

**PLANNING AND LAND DEVELOPMENT REGULATION COMMISSION
PUBLIC HEARING HELD
October 31, 2007**

The Public Hearing of the Volusia County Planning and Land Development Regulation Commission was called to order by **Gary Huttman**, 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:

**GARY HUTTMANN, Chairman
DARLA LIPKE, Vice-Chairman
TAVER CORNETT, Secretary
STONY SIXMA
JIM RUSSELL
FRANK SEVERINO
JAY YOUNG**

STAFF PRESENT

**TERRY JAMES, Comprehensive Planning Manager
TOM BROOKS, Planner II
GERALD BRINTON, County Engineer
MICHAEL DYER, Assistant County Attorney
MARY ROBINSON, Building and Zoning Director
YOLANDA SOMERS, Zoning Secretary**

PUBLIC ITEMS

**2007-2008 CAPITAL IMPROVEMENT ELEMENT OF THE COMPREHENSIVE PLAN
Terry James, Comprehensive Planning Manager, Growth & Resource Mgmt**

Michael Dyer, Assistant County Attorney, explained that no quasi-judicial items were before the Board today. He stated the item before the Board is an update to the County's Capital Improvements Element. This element is updated each year as a requirement of the Comprehensive Plan. Each year County Council adopts a Capital Improvements program. Last year County Council removed a road project referred to as Segment II of the Williamson expansion. County Council since that time has entered into an interlocal agreement with the City of Port Orange for partial funding of that project. He stated it's an approximately \$16 million project, with the County providing approximately ¼ of that amount. City of Port Orange is committed to a \$4 million

contribution. A State grant of \$8 million has been awarded, with a time restriction. Construction must commence by next summer. He mentioned a Comprehensive Plan challenge due to litigation against the County filed by Intervest Construction Inc. The restoration of this project will resolve the litigation. This Special Meeting today is warranted by the County being scheduled for trial in November on the Comprehensive Plan challenge. Mr. James will explain the full details of the CIE update.

Terry James, Comprehensive Planning Manager stated there are corrections concerning some other roads. The financial feasibility for Capital Improvements for 2007-2012 is divided into three classes: A, B, C and D. Class D are unfunded facilities. Class A facilities are concurrency facilities which the Dept. of Community Affairs (DCA) gives most scrutiny to, such as mass transit, parks, potable water, roads, solid waste, storm water, waste water. He explained there will be one adoption hearing under the new procedures and then transmitted to DCA to determine whether the entire Comprehensive Plan is financially feasible. All the heavy lifting occurred with data and analysis when the Budget was passed. This procedure is rolling the actual CIP into the Capital Improvements Element of the Comprehensive Plan as a component of our requirement to maintain financial feasibility for the Comprehensive Plan as a whole. He stated the State does not have any minimum level of standards for Class A facilities other than roads and on minimum environmental standards that impact important State resources like the Wekiva River or Class II waters. The reason for the critical nature of the road program over the past few years is due to the cost of acquiring land doubling, materials doubling, impact fees and gas revenue becoming flat.

Mr. Dyer clarified Page A-95 of the Volusia County Capital Improvements Program before the Board is correct and does reflect the County funding, but to be absolutely concise it has been updated to reflect the State grant funding of \$8 million and also the City of Port Orange contribution to that overall project.

Chairman Huttman asked for clarification on the percentage of the County maintained roadway network failing concurrency.

Mr. James replied .035%

Tom Brooks, Planner II, Planning & Development Services, explained the renumbering of the pages on the CIP caused by adding a project. He called attention to updates to Page A-71, the Rhode Island extension. Funding agreements with other local governments must also be reflected in the CIP.

Chairman Huttman asked if all Members had updated pages.

Mr. Dyer suggested time be taken to distribute updates to all Commission Members.

Mr. Brooks stated changes to the dollar amounts on Page A-54, and Page A-74 (Kepler Road from SR44 to US92) changed from a 3-lane category to 4-lane and was renumbered to Page A-81 in the update. No dollar amounts changed. Pages A-70 thru

A-97 are just renumbered pages. However Page A-76 (DeBary Ave. bypass) changed to reflect a State grant of \$6 million. There is a dollar amount change to Page A-95 (Williamson to Sable Creek); \$5.3 million in the original packet, changed to \$17.3 million to reflecting the State grant and the City of Port Orange interlocal agreement approved by County Council on Oct 4, after the Budget approval. He explained the interlocal agreements will be sent to the State as supporting documentation. He stated there is also a dollar amount change to Page A-96 (Williamson Blvd, from Dunn to LPGA).

Mr. Dyer clarified for the record that the CIE before the Commission today adopts by reference the 2007/2008 CIP, with revised Pages A-54, A-55, and Pages A-70 thru A-97. A full, corrected version will go to Council on Thursday, November 1.

Mr. Brooks stated all changes now show city, state and developer contributions.

Chairman Huttman asked if \$3.3 million buys all of the right-of-way from SR44 to US92 on Kepler Road.

Gerald Brinton, County Engineer, replied studies have not begun, but they are anticipating heavy enough traffic for 4 lanes. The figure represents a best-guess at this time.

Member Cornett inquired if it included the DOT overpass.

Mr. Brinton replied yes. He stated the Program shows early feasibility, establishing what can be done, the footprint, the impacts, public meetings etc. The intersection at SR 44 would also be dealt with as part of the feasibility and evaluation process.

Mr. James spoke briefly asked the Commission to find the CIP consistent with the Volusia County Comprehensive Plan.

Chairman Huttman inquired why there are no funding partners shown for the commuter rail project in years 4 and 5 and will that be a problem when presented to DCA.

Mr. Brooks replied it has to be committed funding before it can be shown. What is shown is the FDOT loan for \$12.5 million. CIP is a snapshot. As funding is committed, it will be added. He was unsure if it would be a problem with DCA.

Mr. Brooks stated the whole road network is not judged on just individual segments. He admitted it is not consistent in some areas and is something that needs to be addressed. Figures are based on a generalized table. There hasn't been any special run of the plan analysis or time/motion studies. Many roads are at deficit when the plan analysis was done, but did not remain at deficit. He further stated the future of road building will require partners. \$14 million in this CIP is contributions from governments other than DOT.

Mr. Brinton explained the Taylor Road segment is from Williamson to the west. Design plans are done and permitted from Williamson over to a new city street in Summertrees. They are hoping they will be able to use excess funding from the other Williamson Blvd. project to do this short segment. From Summertrees out to Forest Preserve Blvd. is the next segment to the west. What is funded in the Program is \$600,000 for engineering design only. The project is moving forward in cooperation with Port Orange. Later this year potential for impact fee adjustments will be looked at as a potential source of additional funding. At the present time all projected funds are based on today's revenue sources 100% allocated. He stated they are moving forward with design from Forest Edge east to Summertrees.

Chairman Huttman asked if it should be acknowledged in the transmittal to the State that the County is working with the City of Port Orange and that the new street in Summertrees may divert some traffic. There's reason to believe there may be redistribution of traffic and things may be okay.

Member Cornett asked about the potential of being able to one-way the entire system in that area, or are we dealing with two-way standard traffic.

Mr. Brinton replied it deals with standard traffic.

Member Cornett inquired if comments to that effect could be added to create one-way traffic in an emergency evacuation situation and use it as a short-term solution to the level of service for emergencies.

Mr. Brinton and **Mr. Brooks** nodded yes. **Mr. Brooks** stated that segment was in the last CIP as a deficit and wasn't an issue. The last CIP actually had about 24 segments.

Member Cornett **MOVED** the Capital Improvement Program be forwarded to County Council with PLDRC comments and find it consistent with the Comprehensive Plan Use Plan of Volusia County. Member Sixma **SECONDED** the Motion.

Member Severino asked for the definition of the term "end of economic life" referring to routers, switches and other pieces of equipment.

Mr. Brinton responded usually economic life refers to outdated software and electrical circuits technology in use, still functioning but with excessive repair and maintenance costs.

Motion **CARRIED** unanimously.

STAFF ITEMS

None

COMMISSION COMMENTS


None

PRESS AND CITIZEN COMMENTS

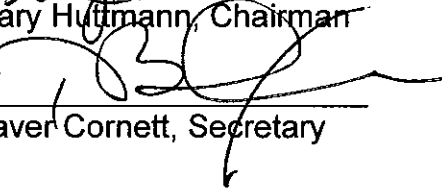
None

ADJOURNMENT

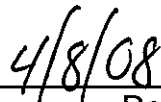
Having no further comments from the public, staff or Commissioners, Chairman Huttman thanked everyone and adjourned the meeting at 9:37 a.m.



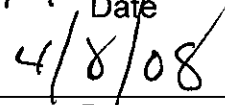
Gary Huttman, Chairman



Taver Cornett, Secretary



Date



Date