



REVISED APRIL 6, 2015

# City of Deltona

## PLANNING & ZONING BOARD MEETING WEDNESDAY, APRIL 15, 2015

7:00 P.M.

COMMISSION CHAMBERS  
2345 PROVIDENCE BOULEVARD  
DELTONA, FLORIDA 32725

*Chairman*  
Tom Burbank

*Vice-Chairman*  
Adam Walosik

*Members:*

Wendy Hickey

Victor Ramos

Noble Olasimbo

Herb Zischkau

Stony Sixma

*Staff Liaison*  
Chris Bowley, AICP

### AGENDA

1. CALL TO ORDER:
2. ROLL CALL:
3. APPROVAL OF MINUTES: February 18, 2015
4. PUBLIC COMMENTS:
5. OLD BUSINESS:
6. NEW BUSINESS:
  - A. Resolution No. 2015-07, Conditional Use Application, CU15-002 Lake Sidney Shores - **ITEM POSTPONED - Item will be heard at the MAY 20, 2015 Planning and Zoning Board Meeting.**
  - B. Ordinance No. 03-2015, Rezoning Application, RZ15-001, Hess Gas Station
7. MEMBER COMMENTS:
8. ADJOURNMENT:

**NOTE:** If any person decides to appeal any decision made by the Planning & Zoning Board 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 at least three (3) working days in advance of the meeting date and time at (386) 878-8100.

Deltona Municipal Complex, 2345 Providence Blvd., Deltona, FL 32725  
(386) 878-8100; FAX: (386) 878-8501  
City Webpage: [www.deltonafl.gov](http://www.deltonafl.gov)

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**CITY OF DELTONA, FLORIDA  
PLANNING & ZONING BOARD MEETING  
WEDNESDAY, FEBRUARY 18, 2015**

A Regular Meeting of the Deltona Planning and Zoning Board was held on February 18, 2015, in the 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 - Excused
Member	Stony Sixma	Present
Member	Herb Zischkau	Absent - Unexcused

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

**3. APPROVAL OF MINUTES:**

**A. Minutes:**

**1. Meeting - January 21, 2015.**

**Motion by Member Ramos, seconded by Member Sixma to adopt the minutes of the Planning & Zoning Board Meeting of January 21, 2015, as presented.**

**Motion carries unanimously.**

**4. PUBLIC COMMENTS: None**

**5. OLD BUSINESS: None**

**6. NEW BUSINESS:**

**A. Resolution No. 2015-02, Conditional Use Application, CU15-001 Iglesia De Dios Pentecostal Church.**

Mr. Paradise provided a brief summary regarding the application. The church is requesting a conditional use to expand the house of worship.

48 Bruce Taylor, Dave Schmidt Engineering, 3873 Avalon Park East Blvd. Orlando, FL, spoke  
49 regarding the parking and the setbacks.

50  
51 Larry Rosecrants, L and D Construction, LLC, 848 Mentmore Cir. Deltona, FL, spoke on behalf  
52 of the applicant. Chairman Burbank asked if the church currently or will have daycare services.  
53 Mr. Rosecrants stated that they do not have daycare at this time.

54  
55 **Motion by Member Olasimbo, seconded by Member Ramos, to recommend that, the City**  
56 **Commission approves Resolution No. 2015-02, subject to the condition that the application**  
57 **follows the applicable provisions of section 110-817(d) of the Land Development Code.**

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59 **Motion carries unanimously.**

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61 **7. DISCUSSION:**

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63 **A. By the Board:**

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65 None.

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67 **B. By the City Attorney: None.**

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69 **C. By Planning & Development Staff: None.**

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71 **8. ADJOURNMENT:**

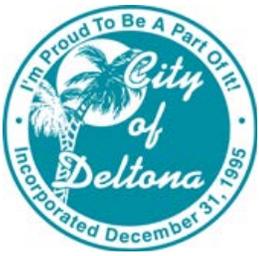
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73 There being no further business, the meeting adjourned at 7:14 p.m.

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76 **ATTEST:**

\_\_\_\_\_  
**Tom Burbank, CHAIRMAN**

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79 \_\_\_\_\_  
**Kathrine Kyp, RECORDING SECRETARY**

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## AGENDA MEMO

**TO:** Planning and Zoning Board **AGENDA DATE:** April 15, 2015

**FROM:** Chris Bowley, AICP, Director **AGENDA ITEM:** 6B  
Planning and Development Services

**SUBJECT:** Rezoning Application RZ15-001 Hess Gas Station 2840 Doyle Road (Ordinance No. 03-2015).

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**LOCATION:** 2840 Doyle Road, Deltona, Florida 32738 situated at the northwest corner of the intersection of Courtland Blvd. and Doyle Road.

**BACKGROUND:** The City has received an application to rezone the aforementioned property from the existing zoning of C-1(Retail Commercial) to C-2(General Commercial). The intent of the rezoning is to facilitate the staging of rental trucks and trailers on the site as an ancillary use to the gas station/convenience store. However, such rental activity is not allowed in the C-1 zoning. While the applicant has a specific goal regarding the rezoning application, the application was reviewed more holistically.

The existing C-1 zoning is a neighborhood oriented commercial zoning and is less intense than the requested C-2 zoning. The requested C-2 zoning applied to the subject +/-1.1 acre parcel would be consistent with the Comprehensive Plan and not create incompatibilities with surrounding uses including residential areas. In addition, public services, including roadway capacity are available to support the rezoning request. Finally, the application of the C-2 zoning on the subject property will create more commercial opportunity in an area that has struggled economically for many years.

For more information concerning this proposal including detailed graphics, public service analysis, etc., see the attached staff report.

**ORIGINATING DEPARTMENT:** Department of Planning & Development Services

**REVIEWED BY:** Reviewed by Chris Bowley, AICP, Director, Planning & Development Services

**PRESENTED BY:** Presented by Ron A. Paradise, Assistant Director, Planning & Development Services

**STAFF RECOMENDATION:** Staff recommends that the Planning and Zoning Board recommend that the City Commission adopt Ordinance No. 03-2015 rezoning the subject property from C-1 to C-2.

**POTENTIAL  
MOTION:**

**“I hereby move to recommend that the City Commission adopt Ordinance No. 03-2015 rezoning the subject parcel referred to as Lot 2 Huffman Subdivision, According to the Plat Thereof as Recorded in Map Book 46, Page 162 of the Public Records of Volusia County, Florida from C-1 to C-2.”**

**ATTACHMENTS:**

RZ15-001 Staff Report  
Ordinance No. 03-2015



# Memorandum

**To:** Planning and Zoning Board

**From:** Chris Bowley, AICP

**Date:** March 20, 2015

**Re:** Project No. RZ 15-001

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## I. SUMMARY OF APPLICATION:

**Applicant:** Mr. Sokha Mey/Sharpbay Corp.

**Request:** Rezone from C-1 (Retail Commercial) to C-2 (General Commercial)

### A. SITE INFORMATION:

**Tax Parcel No.:** 9111-04-00-0020

**Property Acreage:** ±1.1 Acres

**Property Location:** The parcel is situated at the northwest corner of the intersection of Doyle Road and Courtland Blvd. The property is essentially an out parcel located in the shopping center property that once housed a Winn Dixie grocery store as an anchor tenant.

**Legal Description:** Lot 2, Huffman Subdivision, According to the Plat Thereof as Recorded in Map Book 46, Page 162 of the Public Records of Volusia County, Florida

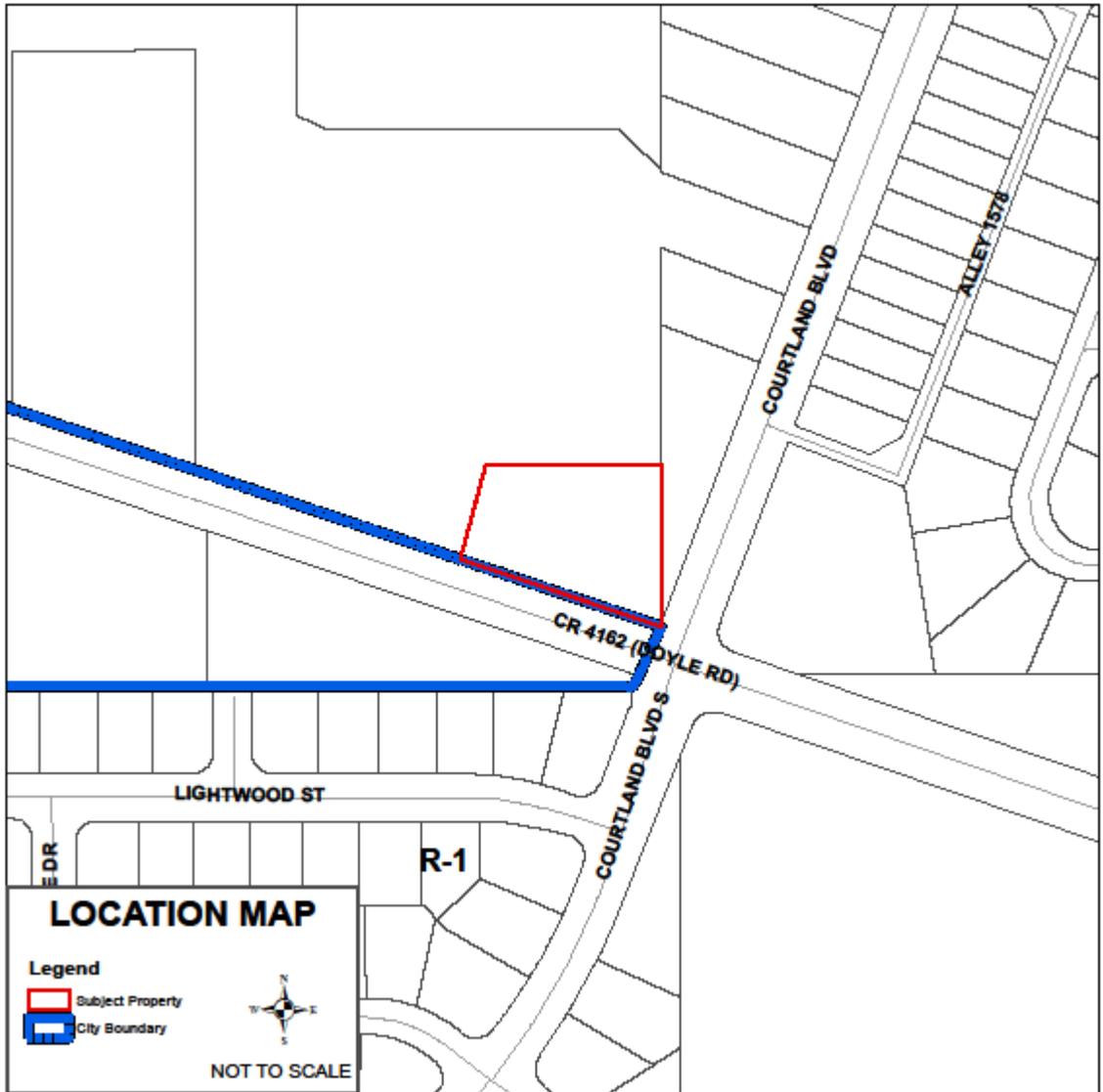


Figure 1: Location Map



Figure 2: Aerial Photo

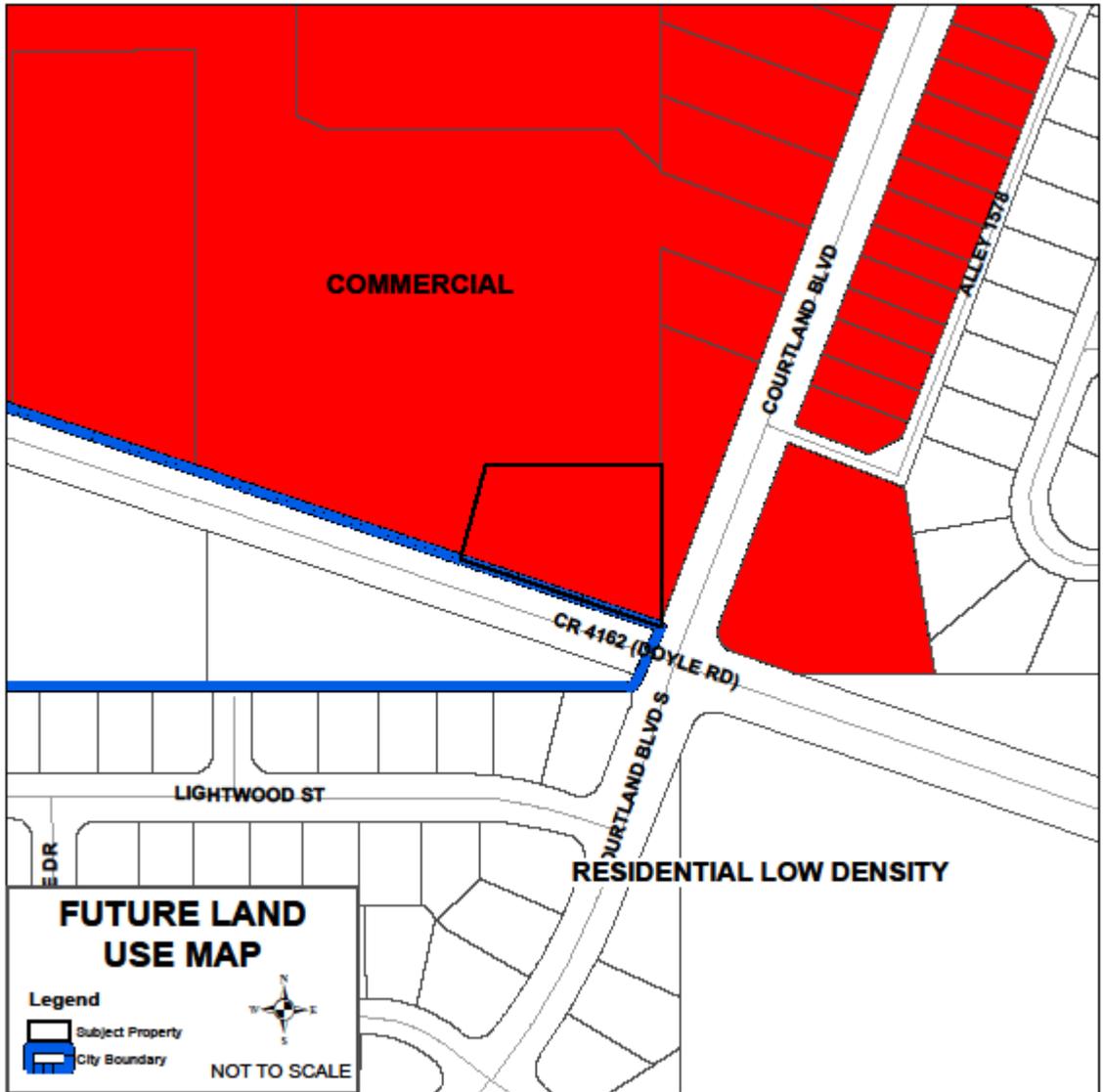
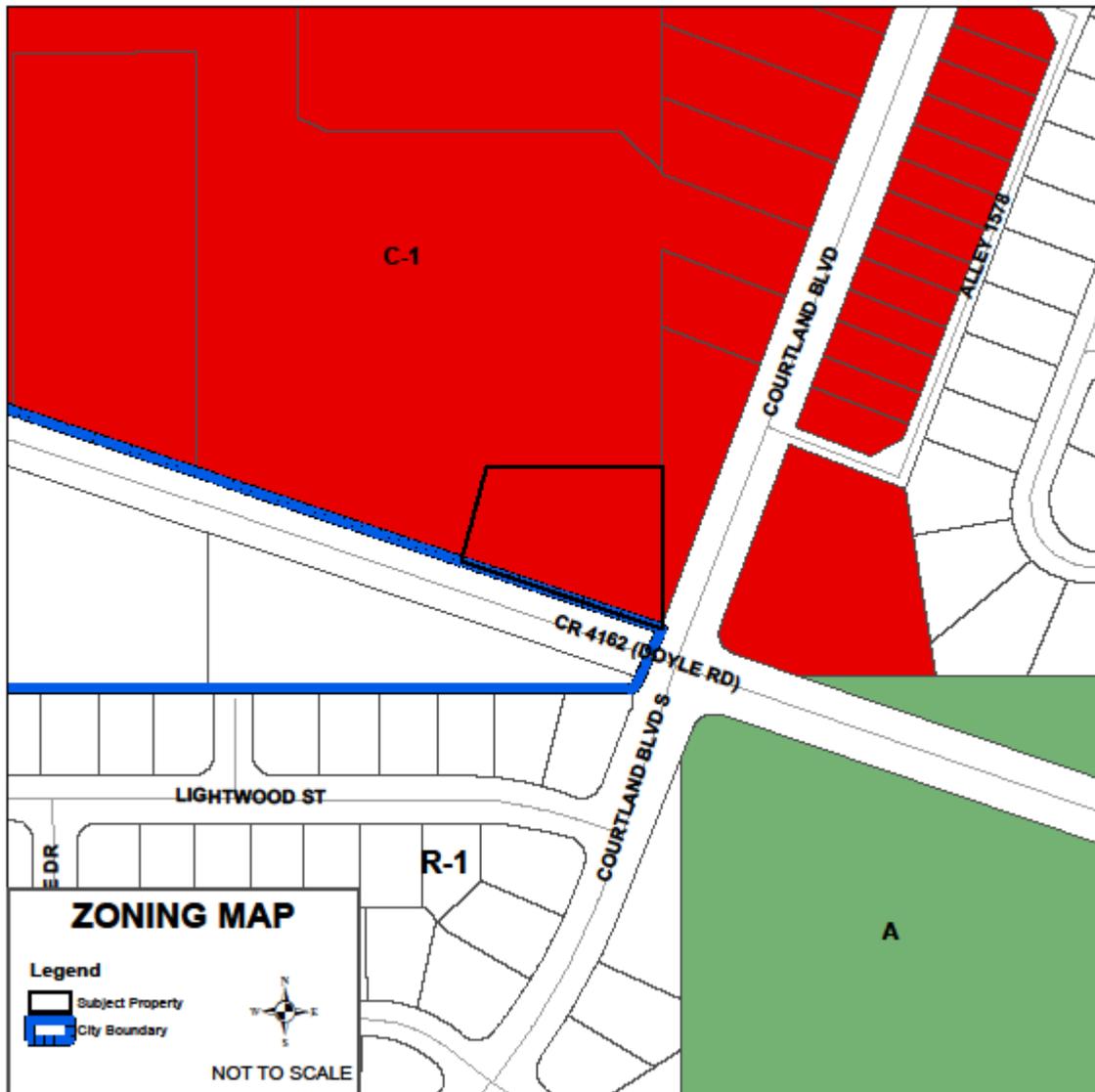


Figure 3: Future land Use Map



**Figure 4: Zoning Map**

**B. Existing Zoning**

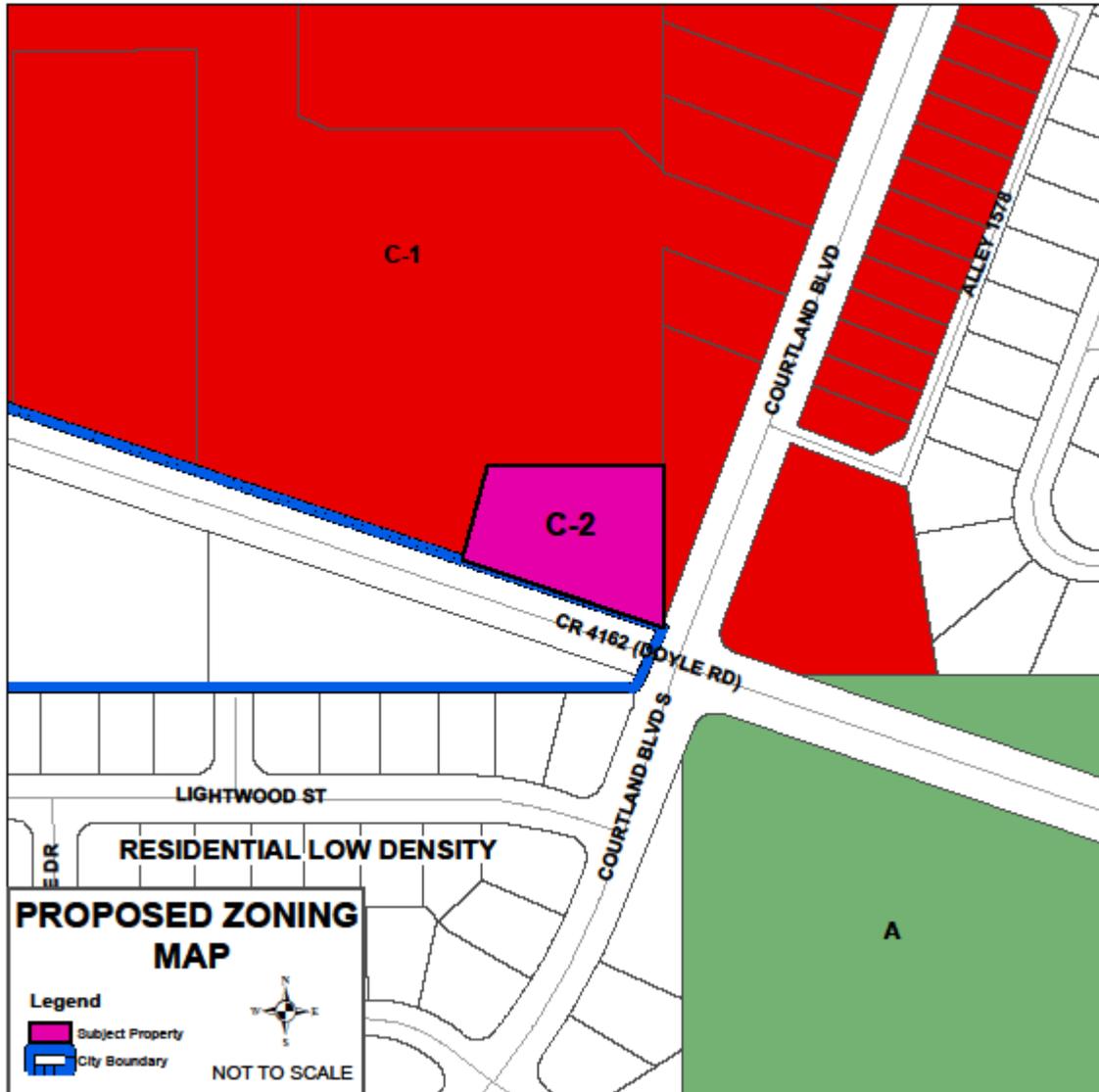
**1. Subject Property**

**Existing:** C-1 (Retail Commercial)

**Requested:** C-2 (General Commercial)

**2. Adjacent Properties**

**North:** C-1 (Retail Commercial)  
**South:** Doyle Road Right of Way; unincorporated County (zoned Rural Residential) and City of Deltona R-1 (Single Family Residential)  
**East:** C-1 (Retail Commercial)  
**West:** C-1 (Retail Commercial)



### 5. Proposed Zoning

### **C. Proposed Zoning:**

The proposed zoning is C-2 (General Commercial). While there is some commonality between the uses in the existing C-1 zoning and the requested C-2, the C-2 zoning allows more intensive commercial development and uses. For example, the maximum floor area ratio of the C-2 zoning is 0.50. Conversely, the maximum floor area ratio of the C-1 is 0.35. Permitted principal uses found in the C-2 that do not appear in the C-1 zoning include, but are not limited to, new and used auto sales and automobile service stations “Type C”.

### **D. Background:**

The subject 1.1 acre property is part of a larger commercial node that is associated with the intersection of Doyle Road and Courtland Blvd. The commercial node accounts for about 36 acres of land and is confined to the north side of Doyle Road with the majority of the commercial area being located west of Courtland Blvd. The history of this commercial node dates back to the original Deltona Lakes Plat when land located around and north of the Doyle Road and Courtland Blvd. intersection was earmarked for commercial type uses. The commercial node eventually was expanded to include the subject 1.1 acre site and adjacent land located to the north and east.

In the late 1990s property located to the north and west of the Doyle/Courtland intersection was developed as a shopping center anchored with a Winn-Dixie grocery store. However, a number of years ago the Winn Dixie closed and remains closed to this day. There are some smaller suites in the shopping center that are leased for small business ventures.

The subject 1.1 acre site was developed as a standalone convenience store with ancillary gas pumps in 2003.

Other uses within the subject commercial node include three houses of worship and an automotive repair facility. The remaining commercial area is vacant.

As has been stated, the property is developed with a 1950 square foot convenience store, 8 fueling bays and an enclosed carwash; a small interior food preparation area is also part of the use. The site is serviced with 28 parking places. This type of use is referred to within the City Land Development Code as a “Type C” automobile service station. Type C service stations are a common land use throughout the City. These uses are mostly neighborhood oriented and serve the surrounding community with various retail consumables such as food, drinks, snacks, periodicals, and fuel.

From a zoning perspective, a Type C automobile service station is a permitted principal use in the existing C-1 zoning and comports with the neighborhood oriented nature of the C-1 zoning purpose and intent.

However, the purpose of the rezoning request is to facilitate the operation of a “Type A” automobile service station at the 1.1 acre site. Type A service stations allow minor vehicular maintenance activities like tune ups and oil changes. Also, according to Section 110-814(b)(6) a rental fleet of trucks and trailers could be – there are siting and design standards - staged and leased from a Type A service station. The ability to maintain a truck/trailer rental fleet on the 1.1 acre property along with the present use is what is motivating this rezoning request.

## **E. Support Information**

### **Public Facilities:**

- a. Potable Water: The property is served central water by Deltona Utilities.
- b. Sanitary Sewer: The site is served by the City of Deltona Utilities central sewer system.
- c. Fire Protection: City fire station 64 located near the Ft. Smith Blvd./Courtland Blvd. intersection would provide the nearest response.
- d. Law Enforcement: Volusia County Sheriff’s Office (VCSO)
- e. Electricity: The property is located within the Florida Power and Light service district.

## **F. 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 property proposed to be rezoned along with the remaining C-1 zoned land in the area is designated as Commercial on the Future Land Use Map. The Commercial land use category allows a wide commercial type uses to include more neighborhood friendly, non-residential land uses such as offices and convenience stores to heavy commercial operations like engine rebuilding and automotive body shops that maybe incompatible with residential areas. In fact, the Land Use/Zoning matrix (Table 110-16) of Land Development Code Chapter 110 identifies six possible zoning options that may be applied within the Commercial designation. The matrix includes two columns referred to as Group A and Group B. Group A zonings are assumed to be compatible with the future land use category but still need to be compatible as applied on an individual basis. Group B zoning classifications may be considered compatible but are of such intensity, the application of those zoning districts needs to be carefully

scrutinized. The requested C-2 zoning appears as a Group A zoning classification but compatibility is still a factor.

A common theme of the City Comprehensive Plan Future Land Use Element is land use compatibility. Another tenet of the Future Land Use Element is the appropriate allocation of land uses to maintain and enhance land use balance so that the City will function as efficiently as possible by providing a high level of good, service and employment opportunities for the residents of the City. There are several provisions of the Future Land Use Element that provide guidance with regard to entitlement allocation relating to compatibility and land use balance. Each of the policies below will be analyzed as with regard to the proposed rezoning of the 1.1 acre tract to C-2.

***Policy FLUI-2.4***

*The City shall expand commercial, industrial, and mixed-use developments in appropriate locations in order to discourage sprawl and to promote energy efficient development patterns.*

The above policy captures the essence of land use compatibility while promoting the expansion of non-residential options within the City. The requested C-2 does have allows a greater intensity and use allocation when compared to the neighborhood oriented C-1 commercial zoning. The end result is an expanded commercial base. A question that needs to be broached regarding the 1.1 acre property proposed to be rezoned to C-2: is it an “appropriate” location? The C-1 zoning is often located within and sometimes directly abutting residential areas. The location of the 1.1 acre area is unique in the fact that it is located essentially as an out parcel of a larger shopping center and is situated at the intersection of two major City thoroughfares. The land located east across Courtland Blvd. is earmarked for commercial uses. There are residential uses located south of the 1.1 acre site but the uses are separated by the Doyle Road right of way. The residential lots located to the south are further removed by a heavily forested triangular parcel of unincorporated land. Even though this triangular parcel tapers to an apex the southwest corner of the Courtland/Doyle intersection, this area also buffers the 1.1 acres from the nearby neighborhood. Finally, providing a wider range of goods and services in an existing commercial area will maximize existing land resources and promote shorter vehicle trips to access goods and services.

***Policy FLUI-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)*

This provision is a classic example of the aforementioned balance the City needs to strike between land use compatibility and the realization of economic development goals. Germaine to the rezoning case, the Doyle Road right of way and unincorporated land serves as an appropriate transition from the 1.1 acres to the residential neighborhood to the south. In addition, the C-1 and C-2 zoning classifications are similar in intensity and there will be no conflict between the C-1 zoned properties if the C-2 is classified on the 1.1 acres. Finally, there is a landscape buffer area featuring grass and scattered trees on the property at a minimum width of 25 feet that extends along the Doyle Road frontage.

***Policy FLUI-7.26***

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

The requested C-2 zoning will expand commercial use options in an established commercial node. As has been previously mentioned, the 1.1 acre area is adequately buffered and removed from residential uses. Finally, the uses of the C-2, while tending to be more intense than the C-1, will not conflict with C-1 zoned land.

**2. Its impact upon the environment or natural resources.**

The property is a developed site and provides habitat only for animals that are tolerant of improved urban landscapes. Examples include mocking birds and squirrels. The rezoning will have no impact on ecological resources.

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

The commercial node where the 1.1 acre site is proposed for rezoning has struggled economically through the years as evidenced by the perennially vacant anchor grocery store in the adjacent shopping center. The significant amount of vacant commercially zoned land in the area casts doubt on the economic viability of the area as well. (There is recognition that there are platting challenges.) The convenience store developed on the 1.1 acre site to be rezoned is open and conducting business. The proposed rezoning would provide a few more commercial options for the land and promote some level of business diversification. In general, business diversification and related investment can be considered a positive economic indicator.

**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:** There will be no increase of residential density. School capacity will be unaffected if the property is rezoned to C-2.
- b. **Sewage Disposal:** The property is served by central sewer The City has plenty of wastewater treatment capacity especially considering the City is constructing a new wastewater treatment facility.
- c. **Potable Water:** According to the latest City Capital Improvement Plan, the City has adequate potable water to serve the site.
- d. **Drainage:** The property is currently developed. Any expansion or redevelopment associated with the property will have to comply with applicable City stormwater management requirements, including Chapter 98 of the Land Development Code.
- e. **Transportation Systems:** The 1.1 acre area is situated on two City thoroughfares: Courtland Blvd. and Doyle Road. The applicable segments of Courtland Blvd. (Ft. Smith Blvd. to Doyle Road and Doyle Road to Enterprise-Osteen Road) operate at a level of service “C”. The acceptable LOS is “E”. Capacity on Courtland Blvd. is quite adequate. The segments of Doyle Road (Saxon Blvd. to Courtland Blvd. and Courtland Blvd. to SR 415) also operate at a LOS “C”. Again, capacity is adequate on Doyle Road associated with the property proposed to be rezoned.

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

There have been no changes that affect the conditions in the area.

**6. Any mistakes in the original classification.**

No known mistakes.

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

The proposed rezoning will not adversely impact the health, welfare, safety or morals of the City.

## **CONCLUSION/STAFF RECOMMENDATION:**

For many years, the commercial node where the 1.1 acre site is located has been underperforming. The vacant Winn Dixie exhibits the low economic performance of the area. The purpose of the applicant filing this request has been stated: to be able to maintain a rental fleet of trucks and trailers. However, the City has to review this rezoning request more long term and holistically with regard to the application of the C-2 zoning. For example, what type of uses could be developed on the 1.1 acre site under the C-2 zoning if, hypothetically, the convenience store/gas station was to be redeveloped? With this question in mind, the rezoning of the 1.1 acre site from C-1 to C-2 would not be incompatible with the surrounding land use pattern and is consistent with the City Comprehensive Plan. Finally, the proposed rezoning would further City economic diversification by providing more land use options which is especially acute in an area that is not efficiently achieving. Therefore, staff suggests that the City Commission approve the requested rezoning from C-1 to C-2 for the 1.1 acre property.

**ORDINANCE NO. 03-2015**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELTONA, FLORIDA, AMENDING THE OFFICIAL ZONING MAP PURSUANT TO CHAPTER 110, SECTION 1101 OF THE CITY CODE OF ORDINANCES FOR PROPERTY TOTALING APPROXIMATELY 1.1 ACRES LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF COURTLAND BLVD. AND DOYLE ROAD PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE.**

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**WHEREAS**, the City has received an application to amend the zoning for a +/-1.1 acre property located at the northwest corner of the intersection of Courtland Blvd. and Doyle Road from C-1 (Retail Commercial) to C-2 (General Commercial); 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 C-1 to C-2; and

**WHEREAS**, after said public hearing, the City Commission of the City of Deltona, Florida, has determined that the C-2 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 property is hereby amended to C-2: Lot 2 Huffman Subdivision, According to the Plat Thereof as Recorded in Map Book 46, Page 162 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 Statutes, and the Municipal Home Rule Powers Act et. seq., Florida Statutes.

**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 BY THE CITY COMMISSION OF THE CITY OF DELTONA, FLORIDA THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2015.**

First Reading: \_\_\_\_\_

Advertised: \_\_\_\_\_

Second Reading: \_\_\_\_\_

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, City Attorney