



'VCARD DEVELOPMENTS'

August, 2011

A Message From VCARD's New Chairman ... Mark Watts



First of all, I would be remiss if I did not ask all of you to ***join me in thanking Sans Lassiter for his outstanding leadership*** over the past two years. Sans has had the distinction of serving as chairman during the worst economy in most of our lifetimes. Despite the challenges, Sans managed to lead with his strong example and dedication. He was instrumental in VCARD's stance against "Hometown Democracy" and consistently reached out to the membership, local government staff and elected officials to make sure that we were doing everything we could as an organization to bring value to our community and industry. ***Thanks, Sans.***

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*I would like to thank the members of VCARD* for the opportunity to serve as your chairman. When I moved back to the area in 1999, VCARD was one of the first organizations I joined to begin my land use practice. In the years since, VCARD has time and again proven its value to me.

*VCARD's networking opportunities are an invaluable resource* for anyone in the development industry. Its educational programs focus on timely subjects that ensure that each member has the best and most current information on topics that affect our industry. Perhaps most importantly, VCARD is consistently involved with evolution of the regulatory programs we all work with on a daily basis.

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This year marks VCARD's 26th year of existence. As I mentioned at the annual banquet, I am proud to serve as the first chairman from the "next" generation. As an organization, we will continue to face many of the same challenges that each of us have faced in our businesses over the past several years. Nonetheless, with the commitment and dedication of our members, we will continue to be a strong, relevant voice for the future of our community.

My challenge to each of you is to ***be involved and engaged in VCARD.*** Over the next two years, I think we can have a lasting impact on the future of our community. With the regulatory reforms included in HB 7207 and other growth management bills, we have newfound flexibility and creativity in dealing with the challenges of development.

As we emerge from the economic shadows, ***new opportunities are in front of us.*** As an organization, VCARD will grow and continue in its role as the leading local voice for our industry. I look forward to working with you to help shape our future.

Mark

~~ **GROWTH MANAGEMENT and ENVIRONMENTAL NEWS** ~~

Florida **DEPARTMENT OF COMMUNITY AFFAIRS** (DCA) officials have conducted workshops around the state to educate local government representatives, planners and development professionals about the major changes within the landmark HB7207 **COMMUNITY PLANNING ACT** (CPA) that was approved by state leaders during the spring session.

... The DCA officials' power point presentations can be accessed through the agency's web site: www.dca.state.fl.us -- along with separate summaries of the bill's major changes to local governments' growth management requirements, comprehensive plan amendment submittals and processing guidelines, and evaluation and appraisal of local governments' comprehensive plans.

... Generally, the CPA delegates many more responsibilities for land planning and growth management to local governments – easing and expediting state government oversight of local governments' comprehensive plans and amendments. Examples:

- Comp plan amendments no longer have to comply with the state comprehensive plan.
- The twice-annual limit on comp plan amendments has been eliminated -- and state government review of comp plan changes is limited to adverse impacts to important state resources and facilities.
- Local governments have the option to drop concurrency requirements for transportation, schools and parks.
- Local governments no longer have to submit their Evaluation and Appraisal Reports (EAR) to DCA for approval.

... The CPA promotes and removes obstacles to largescale plan areas – particularly “sector” plans and rural stewardship developments. Examples:

- Proof of “need” is greatly reduced for largescale projects that require land use amendments.
- DCA authorization no longer is required to establish rural land stewardships.
- The Act includes a variety of revisions to the Development of Regional Impact (DRI) process and includes a new definition for “urban sprawl” that eases regulatory impediments.

... Effective October 1, the DCA no longer will exist as a separate agency. It is being merged as a division of the **Department of Economic Opportunity**. And in line with the intent to reduce state oversight, the planning staff of the DCA has been almost cut in half, particularly in the area of development review.

The DCA has set up an “e-mail alert” system to keep interested persons updated on the agency programs and new policies / standards such as those in the new Community Planning Act. To subscribe for these email alerts, access <http://www.dca.state.fl.us/subscribe/>.

Officials with Florida's water management districts and the Department of Agriculture are trying to analyze the impact and proper implementation of a new legislative bill that revises **AGRICULTURAL EXEMPTIONS**. Among other things, the bill allows agricultural activities to impact wetlands and surface waters, as long as this is not the sole purpose of the activity. No mitigation is required for adverse impacts to wetlands if the impact occurred in the last four years preceding conversion of the land to another use. The exemption does not apply to activities previously authorized under state or federal permits. The agencies are currently preparing the Memorandum of Agreements that will outline the procedures through which this bill will be implemented.

... Special thanks to **Elaine Imbruglia** (Modica & Associates) for keeping VCARD members informed of this legislation. Notify VCARD if you would like to be advised of updates.

... **Environmental Report** ...

Budget reductions mandated by the state legislature have forced officials with the **ST. JOHNS RIVER WATER MANAGEMENT DISTRICT** to **decrease its budget** for the upcoming year by \$30 million – **eliminating at least 130 staff positions** as well as **funding for land acquisitions** and numerous local government projects involving stormwater management and alternative water supply.

... The funding cuts especially jeopardize the future of **Palm Coast's proposed Coquina Coast desalination water supply facility**.

... The personnel reductions are expected to particularly affect departments in charge of reviewing environmental permits that have decreased significantly in recent years due to the downturn in development activity within the district's 18 counties.

... St. Johns Water District Executive Director **Kirby Green** also has announced plans to retire by mid-next year after 10 years as the agency's top executive and 23 years with Florida DEP.

The **GOPHER TORTOISE** is being considered a candidate for federal listing as a **threatened species** by the US Fish & Wildlife Service (USFWS). The tortoise already is a threatened species under Florida government jurisdiction and a statewide management plan has been established in to protect tortoises and their burrows on development sites. The federal listing would add another level of review in the permitting process.

... Call VCARD for more information about the pending federal threatened species listing. And thanks to **Todd Sumner** (Greenberg Traurig, P.A.) for updating VCARD on this issue.

... **TRANSPORTATION** ...

Central Florida's **SunRail COMMUTER RAIL** system has received formal "go ahead" with the recent signing of a funding agreement between state and federal officials. The City of Orlando and four county governments along the 61- mile route already had pledged their financial support.

... Using existing CSX rail lines, SunRail's first phase is scheduled to begin operation in 2014, connecting downtown Orlando with DeBary. The second phase will extend west to Poinciana and east to DeLand.

... It is anticipated that the SunRail project also will **energize urbanized, transit-oriented development (TOD)** and some TOD land use plans already are being incorporated into areas surrounding SunRail's 17 proposed stations – including DeBary. The www.SunRail.com web site includes information about these planning initiatives.

Volusia's annual updated **TRANSPORTATION IMPROVEMENT PROGRAMS (TIPs)** are being adopted by the county's Transportation Planning Organization (VTPO) and county government.

The VTPO's TIP lists proposed transportation projects that are state and / or federally-funded (i.e. roads, bridges, pedestrian and bicycle paths) for Volusia County -- and the cities of Flagler Beach and Beverly Beach in Flagler County.

This draft TIP may be downloaded at <http://www.volusiatpo.org/resources/tips/> -- or by contacting VTPO Senior Planner **Robert Keeth**: 386-226-0422, ext. 30 or rkeeth@volusiatpo.org

... Volusia **County government's transportation program** covers road projects under county jurisdiction. It is largely **funded through transportation impact fees** which have decreased significantly during the past several years, due to a drop in development activity (*see related news item on page 4*). The county is divided into four geographic zones and impact fee collections from each zone are used for projects within that zone. Call VCARD for a copy of this road program update.

~~ VOLUSIA / FLAGLER ~~

Despite recent years' economic and development downturn, **FLAGLER COUNTY** still ranked as Florida's **fastest-growing county** (by percentage) during the past decade, according to statistics from the Bureau of Economic and Business Research (BEBR) at the University of Florida.

... BEBR based its findings on the 2010 census count; and also predicts that **Flagler will maintain this top ranking through the next decade**. Between 2000 and 2010, Flagler grew from about 50,000 residents to almost 95,700 -- the largest percentage increase in Florida. BEBR predicts that Flagler will grow about 43 percent more during the next decade to almost 137,000 residents.

... Meanwhile, BEBR reports that **VOLUSIA COUNTY** grew by 51,250 residents during the past decade to 494,593 -- and its growth rate is predicted to rank 46th out of Florida's 67 counties by 2020, an 8.3 percent increase over 2010, with a projected population of 535,700.

... The BEBR population projections are used by governments and private businesses in planning for growth, development, facilities and infrastructure. More information about BEBR's statewide county rankings can be downloaded (for a fee) through www.bibr.ufl.edu

Volusia County government is moving forward with a two-year **moratorium on residential IMPACT FEES**, joining some other Central Florida municipalities that are using this as an incentive to boost residential and economic development.

... On August 18, the County Council will consider an ordinance enacting a **two-year suspension of residential impact fees** for transportation, parks and fire protection. These county-imposed fees for a single family home can range from about \$3,042 in unincorporated areas to about \$2,174 within cities where separate parks and fire service impact fees are charged by the individual municipalities.

... After the two-year moratorium, the **county impact fees will gradually be re-instated in one-third increments** the following three years. As discussed at a recent council meeting, the moratorium is geared toward development within urbanized areas and will not apply to structures within Central Volusia's rural, conservation corridor or to areas where utility services are not already available. Also, the moratorium **will not apply to commercial development**.

... Council members **do not plan to suspend school impact fees** which total more than \$6,000 for a single family home. They are leaving this decision to the Volusia County School Board although it appears doubtful that School Board officials will drop these fees as they are locked in an ongoing lawsuit with the Volusia Building Industry Association (VBIA) over the existing fee rates.

... County leaders agree that **alternative long term funding strategies** need to be studied for building Volusia's needed road projects -- and VCARD leaders plan to form a committee to assist. Please notify VCARD if you would like to be involved.

... The drive to enact the impact fee moratorium was initiated by the VBIA and this group plans to continue the effort within Volusia's other municipalities. Orange, Osceola and Lake Counties already have imposed some type of full or partial impact fee moratoriums -- as well as the City of Bunnell.

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**Congratulations** to Volusia County Public Works Director **George Recktenwald** who has been honored with the *"Urban Engineer of the Year"* award from the Florida Association of County Engineers and Road Superintendents (FACERS). He was honored by FACERS for his success in developing a comprehensive program to improve operations within Volusia's Public Works Department.

... Mr. Recktenwald also was recently awarded the *"Florida Chapter Meritorious Services Award"* by the American Public Works Association.

*... Volusia / Flagler Report ... continued from page 4 ...*

Preliminary maps have been drafted **designating flood prone areas** for Volusia municipalities. They are available at the various cities' administration buildings for review. These maps determine which properties must acquire flood insurance – or face the possibility of increased flood insurance premiums. Affected property owners have the option to appeal their designations before the maps are formally adopted within the next several months.

Volusia County's **Flood Hazard Management** ordinance is being amended to comply with a federal mandate that communities participating in the National Flood Insurance Program adopt a model ordinance reflecting the program's minimum standards. Call VCARD for a copy of the ordinance.

*... Land Development Code Updates ...*

Several Volusia and Flagler governments are updating and / or amending their **LAND DEVELOPMENT CODES** – particularly **Daytona Beach, Deland, Deltona, New Smyrna Beach** and **Flagler County**. VCARD members who work within these jurisdictions are encouraged to contact VCARD for details – as many of the revisions impact the guidelines for development review and / or development standards.



Meanwhile, **Daytona Beach** planning consultants have been working on a **comprehensive re-write of the city's entire land development code**. The primary goal is to implement the city's recently completed Vision Plan, the updated comprehensive plan and the redevelopment area plans – as well as to update obsolete development standards, make the code more user-friendly and streamline the development review process.

... During the past year, the consultants have conducted a series of workshops with the public and interested groups (including VCARD) and produced an outline of needed code amendments. They now are working on the actual code re-write which will be reviewed by VCARD's Daytona Beach Land Code Committee, chaired by **Rob Merrell** (Cobb Cole). Call VCARD if you would like to participate.

Geared to improve aesthetics, **Daytona Beach** planners are reviewing new **architectural design standards** for the walls and roofs of buildings that are visible from 16 major thoroughfares within the city (including Interstates 4 and 95) -- as well as all oceanfront lots within the Tourist District. Single-family and duplex residential units are exempt from the proposed standards as are buildings in the redevelopment districts and locally-designated historic districts.

... Daytona Beach planners have been seeking input from the development community on these guidelines that are available through VCARD.

A new **development and building fee schedule** has been drafted by **Daytona Beach** officials. In addition to an **approximate 25 percent increase** to building and development applications, the proposed new schedule includes a minimum **\$10,000 fee for the "rescission of an approved DRI"** and \$300 fee for Conditional Use permits. Planners are encouraging input from the development community. Call VCARD for a copy of the draft.



The number of **required parking spaces** for retail businesses and offices is being decreased in **HOLLY HILL** from one space per 200 square feet of gross floor area to one space per 300 square feet.

*... Volusia / Flagler Report ... continued from page 5 ...*

**PORT ORANGE** officials continue trying to revive developer interest in the **Riverwalk Redevelopment** District. They are requesting development proposals for the 35-acre tract that extends between the Halifax River and US1 (Ridgewood Avenue) from Dunlawton Avenue to the north city limits.

... Five years ago, Port Orange officials were actively moving forward with plans for a Riverwalk Town Center concept that included a mix of high-rise condominiums, retail, restaurants, parks, riverfront boardwalk, marina and parking facilities – with costs approaching \$500 million. Properties were purchased to facilitate the development that later became stalled by the depressed economy.

... City leaders have conducted a nationwide marketing campaign to generate developer interest in the effort and revitalize the project. They do not anticipate the project to be as expansive as previously planned – although it still could include a mix of commercial, marina and residential uses.

**NEW SMYRNA BEACH** and **ORMOND BEACH** are the most recent cities to expand their **brownfield designations**: New Smyrna Beach is adding the municipal airport and airport industrial park; and Ormond Beach officials are considering adding almost 400 acres bordered east / west by Beach Street and Old Kings Road and north / south by Wilmette and Tomoka avenues – including the old Ormond Memorial Hospital property.

... Brownfields are previously-developed sites whose past use complicates redevelopment due to actual or “perceived” contamination. A variety of urbanized areas can qualify as brownfields through state and / or federal programs – such as all or part of enterprise zones, community redevelopment districts or industrial parks. Many of these properties are not contaminated and need not be contaminated to be designated as brownfields.

... The brownfield designation helps local governments and developers qualify for financial and environmental assistance with assessment, rehabilitation and economic development.

... In recent years, many Volusia and Flagler governments have taken advantage of the program – designating large portions of their urbanized areas as brownfields. Call VCARD for details on any particular municipality’s brownfield areas – or power point presentations from an educational forum that VCARD sponsored last year on the economic benefits to brownfields redevelopment.



After several years of drafting and review, **FLAGLER COUNTY** officials have adopted an updated **comprehensive plan** for the unincorporated areas. The most major changes will impact future land uses and development within the county’s western rural areas. The new plan envisions more compact, clustered development to preserve environmentally-sensitive lands within these tracts.

Proposed new **minimum standard construction details** are being reviewed by **BUNNELL** officials. The details were prepared by engineer **Greg Peugh** with VCARD / FCARD member firm QK4. An FCARD committee has reviewed the draft and provided input as part of the process.

New building / development fee rates also are being reviewed by **FLAGLER BEACH** officials.

**~~ VCARD / FCARD NEWS ~~**

*... VCARD / FCARD Welcomes New Members ...*

● **Republic Services of Florida, LP Orlando Division**, a waste and recycling hauler firm at 11255 Rocket Boulevard, Orlando, FL 32824 Phone: 407-293-8000 FAX: 407-296-2758 Web site: [www.republicservicesflorida.com](http://www.republicservicesflorida.com) VCARD Representatives are **Jevon Herman** ([jherman@republicservices.com](mailto:jherman@republicservices.com)); and **Jean Bredbenner** ([jbredbenner@republicservices.com](mailto:jbredbenner@republicservices.com)) Thanks to the **Storch & Harris Law Firm** for recruiting this new member.

**... VCARD / FCARD Welcomes New Member ...**

● **Upham Inc.**, consulting engineers, surveyors and landscape architects at 265 Kenilworth Avenue, Ormond Beach, FL 32174 Phone: 386-672-9515 FAX: 386-673-6554 Web site: [www.uphaminc.com](http://www.uphaminc.com) VCARD Representatives are **Roger W. Strcula** ([rwstrcula@uphaminc.com](mailto:rwstrcula@uphaminc.com)); **Harry H. Newkirk** ([hhnewkirk@uphaminc.com](mailto:hhnewkirk@uphaminc.com)); **Bradley D. Bauknecht** ([bdbauknecht@uphaminc.com](mailto:bdbauknecht@uphaminc.com)); **Richard L. Poore** ([rlpoore@uphaminc.com](mailto:rlpoore@uphaminc.com)); and **Will Hart** ([wshart@uphaminc.com](mailto:wshart@uphaminc.com))



**Meet Your New VCARD / FCARD Officers (2011 – 2012)**

**Chair Mark Watts** is an attorney with the Cobb Cole law firm (DeLand and Daytona Beach) where he specializes in land development, administrative, environmental and governmental law – as well as green building and sustainability.

**Chair-Elect Shannon Ruby Julien** is Vice President and Senior Manager of Ecology in the Daytona Beach office of Environmental Services, Inc. (headquartered in Jacksonville). ESI specializes in environmental permitting; air quality; soil and wetlands analysis; archaeology and cultural resources; endangered and threatened species; forestry and land management; stream restoration; Geographic Information System (GIS); and sustainable and carbon services.

**Vice Chair Shailesh K. Patel** is President and Senior Soil Scientist for Dredging & Marine Consultants, Port Orange, specializing in water quality and sediment assessment, dredging, waterfront facilities and structure, parks, mining wastes, stormwater and associated environmental issues.

**Immediate Past Chair R. Sans Lassiter, P.E.** is President of Lassiter Transportation Group, Daytona Beach, a fully licensed engineering firm providing traffic engineering and transportation planning services: traffic signal design, access management, traffic impacts and capacity, concurrency, impact fees and comprehensive planning, developments of regional impact and corridor planning.

**Flagler County Chapter (FCARD) Vice Chair Charles R. Faulkner** is President of Faulkner & Associates (Flagler Beach), focused on the permitting of largescale projects throughout Florida. Charles previously served as a civil engineer, planner and lobbyist for major development firms.

**Treasurer Ron Nowviskie** is recently-retired as Vice President and Senior Property Manager for Root Real Estate where he was employed for more than 40 years. Ron also is active on numerous civic and charitable associations throughout Volusia and Flagler counties.

**Secretary Kimberly A. Buck, P.E.** is President of Alann Engineering Group (Ormond Beach) specializing in the design of sites, roads, subdivisions, stormwater and water / sewer systems, and contract administration.



**Clay Ervin** has joined **Lassiter Transportation Group** (LTG) as Planning Director. With more than 25 years of Florida planning experience, Clay will focus on the LTG's public and private sector clients' comprehensive planning needs, including updates associated with the *2011 Community Planning Act*. This landmark legislation is geared to create flexibility in local government planning and development programs to foster economic development and fair regulation.

... Clay's contact information is [cervin@lassitertransportation.com](mailto:cervin@lassitertransportation.com) or 386-257-2571.

**... VCARD/ FCARD Member News ... continued from page 7 ...**

*Engineering News-Record* magazine has ranked **McKim & Creed** number 13 among 90 top design firms in the Southeast United States.

... In addition to the overall ranking, McKim & Creed was listed as number eight among firms specializing in sewage and solid waste, and number nine among civil engineering firms.

... Established in 1978, McKim & Creed provides engineering, surveying and planning services to public and private sector clients from offices in North Carolina, Georgia, Virginia and seven locations in Florida, including Daytona Beach, Palm Coast and Lake Mary.

... The firm also has been named one of the top architectural / engineering / contracting firms by *Public Works* magazine and one of the top 200 environmental firms in the United States by *Engineering News-Record* magazine.

**F.Y.I. ... Daytona State College** (DSC) plans to begin offering a new two-year degree program in **Environmental Science Technology** to provide interested students with the basic skills and abilities in the fields of environmental compliance and technology. Program Coordinator Debra Woodall and Frank Mercer, director of DSC's Center for Business and Industry, are **reaching out to VCARD members** who would like to provide guidance about the program curriculum and organization – and potentially serve as guest presenters in the classrooms.

... A VCARD team will be meeting soon with the DSC representatives to exchange ideas. Call VCARD if you would like to participate.

**VCARD's SILVER ANNIVERSARY ICEBREAKER RECEPTION!**

***Wednesday, September 28, 2011***

***5 - 8 p.m. in The Clubhouse at LPGA International***

***1000 Champions Drive, Daytona Beach***

**Plan to join your friends in VCARD / FCARD and local government as we celebrate our Association's 25<sup>th</sup> annual Icebreaker reception ... one of the most popular social and networking events in North and Central Florida. Formal invitations will be distributed soon.**

***We look forward to seeing you on September 28!***

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Thanks to [Consolidated-Tomoka Land Co. / LPGA International](http://www.consolidatedtomoka.com)  
([www.consolidatedtomoka.com](http://www.consolidatedtomoka.com) / [www.lpgainternational.com](http://www.lpgainternational.com));

[CPH Engineers \(www.cphengineers.com\)](http://www.cphengineers.com);

[Dredging & Marine Consultants \(www.dmces.com\)](http://www.dmces.com)

and [S & ME \(www.smeinc.com\)](http://www.smeinc.com)

for sponsoring VCARD's newsletter. Please visit their corporate web sites for details about the development-related services they provide:

