

**CITY OF DELTONA, FLORIDA
PLANNING & ZONING BOARD MEETING
WEDNESDAY, DECEMBER 21, 2011**

A Regular Meeting of the Deltona Planning and Zoning Board was held on Wednesday, December 21, 2011, in the City Hall Commission Chambers, 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	Adam Walosik	Present
Secretary	Noble Olasimbo	Present
Member	Victor Ramos	Present
Member	Heather Mulder	Present
Member	David McKnight	Present
Member	Michael Kiepert	Present

Also present: Planning & Development Services Director Chris Bowley; Planning & Development Services Planning Manager, Tom Pauls; and Board Secretary Pauline Shattuck.

3. APPROVAL OF MINUTES:

A. Minutes:

1. Meeting – November 16, 2011.

Motion by Member Ramos, seconded by Member McKnight, to adopt the minutes of the Regular Planning & Zoning Board Meeting of November 16, 2011, as presented.

Motion carried with members voting as follows: Member Walosik, for; Member Olasimbo, for; Member Ramos, for; Member Mulder, for; Member McKnight, for; Member Kiepert, for; and Chairman Burbank, for.

4. PUBLIC COMMENTS: None

5. OLD BUSINESS:

A. P&Z By-Laws

Chairman Burbank stated that at November's P&Z meeting Board Members expressed unanimous

concern for the recently adopted P&Z By-laws and were suggesting small changes to the language to make it more palatable. Chairman Burbank asked Board Members to read a letter which he had drafted, to be forwarded to City Commissioners, requesting wording changes to the By-laws. The Board Members agreed to go forward with Chairman Burbank's letter. Chairman Burbank said he had spoken with Ms. Vose, Deltona City Attorney, about the letter and he presented it to Mr. Bowley. Mr. Bowley said he would forward it to the City Attorney.

Motion by Member McKnight, seconded by Member Olasimbo, to forward Chairman Burbank's letter, via the City Liaison, to the City Commission requesting that Resolution 2011-34, P&Z By-Laws, be amended to include the following underlined language at the beginning of Article IX. Minutes: Section 2. On all matters to come before the Board all communications ...etc."

Motion carried with members voting as follows: Member Walosik, for; Member Olasimbo, for; Member Ramos, for; Member Mulder, for; Member McKnight, for; Member Kiepert, for; and Chairman Burbank, for.

6. NEW BUSINESS:

A. CU11-002 Conditional Use Permit for Iglesia Misionera Eslabon de Dios, Inc. (IMED)

The Iglesia Misionera Eslabon de Dios Church has applied for a Conditional Use to allow a house of worship at 2745 Lake Helen Osteen Road. Applicant: Pastor Kelly Santos, Iglesia Misionera Eslabon de Dios, Inc. Resolution No. 2011-41.

Mr. Pauls said this is a Conditional Use application to allow a church on ±19.6 acres. The staff report and initial recommendation cites that this Conditional Use application should be limited to 235 seats. Mr. Pauls asked that the Board consider modifying that to allow language similar to something along the lines that would say "additional seating would be considered acceptable as part of this Conditional Use application, as submitted for the final site plan," consistent with all provisions of the Land Development Code (LDC). This would allow IMED the flexibility they need to add a reasonable number of additional seats without having to come back for a second Conditional Use application. He said there was a final site plan approved in 2005 for a 700 seat sanctuary, which had a 24 month horizon, but which never came to fruition. This is the first Conditional Use Permit request on this site, which can come to fruition.

Chairman Burbank spoke about the maximum parking spaces allowed. He said they need 79 spaces and are proposing 107, an amount above the maximum allowed 91 spaces. He asked if this request was part of future flexibility. Mr. Pauls clarified that at this junction, at 235 seats, a maximum of 91 parking spaces is correct. These issues will be addressed when the applicant submits a final site plan application. Chair Burbank said the reason he's looking so closely at the plan is because the building is less than 30,000 sq. ft. and the P&Z Board will not be hearing it again. He said applicants usually ask for less parking not more.

There was additional discussion regarding parking, driveway connections, and landscaping. Mr. Pauls and Mr. Bowley reiterated that these issues would be addressed during the final site plan application process.

John Schultheis, Civil Engineer, 896 Pine Tree Terrace, DeLand, said he has a lengthy history with the site and project. Regarding the parking lot, plans at one time had been designed for a 700 seat church and he scaled it back to a logical place to terminate the parking lot. If parking exceeds the maximum amount required, they can be easily deleted.

Mr. Schultheis reiterated that the applicant would prefer to have the Conditional Use Permit be approved without any limitation on the number of seats. He added that any such expansion would need site plan review and approval, which would provide the City with the assurance that all codes and regulations would be adhered to. Given the size of the site and the size of the existing building (approximately 20,000 sq. ft.), it appears likely that expansion will occur at some time in the future. He said he would like the owners to have confidence going forward on this site that they will not face uncertainty should they or future owners desire to expand.

Member Olasimbo said this is a difficult request. Mr. Schultheis said he would still need to meet all of Deltona's requirements. Member Walosik said requests like this need to go through a public hearing and he does not feel giving him a blank check would be appropriate. He said, in his opinion, how a church grows will need to be controlled because it would impact the adjacent neighborhood. Mr. Schultheis said he understands the concerns and, if the church grows beyond the site capacity, they would move. He said at one time construction was begun envisioning 700 seats, more than three times what is written here. At that time, 700 seats used less than half of the site for parking, building, stormwater, and all uses.

Mr. Bowley said it is easy to co-mingle the two, permitting a use, which is the application for a Conditional Use and getting into the details of the site plan, and it is easy to weave back and forth. It is also easy to say that in a Conditional Use Permit you have to include some site design issues, as limit thresholds or caps to ensure compatibility with adjacent neighborhoods are maintained. In this case there is a neighborhood nearby. He said the applicant is definitely not asking for a blank check; he is asking for the process to be honored and maintained. The applicant is asking to decide on the Conditional Use application tonight with a threshold in mind, due to land use adjacency compatibility, and consistency issues; but come up with a process that doesn't bring them back to apply for another Conditional Use. Mr. Bowley said he would recommend the applicant go to the City Commission for a threshold cap. They would also need to go through final site plan amendment, if the building goes above the 30,000 sq. ft. threshold in the future, and would come back to the Board. He asked the Board to add a caveat that the process go back to staff for a final site plan amendment and ultimately to the City Commission for adoption of any proposed expansion.

Additional discussion ensued on the expansion issue. Mr. Pauls suggested that the Board make a recommendation to approve the Conditional Use for a house of worship to allow a reasonable increase in seats consistent with the Land Development Code requirements. Mr. Pauls clarified the Public Notice process.

Member Kiepert asked how many seats the existing building was designed for. Mr. Pauls answered that it was designed for 700 seats. Chairman Burbank said that this was previously approved.

Member McKnight said he still has a concern that the public notice is in the paper for 235 seats and any citizen that may have read it for just that. He said he wants to approve the Conditional Use Permit, but has a concern about changing the number of seats without it being in the application. Mr. Pauls said the purpose of the public hearing process is for people to come out to this meeting and to hear what changes may have been considered. There will be two other opportunities for the public to offer their positions. Member Olasimbo said capacity would be limited according to the Fire Code.

Further discussion ensued on various expansion condition wording. Member McKnight asked why the application was put in for 235 seats.

Pastor Kelly Santos, 1260 Sherbrook Drive, Deltona, said the reason they are limiting the seating to 235 right now is because they are not going to use all of the building. They do not have the funds. They are not even using ±12,000 sq. ft. of the building right now and will be doing so in phases. They would love to have a house of worship. They are renting right now and are paying two rents. Financially they need to provide for their needs and are trying to make that a possibility at this point. They have 150 members and are growing gradually. They do not want to limit the seating, not even to 700, because they do not know what will happen. They required the 235 because it is the first stage of the process. The only reason is financial; they would like to proceed in phases.

Chairman Burbank opened the meeting to the public. There were no comments from the public. Chairman Burbank closed the public comment period.

Member Mulder said the Board should find a compromise, as far as the conditions. Member McKnight said he is now comfortable with the 700 seats, because Pastor Santos convinced him, and he now understands why the application is for 235 seats.

Motion by Member Kiepert, seconded by Member Ramos, to recommend that the City Commission approve Conditional Use application CU11-002, with the conditions outlined in the agenda memo, and not to exceed the seating capacity of 700 seats.

Motion carried with members voting as follows: Member Walosik, for; Member Olasimbo, for; Member Ramos, for; Member Mulder, for; Member McKnight, for; Member Kiepert, for; and Chairman Burbank, for.

Chairman Burbank called for a two minute break at 7:45 p.m.

B. Approval of 2012 Meeting Schedule. January 18, February 15, March 21, April 18, May 16, June 20, July 18, August 15, September 19, October 17, November 21, and December 19.

Motion by Member Olasimbo, seconded by Member Ramos, to approve the 2012 meeting schedule of the following dates: January 18, February 15, March 21, April 18, May 16, June 20, July 18, August 15, September 19, October 17, November 21, and December 19.

Motion carried with members voting as follows: Member Walosik, for; Member Olasimbo, for; Member Ramos, for; Member Mulder, for; Member McKnight, for; Member Kiepert, for; and Chairman Burbank, for.

C. Election of 2012 Officers (Chairperson and Vice-Chairperson).

Chairman Burbank explained the nomination process and passed the gavel to Member Olasimbo, Board Secretary.

Member Olasimbo opened nominations for Chairperson. Member Ramos nominated Tom Burbank. There were no further nominations for chairperson and nominations were closed. The vote was taken and the motion carried unanimously.

Chairman Burbank opened nominations for Vice-Chairman. Member Kiepert nominated David McKnight for Vice-Chairperson. There were no further nominations for vice-chairperson and nominations were closed. The vote was taken and the motion carried unanimously.

7. DISCUSSION:

A. By the Board:

Member Ramos requested that a copy of the agenda be available at the meetings.

Chairman Burbank requested a copy of the Land Development Code.

Member Kiepert asked staff to provide an outline of the responsibilities of the P&Z Board. Mr. Bowley said he would put together a PowerPoint presentation for the next meeting. It would include a summary of Section 110.1200 of the LDC highlighting the Board's powers and duties.

B. By the City Attorney: None

C. By Planning & Development Staff: None

8. ADJOURNMENT:

There being no further business, the meeting adjourned at 8:00 p.m.

ATTEST:

Tom Burbank, CHAIRMAN

Pauline Shattuck, RECORDING SECRETARY