



## Legislation Details (With Text)

**File #:** 15-7799 **Version:** 1

**Type:** Report **Status:** Passed

**File created:** 4/18/2023 **In control:** City Commission

**On agenda:** 5/1/2023 **Final action:** 5/1/2023

**Title:** Motion for rehearing of Ordinance No. 04-2023, Request to amend the Deltona Village Business Planned Unit Development (BPUD) overall Development Plan/Master Development Plan increasing the number of multi-family unit allocation for the BPUD from 414 units to 652 units; amendment to the Development Agreement approved by Ordinance No. 21-2009; and rezone an additional 26.57 acres of land to be included within the Deltona Village BPUD.

**Sponsors:** City Commission, Joyce Raftery

**Indexes:**

**Code sections:**

**Attachments:** 1. Cover Letter 4-14-23.pdf, 2. Motion for Rehearing.pdf, 3. EXHIBITS - Motion for rehearing, 4. Law for Motion for Rehearing, 5. DV Gallery of Villages Vision WolfPack 3.30.23

Date	Ver.	Action By	Action	Result
5/1/2023	1	City Commission	accept	
5/1/2023	1	City Commission	approve	Pass

**TO:** Mayor and Commission

**AGENDA DATE:** 5/1/2023

**FROM:** City Manager

**AGENDA ITEM:** 8 - A

**SUBJECT:**

Motion for rehearing of Ordinance No. 04-2023, Request to amend the Deltona Village Business Planned Unit Development (BPUD) overall Development Plan/Master Development Plan increasing the number of multi-family unit allocation for the BPUD from 414 units to 652 units; amendment to the Development Agreement approved by Ordinance No. 21-2009; and rezone an additional 26.57 acres of land to be included within the Deltona Village BPUD.

**LOCATION:**

939 Hollywood Boulevard

The three (3) subject parcels to be added to the Deltona Village BPUD are located 1) east of John Wayne Trail and south of Lot 4 of Deltona Village, and 2) North of Graves Avenue adjacent to the Maschmeyer Properties concrete plant site.

**COST:**

N/A

**SOURCE OF FUNDS:**

N/A

**ORIGINATING DEPARTMENT:**

Planning and Development Services

**STAFF RECOMMENDATION PRESENTED BY:**

N/A

**POTENTIAL MOTION:**

"I hereby move to grant a rehearing of Ordinance No. 04-2023 for the following reasons... for a date certain.";

or

"I hereby move to deny a rehearing of Ordinance No. 04-2023 for the following reasons..."

**BACKGROUND:**

The applicant proposed a third amendment to the Deltona Village BPUD. The requested amendment via Ordinance No. 04-2023, requests the following:

- 1.) Amendment to the Overall Development Plan/Master Development Plan to increase the number of multi-family unit allocation for the BPUD from 414 units to 652 units;
- 2.) Amendment to the development agreement approved by Ordinance No. 21-2009, to update the multi-family unit cap, include the 26.57 acres, and to clarify remaining entitlements between the landowner and the City; and
- 3.) Rezone an additional +/-26.57 acres of land to be included within the Deltona Village BPUD.

On March 15, 2023, the Planning and Zoning Board voted (6 to 1) to recommend approval of Ordinance No. 04-2023 by the City Commission on March 15, 2023.

On April 3, 2023, the City Commission voted (4 to 3) to deny Ordinance No. 04-2023, due to concerns with the age of the originally approved traffic study (2009) and the requested increase of multi-family unit cap for the project (652-unit cap). Concerns regarding School Concurrence were also expressed.

The applicant has requested a motion for rehearing per Section 110-1005. - *Rehearing and administrative res judicata*. This provision can be invoked if it is alleged that the City Commission, as the case may be, has overlooked or misapprehended some facts or points of law. The rehearing provision allows the aggrieved party to request the City Commission rehear the application if a motion is filed in writing to the Planning and Development Services Department, within 10 working days of the rendition of the decision, and stating grounds for the request. The movant shall serve it by certified mail or hand delivery upon the Mayor and the City Manager and all adjoining property owners previously notified of the hearing, together with a notice stating the date, time and place it will be orally presented to the commission.

Upon oral presentation by the aggrieved party, the Commission may grant the motion with stated reasoning for doing so, and set a time, date and place for another public hearing upon due notice.

Staff provided a Rendition Letter to the applicant on April 4, 2023, and a revised letter on April 5, 2023. The applicant filed a motion for rehearing on April 14, 2023, within the 10 working days of receipt of the Rendition Letter issued by staff.

For more information please refer to the motion for rehearing and attachments.