

Volusia Growth Management Commission

MEETING MINUTES FOR
SPECIAL MEETING HELD
Wednesday, April 6, 2011

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

MEMBERS PRESENT

Gerald Brandon, Chairman
Steve Katz, Vice Chairman (Excused)
Dwight Lewis, Secretary
Richard Walton (Excused)
Stewart Cruz
Danny Allen (Excused)
Sandy Lou Gallagher (Excused)
Jason Floyd
John Heaphy (Excused)
Roger Sonnenfeld
Rick Tresher
Robert Storke
Alan Redinger
Debbie Connors
Joan Spinney
James Wachtel (Excused)
Kenneth Kuhar
Gary Huttman
David Michael Halpin

REPRESENTING

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

NON-VOTING MEMBERS

Sara Lee Morrissey
Peter Brown (not present)

REPRESENTING

Volusia Co. School Board
SJRWMD

OTHERS PRESENT

Paul Chipok, GrayRobinson, P.A.
Barry Wilcox, VHB Miller Sellen
Merry Chris Smith, VGMC Coordinator

CALL TO ORDER

VGMC Chairman Gerald Brandon called the meeting to order at 7:00 p.m.

ROLL CALL

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

PUBLIC HEARINGS

Mr. Chipok read a statement of public hearing procedure into the record and discussed the commission's scope of authority.

Witnesses planning to speak were sworn in by the VGMC Coordinator.

- 1) Consideration of VGMC Application No. 10-031A, City of New Smyrna Beach large scale amendment application (Proposed Resolution #2011-03)

Barry Wilcox, Planning Consultant to the VGMC, addressed the commission. Mr. Wilcox explained that the two cases before the commission tonight were submitted as one large scale amendment application. He stated the application consists of the City's EAR based amendments, and that the FEC property was separated from the package since it was a fairly significant portion.

Case 10-031A consists of primarily EAR based text amendments, with some map amendments. Mr. Wilcox provided a power point presentation, a copy of which is available in the VGMC office, and he reviewed a summary of the updates to the text amendments and proposed map revisions. He stated there are 18 proposed map changes, some of which are proposed to correct errors and recognize annexed properties.

Mr. Wilcox reviewed the individual consistency review criteria with respect to the proposed amendments. Concerning utilities, he stated there is sufficient available capacity to support the impacts of the proposed amendments. Regarding transportation, Mr. Wilcox stated that most of the map amendments resulted in a net decrease in transportation impacts, however, there were three that stood out as having significant impacts on transportation. He stated a traffic impact analysis was not provided, therefore an agreement has been reached that would limit the specific properties to what they are currently allowed to produce in terms of traffic generation. As far as the remaining consistency review criteria, Mr. Wilcox stated the proposed amendments are found to be consistent with the comprehensive plans of adjacent jurisdictions.

In closing, Mr. Wilcox stated the issues identified relate to transportation impacts with map amendments 10, 11 & 12. He stated the best way to address those issues is to limit those amendments so that the traffic impacts are no greater after the amendment than they were prior to the change. To do so, Mr. Wilcox stated a condition of approval relating to transportation has

been recommended in the resolution, and staff's recommendation is for the VGMC to find VGMC #10-031A consistent with the adoption of the proposed resolution.

Gail Henrikson, Planner Manager for the City of New Smyrna Beach, addressed the commission. Ms. Henrikson thanked the commission for holding the special meeting and explained they requested the special meeting in order to adopt the amendments within the 120 day adoption period they are allowed by the State. She further explained that approximately 10 months ago, the City's comprehensive planning section was in disarray and she discussed some of the issues that had occurred. She added that within the past 10 months, the City has come a long way. Ms. Henrikson stated the City understands and accepts the proposed conditions of approval.

Chairman Brandon asked if there was anyone else present who wished to speak in favor of this amendment.

Samantha Bishop, Executive Vice President of the SE Volusia Chamber of Commerce, 310 Julia Street, New Smyrna Beach addressed the commission in support of the FEC property amendment.

Commissioner Spinney arrived at the meeting.

Mr. Chipok stated the commission is not currently considering the FEC property amendment (VGMC Case No. 10-034B) as that item is scheduled to be considered later in the evening.

J. Pendergast, 5900 S. Atlantic Avenue, New Smyrna Beach, spoke in support of the FEC property amendment and the importance of the project to the community.

Pam Brangaccio, City Manager for New Smyrna Beach, addressed the commission. Ms. Brangaccio thanked the commission for holding the special meeting and she discussed the intergovernmental coordination that occurred during the process. Ms. Brangaccio also confirmed that the City accepts the conditions of approval that have been worked out between City staff and VGMC staff.

There were no others present to speak in support or opposed to the proposed amendment. Chairman Brandon closed the public hearing.

Mr. Chipok then reviewed the proposed VGMC Resolution #2011-03 and the condition relating to traffic limitations on amendments 10, 11 & 12.

Robert Storke made a motion to approve VGMC Resolution #2011-03 as submitted; seconded by Debbie Connors. Following a roll call vote, the motion carried unanimously.

2) Consideration of VGMC Application No. 10-031B, City of New Smyrna Beach large scale amendment application (Proposed Resolution #2011-06)

Mr. Chipok first addressed the commission relating to a Petition to Intervene filed by Glenn Storch on behalf of Flagler Development Group on March 10, 2011. Mr. Chipok stated the Flagler Development Group is the underlying property owner of the FEC property. He stated that based on analysis of case law, they have a direct interest in the comprehensive plan amendment and would be effected by the amendment to a greater degree than the general public. Based on the Renard test for standing, Mr. Chipok stated Flagler Development Group does qualify for citizen standing in this matter.

Dwight Lewis made a motion to grant party status to Flagler Development Group; seconded by Rick Tresher. Following a roll call vote, the motion carried unanimously.

Barry Wilcox, VGMC Planning Consultant, addressed the commission relating to the proposed amendment. He provided a power point presentation, a copy of which is available in the VGMC office. Mr. Wilcox explained this is a single map amendment consisting of approximately 197 acres, changing the future land use designation from Industrial to Mixed Use Industrial. He stated there will be a net increase of both residential and non-residential entitlements which accompany the proposed change.

Mr. Wilcox reviewed the site location and surrounding uses, noting that the site is considered an infill site and an optimal redevelopment site given its proximity to downtown and other infrastructure items. He also discussed the current and proposed entitlements.

Mr. Wilcox reviewed the consistency review criteria and impacts with respect to the proposed amendments. He also commented that we are looking at this based on maximum development scenarios. With respect to utilities, Mr. Wilcox stated that potable water capacity does not currently exist to support the proposed amendment, however, a condition has been crafted to address that. Regarding transportation, he stated that a transportation impact analysis was not provided, however, a condition of approval has been included to address that as well.

Mr. Wilcox then discussed school impacts. He stated that there was not a finding of adequate public school capacity, however, a condition of approval has been recommended in order to address this issue. With respect to natural resources, Mr. Wilcox stated they found no adverse impacts to natural resources.

In summary, Mr. Wilcox stated they've identified three issues relating to the proposed amendments. Specifically, lack of adequate potable water supply, lack of a transportation impact analysis to identify what the impacts on transportation will be, and the lack of adequate public school capacity. As a result, Mr. Wilcox stated that conditions of approval have been proposed in the resolution to address these issues, which essentially will retain the current entitlements on the property.

Gail Henrikson representing the City of New Smyrna Beach addressed the commission. Ms. Henrikson stated this amendment is a critical component in the future development and redevelopment of the City, as well as the stabilization and revitalization of the downtown area. She confirmed that the City understands and concurs with the proposed conditions of approval.

With respect to the transportation limitation, Commissioner Huttman asked Ms. Henrikson if the City has done enough analysis to know that they could do as much of the project as is good for the City within that cap. Ms. Henrikson responded that the applicant for Flagler Development Group has hired a transportation planner and she deferred the question to them.

Glenn Storch, representing the Flagler Development Group, addressed the commission. Mr. Storch discussed the importance of the subject property to the City. He stated that Flagler Development Group agrees with the amendment and the proposed conditions of approval. In response to Mr. Huttman's question, Mr. Storch stated the existing transportation entitlements will allow the property owner to plan a very nice mixed use development. He also expressed appreciation to staff, the commission and the City for their part in moving the amendment forward.

Adam Barringer, Mayor of New Smyrna Beach, addressed the commission. Mayor Barringer described the property as the heart of the City and discussed the importance of the property to redevelopment. He also thanked the staff and commission for their efforts in moving the amendment forward, and discussed the intergovernmental coordination efforts that occurred throughout the amendment process. Mayor Barringer stated that this project is not only good for the City of New Smyrna Beach, but also for the surrounding communities.

Pam Brangaccio, New Smyrna Beach City Manager, addressed the commission concerning the efforts made over the past year with this project. She, too, thanked staff for their involvement and confirmed that the City concurs with the proposed conditions of approval.

Chairman Brandon recognized Council Member Joie Alexander in the audience and thanked her for attending.

There were no others present wishing to speak on this matter, and Chairman Brandon closed the public hearing.

Paul Chipok reviewed the proposed Resolution #2011-06 and the specific conditions of approval which were crafted to address the water, transportation and school issues.

Joan Spinney made a motion to approve VGMC Resolution #2011-06; seconded by Debbie Connors.

Commissioner Lewis commented that he felt this is a great project and hopes that we'll see more and more of this type of development.

Commissioner Morrissey thanked Barry & Paul for resolution of the school issue, and that she feels the resolution is appropriate. She also clarified that with this large of a parcel and the fact that it is mixed use, she could easily see multiple projects coming in, not necessarily all at one time, in which case each would require a separate finding of school capacity.

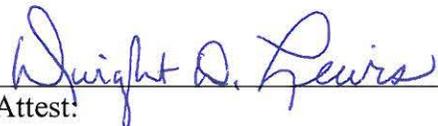
Chairman Brandon also stated for the record that he previously attended a meeting on this matter with staff, the City of New Smyrna Beach and legal counsel, which brought this forward for conclusion at this special meeting.

Following a roll call vote, the motion to approve VGMC Resolution #2011-06 carried unanimously.

Chairman Brandon thanked the VGMC staff and commented that they played an integral part in putting this together. He also thanked the commission members for attending the special meeting.

ADJOURNMENT

The meeting was adjourned at 7:50 p.m.

Attest:  _____

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Chairman