



City of Deltona

2345 Providence Blvd.
Deltona, FL 32725

Minutes

Planning and Zoning Board

Wednesday, December 13, 2023

6:00 PM

Deltona Commission Chambers

1. CALL TO ORDER:

The meeting was called to order at 6:00pm

Present: 7 - Chair Eric Alexander
Vice Chair Susan Berk
Member Ron Gonzalez
Member Manuel Rodriguez
Member Stony Sixma
Alternate Andrea Cardo
Alternate Tara D'Errico

Excused: 3 - Secretary Rachel Amoroso
Member Dr. Allen Pfeffer
Alternate Adam Vazquez

Absent: 1 - Alternate Steven Webster

2. ROLL CALL:

Also Present: Phyllis Wallace; Public Works, Jessica Entwistle and Kaitlyn Apgar with Planning and Development Services; Kim Booker, Booker & Associates P.A.; and Frank DeMarsh.

3. APPROVAL OF MINUTES & AGENDA:

A. Minutes of November 15, 2023

Motion by Member Sixma, seconded by Alternate D'Errico to approve the Minutes of November 15, 2023, as presented. The motion carried unanimously.

4. PRESENTATIONS/AWARDS/REPORTS:

A. Removal of IPADs.

Ms. Entwistle informed the Board that binders were brought in because setting up the iPads has taken away from staff time.

Discussion occurred regarding the Board members preferring paper due being able to

make notes.

The Board reached a consensus that the iPads could be removed.

5. PUBLIC FORUM: Time permitted, public comments shall be limited to items on the agenda and shall not exceed two minutes. Please be courteous and respectful of the views of others. Personal attacks on Committee/Board members, City staff or members of the public are not allowed and will be ruled out of order by the Chair.

City Attorney Segal-George alerted the Board that there were residents wanting to speak on an item that has not been heard yet.

Discussion occurred regarding appropriate times and places for citizens to voice grievances.

6. OLD BUSINESS:

None.

7. NEW BUSINESS:

A. Ordinance No. 02-2024 - amending the Deltona Village Business Planned Unit Development (BPUD) to rezone and include and additional ± 25.96 acres of land to be included within the Deltona Village BPUD.

,City Attorney Segal-George swore in project representatives, staff, and anyone wanting to speak on the project.

Ms. Entwistle spoke regarding the history of the Deltona Village BPUD. She gave a timeline on the 25.96 acres, explaining it was tabled at the June 19, 2023 City Commission meeting. She spoke regarding traffic and location of the 25.96 acres. Ms. Entwistle stated at this time staff recommends the Planning and Zoning Board recommend the City Commission approve Ordinance No. 02-2024.

Discussion occurred regarding the changes being made from the project presented originally. Ms. Entwistle explained the Sections that were removed were approved earlier this year. Member Rodriguez expressed his concern regarding the traffic.

Ms. Booker explained the trip cap and the applicant is not asking for additional trips, just to expand the BPUD area.

Member Rodriguez asked if Ms. Booker is making any changes tonight. Ms. Booker stated she is not making changes and wanted to answer any questions or concerns from the Board.

Alternate Cardo asked Ms. Booker if she could clarify the delay. Ms. Booker informed the Board that after the second reading took place in July 2023, they tabled the 25.96 acres. Planning staff told her to come back to the Planning and Zoning Board due to it being a new

Ordinance number.

Alternate D' Errico discussed the timeline of events since July with Ms. Booker. Ms. Booker clarified dates of communication with Planning staff.

Discussion occurred regarding the apartments in the Deltona Village BPUD and the current status of the ICC parcel.

Phyllis Wallace stated the Planning Department requires a new Application, Notarized authorization of ownership, updated Development Agreement, and a Traffic Impact Analysis for the project to move forward.

Ms. Booker explained the original Development Agreement states the vested trips are not being reached, so a traffic study is not required until they meet the capacity for the trips or they reached 900,000 square feet in retail uses.

Motion by Susan Berk, seconded by Stony Sixma, to approve Ordinance No. 02-2024 - amending the Deltona Village Business Planned Unit Development (BPUD) to rezone and include and additional ± 25.96 acres of land to be included within the Deltona Village BPUD. The motion carried by the following vote:

For: 6 - Chair Alexander, Vice Chair Berk, Member Gonzalez, Member Sixma, Alternate Cardo and Alternate D'Errico

Against: 1 - Member Rodriguez

Member Gonzalez stated he voted to approve due to being under the impression that it was already on the books.

Alternated D' Errico stated she voted to approve, due to consistency with the Comprehensive Plan and it does not require additional trips from the original vested entitlements.

Member Sixma stated he voted to approve, due to fitting the criteria of the Southwest Activity Center which was planned over 20 years ago.

Alternate Cardo stated she voted in favor because the rezone and the addition of the approximate 25.96 acres is consistent with the Comprehensive Plan and does not require additional trips from the original vested entitlements. She stated the additional 25.96 acres will aim to achieve a more unified and efficient development pattern.

Member Rodriguez explained he has not been convinced that the project is going to be a

spread over 166 acres. He stated he thinks its going to remain within the 144 acres and the land will not be maintained.

Vice Chair Berk voted in favor with the reason that it is consistent with the Comprehensive Plan. She also stated the additional acreage will result in more uniform and efficient development pattern.

Chair Alexander stated that he is voting in favor due to still under the restrictions of the traffic and the original plan does not have alot of changes besides the fact that it wasn't recorded in the first place and he believes there is no difference.

B. Ordinance No. 09-2023- amending the Offical Zoning Map to rezone a ±1.37 acre parcel of land located at 3150 Howland Boulevard from Professional Business Zoning District (PB) to City of Deltona Retail Commercial District (C-1).

Ms. Entwistle presented Ordinance No. 09-2023, explaining the Ordinance was back with changes. Chair Alexander mentioned that the Planning and Zoning Board already agreed to change the zoning. Ms. Entwistle stated that the Board did approve the rezoning, but the City Commission remanded it back.

Discussion occurred regarding maps, traffic, and retail use. Ms. Entwistle informed the Board that this subject property is next door to a Dunkin Donuts and the other side is a church.

Alternate Cardo questioned why the City Commission sent it back if it was a change of use. Ms. Entwistle stated it was sent back because the Commission wanted a definitive use for the property. Therefore, restrictions were added by the applicant on what can be and can not be there. She stated the applicant how plans to put a Take-5 there along with a 5,000 square feet retail building.

Discussion occurred regarding the application coming back to the Planning and Zoning Board as a Conditional Use. Ms. Entwistle stated that the applicants are going to provide information in regard to the proposed curb cuts as well as traffic during the Conditional Use process. She stated the curb cut, that will be reviewed at Final Site Plan which is done internally with the Development Review Committee. She stated the TIA will go to a consultant for the traffic to be reviewed. Discussion took place in regard to the difference between a drive-thru restaurant and an oil change facility, in reference to Conditional Use and traffic.

Mr. Barfield, provided background regarding the City Commission meeting in July. He stated, at the time, the applicant was planning a fast food restaurant, but no contract was in place. Although they are working with someone at that time, the City Commission had concerns about what was actually going to be on the property.

Mr. Barfield explained the City Commission's concerns about other uses that were never discussed. He mentioned before taking the denial, they asked the Commission if they would allow for the staff to send it back to Planning and Zoning so they could work out a resolution that would be beneficial and prepare a set of restrictions that go into the Ordinance. He explained that doing so would limit the type of businesses that could be objectionable, including some that were specifically addressed by the Commission.

Mr. Barfield stated they now have a contract with the Oil Change company. He explained the applicant is aware of the square foot restrictions due to the power easement.

Chair Alexander discussed the disposal of oil. Mr. Barfield informed the Board that the disposal is regulated in these type of facilities.

Discussion took place regarding the prohibited uses and if it will apply to the other retail building. Mr. Barfield stated yes. Member Sixma asked what concerns the City Commission had for particular uses. Mr. Barfield informed it was mostly in regard to the value stores because there are so many already.

Motion by Alternate Cardo seconded by Stony Sixma, to approve Ordinance No. 09-2023- amending the Official Zoning Map to rezone a ±1.37 acre parcel of land located at 3150 Howland Boulevard from Professional Business Zoning District (PB) to City of Deltona Retail Commercial District (C-1). The motion carried by the following vote:

For: 7 - Chair Alexander, Vice Chair Berk, Member Gonzalez, Member Rodriguez, Member Sixma, Alternate Cardo and Alternate D'Errico

Member Gonzalez stated he is voting in favor because they have already been over this before and the Board already knows how he feels about the fast food restaurant, so he likes the idea of the oil change business.

Alternate D'Errico stated she is voting in favor due to it fitting the Future Land Use Map. This use will be less of an impact to the area and generate less traffic due to shorter operating hours. She stated she liked that the applicant provided a list of prohibited uses.

Member Sixma stated he is voting yes due to finding it consistent with the rest of the surrounding zoning and he is always for less impact on our roads and surrounding neighborhoods. He stated that he has personally worked with people in the same industry and knows that it is a very closely monitored businesses.

Alternate Cardo stated she is voting yes due to consistency with the Future Land Use Map

designation for the area, which is commercial, and there are no wetlands on site. She stated the rezone to retail commercial allows the applicant to develop the property for an oil change facility, which is allowable per the Land Development Code requirements.

Member Rodriguez stated he is voting in favor due to being consistent with the adopted elements of the Comprehensive Plan. He stated he thinks it will be minimal impact to the environment with all the setbacks and the pond will not affect the neighbors on the other side.

Vice Chair Berk voted yes for approval due to the zoning request aligning with the Future Land Use for the area. The request of commercial zoning classification is neighborhood oriented and represents a logical progression of the land use intensity that will result in less traffic and it appears that the applicant must do a full traffic impact analysis in addition. She stated she is very happy that there is a prohibited usage list.

Chair Alexander stated he is voting yes due to it being consistent with the Comprehensive Plan.

C. Ordinance No. 04-2024 - Creating Chapter 76, Affordable Housing of the Land Development Code, relating to affordable housing regulations and the Live Local Act.

City Attorney Segal-George informed the Board that the Ordinance was written in house. Ms. Entwistle and City Attorney Segal-George spent a significant amount of time writing this and worked on it with the state because there were some difficult issues that needed to be addressed.

City Attorney Segal-George stated the voting will be different than the other two (2) cases due to this item not being quasi-judicial; meaning it will be a straight vote and does not need members to disclose their reasoning or swear in. The Ordinance will go from the Planning and Zoning Board to the City Commission. She informed the structure in voting for an Ordinance and the value of the presentation of the new Ordinance.

Ms. Entwistle explained Ordinance No. 04-2024 would add Chapter 76 to the Land Development Code. She gave history regarding Senate Bill 102, The Live Local Act. She stated the purpose of adding Chapter 76 to the Land Development Code is to establish City requirements and procedures for affordable housing based on the Live Local Act. She explained the Chapter is very important due to the City having less than 8% Commercial, Industrial, or BPUD's, meaning any project wanting to use these zonings under Live Local would need to build at least 20% of the property as Commercial.

Alternate D'Errico addressed some confusion on the Powerpoint slide and wanted clarification on the zoning requirements. She asked how a Mixed Use Planned Unit development (MPUD) is used if the entire project can be residential.

Ms. Entwistle explained that due to specific provisions within the Senate Bill, the City of

Deltona falls under different guidelines because the City retains less than 20% of land being zoned Industrial, Commercial, and BPUD. She explained that these provisions allow for only mixed use projects in areas zoned Commercial, Industrial or BPUD. She stated that the City only has two that are zoned MPUD, which are Halifax Crossings and the golf course, and the properties whole project can be built as Residential.

**Motion by Tara D'Errico, seconded by Stony Sixma, to approve.
Ordinance No. 04-2024 - creating Chapter 76, Affordable Housing of the
Land Development Code, relating to affordable housing regulations and
the Live Local Act. The motion carried by the following vote:**

**For: 7 - Chair Alexander, Vice Chair Berk, Member Gonzalez,
Member Rodriguez, Member Sixma, Alternate Cardo and
Alternate D'Errico**

8. STAFF COMMENTS:

Ms. Entwistle thanked the Board members for changing the date for the meeting.

City Attorney Segal-George wished everyone Happy Holidays and gave the Board members compliments for their work.

9. BOARD/COMMITTEE MEMBERS COMMENTS:

Member Sixma and Alternate D'Errico thanked the staff for the binders and the layout.

Chair Alexander wanted to inform the staff he was not implying anything towards staff and instead wanted to compliment Planning staff for a fantastic job and is proud to work with them.

10. ADJOURNMENT:

Meeting Adjourned at 7:22p.m.

Board Chair, Eric Alexander

Board Secretary, Nelly Kerr