

**PLANNING AND LAND DEVELOPMENT REGULATION COMMISSION  
PUBLIC HEARING HELD  
SEPTEMBER 22, 2009**

The Public Hearing of the Volusia County Planning and Land Development Regulation Commission was called to order by **Frank Severino**, at 9:00 a.m. in the County Council Meeting Room of the Thomas C. Kelly Administration Center, 123 West Indiana Avenue, DeLand, Florida. On roll call, the following members answered present, to-wit:

**FRANK SEVERINO, CHAIRMAN**  
**GARY HUTTMANN, VICE CHAIRMAN**  
**JIM RUSSELL, SECRETARY**  
**TAVER CORNETT**  
**JEFF GOVE**  
**STONY SIXMA**  
**JAY YOUNG**

**STAFF PRESENT**

**MICHAEL DYER, Assistant County Attorney**  
**BECKY MENDEZ, AICP, Senior Planning Manager**  
**SCOTT ASHLEY, AICP, Planning Manager**  
**JOHN H. STOCKHAM, ASLA, Planner III**  
**CHRISTIAN NAGLE, AICP, Planner II**  
**YOLANDA SOMERS, Zoning Secretary**

**Chairman Severino** explained the procedure for forwarding the Commission's decisions to the County Council and invited the public to speak for or against any of the cases being heard.

**Michael Dyer, Assistant County Attorney**, explained that decisions by this body on special exception cases and cases which rezone real property from one classification to another pursuant to the Zoning Ordinance are recommendations only to the County Council and do not constitute a final hearing. New evidence may be introduced at the County Council public hearing. Decisions on variances made by this body constitute final action, subject to an appeal to the County Council. What this means is that no new evidence may be presented at the time of the County Council public hearing on appeal. An aggrieved party that appeals such a decision is confined to the record made before this body. Hearings by this body on rezoning, special exceptions and variances are quasi-judicial in nature meaning that this body is acting more like a court and must take into account all oral, written or demonstrative evidence presented. Their decisions on these cases must be based on competent, substantial evidence in the record. Competent, substantial evidence has been defined, as that evidence a reasonable mind would accept to support a conclusion.

### **Disclosure of Ex Parte Communications**

Members of the Volusia County Planning & Land Development Regulation Commission Board are asked to please disclose, for the record, the substance of any ex parte communications that have occurred before or during the public hearing at which a vote is to be taken on any quasi-judicial matters.

- Jay Young stated correspondence and individual tour by applicant and staff
- Taver Cornett stated correspondence and individual tour by applicant and staff
- Jim Russell stated correspondence and individual tour by applicant and staff
- Frank Severino stated correspondence and individual tour by applicant and staff
- Stony Sixma stated correspondence and individual tour by applicant and staff
- Jeff Gove stated correspondence and individual tour by applicant and staff

### **PUBLIC ITEMS**

#### **1. Comprehensive Plan Amendments Large Scale Cycle 09-2**

##### **a. CPA 09-2-10 Farmton Local Plan**

.....Becky Mendez, Senior Planning Manager

**Becky Mendez, AICP, Senior Planning Manager**, presented the staff report detailing the powerpoint presentation and the information in the notebooks. She also summarized the changes to the staff report which were in yellow highlight.

**Glenn Storch, Storch Morris & Harris, LLC, attorney for Miami Corp., owner**, summarized his powerpoint presentation as it was being presented. This is a vision of 50 years. The subject property is 94 square miles approximately 47,000 acres in Volusia County and 11,500 acres in Brevard County. The property has been under single ownership for 85 years by the Deering Family which purchased it in 1925. The first railroad in Volusia County was on this property.

**Clay Henderson, attorney for Farmton**, presented the green print part of the applicant's powerpoint presentation. This site's green key corridor will connect conservation areas from the Ocala Forest to the Everglades over a million acres of conservation in the state. About 40,000 acres will be put in conservation and protected forever which is about 75% of the property up front. Conservation Management plan which will be managed by partners at it will be at no cost to the taxpayers.

**Joel Ivey, Ivey Planning Group**, spoke to the planning part of the powerpoint. The first Volusia County Smart Growth document was used as a guideline in creating this vision. This is master planning for what the community needs not how much can be developed on site, describes the different villages and other areas of the master plan.

**Mr. Storch** summed up the powerpoint presentation by comparing developing ranchettes style properties versus this planning vision. NRMA standards are met and exceeded, 100 percent of the lands in ECO will be preserved and an additional 21000 acres into ECO. He discussed the school, transportation, water and the need issues. There is a need for planning for the future of this property. There is 79% decrease in water usage by using the Farmton Local Plan.

**Member Gove** started the discussion by asking about Exhibit A of the proposed ordinance. He asked about hunting and ATVs listed under the prohibited uses. He asked about the exemption to the boundary buffer requirement in the gateway area.

**Mr. Storch** replied that hunting will be restricted to about 250 families and only hunters are allowed to use ATVs. Hunting will be allowed in the Green Key areas but hunting will not be allowed in any other area. No ATVs will be allowed on the rail trail. This will probably be part of the conservation management plan which is managed by a partnership.

**Mr. Henderson** replied the area fronts on SR 442 and is part of a restoration project across the street, therefore the buffer wasn't necessary but that all other boundaries are required to have the buffer.

**Member Gove** asked about the civic space calculations and buildable areas.

**Mr. Henderson** explained that the goal is for compact development and the percentages are to force a diverse uses within each SDA.

**Member Gove** commented that the minimum percentage of the mixed uses totals 65% and if the civic space is already subtracted, so that leaves about 35% that can be added to any use, maybe there should be a maximum percentage.

**Mr. Storch** commented that it provided for flexibility for planning for 50 years in the future.

**Ms. Mendez** responded that in a version there was maximum percentage within policy FG 3.3; however they were taken out because the math didn't work. On page 17 there are minimum percentages to represent the characteristics of the different mixed use districts so to force a different mix of uses within different districts.

**Member Gove** asked what the intent of the first sentence of FG 3.7.

**Mr. Storch** replied walkability.

**Ms. Mendez** commented that the village center would be centrally located for each districts.

**Mr. Henderson** replied that most of the residential areas will be within a mile.

**Member Gove** asked about section L regarding land development regulations and design standards.

**Ms. Mendez** replied that there would be land development and zoning regulations in the future for this Local Plan prior to development.

**Member Gove** inquired about the dark skies section of the ordinance.

**Mr. Henderson** commented the provisions are to preserve and protect the sky light that in other development are lost.

**Ms. Mendez** stated that the purpose of the dark skies provisions was to provide maximum standards for illuminations on properties.

**Member Cornett** asks about specific standards with a plan of 50 years are you limiting to current standards or flexible to new information.

**Ms. Mendez** replied that there is flexibility.

**Mr. Ivey** responded that Policy 3.10 allows the flexibility as technologies advances.

**Member Wachtel** commented that everything is based on projections, is there a mechanism for updating this local plan.

**Ms. Mendez** stated that this plan has been tied to the EAR based amendments that happen every seven years.

**Mr. Ivey** commented that Policy 5.11 and 5.15 require the transportation be updated periodically.

**Member Russell** asked who was going to govern this area in say 35 years.

**Mr. Storch** replied that it would depend on how it was done, but in concept it will be the County.

**Mr. Henderson** stated that by having more than one entity on the easement and that FG 2.15 addresses this with possible stewardship.

**Member Russell** inquired about the benefits to all the other taxpayers and citizens of Volusia County.

**Mr. Storch** explained the amount of land value being placed in Conservation without any cost to taxpayers. In the long run, there is proper planning. In short term, there will be job opportunities, roads will be necessary; therefore rights-of-way are set aside up front and the roads will be provided at development without cost to the County, as well as the Rail trail. A partnership between land owners, government and planners is a benefit.

**Member Young** commented that this area has a huge part of the water management area.

**Mr. Storch** said that the management area will only work through partnerships.

**Member Young** asked if there were any partnerships regarding the water supply or was it a future prospect.

**Mr. Storch** replied that the Titusville would be the first and the agreement was expected to be signed soon.

**Member Russell** asked if there were any other benefits to the taxpayers other than the environmental dollar and cents.

**Mr. Storch** replied that the partnerships regarding water would be one.

**Member Cornett** started a discussion about the water issues.

**Mr. Storch** stated there have been no studies on the property in 85 years, and it has been outside everyone's prevue. As part of the Edgewater lawsuit, it was discovered that there is a significant resource of water on the property. It is in addition to the resources that were already known in Volusia County. He also commented that he was working with St. Johns River Water Management to solve some other issues as well for alternative sources.

**Member Young** inquired if there was a projection of how long the supply would last as well as if there was a provision for transporting and rights of the water.

**David Kinkaid, Hydrologist**, stated his firm was responsible for placing the test wells on the Farmton property and explained the test results that support previous testing by the St. Johns River Water Management.

**Mr. Storch** said that there will be issues and believed that as a partnership the issues can be resolved.

**Member Russell** asked Mr. Kinkaid if there was enough water to handle the density of full build out and the surrounding municipalities.

**Mr. Kinkaid** replied yes and the computer models show that there is enough water on site to not deplete the resource.

**Member Young** asked who would control the water management.

**Mr. Storch** replied that it would be a partnership and that Farmton was a utility.

**Recess at 11:05 a.m; resume public hearing and 11:19 a.m.**

**Member Severino** asked Ms. Mendez if there were any negatives for the parcels outside of the Farmton property.

**Ms. Mendez** replied that those properties would remain as is and would not be adversely affected.

Public Participation:

**Michael Potnell, 3795 Watermelon Lane, New Smyrna Beach**, commented that this plan is needed by the agricultural industry, apiaries industry, water and resource conservation as well as educational reasons.

**Betty O'Laughlin, President of the Environmental Council, 715 McKenzie Road, Lake Helen**, the year 2025 is years away and what the rush is. 1700 houses on ranchettes are a lot less than what is proposed. Nothing is permanent, anything can be changed and enough money can change anything. Realistically people are not going to live, work and play in one place. She asked that the commission read the letter from David Hargrove of the Halifax River Audubon that was presented to the commission.



**Alice Jagger, Volusia Flager Sierra Club, (submitted letter dated 9/22/09 and a newspaper article) 34 Sandy Drive, New Smyrna Beach,** stated the club objected to the amendment based on there was no demonstration of need, it represents urban sprawl, development within the no school zone, and the property is entirely within the NRMA.

**Charles Lee, Audubon,** spoke in support of the plan, saying that it was the next logical step in conservation planning. The plan if approved gives immediate conservation of lands with guidelines for future development.

**David Hargrove** did not speak but a letter was submitted to the commission.

**Helen LaValley, AICP, Planner for Volusia County School Board,** spoke about school capacity; there were concerns that were outlined in the letter provided to staff included in the staff report. This proposal is inconsistent with the local agreement between the school board and the County. However, the applicant has tried to address the school board's concerns.

**Member Young** clarified that the school board was not opposed but that an agreement would be necessary.

**Ms. LaValley** replied affirmatively.

**Roy Walters, Enterprise,** stated that the trail is not within farmton property, it was a railroad property. There are cut through for the lodging routes in the trails for roads, will the developer pay for the overpasses. There would be no protection for people on the trail form the hunting club, would like a mile or two exclusion zone for the hunting club.

**Sandra Walters, Enterprise,** stated that in 2006 to 2007 she was a member of the school board's citizen committee which established the no school zone. The committee worked hard on the agreement, we did not discuss increase in density in the center of the county. She addressed the ECO map, the logic of giving land into it and taking other lands out if faulty. The ECO Map was adopted after lots of work and years of opposition, one of the concerns then was adopting a map that would just be modified because someone wanted to. The water issues, there is discussion about Titusville but what about the City of Deltona which practically is adjacent to this property, have they been consulted. As for the dark skies provisions, what is the point of regulating dark skies of you are going to allow more development than is currently allowed.

**Dennis Elster,** stated he was very concerned and did not hear anything of how it would benefit the current population. One unit is 17000 poorly planned property development or 30000 condensed property development, would like to hear a third options.

**Donald Kamffer, represents Soil & Water Conversation Board (handout and map),** stated the board has concerns with the inconsistencies with the existing Comprehensive Plan regarding development in the 100-yr floodplain. Approximately 2200 acres of this land is designate as Agriculture Resource, the uses being proposed in these areas are not compatible with Agriculture uses. The fast majority of the property is within the 100-yr floodplain. On a personal level, state law requires a demonstration of need in order to change the Comprehensive Plan. He questioned the fiscal neutrality, setting the land aside does not cover the cost of services, staffing, construction, and infrastructure. Over development lowers property values, increase government costs while revenues

decrease. The more development and population increase environmental damages. The sea levels are area, lost of wetland which is the natural buffer form the storm surge and water run off needs to go somewhere, where will it go. There seems to be a lot of inconsistencies in the information that cannot be resolved in one conversation. Ranchettes are not profitable for the developer, that doesn't mean they should be allowed to get their foot in the door for future development increase that is not needed. Increase in population will come from where and with an excess of housing available, and the 100-yr floodplain covering the majority of this property, please consider carefully.

**Elizabeth Camerodda**, read the David Hargrove, President of the Halifax River Audubon, letter into the record, and had no personal comments.

Closed Public participation

**Member Wachtel** asked about the 100-yr floodplain issues raised by several speakers.

**Ms. Mendez** replied that the policy in the conservation element in the current comprehensive plan. Any development in the floodplain has to provide compensating storage. There is a policy within the Farmton Local Plan reiterates the existing policy.

**Mr. Storch** stated the plan is decreasing the density within the majority of the floodplain.

**Member Severino** asked if the property was an open or closed basin.

**Mark Dowst, Dowst Engineering**, responded that there is multiple basins, there are a few closed basin but by large the majority is an open basin.

**Mr. Storch** commented that currently there have been two 500 year storms that have affected this property, and they have been incorporated into the plan.

There was a discussion between Mr. Storch and the commission regarding the mitigation bank and green key.

**Jay Young** commented changes can happen.

**Mr. Storch** responded that things can be changed, that is why we have planned to grant multiple grantees will assist in keeping things unchanged.

Member Russell moved to forward CPA-09-2-10 to County Council with the recommendation of approval with conditions as modified and presented by staff. Member Wachtel seconded. Motion carried unanimously.

## **STAFF ITEMS**

NONE

## **COMMISSION COMMENTS**

**Member Wachtel** notified the commission that he would not be at the October 13, 2009 public hearing due to a prior obligation.

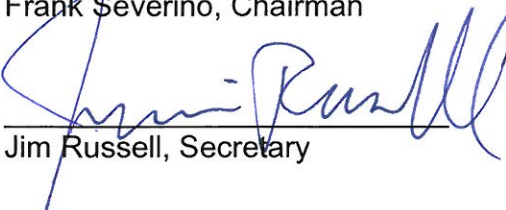
**PRESS AND CITIZEN COMMENTS**

NONE

**ADJOURNMENT**

Having no further comments from the public, staff or commissioners, Chairman Severino thanked everyone and adjourned the meeting at 12:35 p.m.

  
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Frank Severino, Chairman

  
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Jim Russell, Secretary

4/13/10  
Date

4/13/10  
Date