

**CITY OF DELTONA, FLORIDA
PLANNING & ZONING BOARD MEETING
WEDNESDAY, AUGUST 21, 2013**

A Regular Meeting of the Deltona Planning and Zoning Board was held on Wednesday, August 21, 2013, in the City's 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	Present
Member	Wendy Hickey	Present
Member	Noble Olasimbo	Present
Member	Adam Walosik	Absent
Member	Herb Zischkau	Absent (unexcused)

Also present: Planning & Development Services Director Chris Bowley; Planning & Development Services and Administrative Assistant, Traci Houchin.

3. APPROVAL OF MINUTES:

A. Minutes:

1. Meeting – June 19, 2013.

Motion by Member Burbank, seconded by Member Olasimbo to adopt the minutes of the Planning & Zoning Board Meeting of June 19, 2013, as presented.

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

4. PUBLIC COMMENTS:

- a) Phil Stephens, 2790 Augustine Court, stated that he owns eight (8) acres of property and he would like to give the City the opportunity to purchase or entitle the property, if interested.
- b) Debra Leahy, 326 Howland Blvd., said that she would like to know if there will be additional access through the site to the property that she owns and Member Burbank said that he would like to address this at the time of the discussion.

5. OLD BUSINESS: None

6. NEW BUSINESS:

A. Project RZ13-005: Bella Vista BPUD Rezoning for 120 Howland Blvd. (Ordinance No. 13-2013).

Mr. Bowley explained that in May of 2013, an Ordinance was brought before the Planning and Zoning Board as an amendment to the 2008 Development Agreement for the site proposed by the property owner. He said that at that time, the graphic portion did not match the Development Agreement submitted and staff was asked to update the agreement with this amendment. Mr. Bowley said that some of the things that have been updated on the Master Development Plan (MDP) include general formatting, mathematical errors, and a few typographical errors. He also explained that both the legal description in the agreement and the legal description in the Ordinance are sufficient to close the geometry on the property; however, they are not consistent with one another. Therefore, if the Ordinance is approved, there will be a revised legal description on the MDP to ensure that consistency. He said that the previously identified cross access easement in the original 2008 agreement will remain as is and, as far as any future access, none has been proposed.

Member Hickey referred to the buffer on the north side and asked why it went from 20 feet to 10 feet since the land use is Urban Low Density, which is residential, and Member Burbank said that the church uses this buffer as quasi-commercial and Mr. Bowley stated that is correct, as the buffer needs to be shared.

Member Burbank said that the first time this plan came through in 2008, it was a big deal to the City that the Leahy's have access through the property, because there will not be full access off of Howland Blvd. Therefore, Member Burbank asked why they are not addressing this issue and Mr. Bowley stated that this plan contemplates the same access to the properties to the east and Member Burbank asked about the properties to the south. Mr. Bowley said that as part of the agreement, there is to be a Property Owners Association (POA), which will control the road and the access. Member Burbank said that he will support this plan on one (1) condition, which is that some form of legal access be reflected on the plan through the site to the Leahy tract. Mr. Bowley asked the applicant to address the potential for additional access.

Member Hickey asked if the Fire Department had any concerns with having only one (1) entry into the property and Mr. Bowley stated that they did not. The site has a divided entryway to facilitate.

Mr. Darren Elkind, (attorney that is representing the applicant, HH Holdings) said that the original Development Agreement refers to the spine road that would come from the signalized intersection and provide access to the property to the east (Pell Property). The agreement does not require access to the property to the north and south. Mr. Elkind said that he cannot say why the City did it this way. Mr. Bowley explained that the City does have a requirement for cross access easement to protect the capacity of the thoroughfare system. Therefore, it would be required for anyone coming forward to provide cross access to any adjacent property to protect the capacity of Howland Blvd.

1 Member Burbank said that he fails to understand why the City requires anyone coming forward to
2 provide cross access easement to the Leahy property, but is not requiring this developer to
3 provide it. Mr. Bowley stated that cross access easements will be required as development is
4 proposed on properties to the east.

5
6 Chairman McKnight asked Mr. Elkind if the Leahy property will become useless until the Pell
7 property develops and Mr. Elkind explained that it will not. He said that it doesn't change the
8 utility of the property, as it sits today, because they currently have no additional access from a
9 signalized intersection. He said that as they plan, the City may want the area to be master planned;
10 which is good planning.

11
12 Member Burbank said that he still believes that the City needs to provide access to the Leahy
13 property through this property. He also asked if Mr. Pell would be required to become a part of
14 the POA and Mr. Bowley said that he would be required to be a part of the POA, if he wants
15 access through the Bella Vista site.

16
17 Chairman McKnight said that he is concerned that the Leahy property will have no full access
18 until the Pell property is developed and Mr. Bowley said that the County will consider a right in,
19 right out for commercial access, since it is a County road. Also, Chairman McKnight asked why
20 this access wasn't considered in the current development plan as it was a big concern in 2008. Mr.
21 Bowley explained that going forward; the City will require cross access easements as properties
22 to the east are developed. Member Olasimbo said that he believes that they cannot make a
23 decision on where the cross access should be until they know what will be developed on these
24 properties. Mr. Bowley concurred.

25
26 Mr. Elkind said that they were only asked to update the MDP when they came forward and that
27 Halifax Holdings is not coming into the City to be a bad neighbor.

28
29 **Motion by Member Burbank to approve RZ13-005, Bella Vista BPUD Rezoning for 120**
30 **Howland Blvd. with the condition that the MDP be revised to clearly depict legal access to the**
31 **property to the south.**

32
33 **Motion failed for a lack of a second.**

34
35 **Motion by Member Olasimbo, seconded by Member Ramos, to recommend that the City**
36 **Commission adopt Ordinance No. 13-2013, as presented.**

37
38 **Motion carried 4 to 1, with members voting as follows:**

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40 **Member Burbank Against**
41 **Member Hickey For**
42 **Member Olasimbo For**
43 **Member Ramos For**
44 **Chairman McKnight For**
45

7. DISCUSSION:

A. By the Board:

Mr. Burbank said that he does not understand why the City is not interested in administratively entitling the property that Mr. Stephens is offering. He said that he would like the City Commission to consider this request and Mr. Bowley offered to discuss the issue with the City Manager.

Chairman McKnight asked that staff put the election of the Secretarial position on the next agenda.

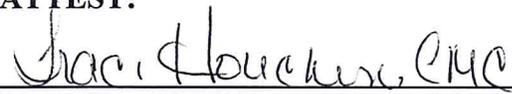
B. By the City Attorney: None

C. By Planning & Development Staff: None

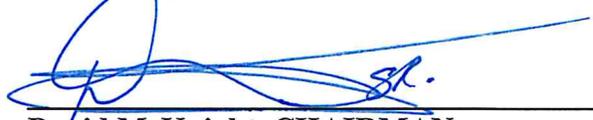
8. ADJOURNMENT:

There being no further business, the meeting adjourned at 8:00 p.m.

ATTEST:



Traci Houchin, RECORDING SECRETARY



David McKnight, CHAIRMAN