



City of Deltona

2345 Providence Blvd.
Deltona, FL 32725

Minutes

Planning and Zoning Board

Wednesday, May 15, 2024

6:00 PM

Deltona Commission Chambers

1. CALL TO ORDER:

Chair Alexander called the meeting to order at 6:00 pm.

2. ROLL CALL:

Present: 8 - Chair Eric Alexander
Vice Chair Susan Berk
Secretary Rachel Amoroso
Member Andrea Cardo
Member Ron Gonzalez
Member Dr. Allen Pfeffer
Member Manuel Rodriguez
Alternate Tara D'Errico

Excused: 1 - Alternate Jeffrey Zlatos

Absent: 1 - Alternate Steven Webster

A. Election of Officers

Chair Alexander passed the gavel over to Secretary Amoroso for election of officers.

Secretary Amoroso asked if there were any nominations for Chair.

Motion by Member Rodriguez, seconded by Member Gonzalez, to nominate Member Alexander for Chair. The motion carried the following vote:

For: 4 - Chair Alexander, Secretary Amoroso, Member Gonzalez and Member Rodriguez

Against: 3 - Vice Chair Berk, Member Cardo and Member Pfeffer

Motion by Member Cardo, seconded by Member Pfeffer, to nominate Member Berk for Chair. The motion carried the following vote:

For: 4 - Vice Chair Berk, Secretary Amoroso, Member Cardo and Member Pfeffer

Against: 3 - Chair Alexander, Member Gonzalez and Member Rodriguez

City Attorney Segal-George explained one of the Board members were voting for both members being nominated for Chair, so the member would need to choose to vote for one or the other to settle the tie.

Secretary Amoroso asked if she should change her vote to only count for Member Berk as Chair.

Vice Chair Berk was voted as Chair of the Planning and Zoning Board with a 4 to 3 vote.

Secretary Amoroso passed the gavel to Chair Berk.

Chair Berk asked for nominations for Vice Chair.

Motion by Secretary Amoroso to appoint Member Cardo as Vice Chair.

The motion carried by the following vote:

For: 7 - Chair Alexander, Vice Chair Berk, Secretary Amoroso, Member Cardo, Member Gonzalez, Member Pfeffer and Member Rodriguez

Chair Berk asked for nominations for Board Secretary.

Motion by Vice Chair Cardo, seconded by Member Alexander, to nominate Secretary Amoroso as Board Secretary. The motion carried by the following vote:

For: 7 - Chair Alexander, Vice Chair Berk, Secretary Amoroso, Member Cardo, Member Gonzalez, Member Pfeffer and Member Rodriguez

3. APPROVAL OF MINUTES & AGENDA:

A. Minutes of April 17, 2024

Motion by Secretary Amoroso, seconded by Member Pfeffer, to approve the Minutes of April 17, 2024, as presented. The motion carried

unanimously.

4. PRESENTATIONS/AWARDS/REPORTS:

None.

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.

Deltona resident Tim Bodget spoke about stormwater problems in Deltona, the history around the stormwater, and the Lake Theresa study.

6. OLD BUSINESS:

None.

7. NEW BUSINESS:

A. Resolution No. 2024-25 - Granting a Conditional Use to permit an Automobile Service Station Type A within the Retail Commercial District (C-1) for the property located at 625 Howland Boulevard.

Jonathan Knight, Planner I introduced the project. He explained the current zoning is C-1, Retail Future Land Use of the property. Mr. Knight spoke regarding the matters of consideration for the Conditional Use request. He explained the City is in need of an oil change facility, as it will allow residents to service their vehicles locally.

Mr. Knight stated staff recommends the Planning and Zoning Board recommend the City Commission approve Resolution No. 2024-25, for the Conditional Use. He then opened the floor for questions.

Member Pfeffer stated he has concerns with the curb cut on Fort Smith Boulevard with the proximity to the intersection.

Mr. Knight explained the road behind the property is an alleyway and the current curb cut could not be moved due to the setbacks of the property.

Discussion occurred regarding pedestrian walking, and safety.

City Attorney Segal-George informed the Board they will need to speak into the mic due to the public being unable to hear them.

Ms. Wallace spoke regarding the access not being able to be moved.

Discussion occurred regarding the request to lower the required vehicle stacking.

The applicant, Evan Fudge, gave an overview of the project. He stated he has worked with staff to ensure the project will work well with the area. He stated the stacking analysis for the number calculations is more than adequate to handle the use.

Vice Chair Cardo asked about requirements of driveway distances, and explained her concern of traffic turning into the property.

Discussion occurred regarding the pond and the Conditional Use application.

Mr. Fudge and Chair Berk discussed stacking at different locations they currently have.

Chair Berk opened Public Forum.

Mr. Ricardo Rioz explained he worked with the sheriffs department and he has concerns of the use and where it is located.

Mr. Rioz stated he believes it should be placed in an area that is not as busy.

Member Alexander asked Mr. Rioz for suggestions on what should go on that location due to the current zoning of Commercial. Mr. Rioz states that his priority is to keep people safe.

Chair Berk closed Public Forum.

Member Alexander stated that he trusts the staff recommendation and knows the project was approved by the county and FDOT.

Vice Chair Cardo explained, she wanted to table the application because the applicant needs to comply with the Land Development Code (LDC). By tabling it, the applicant can reconfigure the concept plan to follow the LDC. She stated she would like to see Commercial in Deltona.

Motion by Andrea Cardo, seconded by Dr. Allen Pfeffer, to table Resolution No. 2024-25 for the next meeting to allow the applicant to have their engineering reconfigure the project. The motion carried the following vote:

For: 3 - Member Cardo, Member Pfeffer and Member Rodriguez

Against: 4 - Chair Alexander, Vice Chair Berk, Secretary Amoroso and Member Gonzalez

Motion by Member Alexander, seconded by Member Gonzalez, to recommend the City Commission approve Resolution No. 2024-25,

granting a Conditional Use to permit an Automobile Service Station Type A within the Retail Commercial District (C-1) for the property located at 625 Howland Boulevard. The motion carried by the following vote:

For: 6 - Chair Alexander, Vice Chair Berk, Secretary Amoroso, Member Cardo, Member Gonzalez and Member Pfeffer

Against: 1 - Member Rodriguez

B. Resolution No. 2024-19 - Granting a Variance to allow a six(6) foot wooden fence in the side street yard located on the property at 402 Bali Terrace, within the R1, Single-Family Residential Zoning Classification.

Jessica Entwistle, Planner II, introduced the proposal of the Variance request. She spoke regarding the new Fence Ordinance and the matters of consideration that were reviewed within the application. Ms. Entwistle provided the Fence Permit that was approved in 2023 and pictures within the presentation. She recommended the Planning and Zoning Board recommend the City Commission deny the Variance for the six-foot at 402 Bali Terrace.

Ms. Entwistle and the Board discussed the current Fence Ordinance. Ms. Entwistle informed the Board that the recent change in December now allows a five (5) foot fence at the property line, and previously it would have had to be at the setback at 15 to 25 feet for corner lots.

Applicant Brandon Monsanto spoke regarding the history of the fence and stated he was unaware of the fence needing a permit. He explained he would like to keep it at the current height and location.

Member Alexander asked if the fence was more of a replacement or completely new.

Vice Chair Cardo asked if he was issued permit BLDR23-2248 with the survey that was marked. Mr. Monsanto stated that the survey of his lot was not a part of the permit. Ms. Entwistle informed Mr. Monsanto that the survey is one of the requirements to apply for a fence permit and staff stamps the survey when it is approved. She explained staff then scans the permit and the applicant receives the survey back.

Discussion occurred regarding the fence permit, height, and location.

Member Gonzalez asked if the fence could be grandfathered in because it was a replacement.

City Attorney Segal-George stated the current rules would need to be followed.

Ms. Entwistle stated that the footprint changed, which means the fence requires a new permit. The applicant also applied for the fence permit before the new Ordinance.

Discussion occurred regarding setbacks.

Motion by Secretary Amoroso, seconded by Member Pfeffer, to recommend the City Commission deny Resolution No. 2024-19 - granting a Variance to allow a six(6) foot wooden fence in the side street yard located on the property at 402 Bali Terrace, within the R1, Single-Family Residential Zoning Classification. The motion carried by the following vote:

For: 7 - Chair Alexander, Vice Chair Berk, Secretary Amoroso, Member Cardo, Member Gonzalez, Member Pfeffer and Member Rodriguez

C. Ordinance No. 08-2024 - Amending the Official Zoning Map to rezone two (2) parcels totaling 43.55 acres of land located south of Fernanda Drive and east of Pine Ridge High School currently zoned City of Deltona Agriculture classification (A) to Single-Family Classification (R1).

City Attorney Segal-George swore in everyone wanting to speak on the item.

Chair Berk asked if anyone on the Board had any ex-parte communication regarding the case. All members stated they did not have any ex-parte, and Chair Berk stated she visited the site.

Ms. Entwistle presented the Fernanda Place Phase 3 rezone to the Board. She spoke regarding the Future Land Use compatibility, capacities, and wetlands. Ms. Entwistle explained both Volusia County and the City are requesting a Signal Warrant Analysis to be performed after Phase 3 is fully occupied.

Discussion occurred about zoning classifications and density.

Applicant Jesse Anderson presented the project, stating this is a rezone to R1 only, not to a Residential Planned Unit Development (RPUD). He explained the amount of homes has lowered from the previous proposal as this is no longer a RPUD application.

Secretary Amoroso asked how the project would benefit the City.

Mr. Anderson discussed he is working to provide larger lots to the residents of Deltona.

Applicant Tina Lee spoke regarding the community amenities and the changes within the HOA Board. She explained the HOA now has two (2) residents on the Board, and the residents expressed they did not want any additional amenities, at this time.

Mr. Anderson explained that the plan provided is only a concept plan not the final plan. The applicant is looking for a rezone for the R1 zoning, so this is not a Master Development Plan. He stated that there is only one way in and out of the new phase which meets current code requirements.

Chair Berk opened the public forum.

Curtis Hoover, 810 Osteen Cemetery Road, expressed concerns regarding the project affecting surrounding roads negatively. He asked if they could put fewer homes and if there was enough infrastructure.

Ms. Lee explained Osteen Cemetery Road is only used for emergency access as there is a stabilized access with a crash gate installed. There is no vehicular access through this without using the crash gate.

Hillary Driggers, 815 Osteen Cemetery Road, explained she would like a wall built between the new phase and Osteen Cemetery Road. She would like to prevent people from driving on the emergency access and dumping on her property.

David Driggers, 815 Osteen Cemetery Road, expressed concerns about the wetlands being altered.

Chair Berk closed the public forum.

Mr. Anderson stated the northeaster portion behind Osteen Cemetery Road would not be developed. He stated a wall could not be built due to the emergency fire access. Mr. Anderson explained there is a stub out to the south for future access to future development.

Ms. Entwistle stated the applicant is not touching or building in the wetlands and that the applicant is following the required 25-foot upland buffer.

Motion by Dr. Allen Pfeffer, seconded by Andrea Cardo, to recommend the City Commission deny Ordinance No. 08-2024 - amending the Official Zoning Map to rezone two (2) parcels totaling 43.55 acres of land located south of Fernanda Drive and east of Pine Ridge High School currently zoned City of Deltona Agriculture classification (A) to Single-Family Classification (R1). The motion carried by the following vote:

For: 4 - Secretary Amoroso, Member Cardo, Member Pfeffer and Member Rodriguez

Against: 3 - Chair Alexander, Vice Chair Berk and Member Gonzalez

Member Pfeffer stated he was voting against the rezone because the area is overburdened already.

Member Gonzalez stated he is against the motion.

Member Rodriguez stated he is against the rezone because he believes it will not serve the area well and has concerns regarding the HOA and amenities.

Secretary Amoroso stated she is voting against the motion because she does not see any benefits to the City from this.

Vice Chair Cardo stated she is voting against the rezone because she does not think the classification for the rezone is the right choice and that the area and roadway are already overburdened.

Chair Berk stated she was voting for the rezone because it is consistent with the Comprehensive Plan.

8. STAFF COMMENTS:

Ms. Entwistle stated the workshop with the City Commission for the Comprehensive Plan is being worked on and would notify the Board once a date is finalized. She reminded the Board that there will be a meeting in June.

9. BOARD/COMMITTEE MEMBERS COMMENTS:

Chair Berk thanked everyone for coming. She requested a workshop to provide further information from staff of the procedures and process of the applications for development.

10. ADJOURNMENT:

The meeting adjourned at 8:07 pm.

Board Chair, Susan Berk

Board Secretary, Nelly Kerr