

**City of DeBary**  
**City Council Special Meeting**  
**Wednesday**  
**July 10, 2002**  
**7:00 PM**

Florence K. Little Town Hall  
12 Colomba Road  
DeBary, Florida 32713

**MINUTES**

**I. Call to Order**

**II. Roll Call**

**Members Present:** Mayor Carmen Rosamonda, Vice Mayor Greg France, Council Member Danny Allen, and Council Member Bill Long

**Absent:** Council Member George Coleman

**Others Present:** City Manager Richard Diamond and Assistant City Manager Maryann Yaskanich

**III. Public Hearings**

*Members of the Council should disclose for the record the substance of any ex-parte communications that has occurred before or during the public hearings on the following items:*

1. Consideration of Administrative Amendments to the Comprehensive Plan's Future Land Use Map to Resolve Zoning/Comprehensive Plan Conflicts by the City Council sitting as the Local Planning Agency.
2. Transmittal by the City Council of the City of DeBary to the Florida Department of Community Affairs the Comprehensive Plan Future Land Use Map Changes as follows:

**CASE D-02-008**

Change Land Use from Residential Low Density to Agriculture/Rural Residential for property West of Ft. Florida Road and North of the Traders Cove Subdivision.

**CASE D-02-017**

a. Change Land Use from Environmentally Sensitive Lands to Residential/Low Density.

b. Change Land Use from Residential/Low Density to Environmentally Sensitive Lands for Property South of DeBary Hall.

**CASE D-02-018**

Change Land Use from Public/Institutional to Residential/Low Density for Property Adjacent to DeBary Hall.

**CASE D-02-019** Change Land Use from Commercial/Retail and Industrial/General to Residential/Low Density for Property along DeBary Drive.

**CASE D-02-020**

- a. Change Land Use from Residential/Low Density to Commercial/Retail.
- b. Change Land Use from Residential/Low Density to Commercial/Office for properties along Dirksen Drive.

**CASE D-02-021** Change Land Use from Commercial/Retail to Residential/ Low Density for property along Dirksen Drive.

**CASE D-02-022** Change Land Use from Commercial/Retail to Residential/ Low-Medium Density for property along Dirksen Drive at I-4.

**CASE D-02-023** Change Land Use from Residential/Low Density to Environmentally Sensitive Lands for property South of Dirksen Drive and East of Gemini Springs Park.

**CASE D-02-024** Change Land Use from Residential/Low Density to Commercial/Office for property South of DeBary Avenue, East of I-4.

**CASE D-02-025**

- a. Change Land Use from Residential/Low Density to Commercial/Office.
- b. Change Land Use from Residential/Low Density to Public Institutional for property located along North Side of Dirksen Drive.

**CASE D-02-026**

- a. Change Land Use from Industrial/General and Public/Institutional to Agriculture/Rural Residential.
- b. Change Land Use from Residential/Low Density to Public/Institutional for property located in the Cunningham Road area.

**CASE D-02-027** Change Land Use from Industrial/General to Residential/Low Density for property South of Enterprise Road, West of I-4.

**CASE D-02-028** Change the Land Use from Industrial/General to Commercial/Retail for property along East Highbanks Road at Enterprise Road.

**CASE D-02-029** Change the Land Use from Public/Institutional to Residential/Low Density for First Presbyterian Church property on East Highbanks Road.

**CASE D-02-030**

- a. Change Land Use from Residential/Mobile Home to Commercial/Retail.
- b. Change Land Use from Residential/Mobile Home to Public/Institutional for property along North U.S. 17-92.

**CASE D-02-031** Change Land Use from Residential/Low-Medium Density to

Public/Institutional for property North of DeBary Golf and Country Club Development.

**CASE D-02-032** Change the Land Use from Environmentally Sensitive Lands to Agriculture/Rural Residential for property in the Northwest Corner of the City.

**CASE D-02-033**

a. Change Land Use from Agriculture/Rural Residential to Residential/Low Density

b. Change Land Use from Residential/Low Density and Agriculture/Rural Residential to Commercial/Retail

c. Change Land Use from Residential/Low Density and Agriculture/Rural Residential to Commercial/Retail for property along the South Side of West Highbanks Road, West of CSX Railroad.

**CASE D-02-034** Change the Land Use from Mixed Use to Residential/Low Density for property along Ft. Florida Road and River Road, South of the Riverside at DeBary Development.

**CASE D-02-035** Change the Land Use from Mixed Use to Agriculture/Rural Residential for property West of Ft. Florida Road.

**CASE D-02-037** Change the Land Use from Industrial/General to Residential/Low Density.

**CASE D-02-038**

a. Change the Land Use from Residential/Low Density to Residential/Low-Medium Density

b. Change the Land Use from Public/Institutional to Residential/Low Medium Density

c. Change the Land Use from Residential/Low-Medium Density to Commercial/Office

d. Change the Land Use from Public/Institutional to Residential/Low Density for property along U.S. Highway 17-92, North of Highbanks Road.

**CASE D-02-039** Change the Land Use from Commercial/Retail to Residential/Low Density for property along U.S. Highway 17-92, at DeBary Golf and Country Club.

**CASE D-02-040** Change the Land Use from Residential/Low Density to Commercial/Office for property along the West side of North U.S. Highway 17-92.

**CASE D-02-041** Change the Land Use from Mixed Use to Agriculture/Rural Residential for property along Fort Florida Road.

**CASE D-02-042** Change the Land Use from Mixed Use to Industrial/Utilities for Property South of Ft. Florida Road.

Mayor Rosamonda closed the Special City Council Meeting without objection and opened the Public Hearing as the Land Planning Agency. Motion was made by Council Member Long. Vice Mayor France seconded. The motion carried unanimously. City Manager Diamond reviewed the background and procedure for the proposed amendments.

Lee Harrington, 249 Buena Vista Street, stated that he had been unable to obtain information regarding the proposed changes and requested tabling for 30 days.

It was discussed that workshops had been held and a Public Meeting noticed to property owners on May 8, 2002; that a full-page ad had noticed the public for the formal meeting. Mayor Rosamonda asked for public input on the cases. Hearing none, Council Members were asked for comment. Council Member Allen noted that he had received emails and telephone calls from residents regarding areas south of Fort Florida Road; that due to current residential lot sizes in Riverbluff and near Fort Florida Road, that zoning should be restricted to 1 unit per acre. Discussion determined that the affected area was included in Case DB2002-01 and would be considered separately.

Bob Headrick, 317 Sunnyside Lane, asked if adjacent property owners were noticed regarding Case D-02-024. City Manager Diamond noted that only property owners were notified; that zoning already existed and that the Future Land Use Map was being changed to be consistent with current development. Mr. Headrick had additional questions. Discussion noted that in Case D-02-017, the County had reviewed Environmentally Sensitive areas and any future vacant lots would be handled on a case by case basis; that in Case D-02-025 Commercial Zoning already exists; that in Case D-02-026 there were corrections to Park areas; that other areas were being changed to be consistent with current development and uses; that access to property under Case D-02-031 was for Utility; that in Case D-02-042 the area was part of the power plant property; that the changes were to the Future Land Use Map and zoning would remain the same.

Mayor Rosamonda entertained a motion to recommend to the City Council the following cases for approval, Case D-02-008, Cases D-02-017 to D-02-035 and Cases D-02-037 to D-02-042. Motion was made by Council Member Long. Vice Mayor France seconded. The motion carried unanimously.

Mayor Rosamonda entertained a motion to close the Public Meeting of the Land Planning Agency. Motion was made by Council Member Long. Council Member Allen seconded. The motion carried unanimously.

Mayor Rosamonda re-opened the Special City Council Meeting and Public Hearing; stated that the Land Planning Agency had recommended approval for Case D-02-008, Cases D-02-017 to D-02-035 and Cases D-02-037 to D-02-042 and entertained a motion to approve. Motion was made by Council Member Long. Vice Mayor France seconded. It was discussed that the property south of Fort Florida Road would be discussed separately. The motion carried unanimously.

3. Consideration of Request for a Large Scale Comprehensive Plan Amendment to the Future Land Use Map by Hugh West Testamentary Trust from Agricultural/Rural Residential to Residential/Low Density by the City Council sitting as the Local Planning Agency.

4. Request for a Large Scale Comprehensive Plan Amendment to the Future and Use Map (FLUM) – Hugh West Testamentary Trust – 77.3 Acres on the Southeast Corner of West Highbanks Road and Fort Florida Road – Case DB-2002-01.

Mayor Rosamonda closed the Special City Council Meeting without objection and opened the Public Hearing as the Land Planning Agency. Motion was made by Council Member Long. Vice Mayor France seconded. The motion carried unanimously.

Case DB-2002-01 was reviewed; that application was made for Residential/Low Density at a maximum of 4 units per acre; that wetlands and other areas could reduce that number; that urban services were available; and that the use was consistent with the Comprehensive Plan. It was discussed that there were acreage parcels in the area; that as a transitional area, water and sewer were compatible; that a traffic study was completed based on current conditions; that future development would have to provide a traffic impact analysis; and that the Comprehensive Plan showed adjacent areas allowing higher density. Mark Watts, Cobb, Cole & Bell, representing the applicant, stated that under the Rural Residential Classification, lot sizes were 5 acres; that Residential/Low Density specified 1 unit per 4.9 acres and up to a maximum of 4 units per acre; that a proposal for a PUD with 2.2 units per acre was not yet approved; that if the Land Use was changed, the zoning change would follow; that there was no incremental classification; that the PUD would have to be submitted for rezoning; that State review was required for Future Land Use change before any other action could occur; that final approval would come back before the City Council; that the transmittal to the State could only occur two times per year; that there were time limits to transmit changes after a Public Hearing; and that zoning could be designated for future PUD if Land Use changes received final approval.

Further discussion reviewed that if the transmittal to the State was approved and a proposed PUD was approved, that the City was not obligated to approve the final Land Use change; that full-scale traffic studies were usually only completed prior to issuing permits for development; that the proposed PUD application would conflict with the current Agricultural designation; that lot sizes could be addressed when the proposed PUD was presented at a regular City Council meeting; that the traffic study that was submitted included a worse case scenario; that the Traffic Engineer had reviewed the impact of a private school in the area; that there was not appropriate infrastructure in surrounding areas; that adequate infrastructure would be in place within this development but did not require changes to surrounding developments; that issues regarding road paving would have to be addressed at the request for approval; that wetlands in the area would not allow maximum density; that the current proposed PUD showed 136 units or less; that only permission to transmit the request to the State was being asked; that the City Council would have to make any PUD approval contingent upon approval of the Land Use change; that the final hearing for a PUD could not be held until such approval was given; that PUD approval would not bind the City Council to any change to the Comprehensive Plan; that the application for the PUD would be submitted to the City Council in order to meet contract constraints; and that the City Attorney would be consulted regarding any rezoning for a PUD.

Mayor Rosamonda entertained a motion to recommend to the City Council that Case DB-2002-01 be transmitted to DCA for comments. Motion was made by Council Member Long. Vice Mayor France seconded. Mr. Headrick stated that he was concerned that there would be legal ramifications if the transmittal was approved. It was noted that the transmittal did not designate any approval for change;

that the City Council would still have control over approving any change for land use or rezoning. The motion carried 3 to 1 with Council Member Allen dissenting.

Mayor Rosamonda entertained a motion to close the Public Hearing of the Land Planning Agency. Motion was made by Council Member Long. Vice Mayor France seconded. The motion carried unanimously.

Mayor Rosamonda re-opened the Special City Council Meeting and Public Hearing; that the Land Planning Agency had recommended transmittal of Case DB-2002-01 and entertained a motion to approve. Motion was made by Council Member Long. Vice Mayor France seconded. The motion carried 3 to 1 with Council Member Allen dissenting. It was noted that City Attorney Ardaman would be consulted prior to hearings for a PUD.

**IV. Adjournment.** Meeting adjourned at 8:20 PM.

**APPROVED November 6, 2002  
City of DeBary  
CITY COUNCIL**

**Carmen Rosamonda, Mayor**

**ATTEST:**

**Maryann Yaskanich, City Clerk**