

City of DeBary
SPECIAL CITY COUNCIL MEETING
Wednesday
March 15, 2006
6:00 PM

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

MINUTES

I. Call to Order

Mayor Coleman called the meeting to order at 6:00 p.m.

1. Invocation
2. Flag Salute

II. Roll Call

Members Present: Mayor George Coleman, Vice Mayor Patrick Fulton, Council Member Christopher Carson, and Council Member Jack Lenzen

Members Absent: Council Member Danny Tillis (excused, out of town)

Others Present: City Manager Maryann Courson, City Clerk Stacy Tebo, Planning Administrator Anita Gonzalez, and Assistant City Attorney Dan Langley

III. Presentation

1. Presentation by Sheriff Ben Johnson of the Volusia County Sheriff's Department.

Sheriff Johnson gave a presentation to the Council regarding the varied services that the Sheriff's Department provides to the City.

At the conclusion of the Sheriff's presentation, the Council took a fifteen-minute recess and reconvened at 7:00 p.m.

IV. Public Hearing

Members of the Council should disclose for the record the substance of any ex-parte communication that has occurred before or during the public hearing for the following item:

1. Ordinance #06-06 – First Reading – Rezoning from A-2, Rural Agriculture, and RC, Resource Corridor, to RPUD, Residential Planned Unit Development and RC, Resource Corridor, File No. D-05-013 – Owner, Empire Cattle, Ltd.
CONTINUED FROM FEBRUARY 15, 2006.

Mr. Langley read Ordinance #06-06 aloud by title. Scott Ashley, Volusia County Planning Manager, outlined the rezoning request for the Council.

Saralee Morrissey, Director of Site Acquisition for the Volusia County School Board, said that based on the school generation rate, the proposed development would produce 238 students; of that number, 107 would be elementary students, 52 would be middle school, 67 would be high school, and the remaining number would go to other centers.

Jon Cheney, Volusia County Traffic Engineer, explained the traffic impact analysis to the Council. He recommended that a traffic signal warrant analysis be completed for Ft. Florida Road and 17-92.

Mark Watts, attorney for Empire Cattle, Ltd., gave an overview of the Alexander Woods project. He explained that the School Board Mitigation agreement provides for approximately \$3.4 million in school impact fees to be paid up front to the School Board, but noted that there has not been a site identified in DeBary for a new school to be constructed.

Vice Mayor Fulton stated that all of his concerns revolve around density. He asked if there is a bald eagle nest in the vicinity of the project. Amy Wright, environmental consultant with CPH Engineers, answered that none were found. She said that she did observe eagles perched on a power pole on Fort Florida Road, but they flew north. She stated that all the nests in the area are not active, which means that they have not been used for at least five years; that the closest nest has not been active since 1985; and that the US Fish and Wildlife Service checks the nests annually every February.

Vice Mayor Fulton asked how far the new water and sewer lines would extend. Mr. Watts responded that they would bring the lines from 17-92 to the Meadowlea property boundary. Scott Mays, Volusia County Utility Engineer, stated that the current package system for Meadowlea is worn out and needs to be replaced; that without a development, the new lines would cost approximately \$1.5 million; that with the development, the new lines would cost \$300,000 to \$500,000; and that Volusia County would create a special assessment district to pay for the water and sewer lines.

Don Anselmo, 3 Camelia Drive, voiced his concern regarding possible stormwater flooding and school overcrowding that might occur as a result of the development.

Phil Toney, 153 Fern Drive, stated that water flows from the northeast corner to the southwest corner of the proposed development, and Meadowlea is in the middle of that water flow. He asked the Council to solve the current stormwater problems before new ones are created.

Anna Rinaldo, 161 W. Highbanks Road, asked the Council to deny the rezoning request and ensure planned managed growth in the City. She expressed concern for the overcrowding at DeBary Elementary.

Roxane Kennedy, representative for FPL, stated that FPL opposes the rezoning. She said that FPL believes the development would be an incompatible use due to the industrial park. She added that there are traffic concerns, and they currently see stacking on Fort Florida Road.

Kathleen Keuhne, 138 Pinetree Drive, said that the average family has 2.5 children, and she believes that the development would cause significant school overcrowding.

Debbie Brandt, 157 Oak Tree Drive, expressed her concern regarding the status of the aquifer and the freshwater springs on the Alexander Woods property, the runoff from additional cars and development associated with the project, and the wildlife that live in the area,

Mary Kotecki, 105 Moss Drive, questioned how far in to Meadowlea they could bring the water and sewer lines. She stated that it is not uncommon to have backups from trains on Barwick and Fort Florida Roads.

Bill Shorter, 126 Maple Drive, voiced his opposition to the rezoning.

Gertrude DeSantis, 161 Maple Drive, distributed petitions to the Council signed by members of the Meadowlea Improvement Association opposing the rezoning request. She voiced her dissatisfaction with the fact that Mr. Costa would not have to widen Fort Florida Road, would not need permission from FPL, and would be paving the four-foot City easement. Ms. Courson responded that it was a negotiated staff recommendation, and it is the Council's decision whether they want to accept it or not.

Coe Vinecourt, 141 Moss Drive, said that Mr. Costa did not attend a previous meeting with the Meadowlea homeowners, referred to the residents in a derogatory manner in a public meeting, and was not a good neighbor.

Anthony Panzino, 792 Fort Florida Road, said he would like to know the selling price of the homes and townhouses; that there is an existing drainage problem; and that he would like the density reduced to one home per acre.

Carole Pearson, 129 Oak Tree Drive, distributed pictures she took of standing water on Empire Cattle's property to the Council. She stated that she is concerned with wetlands being filled in; that she would like to know the status of the creek running under Leisure World Drive; and that she is worried about water runoff because Meadowlea is downhill from the development.

Albert Mill, 106 Leisure World Drive, asked the Council to consider the future ramifications of the rezoning, and to keep DeBary a bedroom community.

John Likakis, 38 Seminole Drive, said that the traffic study was done in 2004, and needs to be updated; that all of the proposed single-family homes are very close to the wetlands in the gray area on the Master Plan submitted by the applicant; that the water table is very high and they would be building on mush; that the development would not bring a lot of dollars to the City as far as impact fees; that the City's impact fees are very low and need to be increased; and that the school mitigation agreement would not solve the overcrowding at DeBary Elementary.

Mr. Watts stated that the current stormwater standards would adequately address the Meadowlea residents' concerns; that the request is consistent with the City's comprehensive plan; that the townhomes would range from \$230,000 to \$300,000, and the single-family homes would range

from \$300,000 to \$500,000; and that the applicant would improve the entire segment of Fort Florida Road from the development to 17-92.

Mr. Langley noted that the maximum density for the area is four units per acre, the applicant is requesting 3.5 units per acre, but the Council may opt for a lower amount if they choose.

Council Member Lenzen stated that the comprehensive plan already allows for a rezoning, and that if the City is not consistent with the comprehensive plan, it will be contested. He stressed that the City's comprehensive plan must match the zoning designation, and that the Council cannot use schools as a basis to deny the request.

Council Member Carson said that if the density was reduced, and the public safety and health was protected, he might consider approval.

Vice Mayor Fulton said he might support a lower density, but made a motion to deny the request for 600 units.

Mr. Watts noted that a PUD is a negotiation. He asked the Council to approve the request on first reading, and then they could discuss the density before second reading.

Vice Mayor Fulton restated his motion to deny the rezoning request. Mayor Coleman seconded the motion. The motion passed 3-1, with Council Member Lenzen dissenting.

Mr. Watts asked that one of the three prevailing Council members make a motion for reconsideration. Mr. Langley stated that at any future time, the Council could decide that they wanted to bring the issue forward again to a public hearing. He added that the applicant could apply again in six months.

V. Adjournment.

The meeting adjourned at 10:35 p.m.

**APPROVED April 5, 2006
CITY OF DeBARY
CITY COUNCIL**

George Coleman, Mayor

ATTEST:

Stacy Tebo, City Clerk