



Volusia Growth Management Commission

TO: VGMC Members & Staff
FROM: Merry Chris Smith, Operations Manager *MCS*
DATE: June 14, 2018
RE: VGMC Regular Meeting, June 27, 2018

Attached please find the agenda package for the regular meeting of the VGMC scheduled for Wednesday, June 27, 2018 beginning at **7:00 p.m. in the County Council Chambers in DeLand**

PLEASE NOTE: This meeting was originally scheduled to be held in Daytona Beach, however, the location has been moved to the County Council Chambers in DeLand.

If you have any questions or are unable to attend, please let me know at your earliest possible convenience.

Thank you and I look forward to seeing you on the 27th.

Volusia Growth Management Commission Meeting Notice and Agenda

7:00 p.m.

June 27, 2018

Thomas C. Kelly Administration Center
Frank T. Bruno, Jr. County Council Chambers
123 W. Indiana Avenue
DeLand, FL

- I. Call Meeting to Order
- II. Roll Call
- III. Citizen Comments on matters other than scheduled hearings
- IV. Approval of Minutes:
 - 1) March 28, 2018 Regular Meeting
- V. Public Hearings
 - 1) Consideration of VGMC Resolution #2018-03, City of Lake Helen large scale amendment application (VGMC Case No. 18-017)
- VI. Report from Planning Consultant
- VII. Report from Legal Counsel
- VIII. Report from Commission Operations Manager
- IX. Report from Commission Chairman
- X. Reports from Committees:
 - 1) P.O.P. Report
 - 2) Budget Report
 - a) 2017-18 Year to Date Expenses
 - b) 2018-19 Budget Update
- XI. Old Business
- XII. New Business
 - 1) Election of Vice Chair
- XIII. Commissioner Requests or Remarks
- XIV. Adjournment

If a person decides to appeal any decision by the VGMC of any matter considered at such public meeting, (s)he will need to ensure that a verbatim record of such meeting is made, which record includes the testimony and evidence upon which the appeal is based.

In accordance with The Americans with Disabilities Act (ADA), if a person with a disability as defined by the ADA needs special accommodation to participate in this proceeding, (s)he should contact the VGMC office at least 48 hours prior to the proceeding at 140 S. Beach, Suite #305, Daytona Beach, FL, 32114, (386) 947-1875.

Volusia Growth Management Commission Meeting

MINUTES FOR
MEETING HELD
Wednesday, March 28, 2018

Daytona Beach City Commission Chambers
301 S. Ridgewood Avenue
Daytona Beach, FL

MEMBERS PRESENT

Debbie Connors, Chair
Sid Vihlen, Jr., Vice Chair
Loretta Arthur, Secretary
Rich Walton
Larry Saffer
Mary Swiderski
Teresa Pope
Joseph Hammett
Robert Lovelace
Robert Storke
Harold Briley
Christy Gillis
John Meikle
Glyn Slay
James Wachtel

REPRESENTING

Port Orange
DeBary
Holly Hill
Daytona Beach
Daytona Beach Shores
DeLand
Edgewater
Lake Helen
New Smyrna Beach
Orange City
Ormond Beach
South Daytona
Volusia County
Volusia County
Volusia County

MEMBERS NOT PRESENT

Sandy Lou Gallagher
Mark McGee

Deltona
Oak Hill

NON-VOTING MEMBERS

Sara Lee Morrissey (not present)
Steven Fitzgibbons (not present)

Volusia Co. School Board
SJRWMD

OTHERS PRESENT

Heather Ramos, GrayRobinson, General Counsel
Chris Dougherty, Littlejohn, Planning Consultant
Merry Chris Smith, VGMC Operations Manager

CALL TO ORDER

VGMC Chair Debbie Connors called the meeting to order at 7:00 p.m. and welcomed everyone in attendance.

ROLL CALL

Roll call was taken and it was determined there was a quorum present.

Chair Connors announced that Roger Sonnenfeld recently resigned from the commission, and she welcomed Joseph Hammett representing the City of Lake Helen and Teresa Pope representing the City of Edgewater.

CITIZEN COMMENTS

There were no citizens present who wished to speak at this time.

APPROVAL OF MINUTES

Rich Walton made a motion to approve the minutes of the January 24, 2018 regular meeting of the commission as presented; seconded by Harold Briley. Motion carried unanimously.

Robert Storke joined the meeting.

PUBLIC HEARING

Consideration of VGMC Resolution #2018-02 rescinding certain VGMC review requirements pertaining to the City of Daytona Beach Mixed Use land use district:

Chris Dougherty, VGMC professional planning consultant, addressed the commission. He presented a power point and provided background and history relating to the request. A copy of the power point presentation is on record at the VGMC office.

Mr. Dougherty explained this matter relates to a VGMC resolution (#94-2) approved in 1994 which related to an annexation of approximately 16,000 acres into the City of Daytona Beach. He displayed maps of the entire property, as well as a 489 acre area north of LPGA Boulevard (formerly known as 11th Street) and east of I-95 which the City was proposing to designate as mixed use.

Mr. Dougherty stated the concern at the time related to the 489 acres being designated as mixed use and the inability to quantify the impacts without knowing what the actual land use would be. He stated the VGMC at the time gave the City the option to apply specific development standards to the mixed use category that would allow the VGMC and other agencies to evaluate the impacts. Or, the City could amend their comprehensive plan and include a requirement in Neighborhood V that all mixed use lands east of I-95, north of LPGA, be zoned as planned development (PD) and the PD's would be submitted to the VGMC for review. Mr. Dougherty discussed the confusion with respect to applying the requirement in Neighborhood V. He stated that Neighborhood V is located entirely west of I-95 and does not include the subject 489 acres.

The City opted to require the development in the mixed use areas be approved as a planned development with the PD's submitted to the VGMC for review. Mr. Dougherty stated the City

went above and beyond in applying the condition, and instead of applying it to the specific area east of I-95 and north of LPGA, they applied it to all mixed use land east of I-95. Mr. Dougherty emphasized that the VGMC is only looking at the 489 acres specified in the original resolution and the commission does not have purview over the remaining mixed use areas east of I-95. He stated the request is to strike from the original resolution condition the requirement that the PD's in the mixed use area be reviewed by the VGMC.

Mr. Dougherty discussed the coordination efforts the City has made with respect to planning in the general area of the subject amendment, particularly with respect to the road network in and around the interchange, as well as the development which has occurred already. He also pointed out that only 238 of the original 489 acres have yet to be rezoned to a PD.

Mr. Dougherty stated the City of Daytona Beach has done a good job in planning for the development in the area. He also stated there were no comments or objections received from any other unit of local government relating to the application, and staff recommends the commission rescind the condition requiring PD review of the mixed use land use category east of I-95 and north of LPGA Boulevard.

Doug Gutierrez, planner with the City of Daytona Beach, stated he had nothing to add to Mr. Dougherty's report, but was available to address any questions of the commission members.

Chair Connors commented on the additional research that went into the review of the application in order to provide clarity.

Commissioner Wachtel asked what precipitated the public hearing if no other units of local government objected. Mr. Dougherty explained that because it was a condition of a prior resolution which was approved by the commission at a public hearing, then it requires a public hearing before the commission to remove it. He added that the recommendation does not change any other conditions of approval in the original resolution, and also that we will continue to review land use changes, just not PD's.

Commissioner Wachtel spoke of the development in the area and asked if the TPO or others have weighed in on the traffic analysis. Mr. Dougherty stated the County did not issue comments on the application and the TPO was not involved in the application process. He further added that development in this area will still be approved as a PD, it just wouldn't require VGMC review if the commission approves the request tonight. Mr. Gutierrez stated the road network in the area is a work in progress. He stated the City is working with the County, TPO, DOT and others to address transportation impacts.

James Wachtel made a motion to approve VGMC Resolution #2018-02; motion seconded by John Meikle. Motion carried unanimously. Chair Connors thanked VGMC staff and Mr. Gutierrez for their work on this application.

REPORT FROM PLANNING CONSULTANT

Mr. Dougherty reported that the VGMC has received 27 new applications just since the start of 2018. He also reported that we have two applications pending with which we've received requests for hearing. Specifically: 1) City of Lake Helen large scale amendment – a request for hearing was received from the City of DeLand. He stated VGMC staff has met with representatives from both local governments and they are communicating with each other to hopefully work toward a resolution; and 2) Volusia County large scale amendment – a request for additional information and hearing was received from the City of Orange City and VGMC staff has invited both jurisdictions to meet to try and resolve the issues. Mr. Dougherty added that VGMC staff did not issue a Request for Additional Information (RAI) on either the Lake Helen or Volusia County applications.

Commissioner Swiderski commented that both DeLand and Deltona were part of the Southwest Activity Center which is the subject of the pending Volusia County application. Mr. Dougherty responded that Orange City is the only jurisdiction that commented on the application.

REPORT FROM LEGAL COUNSEL

No report at this time.

REPORT FROM COMMISSION OPERATIONS MANAGER

No report at this time.

REPORTS OF COMMISSION CHAIRMAN

No report at this time.

REPORTS OF COMMITTEES

POP Committee: Committee Chairman Sid Vihlen reported the committee did not meet prior to the regular meeting and there is no report at this time.

Budget Committee: Committee Chair Loretta Arthur stated the proposed 2018-19 budget was previously brought before the commission for discussion at the January 24, 2018 meeting. She stated the Budget Committee met immediately prior to the regular meeting tonight, and the committee is unanimously recommending the commission approve the proposed 2018-19 budget as presented. The recommendation from the Budget Committee serves as a motion and second.

There being no further discussion, Chair Connors called the question and the motion to approve the proposed 2018-19 budget as presented was unanimously approved.

OLD BUSINESS

None.

NEW BUSINESS

None.

COMMISSIONER REQUESTS OR REMARKS

Commissioner Arthur asked for clarification relating to the distribution of new applications that are submitted to the VGMC. Ms. Smith explained that the applicant local government is responsible for distributing the application to each of the other units of local government. Once the application is received by the VGMC office, Ms. Smith stated she issues a notice of application which includes time frames for a local government to petition for hearing. She stated she distributes the notice of application to all of the units of local government and posts it on the VGMC website as well. Ms. Smith added that any requests for additional information issued are also distributed to all of the units of local government. Ms. Arthur asked if a unit of local government is required to acknowledge receipt of another local government's application to the VGMC. Ms. Smith responded they are not, adding that the application requires the applicant government to identify what method of delivery was used to distribute the application to the other local governments. She stated the question of confirming delivery was previously raised during the rules review and it was determined that we could not require a local government to acknowledge receipt. The discussion at the time was since there would be indication on the application it was distributed by the applicant government, then followed up with a notice of application distributed by the VGMC office to all local governments, and also posted on the VGMC website, the procedures were sufficient.

Commissioner Wachtel commented favorably on the foresight and efforts by the City of Daytona Beach many years ago in planning for development in the area around the I-95/LPGA Boulevard interchange.

ADJOURNMENT

There being no further business, the meeting was adjourned at 7:40 p.m.

Attest: Secretary

Chairman

RESOLUTION 2018-03

A RESOLUTION OF THE VOLUSIA GROWTH MANAGEMENT COMMISSION CONCERNING THE CITY OF LAKE HELEN'S LARGE SCALE AMENDMENT APPLICATION, VGMC CASE NO. 18-017 FOR 47 ACRES OF PROPERTY LOCATED IN THE NORTHWEST QUADRANT OF THE ORANGE CAMP ROAD AND I-4 INTERCHANGE; PROVIDING FINDINGS OF FACT AND CONCLUSIONS OF LAW; CERTIFYING THE APPLICATION SUBMITTED BY THE CITY OF LAKE HELEN AS CONSISTENT AND PROVIDING AN EFFECTIVE DATE.

BE IT RESOLVED BY THE VOLUSIA GROWTH MANAGEMENT COMMISSION:

Section 1. Findings. The Volusia Growth Management Commission hereby makes the following findings of fact:

1. On February 1, 2018, the VGMC received a large-scale future land use amendment application from the City of Lake Helen. The application was assigned VGMC Case No. 18-017.
2. Lake Helen's application consists of a proposed large scale future land use amendment for 47 acres of property located in the northwest quadrant of the Orange Camp Road and I-4 interchange from County Rural and County Commercial to City Employment Center. The amendment is contingent upon Lake Helen annexing the property.
3. Planning staff for VGMC did not issue a request for additional information ("RAI").
4. A RAI was issued by the City of DeLand and was distributed to all units of local government on February 16, 2018. A response to the RAI from Lake Helen was received on February 28, 2018 and distributed to all units of local government on March 5, 2018. With the exception of the City of DeLand, no other units of local government provided comments.
5. The VGMC timely received a Petition for Public Hearing filed by the City of DeLand.
6. A public hearing was scheduled before the VGMC on April 25, 2018. On April 18, 2018 Lake Helen and DeLand requested a 30-day continuance of the public hearing. On April 19, 2018, Lake Helen waived the 90-day VGMC hearing requirement and DeLand waived the 60-day VGMC public hearing requirement. An additional 30-day continuance was requested by both cities on May 4, 2018.
7. Planning staff for VGMC prepared a staff report dated June 11, 2018, a copy of which is attached hereto as **Attachment A** and incorporated herein in its entirety. Planning staff has found that while the effects of the City of Lake Helen's plan amendment are not *de minimus*, through concurrency and proportionate fair share requirements, the developer of the property will be responsible for mitigating resulting impacts at the time of development. Planning staff further found that given the location of the subject property as adjacent to an I-4 interchange, the availability of utilities, and economic development goals for the area, that Lake Helen's proposed amendment is consistent with the trends and plans for the area. Planning staff recommends that the VGMC Commission certify the City of Lake Helen's application as consistent.

Section 2. Conclusions of Law.

1. Section 90-37(f) of the VGMC Consistency Certifications Rules provide that “The commission may deny certification where a preponderance of the evidence, as determined by the commission, establishes that the proposed plan, element or plan amendment is not consistent with other comprehensive plans and adversely affects intergovernmental cooperation and coordination based on the criteria contained in Section 90-37(c) above.”

2. The VGMC Commission concludes that Lake Helen’s proposed future land use amendment is compatible with adjacent or comprehensive plans of other jurisdictions, and that the proposed amendment does not adversely affect intergovernmental cooperation and coordination.

3. The City of Lake Helen’s large scale amendment, VGMC Case No. 18-017, is found consistent with the plans of adjacent and/or affected jurisdictions and will not adversely affect intergovernmental cooperation or coordination among the jurisdictions of Volusia County.

4. As it relates to the amendment subject to this certification, all proposed changes or amendments to be made or adopted to Lake Helen’s Comprehensive Plan in response to a compliance agreement pursuant to Florida Statute Section 163.3184(6) or a directive from the Administrative Commission pursuant to Florida Statute Section 163.3184(8) (collectively referred to as “Remedial Amendment”), must be submitted to the Volusia Growth Management Commission as additional information to the original application pursuant to Volusia County Code Section 90- 37(i) and the VGMC may “determine in its sole discretion that the additional information changes the facts and circumstances of the prior certification. . . .” If such a determination is made, the VGMC may reopen and reconsider the certificate of consistency.

Section 3. Effective Date. This Resolution 2018-03 takes effect immediately upon its adoption.

RESOLVED this 27th day of June, 2018.

**VOLUSIA GROWTH MANAGEMENT
COMMISSION**

By: _____
Debbie Connors, Chair

ATTEST:

Loretta Arthur, Secretary

[signatures continued on next page]

APPROVED AS TO FORM, CONTENT AND LEGALITY.
FOR USE AND RELIANCE OF THE VOLUSIA
GROWTH MANAGEMENT COMMISSION ONLY.

Heather M. Ramos, GrayRobinson, P.A.
General Counsel to the Volusia Growth Management Commission

FILED WITH THE SECRETARY THIS _____ DAY OF _____, 2018.

Merry Chris Smith, VGMC Operations Manager

Attachment A

Planning Consultant Report: VGMC Case No. 18-017 – Lake Helen Large Scale Amendment



Memorandum

To: Debbie Connors, Chair

From: Chris Dougherty, AICP

Cc: Merry Chris Smith, Operations Manager

Date: June 11, 2018

Subject: Planning Consultant Report: VGMC Case No. 18-017 – Lake Helen Large Scale Amendment

Introduction

The purpose of this memorandum is to provide a staff report regarding a large scale future land use map amendment proposed by the City of Lake Helen and to evaluate whether or not, according to the information provided by the submitting unit of local government, there may reasonably be significant adverse impacts as a result of the amendment. The amendment included in this report is the result of the subject property being annexed into the City of Lake Helen. This package includes a large scale future land use amendment from County Rural and County Commercial to City Employment Center.

Summary

VGMC Case No. 18-017 – Lake Helen was received by VGMC staff and deemed complete on February 1, 2018. In accordance with VGMC requirements, the case has been reviewed and, based on the information provided in the application, a summary of the amendment is provided below.

1. The subject property is located in the northwest quadrant of the Orange Camp Road and I-4 interchange.
2. The subject property comprises approximately 47 acres.
3. The subject property is currently undeveloped.
4. Characteristics of the surrounding area:

Direction	Existing Land Use	FLUM Designation	Zoning Districts
North	Undeveloped	DeLand New Community Development (NCD)	DeLand Planned Development (PD)
East	Undeveloped/I-4 ROW	Lake Helen Employment Center	Lake Helen Employment Center Workplace
South	Undeveloped/I-4 ROW	County Commercial	County B-6, BPUD, & A-2
West	Single Family Residential	DeLand NCD	DeLand PD

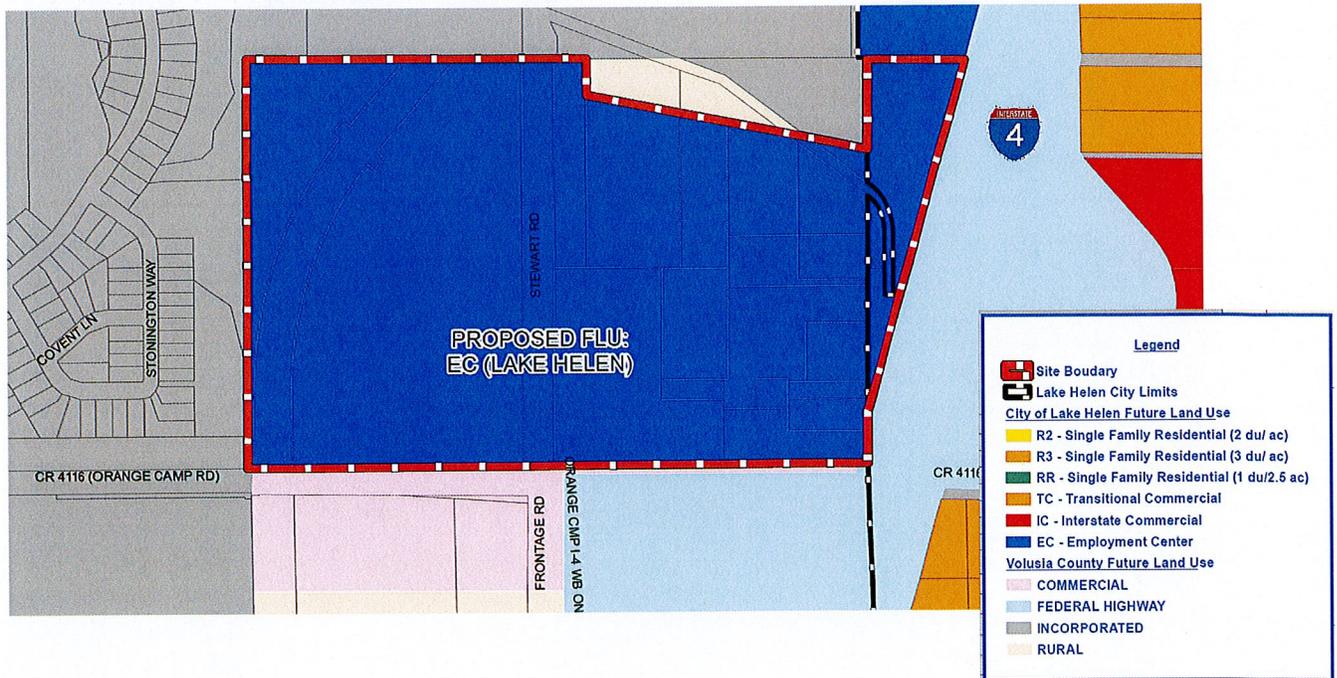
5. The subject property has two adopted future land use designations, County Rural and County Commercial. This amendment proposes to change the future land use to City Employment Center.



- a. County Rural (28.86 acres) allows a residential density of 1 dwelling unit per 5 acres, or up to 1 dwelling unit per acre and 0.25 floor area ratio if adjacent to an urban land use.
 - b. County Commercial (18.14 acres) allows a maximum 0.55 floor area ratio (FAR).
 - c. City Employment Center (47 acres) allows a maximum 0.55 FAR.
6. There is a concurrent application proposing a rezoning from County A-2 (Rural Agriculture), A-3 (Transitional Agriculture) and B-6 (Highway Interchange Commercial) to City Planned Development (PD).
 7. Existing and Proposed Future Land Use

Existing Future Land Use	Acres	Floor Area Ratio (FAR)	Non-Residential Sq Ft	Maximum Density	Units
County Commercial	18.14	0.55	434,598	-	-
County Rural	28.86	-	-	1 unit per acre	28
Proposed Future Land Use					
Lake Helen Employment Center	47	0.55	1,126,025	-	-
Net	-	-	+691,427		-28

Proposed Future Land Use Map





Request for Additional Information (RAI)

Prior to the receipt of the application, VGMC received a letter from Honorable Mayor Robert F. Apgar (City of DeLand) to the City of Lake Helen dated January 18, 2018 (**Exhibit 1**). This letter included several concerns regarding the proposed use and requested coordination with the City of Lake Helen.

Within the review period, the City of DeLand issued an RAI to the City of Lake Helen dated February 15, 2018 (**Exhibit 2**), which generally consisted of the following:

- Commercial Needs
- Environmental Analysis
- Utility Connections
- Traffic Impacts
- Land Use Compatibility

A response was issued by the City of Lake Helen and received by VGMC dated February 28, 2018 (**Exhibit 3**). DeLand submitted a petition for a public hearing on March 1, 2018 (**Exhibit 4**).

Units of Local Government Outreach

All units of local government were engaged and each was provided notice of Lake Helen's application for review and comment on February 1, 2018. A request for additional information (RAI) was issued by the City of DeLand, which was distributed to all units of local government on February 16, 2018. The response to the RAI from the Lake Helen was received on February 28, 2018 and distributed to all units of local government on March 5, 2018. Except for the City of DeLand, there were no other commenting units of local government.

At the request of the VGMC, representatives from VGMC, DeLand, Lake Helen, and the applicant met in DeLand on March 21, 2018 to discuss the RAI issued by the City of DeLand. At this meeting, many resolutions were discussed with respect to concerns identified by DeLand, but not all issues were resolved. Most of the issues were related to the PD zoning district, architecture, building orientation and placement, building massing, buffers, and how the property would be served by utilities.

On April 18, 2018, during constructive discussions regarding the amendment, the cities of Lake Helen and DeLand requested a 30-day continuance of the public hearing. On April 19, 2018, the City of Lake Helen waived the 90-day VGMC hearing requirement and the City of DeLand waived the 60-day VGMC public hearing requirement, placing the next available hearing date on May 23, 2018.

Continued discussions ensued as both parties worked toward a resolution. An additional 30-day continuance was requested by both cities on May 4, 2018, which moved the hearing to June 27, 2018.



Analysis and Recommendation

VGMC planning staff reviewed VGMC Case No. 18-017 – Lake Helen Large Scale Amendment to change the future land use from County Commercial and County Rural to City Employment Center. Staff finds that the change in future land use does create additional impacts on the road network and infrastructure in the surrounding area as a result of increasing the maximum floor area ratio to 0.55 for approximately 28.86 acres currently designated County Rural. Although these impacts would not be considered de minimis, through concurrency requirements and proportionate fair share, the developer would be responsible for mitigating these impacts at the time of site development. Additionally, given the location of the subject property adjacent to an I-4 interchange, availability of utilities, and economic development goals, this amendment appears to be consistent with the trends and plans for the interchange area.

Based on the information submitted and the findings outlined above, staff recommends that the Commission certify this amendment as consistent by approving Resolution No. 2018-03.

VGMC Exhibits

1. Letter from DeLand, January 18, 2018
2. City of DeLand RAI, February 15, 2018
3. City's RAI Response, February 28, 2018
4. Petition for Public Hearing, March 1, 2018



City of DeLand

"The Athens of Florida"

www.deland.org

120 South Florida Avenue
DeLand, Florida 32720-5481
Telephone: (386) 626-7000
Fax: (386) 626-7140

January 18, 2018

Mayor Daisy Raisler
PO Box 39
Lake Helen, FL 32744

RE: Auto Mall Annexation

Dear Mayor Raisler and City Commissioners:

The City of DeLand and the City of Lake Helen share a long history. We share many common goals and values for our communities and have a history of working cooperatively. For example, in the Volusia County School Board's last redistricting process, Lake Helen's high school students were zoned out of the DeLand High School district. Lake Helen wanted its children to follow their long historical attendance at DeLand High School. We supported you in that effort with a positive result.

Lake Helen has been judicious in protecting its very small town quaint ambience and quality of life, resisting development that would impact that. Many of your citizens are content with Lake Helen just the way it is. As a result, your residents have traveled to DeLand and other neighboring cities for goods and services. Since the proposed Auto Mall is west of I-4, you will retain that quality of life but the impacts of this proposed development will significantly affect DeLand residents' quality of life and our community.

Lake Helen will receive the ad valorem and other revenue from the proposed development. We recognize that Lake Helen has had revenue issues as you have been near the 10 mil cap. In fact, your staff in the past has met with our staff to see if you could contractually obtain fire services from us to save money. Our community and citizens will bear the significant burdens of this mega development – traffic (including vehicle test drives in the area around the Auto Mall), noise, vehicle delivery trucks, different development and gateway standards and dealership vacancies for some undetermined period of time along Woodland Boulevard for those that relocate to the Auto Mall. As discussed later in this letter, these are the types of concerns along with others, we would like to discuss with Lake Helen. Your citizens too will feel the traffic impacts as they come to DeLand plus vehicle test drives in your neighborhoods.

As former DeLand dealerships are vacated, the City of DeLand will lose tax revenue and other revenue such as franchise fees. However, more importantly, the appearance of economic decline will be created along the South Woodland Boulevard, a gateway to DeLand. Vacant buildings are often code enforcement problems and subject to vandalism and other activities, requiring law enforcement action.

We view the developer's request to annex into Lake Helen as a preemptive strike seeking the perceived path of least resistance to maximize the developer's goals and ambitions. The developer first had discussions with the City of DeLand but as the project grew in size and scope resistance was met at the staff level. The developer hosted multiple community meetings in DeLand with extremely large crowds expressing their concerns and significant opposition to the project as proposed.

The developer then submitted plans for development to Volusia County but it was never heard by the County Planning and Land Development Regulations Commission (PLDRC). Those same DeLand citizens have expressed opposition to the PLDRC members & Volusia County Council by letters and emails. Was resistance

received from the County staff to the project's scope and intensity? Suddenly and much to our surprise, on January 12, 2018 we were advised by Mr. Watts, the developer's attorney, (which notice was appreciated), that the developer had petitioned to annex the whole project into Lake Helen. Further, we learned that on January 22, your PLDRC will consider this annexation and on January 25, the Lake Helen City Commission in a Special Meeting at 9 am, will consider first reading of the annexation ordinance and land use amendments. We acknowledge that part of the project has always been in Lake Helen, but the property to be annexed abuts Victoria Park in DeLand. Why the sudden change in direction? And why the special meeting?

Our city attorney will be stating our legal objections to the annexation. Part of the property is in our water and sewer service area and we have the right to provide that service. In accordance with our utility service agreement with the County of Volusia, if we chose to provide water service, the property must agree to annex into DeLand. If we decline that service, then the developer may seek water and sewer from another source or develop its own package plant. This annexation deprives us of that choice.

Do you have the capacity to provide this development with all municipal services, water, sewer, code enforcement, police and fire? Will your comprehensive plan levels of service be affected and what does that plan say about the sources of utility service? Your staff has had prior conversations with our staff about providing some city services to the part of the property in Lake Helen west of I-4 when it appeared that part of the property would be annexed into DeLand and elsewhere in Lake Helen. What future impacts will this mega commercial development have on the east side of I-4? Will it attract other large scale development east of I-4? Certainly, other commercial activity will be attracted to this exit. How will development of the other quadrants change the traffic at that I-4 exit and the design of the exit?

The Victoria Park DRI development order (DO) was jointly adopted by our two cities. Since DeLand, at this point, is unsure whether the bounds of the proposed Auto Mall are solely within the proposed annexation area or extend to the north to property subject to the DO, please recall that any changes to that DO to allow this development should be jointly approved. Obviously, our cities saw the need and wisdom to plan jointly the property in our respective jurisdictions west of I-4 for the large Victoria Park development. Doesn't that same joint planning effort make sense for this mega commercial development?

DeLand adopted a 2050 Vision Plan in 2011 which contemplated that the most significant office/commercial/retail development adjacent to the interstate was to be at the 472 and SR44 exits on I-4, not Orange Camp Road. The Auto Mall is not driven by good planning practices but is driven by franchise agreements that require a certain distance between like automobile brand dealerships. To date you have done no prior planning for this property. We have.

Our staff and I recognize that if our City Commission could not reach an agreement on the size, scope, uses and intensity of development of this project in DeLand, or served by us, that the developer had the option to withdraw any application and seek a "better development deal" either with Volusia County or Lake Helen. I acknowledge that could have been an outcome. We believe that we should have had that opportunity before seeking annexation into Lake Helen. Annexation into DeLand would have required, in our view, cooperation with Lake Helen.

Our staff and the City Commission strongly believe that it is in the best interest of both our cities and Volusia County that any project at that proposed location be jointly planned with part in Lake Helen and part in DeLand, assuming we could agree on the scope and intensity of the development. It would require inter local agreements on a number of issues. While cumbersome for the developer and both cities, it is truly in the best interest of the citizens we serve to best achieve a project of a scope that both cities can embrace. This is the approach good neighbors should take. That is exactly what happened with the Victoria Park DRI DO.

While the DeLand City Commission has never taken a position on the currently proposed mega project, we envisioned that once the County PLDRC had made a recommendation to the County Council that we would take some formal action on that proposal after a city public hearing process and forward our input to the County

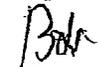
Council for their consideration. Whether you proceed with or without the prior joint meeting, requested below, we will take official positions on the then proposed development and will be at every meeting to voice our City's concern and position on the proposed Auto Mall. The geographic location of the proposed annexation and impacts on our city clearly signifies that we should have a strong voice at the decision making table.

We respectfully request the following:

1. Please reschedule your January 22 and January 25 meetings for multiple reasons.
 - a) Opponents of the Auto Mall project will have relatively short notice of these meetings. They are somewhat organized but our thought is they will feel that this change of course is now being accelerated to avoid their voices being heard and they will want time to organize.
 - b) You will need to secure a venue to hold your meetings on the project that will house a very large crowd, estimated to be 150-300 people. We are happy to offer the Sanborn Center or our commission chambers but dates would need to be coordinated.
 - c) A 9 am, January 25th meeting with short notice will require some opponents to take off of work to attend, or resolve other commitments. On a personal note, I, as the principal spokesperson for DeLand, have plans to be in Connecticut to visit family. I am prepared to change those plans because of the importance of this to the citizens I serve. For all these reasons, please consider holding your special meeting late in the day on February 1 or February 8 for example. That provides more notice and a better opportunity for people to attend.
2. Notwithstanding the forgoing, before proceeding as scheduled, we request a joint workshop with the Lake Helen City Commission to discuss this matter at our earliest convenience. Good partners and neighbors try to resolve issues and discuss concerns before taking actions that will negatively impact the other. We do not want to become adversaries with Lake Helen, but we must and will vigorously protect the interests of our City and its citizens.

Thank you in advance for your consideration of our request. We look forward to your prompt response.

Respectfully,



Robert F. Apgar
Mayor – Commissioner

cc: City Commission
Lake Helen Commission
Lake Helen PLDRC
Jason Yarbrough, City Administrator
County Council Members
Jim Dinneen, County Manager
Brendan Hurley
Mark Watts
Volusia Growth Management Commission
Tom Cloud
West Volusia Beacon
Daytona Beach News Journal

From: Mike Holmes <Holmesm@deland.org>
To: VGMC <vgmc@volusia.org>
CC: "cdougherty@smeinc.com" <cdougherty@smeinc.com>, Rick Werbiskis <werbisk...>
Date: 2/15/2018 4:35 PM
Subject: Lake Helen amendment #18-017
Attachments: Lake Helen Auto Mall Annexation.pdf

VGMC Chair

The City of Deland has reviewed the proposed amendment from the City of Lake Helen (VGMC #18-017) to change approximately 42 acres from Volusia County Rural and Commercial land use categories to Employment Center. The City of DeLand is requesting the following additional information from the applicant in order to complete our review and ensure consistency with DeLand's long-range planning initiatives.

With respect to the submitted responses in the application:

Commercial Needs Analysis

Please provide information on the proximity of commercial development within the Victoria Park development.

Please describe how the Employment Center (EC) designation integrates with and supports the Guidelines of the adjacent New Community Development Designation.

Environmental Analysis

If the City of DeLand, City of Lake Helen and Volusia County are unable to provide potable and reclaim water and sanitary sewer service, please provide an analysis with respect to the impacts of providing on-site well water and disposal of on-site treatment of waste water. The City of DeLand has invested extensive monetary and personnel resources to ensure the future viability of our critical environmental resources, including the Blue Spring, and we need to be assured that any on-site systems do not adversely impact this investment.

Urban Sprawl Analysis

(i) If the City of DeLand, City of Lake Helen and Volusia County are unable to provide water and sanitary sewer service, please provide an analysis with respect to the impacts of providing on-site well water and disposal of on-site treatment of waste water

(ii) If the City of DeLand is unable to provide water and sanitary sewer service, please describe how public infrastructure and services will be provided that are cost-effective.

(vii) Please outline how EC designation creates a balance of land uses, especially with respect to the adjacent New Community Development Designation, based upon the demands of the residential population for the nonresidential needs of the area.

Comprehensive Plan Compliance

Please describe how the EC designation will be in compliance with, and compatible with, the adjacent New Community Development Designation.

In addition, we respectfully request the following additional information:

1. The subject property is located inside the City of DeLand's Utility Service Area, however there has been a lack of coordination with DeLand as to how or if the services can be provided to the project.

2. The subject property is located in the vicinity of an I-4 interchange; however the intensity of the land use category being proposed exceeds the intensity the City of DeLand was envisioning for this location in our 2050 Vision Plan. The proposed land use category is the most intensive allowed in the Lake Helen Plan. The City of Lake Helen Comp Plan contains other land use categories that would be more appropriate at this location. Is there an analysis that explains why another category was not selected that would provide for commercial development that serves the traveling public and the area's residents and

still be fairly compatible with the low density residential that borders the subject property along the western boundary?

3. Due to the undeveloped nature of all four quadrants of this interchange, there should be a joint planning effort between Lake Helen and DeLand to ensure development that ultimately occurs does not adversely impact either jurisdiction, especially considering the proposed switch to more intensive commercial uses prior to amendments being considered.

4. The workplace category was planned north of the subject property located along side another arterial that would have dispersed the traffic rather than placing all traffic on Orange Camp Road. The TIA shows the traffic being evenly split east and west, however with the commercial uses attracting interstate users the interchange should be re evaluated for needed improvements.

5. Attached is a letter from the Mayor of DeLand that requests coordination with the City of Lake Helen for the planning around the I-4 interchange.



February 28, 2018

Ms. Merry Chris Smith, Operations Manager
Volusia Growth Management Commission
140 South Beach Street, Suite 305
Daytona Beach, FL 32114

**Re: City of Lake Helen (#1611/1)
VGMC Case No. 18-017/Large Scale Amendment
Project No. 2014035**

Dear Ms. Smith:

We are in receipt of correspondence dated February 15, 2018 regarding a Request for Additional Information from the City of DeLand. The following provides responses to the request.

Commercial Needs Analysis

Please provide information on the proximity of commercial development within the Victoria Park development. Please describe how the Employment Center (EC) designation integrates and supports the Guidelines of the adjacent New Community Development Designation.

Response: The commercial development within the Victoria Park available at this time is neighborhood commercial which serves the immediate needs of the development and is located to the southwest of the proposed amendment.

The City of Lake Helen conducted visioning sessions for their community in 2012 and 2013 to address economic development strategies and retained the services of the East Central Florida Regional Planning Council (ECFRPC). The ECFRPC report entitled "West Lake Helen Economic Development" (See attached) dated May 2014 analyzed the potential for development of the properties on the City of Lake Helen's west side, near the I-4 Interchange. The study area also included vacant properties west of I-4 within unincorporated Volusia County. A 3-mile and 5-mile market assessment was conducted. Results of the study indicated that based on the economic concentration analysis, there may be opportunities for Lake Helen in the accommodation and food services, manufacturing, educational services, transportation, warehousing industries, grocery and retail sales. According to the study, the residents of the market assessment areas spend most of their money on transportation, healthcare, and groceries. The proposed amendment will assist in meeting these needs. In addition, the University of Central Florida provided data that indicated that within the 5-mile radius the total population in 2013 was 126,367 and consisted of 47,663 households. The proposed amendment will assist in serving the regional needs of the population, local needs of the population, and the traveling public.

1162 Camp Ave., Mount Dora, FL 32757. Phone (352) 385-1940 Fax (352) 383-4824

The applicant is requesting the amendment to meet the projected needs as outlined in the report and also in response to changes in the automobile industry which shows the commercial need and location on I-4.

Review of the transportation maps associated with the City of DeLand comprehensive plan also indicates that the highest growth area is in the vicinity of the I-4 interchange with Orange Camp Road and Orange Camp Road is designated as a truck route.

Environmental Analysis

If the City of DeLand, City of Lake Helen and Volusia County are unable to provide potable water and reclaim water and sanitary sewer service, please provide an analysis with respect to the impacts of providing on-site well water and disposal of on-site treatment of wastewater. The City of DeLand has invested extensive monetary and personnel resources to ensure the further viability of our critical environmental resources, including the Blue Spring, and we need to be assured that any on-site systems do not adversely impact this investment.

Response: The City of DeLand provided the applicant with a utility available letter in June 2017 indicating they would and had capacity to serve the proposed development (please see attached).

When the Victoria Park DRI was approved, the City of DeLand agreed to provide utilities to the existing EC land use located within the City of Lake Helen; therefore, the City of Lake Helen anticipated that the City of DeLand would provide utilities to the subject amendment property due to the City of DeLand's previous commitment. In addition, the City of Lake Helen had previously made inquiries to the City of DeLand regarding utility availability to service development within the City and had received favorable responses from the utility department.

It is the desire of the City of Lake Helen that the City of DeLand serve the proposed development with utilities and an agreement can be entered into regarding the provision of utilities. Preliminary discussions have begun with city officials.

If the City of DeLand does not serve the development it will be only because the City of DeLand makes a conscious and intentional decision not to serve it as it is the intent of the applicant and City of Lake Helen that the City of DeLand be the utility provider.

Should the City of DeLand not be the utility provider, the City of Lake Helen will upgrade their existing water plant with funds provided by the applicant and sewer may be provided by Volusia County from the south. Preliminary discussions with Volusia County have begun.

Urban Sprawl Analysis

- (i) **If the City of DeLand, City of Lake Helen and Volusia County are unable to provide water and sanitary sewer service, please provide an analysis with respect to the impacts of providing on-site well water and disposal of on-site treatment of waste water.**

Response: Please see response to Environmental Analysis above.

- (ii) **If the City of DeLand is unable to provide water and sanitary sewer service, please describe how public infrastructure services will be provided that are cost-effective.**

Response: The City of DeLand has indicated that they have capacity to serve the proposed development. Please see response to Environmental Analysis above should the City of DeLand decline to serve the amendment area.

- (iii) **Please outline how EC designation creates a balance of land uses, especially with respect to adjacent New Community Development Designation, based upon the demands of the residential population for the nonresidential needs of the area.**

Response: Please see response to the Commercial Needs Analysis above. The New Community Development Designation (NCDD) was established for the Victoria Park DRI and the subject amendment is not located within the NCDD.

The City of Lake Helen 2035 adopted comprehensive plan requires lands within the EC land use district be developed as a Planned Development which provides a forum and opportunity to ensure consistency of the final development plans for the property with the adjacent NCDD areas. Specific development guidelines will be established at the time of rezoning and adoption of a Development Agreement. The proposed amendment will allow for an urbanized compact commercial development.

Comprehensive Plan Compliance

Please describe how the EC designation will be in compliance with, and compatible with, the adjacent New Community Development Designation.

Response: Description: The New Community Development designation will facilitate the integration of a number of different land uses, including office, commercial, recreational, governmental and housing components.

The proposed amendment area is outside of the NCDD and Victoria Park DRI, but advances the general intent of the New Community Development designation to provide a mix of land uses intended to serve both the immediate needs of the neighborhood and the commercial demands of the larger region served by I-4 and used by the travelling public.

Land Uses Permitted: Commercial uses in both the Village Center and the Workplace shall not include "big box" retail development, generally characterized as regional malls, power centers, or stand alone retail facilities that exceed 25,000 square feet of air conditioned space. Commercial uses (as defined in s9J-5.003(23) Fla. Adm. Code) in the Workplace, except for hotel, office, high tech and light industrial manufacturing and wholesale distribution, that exceed 25,000 square feet of stand-alone space, shall be reviewed by the Volusia County Growth Management Commission (VGMC) to determine if the proposed use will adversely affect or impact an adjacent jurisdiction, as defined in Article II, s90-31, Code of Ordinances, Volusia County, Florida.



While the proposed amendment area will permit general commercial development in a manner that is consistent with the existing Volusia County commercial designation that pre-dates the NCDD, the requirement that any specific development proposal be approved as a planned unit development provides increased scrutiny beyond that required under the County comprehensive plan. The planned development review and approval process will provide the appropriate forum and opportunity to ensure consistency of the final development plans for the property with the adjacent NCDD areas. In addition to addressing the scope of general retail development, the PUD will provide an opportunity to address appropriate setbacks, buffering and other strategies to address perceived impacts of development adjacent to the existing interchange.

Review of the guidelines for development within the NCDD indicate that the proposed amendment is compatible as follows:

Guideline 1: The proposed development will provide for internal streets with sidewalks and a sidewalk along Orange Camp Road. These standards will be provided at the time of site plan approval and is consistent with the City of Lake Helen LDRs.

Guideline 2, 3, 4 and 9: These guidelines are not applicable to the proposed land use amendment or proposed commercial development.

Guideline 5: This guideline is in regards to open space. The minimum open space within the EC land use category is 25% which is typically higher than other commercial land use designations.

Guideline 6: Open space areas will be addressed at the time of rezoning and will be incorporated within the Development Agreement.

Guideline 7: Design standards will be addressed at the time of rezoning and will be incorporated within the Development Agreement.

Guideline 8: Resource protection standards will be addressed at the time of rezoning and will be incorporated within the Development Agreement.

Guideline 10: An application for comprehensive plan consistency has been submitted to the VCGMC.

Review of the City of DeLand's adopted comprehensive plan indicates that the proposed amendment is consistent with FLU Policies f5.2.2, f5.2.3, and f5.2.7.

In addition, we respectfully request the following additional information:

- 1. The subject property is located inside of the City of DeLand's Utility Service Area, however, there has been a lack of coordination with DeLand as to how or if the services can be provided to the project.**



Response: Please see response to Environmental Analysis. In addition, the City of DeLand representatives have been invited and have attended DRC meetings on January 29, 2018 and February 16, 2018. The next DRC meeting is scheduled for March 9, 2018. Those in attendance from the City of DeLand were Darren Elkind, City Attorney, Rick Werbiskis, Community Development Director, Jim Ailes, Utility Director, and Keith Riger, City Engineer/Public Services Director. The attendees from the City of DeLand participated in these meetings. The City of Lake Helen will work with the City of DeLand to create an interlocal agreement regarding utilities.

- 2. The subject property is located in the vicinity of an I-4 interchange; however, the intensity of the land use category being proposed exceeds the intensity the City of DeLand was envisioning for this location in our 2050 Vision Plan. The proposed land use category is the most intensive allowed in the Lake Helen Plan. The City of Lake Helen Comp Plan contains other land use categories that would be more appropriate at this location. Is there an analysis that explains why another category was not selected that would provide for commercial development that serves the traveling public and the area's residents and still be fairly compatible with the low density residential that borders the subject property along the western boundary?**

Response: Please see response to the Commercial Needs Analysis above. In addition, in response to the ECFRPC report and visioning sessions held during review of the EAR based amendment in 2017, the City of Lake Helen amended the Employment Center designation to address the economic strategy recommended in the ECFRPC report. The EC development intensity is compatible with the Volusia County commercial designations and the proposed amendment is consistent with the Volusia County comprehensive plan. In addition, commercial land use designations have been in existence adjacent to Victoria Park and the proposed amendment extends this designation to allow for urbanized commercial center. The extension of commercial land use does not come any closer to Victoria Park than the existing designation. In fact, the majority of the extension of the commercial area is further away from developed lots than the existing commercial designation. The proposed land use amendment does not approve a specific development plan of the property. Specific development plans will be approved through the PD rezoning and site plan process. During these processes, appropriate buffers and fences/walls will be established to mitigate any land uses.

Further, it is our understanding that the 2050 Vision Plan was prepared in 2009 and prior to the final plan identifying the area as an urban core, the area in the vicinity of this I-4 intersection was designated as a major commercial center (activity center) by city staff which is appropriate considering the proximity to the approved workplace uses associated with the Victoria Park DRI, availability of urban services including utilities and would be consistent with planning principles, existing population, and projected growth. The previous plans showing this area as an activity center are noted in the Workshop #3 and #4 summaries (see attached). In addition, this intersection is a four-way intersection with adjacent properties having the immediate capabilities to annex into adjacent municipalities. This intersection exhibits the same characteristics of the other major



intersections designated as Activity Center and Employment Center on the 2050 Vision Plan; however, this intersection meets the criteria more so than the other intersections due to the existing urban population, projected growth and availability of urban services. It should also be noted that the City of Lake Helen was not invited to participate in any manner with the City of DeLand when it did its 2050 visioning plan for the property abutting the City limits.

3. **Due to the undeveloped nature of all four quadrants of this interchange, there should be a joint planning effort between Lake Helen and DeLand to ensure development that ultimately occurs does not adversely impact either jurisdiction, especially considering the proposed switch to more intensive commercial uses prior to amendments being considered.**

Response: The City of Lake Helen's adopted 2035 comprehensive plan addressed two of the four quadrants within their jurisdiction. The land use amendment of the third quadrant is processing as established through the VGMC as required by the County Charter. The process through VGMC is specifically intended to address intergovernmental coordination based on impacts of a proposed comprehensive plan change on adjacent jurisdictions. Further, the proposed amendment abuts the existing EC in the City and as previously stated the EC category addresses the economic strategy recommended in the ECFRPC report.

4. **The workplace category was planned north of the subject property along side another arterial that would have dispersed the traffic rather than placing all traffic on Orange Camp Road. The TIA shows traffic being evenly split east and west, however, the commercial uses attracting interstate users the interchange should be re evaluated for needed improvements.**

Response: Prior to the issuance of permits during the site plan review process an updated TIA will be required and will be reviewed by the appropriate regulatory agencies including FDOT and the Volusia Coastal Area TPO. Further, nothing in the plan amendment proposes changing the proposed arterial roadway.

5. **Attached is a letter from the Mayor of DeLand that requests coordination with the City of Lake Helen for the planning around the I-4 Interchange.**

Response: The City of DeLand representatives have been invited and have attended DRC meetings on January 29, 2018 and February 16, 2018. The next DRC meeting is scheduled for March 9, 2018. Those in attendance from the City of DeLand were Darren Elkind, City Attorney, Rick Werbiskis, Community Development Director, Jim Ailes, Utility Director, and Keith Riger, City Engineer/Public Services Director. In addition, city representatives attended the PLDRC on January 22, 2018, City Commission Special Meeting on January 25, 2018 and the regular City Commission meeting on February 8, 2018.



We trust the above and enclosed addresses the concerns raised in the request for additional information. Should you have any questions regarding the above or enclosed, please contact our office.

Sincerely,



Greg A. Beliveau, AICP

cc: Jason Yarbrough
File



1101 S. Amelia Ave.
TELEPHONE (386)626-7252
FAX (386)740-6851

CITY OF DeLAND

DeLAND, FLORIDA 32724

July 28, 2017

Lynne Figenschel
Paralegal
Cobb Cole Attorneys at Law
351 East New York Avenue,
Suite 200
DeLand, FL 32724

Re: Availability of Utilities for proposed I4 Automall
Parcel No. 7025-01-00-0040, 7025-01-00-0050, 7025-01-00-0051, 7025-01-00-0053, 7025-01-00-0100, 7025-01-00-0120, 7025-01-00-0123, 7025-01-00-0160, 7025-01-00-0121, 7025-01-00-0171, 7025-01-00-0020, 7025-01-00-0130, 7025-01-00-0030, 7025-01-00-0200, 7025-01-00-0170, 7025-01-00-0180

Ms. Figenschel:

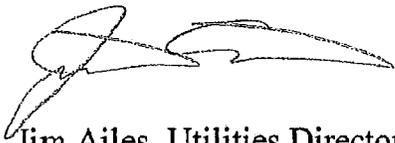
This letter is to advise you that the City of DeLand would be the proposed utility provider, as these parcels do lie within our service area. The City of DeLand does currently have the capacity to serve your site with potable water, sewer, and reclaim utilities to the above-mentioned parcels, for the foreseeable future. However, no long term guarantee of capacity will be assumed for undeveloped lots forever. Please note the following:

- Developer would be required to extend all necessary utilities to serve these parcels.
- Closest sewer and water connection is at Orange Camp Rd and Garden Club Drive.
- Nearest reclaim connection is at Orange Camp Rd and MLK.
- A Utility Service Agreement would be required for this development.

- Nothing is based on your maximum development potential at build out, since it was not provided.
- The Wiley M. Nash WRF is rated at 6.0 MGD and currently has a committed flow of 4.6 MGD, with an annual flow average of 3.11 MGD.
- Water Production capacity is just over 16 MGD, with a SJRWMD Consumptive Use Permit level of 7.44 MGD average daily flow allowed for 2017. Current running average for 2017 is 5.183 MGD and has a committed capacity of 3.925 MGD.
- Reclaim water demand is currently has an average of 2.9 MGD usage with a current availability of another 4.1 MGD average flow.

I believe I have addressed all the necessary information that you have requested. Please feel free to contact me if you have any questions.

Sincerely

A handwritten signature in black ink, appearing to read "Jim Ailes", written over a horizontal line.

Jim Ailes, Utilities Director

Cc: Keith Riger, City Engineer/Public Services Director



City of DeLand

"The Athens of Florida"
www.deland.org

EXHIBIT 4
VGMC PLANNING REPORT
VGMC CASE NO. 18-017

PETITION FOR PUBLIC HEARING

CITY OF LAKE HELEN / I-4 AUTO MALL

VGMC CASE NUMBER 18-017

The City of DeLand hereby petitions the Volusia Growth Management Commission, pursuant to Sec. 90-35 of the Volusia County Code of Ordinances, for a public hearing on the City of Lake Helen's future land use map amendment and text amendment bearing VGMC case #18-017 and commonly referred to as the I-4 Auto Mall Project. The property which is the subject of this petition is approximately 47 acres located north of Orange Camp Road and west of Interstate 4 and adjacent to the City of DeLand on the northern and western boundaries of the property.

Petitioner: City of DeLand
Attn: Richard Werbiskis, AICP – Community Development Director
120 S. Florida Avenue
DeLand, FL 32720
Phone – 386-626-7107

The City of DeLand received notice of the application on February 1, 2018 by email from the VGMC.

The City of DeLand's substantial interests are affected by the proposed amendment as follows:

The subject property is contiguous to the corporate limits of the City of DeLand on the north and west boundaries of the property and is adjacent to a residential area which is part of the master planned Victoria Park DRI, as well as being adjacent to the "workplace" section of that same DRI. The DRI, along with its corresponding zoning, does not allow for auto sales and has a host of limitations for development within the workplace section. The City of Lake Helen's comprehensive plan was recently amended to specifically allow auto sales within the Employment Center ("EC") future land use designation. This use is wholly inconsistent with comprehensive plan for the area within the City of DeLand. Moreover, the EC future land use designation has absolutely no development criteria with the exception of a maximum floor area ratio ("FAR") that is proposed within the text amendment that is part of the subject application. As explained in more detail below, the text amendment should be clarified to specifically provide that all floors of multi-story buildings are included in the calculation of FAR. This is

because the City of Lake Helen proposes to allow multi-story buildings for automobile sales without counting any floors which are not air conditioned above the first floor toward the FAR.

The subject property, with the exception of a small portion which lies within the original corporate limits of the City of Lake Helen, is also located within the City of DeLand's utility service area and annexation area as established by interlocal agreement with Volusia County. A copy of the utility service area agreement is attached hereto as exhibit "A". Lake Helen cannot serve the property with utilities and proposes to have the City of DeLand provide utilities, but would ignore the provision of the utility service agreement which requires annexation into the City of DeLand.

The subject property is within the springshed boundary for Blue Spring and within the Spring Primary Focus Area. The City of DeLand is working with the other utility providers in the West Volusia area (Lake Helen is not contributing toward or involved in these projects, presumably because of the very limited nature of the utility services it provides) to meet the minimum flow ("MFL") requirements for Blue Spring. Toward that end, the City of DeLand has invested millions of dollars and constructed a number of projects, both on its own and in conjunction with the other utility providers. The City of DeLand is also investing significant funds to ensure that its sanitary sewer effluent and reclaimed water will meet the more stringent requirements that are anticipated when the Florida Department of Environmental protection ultimately adopts its Basin Action Management Plan ("BMAP") for Blue Spring. Development of the subject property without provision for addressing the MFL and anticipated BMAP requirements will have a severe impact on the City of DeLand and its water and sewer utilities, as well as the natural environment.

The traffic study submitted with the VGMC application shows several failing roadway segments located within the City of DeLand as a result of the project. This will obviously adversely affect the substantial interests of the City of DeLand as future development within the City of DeLand may be affected and the costs of remedying failing road segments may fall on the City of DeLand.

The City of DeLand disputes the following material facts:

The City of Lake Helen's application states that coordination with the City of DeLand is ongoing. The City of DeLand learned of the application for annexation and the comprehensive plan amendment just days before days before the transmittal hearing. The City Council voted to transmit the comprehensive plan amendment three (3) days after the local planning agency held its first hearing. The City of DeLand requested that the City of Lake Helen continue the public hearings for the express purpose of allowing the two cities to coordinate on the application, but

the request was ignored. There may be other material facts which are disputed as more information is learned about the application.

The proposed amendment violates the criteria for evaluating compatibility in Sec. 90-37 for the following reasons:

The subject property, with the exception of a small portion which lies within the original corporate limits of the City of Lake Helen, is also located within the City of DeLand's utility service area and annexation area as established by interlocal agreement with Volusia County. A copy of the utility service agreement is attached hereto as exhibit "A". The proposed amendment makes no provision for areawide or central utility service solutions – which is an issue appropriately considered by the VGMC pursuant to Sec. 90-37(c)(1). Specifically, Lake Helen's comprehensive plan provides as follows:

The installation of a central sanitary sewer facility for the city is beyond the fiscal resources of the city. The low-density development within the City is within State guidelines and does not appear to have any negative impact on the natural resources. The City may want to coordinate with the City of DeLand regarding the feasibility of providing central wastewater should the need arise.

The staff report relied upon by the City of Lake Helen in voting to transmit this amendment provided no explanation or analysis of how the utility needs of this project would be met. The staff report provides only the following conclusory statement regarding utilities:

Staff finds the request consistent with the population density pattern and will not place an undue burden on existing transportation or other services, utilities and facilities and will be capable of being served by them at the highest allowed use.

As it pertains to the provision of the potable water, the City of Lake Helen's comprehensive plan states as follows:

General performance of the water system is good; however, improvements are needed in distribution in some areas. To continue operating at the level of service, the system must continue to provide a minimum of twenty-five (25) pounds per square inch as well as ninety-eight (98) gallons per capita per day. The land use element proposes that the city will continue with its existing patterns of residential land use and projected population is expected to decline over the short term and long term planning time frame. Thus, no increase in needs are expected.

The application to the VGMC includes a standard capacity letter issued by the City of DeLand's utility department in support of the City of Lake Helen's position that it apparently assumes that

the City of DeLand will provide utility services. However, the letter clearly states that a utility service agreement would be required as a condition of the provision of utility services. A standard condition of the City's utility service agreement requires that the recipient of the services execute a covenant to support annexation into the City of DeLand. This has been a requirement of all utility service agreements relative to properties located within the City of DeLand's annexation area as per the above-referenced utility service area interlocal agreement with Volusia County.

Given the lack of coordination, the City of DeLand is unaware of whether the City of Lake Helen has sufficient remaining capacity pursuant to its consumptive use permit to provide potable water to the site. Notably, the potable water and sanitary sewer needs analysis submitted to VGMC with the application has what appears to be a mathematical error in that it shows a demand of 692,000 gallons per days (this was presumably meant to be 69,200 gallons per day based upon the formula referenced in the application). The provision of utilities on this site simply were not addressed prior to transmittal of this amendment.

The City of DeLand's Comprehensive Plan, in its Public Services Element, provides as follows:

Policy ps1.1.7: The City shall account for and meet the projected water supply needs of the areas of unincorporated Volusia County located within the boundary of the City's utility service area in accordance with the *Utility Service Agreement between Volusia County, Florida and the City of DeLand*, the City's St. Johns River Water Management District Consumptive Use Permit and the City's Water Supply Plan.

Policy ps1.1.5: The City shall require decisions concerning potable, wastewater and reclaimed water system needs, plan the location and timing of improvements to be consistent with land use and conservation resource policies and within the City's Water Facilities Work Plan and Water Supply Plan (refer to Appendix 1) as required by the Comprehensive Plan and within the St. Johns River Water Management District's (SJRWMD) Regional Water Supply Plan.

The amendment is inconsistent with the aforementioned plan provisions of the City of DeLand's comprehensive plan. If the City of DeLand were to provide utilities, then the property is required to annex into the City of DeLand. Annexation of the subject property into either the City of DeLand or the City of Lake Helen appears to violate the provisions of state law regarding annexations, but that is obviously beyond the scope of the VGMC review.

Although Lake Helen's comprehensive plan specifically identifies its inability to provide central sewer service and recommends coordination with the City of DeLand, that coordination has not occurred. It should be noted that the City of DeLand coordinated with the City of Lake Helen on the joint adoption of the Victoria Park DRI and specifically addressed the provision of utility services in Lake Helen's portion of the DRI. However, no such coordination has occurred here and the annexation requirements of the aforementioned utility service agreement have been completely ignored.

The traffic study submitted with the application concludes that, as a result of this amendment, five roadway segments are failing or will fail within the next 5 years without providing for mitigation. The traffic study and application does not address any improvements other than to state that mitigation can be addressed at the time of development. The said traffic study is currently being reviewed by an independent traffic engineer and any additional concerns or deficiencies will be provided to the VGMC. It is clear that this amendment adversely affects intergovernmental cooperation and coordination when evaluated pursuant to Sec. 90-37(c)(2) & (3).

The City of Lake Helen recently changed its Employment Center ("EC") future land use designation to permit auto sales (the project being proposed on the subject site is an automall with high-rise showroom/storage garages). The text amendment that is being processed at the same time as this large scale plan amendment provides for a maximum FAR of .55. However, it is the position of the City of Lake Helen and the property owner that all floors of the buildings above the first floor and which are used as display area / inventory storage area and which are not air conditioned will not count toward the calculation of floor area. Moreover, the buildings are supposed to be designed such that they can be repurposed in the future for other uses such as offices. In light of this contention, it is important that the comprehensive plan specifically provide that all floors of buildings constructed on the site are included in the FAR calculation.

The subject property is bounded to the north and west by the Victoria Park DRI and the corporate limits of the City of DeLand. This property has a New Community Development future land use designation which does not allow for auto sales. A work place was contemplated in the portion of the DRI immediately to the north of the subject property, to include office and hotel uses. However, the DRI provided for a transition between the workplace and residential areas and specifically placed all commercial uses on the east side of the proposed frontage road and residential areas to the west of the road. This provided an additional buffer. The proposed amendment places the EC designation directly adjacent to residential areas. Lake Helen has a transitional commercial land use designation which appears to be more appropriate for the western portion of the subject property.

All of the commercial corridors into the City of Lake Helen are subject to Lake Helen's Gateway overlay except for the segment of Orange Camp Road abutting the subject property. From an intergovernmental coordination perspective, either the City of DeLand's or the City of Lake Helen's gateway standards should apply to this section of roadway.

The following is a list of proposed actions recommended by the City of DeLand:

- Deny the application in its entirety; or
- Limit the auto sales component;

- Place the western portion of the property boundary into the City of Lake Helen's Transitional Commercial future land use designation;
- Require that all floor area of buildings be included in the calculation of the floor area ratio;
- Require additional buffering adjacent to residential areas;
- Require the City of Lake Helen's gateway overlay standards to apply to the subject property (or the City of DeLand's);
- Limit the height of buildings which are adjacent to Orange Camp Road;
- Require that the VGMC review and approve the PUD rezoning of the property;
- Require that any future rezonings or amendments to any adopted PUD require coordination with the City of DeLand.

The City of DeLand offers this list of proposed actions as per the requirements of Sec. 90-35(c)(4)c.vi. and further states that this is simply a set of recommendations to address concerns heretofore identified by the City of DeLand.

Respectfully submitted this 1st day of March, 2018.

Pending VGMC Applications as of June 13, 2018

File #- Applicant	Acres	Location & Applicant	Existing Use	Proposed Use	Large/ Small	App Received/ Complete	Status
18-017 Lake Helen	47	N of Orange Camp Road, W of I-4	County Rural & Commercial	City Employment Center	Large	2/1/18	Petition for public hearing received from DeLand-- 6/27/18 anticipated hearing date
18-037 Port Orange	Text	Text updates to various policies incl. removing reference to 9J-5 and add sea level rise policies to Coastal Zone Mgmt Element	N/A	N/A	Large	5/21/18	Reviewing
18-038 DeLand	Text	EAR Based Amendments (Airport Zoning)	N/A	N/A	Large	5/29/18	Reviewing
18-039 South Daytona	Text	EAR Based Amendments	N/A	N/A	Large	5/29/18	Reviewing

VGMC Budget Worksheet

2017-18 Budget Expenses Through 6/11/18

Object Code	Short Description	Original Budget	Amended Budget	Total Expenses	Budget Balance	% of Budget
1201	Salaries	\$25,806.00	\$25,806.00	\$17,481.00	\$8,325.00	68%
2100	FICA	\$1,986.00	\$1,986.00	\$984.00	\$1,002.00	50%
2200	Retirement	\$2,064.00	\$2,064.00	\$1,384.00	\$680.00	67%
2301	Group Insurance	\$5,520.00	\$5,520.00	\$5,520.00	\$0.00	100%
2302	Life Insurance	\$248.00	\$248.00	\$171.00	\$77.00	69%
2303	Dental Insurance	\$144.00	\$144.00	\$0.00	\$144.00	0%
	Personal Services	\$35,768.00	\$35,768.00	\$25,540.00	\$10,228.00	71%

3320	Comm. Fees	\$250.00	\$250.00	\$175.00	\$75.00	70%
*3400	Contract Services	\$130,000.00	\$130,000.00	\$57,426.00	\$72,574.00	44%
3710	Computer Replacement	\$808.00	\$808.00	\$808.00	\$0.00	100%
3810	Training & Education	\$200.00	\$200.00	\$0.00	\$200.00	0%
3820	Registration Fees	\$250.00	\$250.00	\$0.00	\$250.00	0%
4000	Travel	\$6,615.00	\$6,615.00	\$0.00	\$6,615.00	0%
4100	Communications	\$600.00	\$600.00	\$450.00	\$150.00	75%
4211	Postage - CNTY	\$1,500.00	\$1,500.00	\$453.00	\$1,047.00	30%
4250	Mileage	\$300.00	\$300.00	\$0.00	\$300.00	0%
4400	Rent	\$9,000.00	\$9,000.00	\$5,774.00	\$3,226.00	64%
4510	Liability Insurance	\$566.00	\$566.00	\$566.00	\$0.00	100%
4700	Printing	\$500.00	\$500.00	\$0.00	\$500.00	0%
4711	Xerox - C/R	\$1,000.00	\$1,000.00	\$173.00	\$827.00	17%
4910	Legal Ads	\$6,000.00	\$6,000.00	\$668.00	\$5,332.00	11%
5100	Office Supplies	\$1,500.00	\$1,500.00	\$78.00	\$1,422.00	5%
5102	Office Equipment	\$500.00	\$500.00	\$0.00	\$500.00	0%
5230	Food & Dietary	\$500.00	\$500.00	\$0.00	\$500.00	0%
	Operating	\$160,089.00	\$160,089.00	\$66,571.00	\$93,518.00	42%

6430	Other Equipment	\$0.00	\$0.00	\$0.00	\$0.00	0%
	Capital Outlay	\$0.00	\$0.00	\$0.00	\$0.00	0%
	ORG	\$195,857.00	\$195,857.00	\$92,111.00	\$103,746.00	47%

Contract Services YTD Actual Expenses Paid break down as follows:

\$ 17,331 Legal-GrayRobinson

\$ 0 Planning-VHB

\$ 40,095 Planning-S&ME

Currently \$3,755 pending in Contract Services expenses

6/11/2018



Volusia Growth Management Commission

TO: VGMC Budget Committee

FROM: Merry Chris Smith, Operations Manager

DATE: June 11, 2018

RE: 2018-19 Budget Update

Attached please find a worksheet showing the 2018-19 budget as approved by the VGMC compared to what the County Budget office is recommending.

The County has recommended a total VGMC budget of \$192,373 which is approximately \$3,800 less than proposed by the commission. You will see that the \$15,000 litigation contingency (3101 Legal Expenses) has been removed, however, they have increased the contract services budget from \$120,000 to \$130,000 (the current approved budget) which restores two-thirds of the requested contingency funding. All of the personal services budget, as well as 3710-Computer and 4510-Insurance-Liability, are determined by the County each year. Therefore, you will see some slight, insignificant changes in those areas.

If you have any questions in advance of the meeting, please do not hesitate to contact me. There is no action necessary on the part of the Budget Committee or VGMC at this time.

2018-19 Budget Worksheet Comparison VGMC Proposed vs. County Recommendation

Object Code	Short Description	VGMC Proposed	County Recommendation	Dollar Change
1201	Salaries	\$26,005.00	\$26,844.00	\$839.00
2100	FICA	\$1,989.00	\$2,064.00	\$75.00
2200	Retirement	\$1,935.00	\$2,092.00	\$157.00
2301	Group Insurance	\$5,520.00	\$5,516.00	-\$4.00
2302	Life Insurance	\$248.00	\$262.00	\$14.00
2303	Dental	\$144.00	\$144.00	\$0.00
	Personal Services	\$35,841.00	\$36,922.00	\$1,081.00
3101	Legal Expenses	\$15,000.00	\$0.00	-\$15,000.00
3320	Comm. Fees	\$250.00	\$250.00	\$0.00
3400	Contract Services	\$120,000.00	\$130,000.00	\$10,000.00
3710	Computer Replacement	\$808.00	\$808.00	\$0.00
3810	Training & Education	\$200.00	\$200.00	\$0.00
3820	Registration Fees	\$250.00	\$250.00	\$0.00
4000	Travel	\$4,410.00	\$4,410.00	\$0.00
4100	Communications	\$600.00	\$600.00	\$0.00
4211	Postage - CNTY	\$1,500.00	\$1,500.00	\$0.00
4250	Mileage	\$300.00	\$300.00	\$0.00
4400	Rent	\$9,000.00	\$9,000.00	\$0.00
4510	Insurance-Liability	\$566.00	\$633.00	\$67.00
4701	Printing C/R	\$500.00	\$500.00	\$0.00
4711	Copying - C/R	\$1,000.00	\$1,000.00	\$0.00
4910	Legal Ads	\$4,000.00	\$4,000.00	\$0.00
5100	Office Supplies	\$1,000.00	\$1,000.00	\$0.00
5102	Office Equipment	\$500.00	\$500.00	\$0.00
5230	Food & Dietary	\$500.00	\$500.00	\$0.00
	Operating	\$160,384.00	\$155,451.00	-\$4,933.00
	TOTAL	\$196,225.00	\$192,373.00	-\$3,852.00