



CITY OF DELAND
REGULAR MEETING OF THE PLANNING BOARD
DECEMBER 13, 2023 AT 5:00 PM
CITY HALL, COMMISSION CHAMBERS
120 SOUTH FLORIDA AVENUE

AGENDA

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

VERBAL REPORT ON CITY COMMISSION MEETINGS

MINUTES

1. Approval of the minutes from the October 11, 2023 meeting.

VARIANCE OLD BUSINESS

VARIANCE NEW BUSINESS

PUBLIC PARTICIPATION PROCEEDINGS

PLANNING - OLD BUSINESS

PLANNING - NEW BUSINESS

1. Applicant Name: Scott Adams, Zev Cohen & Associates
Project Name: SP23-203 Edith Starke Elementary Class IV Site Plan
Project Location: 11.24 acres located at 730 S. Parsons Ave.
Project Description: Class IV site plan for Elementary School
Staff Planner: Samuel Nelson
2. Applicant Name: City of DeLandProject Name: LDR23-138 – LDR Text Amendment
Project Location: N/A
Project description: Text change to modify section 33-16.05 to remove the prohibition of “Medical Marijuana Treatment Center Dispensing Facilities” and to allow said facilities where pharmacies are allowed in section 33-17.23, subject to compliance with Florida Statutes 381.986; and modifying section 33-17.23 to add “Medical Marijuana Cultivation Facilities” where “laboratories, research, testing and development - pharmaceutical products, drugs compounding only” uses are allowed, subject to compliance with Florida Statutes 381.986; and modifying Section 33-12 to add definitions for “Medical Marijuana Cultivation Facilities” and “Medical Marijuana Treatment Center Dispensing Facilities”.
Staff Planner: Carol Kuhn

OTHER BUSINESS

1. Election of Officers.

ADJOURNMENT



**CITY OF DELAND
PLANNING BOARD REGULAR MEETING
MINUTES**

WEDNESDAY, OCTOBER 11, 2023 - 5:00 P.M.

CITY HALL

CALL TO ORDER

The meeting began at 5:02p.m.

PLEDGE OF ALLEGIANCE

Pledge of Allegiance – Mr. Owens, Chairperson

ROLL CALL

Nora Lewis	Present - Left after vote on item Z23-104
Don Liska	Present
Buz Nesbit	Absent
Albert Neumann	Present - Arrived at 5:02, right after roll call
Virginia Comella	Present
Harper Hill, <i>Vice Chairperson</i>	Absent
Jeremy Owens, <i>Chairperson</i>	Present

Quorum: Yes

Present – Carol Kuhn, Planning Director; Deborah Glick, Deputy Planning Director; Darren Elkind, City Attorney; Belinda Williams-Collins, Senior Planner; Kendall Story, Senior Planner; Vivian Ford, Administrative Coordinator; applicants; and members of the public.

VERBAL REPORT ON CITY COMMISSION MEETINGS

Ms. Kuhn provided a verbal report.

MINUTES

1. Mr. Owens moved to approve the September 13, 2023 Meeting Minutes. The board unanimously voted to approve the minutes.

VARIANCE OLD BUSINESS

None.

VARIANCE NEW BUSINESS

1. Applicant Name: Mark Brenchley
Project Number: V23-147 – Variance
Project Location: 1712 N. Woodland Blvd.
Project Description: Variance to (1) increase the maximum height of a proposed ground sign from 8' to 12'; and (2) increase the maximum area of combined wall signage from 45.75 sq. ft. to 109.2 sq. ft.
Staff Planner: Kendall Story

Public Participation: Mark Brenchley, as Applicant, spoke and answered questions from the board. The board agreed that this did not constitute as a hardship.

Mr. Liska moved to deny the request. Ms. Comella seconded the motion. The motion to deny passed unanimously.

PUBLIC PARTICIPATION PROCEEDINGS

Mr. Owens read the Public Participation procedures.

PLANNING – OLD BUSINESS

1. Applicant Name: Michael Woods – Cobb Cole
Project Name: Z23-104 – PD Rezoning for Taylor Ridge
Project Location: ±26.011 acres located 1298 S Blue Lake Ave
Project Description: Change of Zoning from VC A-2 Rural Agriculture, to Taylor Ridge PD, for 65 single family homes
Staff Planner: Kendall Story

Public Participation: Michael Woods, Esq., on behalf of Applicant, spoke and answered questions from the board.

Greg Heeter spoke against, stating that he has lived in Saddlebrook for over 10 years and previously dry water ponds are now always full, experiencing algae, and flooding is more prominent to the point where ponds have had to be pumped for relief. Would be in favor of 50 foot lots to decrease the number of houses, or to lose amenities, in order to increase the green space that remains on the property. Brenda Quackenbush spoke against. She lives in Victoria Oaks and has seen or experienced greening retention ponds, sewer smells, sinkholes, water levels that are not receding water in the area and impacting the enjoyment of her property. Mara Whitridge stated that she is a volunteer in the area and has seen the flooding in the area, and would like the development in this wetland area to be reconsidered. Pete Thornton states he has been a resident of the area before Blue Lake Avenue and several developments in the area. Suggests that lots be made bigger, 1-acre lots, in order to make it a true transition area, as retainment ponds in the area are already full of water as water levels continue to rise. Also states the development would cause greater traffic issues than what already exists and would like as many trees as possible to remain on the property. J.C. Figueredo stated while the development's engineer has done a good job with precautions, he still has his concerns due to the rising water levels and current traffic issues in the area. He would like the proposed infrastructure to be changed so he would favor the building of bigger lots than what is currently proposed. Wendy Anderson agrees with her neighbors with all the issues caused by the already rising water levels and flooding risks. Has spoken to the project engineer about the precautions they are planning, but she would like them to be held to their stated intentions.

Sean Fortier, Engineer, spoke on behalf of the applicant and answered questions from the board.

Mr. Neumann moved to approve with the recommendation that Section K be updated to include the Stormwater Retention is designed to contain all water onsite and not discharge offsite. Ms. Comella seconded the motion. The motion to approve passed 3 to 2, with members Lewis and Liska dissenting.

Discussion:

Ms. Lewis is against, even though the applicant is taking precautions there are already so many challenges for the area.

Mr. Liska is against because of the area's already existing flooding issues, with retention areas already being full and water levels in surrounding swales and lakes not going down.

Ms. Comella is for, stating that the issues with this project are beyond what the City of DeLand can manage, and this project looks good compared to others. The subdivision would meet the city's standards and if it's an issue then the standards are what should be changed.

Mr. Neumann is for, stating that the developers have done their due diligence, taking into account changes to the water table, the alternative would be not to let anything go there. They have planned this project carefully, and more carefully than the surrounding developments.

Mr. Owens is for, stating that the project engineer has expressed himself well as to stormwater questioning, and this subdivision would be less dense than surrounding developments, and the development would be the least impactful of the potential uses.

PLANNING – NEW BUSINESS

1. Applicant Name: Michael Wojtuniak
Project Number: Z23-034 – Amendment to Toyota Planned Development
Project Location: 1701 S. Woodland Blvd.
Project Description: Request for an amended and restated Planned Development known as DeLand
Toyota, for the purposes of creating one overall development plan with the addition of a proposed
8,000 SF bldg.
Staff Planner: Kendall Story

Public Participation: Michael Wojtuniak, as Applicant, spoke and answered questions from the board.

Ms. Comella moved to approve the request. Mr. Liska seconded the motion. The motion to approve passed unanimously.

2. Applicant Name: Mark Watts, Esq., Cobb Cole
Project Number: CSB23-160 – Combined Preliminary and Final Plat for Coastline Lofts
Project Location: ±1 acre located at the SW corner of Florida and Ohio Ave.
Project Description: 14 Units
Staff Planner: Belinda Williams-Collins

Public Participation: Mark Watts, Esq., as Applicant, spoke and answered questions from the board.

Mr. Liska moves to approve the request. Ms. Comella seconded the motion. The motion to approve passed 3 to 1 with member Neumann dissenting.

3. Applicant: City of DeLand

Project Name: LDR23-196 – LDR Text Amendment

Project Location: N/A

Project description: Text change to add doggie daycare as an allowed use where veterinary clinics with inside overnight boarding and no outdoor runs or kennels are permitted and update Section 33-12 to add a definition for doggie daycare.

Staff Planner: Carol Kuhn

Public Participation: Staff presented and answered questions from the board.

Mr. Liska moved to approve the request with the recommendation that overnight boarding be added to the definition, and that doggie daycare also be added to the second line of the Medical Support Table found in Section 33-19.11, where it says “veterinary clinics and pet grooming shops”. Mr. Neumann seconded the motion. The motion to approve passed unanimously.

OTHER BUSINESS

None.

ADJOURNMENT

The meeting ended at 7:50 p.m.



Community Development Memorandum

TO: PLANNING BOARD

DATE: DECEMBER 13, 2023

THROUGH: CAROL KUHN, PLANNING DIRECTOR

FROM: SAM NELSON, PLANNER I

FILE: SP23-203

SUBJECT: EDITH STARKE ELEMENTARY SITE PLAN

Summary

The Volusia County School Board (School Board) is proposing to construct a new 88,433 square foot school building to replace the existing Edith Starke Elementary School. The new school building will include classrooms and support facilities and is being constructed to increase school capacity by approximately 30%. The existing school building will remain open during construction. Following construction of the new building, the existing school building will be demolished.

The School Board is granted certain exemptions from local review requirements by 1013 et seq, FL. Statutes., State Requirements for Education Facilities (SREF). Additionally, an Interlocal Agreement between the City of DeLand and Volusia County School Board limits the scope of the City's review to consistency with the comprehensive plan, environmental concerns, health, safety and welfare, and effects on adjacent property.

The site plan is following the City's processes to the extent possible, including review by the Technical Review Committee (TRC), Planning Board, and City Commission. The Technical Review Committee reviewed the site plan and provided comments at their November 16, 2023, meeting. On November 29, 2023 the applicant resubmitted plans in response to the TRC review comments.

School Review Criteria

Comprehensive Plan

The property is located within the E-1 (Educational) zoning district and the Educational Future Land Use. Per the Comprehensive Plan, educational land uses shall be located in areas where the adjacent land use is compatible with the type of school proposed and where there is no adverse impact on the safety of the students or quality of education. Impervious surface area shall be limited to 50% of the site. Upon completion, the site will not exceed the maximum impervious area. However, during the construction phase, both the existing school and the new school will be on the same site and temporarily exceed the 50% limit. This use of this property as an educational facility is consistent with the Comprehensive Plan.

Community Development

Memorandum

Environmental

The School Board is subject to the requirements of the St. Johns Water Management District (SJRWMD). The School Board will work with the SJRWMD and the City Engineering Department regarding environmental concerns.

Health, Safety, Welfare, and Effects on Adjacent Properties

City staff will continue to work with the School Board to ensure any offsite impacts are minimized to the greatest extent possible.

Drainage:

The School Board has agreed to coordinate with the City's Engineering Department regarding stormwater concerns during construction. Based on the plans submitted, the majority of the site will be impervious surface area during the construction phase. City Engineering staff is working with the School Board to minimize offsite drainage impacts both during and after construction. A new stormwater retention pond, to be constructed on the western portion of the property where the existing school building is located, will not be completed until after the existing school is demolished.

Traffic:

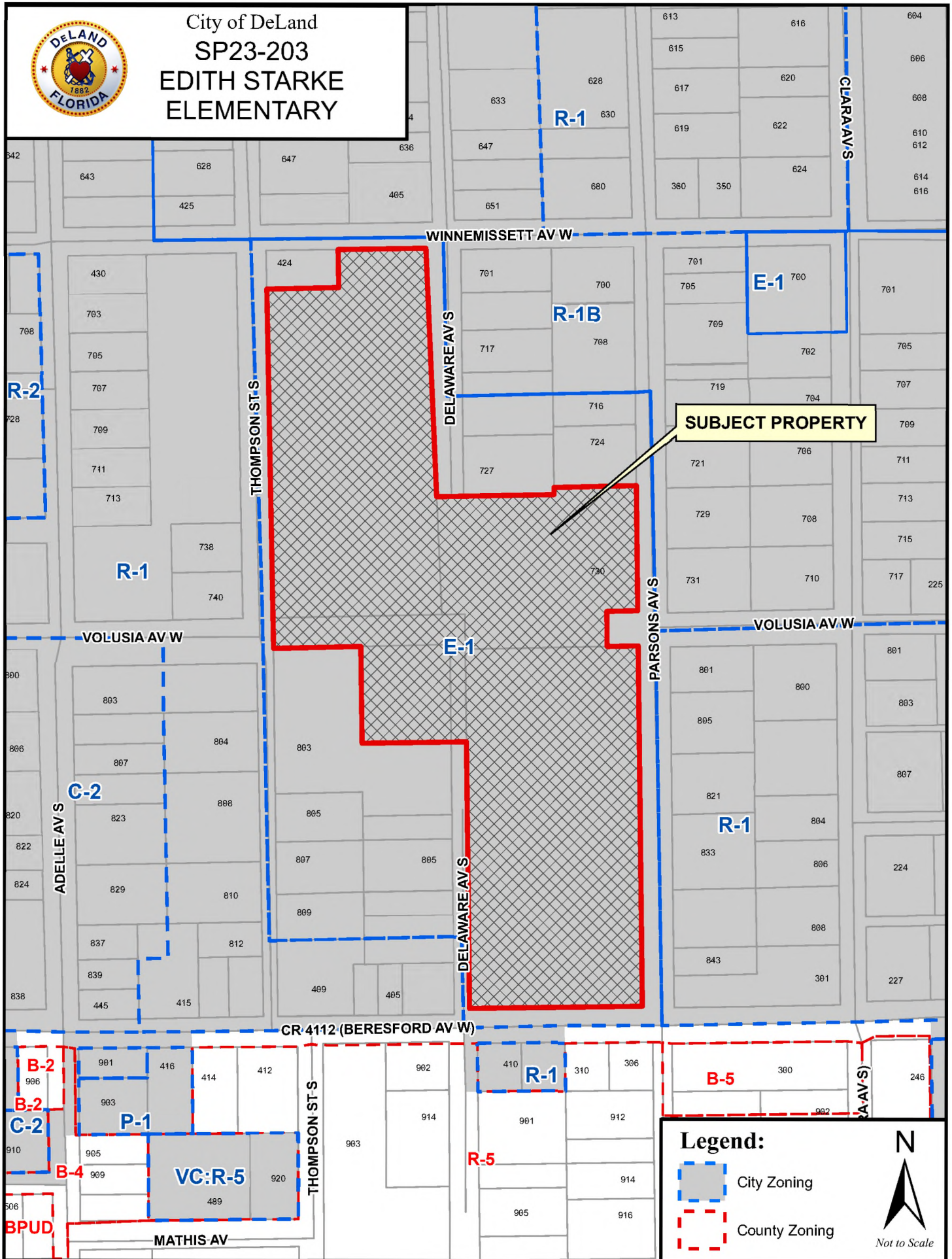
The School Board is proposing to close portions of South Thompson Avenue and South Delaware Avenue during construction. Parent drop-off will not be affected during construction. Additionally, the school intends to improve the parent drop-off upon completion of the project to help meet the increased school capacity and minimize offsite traffic impacts during peak hours.

Requested Planning Board Action

Staff requests the Planning Board review the submitted site plan application based on consistency with the comprehensive plan, environmental concerns, health, safety and welfare, and effects on adjacent property and forward to City Commission with any comments to the applicant.

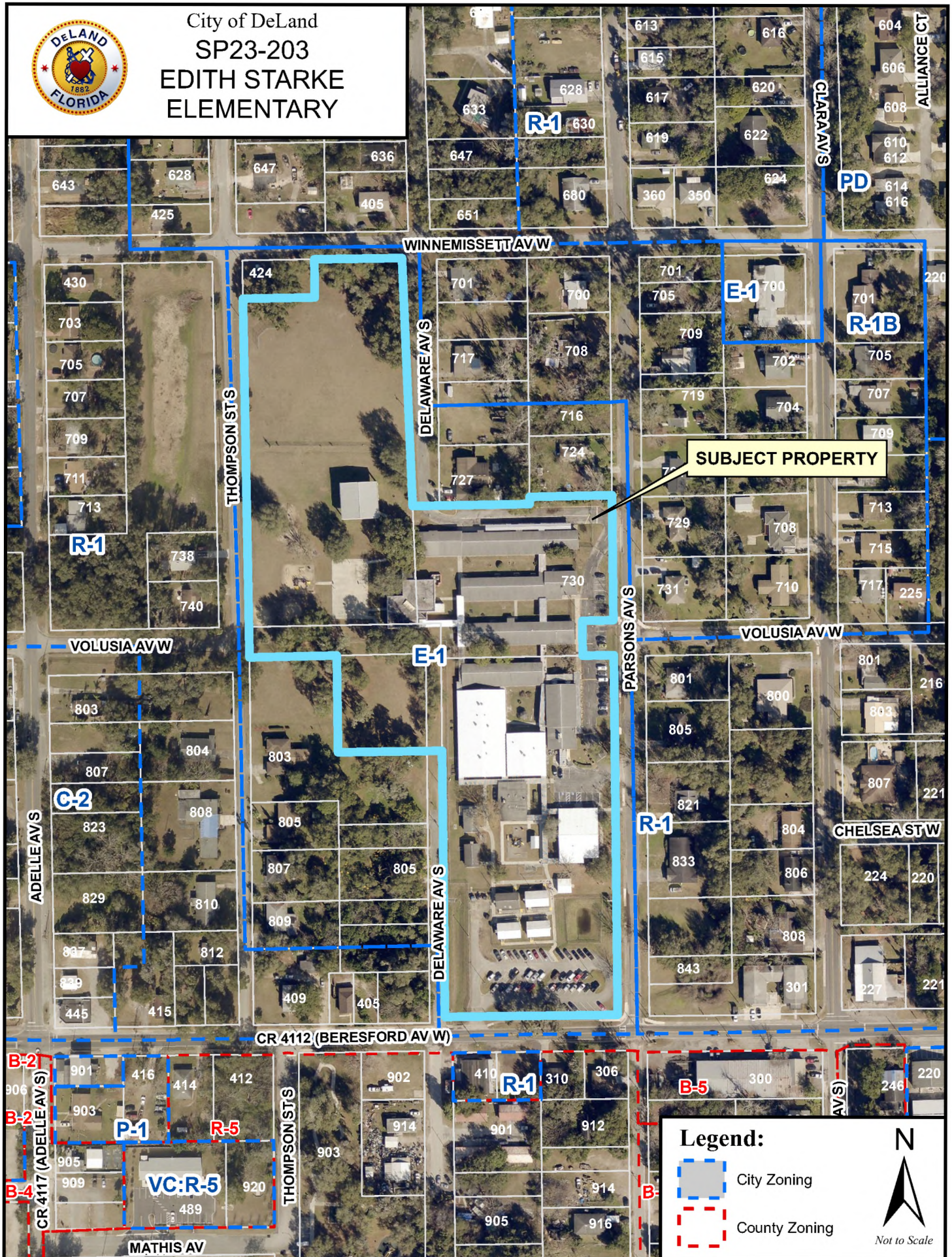


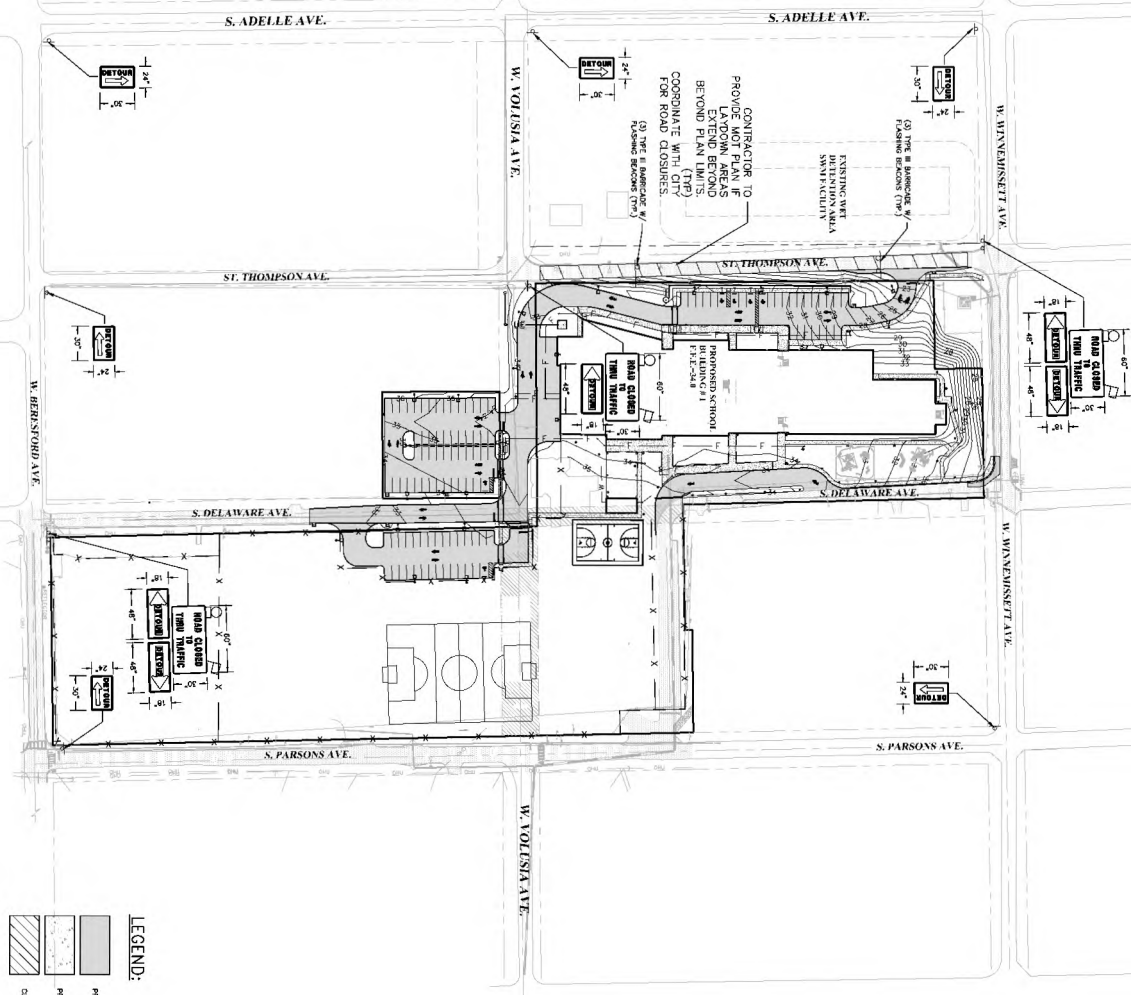
City of DeLand
SP23-203
EDITH STARKE
ELEMENTARY





City of DeLand
SP23-203
EDITH STARKE
ELEMENTARY



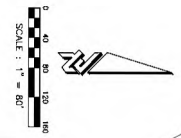


LEGEND:

- PROPOSED ASPHALT PAVEMENT
PROPOSED CONCRETE
CLOSURE AREA

NOTES:

- 1) CONTRACTOR TO CONTACT POLICE, FIRE DEPARTMENT, AND TRAFFIC OPERATIONS DIVISION 3 BUSINESS DAYS IN ADVANCE OF ANY LANE CLOSURES.
- 2) DRIVEWAY ACCESS SHALL BE MAINTAINED AT ALL TIMES TO EXISTING BUSINESSES AND HOMES.
- 3) PHASING SHOWN IS ENGINEER'S/ CITY'S RECOMMENDATION. FINAL PHASING PLAN IS TO BE DEVELOPED BY CONTRACTOR AND APPROVED BY CITY.

[illegible]

Consultant:



PROJECT NO. 225318

ZEV COHEN & ASSOCIATES, INC.

303 INTERSTATE BLVD., STE. 4
 CHENNAI, N.Y. 11719
 PHONE (845) 772-2882
 FAX (845) 772-2883

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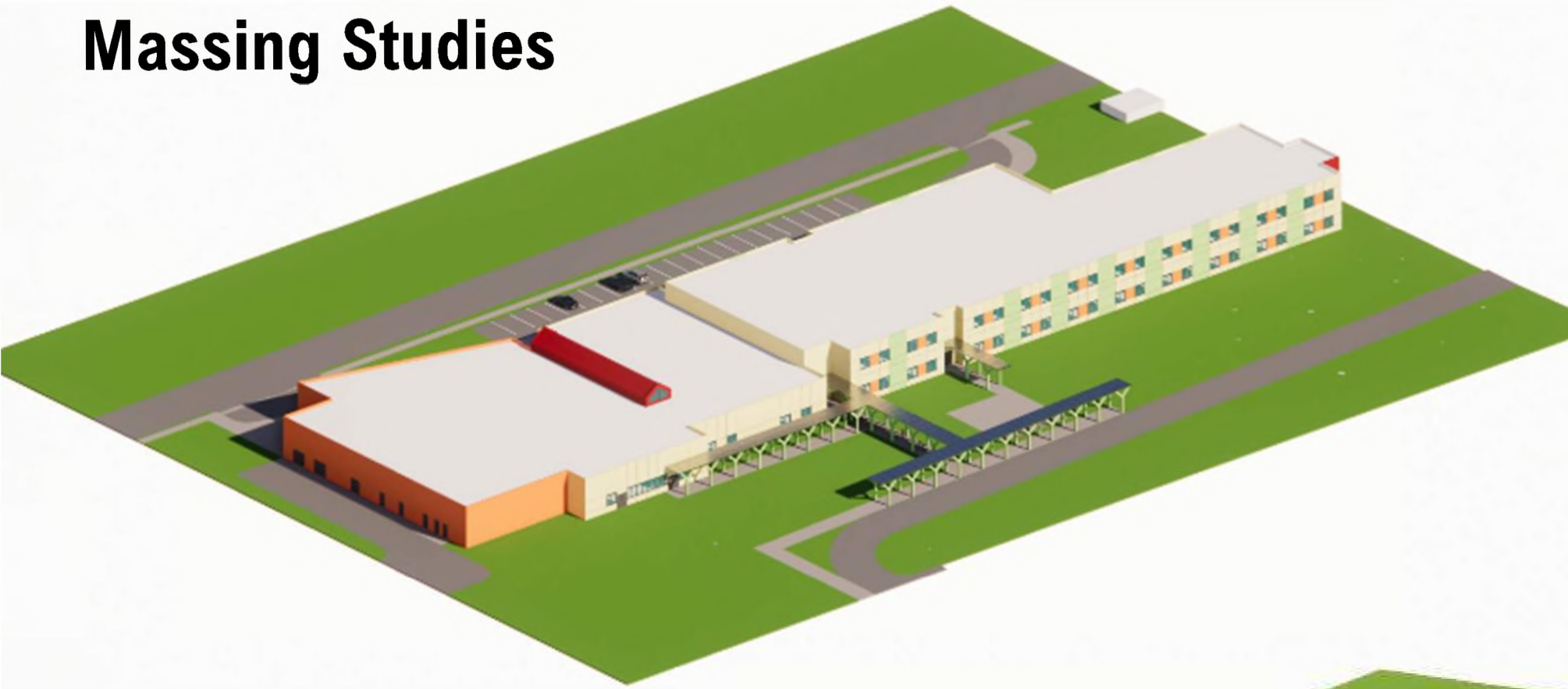
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AA 0003165 BE 0001095

Engineer JOHN A DOLLARD		REGISTERED PROFESSIONAL ENGINEER STATE OF CALIFORNIA NO. 45678	
EXPIRATION DATE JAD	EXPIRATION DATE 09-18-2023	EXPIRATION DATE S+A #23013	EXPIRATION DATE 09-18-2023
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Preliminary Massing Studies



Preliminary Massing Studies

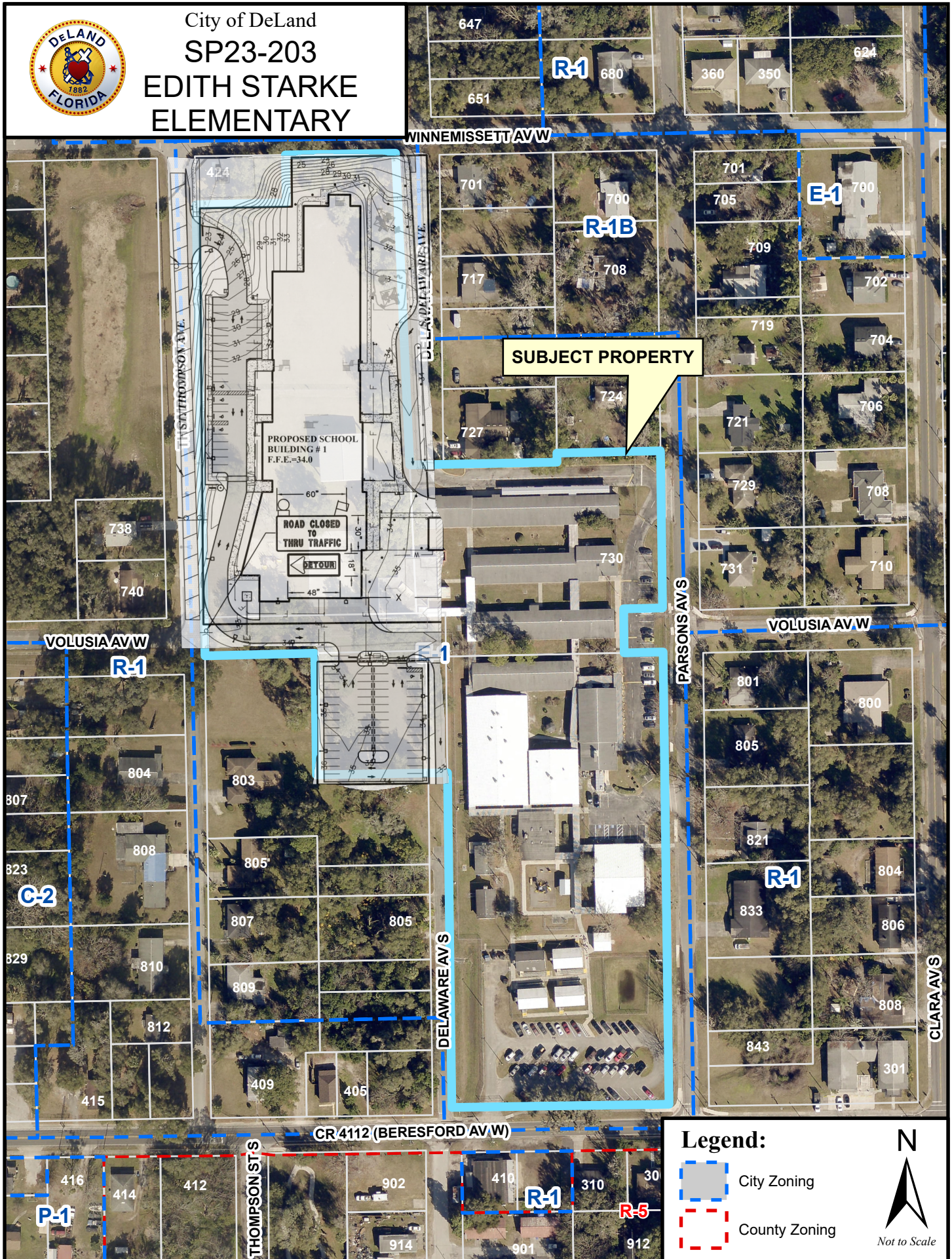


Preliminary Massing Studies





City of DeLand
SP23-203
EDITH STARKE
ELEMENTARY



Legend:

- City Zoning
- County Zoning



**PLANNING STAFF
REPORT TO
CITY OF DELAND PLANNING
BOARD
December 13, 2023**

APPLICATION NO: LDR23-138

APPLICANT: City of DeLand

STAFF PLANNER: Carol Kuhn, AICP, Planning Director

REQUEST: City-Initiated Land Development Regulations - Text Amendment to Remove Prohibition of Medical Marijuana Dispensaries to Allow Medical Marijuana Facilities where Pharmacies are Allowed and Clarify where Medical Marijuana Cultivation Facilities are Permitted

APPLICABLE ORDINANCES: *Sec. 33-135. Procedure for text amendments.*

33-135.01(a) Amendments to the text of this chapter may be initiated by the city or upon application of any interested person.

33-135.12(b) The Planning board shall review proposed changes in this chapter, which shall make a recommendation to the city commission prior to final action adopting or not adopting the amendment. However, at the request of the planning board or the city commission, or in the discretion of the city manager, proposed amendments may be taken directly to the city commission for action.

LOCATION: City-wide

BACKGROUND: The City's Land Development Regulations currently prohibit Medical Marijuana Dispensaries in the City. Over the past few years there have been several inquiries regarding Medical Marijuana Dispensaries. Staff has sought input from City Commission and has evaluated the anticipated impacts of a medical marijuana dispensary and found that it is a similar use with similar impacts as drugstores and pharmacies. As such, staff is proposing allowing medical marijuana dispensaries in the same zoning districts as drugstores and pharmacies.

33-17.23 Allowed uses in commercial and industrial zoning districts

MEDICAL SUPPORT (See also Section 33-19.11)									
	P-1	BR	C-1	C-2	C-2A	C-2AC	C-3	C-4	M-1
Medical office	P	P	P	P	P	P			
Apothecary shops	P		C ¹⁵						
Drugstores and pharmacies	P	P		P	P	P			
Medical marijuana treatment center dispensing facilities	P	P		P	P	P			
Hospitals				P					

Laboratories, hospitals and clinics	E ¹⁵		P	P	P	P			
Medical clinics over 5,000 square feet	E ¹⁵	E ¹⁵		P	P	P			
INDUSTRIAL AND MANUFACTURING									
	P-1	BR	C-1	C-2	C-2A	C-2AC	C-3	C-4	M-1
Fuel storage and bulk supply plants							C ¹³	P	
Coal, coke or wood yard									P
Laboratories, research, testing, development and medical marijuana cultivation facilities —Pharmaceutical products, drugs compounding only						P			P
Machine shop						C	P/E ¹⁹		P
Manufacture of pottery or other ceramic products						C			P
Manufacturing - including assembly and fabrication operations						C ²³	C/E ¹⁹	C ¹⁴	P
Manufacturing - Craftsman shop			C ²³	C ²³	C ²³	P	C/E ¹⁹		P
Manufacturing - Limited				C ²³		C ²³	C/E ¹⁹		P
Microwave, radio, telephone and television facilities and transmission towers			E ⁶	E ⁶	E ⁶			E ⁶	E ⁶
Mining and excavations per section 33-62 of article V of this chapter									C
Planing mill, saw mill, millwork and wood product manufacturing									E ¹⁸
Recycling centers								P	P
Research and development facilities						P	P/E ¹⁹		
Storage of bottled gas, natural gas or similar products									C ¹⁹
Utilities excluding microwave, radio, telephone and television towers				C		C			
Warehousing and commercial storage				C ²⁴		C ²⁴	P/E ¹⁹	P	P
Wholesale commercial activities						C		P	P

As part of this update, Staff is also proposing to remove the prohibition in Section 33-16.05 of the Land Development Regulations:

33-16.05.

Medical marijuana treatment center dispensing facilities banned. Pursuant to the authority vested in the City of DeLand by Section ~~381.986(11)(b)~~ 381.986(11)(b)2, Florida Statutes, medical marijuana treatment center dispensing facilities, as that term is used in Section 381.986, Fla. Stat Florida Statute are hereby banned within the corporate limits of the City of DeLand may be permitted in any zoning district that allows pharmacies licensed under Chapter 465, Florida Statutes and said facilities shall be compliant with 381.986, Florida Statutes.

As well as add the following definitions to Section 33-12 - Definitions:

Medical Marijuana Cultivation Facility. Means a location where cannabis is planted, grown, harvested, dried, cured, graded, or trimmed, or a location where any combination of those activities occurs pursuant to Florida Statute 381-986.

Medical Marijuana Treatment Center Dispensing. Shall mean any facility where medical marijuana or any product derived therefrom is dispensed pursuant to Florida Statute 381-986.

PUBLIC NOTICE:

The public notice for this text amendment has been published in a newspaper of general circulation

STAFF RECOMMENDATION: Staff recommends that the Planning Board forward this proposed text amendment, project number LDR23-138, a **City-Initiated Land Development Regulations - Text Amendment to Remove Prohibition of Medical Marijuana Dispensaries to Allow Medical Marijuana Facilities where Pharmacies are Allowed and Clarify where Medical Marijuana Cultivation Facilities are Permitted** to the City Commission for review and approval.

CITY OF DELAND
Request for Commission Action
December 13, 2023

SUBJECT: Election of Officers.

DEPARTMENT: Planning

PREPARED BY:

ATTACHMENTS:

APPROVED BY: ,

SUMMARY/HIGHLIGHT: