



**CITY OF DELTONA, FLORIDA
PLANNING & ZONING BOARD
WEDNESDAY, OCTOBER 21, 2009**

REGULAR MEETING MINUTES

A Regular Meeting of the Planning and Zoning Board was held on Wednesday, October 21, 2009 at the City Commission Chambers, located at 2345 Providence Boulevard, Deltona, Florida 32725.

1. CALL TO ORDER:

Chairman Victor Ramos called the meeting to order at 6:30 p.m.

2. ROLL CALL:

Chairman	Victor Ramos	Present
Secretary	Katrina Ekman	Present
Board Member	Herbert Christian	Absent
Board Member	Ed Alvarado	Present
Board Member	Wesley Kihlmire	Present
Board Member	Jose Irizarry	Present

Also present were Chris Bowley, Director; Ron Paradise, Planning Manager; Marsha Segal-George, Acting Assistant City Attorney; Tom Burbank, Planner II; and Sherri Campbell, Board Secretary.

3. APPROVAL OF MINUTES:

A. Regular Meeting Minutes:

1. Regular Planning & Zoning Board Meeting – September 16, 2009

Wesley Kihlmire made a motion for approval of the September 16, 2009 regular meeting minutes. Katrina Ekman seconded the motion. The motion carried unanimously.

4. **ANNOUNCEMENTS:**

Victor Ramos welcomed the new Board Member Jose Irizarry.

Wesley Kihlmire asked to make a motion to limit comments from the floor to four minutes. Katrina Ekman seconded the motion. The motion passed unanimously.

5. **OLD BUSINESS:**

6. **NEW BUSINESS:**

- A. **Resolution No. 36-2009.** - The City of Deltona has received a zoning variance request from Section 110-810.06, Minimum Parking Requirements, to permit a reduction from the required 41 parking spaces to 37 parking spaces to support a 9200 square foot retail building. **Location:** 951 Doyle Road. **Applicant:** Sand Dollar, LLC. **Project No.** VR09-002.

Tom Burbank presented the staff report and answered Board Members questions.

Katrina Ekman asked if this was for the variance only and would decreasing the number of parking spaces cause problems in the future if someone wanted to open a different type of business at this location. Tom Burbank answered no. It was for the variance and the site plan. He also noted that there could be potential problems in the future.

Bill Hockensmith, applicant, doesn't believe parking ratio will hurt further business because the Cities requirements are high compared to other cities. He also noted the other Family Dollar is asking for only 30 spaces.

Wesley Kihlmire asked if access off Doyle Rd. was going to be right in, right out, if there is going to be access on Braddock Road. Mr. Hockensmith explained that yes, access would be right in, right out, on Doyle and there would be access to Braddock which they planned on widening.

Katrina Ekman asked if the property behind and to the East of the site, was residential, Mr. Hockensmith answered yes. She also asked if more natural looking trees could be used in the buffer and East side of the building such as Wax Myrtles, Silver Thorns and Stephens Hollywood. Mr. Hockensmith agreed to Ms. Ekman's request.

Kevin Finn, addressed the Board stating that the public notice signs didn't say anything about a Final Site Plan being heard at the meeting and wanted to know if

discussing it was legal. He also noted that County or City Code doesn't allow Commercial sites to access residential roads.

Douglas De'leon stated the impact to his property would be devastating and his investment would be gone. He also expressed concerns about the noise from trash trucks and contamination of his well from the retention pond.

Tom Burbank said that based on concerns about legal public notice that the two (2) variances be tabled. Mr. Chris Bowley requested that the signs properly reflect the issue at hand, so the public has ample time to review and comment on all issues. Wesley Kihlmire made a motion to postpone to a date certain of November 18, 2009 at 6:30 pm, with both Variances and Final Site Plans for both Family Dollar Sites. Chris Bowley asked the board if they would like to continue hearing about the parking variances at each location since that was properly advertised. He told them they could discuss the parking variances only. Wesley Kihlmire withdrew his motion. Chris Bowley asked the board if they would like to propose a new motion to only discuss the variance. Wesley Kihlmire asked that all discussion be kept to the parking. Victor Ramos reopened the meeting for public discussion.

Ed Sullivan stated that Tom Burbank's statement that the parking variance would allow for a greater natural buffer is false.

James Matchett expressed concerns over the displacement of animals on the site.

Cindy Sullivan asked that a traffic study be done and she is asking the County to put in a center isle on Doyle Rd. to prevent left turns in and out of the site.

Wesley Kihlmire made a motion to recommend approval of the item. Ed Alvarado seconded the motion. The motion carried unanimously.

- B. Resolution No. 35-2009.** - The City of Deltona has received a zoning variance request from Section 110-810.06, Minimum Parking Requirements, to permit a reduction from the required 41 parking spaces to 30 parking spaces to support a 9200 square foot retail building. **Location:** 2810 Elkcarn Boulevard. **Applicant:** Hutton Partners, LLC. **Project No.** VR09-001.

Tom Burbank presented the staff report and answered Board Members questions.

Katrina Ekman asked if the City was setting precedence with the parking variance and if the code needed to be looked at. Tom Burbank stated that might not be a bad idea.

Bo Avel, applicant, and Paul Sherma, informed the board that they were available to answer any questions they may have.

Katrina Ekman made a motion to recommend approval of the item. Wesley Kihlmire seconded the motion. The motion carried unanimously.

- C. **Ordinance No. 16-2009.** - The City of Deltona proposes and amendment to the Zoning Ordinance Section 110-719, Enterprise Commercial Overlay Zoning District, by deleting paragraphs 110-719.03(c)(8)a and 110-719.03(c)(8)b.

Tom Burbank presented the staff report and answered Board Members questions.

Katrina Ekman asked if all new construction will have to look this way. Tom Burbank explained, no they will still be able to do a flat roof if they wish.

Kevin Finn stated he felt the City was trying to circumvent the County's new standards.

Sandra Walters read the letter she handed out to all the Board members and stated that the conflict between the City and the County has, for the most part, been eliminated and the City should stick to the County standards.

Ed Sullivan feels that this ordinance will remove all roof standards. He also read from the letter sent to the City, from Pat Northey.

Bill Hockensmith noted that he did not ask the City to change the roof standards, that Family Dollars standards are a flat roof.

Wesley Kihlmire stated he was somewhat confused, he thought that this ordinance change would comply more closely to the Counties ordinance.

Wesley Kihlmire made a motion to recommend adoption of the item. Katina Ekman seconded the motion. The motion passed with the board voting as follows.

- D. **Ordinance No. 18-2009.** - The City of Deltona proposes and amendment to the Land Development Code, Section 96-48, Deltona Activity Center Area-wide Development of Regional Impact Transportation System Development Standards.

Tom Burbank presented the staff report with a slide show presentation and answered Board Members questions.

Wesley Kihlmire stated he likes anything that will get development out there.

Wesley Kihlmire made a motion to recommend adoption of the item. Katina Ekman seconded the motion. The motion passed with the board voting as follows.

- E. Ordinance No. 19-2009.** - The City of Deltona has received a rezoning application for a 120 acre, more or less, tract of land from the current zoning of Volusia County, A-1, Prime Agriculture, and Volusia County, FR, Forestry Resource, to City of Deltona, RPUD, Residential Planned Unit Development, to allow up to 240 single family detached dwelling units, or, 2 units per gross acre. **Location:** 890 Osteen Cemetery Road. **Applicant:** RKH Investments, LLC. **Project No.:** RP09-001.

Tom Burbank presented the staff report and answered Board Members questions.

Ty Harris on behalf of Terry Hagen, applicant, stated they have no problem increasing the conservation area as long as the retention ponds can go there. He noted it is important for the ponds to go in the conservation area because that's the natural flow of the water. Katrina Ekman asked if the ponds were large enough to handle the 100 year flood and is the wetland an isolated one or part of a system. Tadd Kasbeer, project engineer, stated they were not impacting the flood plane and that the wetland is part of a larger system that flows to the North. Katrina Ekman felt this was not what they agreed on in the previous application, no development in the conservation area means no development. Ron Paradise addressed the board explaining the conservation category is for conservation for resources and city staff feels stormwater management is not appropriate for conservation categories. Ty Harris told the board if the ponds are placed elsewhere that will require major reengineering to direct the stormwater away from its natural flow. He also stated that City code does allow conservation to include stormwater ponds and there will be no activity there. Tom Burbank told the board that staff is working with the applicant in order to get a better feel of where the line between developed area and conservation should be and there has been some discussion as to the ponds being allowed into the conservation area somewhat as long as they enhance the conservation. Tadd Kasbeer stated the goal is to protect the wetlands aver all. Katrina Ekman asked how many acres were for the pond. Tadd Kasbeer answered 55 to 60 acres for all the ponds and conservation

Wesley Kihlmire made a motion to recommend approval of the item with the conditions that the Comprehensive Plan amendment be found in compliance with Chapter 163, Florida Statutes and be adopted prior to the adoption of Ord. 19-2009. That the Master Development Plan be revised to clearly identify all areas to be preserved prior to the adoption of Ord. 19-2009.

That the Master Development Plan be revised to reflect more closely the 60 acre conservation area and 60 acre residential area as shown on the future land use amendment application prior to the adoption of Ord. 19-2009.
Katina Ekman seconded the motion. The motion passed with the board voting unanimously.

7. **OTHER BUSINESS:**

Tom Burbank recommended that the Planning & Zoning Board meetings be moved back to 7:00 pm effective December 2009

Ed Alvarado made a motion for approval of the recommendation. Katrina Ekman seconded the motion. The motion carried unanimously.

8. **TRAINING:**

9. **DISCUSSION:**

A. **By the Board**

Katrina Ekman asked that staff look at the parking code in an attempt to prevent the need of parking variance in the future.

B. **By the City Attorney**

C. **By the Director of Development Services**

10. **ADJOURNMENT:**

A motion was made by Katrina Ekman to adjourn the meeting; it was seconded by Jose Irizarry. The motion was unanimously approved.

MEETING ADJOURNED AT 8:00 p.m.

Approved this 18th day of November, 2009

ATTEST:

Sherri Campbell, Recording Secretary

Victor Ramos, Chairman