

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