

Volusia Growth Management Commission Meeting

MINUTES FOR
MEETING HELD

Wednesday, September 24, 2014

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

MEMBERS PRESENT

Gerald Brandon, Chairman
James Wachtel, Vice Chairman
Roger Sonnenfeld, Secretary
Richard Walton
Sandy Lou Gallagher
Robert Lott
Loretta Arthur
Robert Lovelace
Robert Storke
Don Romanik
Debbie Connors
Richard Kane
Douglas deLeon
Glyn Slay

REPRESENTING

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

MEMBERS NOT PRESENT

Sandra Walters

Volusia County

NON-VOTING MEMBERS

Sara Lee Morrissey
Steven Fitzgibbons (not present)

Volusia Co. School Board
SJRWMD

OTHERS PRESENT

Paul Chipok, GrayRobinson, General Counsel
Erika Hughes, VHB, Planning Consultant
Merry Chris Smith, VGMC Operations Manager

CALL TO ORDER

VGMC Chairman Gerald Brandon called the meeting to order at 7:02 p.m.

ROLL CALL

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

CITIZEN COMMENTS

There were no citizens present who wished to speak.

APPROVAL OF MINUTES

Debbie Connors made a motion to approve the minutes of the August 27, 2014 regular meeting of the commission as presented; seconded by Glyn Slay. Motion carried unanimously.

PUBLIC HEARING

Consideration of Resolution #2014-03 relating to VGMC Case No. 14-028, City of DeLand large scale amendment application

Mr. Chipok read the statement of procedures and order of public hearing into the record. He also discussed the VGMC narrow scope of authority.

Witnesses planning to testify at the hearing were sworn in by the VGMC Operations Manager.

Erika Hughes, VGMC Planning Consultant, provided an overview of the amendment application, along with the staff report and recommendation. Ms. Hughes discussed concerns raised by the Volusia County School Board relating to a map which reflected a proposed Beresford Avenue extension which bisects property owned by the School Board and planned for a future high school site. She stated the School Board expressed concern that they want to be sure the viability of the high school parcel remains intact, access from surrounding properties to the elementary school site is planned to insure the school is integrated into a residential community with alternative modes of transportation such as walking and biking are viable, and evaluation of residential demands on schools continues to occur throughout the planning and development process. Ms. Hughes stated district staff recommended additional policy language be added to the comprehensive plan amendment in order to insure that adequate school capacity can be timely planned.

Ms. Hughes stated the VGMC issued a Request for Additional Information (RAI) to the City of DeLand incorporating the School Board comments. Since then, the affected parties including the City of DeLand, the landowner representative, the School Board and VGMC staff worked together to revise policies to address the issues. Ms. Hughes stated the revised policies are included as conditions of approval in the staff report and recommendation.

Mike Holmes, Planning Director for the City of DeLand, addressed the commission. Mr. Holmes stated the affected parties worked together to resolve the School Board concerns and an additional policy has been added.

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

Astrid deParry, attorney representing the property owner, commended the VGMC staff for the work they've done on the application. She also read into the record a letter dated August 12, 2014 from the City of Lake Helen in support of the project. Ms. deParry also introduced Clay Ervin of Lassiter Transportation Group who has been assisting with the project. Mr. Ervin stated he was available to address questions of the commission.

There was no one present to speak in opposition of the amendment, and Chairman Brandon opened the floor for discussion by the commission members.

Mr. Wachtel disclosed that he reviews submissions that come to the DeLand Planning Department for consistency with architectural guidelines. Mr. Wachtel stated he spoke with Mr. Chipok who did not feel there was a conflict of interest, therefore, he would not abstain from voting, but did want to disclose it for the record.

Saralee Morrissey extended appreciation to the applicant and City of DeLand for working with the School Board to address their concerns. Ms. Morrissey asked for confirmation that the local plan has the restriction of 480 residential units, and the Planned Development agreement is restricting it to multi-family. Mr. Holmes confirmed that is correct. Ms. Morrissey discussed a provision of the County Charter that requires a finding of adequacy from the School District when increasing density, pointing out that the multi-family housing has a much lower student generation rate. She stated that since the applicant's plans are presently undetermined, they agreed that entering into a capacity enhancement agreement is not something they wished to pursue at this time, although a capacity enhancement agreement is the only alternative when a finding of adequacy can be issued. Ms. Morrissey stated that with the restriction of 480 units of multi-family, the School District can issue a finding of adequacy. Ms. deParry stated they have already gotten with the City of DeLand attorney to insure that the ordinance going forward will contain those limitations.

Mr. Sonnenfeld raised a question relating to the streets shown on the map. Ms. deParry provided clarification.

Mr. Storke stated that one of the requirements is that a Transportation Impact Analysis (TIA) would be completed when they exceed 1,000 trips. He asked who would be responsible for tracking that and how often will it be updated. Mr. Holmes responded that the City will be responsible for tracking.

Mr. Lovelace asked if 480 units was the total density intended for this project. Mr. Holmes stated at the present time 480 units is the maximum, and if they wished to go beyond that they would have to come back for an amendment. Mr. Lovelace asked if this is a reduction from the original proposal. Ms. deParry responded that the original proposal was approximately 2,100 units and this is a significant reduction because it allows for alternative uses. Mr. Lovelace asked if the reduction was done solely to allow for the delay in the school capacity determination. Ms. deParry responded affirmatively. Mr. Lovelace asked if there is precedent

for delaying the capacity determination. Mr. Chipok responded that a similar mechanism was used in the Farmton matter. Ms. Morrissey added there is a distinct difference between this property and the Farmton property. Mr. Lovelace asked if the property owner retains the right to come back in the future to request an increase in density. Mr. Chipok responded affirmatively. Mr. Lovelace asked if the deferral of the school capacity determination is being done in order to secure VGMC approval tonight. Mr. Chipok responded there is a need to have the ability to be responsive to market needs and at this point in time there's no way of knowing what the market needs will be, particularly in the mixed use district. Therefore, Mr. Chipok stated we can set the outside parameters of what can be developed in the mixed use district, including the 480 unit limit for school capacity, and if the market dictates more residential development is needed, then they need to come back and work through the process to obtain the school concurrency agreement with the School Board.

Ms. Morrissey pointed out another distinction with this project is that it is not just a comprehensive plan amendment, the applicant to the City has chosen to move forward with the rezoning as well. Mr. Lovelace asked Ms. Morrissey if she was comfortable there are mechanisms in place to insure when the property owner comes back for increased residential density that the School Board's concerns can be met. Ms. Morrissey responded if they cannot be met, they will do a capacity enhancement agreement.

Commission member Arthur arrived to the meeting.

Ms. deParry clarified there is a 10 year limitation on the PD. Additionally, she stated the PD makes it clear they would have to come back not only for a comprehensive plan amendment, but also to amend the development order if anything should change.

Mr. Walton raised a question relating to the policy which in part states "After completion of the updated TIA, the Comprehensive Plan will be reviewed to determine if an amendment is appropriate to incorporate the results." Mr. Holmes responded that the Florida Department of Economic Opportunity (DEO) had issued comments relating to traffic. He stated that once the transportation information is updated, the City may need to update the comprehensive plan to reflect the findings of the transportation study. Mr. Holmes added that they won't know what changes may be necessary until the updated transportation analysis is done.

Robert Storke made a motion to approve VGMC Resolution #2014-03 as presented; seconded by Roger Sonnenfeld. Motion carried unanimously.

REPORT FROM PLANNING CONSULTANT

No report at this time.

REPORT FROM LEGAL COUNSEL

No report at this time.

REPORT FROM COMMISSION OPERATIONS MANAGER

Ms. Smith reminded the members of the VCARD Ice Breaker scheduled for tomorrow evening, September 25th, from 5:00-8:00 p.m. at the LPGA Clubhouse. She also stated the 2013-14 member travel reimbursements will be submitted to the County for processing and the members should receive a check within a few weeks.

REPORTS OF COMMISSION CHAIRMAN

Chairman Brandon commented that it was nice to see Ms. Morrissey and also spoke of a recent article that appeared in the News Journal featuring Ms. Morrissey and her daughter.

REPORTS OF COMMITTEES

POP Committee Report: James Wachtel, Chairman of the POP Committee, reported that RSQ #14-2 for contract planning services is scheduled to close on October 2, 2014 and the committee is expected to meet sometime the week of October 6th in order to review the submittals. Chairman Brandon thanked the POP Committee for their work.

Budget Report: Roger Sonnenfeld, Chairman of the Budget Committee, provided an update on the 2013-14 YTD budget expenses and stated the commission is in good shape. He also stated the 2014-15 VGMC budget request was approved by the County Council without any further changes and the total 2014-15 budget is \$298,704. Chairman Brandon thanked the Budget Committee for their work.

There were no questions from the commission members.

OLD BUSINESS

Chairman Brandon thanked all of the commission members for their dedication and service to the commission. Certificates of appreciation were distributed to each of the members.

NEW BUSINESS

1) Election of Officers:

Chairman Brandon read from the rules and regulations to familiarize the newer members with how the commission operates with respect to the election of officers.

Roger Sonnenfeld nominated James Wachtel to serve as Chairman of the commission; the nomination was seconded by Sandy Gallagher. Mr. Wachtel accepted the nomination. There were no further nominations for the office of Chairman. Mr. Wachtel was unanimously elected to serve as Chairman of the VGMC.

Roger Sonnenfeld nominated Gerald Brandon to serve as Vice Chairman of the commission; the nomination was seconded by Robert Storke. Mr. Brandon accepted the nomination. There were

no further nominations for the office of Vice Chairman. Mr. Brandon was unanimously elected to serve as Vice Chairman of the VGMC.

James Wachtel nominated Roger Sonnenfeld to serve as Secretary of the commission; the nomination was seconded by Sandy Gallagher. Mr. Sonnenfeld accepted the nomination. There were no further nominations for the office of Secretary. Mr. Sonnenfeld was unanimously elected to serve as Secretary of the VGMC.

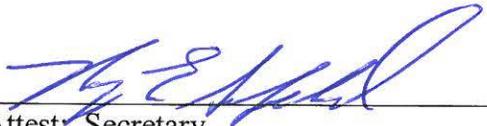
Mr. Wachtel commented on the history Mr. Brandon has with the commission and thanked him for accepting to stay in a leadership position with the VGMC.

COMMISSIONER REQUESTS OR REMARKS

There were no commission member comments or requests.

ADJOURNMENT

There being no further business, the meeting was adjourned at 7:46 p.m.



Attest: Secretary



Chairman