

Meeting Summary

August 7, 2008 County Council Public Hearing

Excerpt from the minutes of the County Council meeting of August 7, 2008. These minutes have not been approved by the County Council, and are therefore subject to change.

3:00 p.m.

Item 38

Order of Business:

Open Public Hearing

Staff Report

Public Participation

Close Public Hearing

Council Discussion/Action

Comprehensive Plan – Transmittal hearing Large Scale Amendment Cycle 08-2

Staff Contact: Kelli McGee, 386- 736-5959, ext. 2845

VC-1216759799123

Planning and Development Services Director Kelli McGee gave the staff report, a PowerPoint slide presentation with narrative. She stated there was a courtesy sign-up sheet available for anyone wishing to receive information on the item from the Department of Community Affairs (DCA). She added that the 08-2 Cycle contained six Administrative Map Amendments, one Private Map Amendment and three Text Amendments. The language being transmitted to the DCA incorporated the Environmental Core Overlay (ECO) map into the Comprehensive Plan and encouraged incentives for Smart Growth. It also broadly established density neutrality across the ECO map system, established a general framework for conservation development and created a placeholder for staff to set up a Transfer of Development Rights Program for the County and any cities interested in participating.

Ms. McGee gave the Council an update on staff's recent trip to Tallahassee to bring the 08-1 Comprehensive Plan Amendments to DCA. Volusia County's efforts to bring about Smart Growth were very well received by DCA Secretary Tom Pelham and his associates.

Attorney **Glenn Storch**, representing the Wilbur Improvement Association, said it was necessary to deal with the public use designation as some of the applications under it could conflict with the Wilbur neighborhood plan. He had been told by the Legal Department staff that language would be used which would allow the County to proceed, while individual rezonings and Comprehensive Plan amendments could be requested, a public hearing held and the requests decided on a case-by-case basis. Mr. Storch thought the plan was quite appropriate.

Mr. Storch, representing Miami Corp., said it was imperative to protect the environmental core, but the property rights of landowners could not be impacted. There needed to be a flexibility mechanism on locating habitat corridors. He wanted to work with staff on the matter during the time between transmittal and adoption.

On behalf of Susan McCaskill, Mr. Storch said the County had stated it wished to maintain a density-neutral position in the ECO map area. The recommendation of the Smart

Growth Implementation Committee had been to provide incentives that encouraged clustered development and preserved large areas. He was afraid the new language would create conflict for the Low Impact Urban (LIU) areas along the Natural Resource and Management Area (NRMA). It could become possible to require the existing classification—often simply a “holding” classification, such as A1—in lieu of the LUI designation, which would require the Smart Growth criteria. Ranchettes could be the result of such action. Mr. Storch said he also wished to work with staff on this issue.

Attorney **Winston Borkowski**, representing Ed Lunsford, said his client’s property was one of the tracts along Pioneer Trail being changed from an agricultural use to a conservation use. Ms. McGee had said there would be no affect on vested rights, but Mr. Lunsford was concerned about the ramifications. He wanted his property excluded from the conservation parcels to be transmitted to DCA.

Joe Jaynes distributed pamphlets on Florida’s Scenic Highways and spoke in support of the Amendments.

Arnold Marfaglia, Sue Burns and Melanie Eddington, all residents of Wilbur-by-the-Sea, spoke in opposition to the proposed Amendments. They said the one pertaining to their area would result in widespread parking lots.

Sam Roth, Meadowlea Estates Homeowners Association President, said he did not oppose the proposed Amendment affecting Meadowlea, but wanted to make sure certain buffers were planned and the proposed water and sewer infrastructure would support the residents.

Lisa Ford Williams said her family had concerns about the ECO map and some of the proposed policies.

Mary Hansen gave additional background on Meadowlea Estates.

Clay Henderson gave a PowerPoint presentation and said he supported the transmittal request being considered. He said the key was giving incentives to people to protect the land. He also said Council should hold a workshop on Smart Growth in October to finalize the process.

Council questions and discussion followed. In response to a question from Chair Bruno, Ms. McGee stated staff did not believe Mr. Lunsford’s land was in the State conservation corridor, but it was in the County’s ECO map. She reiterated that the landowners’ vested rights would not be affected.

Chair Bruno asked about the wording in the Wilbur-by-the-Sea Text Amendment. Deputy County Attorney Jamie Seaman explained the language stated the off-beach parking would benefit only the residents of Wilbur-by-the Sea. She further explained the difference between public uses in lower case *vs.* the upper case Public land use designation. The current language did not change the land use on the properties in question. There would be a separate public hearing for that, followed by a separate zoning hearing to determine the final use of the properties.

In response to a question from Council Member Hayman, Ms. McGee explained the concept of density-neutral and LIU designations, noting the LIU designation was often land adjacent to cities. Ms. Seaman added the Council had said in the past it wanted the zoning, not the land use, density-neutral across the ECO map.

Council Member Northey said she supported what had been presented and felt it was appropriate to move the Amendments forward. Council Member Kelly said he supported the ECO map but had concerns about the Amendment dealing with Meadowlea Estates and the possible impact on gopher tortoises. He felt the Meadowlea Estates Amendment needed further study and discussion.

Further discussion followed. Council Member Alexander stated for the record she wanted to make sure a workshop was set for October so the Council could examine any outstanding policy issues on which decisions needed to be made.

Council Member Northey moved to TRANSMIT Administrative Map Amendments 1-6. Council Member Alexander seconded the motion, which CARRIED 7-0.

Council Member Kelly moved NOT TO TRANSMIT Private Map Amendment 10. The motion FAILED for lack of a second.

Council Member Hayman moved to TRANSMIT Private Map Amendment 10. Council Member Giles seconded the motion, which CARRIED 6-1, with Council Member Kelly in opposition.

Council Member Northey moved to TRANSMIT Text Amendments 11-14. Council Member Giles seconded the motion. Council Members Northey and Giles then WITHDREW the motion and second.

Council Member Hayman then moved to TRANSMIT Text Amendments 11-14. Council Member Northey seconded the motion, which CARRIED 7-0.