



City of Deltona

2345 Providence Blvd.
Deltona, FL 32725

Agenda

Planning and Zoning Board

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

Wednesday, September 16, 2015

7:00 PM

Council Chambers

1. CALL TO ORDER:

2. ROLL CALL

3. APPROVAL OF MINUTES & AGENDA:

Approval of Minutes for August 19, 2015

4. PRESENTATIONS/AWARDS/REPORTS:

5. PUBLIC FORUM:

6. OLD BUSINESS:

7. NEW BUSINESS:

Ordinance No. 17-2015: Adopting a Temporary Moratorium on the Processing of Applications Proposing to Use a Package Plant

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

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.



Minutes
Planning and Zoning Board

Wednesday, August 19, 2015

7:00 PM

Deltona Commission Chambers

1. CALL TO ORDER:

2. ROLL CALL

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

Present: 7 - Member Tom Burbank
Member Adam Walosik
Member Wendy Hickey
Member Victor M. Ramos
Member Noble Olasimbo
Member Herb Zischkau
Member Stony Sixma

3. APPROVAL OF MINUTES & AGENDA:

Approval of Minutes for July 15, 2015

Motion by Member Olasimbo, seconded by Member Hickey, to approve the Minutes for July 15, 2015. The motion carried by the following vote:

For: 7 - Member Burbank, Member Walosik, Member Hickey, Member Ramos, Member Olasimbo, Member Zischkau and Member Sixma

4. PRESENTATIONS/AWARDS/REPORTS:

5. PUBLIC FORUM:

6. OLD BUSINESS:

7. NEW BUSINESS:

a. Rezoning Application, RZ15-003, Deltona Welcome Center, Ordinance No. 14-2015

Mr. Paradise presented a brief summary regarding Ordinance No. 14-2015, Deltona Welcome Center Business Planned Unit Development (BPUD) a zoning amendment to the existing

Development Agreement to allow more than one convenience store with fuel pumps and to allow greater access via the allowance of a driveway cut on both Deltona Boulevard and Dirksen/DeBary Avenue. The request is submitted on behalf of the RaceTrac Corporation, who intends to build a nearly 6,000 square feet convenience store with 20 fuel pumps.

Member Olasimbo and Mr. Paradise discussed the safety concerns for the traffic regarding DeBary Ave. Member Olasimbo stated that the commercial locations in the surrounding area do not have access to DeBary Ave. Mr. Paradise stated; the applicant will need to follow the Land Development Code and Volusia County approval to afford the access.

Member Walosik noted that his review of the maneuverability and circulation on the site doesn't show a need for full access on DeBary Ave. and Deltona Blvd. Deltona Blvd and DeBary Ave. should be a right in only with connection to Welcome Center Blvd.

Member Zischkau and Mr. Paradise discussed the wetlands to the north, the stormwater drainage and sewer capacity.

Member Hickey agreed with Member Walosik regarding the right in only access points into the site and directing the exit access to Welcome Center Blvd. Member Walosik stated that, access to Deltona Blvd. will be difficult to enforce without a concrete median in place.

Member Burbank and Mr. Paradise discussed the RaceTrac's impact on the existing gas station. Mr. Paradise stated that numerous gas stations can be seen next to each other in many areas. Member Burbank and Member Sixma both stated that they feel RaceTrac will push out the existing gas station.

Member Burbank questioned the impervious surface calculations. Mr. Paradise stated that applicant needs to comply with the 65% maximum impervious service requirement as approved in the original development order, which is the Enterprise Overlay standard. This amendment is only to add a second fueling station use.

Thomas Sullivan, Gray Robinson Law Firm, 301 E. Pine St. Orlando, FL spoke on behalf of the applicant regarding the rezoning amendment, access and demand. He stated that the DeBary Avenue access would be going through the Use Permit process with Volusia County.

Mikal Hale, Traffic Engineering Data Solutions, 80 Spring Vista Dr., DeBary Avenue spoke regarding the impervious ratio and parking for the property that would be part of the site plan process.

Chairman Burbank opened the public hearing.

Kevin Patel, 890 Deltona Blvd. Deltona, FL spoke regarding the traffic safety concerns, accidents, and the numerous gas stations in the surrounding area. He submitted into record a petition which contains over 600 signatures against the development.

Chairman Burbank closed the public hearing.

Discussion between board members regarding the location of the site compared to other cities.

Motion by Member Olasimbo, seconded by Member Walosik, to approve the Rezoning Application, RZ15-003, Deltona Welcome Center, Ordinance No. 14-2015. The motion carried by the following vote:

For: 5 - Member Walosik, Member Hickey, Member Ramos, Member Olasimbo and Member Zischkau

Against: 2 - Member Burbank and Member Sixma

b. Rezoning Application RZ15-004, Gold Choice, Ordinance No. 15-2015

Mr. Paradise provided a summary regarding the application to amend the official zoning map from R1-AA to Mixed Use Planned Unit Development (MPUD) for a +/- 9.23 acre area of the Deltona Activity Center. He stated that recent modification to the Development Agreement include dimensional requirements, land uses, architectural elements, access and affordance of common open space. He stated that city staff is suggesting that the entire parcel be restricted to a 35% building coverage and that a 10 foot setback for the back property line on Lot 2 be included

Harry Newkirk, P.E., Newkirk Engineering, 1370 N US Highway 1, Ormond Beach, FL, spoke regarding the application. He discussed access, parking, stormwater and lighting.

David Butler, 2306 Normandy, LLC, P.O. Box 3120, Winter Park, FL, applicant, spoke regarding the minimal impact the assisted living facility would have on the school system and transportation network. He noted that there are three lots already permitted with three access points and therefore not requesting any additional access points than what is already permitted by zoning. He stated that the lighting will be skirted and approximately 90 feet away from the residents and noted that there is a line of trees bordering the residential neighborhood for light mitigation.

Derrick Deeter, 283 Agnes Ave, Longwood, FL, applicant, spoke regarding his professional experience at these facilities and the affordability of the facility to the residents. He stated the project is projected to serve approximately 80% of the area population.

Chairman Burbank opened the public hearing.

Iraida Vega, 510 N. Firwood Dr., Deltona, FL. She stated that she lives near the City water plant and the noise can be heard daily. She asked if the lighting would come into her house and what can be used to block it. She asked if there would be a noise wall between the site and her property. Member Burbank stated that the self storage facility would act as the barrier.

Chairman Burbank closed the public hearing.

Motion by Member Olasimbo, seconded by Member Walosik, to approve the Rezoning Application, RZ15-004, Gold Choice, Ordinance No. 15-2015. The motion carried by the following vote:

For: 6 - Member Burbank, Member Walosik, Member Hickey, Member Ramos, Member Olasimbo and Member Sixma

Against: 1 - Member Zischkau

c. Ordinance No. 16-2015, Amending Section 110-311, RM-2, Multiple Family Residential Dwelling District, of the City Land Development Code.

Mr. Paradise provided a brief summary of the amendment to Ordinance No. 16-2015. To correct this Scrivener's errors, the Medium Density Residential text should be changed to High Density Residential. Mr. Bowley added that the proposed correction makes the Land Development Code consistent with the City's Comprehensive Plan.

Motion by Member Olasimbo, seconded by Member Zischkau, to approve Ordinance No. 16-2015, amending Section 110-311, RM-2, Multiple Family Residential Dwelling District, of the City Land Development Code. The motion carried by the following vote:

For: 7 - Member Burbank, Member Walosik, Member Hickey, Member Ramos, Member Olasimbo, Member Zischkau and Member Sixma

8. STAFF COMMENTS:

9. BOARD/COMMITTEE MEMBERS COMMENTS:

10. ADJOURNMENT:

The meeting was ajourned at 8:37 pm.



Staff Report

To: Planning and Zoning Board

From: Chris Bowley, AICP, Director
Planning & Development Services

Date: August 18, 2015

Re: Ordinance No. 17-2015: Adopting a Temporary Moratorium on the Processing of Applications Proposing to Use a Package Plant

A. Summary of Application:

Applicant: City of Deltona

Request: To allow for a temporary moratorium on the processing of applications that proposes use of a package plant.

B. Background: The City of Deltona has provisions in both the City's Comprehensive Plan and Land Development Code that allow for the provision of a private package plant within certain parameters or conditions to utilize wastewater treatment. These are antiquated regulations, as the City has made major capital investments to advance the City from a series of scattered residential lots utilizing on-site septic systems to central sanitary sewer facilities. Examples of these efforts includes the extension of force mains within the SR 415 right-of-way and the Howland Boulevard right-of-way, taking private lift-stations off-line and connecting them to central facilities, construction of a \$25-million plus Eastern Wastewater Treatment Plant, providing additional capacity to the existing Fisher Wastewater Treatment Plant, extending reuse lines within the Doyle Road right-of-way, constructing a reuse storage tank and rapid-infiltration basins, adding a regional pump station, upgrading existing force mains, and designing for commercial sewer service.

As the City increases its population, prepares for additional growth, and becomes more urban, the provision for central utility services is more paramount to protect the health, safety, and welfare of its residents. Part of the City's efforts is to direct development towards central public facilities and to accommodate retrofit of existing development towards that end.

To best process updates to the City's Comprehensive Plan and Land Development Code, Ordinance No. 17-2015 is created to provide up to a twelve (12) month moratorium to allow the City to analyze its current regulations towards private package facilities, to process applications to amend its current regulations, and to adopt new provisions that are consistent with its efforts towards capital projects of central sanitary sewage facilities.

CONCLUSION/STAFF RECOMMENDATION:

Staff recommends that Ordinance No. 17-2015 be reviewed by the Planning and Zoning Board with a recommendation of approval to the City Commission that allows for a temporary moratorium on the processing of applications that propose use of a package plant.

ORDINANCE NO. 17– 2015

AN ORDINANCE OF THE CITY OF DELTONA, FLORIDA, ADOPTING A TEMPORARY MORATORIUM ON THE PROCESSING OF DEVELOPMENT APPLICATIONS THAT INCLUDE A REQUEST TO UTILIZE AN ON-SITE PACKAGE PLANT FOR WASTEWATER DISPOSAL PENDING A COMPREHENSIVE REVIEW OF ISSUE AND ENACTMENT OF REGULATIONS RELATING TO SAME; PROVIDING FOR CONFLICTS, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the City of Deltona is in the process of a comprehensive review of its regulations and the revising of its land-use regulations as they relate to development that may request the disposal of wastewater through the use of an on-site package plant; and

WHEREAS, in furtherance of its process of review and revision, the City of Deltona is working with City Public Works Department and Planning and Development Services Department, and requesting input from citizens of the City of Deltona and all others with an interest in the subject; and

WHEREAS, the City of Deltona finds it in the best interests of its citizens to enact a temporary moratorium on the acceptance and/or processing of development applications of developments that request to utilize an on-site package plant for wastewater disposal as a land-use tool to promote effective planning, public health, safety, and welfare, and to preserve the status quo during this review and revision process; and

WHEREAS, the City of Deltona anticipates that it will take up to twelve (12) months from the date of the enactment of this ordinance to complete the review and revision process; and

WHEREAS, the City of Deltona finds that using this planning tool will prevent development that is inconsistent with its pending changes in development regulations and zoning amendments in progress, as well as any public utility capital programming efforts.

THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DELTONA, FLORIDA:

SECTION 1. MORATORIUM. The City of Deltona, Florida, hereby enacts a temporary moratorium for a period of up to twelve (12) months from the date of enactment of this ordinance on the acceptance and processing of development applications in which the applicant proposes to utilize an on-site package plant to dispose of wastewater, pending the comprehensive review and revision of its land use regulations, as relates to that subject.

SECTION 2. CONFLICTS. All Ordinances or parts of Ordinances insofar as they are inconsistent or in conflict with the provisions of this Ordinance are hereby repealed to the extent of any conflict.

SECTION 3. CODIFICATION. The provisions of this Ordinance shall be codified as and become and be made a part of the Code of Ordinances of the City of Deltona. The sections of this Ordinance may be renumbered or relettered to accomplish such intention.

SECTION 4. SEVERABILITY. In the event that any portion or section of this Ordinance is determined to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such decision shall in no manner affect the remaining portions or sections of this Ordinance which shall remain in full force and effect.

SECTION 5. EFFECTIVE DATE. This Ordinance shall take effect immediately upon its final passage and adoption.

PASSED AND ADOPTED THIS ____ DAY OF _____, 2015.

FIRST READING: _____

ADVERTISED: _____

SECOND READING: _____

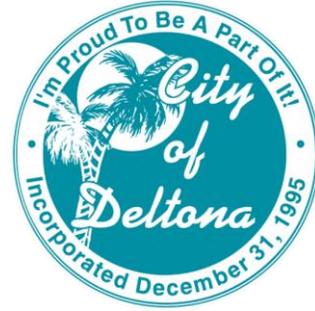
JOHN C. MASIARCZYK SR., MAYOR

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



Staff Report

To: Planning and Zoning Board

From: Chris Bowley, AICP, Director
Planning & Development Services

Date: August 20, 2015

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

A. Summary of Application:

Applicant: City of Deltona

Request: Amend Chapter 102, Signs, of the City's Code of Ordinances to allow for a comprehensive sign plan for renovated commercial development in blighted areas within a new Section 102-80.

B. Background:

The City of Deltona focuses both on new development and redevelopment of its existing commercial building stock for economic development. A focus on redevelopment follows sound planning principals and ensures that the existing businesses and potential business retention, expansion, and relocations are accommodated on already impacted urban lands.

As a result of redevelopment of sites, oftentimes the existing vested signage structures are desired to be retrofitted to keep the current sign framework, while making adjustments or adding copy faces or supplementary signage. The proposed signage enhancement, due to its age, location, condition, etc. may not always comport to the exist City Sign Ordinance located as Chapter 102 of the Code of Ordinances. To accommodate greater flexibility and to facilitate economic development, business retention/relocation, and blight elimination, the proposed creation of Section 102-80 to allow for a comprehensive sign plan to be submitted to upgrade

existing signage is provided within Ordinance No. 18-2015. As proposed, a comprehensive sign plan would only be considered for renovated commercial development in blighted areas and would need City staff, Planning & Zoning Board, and City Commission approval.

CONCLUSION/STAFF RECOMMENDATION:

Staff recommends that Ordinance No. 18-2015 be reviewed by the Planning and Zoning Board with a recommendation of approval to the City Commission that allows for the ability to submit a comprehensive sign plan for renovated commercial development in blighted areas.

ORDINANCE NO. 18– 2015

AN ORDINANCE OF THE CITY OF DELTONA, FLORIDA, AMENDING CHAPTER 102, SIGNS, OF THE CITY CODE OF ORDINANCES, BY ADDING SECTION 102-80, COMPREHENSIVE SIGN PLAN FOR RENOVATED COMMERCIAL DEVELOPMENT IN BLIGHTED AREAS; PROVIDING FOR CONFLICTS, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the City of Deltona supports citizens and business establishments within the City of Deltona and recognizes that there is a range of existing development conditions for its commercial building stock; and

WHEREAS, the City of Deltona supports economic development and the continued viability of existing businesses within the City and use of existing commercial structures to their maximum development potential; and

WHEREAS, the use, reuse, and redevelopment of the existing commercial building stock within the City of Deltona, especially in blighted areas, promotes sound economic development principals, discourages sprawl, provides employment opportunities to citizens, and protects the City’s urban service boundary; and

WHEREAS, redevelopment costs of existing commercial structures and sites, particularly those that are blighted or outdated, may include resurfacing of existing parking facilities, upgrades to on-site signage, enhancement of landscaping, repainting buildings, providing safe pedestrian access, signage enhancement, and site lighting upgrades are associated with significant development costs; and

WHEREAS, in an effort to promote and encourage economic development for façade improvements and site redevelopment, the City of Deltona, through adoption of this Ordinance, proposes the inclusion of Section 102-80, Comprehensive sign plan for renovated commercial development in blighted areas to the City’s Code of Ordinances.

THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DELTONA, FLORIDA:

SECTION 1. Section 102-80, Comprehensive sign plan for renovated commercial development in blighted areas. A comprehensive sign plan package may be

submitted to the City for renovated commercial developments within blighted areas, as defined by age, condition, preponderance of functional obsolescence, or within a special overlay district, such as and not limited to a community redevelopment area, tax increment financing district, brownfield area, or area otherwise geographically or descriptively defined. In order to facilitate the renovation of commercial developments that are located in areas that are determined by the City to be blighted, the City may at its reasonable discretion, allow signage in accordance with a comprehensive sign plan package submitted for review to the planning and development services staff, the Planning and Zoning Board, and the City Commission. The comprehensive sign plan shall include one or more of the following criteria to qualify for this review and approval and not be part of a variance application:

- (a) The commercial development is located within a City established redevelopment area or special overlay district; or
- (b) The commercial development is considered blighted by the City through age, appearance, or functional obsolescence, as supported in writing by the City; or
- (c) The commercial development is undergoing what is determined by the City to be a major renovation, either through the proposed improvements, existing work performed, cost estimates, projected increased property values, or by a similar method.

The comprehensive sign plan package shall be consistent with the criteria and process listed in Section 102-31 of the City code of ordinances, accompanied by an application for a permit and appropriate application fee, to include and not be limited to the size, design, and location of all major current signs, signs to be retained, signs to be removed, signs to be renovated, and signs to be added. City staff shall review the comprehensive sign plan package for appropriate criteria and shall determine that the implementation of the comprehensive sign plan will have a positive effect in relieving blight in the area of

the commercial development. The comprehensive sign plan package shall receive City Commission approval prior to becoming effective and prior to signage installation.

SECTION 2. CONFLICTS. All Ordinances or parts of Ordinances insofar as they are inconsistent or in conflict with the provisions of this Ordinance are hereby repealed to the extent of any conflict.

SECTION 3. CODIFICATION. The provisions of this Ordinance shall be codified as and become and be made a part of the Code of Ordinances of the City of Deltona. The sections of this Ordinance may be renumbered or relettered to accomplish such intention.

SECTION 4. SEVERABILITY. In the event that any portion or section of this Ordinance is determined to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such decision shall in no manner affect the remaining portions or sections of this Ordinance which shall remain in full force and effect.

SECTION 5. EFFECTIVE DATE. This Ordinance shall take effect immediately upon its final passage and adoption.

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