

**CITY OF DELTONA, FLORIDA
PLANNING & ZONING BOARD MEETING
WEDNESDAY, SEPTEMBER 17, 2014**

A Regular Meeting of the Deltona Planning and Zoning Board was held on September 17, 2014, 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 Burbank.

2. ROLL CALL:

Chairman	Tom Burbank	Present
Vice Chairman	Noble Olasimbo	Present
Member-Secretary	Wendy Hickey	Present
Member	Victor Ramos	Present
Member	Adam Walosik	Present
Member	Herb Zischkau	Absent-Unexcused

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

3. APPROVAL OF MINUTES:

A. Minutes:

- 1. Minutes for August 20, 2014, were discussed, but not voted on. A vote will occur at the next scheduled Planning and Zoning Board meeting.**

4. PUBLIC COMMENTS: None

5. OLD BUSINESS: None

6. NEW BUSINESS:

A. CU14-004, Conditional Use Application, Harmony Clinic (Resolution No. 2014-22).

Mr. McGrath presented a summary of the Conditional Use application for property located at 1948 Saxon Boulevard. He stated that the applicant wishes to covert the current single family dwelling into a medical office/clinic (Sec. 110-313(c)) for his chiropractic practice. The OR district permits "medical and dental offices and clinics" as a Conditional Use.

Chairman Burbank made statement that both applications are linked and the recommendations are dependent on each other. He discussed the City's Land Development Code section regarding

Conditional Use and specifically stated that in order to grant the Conditional Use, the use and property must meet applicable requirements.

Motion for Item A. was combined with Item B.

B. VR14-001 Variance Application, Harmony Clinic (Resolution No. 2014-24).

Mr. McGrath presented a summary of the application for two Zoning Variances for the Office Residential (OR) zoned property located at 1948 Saxon Boulevard. Dr. Carrero, the owner, intends to convert the current single family dwelling into a medical office/clinic (Sec. 110-313(c)) for his chiropractic practice. The property will need two variances. The first is to reduce the minimum parking spaces from 11 to 7, the other is to allow a portion of the rear setback and bufferyard to be used for a driveway, parking, and turn-around area.

Discussion ensued regarding the quantity of people working on site.

Chairman Burbank stated the parcel number and the legal description are noted incorrectly on the staff reports for both applications with both coming from the Property Appraiser. He also stated that by recommending approval of these applications, the Board would be asking the City Commission to grant a nonconforming use.

Ms. Vose stated that by approving the variances, the use would then comply. The Conditional Use relates to the actual use of the property with a condition of demolishing the building and then rebuilding it to appropriate conditions. She stated that once the variances are granted, then those standards now become the minimum requirements for the property so, the uses would be conforming.

Discussion among Board members ensued regarding the order of addressing the applications.

Member Burbank stated that there is no hardship to grant the variance.

Member Olasimbo stated that this is special spot zoning.

Member Burbank stated that every lot on the street had six or more feet taken from them and never should have been zoned to OR. The Code will not work for any of the properties. Member Burbank suggested creating a zoning Overlay District.

Member Walosik stated that the Conditional Use and variances should not go together.

Discussion between Board and staff ensued regarding the existing zoning and future applications.

Lester Carrero 1948 Saxon Blvd., Deltona, spoke regarding converting his home into a medical clinic. He stated that he would like to see his street converted into a medical gateway for the City and his clinic can incorporate his dream. He asked the Board to give him the opportunity to work within Deltona and stated that if the City feels he is growing, then he will look into expanding his clinic with the purchase of an adjacent home.

Chairman Burbank explained the exhibits provided and that it shows that all of the lots within the OR zoning district would be unable to meet current zoning requirements without variances, due to the rezoning act for the area.

Chairman Burbank opened the hearing to the Public.

Mitch Honaker, 2551 Sweet Springs St., Deltona, spoke regarding a “common sense” approach for economic development and uniformity with application approvals; i.e. a solution.

Chairman Burbank read aloud a letter from Dean and Genevieve Greenstreet, Deltona residents, regarding the application and spot zoning.

Member Sixma and Mr. Bowley spoke regarding the additional lots throughout the City that are unbuildable and the Overlay District option presented earlier.

Virginia Zagnoli, 1936 Saxon Blvd., Deltona, spoke regarding the traffic difficulties of maneuvering out onto Saxon Blvd. She asked if the Board or City staff could do a study regarding the properties on her block to make it more appealing to sell. She stated that others on the block are interested in selling and that she can't sell her home with the current OR zoning designation.

Member Ramos spoke regarding the City being “Open For Business”, but with the Code, the Board has their hands tied. He explained that this is a perfect opportunity for the City to reevaluate the zoning of properties in this area and to work towards fixing the problem to benefit the residents and the City.

Member Walosik agreed with Member Ramos and stated that the City has the opportunity and responsibility to look at the block as a whole to create a plan for the entire block; instead of on a case by case basis.

Motion by Member Walosik, seconded by Member Olasimbo, to recommend that the City Commission deny applications CU14-004 and VR14-001 Harmony Clinic.

Motion carries unanimously.

C. CU14-005 Conditional Use Application, East Coast Dragon Tattoo (Resolution No. 2014-29).

Mr. McGrath discussed the application for a Conditional Use to allow a tattoo and body piercing shop to open in the existing Deltona Square Plaza, located at 577 Deltona Boulevard. Tattoo shops require Conditional Use approval to operate within the C-2 existing zoning district. He explained that the Land Development Code doesn't address piercings, but staff found the two uses to be similar and acceptable.

The applicant, Julio Robles, 567 Gainsboro St., Deltona, spoke regarding his tattoo shop and his desire to relocate his business from Daytona Beach to Deltona.

Motion by Member Olasimbo, seconded by Member Sixma, to recommend that the City

Commission approve East Coast Dragon Tattoo Shop, Resolution No. 2014-29, subject to the conditions cited in the staff report.

Motion carries unanimously.

D. Ordinance No. 27-2014: An Amendment to Section 110-827, Accessory Uses and Structures, pertaining to Shed Design Standards.

Mr. Bowley explained that Ordinance No. 27-2014 proposes amendments to Section 110-827, of the Code, to update standards in Subsection (c), Accessory Uses and Structures.

Member Burbank stated the provision in the Code that references sheds shall match the design and/or architecture of the principal structure for sheds over 2,400 SF was to avoid residents from creating little houses.

Mr. Bowley explained that the façade of the house and the roof materials as it presented difficulties for businesses and residents to match the design types when constructing their sheds. Further, most sheds sold at “home centers” are prototypes and the Code does not conform to many of those prototypes; particularly for shed heights.

Motion by Member Sixma, seconded by Member Hickey, to recommend that the City Commission approve Ordinance No. 27-2014.

Motion carries unanimously.

E. Ordinance No. 26-2014: An Amendment to add Chapter 99 to the City’s Code of Ordinances, pertaining to Residential Prison Diversion Programs.

Ms. Vose provided the Board with information regarding Ordinance No. 26-2014. She stated that the City Commission requested that an ordinance be drafted to address residential prison diversion programs that provide regulations for their location and operation within the City of Deltona.

Ms. Vose explained that the proposed Ordinance No. 26-2014, would regulate residential prison diversion programs that were promulgated by recent occurrences within the regionally local City of Bunnell. Specifically, a “non-profit” group purchased a home in Bunnell to establish a residential prison diversion program. The facility was designed to house convicted criminals that typically would have been assigned to a traditional prison facility. Due to overcrowding at prisons, courts are now allowing convicted criminals to be housed within a residential prison diversion facility (i.e. a single family house), if the convicted criminal pays the fees to live at that location.

The purpose and intent of Ordinance No. 26-2014 is to provide a proactive approach in the event that a similar type of group is interested in establishing a residential prison diversion facility within a Deltona residential neighborhood.

Member Olasimbo asked Ms. Vose if this was occurring now and if the court system has protocols in place to inform the City of potential programs before they come into our City. Ms. Vose said

she doesn't know of any current programs, or know of any houses in the City being used for this purpose, but would look into this.

Member Burbank and Ms. Vose discussed the zoning locations and separation requirements.

Motion by Member Hickey, seconded by Member Olasimbo, to recommend that the City Commission approve, Ordinance No. 26-2014.

Motion carries unanimously.

F. Ordinance No. 10-2014: An Amendment to add Article XIV to the City's Code of Ordinances, pertaining to Medical Marijuana Dispensaries.

Ms. Vose provided background information on Ordinance No. 10-2014. She stated that the City Commission requested that an ordinance be drafted to address the location of and regulations relating to medical marijuana dispensaries that would become effective, if medical marijuana is approved by the Florida voters in November of 2014.

At the July 28, 2014, City Commission Workshop, numerous changes to a proposed draft ordinance on the subject were suggested. Thus, draft Ordinance No. 10-2014 proposes the allowance of medical marijuana dispensaries within the zoning districts of C-1 (Retail Commercial), C-2 (General Commercial), and C-3 (Heavy Commercial), with Conditional Use approval. The proposed regulations do not apply if medical marijuana is sold at a licensed pharmacy that has approval to sell such a product.

Member Burbank and Ms. Vose discussed the type of marijuana that would be dispensed.

Chairman Burbank opened the hearing to the Public.

Mitch Honaker, 2551 Sweet Springs St. Deltona, spoke regarding the grow facilities allowed in Florida and the crime associated with it. He stated that there were 53 attempted burglaries and crimes associated with one grow facility in Colorado. He also stated that the State of Florida has to approve and license doctors to be able to write the prescriptions.

Member Sixma asked if this would be allowed in all commercial districts. Ms. Vose explained that this would be a Conditional Use within all three commercial zoned districts only.

Motion by Member Hickey, seconded by Member Olasimbo, to recommend that the City Commission approve, Ordinance No. 10-2014.

Motion carries 5-1 with members voting as follows:

Chairman Burbank	For
Noble Olasimbo	For
Wendy Hickey	For
Adam Walosik	For
Victor Ramos	For

Stony Sixma

Against

7. DISCUSSION:

A. By the Board:

Member Burbank and Member Sixma discussed with staff the future of the Saxon Blvd. homes, nonconforming lots, and conforming uses located along Saxon Blvd. He recommended they combine their efforts to make it more marketable. Mr. Paradise stated, as an example, that the combination of lots on the other side of Saxon Blvd. was initiated by RaceTrac and lack of commercial sewer is also a detriment to an assemblage.

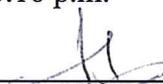
B. By the City Attorney: None.

C. By Planning & Development Staff: None.

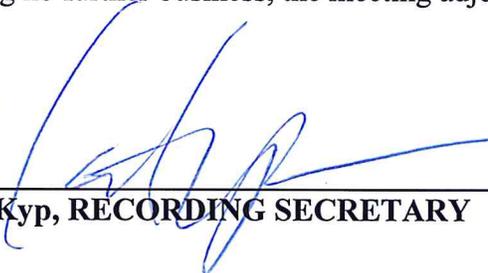
8. ADJOURNMENT:

There being no further business, the meeting adjourned at 8:16 p.m.

ATTEST:



Tom Burbank, CHAIRMAN



Kathrine Kyp, RECORDING SECRETARY