



City of Deltona

Mayor
John Masiarczyk

Vice Mayor
Chris Nabicht
District 6

Commissioners:

Mitch Honaker
District 1

Anita Bradford
District 2

Heidi Herzberg
District 3

Christopher Alcantara
District 4

Brian Soukup
District 5

City Manager
Jane K. Shang

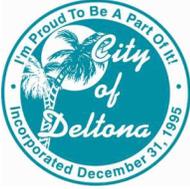
PUBLIC NOTICE

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

**City Manager Agenda Review Meeting
2nd Floor Conference Room
Tuesday, January 17, 2017
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 Christopher Alcantara
Commissioner Anita Bradford
Commissioner Heidi Herzberg
Commissioner Gary Mitch Honaker
Commissioner Brian Soukup

Tuesday, January 17, 2017

6:30 PM

Deltona Commission Chambers

1. CALL TO ORDER:

2. ROLL CALL – CITY CLERK:

3. INVOCATION AND PLEDGE TO THE FLAG:

A. [Invocation Presented by Commissioner Soukup](#)

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 January 3, 2016, as presented. - Joyce Raftery, City Clerk \(386\) 878-8502.](#)

Background:

N/A

Attachments: [January 3, 2017 Minutes \(FINAL\)](#)

5. PRESENTATIONS/AWARDS/REPORTS:

A. [Recognition of Sheriff Michael J. Chitwood](#)

Background:

On Tuesday, the third of January, 2017, Michael J. Chitwood was sworn in as the new Sheriff for VCSO. The Mayor, Commissioners, and staff wish to welcome Sheriff Chitwood as our sheriff for the City of Deltona.

B. [Presentation - Quarterly Reports of City Advisory Boards/Committees - Joyce](#)

[Raftery, City Clerk \(386\) 878-8502.](#)

Background:

Quarterly Reports of City Advisory Boards/Committees:

- 1) Parks and Recreation Advisory Committee - (Written Report Only)
 - Senior Advisory Sub-Committee
 - Youth Advisory Sub-Committee
 - Citizen Accessibility Advisory Sub-Committee
- 2) Affordable Housing Advisory Committee - (Written Report Only)
- 3) Ordinance Review Committee - (Presented by Vice Chairperson Sonjia Kihlmire)
- 4) William S. Harvey Deltona Scholarship Advisory Board - (Written Report Only)

Attachments:

[P&R 4th Quarter Report 2016](#)
[AHAC 4th Quarter Report 2016](#)
[ORC 4th Quarter Report 2016](#)
[WSH 4th Quarter Report 2016](#)

- C. [Presentation: City of Deltona Sports Facility Needs Assessment - Chris Bowley, AICP, Planning and Development Services, \(386\) 878-8602.](#)

[Strategic Goal: Infrastructure. Determine a sports facility niche for the City.](#)

Background:

The City of Deltona (City) has a 2008 Parks Master Plan that has been followed for park facility improvements. Since 2008, the City has grown exponentially, particularly at both ends of the demographic spectrum of youth and seniors. This has been identified as a need to address in the City's Strategic Plan.

On September 12, 2016, the consultant team determined that Deltona is not currently positioned to take advantage of the Sports Tourism Market. The emphasis should be on enhancing existing sports facilities/parks in the City and participatory sports over the more regionally competitive sports complex centered (some with stadiums) spectator sports. Two key factors in the analysis were that the City has a large segment of the population in both youth and seniors and, due to the construction of multiplex sports facilities within the region, the City would be entering a very competitive local sports tourism market that already has facilities.

Thus, the City Commission expressed a desire to address the needs of local residents first and to focus on participatory sports, expansion/enhancement of existing sports facilities/parks, and to address the existing levels of service demands for all segments of

our growing population. The consultant will present this concept that also focuses on a connection between a city-center concept, the new Center at Deltona, several schools, a library, the YMCA, parks, open space, and pedestrian corridors/future trails. The City should also work to build cooperative partnerships with complementing facilities for recreation in order to prevent redundancies.

Attachments: [Deltona Sports Market Analysis](#)

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.** Public Hearing - Ordinance No. 28-2016, Amending Chapter 94, Impact Fees, of the Land Development Code, and the City's Impact Fee Schedule for Fire/Rescue, Parks, Transportation, and Law Enforcement, at second and final reading - Chris Bowley, AICP, Planning and Development Services, (386) 878-8602.

Strategic Goal: Other Priority Objectives Identified - Maintain a balanced budget, reserves, and investments.

Background:

Chapter 163.31801, Florida Statutes (FS), allows a local governments to levy impact fees to off-set "impacts" as a result of new growth. Specifically, the statutes list that impact fees are "to use in funding the infrastructure necessitated by new growth. The Legislature further finds that impact fees are an outgrowth of the home rule power of a local government to provide certain services within its jurisdiction." The statute requires local governments to provide "notice no less than 90 days before the effective date of an ordinance or resolution imposing a new or increased impact fee." Ordinance No. 28-2016 complies with this law.

The City collects impact fees for increased intensity of land uses and has had moratoriums in the past to help businesses locate or expand within the City. With economic recovery, the City updated its impact fees for parks, fire rescue, law enforcement, and transportation fees (water and sewer impact fees are within Deltona Water). In 2007, the City had an impact fee study completed that created an extensive list of land uses and fees. Some development applications did not always match that adopted land use list. The series of adoptions of fees is included in the composite attachment (see attached).

In 2015, the City contracted Burton & Associates (Burton) to revisit the adopted impact fees and to create a simplified uniform land use list that reflects Deltona's land use pattern. The impact fees for fire/rescue and law enforcement were found to be comparable to local communities similar to Deltona and are recommended for adoption. The existing parks impact fee is higher than comparative communities and Burton recommends keeping the current parks fee. The proposed transportation impact fees from Burton for some land use categories is higher. The City Commission directed staff to revisit those fees and a comparative analysis was performed. The recommended impact fee schedule within the attached Ordinance No. 28-2016 is the result of that analysis. Where the Burton transportation fee was higher than average, the City's current fee matching the City's land development pattern is recommended to be kept for economic development. It is also recommended that City impact fees be reviewed at least every five (5) years to remain current and to minimize large increases per update. Finally, the Planning & Zoning Board reviewed Ordinance No. 28-2016 on November 16, 2016, and voted unanimously (5-0) for the City Commission to adopt the ordinance. The City Commission voted unanimously (7-0) on December 12, 2016, to approve the ordinance at first reading.

Attachments: [Ord No 28-2016 Impact Fees](#)
[Impact Fee Comparison Table](#)
[Existing Impact Fees Composite](#)
[Burton Impact Fee Study Report](#)

- B. [Public Hearing - Request for Rehearing of Ordinance No. 30-2016, Rezoning 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 requested 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 include a range of permitted and conditional uses that have 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 would have 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.

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. On September 19, 2016, the City Commission heard the first reading of Ordinance No. 30-2016 and voted 4-3 to deny the rezoning request.

Pursuant to Section 110-1005 of the City's Land Development Code, the applicant has filed for a rehearing to have Ordinance No. 30-2016 reheard by the City Commission and filed the proper materials to follow Section 110-1005 of the City's Land Development Code. Under that code provision, if the rehearing is not granted, or if the rehearing is granted and the rezoning request is then denied, a petition for a similar rezoning cannot take place until at least one year has elapsed from the date of rendition. If the City Commission decides to grant the rehearing motion, the City Commission must state its reasons for doing so, and set a time, date and place for another public hearing with notice to the public of when it would review the rezoning.

The standards to be considered for a rezoning are as follows. A rezoning is first reviewed for consistency with the purposes and intent of the Comprehensive Plan and Zoning Ordinance, and for the ability of the application to meet the standards for approval of the application that are contained in the relevant laws and ordinances governing the application's approval. Section 110-1101, Deltona City Code, states that the City shall consider the following matters when reviewing applications for amendments to the Official Zoning Map:

1. Whether it is consistent with all adopted elements of the Comprehensive Plan.
2. Its impact upon the environment or natural resources.
3. Its impact upon the economy of any affected area.
4. Notwithstanding the provisions of Article XIV of the Land Development Code, Ordinance No. 92-25 [Chapter 86, Code of Ordinances] as it may be amended from time to time, its impact upon necessary governmental services, such as schools, sewage disposal, potable water, drainage, fire and police protection, solid waste or transportation systems.
5. Any changes in circumstances or conditions affecting the area: In the last 5-10 years the area has seen significant

change.

6. Any mistakes in the original classification.

7. Its effect upon the public health, welfare, safety, or morals.

If an applicant satisfies its burden of proving based on substantial and competent evidence before the reviewing body that its request is consistent with the Comprehensive Plan and required standards in the zoning code, the burden shifts to the local government to prove based on substantial competent evidence that maintaining the existing zoning accomplishes a legitimate public purpose.

A rezoning is quasi-judicial in nature and must be based on substantial competent evidence. The opinions of staff and other professionals in their fields of expertise would constitute competent substantial evidence, as well as the recommendation of a planning commission, if its recommendation is based on competent substantial evidence before it. The City staff report was thorough and recommended approval, in part due to adjacency. The planning commission's vote did not recommend approval. Testimony from the public is generally not competent substantial evidence on matters, which are technical in nature, but may be considered if based on a matter of which the individual had firsthand knowledge or how a proposal would affect the person's quality of life. Argument by attorneys is not viewed as competent substantial evidence

Attachments:

[Ordinance No. 30-2016](#)

[Dollar Tree Staff Report](#)

[Staff Report Maps](#)

[Motion for Rehearing by Applicant](#)

[mailing affidavit](#)

- C. [Public Hearing - Ordinance No. 32-2016, Rezoning ±1.67 acres located at 3151 Howland Blvd. from C-2 \(General Commercial\) to C-1 \(Retail Commercial\), at second and final reading - Ron A. Paradise, Assistant Director, Planning and Development Services \(386\) 878-8610.](#)

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

Background:

The subject property is known as the Jena Medical development (Jena Medical) complex and was used to house the Health Department offices. Jena Medical consists of three (3) office buildings surrounding by a parking lot. The facility now has vacant leasable area that has been difficult to fill. Therefore, the owner is requesting the property be rezoned from C-2 to C-1 to allow for a house of worship as a permitted use, which is interested in becoming a tenant. No daycare facility or other ancillary uses potentially

associated with churches are planned.

The requested C-1 zoning is consistent with the Comprehensive Plan, does not result in the creation of non-conforming uses and structures, and is compatible with existing commercial and institutional land uses (Deltona High School, four houses of worship) in the immediate area. For more information, including graphics, see the attached staff report. Through this action, the entire site is proposed to be rezoned. The Planning & Zoning Board voted unanimously (5-0) on November 16, 2016, to recommend City Commission adoption of the ordinance and the City Commission voted 6-1 at their December 12, 2016, public hearing to approve Ordinance No. 32-2016.

Attachments: [Ord No. 32-2016 Jena Rezone](#)
[Staff Report](#)
[Location Map](#)
[Aerial Photo](#)
[Floodplain Map](#)
[Future Land Use Map](#)
[Existing Zoning](#)
[Proposed Zoning](#)

- D. [Public Hearing - Ordinance No. 34-2016, Amending the Comprehensive Plan of the City of Deltona Capital Improvements Element, at first reading - Ron Paradise, Assistant Director, Planning and Development Services, \(386\) 878-8610.](#)

[Strategic Goal: Infrastructure - create a utility master plan consistent with zoning.](#)

Background:

Pursuant to Chapter 163.3177(3)(b) F.S., the Capital Improvements Element (CIE) in the City's Comprehensive Plan must be reviewed and updated on an annual basis. The proposed amendment provides for the replacement of the Capital Improvements Project sheets (in strike-through/underline format) through the adoption of the CIE report and submittal to the Florida Department of Economic Opportunity (DEO).

Staff reviewed the current class "A" concurrency items and summarized expenditures/funds carried over for the next five (5) years to ensure compliance with the adopted level of service (LOS) standards. All financial and budgetary information in this CIE report was derived from the most recently adopted City budget. Finally, the Planning and Zoning Board reviewed Ordinance No. 34-2016 and CIE report at their December 21, 2016, meeting and voted

unanimously (6-0) to recommend that the City Commission adopt Ordinance No. 34-2016.

Attachments: [Ordinance No. 34-2016](#)
[CIE 2016-2017 Report](#)

10. OLD BUSINESS:

11. NEW BUSINESS:

A. [Request for City of Deltona funds.](#)

Background: The Commission discussed at several meetings the \$35,000 discretionary fund which could be provided to non-profit organizations that applied for them. The Commission directed staff to come up with an application and guidelines for this funding which has been done.

Attached is a request from the FUTURES Foundation/Take Stock in Children (TSIC) in the amount of \$2,500.00 to assist in a Florida Prepaid College Scholarship for a student residing within the City of Deltona who is entering the 9th Grade.

Attachments: [Request for Funds - FUTURES Foundation-Take Stock in C](#)

B. [Authorization to utilize Volusia County's Cooperative Purchasing Professional Services Agreement for Disaster Cost Recovery and Related Grant & Project Management - Robert Clinger, Finance Department \(386\) 878-8552.](#)

Background: Volusia County has awarded a Cooperative Agreement to Thompson Consulting Services, LLC. The City of Deltona can utilize this agreement for Thompson Consulting, LLC to provide professional services to assist with data gathering, record keeping, damage assessment and other grant management tasks associated with federally declared disaster events at the hourly rates provided. The City of Deltona will be reimbursed most of the direct cost for these tasks from FEMA as part of the public assistance. There is a quote of costs attached.

Attachments: [Executed NTP, Complete Thompson Consulting, 10-05-16 Award Recommendation Tabulation.pdf](#)
[Award Document \(2\).pdf](#)
[Cooperative Purchasing Agreement](#)
[Thompson Grant Services Scope and Budget Estimate T](#)

12. CITY ATTORNEY COMMENTS:

13. CITY MANAGER COMMENTS:**14. CITY COMMISSION COMMENTS:****15. ADJOURNMENT:**

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