

AFTER ACTION AGENDA

**REGULAR CITY COMMISSION MEETING
MONDAY, OCTOBER 5, 2015
6:30 P.M.**

**DELTONA COMMISSION CHAMBERS
2345 PROVIDENCE BLVD.
DELTONA, FLORIDA**

AGENDA

1. CALL TO ORDER
2. ROLL CALL - CITY CLERK
3. INVOCATION AND PLEDGE TO THE FLAG:
 - A. Invocation Presented by Vice Mayor Schleicher.
4. APPROVAL OF MINUTES & AGENDA:
 - A. Approval of Minutes –Special Commission Meeting (SCM), Regular City Commission Meeting (RCM) and the Special (SCM) and Executive (EXE) Session Meeting of September 21, 2015.

The Commission voted unanimously to approve the minutes of the Special Commission Meeting, Regular City Commission Meeting and the Special and Executive Session Meeting of September 21, 2015, with the following changes: Agenda Cover Memo, under potential motion change “ans” to “and”; SCM, Page 2, Line 14 should read “Program Budget Advisory Committee”; RCM, Page 1, Line 27, change “ledge” to “led” and Line 38, change “Commissioner Vice Mayor..” to “Vice Mayor”; and SCM & EXE, Page 1, Line 48, remove the word “unanimously”.
5. PRESENTATIONS/AWARDS/REPORTS:
 - A. Presentation – Super Star Student of the Month Certificates for September, 2015.
6. CITY COMMISSION SPECIAL REPORTS:

- 7. 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. (4 minute maximum length per speaker)**

CONSENT AGENDA: All items marked with an will be considered by one motion unless removed from the Consent Agenda by a member of the City Commission. If an item is removed for clarification only, it will be discussed immediately following action on the Consent Agenda. If an item is removed for further discussion, it will be discussed under New Business immediately following the last listed item.

- 8. CONSENT AGENDA:** None.

9. ORDINANCES AND PUBLIC HEARINGS:

- A. Public Hearing - Ordinance No. 14-2015, amending the Deltona Welcome Center Business Planned Unit Development (BPUD), at second and final reading - Chris Bowley, AICP, Planning & Development Services Department, (386) 878-8602.**

The proposed amendment is considered a major amendment to the existing Deltona Welcome Center BPUD (BPUD). The Welcome Center BPUD consists of five lots, an access road and drainage retention. This proposed rezoning request is only to amend the existing BPUD Development Agreement (DA) to allow for more than one gas station/convenience store within the BPUD (one currently exists) and to allow right-in and right-out access on both DeBary Ave. and Deltona Blvd. for a proposed Racetrac facility on lots two and three.

The BPUD was approved in the early 2000's and the approved development standards for the BPUD include typical requirements that manage use, intensity, access management, etc. that are listed in the DA. Within the original DA, access to nearby roads was controlled by a 1-ft. non-vehicular easement along the frontage of both Deltona Blvd. and DeBary Ave., with the only access potential for lots two and three onto Welcome Center Drive. To facilitate direct access to major thoroughfares, which is needed for this type of facility, the applicant is proposing to amend the DA for access on to both Deltona Blvd. and DeBary Ave. Deltona Blvd. is a City facility and DeBary Ave. is a County roadway.

On August 19, 2015, the Planning and Zoning Board heard this rezoning request. The Board recommended the City Commission approve the requested BPUD amendment to allow more than one gas station/convenience store within the BPUD. The Board also cited traffic concerns for access management due to existing traffic conditions and recommended that there be no access allowed onto DeBary Ave. and a right-in access only off of Deltona Blvd. Of note, the subject site is within the proposed Community Redevelopment Area (CRA) and the Enterprise Overlay Zone. The proposed amendments to the existing DA do not amend the previously approved standards. This rezoning amendment is to allow a

change in use for more than one service station within the BPUS and to allow for greater access potential to lots two and three.

Further, a member of the public attended the Planning and Zoning Board meeting and submitted the petition in opposition to the zoning action. None of the signatures on the petition have been verified.

Finally, the City Commission heard this item at the September 9, 2015, public hearing and unanimously voted to approve Ordinance No. 14-2015 at first reading. The motion included the date of Monday, September 21, 2015 for the second and final reading of the ordinance, however, there was not ample time to place the required advertisement for the ordinance therefore the item was tabled date-certain to the Regular City Commission Meeting to be held on Monday, October 5, 2015.

After discussion, the Commission voted unanimously to adopt Ordinance No. 14-2015, amending the Deltona Welcome Center Business Planned Unit Development (BPUD) to allow for more than one gas station/convenience store on lots two and three and to permit one right-in and right-out access point each on Deltona Blvd. and DeBary Ave., at second and final reading.

- B. Public Hearing - Ordinance No. 15-2015, rezoning ±9.28 acres located within the Deltona Activity Center from R-1AA to Mixed Use Planned Unit Development (MPUD), at second and final reading - Chris Bowley, AICP, Planning and Development Services Department (386) 878-8602.**

The property is within the Deltona Activity Center and, consistent with the City's Comprehensive Plan, development within the Activity Center is required to be processed as a Planned Unit Development (PUD).

Heartfelt sympathies

The project consists of a mixture of uses, a proposed assisted living facility on ±5.4-acres, and a self-storage mini-warehouse on ±3.8-acres that will comprise the MPUD. The MPUD is associated with a Development Agreement (DA) that includes proposed land uses, lot locations, dimensional requirements; infrastructure, aesthetics, etc.

On August 19, 2015, the Planning and Zoning Board heard the MPUD rezoning request. At the hearing, staff informed the applicant that there were outstanding issues with the terms of the DA in specific areas. The areas include a maximum 35% lot coverage requirement for each lot within the project; a maximum 70% impervious surface ratio (ISR) for each lot within the MPUD; and suggested side yard setbacks. The building lot coverage, impervious surface ratios, and building setback issues were addressed from the first reading of the ordinance and the DA revised to reflect those changes.

Finally, the City Commission heard this item at the September 9, 2015, public

hearing and unanimously voted to approve Ordinance No. 14-2015 at first reading. The motion included the date of Monday, September 21, 2015 for the second and final reading of the ordinance, however, there was not ample time to place the required advertisement for the ordinance therefore the item was tabled date-certain to the Regular City Commission Meeting to be held on Monday, October 5, 2015.

After discussion, the Commission voted unanimously to adopt Ordinance No. 15-2015, the Gold Choice Mixed Use Planned Unit Development (MPUD) rezoning, with the proposed changes to the MPUD Development Agreement, at second and final reading.

- C. Public Hearing - Ordinance No. 16-2015, Amending Section 110-311(a) of the RM-2, Multiple Family Residential Dwelling, zoning classification, at second and final reading - Chris Bowley, AICP, Planning and Development Services Department (386) 878-8602.**

City staff noticed an inconsistency between the density ranges for multi-family development listed within the City's Future Land Use Element and the City's Land Development Code (Code). This equated to two scrivener's errors in the RM-2 zoning district text, as related to the RM-2 zoning designation. The listed density range allows for 12-20 units per acre that is consistent with the High Density Residential land use category. However, the existing zoning language of Section 110-311(a) calls for the RM-2 to be consistent with the Medium Density Residential land use category, which only allows for 6-12 units per acre. Changing the land use text from Medium Density Residential to High Density Residential would correct that issue, so that the density ranges are listed in both documents consistently. The second issue is the tense of the introduction, where it is written as past-tense, instead of present tense (i.e. changing "purposed" to "purpose" will correct this issue).

Finally, the City Commission heard this item at the September 9, 2015, public hearing and unanimously voted to approve Ordinance No. 14-2015 at first reading. The motion included the date of Monday, September 21, 2015 for the second and final reading of the ordinance, however, there was not ample time to place the required advertisement for the ordinance therefore the item was tabled date-certain to the Regular City Commission Meeting to be held on Monday, October 5, 2015.

After discussion, the Commission voted unanimously to adopt Ordinance No. 16-2015, amending Section 110-311(a) of the RM-2, Multiple Family Residential Dwelling, zoning classification, at second and final reading.

- D. Public Hearing - Ordinance No. 17-2015, adopting a Temporary Moratorium on the Processing of Applications Proposing to Use a Package Plant, at first reading - Chris Bowley, AICP, Planning and Development Services**

Department (386) 878-8602.

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 Planning and Zoning Board recommended that the City Commission approve Ordinance No. 17-2015 at its September 16, 2015, meeting.

After discussion, the Commission voted unanimously to approve Ordinance No. 17-2015 that allows for a temporary moratorium on the processing of applications that propose use of a package plant and to schedule second and final reading for November 2, 2015.

- E. Public Hearing - Ordinance No. 18-2015, allowing for the ability to submit a comprehensive sign plan for renovated commercial development in blighted areas, at first reading - Chris Bowley, AICP, Planning and Development Services Department (386) 878-8602.**

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 existing 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. Finally, the Planning and Zoning Board recommended that the City Commission approve Ordinance No. 18-2015 at its September 16, 2015, meeting.

After discussion, the Commission voted unanimously to deny Ordinance No. 18-2015.

- F. Public Hearing – Resolution No. 2015-37, reaffirming, establishing and updating water and sewer rates fees and charges – Gerald Chancellor, Public Works Department (386) 878-8998.**

Burton and Associates has recently completed a rate study, at the request of the City, to evaluate and make recommendations pertaining to water and sewer rates, fees and charges.

A presentation of the recommendations was made at a recent City Commission Workshop. Some of the recommendations include reaffirming rate indexing previously approved via Resolution No. 2013-11, establishing certain rates while updating other rates, fees and charges that have not been evaluated for several years. The Resolution and corresponding exhibit describe the rate changes as well as minor operational updates.

After discussion, the Commission voted unanimously to approve Resolution No. 2015-37, reaffirming, establishing and updating water and sewer rates, fees and charges."

- 10. OLD BUSINESS:** None.

- 11. NEW BUSINESS:**

- AA. ADD-ON ITEM: Discussion re: Trap Neuter and Release (TNR) and Code Enforcement, requested by Commissioner Nabicht.**

After discussion, the Commission concurred to have an update from staff regarding the TNR Program (The TNR report is tentatively scheduled to go before the Commission at the Regular Commission Meeting to be held on November 2, 2015).

- A. **Request for consideration of Commissioner Smith's appointment to the Deltona Economic Development Advisory Board. - Joyce Raftery, City Clerk (386) 878-8502.**

As of July 4, 2015 Joe Cerrato has resigned from his position on the City's Deltona Economic Development Advisory Board.

The City has run press releases, posted the opening on D-TV, the City's web page and on bulletin boards.

After discussion, the Commission voted unanimously to confirm Commissioner Smith's appointment of Jerry Yaris to the Deltona Economic Development Advisory Board for the remainder of a two (2) year term to expire on May 31, 2015.'

- B. **Request for consideration of appointment or re-appointment of eleven (11) members to the Affordable Housing Advisory Committee – Joyce Raftery, City Clerk (386) 878-8502.**

The terms of all eleven (11) members of the Affordable Housing Advisory Committee will expire on October 6, 2015. All of the current members have expressed that they wish to be re-appointed to this Committee with the exception of William Bradley, John Enyart, Yordanis Gonzalez, Peter Kurkjian and Steven Sukow.

The City has run press releases, posted the openings on D-TV, the City's web page and bulletin boards. To date the City has received applications from the following individuals: Tom Burbank, Wesley Kihlmire, Michael Ruggieri and Nichole Turner.

The SHIP Act and Rule requirement has been reinstated per SHIP statute (F.S. 420.9076 and Rule 67-37.010) that in order to continue to qualify for funding, the local government must appoint an Affordable Housing Advisory Committee.

The proposed Housing & Community Development staff recommendations and the eleven (11) member Committee shall include:

- (a) One citizen who is actively engaged in the residential home building industry in connection with affordable housing.*
Nicole Turner

(b) One citizen who is actively engaged in the banking or mortgage banking industry in connection with affordable housing

(c) One citizen who is a representative of those areas of labor actively engaged in home building in connection with affordable housing.

Wesley Khilmire

(d) One citizen who is actively engaged as an advocate for low-income persons in connection with affordable housing.

Michael Ruggieri

(e) One citizen who is actively engaged as a for-profit provider of affordable housing.

Eric James

(f) One citizen who is actively engaged as a not-for-profit provider of affordable housing.

Jodi Pena-Castaldi

(g) One citizen who is actively engaged as a real estate professional in connection with affordable housing

Michael Williams

(h) One citizen who actively serves on the local planning agency pursuant to § 163.3174.

Tom Burbank

(i) One citizen who resides within the City of Deltona.

Patricia Ulicny

(j) One citizen who represents employers within the City of Deltona.

(k) One citizen who represents essential services personnel, as defined in the local housing assistance plan.

Ruben Colon

If, due to reasonable factors, a citizen actively engaged in these activities in connection with affordable housing is not available for appointment to the Committee, a citizen engaged in the activity without regard to affordable housing may be appointed.

The AHAC Committee shall evaluate and report to the City Commission on established policies, procedures, ordinances, land development regulations, and review the comprehensive plan, to include, recommended changes as established in Section 420.9076, F.A.C.

The City shall transmit an electronic copy of the report, which was presented to the City Commission for consideration, to Florida Housing Finance Corporation.

After discussion, the Commission voted unanimously to confirm the Commission member's appointment(s) or re-appointment(s) with a term to expire on October 5, 2017 to the Affordable Housing Advisory Committee.

12. CITY ATTORNEY COMMENTS:

13. CITY MANAGER COMMENTS:

14. CITY COMMISSION COMMENTS:

- A. Preview of the new Granicus agenda management, minutes, voting and streaming software to streamline all citywide agenda processes.**

Staff will demonstrate the new Granicus agenda management software to include the voting system portion of the software. Also, a paper copy of a past agenda and minutes will be provided to show what the new documents will look like in the future.

No action taken.

15. 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.