

AFTER ACTION AGENDA

REGULAR CITY COMMISSION MEETING
MONDAY, APRIL 7, 2014
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 Commissioner Schleicher.
4. APPROVAL OF MINUTES & AGENDA:
 - A. Approval of Minutes - Regular City Commission Meeting of March 17, 2014.

[The Commission voted unanimously to approve the minutes of the Regular City Commission Meeting of March 17, 2014.](#)
 - B. Additions or Deletions to Agenda.
5. PRESENTATIONS/AWARDS/REPORTS:
 - A. Presentation – Super Star Student of the Month Certificates for March, 2014.
 - B. Presentation – Love Your Heart 5K, Presented by Final Mile Race Management.
 - C. Presentation of the New Arts & Performance Center presented by Lloyd Marcus.

**6. PUBLIC FORUM – Citizen comments for any items.
(4 minute maximum length)**

CONSENT All items marked with an * will be considered by one motion unless removed
AGENDA: 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.

7. CONSENT AGENDA:

A. Request for approval of the William S. Harvey Deltona Scholarship Advisory Board's recommendation to add Jerry M. Robinson, M.D. to the Wall of Fame.

At the Regular City Commission Meeting on November 19, 2012, Mayor Masiarczyk suggested that the William S. Harvey Deltona Scholarship Advisory Board take over the Wall of Fame nominations and selection process, with results and recommendations presented to the Commission for approval and the Commission concurred.

At the last meeting of the William S. Harvey Deltona Scholarship Advisory Board held on Thursday, March 20, 2014 the Board recommended the Wall of Fame nominee Jerry M. Robinson, M.D. to be submitted to the City Commission for approval.

[Approved by Consent Agenda - to accept the William S. Harvey Deltona Scholarship Advisory Board's recommendation to add Jerry M. Robinson, M.D. to the Wall of Fame.](#)

B. Request for approval of recommendations for scholarship awards from the William S. Harvey Deltona Scholarship Advisory Board.

The William S. Harvey Deltona Scholarship Advisory Board met on March 20, 2014, and selected 24 applicants to receive the 2013/2014 scholarship awards. The selections were based on the following criteria: 1) financial need; 2) academic achievement; 3) school; 4) community and/or leadership activities; 5) special skills and/or talents; and 6) an essay of 500 to 750 words.

As you are aware, the FY 13/14 budget included an amount of \$40,000 for scholarship awards based on anticipated revenue from recyclables.

[Approved by Consent Agenda - to approve the 2013/2014 William S. Harvey Scholarship recipients as presented by the William S. Harvey Deltona Scholarship Advisory Board.](#)

8. ORDINANCES AND PUBLIC HEARINGS:

A. Public Hearing - Ordinance No. 02-2014, Zoning Map Amendment for three (3) lots from Mixed Planned Unit Development (MPUD) to the Business Planned Unit Development (BPUD) for the Saxon Sterling Silver project, at first reading.

The subject property (site) has a long entitlement history in Deltona (the City), briefly summarized as follows:

- 1. In 2005, the subject site was rezoned as the Retirement Community at Sterling Park MPUD and the rezoning was consistent with the underlying Commercial future land use designation.*
- 2. The rezoning allowed for a four (4) lot subdivision and lot 3 of that site was developed as the Sterling Court retirement facility that includes 118 multi-family units with detached duplexes/triplexes.*
- 3. In 2006, a Final Plat was approved for the MPUD that created four (4) legal lots of record (see attached).*
- 4. In 2006, the Development Agreement and Cross Access Easement (DA) for the MPUD was adopted that approved development rights for the property (see attached and accompanying summary) that allows for commercial or office uses on lot 1 and office uses only on lots 2 and 4, as follows:*

Lot 1 approvals:

- Permitted land uses - C-1 zoning permitted uses, except bars/nightclubs, gas stations and convenience stores, fast food restaurants, automobile service stations type C, and any other land use that is not listed as a permitted use in the C-1 zoning district.*
- Permitted intensity - 0.25 floor area ratio (FAR).*
- Permitted lot coverage - 0.65 impervious surface ratio (ISR).*
- Access - right-in/right-out along Saxon Blvd. with median construction on Saxon Blvd. Access from Sterling Silver Blvd.*
- Commitments/encumbrances - six (6) foot high masonry screen wall and landscaping along the north and west property lines, 15-ft. wide utility easement along Saxon Blvd., 1-ft. wide non-vehicular ingress and egress easement along roadway frontages, and utility easement at the northeast corner of the lot.*

Lot 3 approvals: Lot 3 is the constructed retirement center and not included in this BPUD application.

Lots 2 and 4 approvals:

- Permitted land uses - business office or medical office development.*
- Permitted intensity - 0.25 FAR (business office) or 0.12 FAR (medical office).*
- Permitted lot coverage - 0.65 ISR.*
- Access - three (3) driveways were permitted along Alabaster Way into lots 2 and 4.*

- Commitments/encumbrances - Tract B is 44-ft. wide for common area, drainage, and utility easement (DUE), and ingress/egress; 10-ft. DUE extending from Tract B to Road B; 24-ft. wide access and utility easement from Alabaster Way to the Saxon Medical Park; Tract C common area; Road B (vacated by Ordinance No. 02-2008); 20-ft. wide School Board easement; 15-ft. wide utility easement along Saxon Blvd., and 1-ft. wide non-vehicular ingress and egress easement along Saxon Blvd. and Sterling Silver Blvd.

Other:

- 8-ft. wide sidewalks (only 5-ft. wide sidewalks constructed on Saxon Blvd.; need 8-ft.)*
- Landscape medians constructed by Owner/Developer to be maintained by a POA (medians not landscaped; POA not created).*
- Pedestrian crosswalks (partially striped/need completed).*
- Turn-lane arrows internal to project (done).*
- Signalization escrow funds prorated per lot (no monies escrowed).*

The applicant initially proposed two options for this Master Development Plan (MDP); Options 1 and 2 (see attached) and amendments to the previously approved DA. Since the original approvals for the MPUD and the Planning and Zoning Board (Board) hearing for this ordinance on February 19, 2014, the applicant revised the DA and MDP plan, as follows:

- 1. BPUD application only includes lots 1, 2, and 4 (lot 3 ownership is listed as a joinder to DA).*
- 3. Only Option 2 is addressed in the revised DA and TIA.*
- 4. Option 2 removes commercial land uses on lot 1, but adds them on lots 2 and 4.*
- 5. Option 2 continues potential for office or medical office use on lots 1, 2, and 4.*
- 6. Signalization commitment from 2006 is kept.*
- 7. Cross-access to medical plaza maintained for co-located access to lots 2 and 4.*
- 8. Access to City's lift station maintained.*
- 9. Access points, screen walls, easements, medians, and landscape treatments maintained.*
- 10. FAR altered for lots 2 and 4 from 0.25 or 0.12 to 0.182.*
- 11. ISR increased for lots 2 and 4 slightly from 0.65 to 0.67.*
- 12. Cross-access and utility easement along lot 4 reduced from 24-ft. to 20-ft. and 14-ft. stabilized drive replaced with 12-ft. paved drive for access to City lift station.*

Per the City's Code of Ordinances, the written agreement (DA) and the preliminary plan comprise the MDP and shall be consistent with each other. While the applicant submitted two options on the preliminary plan, the DA and TIA focus on Option 2 only. Staff worked with Volusia County Traffic Engineering and a peer review consultant for access and traffic management; and the applicant for land use compatibility issues, understanding that the site is already entitled for commercial and office development. An updated peer review letter

will be provided upon receipt from the consultant, due to a new TIA submitted by the applicant.

Finally, at the February 19, 2014, meeting, the P&Z Board recommended that the City Commission deny Ordinance No. 02-2014, due to outstanding issues raised by the applicant that night; the continued need to provide safe access; outstanding 2006 DA commitments; and neighborhood compatibility measures needed for less intensive residential homes. The applicant has attempted to address those issues in the revised DA and MDP, Option 2. Staff can support the attached revisions to the DA and only Option 2 of the MDP, with the recommended conditions of approval listed in the attached staff report. Staff does not support a 24-hour facility as proposed by the applicant.

After discussion, the Commission voted 4 to 3 (Commissioner Barnaby, Commissioner Denizac, and Commissioner Lowry voted against the motion) to approve Ordinance No. 02-2014, a rezoning of the Saxon-Sterling Silver lots 1, 2, and 4 from MPUD to BPUD, to include the following amendments to the Development Agreement: mast arm traffic signal, eight (8) foot wide sidewalk(s) along Saxon Blvd., address hours of operation at the time of the Final Site Plan, and only Option 2 of the Master Development Plan, at first reading.

B. Public Hearing - Ordinance No. 04-2014, Zoning Map Amendment (RZ13-009) for eleven (11) parcels located at the northeast corner of the Saxon Boulevard/Finland Drive intersection, at first reading.

The subject site includes an assemblage of eleven (11) parcels with an either Office Residential (OR) or Public (P) zoning designation. The applicant proposes a rezoning of those tracts from OR and P to (C-2) General Commercial, which could accommodate a range of commercial land uses. The applicant desires to perform the rezoning action to accommodate a gas station with convenience store, as proposed.

The proposed rezoning is consistent with the Comprehensive Plan for the general health, safety, and welfare of the City and furthers Deltona's economic development and employment goals. The proposed rezoning to C-2 is located along a City thoroughfare, as defined in the Comprehensive Plan, is near a major interstate interchange, is similar to existing C-2 zoning designations to the east and west of the site, and would promote a non-residential tax base that is currently reliant upon residential land uses.

The City of Deltona Planning and Zoning Board (Board) heard the rezoning request on March 19, 2014, and recommended that the City Commission approve the rezoning to C-2 with the added statement that the Board would be able to review future site plans for development of the property that currently differs from the Land Development Code development review process.

Because the rezoning request is for conventional zoning (C-2), the zoning action is for the application of the C-2 regulations to the subject site. While a gas station with convenience store is the desired use for this rezoning application, any permitted or conditional C-2 land use could be development on-site with the established citywide standards for that zoning district. Finally, the Board and local residents had concerns with access management, site grading, area-wide drainage patterns, and neighborhood compatibility.

After discussion, the Commission voted unanimously to approve Ordinance No. 04-2014, to rezone lots 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, and Tract 'K', Block 101, Deltona Lakes, Unit 3, Map Book 25, Pages 105 - 120, from Office Residential (OR) and Public (P) to General Commercial (C-2), at first reading.

C. Public Hearing - Resolution No. 2014-06, Lakeshore Shared-Use Path Local Agency Program (LAP) Agreement between the Florida Department of Transportation (FDOT) and the City of Deltona (City) to secure design services.

The City desires to increase pedestrian connectivity throughout the City and to expand its recreation network by interconnecting parks and trails. This also assists with bringing eco-tourism to the City. The City is located at the important connection of the Spring-to-Spring Trail and the East Central Florida Regional Rail Trail. That connection is a needed link for the state-wide interconnected trail network and is currently the recipient of major public capital expenditures for planning, design, engineering, construction, and land acquisition for this segment of the trail. Examples of that expenditure include the construction of the existing trail, Volusia County funding of trail extension to US 17-92 and a pedestrian overpass at SR 415, and the investments by the City and County for Thornby Park.

This segment of the trail (between US 17-92 and SR 415) connects four parks (Audubon, Green Springs, Thornby, and Gemini Springs) and is considered a linear park itself. Staff is pursuing a trail loop approximately 1.75 miles in length within the trail segment (Lakeshore Shared-Use Path) to provide users an opportunity to experience more of the City by connecting Thornby Park and the trail to Deltona's lakeshore. Specifically, the path will connect Thornby Park to the Deltona Community Center, Lakeshore Boat Ramp Park, and Volusia County's Green Springs Park, via a 12-foot wide paved trail. The trail will begin at the entrance of Thornby Park and head south along the west side of Providence Boulevard to Lakeshore Drive, then proceed east along the north side of Lakeshore Drive. The trail will utilize and pave portions of the existing trail within the Edgewater Condominium Apartments community and an easement agreement allowing the use of this property has been executed and recorded with the condo association.

Finally, the City first applied for grant funding for this trail in the Spring of 2011 through the TPO XU funding process. The TPO awarded the trail funding and performed a feasibility study that resulted in the TPO adding the loop to the priority funding list for design and construction. This request is for design only and the total design cost is estimated to be \$44,832.00. Per the grant application, 90% of the design and construction will be reimbursed by FDOT and the construction phase will be approved by FDOT in 2016. It is anticipated that the remaining 10% of the 2016 construction cost will be reimbursed by ECHO grants. The City is responsible for 10% of the trail design, or \$4,483.00.

After discussion, the Commission voted unanimously to approve Resolution No. 2014-06, the FDOT LAP Agreement, to allow the Lakeshore Shared-Use Path design and City funding of up to 10% of that design.

9. **OLD BUSINESS:** None.
10. **NEW BUSINESS:** None.
11. **CITY ATTORNEY COMMENTS:**
12. **CITY MANAGER COMMENTS:**
 - A. **Lobbyist Update.**
13. **CITY COMMISSION COMMENTS:**
14. **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.