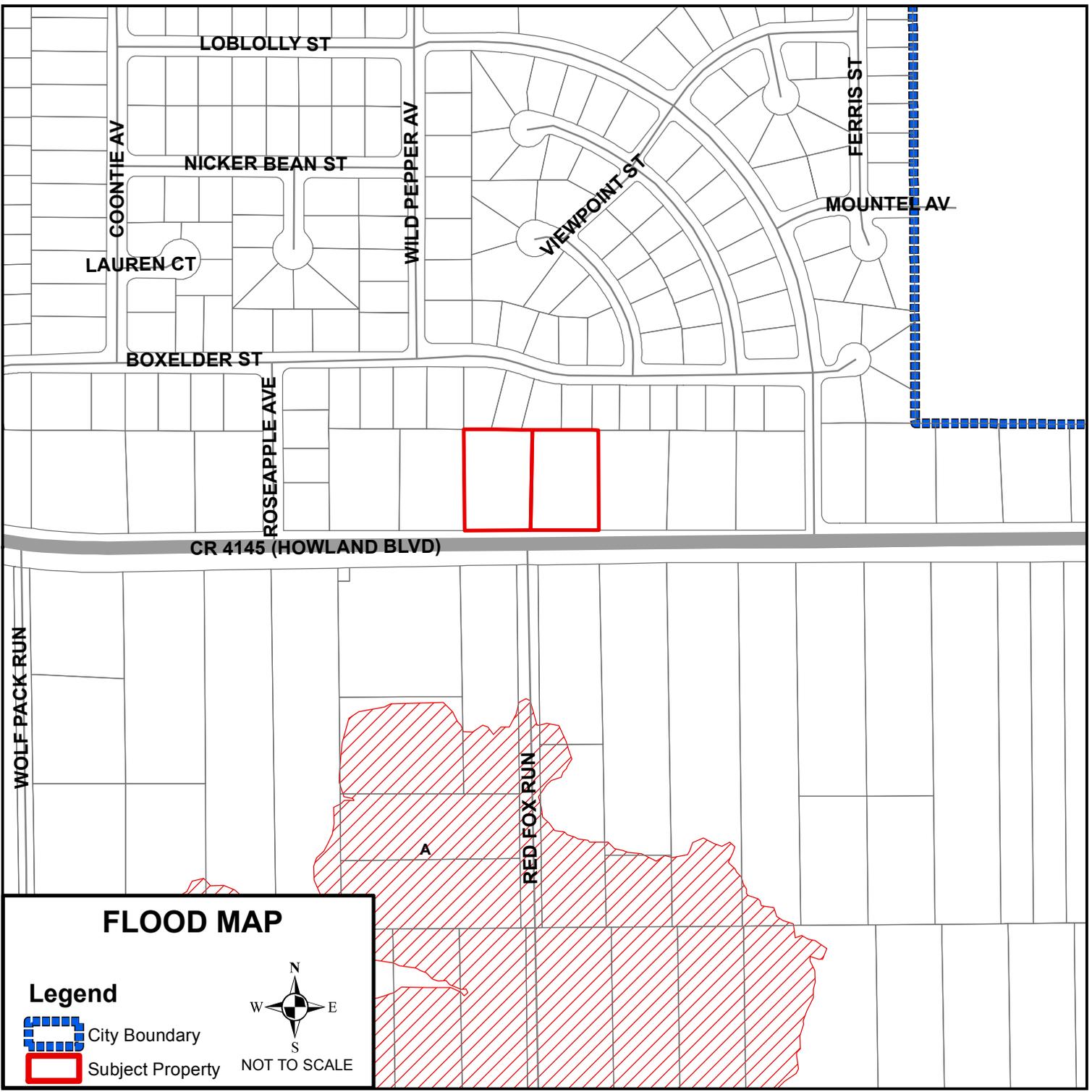




ZONING MAP

-  City Boundary
-  Subject Property





LOBLOLLY ST

NICKER BEAN ST

LAUREN CT

BOXELDER ST

CR 4145 (HOWLAND BLVD)

VIEWPOINT ST

WILD PEPPER AV

FERRIS ST

MOUNT AV

ROSEAPPLE AVE

WOLF PACK RUN

RED FOX RUN

A

FLOOD MAP

Legend



City Boundary



Subject Property



NOT TO SCALE