



City of Deltona

Mayor
John Masiarczyk

Vice Mayor
Nancy Schleicher
District 4

Commissioners:

Mitch Honaker
District 1

Diane Smith
District 2

Heidi Herzberg
District 3

Brian Soukup
District 5

Chris Nabicht
District 6

City Manager
Jane K. Shang

AFTER ACTION AGENDA
REGULAR CITY COMMISSION MEETING
WEDNESDAY, SEPTEMBER 9, 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 Commissioner Smith – Tawny Rogers, Pine Ridge Fellowship Church.**
4. **APPROVAL OF MINUTES & AGENDA:**
 - A. **Approval of Minutes - Regular Commission Meeting of August 17, 2015 - Joyce Raftery, City Clerk (386) 878-8502.**

After Discussion, the Commission voted unanimously to approve the minutes of the Regular Commission Meeting of August 3, 2015, as presented.
5. **PRESENTATIONS/AWARDS/REPORT:**
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 All items marked with an * will be considered by one motion

AGENDA: 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:**

9. **ORDINANCES AND PUBLIC HEARINGS:**

- A. **Public Hearing - Ordinance No. 14-2015, Amending the Deltona Welcome Center Business Planned Unit Development (BPUD), at first reading - Chris Bowley, Planning and 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, circa early 2000s, and the Master Development Plan should comport to the existing DA with the proposed

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

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

After discussion, the Commission voted unanimously to approve Ordinance No. 14-2015, to amending the Deltona Welcome Center Business Planned Unit Development (BPUD) to allow for more than one gas station and convenience store on Lots 2 and 3 and to permit one right-in and one right-out access point, each on Deltona Boulevard and Debary Avenue, at first reading and to schedule second and final reading for September 21, 2015.

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 first reading - Chris Bowley, 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).

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. (see attached DA with recommended changes).

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 and impervious surface ratios were addressed. The side yard setback centers on the proposed interior lot line to create two lots; use the proposed ISR ratio; and provide a zero-ft. side-yard setback. The Code requires a 10-ft. setback on each created lot for the proposed ISR, which coincides with the landscape buffer width.

The applicant will have the option to either keep the MPUD project as a unified single lot or, where two lots are created, provide for the Code required setback and buffer from the interior lot line between the two lots.

After discussion, the Commission voted unanimously to approve Ordinance No. 15-2015, Rezoning ±9.28 acres located at 2306 North Normandy Boulevard from R-1AA to Mixed Use Planned Unit Development (MPUD) with staff's suggested changes to the Gold Choice MPUD Development Agreement and with the 0.40 amendment verbiage recommended by staff, at first reading and to schedule second and final reading for September 21, 2015.

C. Public Hearing - Ordinance No. 16-2015, Amending Section 110-311(a) of the RM-2, Multiple Family Residential Dwelling, zoning classification, at first reading - Chris Bowley, 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).

After discussion, the Commission voted unanimously to approve Ordinance No. 16-2015, to change the RM-2 text of Section 110-311(a) to change "Medium Density" to "High Density" and to insert the word "purpose" instead of "purposed", at first reading and to schedule second and final reading for September 21, 2015.

D. Public Hearing - Top Shelf Center Final Plat (FP15-002) – Chris Bowley, Planning and Development Services Department (386) 878-8602.

The parent tract of the current Top Shelf Center includes a car wash facility, a stormwater pond, and open-space. The applicant for Final Plat (FP15-002) desires to subdivide the parent tract to create a second lot, Lot 2, for a ±5,000 SF Honest One Auto Care facility, the existing car wash on a newly created Lot 1, and a master stormwater pond on a newly created Tract A.

The proposed development would include a single shared driveway from Howland Boulevard, utilizing the existing driveway, which has to be permitted through Volusia County for the Use Permit. The proposed utility expansion is also the domain of Volusia County, as the site is within the Deltona North system. The proposed development will also utilize a shared master stormwater pond that shall be permitted through the St. Johns River Water Management District (District). Finally, the proposed development shall meet all of the requirements of the City's Land Development Code to achieve a Development Order for the Final Site Plan and City subdivision regulations for Final Plat approval. Following DRC, the Final Plat shall be scheduled for a City Commission public hearing for approval and all bonding, fees, title documentation, etc. shall be in order to proceed towards recordation of the Final Plat at the Volusia County Clerk of the Court.

In addition, please also provide a copy of the Property Owners Agreement to the Public Works Department that includes that the internal private fire hydrant is

to be a shared or common utility; coordinate with Duke Energy for any plantings under and near their overhead powerlines for ANSI standards; coordinate with Volusia County Public Works for the Use Permit and utility permits; coordinate with the Volusia County Health Department and with the Volusia County Sheriff Office (VCSO) for public safety.

After discussion, the Commission voted unanimously to approve the Top Shelf Center Final Plat (FP15-002).

10. OLD BUSINESS:

11. NEW BUSINESS:

12. CITY ATTORNEY COMMENTS:

13. CITY MANAGER COMMENTS:

14. CITY COMMISSION COMMENTS:

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.