



City of Deltona

2345 Providence Blvd.
Deltona, FL 32725

Minutes

Planning and Zoning Board

Wednesday, December 15, 2021

6:00 PM

Deltona Commission Chambers

- A. In an effort to reduce the possibility of exposure of residents to the COVID-19 (Coronavirus) we are allowing limited public access into the Commission Chambers and practicing social distancing with the Planning and Zoning Board Members, staff, and residents.

1. CALL TO ORDER:

The meeting was called to order at 6:00 pm.

2. ROLL CALL:

Present: 8 - Chair Patricia Northey
Secretary Allen Pfeffer
Member Susan Berk
Member Tom Burbank
Member Jesus Gonzalez
Member Ruben Munoz
Alternate Crystal Lilly
Alternate Steven Webster

Excused: 2 - Vice Chair Jody Lee Storozuk
Alternate Manuel Rodriguez

Absent: 1 - Alternate Adam Kemmerling

3. APPROVAL OF MINUTES & AGENDA:

Chair Northey asked if everyone had an opportunity to read the minutes and if there were any corrections. She stated seeing none the minutes will be filed as presented.

A. Minutes of October 20, 2021

4. PRESENTATIONS/AWARDS/REPORTS:

5. PUBLIC FORUM: Time permitted, public comment shall be permitted at the end of agenda items only and shall not exceed four minutes.

6. OLD BUSINESS:

7. NEW BUSINESS:

A. Ordinance NO. 01-2022 - AN ORDINANCE OF THE CITY OF DELTONA, FLORIDA, AMENDING THE OFFICIAL ZONING MAP TO REZONE ±19.84 ACRES OF LAND LOCATED EAST SIDE OF PARMA DRIVE FROM CITY OF DELTONA SINGLE FAMILY CLASSIFICATION (R1) TO RESIDENTIAL PLANNED UNIT DEVELOPMENT (RPUD); PROVIDING FOR CONFLICTS, PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

Re: Island Walk North re-zoning. Legal Counsel from the City Marsha Segal-George spoke about quasi-judicial hearings and ex parte communications. No members communicated and Chair Northey disclosed she drove the site.

Mr. Paradise presented Project No. RZ21-0006, Ordinance No. 01-2022, Island Walk North RPUD, request to rezone a parcel of land totaling +/- 19.84 acres from Single Family Classification (R-1) to Residential Planned Unit Development (RPUD). The project is located in the NE section of the City off of the Parma Drive corridor near the intersection of Parma Drive and Lake Helen Osteen Road. The project, as proposed, will consist of 52 single family dwelling units. Access will be from Parma Drive, with emergency access facilitated, but not open to the general public, to Fox Chapel Court. The overall net density of this project will be 2.62 dwelling units per acre, well within the density range of the City's Low Density Residential land use category. The LDR category has a density of zero to six dwelling units per acre. The property is already zoned for urban detached residential lots under the R1 Zoning. The Island Walk North project has proposed lot sizes of over 6000 square feet to 4800 square feet, with the majority lot sizes being 4800 square feet or 40' wide x 120' deep. As a comparison, the existing R1 zoning has a minimum lot size of 7500 square feet and a minimum width requirement of 75 feet.

Mr. Paradise foreshadowed future events, regarding form based zoning regulations.

The basic premise of a form based approach to zoning is that there will be flexibility on behalf of local government and the developer to achieve community goals in an economically appropriate manner.

The form based approach applies to this property which has 3.45 acres of wetlands. The wetland is interconnected with other wetland systems extending off the site, including a connection to Lake Sixma/Three Island Lakes. This connection between Three Island Lakes and larger systems to the NE, that extend through this property represent, a significant hydro-ecological connection within the city. Important for both drainage and to facilitate continued movement of wildlife through these resources of wetlands in the NE and the lake systems located to the SW.

The project is designed with smaller lots, less than 7500 square feet. The basic design of smaller lots essentially clusters destiny away from wetland resources but facilitates some

level of development to occur on a property that is earmarked both from a planning and policy standpoint for urban development. The developer has agreed to locate the crossing of the wetland at the most appropriate place on this property and to create a wildlife crossing to allow the pass and re-pass of wildlife, as well as drainage to flow unencumbered across the property.

Infrastructure - The project will generate 570 trips on the City's roadway network, 58% of travel trips will go north on Lake Helen Osteen Road and the majority of those trips will turn left on Catalina Boulevard and disperse presumably heading toward Interstate 4. The city roadway network can support the trips associated with this project. The developer will be required to build, which includes re-striping of existing pavement, a left hand turn lane from Lake Helen Osteen Road on to Parma Drive. This will facilitate turning cars being located outside of the travel lane. The City will serve the site with central water and sewer. Water is available but sewer is not. The applicant has entered into a pioneer agreement with the City to bring sewer to the site. The sewer is available approximately one mile south on Lake Helen Osteen Road. If the project is approved, the sewer must be at the site before the project can proceed.

Land use capability - This property is located adjacent to vacant lands, and environmentally sensitive properties. However the project represents the basic essence of the majority of development within the city, which is detached dwellings on individual lots.

Staff recommends the Planning and Zoning Board recommend the City Commission adopt Ordinance No. 01-2022 based on the following: The request is consistent with the City Comprehensive Plan, the City has or will have adequate infrastructure to support the project and the project results in a high degree of environmental protection.

The following questions and statements were raised by Planning and Zoning Board Members.

1. It was noted the lot sizes originally plotted were larger and there is acreage in the immediate neighboring area. **At one time decades ago the property had an animal shelter on it.**
2. Will the building lots have septic tanks? **It was confirmed there will never be any septic tanks associated with this project.**
3. Who will be responsible for maintenance of the underpass? **The underpass will be maintained by the property owner association. The level of maintenance will be minor.**
4. What are the basis for the school study and findings and not being adversely affected by this development? **The school district uses an occupancy standard that is promulgated by the Florida Department of Education. There are level of service standards within the city's comprehensive plan for schools and are similar across the board throughout the county.**

5. What tools are used to decide the water carrying capacity of the lands outside of the wetlands to protect the houses from flooding. **The city has a wetland buffer requirement of 25 feet landward from the interface of the wetland and the upland. The buffer is there to provide a transition from the developed landscape to the wetland areas. Scientific studies illustrate buffers do provide significant benefits to wetland function .**

Mark Watts with Law Firm Cobb Cole, presented on behalf of the applicant. Mr. Watts spoke to the location of the proposed site. Mr. Watts indicated he will work with adjacent homeowners to increase tree buffer protection. County thoroughfare roads are meant to move people at a higher rate of speed.

Public participation:

Richard Bellach - Requested clarity on how many houses per acre.

Nicole O'Daniel - Resides on five (5) acres up against the north side of the proposed property. Understands need for residential housing. This development will change the way of life for her family. There is a variety of wildlife traveling through her property on a daily basis. Asking that a buffer of trees be left.

Keith O'Daniel - Resides on five (5) acres up against the north side of the proposed property. Does not have a problem with building houses on the property. Main concern is storm water mitigation and if a hurricane were to come through some of the proposed homes would be flooded. What is going to be done to preserve the wildlife in the immediate area? Will the wetland areas be preserved and how much of a buffer and what kind of a buffer will there be?

Lisa Childs-Miller - Resides on Burlington Avenue. Concern is that another project now making this two (2) developments within a five (5) mile radius on wetlands, that have drainage issues. Some of these homes will be under water. The intersection lane at Catalina Boulevard and Parma Drive can hold only two (2) cars at a time. There was an unfortunate death at this intersection due to poor lighting. The city installed sidewalks which are not complete and there are still no sidewalks in the area. Despite what the school district says the surrounding schools are full already. The area has a community feel and more urban development is going to have an adverse affect on the animals.

Ronnie Lewis Sr. - Resides on Parma Drive. The five (5) foot buffer is a concern. Where is the wildlife tunnel going to come out. A hurricane is going to cause flooding. Traffic will be an issue. A young lady was killed at this intersection and was surprised there have not been more fatalities.

Elbert Bryan - The access road will it be asphalt or dirt and who will maintain this road? Will this be a gated community and in an emergency access, who would have the key for this

gate? The buffer and what will it consist of as far as trees? The underpass - how big will it be? In the morning traffic is backed up all the way up on Catalina Boulevard to Lake Helen Osteen Road. One positive is that the project will not move ahead until sewer is in place.

Brandy White - Confirmed the young lady's name who passed away at this intersection. The side walks the city installed are useless. Asked the sidewalks be located where the bus stops are and where citizens walk. The comparison of properties is not apples to apples - this is misconception. This proposed subdivision does not fit the neighborhood. This area is wetlands. Same situation as on Haulover Boulevard where truck loads of dirt are being brought in to fill the wetlands. Clustering of the homes is a fire hazard - not enough distance between homes. Information from the studies is misleading. The biggest concern for established properties will be flooding. By removing what is needed for drainage and the neighboring properties are going to flood.

Mark Watts with Law Firm Cobb Cole, representing the applicant, responded to the public comments. Is happy to reach out and speak with neighboring property owners regarding the buffers along the north side to find a strategy with the buffers. Water Management and Development Environmental Protection (DEP) will confirm the buffers are adequate. There will not be any lots in the 100 year flood plain. Site will include street lighting and sidewalks. The setbacks within the site are a total 10' feet between homes as per fire code standards. The calculation of density per code takes into account the gross density of the area +/- 19.84 acres and number of units being proposed. Clustering is intended to take the density of the overall project and putting it in a portion of the property. The rest of the property in its undeveloped natural state. The emergency access road will be stabilized with clay or shell. The gated emergency access will be either a crash gate or a knox box containing a key to open the gate.

Members provided their individual reason on how they will vote regarding Ordinance NO. 01-2022 as follows:

Member Burbank votes yes to deny the rezoning of the property because it is too dense and will have an impact on wildlife in the area.

Member Berk votes yes to deny on basis that it is not consistent with the compatibility of the area. Borders and buffers, should be deeper than proposed.

Member Gonzalez votes yes to deny. Having experience with working in the construction industry there is not enough room between the houses. An example is when it rains the ground is wet between the houses due water pooling and lack of sunshine getting in to dry the area out.

Secretary Pfeffer votes yes to deny for there is no compelling reason to have 40 foot frontage lots and change the character of the area. Concerned about wetland protection.

Alternate Webster votes yes to deny for there has not been enough of a study on traffic, fire

and wetlands.

Member Munoz votes no to deny for this project because the area is zoned for residential and based on my knowledge and experience, I feel the project is possible. Projects like this are common.

Chair Northey votes yes to deny because I find it to be inconsistent with the existing land use and character of the neighborhood.

Member Munoz motioned to approve the Ordinance No.: 01-2022.

Motion fails for lack of Second motion. Secretary Dr. Pfeffer motioned to deny the Ordinance No.01-2022 Seconded by Member Burbank. The Motion passes to deny on a six (6) to one (1) vote.

For: 1 - Member Munoz

Against: 6 - Chair Northey, Secretary Pfeffer, Member Berk, Member Burbank, Member Gonzalez and Alternate Webster

B. Ordinance NO. 03-2022 - MFDV - Mobile Food Dispensing Vehicles

Mr. Paradise brought Ordinance No.: 03-2022 Mobile Food Dispensing Vehicles otherwise known as Food Trucks, to the Planning and Zoning Board.

In 2020 the State of Florida preempted local governments from certain regulations associated with Mobile Food Dispensing Vehicles otherwise known as Food Trucks. The State said local government cannot preclude Food Trucks from operating within their local jurisdictions. However local government has the ability to regulate where, how and when they operate within the city. Local government cannot charge for a business tax receipt for these uses.

These regulations are underpinned by city zoning regulations. MFDV can be located within commercial zonings C1, C2 and C3 zoning classifications.

Section:110-1200 includes applications and proposals requiring public hearings. Changes and establishments within community development districts. The Planning and Zoning Department looks at consistency with adopted ordinances including zoning regulations.

City Staff was directed by City Commission to regulate MFDV's. City Staff has had several meetings over the years, including recently a formal workshop involving stake holders in September 2021, and another meeting in early November of 2021. Regulations have been adjusted accordingly.

Some highlights are as follows. Definition of MFDV is predicated on State regulations, staff also reviewed other local city's regulations regarding MFDV's. The city requires a submittal of the business license issued by Development Business Professional (DBPR). Fire safety

inspection report is also required due to utilizing generators and gas tanks. A fire safety license is required. Location of MFDV's are permitted only at C1, C2 and C3 zoned areas or BPUD and or IPUD if allowed within the Development Agreement, and House of Worship. Must be on property that is developed and the location must be actively used. Vacant and or unused property is not permitted. Parked on paved areas only; site plan required; cannot be in or on a city Right of Way (ROW); cannot create access, circulation or parking issues. Advertising is limited to signage on the truck, banners are not permitted in the city right-of-way. Hours are limited from 8:00 am to 10:00 pm; seating is allowed to occupy one parking space to sit and eat; disposing of waste water or grease into stormwater management facility or within the city sewer lines is prohibited. Special Events are exempt.

City Attorney Marsha Segal-George spoke regarding the changes brought in by the State, providing clarity to why there is discussion regarding Ordinance No. 03-2022.

Member Burbank read into the record a letter from Mr. Storozuk who was not present for the meeting.

Member Burbank read into the record a letter that he self penned.

Member Berk motioned to move Ordinance No.: 03-2022 to the City Commission Seconded by Secretary Dr. Pfeffer. The Motion passes to move forward five (5) votes and two (2) abstain.
Member Burbank abstained for personal conflict
Member Munoz abstained for personal conflict

For: 5 - Chair Northey, Secretary Pfeffer, Member Berk, Member Gonzalez and Alternate Webster

Abstain: 2 - Member Burbank and Member Munoz

C. ARTICLE XII - Planning and Zoning Board

Article XII was presented to the Planning and Zoning Board Members by Mr. Paradise for educational purposes regarding the role of the Planning and Zoning Department and the Planning and Zoning Board Members.

Items covered were as follows: Member and Alternate roles, length of time served and elections.

Members are appointed by City Commission, this is strictly a volunteer position.

8. STAFF COMMENTS:

9. BOARD/COMMITTEE MEMBERS COMMENTS:

10. ADJOURNMENT:

The meeting was adjourned at 8:30 pm.

Pat Northey, Chairperson

Renée Cairney, Board Secretary