



City of Deltona

2345 Providence Blvd.
Deltona, FL 32725

Agenda

City Commission

Mayor John C. Masiarczyk Sr.
Vice Mayor Nancy Schleicher
Commissioner Heidi Herzberg
Commissioner Gary Mitch Honaker
Commissioner Chris Nabicht
Commissioner Diane J. Smith
Commissioner Brian Soukup

Monday, November 2, 2015

5:30 PM

2nd Floor Conference Room

CITY MANAGER'S AGENDA REVIEW MEETING

1. CALL TO ORDER:

2. ROLL CALL – CITY CLERK:

3. INVOCATION AND PLEDGE TO THE FLAG:

4. PUBLIC FORUM: - Citizen comments limited to items not on the agenda and comments on items listed on the agenda will take place after discussion of each item.

Citizen comments for any items. (4 minute maximum length per speaker)

5. CONSENT AGENDA:

6. ORDINANCES AND PUBLIC HEARINGS:

- A.** Public Hearing - Ordinance No. 17-2015, adopting a Temporary Moratorium on the Processing of Applications Proposing to Use a Package Plant, at second and final reading. Chris Bowley, AICP, Planning and Development Services Department - (386) 878-8602.

Background:

The City of Deltona has provisions in the City's Comprehensive Plan and Land Development Code (LDC) that allow for the use of a private package plant within certain parameters or conditions to utilize on-site 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 include the extension of force-mains within the SR 415 and Howland Boulevard rights-of-way (ROW) , taking private lift-stations off-line and connecting them to central facilities,

construction of a \$25-million± Eastern Wastewater Treatment Plant, providing additional capacity to the existing Fisher Wastewater Treatment Plant, extending reuse lines within the Doyle Road ROW, constructing a reuse storage tank and rapid-infiltration basins, adding a regional pump station, upgrading existing force-mains, and designing for commercial sewer service near Saxon Blvd.

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 LDC, 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. Finally, the City Commission voted unanimously to approve Ordinance No. 17-2015 at its October 5, 2015, public hearing.

- B.** Public Hearing - Ordinance No. 28-2015, Rezoning of Property from PB (Professional Business) to C-1 (Retail Commercial), at first reading - Chris Bowley, AICP, Director, Planning and Development Services.

Background:

The proposed rezoning includes two contiguous parcels totaling ±2-acres in common ownership; from PB to C-1. The subject property was rezoned to PB with the intent in the past as a transition between Howland Blvd. and single family residential homes to the north of the subject site. The permitted uses in the PB are typically lower in intensity than commercial land uses; however, this concept never led to development of the parcels. The requested C-1 zoning allows a much wider range of commercial uses when compared to the PB zoning.

Commercially zoned tracts in close proximity to the subject site have been developed with the Dunkin Donuts, Family Dollar, Top Shelf Car Wash, and Racetrac, and there appears to be demand for similar development in the area. Therefore, rezoning the property to C-1 would be consistent with City Comprehensive Plan and economic development goals for the area. In addition, there is adequate infrastructure, including traffic capacity to support a more intensive development pattern along the Howland Blvd. corridor.

As provided in the Land Development Code, the adjacent residential

uses will be separated from commercial development by buffers, setbacks and other compatibility oriented provisions. Given the platting pattern of low density residential homes in close proximity to commercial development and arterial roadways, this land use scenario is found throughout the City.

On October 21, 2015, the City Planning and Zoning Board heard the ordinance. Four of the seven Board members were present, establishing a quorum, and voted 2-2 on a motion to recommend approval the ordinance by the City Commission. The motion failed, due to a lack of a majority vote.

- C. Public Hearing - Resolution No. 2015-38, Extending the Pilot Trap, Neuter, Release Program - Dale Baker, Deputy City Manager (386) 878-8852.

Background:

On November 3, 2014 the City Commission of the City of Deltona authorized a Pilot Trap, Neuter and Release (TNR) program to address concerns about feral cats in Deltona.

Ordinance No. 31-2014 authorizes the pilot TNR program and the City Manager was directed to report the results of the program to the Commission after the program had been fully operational for one (1) year.

- D. Public Hearing - Resolution No. 2015-39, Request for a Granny Flat to be located at 925 Dandridge Drive - Chris Bowley, AICP, Planning and Development Services (386) 878-8602.

Background:

The proposal is to construct a stand-alone ±915 SF granny flat for family members at the above referenced address and the living area of the granny flat will not exceed 822 SF, with the remainder of the granny flat to be used for storage and non-livable area. The property is currently developed with a single-family home (±2,350 SF) on a large corner lot of ±0.34 acres. Also, Land Development Code Sec. 110-817(g) provides criteria to help determine if a proposed granny flat is appropriate at this location. The criteria and analysis is provided as follows:

- 1) *Minimum Lot area required: 7,500 SF.* The lot proposed for the granny flat is an oversized lot for the Deltona Lakes Plat at ± 15,000 SF.
- 2) *Be used to house immediate family members or domestic help/caregivers.* The granny flat is to be used as a home for an immediate family member. Limiting the use of this facility for a family member is consistent with this provision and will be done through a declaration of agreement.
- 3) *Shall contain a minimum of 400 SF 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 SF, which is above the 400 SF minimum size; and meets this criteria. 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 have a separate driveway. As with the utility service provision, this criterion is intended to maintain the proposed granny flat as supplemental to the principal dwelling unit.
- 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. The flat will not be given a separate address, as the Planning Department is responsible for addressing of property and a notation will be made for this and other proposed granny flats to keep the parent parcel address.
- 7) *All granny flats approved will be subject to a declaration of use agreement between the owner and City stipulating, at a 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.

A portion of the 925 Dandridge Dr. site is included within the 100-year floodplain. Initially, the flat was proposed to be located within the floodplain area of the property and has been relocated in design to be completed located outside of it. Finally, on October 21, 2015, the Planning and Zoning Board heard the Conditional Use request and voted unanimously to recommend that the City Commission approve the subject granny flat Conditional Use application.

7. OLD BUSINESS:

- A. Presentation of the Thornby garden development project and approval of survey cost- Vice Mayor Schleicher, (386) 878-8860.

Background:

At the Regular City Commission Meeting held on May 4, 2015, Vice Mayor Nancy Schleicher informed the Commission with regards to the Deltona garden development project all the guidelines will be met for the historical educational recreational and environmental (H.E.R.E.) parameters.

At the October 12, 2015 Commission Workshop, the Commission approved support for the entire project, including the projected costs for all three venues (Natural Gardens, Children's Garden, Fort

Kingsbury replica). The Commission also directed staff to obtain information regarding the cost for an updated land survey for the Thornby Property.

An inquiry if existing information on file (topographic map overlays) would suffice in lieu of the survey has been sent to the St. Johns River Water Management District.

Pending a response from the SJRWMD-and as an unbudgeted expenditure-upon approval to update the land survey, a budget amendment in the amount of \$3,500 for the General Fund fund balance to the Parks Projects Fund will be needed.

8. NEW BUSINESS:

9. 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.