

08-02 COMPREHENSIVE AMENDMENT CYCLE WORKSHOP MEETING MINUTES

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DATE: June 18, 2008
START: 6:35 P.M.
ADJOURNED: 8:20 P.M.
LOCATION: Training Rooms 1 & 2, First Floor
Thomas C Kelly Administration Building
123 West Indiana Avenue
DeLand, Florida

STAFF PRESENT: Tom Brooks, AICP, Planner II, John Thomson, AICP, Planner III
Terry James, AICP, Planning Manager, Kelli McGee, Planning and Development Services
Director.

PUBLIC PRESENT: Aiden Magee, Environmental Council of Volusia and Flagler Counties; Mark
Watts, Attorney for Cobb Cole; Betty O'Laughlin activist; Sue Burns and Melanie Eddington,
Wilbur Improvement Association; Dale Arrington, City of DeLand Community Development
Director; David Santiago former Commissioner, City of Deltona; Clay Henderson Attorney;
James Miller, News Journal reporter; Barry Wilcox, planner for Miller, Sellen Connors and
Walsh (VGMC staff); Rafael Montalvo, Florida Conflict Resolution Consortium; Sid Preskitt,
Rosemarie Gore, Steve Strawn, Earl Deyette and Janet Deyette, City Commissioner, City of
Deltona.

FORMAL PRESENTATION VIA POWERPOINT:

Planning Manager **Terry James** gave an overview of the proposed amendments cycle or
package:

- Items 1-5 were administrative land use amendments changing property bought by the
County to conservation;
- Item 6 was the background on a change of land uses for the Daytona Beach
International Airport on 146 acres;
- Item 7 was the Environmental Core Overlay Map and text amendments. Terry gave a
background on how the ECO Map evolved over time, text language changes,
procedures and standards for current development and Transfer of Development Rights
(TDRs).
- Item 10 was an applicant amendment for Meadowlea Estates which is near the DeLand
Airport.
- Item 11 is a policy text changes for Scenic Highways in the Transportation Element.
- Item 13 was a text policy change to allow conversion of residential uses to public uses in
Policy 1.10.1.3 in the Wilbur by the Sea Local Plan; and
- Items 8, 9 & 12 were withdrawn.

The following changes were noted for correction in the PowerPoint presentation:

- Map color change to make the ECO Map clearer;
- Change the number of amendments to reflect those that were withdrawn;
- Date on VCOG resolution on ECO map should have been 2007 not 2008; and
- Wilbur spelled incorrectly on one slide in the presentation.

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PUBLIC SPOKEN COMMENTS:

Attorney **Clay Henderson** asked about why the ECO Map included Flagler Beach. Staff member **Tom Brooks** explained that a condo in Volusia County in the upper North Peninsula is served by Flagler Beach even though it is located in unincorporated Volusia County. It is the “unofficial:” 17th city of Volusia County and includes 76 residents according to the Bureau of Economic and Business Research (BEBR).

Mr. Henderson supported adding the Ormond Loop as a Map exhibit in our Scenic Highways program.

Barry Wilcox asked about the avigation easement on the Daytona Beach International Airport (DBIA) amendment. **Dale Arrington** responded by indicating that the City of DeLand will work out the issue with the avigation easement on the Meadowlea plan amendment.

Betty O'Laughlin asked general questions on annexation, density, and zoning.

Attorney **Mark Watts** asked several detailed questions on the ECO Map to get a better idea on how that map and its policies might affect several of his clients. He focused on Smart Growth Policy 1.2.1/Sections c & d, and Smart Growth Policy 1.2.3.

Planning and Development Services Director **Kelli McGee** said the policies were to encourage property owners to use smart growth principles and programs such as Transfer of Development Rights (TDRs) and conservation subdivisions in the ECO area when appropriate. The plan is just a start and will be implemented in more detail by amendments to the zoning code. A Green Ribbon Committee has also been created to review and recommend other smart growth tools such as environmental minimum standards.

Mr. Watts also asked whether Policy 1.2.3 speaks to intensity and density. The planning staff indicated that ECO addresses residential density increases but not increases in development intensity. (non residential intensity would be unaffected).

Kelli McGee then gave a historical overview including the Pandeon process to explain how the ECO Map was created.

David Santiago said the lack of details about the timeframe of the ECO development process made it difficult for property owners to know how to proceed with future projects. He also expressed concerns about the one-year process to work out minimum standards. **Kelli McGee** explained that the current ECO Map does not take away any existing entitlements on the land. Kelli explained the County's resolution of support for smart growth and how map changes might be considered in the future.

Aiden Magee spoke about Map A, Environmental Core Overlay (ECO) and the Natural Resource Management Area (NRMA). He showed the various maps of concerning smart growth. He talked about the original NRMA. He complained about developers working with cities to annex NRMA designated county land for urban development. He compared annexation to the Oklahoma land rush. He also saw Smart Growth as a subterfuge to divide up NRMA even further.

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Kelli McGee disagreed with Aiden's description of NRMA, Map A and Map B lands. The MAP A overlay did not change the NRMA land use category.

Aiden Magee spoke at length about a change in one of the County EAR policies that changed the word "accommodate" growth to "support" growth. This comment referenced the 08-01 EAR based amendments. While the comment is being noted as part of the public record, it is not change that can be made in the 08-02 amendment cycle. Planning staff noted his comment and will add his comments during at the 08-01 EAR based amendment transmittal hearing. This wording is not part of the 08-02 amendment cycle.

Aiden Magee opposed development in the flood plain and argued against giving developers any density bonuses for conservation subdivisions or implementing smart growth principles. He argued that the saved infrastructure costs from reducing the lot size is reward enough for the developers.

Sue Burns spoke against the Wilbur-by-the-Sea amendment as being too broad and open ended in terms of the County being able to convert residential land to public uses. She had suggestions at the public meeting. but it was a place holder for the text that was e-mailed to staff on June 25, 2008 **[Note e-mailed revisions are listed below]**.

Betty O'Laughlin wanted changes for minimum standards.

Kelli McGee hopes that incentives and the Green Ribbon panel will provide improved development standards for Volusia County.

Clay Henderson said he provided language on clustering. This was later addressed by the Conservation subdivision working group

Terry James said this ECO text language is general and that further policies and details will be worked out between the cities and the County through VCOG.

PUBLIC WRITTEN COMMENTS:

Sue Burns: Proposed Wilbur by the Sea Plan Amendment Revisions as emailed on 6/25/08.

Re: Text Amendment to the Wilbur-by-the-Sea Local Area Plan. “Nothing in this policy shall be construed to prevent residential single family conversions to public uses.”

After a meeting of the Wilbur Improvement Association board of directors and in reviewing the proposed Text Amendment to the Wilbur-by-the-Sea Local Area Plan it was asked the County change the wording of the amendment to be more specific.

A few of the concerns voiced are as follows:

1. *As worded above, there would be no limit to the additional properties that could be purchased and this would change the residential pattern of Wilbur-by-the-Sea.*
2. *With the broad definition of 'public use' that includes; food service, house of worship, laboratories, medical offices, plant facilities, solid waste transfer stations, treatment*

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centers, wastewater treatment plants, (just to name a few) and with no limit in the number of properties purchased this could seriously change the residential pattern of Wilbur-by-the-Sea.

3. *If any properties owned by the county are sold or rented to another entity then the property should revert back to 'single-family' and be taken out of the 'public use' designation.*
4. *The size of the parking lot could continue to grow overtaking additional single-family properties. For the size of Wilbur-by-the-Sea we have our fair share of public off beach parking as compared to neighboring municipalities.*
5. *The county has not developed any of its off beach parking areas in Wilbur-by-the-Sea to the level, standard or scenic values as it has in neighboring properties located in other municipalities. And with the county sprawling further some limits and standards are needed.*
6. *The proposed wording could weaken the overlay and be used to change the residential nature of Wilbur-by-the-Sea especially if annexed into a municipality.*

We ask that the proposed text amendment to the Wilbur-by-the-Sea Local Area Plan include the following.

1. *Be specific to the properties the county has already purchased for off beach parking, park and lifeguard substation.*
2. *Be specific to the usages of parking, park and lifeguard substation.*
3. *If these county properties are sold or leased in the future the land use would revert back to single-family. Thereby, protecting the density and single-family residential pattern of Wilbur-by-the-Sea as the Overlay was designed to achieve.*
4. *All improvements made by the county to these properties are completed in good faith, meeting scenic, setback and landscaping codes as the county would do and has done in other areas located in neighboring municipalities.*

The following are several suggestions as to how the wording could achieve the above. The first presented by me and the second by Chris Gigicos.

Suggested wording Plan 1:

Wil 1.10.1.3 Applications to convert a residential single-family property to a non-residential use or increase density shall not be allowed. However, this policy shall not prevent the planned conversion of the following 4 specific properties.

1. *Property one located at 4200 S Atlantic Ave, Wilbur-by-the-Sea, FL parcel #6312-0400-3180, shall be used as a Beach Patrol substation to include a walled lot and structure meeting all existing perimeter landscape and setback codes.*

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2. *Properties two and three located at 4211 & 4213 Oriole Lane, Wilbur-by-the-Sea, FL parcel #s 6312-0400-3630 and 6312-0400-3620 shall become part of the existing off beach parking lot and shall meet all existing perimeter landscape and setback codes.*
3. **Property four located at parcel # 6312-0400-3130 Oriole Lane, Wilbur-by-the-Sea, FL (Southwest corner of Oriole and Toronita) shall become a small children's playground meeting all existing perimeter landscape and setback codes.*

In addition, if any of the four identified county owned properties are sold or leased the land use and zoning codes would revert back to single-family residential.

** Parcel ID number needs to be checked to ensure it relates to the county owned property located at the southwest corner of Oriole and Toronita.*

Suggested wording Plan 2:

Another suggested verbiage for the code could be as follows with the additional wording if the County transfers title or ownership of any of these four properties the land use would revert back to single family residential.

Wil 1.10.1.3 Applications to convert a single residential-family to non-residential use or increase residential density shall not be allowed. This policy shall not prevent the planned conversion of three residences planned by the County to expand the existing parking lot bounded by Toronita Ave, Oriole St, Atlantic Ave and two residential properties. The expanded lot will contain a walled substation for Beach Patrol and Turtle Patrol use, a restroom facility and be upgraded to meet existing perimeter landscape and setback codes in order to maintain the scenic value prescribed in the Plan "Goal" and the residential scale prescribed in the Plan "Objective". Additionally, this policy shall not prevent the planned conversion of the undeveloped residential lot at the southwest corner of Toronita Ave and Oriole St to a children's park.

*Your help in the above matter would be greatly appreciated.
Please do not hesitate to call with any questions.*

*Sue Burns,
President,
Wilbur Improvement Association*