



# City of Deltona

**Mayor**  
John Masiarczyk

**Vice Mayor**  
Chris Nabicht  
**District 6**

**Commissioners:**

Mitch Honaker  
**District 1**

Diane Smith  
**District 2**

Heidi Herzberg  
**District 3**

Nancy Schleicher  
**District 4**

Brian Soukup  
**District 5**

**City Manager**  
Jane K. Shang

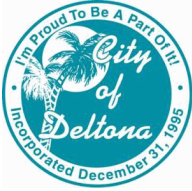
## **PUBLIC NOTICE**

**CITY OF DELTONA  
2345 Providence Blvd.  
Deltona, FL 32725**

**City Manager Agenda Review Meeting  
2<sup>nd</sup> Floor Conference Room  
Monday, September 19, 2016  
5:30 P.M.**

**NOTE:** If any person decides to appeal any decision made by the City Commission with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings, and for such purpose he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based (F.S. 286.0105).

Individuals with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk, Joyce Raftery 48 hours in advance of the meeting date and time at (386) 878-8500.



# City of Deltona

2345 Providence Blvd.  
Deltona, FL 32725

## Regular Commission Meeting

### City Commission

*Mayor John C. Masiarczyk Sr.*  
*Vice Mayor Chris Nabicht*  
*Commissioner Heidi Herzberg*  
*Commissioner Gary Mitch Honaker*  
*Commissioner Nancy Schleicher*  
*Commissioner Diane J. Smith*  
*Commissioner Brian Soukup*

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Monday, September 19, 2016

6:30 PM

Deltona Commission Chambers

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**1. CALL TO ORDER:**

**2. ROLL CALL – CITY CLERK:**

**3. INVOCATION AND PLEDGE TO THE FLAG:**

**A. [Invocation Presented by Commissioner Soukup - Tom Trageser, Director of Corporate Relations, Stetson University.](#)**

**Background:**

At the Regular City Commission Meeting on Monday, October 17, 2011, the City Commission approved to have each Commissioner by District schedule someone to present the invocation at each Regular City Commission meeting rotating each Commissioner by District starting with District #1, #2, #3, #4, #5, #6 and the Mayor

**4. APPROVAL OF MINUTES & AGENDA:**

**A. [Approval of minutes - Regular Commission Meeting of September 6, 2016 - Joyce Raftery, City Clerk \(386\) 878-8502.](#)**

**Background:**

N/A

**Attachments:**

[September 6, 2016 Minutes](#)

**5. PRESENTATIONS/AWARDS/REPORTS:**

**6. CITY COMMISSION SPECIAL REPORTS:**

**7. PUBLIC FORUM: - Citizen comments limited to items not on the agenda and comments on items listed on the agenda will take place after discussion of each item.**

*Citizen comments for any items. (4 minute maximum length per speaker)*

**CONSENT AGENDA:** The consent agenda contains items that have been determined to be routine and non-controversial. If anyone in the audience wishes to address a particular item on the consent agenda, now is the opportunity for you to do so. Additionally, if staff or members of the City Commission wish to speak on a consent item, they have the same opportunity.

**8. CONSENT AGENDA:**

**9. ORDINANCES AND PUBLIC HEARINGS:**

- A. [Request for approval of Resolution 2016-44 adopting the final Millage Rate for the levy of ad valorem taxes for Fiscal Year 2016/2017 - Robert Clinger, Finance \(386\) 878-8552.](#)

[Strategic Goal: Fiscal Issues](#)

**Background:**

State law requires that the City hold a public hearing to adopt the final millage rate and budget.

At this hearing, the City will:

- First discuss the percentage increase or decrease in millage over the rolled-back rate. The millage rate reflects a 7.3% increase from the rolled-back rate.
- Adopt the millage rate (Resolution No. 2016-44) and budget (Resolution No. 2016-45) by separate vote, and in that order as required by State Law.
- Prior to adopting the millage-levy Resolution, the name of the taxing authority (City of Deltona, Florida) the rolled-back rate (7.4120), and the percentage increase or decrease compared to the rolled-back rate (7.3% increase), and the millage rate to be levied (7.9500) must be publicly announced.

**Attachments:** [2016-44-Resolution - Final Annual Millage Rate - Second](#)

- B. [Approval of Resolution 2016-45 adopting the final Budget for Fiscal Year 2016/2017 - Robert Clinger, Finance Director \(386\) 878-8552.](#)

[Strategic Goal: Fiscal Issues](#)

**Background:**

State law requires that the City hold a public hearing to adopt the final millage rate and budget. This agenda item is to adopt the final Budget for Fiscal Year 2016/2017.

Under this agenda item the City will, after having adopted the final Millage Rate for Fiscal Year 2016/2017, adopt the final Budget for Fiscal Year 2016/2017 by separate vote.

**Attachments:** [2016-45-Resolution - Final Budget - Second Hearing - 9-19](#)

- C. [Public Hearing - Resolution No. 2016-37, Variance Request for a Proposed Dollar Tree Retail Store at 823-827 DeBary Ave. \(VR16-003\) - Chris Bowley, AICP, Director of Planning and Development Services, \(386\) 878-8602.](#)

[Strategic Goal: Economic Development - work with existing businesses to expand and grow.](#)

**Background:**

The proposed variance application for the development of a Dollar Tree retail store to be located on the subject site has been requested by the applicant for continuation of the application, date-certain, to the September 21, 2016 Planning and Zoning Board meeting and October 17, 2016, City Commission public hearing. Because the resolution was advertised, this item is placed on the City Commission agenda for September 19, 2016.

- D. [Public Hearing - Resolution No. 2016-38, Conditional Use Permit for a House of Worship at 2745 Lake Helen Osteen Road - Chris Bowley, AICP, Director, Planning and Development Services, \(386\) 878-8602.](#)

[Strategic Plan: Economic Development, work with existing businesses to expand and grow.](#)

**Background:**

The applicant, I.M.E.D. Church, is requesting a new Conditional Use permit for a house of worship use on a ±25-acre RE-1 zoned property. Houses of worship can be an approved Conditional Use in the RE-1 zoning district, per Section 110-306 of the City's Land Development Code (LDC). The previous Conditional Use permit received by the applicant for this site expired.

The Conditional Use request also complies with the applicable parameters of Sec. 110-817 and Sec. 110-1102 of the LDC and is consistent with the City's Comprehensive Plan. Staff is suggesting the expiration date for the Conditional Use be granted a full 24-months, given the numerous past requests for Conditional Use approvals for this site.

**Attachments:** [Resolution No. 2016-38](#)  
[Staff Report](#)  
[Staff Report Maps](#)

- E. [Public Hearing - Ordinance No. 12-2016, Comprehensive Plan Amendment adding Tivoli Drive between Saxon Blvd. and Providence Blvd., to the City's](#)

[Thoroughfare Map, at second and final reading - Chris Bowley, AICP, Planning and Development Services, \(386\) 878-8602.](#)

[Strategic Goal: Fiscal Issues: Transportation/CIP \(i.e. Tivoli Drive Expansion\).](#)

**Background:**

Ordinance No. 12-2016 is for a policy decision to add Tivoli Drive to the City's Thoroughfare Map within the Comprehensive Plan (Comp Plan). This action is only for eligibility of River to Sea Transportation Planning Organization (TPO) grant funding. Any design, permitting, or construction activity will be considered separately from this policy action. On June 20, 2016, the City Commission approved Ordinance No. 12-2016 at first reading, and following the required Large Scale Amendment process, transmitted the ordinance to the Florida Department of Economic Opportunity (DEO) and to the Volusia Growth Management Commission (VGMC). On July 27, 2016, the DEO issued their review letter with no comments and on July 28, 2016, the VGMC provided the City with a Certificate of Consistency and associated VGMC staff report explaining its findings. Thus, the City is able to bring the ordinance forward to the City Commission for second and final reading.

**Attachments:**

[Ordinance No. 12-2016](#)  
[EXHIBIT A Thoroughfare Designation](#)  
[EXHIBIT B Number of Lanes Map 2015](#)  
[Exhibit C Roadway Lanes Table](#)  
[Staff Report 022416](#)  
[Tivoli Drive Map](#)  
[Consistency Certification Letter 072816](#)  
[VGMC Planning Report](#)  
[DEO Letter 072716](#)

- F. [Public Hearing - Ordinance No. 26-2016, Deltona Free Standing Emergency Room BPUD \(RZ16-001\), at second and final reading - Chris Bowley, AICP, Planning and Development Services, \(386\) 878-8602.](#)

[Strategic Goal: Economic Development - Focus on Howland Blvd. as the gateway for commercial growth.](#)

**Background:**

The applicant, Central Florida Regional Hospital, is proposing a rezoning action to allow for a free standing emergency room within the Deltona Activity Center through Ordinance No. 26-2016. A new Business Planned Unit Development (BPUD) is proposed to be created through the attached Development Agreement and Master Development Plan (MDP). The proposed ±3.24-acre site is to be subdivided from an overall ±28-acre parent tract for the purpose of

constructing a free standing emergency room (a.k.a. an emergency care facility). The attached DA outlines the proposed development program and infrastructure improvements for the project.

At the July 20, 2016, Planning & Zoning Board meeting, there was discussion and representation from legal counsel both for and against the project. The Board voted 7-0 to recommend that the City Commission adopt Ordinance No. 26-2016. On August 15, 2016, the City Commission heard the ordinance and held discussion concerning access management and proposed development program limiting the intensity of the site. The City Commission voted 4-2 to approve the ordinance with the provision that access management concerns could be addressed between the first and second reading of the ordinance. Staff met with the applicant and land owner and learned of additional alternatives for access management. With the ultimate goal of providing safe ingress and egress, the attached Development Agreement was updated to include language listed below that addresses that discussion and for the applicant to provide a safe access management option at the final site plan review and Volusia County Use Permit application:

*Safe access management for the public health, safety, and welfare is an expectation of the City and is recognized by the applicant as a needed requirement for development. Therefore, the applicant will be required to provide safe and efficient right-in/right-out movement or facilitate off-site connection to the existing traffic signal at the Graves Ave./N. Normandy Blvd. intersection. The final design to ensure safety will be addressed at the final site plan and Volusia County Use Permit application processes with City and County staff.*

**Attachments:** [Ordinance No. 26-2016](#)  
[FSER Development Agreement](#)  
[FSER Staff Report](#)

- G. [Public Hearing - Ordinance No. 30-2016, Rezone Request for ±1.46 acres of land located near of the intersection of DeBary Ave. and Providence Blvd., at first reading - Chris Bowley, AICP, Director of Planning and Development Services, \(386\) 878-8602.](#)

[Strategic Goal: Economic Development - work with existing businesses to expand and grow.](#)

**Background:** The subject site consists of a portion of several Deltona Lakes Plat lots and tracts, is developed with a single family dwelling, with the remainder of the site including vacant land. There is also a wetland area located at the rear of the property. The property is currently zoned as Professional Business (PB) and is designated as

Commercial on the City's Future Land Use Map; thus the zoning designation is consistent with the future land use designation. The conventional PB and proposed C-1 zoning classifications are considered "by-right" designations that includes a range of permitted and conditional uses that has to conform to the associated performance standards.

The proposed rezoning from PB to C-1 (Retail Commercial) zoning will allow for a broader range of permitted and conditional land uses on-site. The parcel to the west has a PB zoning designation, with medical office, and to the east and south, a C-1 zoning designation. The property to the east is developed with a 7-11 convenience store. The proposed rezoning action proposes a joint driveway with the 7-11 site, with utilization of the existing driveway location as a right-in/right-out along the south side of DeBary Ave.

There is an RP (Resource Protection) zoned tract southeast of the site and R-1 zoned lands that are developed with single-family homes as part of the Deltona Lakes Plat to the north. The site is also within the Enterprise Commercial Overlay District that includes architectural elements, such as building design, color, and site development requirements consistent with the Florida vernacular style. Finally, the Spring-to-Spring recreational trail is adjacent to the property to the south.

Both the PB and C-1 zoning districts are consistent with the Commercial future land use designation. The proposed rezoning to C-1 meets adjacency to the 7-11 commercial property to the east and the facilitation along an arterial roadway to the north. The joint access driveway proposed facilitates coordinated access management in relation to the signalized intersection at Providence Blvd. and DeBary Ave.

While the C-1 zoning designation as a policy decision is consistent and compatible with the City's Comprehensive Plan, any development on-site that the rezoning action would assign development rights to has to meet the performance standards of that zoning district and accompanying land development regulations. Thus, development will have to comport to internal circulation and trip capture, utilize suitable soil, provide for safe ingress and egress of both pedestrians and vehicles, honor building setbacks and landscape buffers, service area storage, turning radii, solid waste collection, stormwater management, and emergency response accommodation. Staff can support a policy decision that is consistent and compatible with development at intensities, scaling, and massing that properly utilizes access management on-site and similar to adjacent uses. However, any accompanying development

application that proposes over-intensities, site constraints, and not honoring performance standards afforded through the assigned zoning district will not be supported by staff by not recommending approval.

On August 17, 2016, the City of Deltona Planning and Zoning Board heard the rezoning request and voted 5-2, with one member abstaining due to land ownership nearby, to recommend that the City Commission deny the rezoning request. The overarching reasons for the Board's denial were lack of horizontal control, resource protection, and land use compatibility.

**Attachments:** [Ordinance No. 30-2016](#)  
[Dollar Tree Staff Report](#)  
[Staff Report Maps](#)

- H. [Public Hearing - Ordinance No. 31-2016, Southwest Deltona Community Redevelopment Area \(CRA\) Board Action to create the Community Redevelopment Trust Fund, at second and final reading - Chris Bowley, AICP, Planning and Development Services, \(386\) 878-8602.](#)

[Strategic Goal: Economic Development. Pursue the creation of a CRA for Deltona Blvd.](#)

**Background:**

The City of Deltona has taken the proper steps to create and establish the Southwest Deltona Community Redevelopment Area and the Redevelopment Agency, and review and approval of the Redevelopment Plan at all levels. The establishment of the Community Redevelopment Trust Fund is the next step in the process and Ordinance No. 31-2016 provides for that fund creation.

**Attachments:** [Ord No. 31-2016 - Establishing CRA Trust Fund](#)  
[County Res 2016-092 Deltona CRA 070716](#)  
[Southwest Deltona CRA Redev Plan 061016](#)

- I. [Ordinance No. 14-2016, Amending Division 3, "Collection and Use", of Article III, "Stormwater Utility", of Chapter 54, "Special Assessments", of the Code of the City of Deltona, by adding a provisions for stormwater utility fee credits, at first reading - Becky Vose, Legal Department \(407\) 448-0111.](#)

[Strategic Goal: Infrastructure](#)

**Background:**

[There has been a request to amend the stormwater utility fee ordinance relating to developed properties that have constructed and currently operate and maintain stormwater facilities that can reduce stormwater runoff impacts from the subject property and reduce the](#)



burden on the city to maintain, operate and provide capital improvements to the stormwater management system.

This ordinance was discussed at the workshop on August 22, 2016, at which time the question was raised as to the potential impact of the credit on the revenues to the stormwater utility. This question has been addressed by the City's consultant Tetra Tech, and it was concluded that the worst case impact on the utility revenues is less than 5%.

The proposed ordinance has been reviewed by the Deltona Business Alliance and the DBA has indicated its support of this ordinance.

**Attachments:** [Tetra Tech Opinion Ordinance No. 14-2016](#)

**10. OLD BUSINESS:**

**11. NEW BUSINESS:**

- A. [Consideration of Commissioner Schleicher's appointment to the Planning and Zoning Board for the remainder of a term to expire on March 15, 2017 - Joyce Raftery, City Clerk \(386\) 878-8502.](#)

[Strategic Goal: Internal and external communication.](#)

**Background:** Mr. Noble Olasimbo, Commissioner Schleicher's appointment, resigned from the Planning and Zoning Board on August 31, 2016. Per Article XII. Planning and Zoning Board, Sec. 110-1200. Creation (b), "The vacancy shall be filled within 30 days from the time it occurs." The appointment will serve for the remainder of a term to expire on March 15, 2017.

The City has run press releases, posted the opening on D-TV, the City's web page and bulletin boards. To date the City has received applications from the following individuals: Smiley Thurston.

**Attachments:** [P&Z Member List](#)  
[Resignation - Olasimbo](#)  
[Application - Thurston](#)

- B. [Request for approval of Resolution No. 2016-46, amending the City Commission Operating Guidelines and Meeting Rules and Procedures.](#)

**Background:** At the City Manager's Agenda Review Meeting and the Regular City Commission Meeting on Monday, August 1, 2016, Vice Mayor Nabicht requested to establish a policy to have a Volusia County Sheriff's Deputy attend any time the Commission comes together for

a formal meeting, special meeting or public forum at a City facility.

**Attachments:** [Resolution No. 2016-46](#)  
[City Commission Operating Guidelines & Meeting Rules ar](#)

- C. [Request Approval for an Interlocal Agreement for the joint use of Real Property between the School Board of Volusia County and the City of Deltona - Steve Moore, Parks & Recreation Department, 386-878-8902](#)

[Strategic Goal: Infrastructure - Develop recreational programs in partnership with Volusia County middle school sites utilizing existing infrastructure.](#)

**Background:** The funding (\$23,450.00) for the Bullying Prevention was approved by the City Commission on September 6, 2016. The final step in this process in moving the Bullying Prevention Program in our City of Deltona schools is the Interlocal Agreement.

**Attachments:** [Interlocal Agreement School Board](#)

**12. CITY ATTORNEY COMMENTS:**

**13. CITY MANAGER COMMENTS:**

**14. CITY COMMISSION COMMENTS:**

**15. ADJOURNMENT:**

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