

Planning and Land Development Regulatory Commission Public Hearing
July 8, 2008

**MEETING SUMMARY FOR 08-2 LARGE-SCALE AMENDMENT CYCLE
AGENDA ITEM**

VI. PUBLIC ITEMS

1. Comprehensive Plan Cycle 08-2 Amendments

Terry James, Volusia County Comprehensive Planning Manager, presented Comprehensive Plan Cycle 08-02 with a PowerPoint presentation.

T. James stated that Items 8, 9 and 12 were withdrawn.

T. Cornett asked if the Commission needed to address each item separately.

T. James stated that the items were split into three ordinances: administrative map amendments, private map amendments, and administrative text amendments, so the items should be discussed according to those groups.

Chairman D. Lipke called for public comments on the administrative map amendments.

Richard Walton, Planning Director for the City of Daytona Beach, spoke on Item 6, stating his objection to the amendment because of comments previously submitted as a letter to Greg Stubbs. Mr. Walton asked to delay the amendment because there was a question on jurisdiction, and whether or not the proposed amendment was consistent with the City's adopted Land Use Plan. Mr. Walton also stated he felt the amendment should be part of the Development of Regional Impact (DRI) amendment process, and that since that process had not been started, it was premature to go through with the land use amendment.

Greg Stubbs, Volusia County Growth and Resource Management Director, stated that he received verbal comments on July 3rd, and that the County had been working with the airport for 20 years, issues of jurisdiction are addressed through an interlocal agreement. Mr. Stubbs stated that residential land uses are not appropriate adjacent to the airport. Mr. Stubbs stated that the land use amendment is consistent with the DRI process, and asked that the amendment not be delayed.

J. Seaman, Deputy County Attorney, stated that the lands in the amendment were purchased with Florida Department of Transportation (FDOT) and Federal Aviation Administration (FAA) funds for the purpose of buying those residential land uses, to prevent incompatible land uses from being developed in close proximity to the airport. Ms. Seaman stated that the requested Public/Semi-

Public land use allows the most flexibility in zoning districts and stated that the County will work hand in hand with the City to make zoning decisions.

Commission Member G. Huttman asked staff how delaying the amendment would affect the adoption schedule.

T. James explained that if the adoption was delayed, it would become part of the 09-01 cycle.

G. Huttman stated that he didn't see any reason to delay the amendment. Chairman Lipke supported that statement.

M. Dyer reminded that Commission to make a motion on Items 1-6 together.

T. Cornett made a motion to find Items 1-6 consistent with the County Comprehensive Plan and recommend approval to the County Council.

G. Huttman stated that he wanted to see an effort on both the County and the City to make Item 6 work.

G. Stubbs expressed that staff would do so.

R. Walton restated his recommendation to postpone Item 6, and also stated that the City would continue to work with County staff.

At 11:50 a.m., T. Cornett amended his motion to direct County staff to work with City staff. F. Severino seconded the motion.

The motion was approved unanimously.

Chairman Lipke opened the public discussion on Item 10.

Mary Hansen spoke on behalf of the applicant for Item 10, stating that the applicant had met with City of DeLand staff to resolve any issues resulting from the close proximity to the DeLand airport. Ms. Hansen stated that there were two agreements as a result of the meeting, 1. A buyer's prospectus to warn future tenants of the nature and proximity of adjacent land uses, and 2. agreements to height limitations so that the development would not conflict with airport operations. M. Hansen also stated that the DeLand Airport Manager had never spoken to her about avigation easements, and stated that a mobile home park is rented, so avigation easements would not help in notifying tenants of the proximity to the airport.

At 12:00 p.m., T. Cornett made a motion to find Item 10 consistent with the County's Comprehensive Plan and forward to County Council with a recommendation for approval. F. Severino seconded the motion.

The motion was approved unanimously.

Chairman Lipke opened the public discussion on the remaining administrative text amendments.

Clay Henderson spoke in support of Item 14 and highlighted the extensive amount of intergovernmental coordination involved in the Smart Growth efforts. Mr. Henderson stated that there was a need for a tool as an alternative to exempt subdivisions, and that conservation subdivision and a Transfer of Development Rights (TDR) program is that alternative.

Glen Storch spoke in support of Item 14. Mr. Storch stated that Item 14 is a small part of the entire smart growth effort, and also pointed out that this amendment only addresses lands in the unincorporated County, and that the Cities still have to adopt their own amendments to identify lands in the incorporated areas of the County.

Mark Watts, with Cobb and Cole, commended staff on its efforts to move forward with Smart Growth. Mr. Watts encouraged staff to move forward with definitions of the incentives associated with this amendment. Mr. Watts encourages staff to be careful that no disincentives for being on the Volusia Forever acquisition list are created through implementing the Environmental Core Overlay (ECO) map. He also stated a need for a clear process for properties to be put on and taken off the ECO map.

Kelli McGee, Planning and Development Services Director, stated that the City of Port Orange's written comments on Item 14 would be considered as the process continues. Ms. McGee stated that the process has always been an open process, and that the goal was to create model language that the Cities could use in their own Comprehensive Plan amendments. She also mentioned that staff is trying to keep the Volusia Forever and the ECO map process separate, and does not want to create disincentives for the Volusia Forever program. The purpose of the ECO map process is to create incentives so that property owners would want to volunteer to be a part of the process.

T. Cornett asked what process is in place to protect rural communities, especially Hontoon Island.

K. McGee described how ECO map incentives would help protect rural communities.

J. Seaman stated that there is already language in the Comprehensive Plan to protect rural communities.

G. Huttman asked how long it will take for the policies in Item 14 to be adopted so that the PLDRC can start judging consistency based on those additional policies.

T. James stated that in these situations, because of the gap in time between Council adoption and time for the Florida Department of Community Affairs (FDCA) to find the new policies consistent, there is always a rush for developers to have their developments approved before new policies are adopted.

G. Stubbs stated that K. McGee was heading up the Smart Growth efforts, and that although there will be some catch up time, the County is committed to Smart Growth. Mr. Stubbs also stated that all zoning cases will be reviewed based on adopted regulations, but that staff reports could make mention of any conflicts with proposed policies.

M. Dyer stated that recommendations in staff reports must be consistent with the currently adopted Comprehensive Plan.

F. Severino asked what staff is doing to assure that property owners are involved in the process of implementing Smart Growth.

K. McGee stated that there are numerous groups working on smart growth initiatives and that all are open to the public. For example, the Volusia Council of Governments has created a Technical Advisory Committee (TAC), which has two related work groups. Each group operates transparently and is moderated by Rafael Montalvo with the Center for Conflict Resolution. The TAC has its own webpage where every version of every document each group reviews is posted for its members and the public to review. There is also a place on the website for the public to submit comments to the TAC. Ms. McGee also stated that there is a Green Ribbon Panel that reviews and makes recommendations on environmental standards. This group is well represented by the community and the region.

F. Severino asked how the timing for the implementation of these policies would work.

K. McGee stated that each tool of Smart Growth would be implemented separately, and most likely, would happen in sequential order. For instance, although comprehensive plan language is being adopted this year, the TDR program could take years to implement.

J. Russell expressed his gratitude to County staff for taking the first step to implement Smart Growth.

T. Cornett asked how Tallahassee would receive the new policies.

T. James stated that the FDCA will review the policies and issue a Notice of Intent to find the policies consistent or not consistent. Mr. James also stated that Hometown Democracy and other legislative efforts are always a “wild card”.

K. McGee stated that staff has continued an open dialogue with FDCA so that this amendment package would not be a surprise to the reviewers. Ms. McGee stated that staff has also scheduled a face to face meeting on July 25th with FDCA to personally deliver the amendment package and discuss the new policies with FDCA staff.

Chairman Lipke acknowledged her appreciation for the professionalism of County staff in this effort.

At 12:40 p.m., G. Huttman made a motion to find Items 11, 13 and 14 consistent with the Comprehensive Plan and make a recommendation for approval to the County Council. J. Russell seconded the motion.

The motion was approved unanimously.