



## 'VCARD DEVELOPMENTS'

February 3, 2009

### ***Regulatory 'Disconnects' Are Hindering Waterfront Development***

*By VCARD Chair **Joel Ivey***

Some regulatory conflicts are floating in the waters of east Volusia's Halifax River, hindering the future of several communities' lucrative waterfront redevelopment plans. A March 20<sup>th</sup> VCARD program is the beginning of an initiative to educate public officials and development professionals about "disconnects" of existing environmental rules – and hopefully gain some solutions for quality developments along the Halifax and other waterways.

***Background:*** In October 2005, county environmental planners completed a **manatee protection plan** as required by state government for waterways that are frequented by this endangered species.

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A major component of the plan allocates a set number of boat slips to each waterfront government – as dictated by a formula including total amount of shoreline, existing facilities, existing shoreline property owners, and the state-mandated slip-to-shoreline ratio for that area.

As part of their redevelopment efforts, several Halifax Area cities have been working to facilitate waterfront projects (particularly condominiums) whose future success largely relies on marinas that meet the plan's boat slip allocations.

***The Problem:*** On the state and federal government levels, there are separate environmental permitting rules for boat docks and marinas that result in far fewer allowable slips, particularly for multi-family projects.

***Disclaimer:*** Volusia's environmental planners emphasize that the county's manatee plan is not intended to interfere with or preempt state or federal environmental permitting regulations.

*But at the same time,* leaders of east Volusia's cities are looking toward marina-related waterfront projects as a key to the success of their redevelopment initiatives – especially once the staggering economy rebounds.

***'Regulatory disconnects to an economic engine'*** is the theme of VCARD's March 20<sup>th</sup> program being coordinated by **Shailesh Patel** (Dredging & Marine Consultants). Other participants include land use attorneys **Allen Watts** (Cobb Cole) and **Wayne Flowers** (Lewis, Longman & Walker) who also is past legal counsel for the St. Johns River Water Management District. ... ***continued on page 2 ...***

*... waterfront development conflicts ... continued from page 1 ...*

The March 20<sup>th</sup> program's panel also includes Volusia County Manatee Protection Planner **Georgia Zern** who will present the background and intent of the manatee plan.

VCARD's educational program will not resolve this significant development issue. Instead, the presentations and panel discussion are geared to explain the background and existing problem to development professionals and local government representatives – as well as numerous **state and federal government regulatory officials** who are being encouraged to attend. Shailesh – who works first hand with marina development – hopes that this program will be the start to a productive dialogue, leading to solutions that allow east Volusia communities to achieve their economic goals while maintaining the integrity of state and federal environmental regulations, and Volusia's manatee plan.

I encourage everyone to attend this important program and become educated about a topic that impacts the future of east Volusia community growth.

**The event will be from 10 a.m. to noon** (lunch afterward) in Sunset Harbor Yacht Club and Conference Center, 861 Ballough Road, Daytona Beach ... *along the banks of the Halifax River*. A formal announcement will be distributed soon, but reservations can be forwarded to VCARD Director David Castagnacci ([dave@daytonachamber.com](mailto:dave@daytonachamber.com)) or 386-257-4169.

*We look forward to seeing you there! Joel.*

**~~ ENVIRONMENTAL ~~**

*... Also impacting marinas ...*

New rules regulating the use of **state-owned SUBMERGED LANDS** are moving through the review process with the Florida Department of Environmental Protection (FDEP). If adopted by the Governor and Cabinet, the proposed changes will: clarify and add definitions; extend the standard lease term; establish lease fees already waived by statute; change the method for calculating easement renewal fees; and provide a one-time premium for new private leases, expansions of private leases, lease conversions from first-come first-served to private, and lease conversions for changes of use.

*... Special thanks* to attorneys **Michael Sznajstajler** (Cobb Cole) and **Todd Sumner** (Greenberg-Traurig) for keeping VCARD updated on these proposed rules. The planned revisions can be downloaded from FDEP's division of state lands web page: <http://www.dep.state.fl.us/lands/> Or call VCARD for a summary of the changes prepared by Michael Sznajstajler.

Water quality protection of the **MATANZAS RIVER BASIN** is a major initiative of the St. Johns River Water Management District and Florida Department of Environmental Protection. The agencies are working to designate the basin an **Outstanding Florida Water (OFW)** and to strengthen stormwater treatment rules, both of which would intensify standards for discharges into the basin.

*... The Matanzas River extends about 25 miles from north of Palm Coast to St. Augustine.* It has been the focus of state environmental studies for the past several years with a goal to protect the basin's pristine water quality and diverse habitat.



*... environmental news updates of Volusia County ...*

A new VCARD **Wetlands Committee** is reviewing a “matrix” of changes to **countywide minimum wetland standards** being proposed by county environmental planners and an environmental ‘Green Ribbon’ Task Force. The matrix particularly projects stricter rules for wetlands bordering Outstanding Florida Waters and within Volusia’s designated Natural Resource Management Area (NRMA) and the Environmental Corridor Overlay (ECO) map, encompassing more than 300,000 acres within central Volusia. A major provision would require permits and **mitigation for the alteration of wetlands on agricultural lands** that are converted to non-agricultural uses within 10 years. And the changes clarify standards for the non-mechanical clearing of wetlands.

**NOTE:** As countywide minimum standards, these enhanced rules eventually will be enforceable within cities’ jurisdictions as well as unincorporated areas.

... VCARD’s review and input on these proposed changes is being coordinated by **Shannon Julien** (Environmental Services, Inc.) and **Ginger Sinn** (Greenhorne and O’Mara). They will combine the committee comments into a report for submission to county council members who soon will be discussing the planned revisions. Interested members are encouraged to call VCARD for a copy of the matrix or to be added to the VCARD committee list.



This wetlands rule update is the first initiative of Volusia’s ‘Green Ribbon’ Task Force. The task force was appointed by the county council last year to **update Volusia’s various minimum environmental standards**, others covering stormwater management; oversight of the Indian River Lagoon; water conservation; water wise irrigation and landscaping; and protection of trees, sea turtle nests, beaches and dunes, and wellfields.

... Coinciding with Volusia’s ongoing ‘smart growth’ initiative, the task force is targeting “enhanced environmental standards” for future growth within conservation areas, especially the ECO map acreage.

... VCARD members serving on the task force include dairy farmer **Gerald Fieser**; **Joel Ivey** (Ivey Planning Group); **Tadd Kasbeer** (Bowyer-Singleton & Associates); **Glenn Storch** (Storch, Morris & Harris); and **Allen Watts** (Cobb Cole).

Another VCARD committee chaired by **Shannon Julien** (Environmental Services, Inc.) has completed its review of Volusia County government’s proposed new **GOPHER TORTOISE** protection ordinance. The ordinance is meant to supplement a new state management plan and permitting rules to relocate tortoises to suitable natural areas when they are found on development sites. Overall, the plan is geared to eliminate tortoise mortalities during the development process.

... VCARD’s committee met several times with Volusia environmental planners and submitted a summary of comments that the planners used to fine tune the county draft. It soon will be moving through the adoption process. Call VCARD for a copy of the draft or input supplied by VCARD’s committee.

**~~ TRANSPORTATION ~~**

A uniform **traffic impact analysis** (TIA) is being implemented by planners with the Volusia Metropolitan Planning Organization (MPO). This effort is geared to provide a uniform process for local governments to determine the traffic impacts of planned new developments. MPO planners also have drafted a TIA **intergovernmental coordination process** for projects whose road impacts cross jurisdictions. Call VCARD for a copy.

*... Central Florida leaders prepare for SunRail ... pending legislative approval ...*

The Florida Department of Transportation (FDOT) is assisting local governments along the Interstate 4 corridor to embrace the concept of **transit-oriented development** (TOD) in preparation for startup of central Florida's **commuter rail** (now known as SunRail) within the next two years. FDOT officials particularly are working with local governments where stations will be situated within the 61-mile rail line between Poinciana and DeLand (generally running parallel to I-4).

... Consultants are helping the governments develop visions and plans for growth surrounding the stations that "reduce reliance on automobile use; promote transit use, walking and biking; and create lively and safe, mixed-use neighborhoods." TOD growth plans for areas surrounding the 17 rail station sites follow the same general concepts and principles – but also focus on zoning, land use and design proposals that are specific to each site, including areas surrounding the two Volusia stations in **DeBary and outside DeLand**. TOD plans for these stations were developed in conjunction with VOTRAN transit agency planners and they can be accessed through [www.votran.org](http://www.votran.org).

... SunRail's web site: [www.SunRail.com](http://www.SunRail.com) includes updates on other central Florida projects associated with the entire commuter rail initiative – including planned studies of potential streetcar and transit systems to link population centers with the SunRail stations.

... **NOTE:** SunRail -- and the related land use and transit projects -- are dependent on a **final vote of approval for the commuter rail by the Florida Legislature this spring**.

**West Volusia** local governments are funding a **study of future transportation needs** to facilitate anticipated growth through the year 2030. The study is being coordinated by **Ghyabi & Associates**, a VCARD member firm that conducted a similar study for areas of Port Orange, New Smyrna Beach and Edgewater about two years ago. That study estimated that \$444 million in road improvements will be needed based on the amount and types of development that is projected for southeast Volusia.

... The west Volusia study is being funded by DeLand, Orange City, Deltona and Volusia County, with DeBary and Lake Helen as non-funding partners.

... Planners and the local governments' leaders intend to use the studies to help push for state and county transportation funding for those projects that are deemed the most important.

A new **drainage connection permit rule** has been adopted by the Florida Department of Transportation (FDOT) to regulate and set standards for the transfer of stormwater to FDOT rights of way stemming from development activities on adjacent properties. The standards are geared to ensure the safety and integrity of the FDOT's facilities and to prevent an unreasonable burden on lower properties. The new rule, effective January 20, 2009, can be accessed through <http://www.dot.state.fl.us/rddesign/dr/DrainageConnectionPermit.shtm>

... Special thanks to **Linda Geiger** (CPH Engineers) for keeping VCARD members updated on this new FDOT rule.

**~~ VOLUSIA COUNTY ~~**

The **Volusia Council of Governments** (VCOG) is creating a framework for local government **joint planning agreements** (JPAs) to address future development, conservation and preservation patterns within geographic areas of mutual interest. Issues that could be covered through the JPAs include densities; transportation and utility considerations; provisions for neighborhood commercial services; public safety services; civic and educational facilities; agricultural uses and environmental preservation; design standards; and annexation of properties.

... These JPA guidelines are part of Volusia local governments' **SMART GROWTH initiative** that has been ongoing since 2003 (beginning with a series of VCARD-sponsored workshops).

... For the past several years, the smart growth project has been coordinated by VCOG whose leaders have prepared a progress report. The report particularly focuses on creation of an **ECO (Environmental Corridor Overlay) map** that designates about 328,000 acres of central Volusia for environmental protection. A model "**conservation subdivision**" ordinance now is being crafted to serve as a guide for local governments to permit quality, clustered, environmentally-friendly communities within ECO map areas that are suitable for development. Call VCARD for reports or updates on Volusia's and VCOG's smart growth.

**Volusia County's** Planning and Development Services Department is preparing to reformat and **reorganize the existing ZONING AND LAND CODE**. The Unified Land Development Code will include updated references and a complete renumbering beginning in March 2009.

**AFFORDABLE HOUSING** committees in Daytona Beach, Deltona, Port Orange and county government are drafting **incentive ordinances** to help promote the development of affordable housing for low and moderate income residents. The county council is reviewing a draft ordinance recently completed by the committee for unincorporated Volusia, chaired by **Frank Severino** (Severino Enterprises). The county ordinance's proposed incentives include reduced impact fees; smaller allowable lot sizes; reduced sidewalk requirements; and streamlined permitting. Call VCARD for a copy of the draft.

... State law requires these committees and incentive ordinances for all municipalities that are part of a federal funding program for affordable housing programs and projects.

**Thanks to Lynn McCoy** (Harpster Engineering & Surveying) for coordinating a **survey of VCARD member engineers**. The survey is assisting local governments to use the most productive and efficient types of computer **format for standard details of development plans**. About a dozen professionals offered extensive suggestions and thoughts about the topic – as well as explanations why some formats are more efficient than others.

... Lynn first submitted the compilation of comments to Ormond Beach planners; and he now is following up with other local governments' officials. Call VCARD for a copy of the survey responses -- or if you would like to assist with this ongoing VCARD project.

**Paul McKitrick** is **Daytona Beach's** new director of development and administrative services. He replaces Cheryl-Harrison Lee who resigned recently. Mr. McKitrick also serves as deputy city manager / public works director, although city officials plan to hire a replacement in the public works department.

*... Volusia local governments ... continued from page 6 ...*

**ORMOND BEACH** officials continue updating the city's **comprehensive plan and land development code**. Major comp plan changes modify the city's existing **floodplain and wetland** regulations to follow the standards of the St. Johns River Water Management District, thus relying on the agency to regulate these environmental permits.

... Land code changes work to **streamline site plan review** by allowing the planning director certain flexibility in the review of minor land code variations. The changes also replace current public hearings with **neighborhood meetings** for larger commercial projects that abut residential areas. The changes allow for public hearings if issues aren't resolved at the neighborhood meetings early in the review process.

... The amendments also reformat zoning districts; update permitted, conditional and special exception uses of each zoning district; and align land code provisions with terms of the zoning districts. Call VCARD for a copy of these amendments.

*... In SOUTHEAST VOLUSIA ...*

**New Smyrna Beach** planners are incorporating new **CONSERVATION LANDSCAPING** requirements into the city's land code for future residential and commercial development. Provisions in the preliminary draft clarify tree protection and trimming requirements; restrict the extent and type of turf grass used for new- and redevelopments; limit the use of pesticides on non-residential properties; and restrict plantings near natural water bodies.

*... Community Visions ...*

**New Smyrna Beach** and **Florida East Coast Railroad** representatives are working on a "vision" for future redevelopment of about 160 acres of the company's land west of US1 near the city's downtown. They have begun conducting a series of public workshops.

A new "vision" for **EDGEWATER's downtown** is the highlight of a study recently endorsed by the city council. The study -- based on a series of public workshops -- envisions centering the downtown along Park Avenue, mainly between US1 and the Indian River. The study proposes to make both Park Avenue and US1 more aesthetic and pedestrian-friendly with wider sidewalks, trees, landscaping and architectural design guidelines.

... The report can serve as a guide should the council decide to move forward with the new 'downtown' -- as well as a potential economic feasibility study for the creation of a community redevelopment district within the designated downtown area.



**Edgewater** officials have created a new **Sustainable Community Development** land use category to facilitate an extensive mixed-use community being planned on more than 5,000 acres west of Interstate 95. The new category outlines methods for merging transportation, job centers and housing types to make the community more self-sufficient. 'Restoration' is being developed by VCARD Member Firm **Hammock Creek Green LLC**.

Just south of 'Restoration,' another VCARD member firm, **Miami Corp.**, is planning the longterm vision for **about 59,000 acres of rural land** that extend south of Edgewater into Brevard County, and west of Edgewater to Osteen. A draft land use plan for the acreage provides for preservation of vast environmental areas and mixed-use communities, based on sustainability and 'green' development standards.

**... IN WEST VOLUSIA ...**

**DELAND's** building department has compiled a list of rebates for homeowners or builders as incentives for installing **water conservation** devices. Rebates are available for 13 different type appliances, ranging from a \$20 rebate for rain barrels (minimum 50-gallon capacity) to \$100 for low-water consumption urinals, dishwashers and washing machines. Each residence is limited to \$250 in rebates. Call VCARD for a copy of the rebate application form.

**DELTONA** planning consultants have completed the composite draft of a new **unified land development code**. A VCARD committee is being coordinated to review the draft. Call VCARD if you would like to participate.

Volusia County's first **GREEN BUILDING** ordinance has been adopted by **Deltona** leaders. Instead of *mandating* 'green' environmental standards for future projects, the ordinance offers incentives for builders to use materials and construction processes that conserve energy, the environment and water resources. Such incentives include fast-track permitting; reduced permit fees; and official recognition by the city.

... Last year, a VCARD committee chaired by **Joel Ivey** (Ivey Planning Group) worked extensively with county staff to draft a **Green Development / Building Ordinance** for submission to county government – and interested city governments. County legal staff and planners are reviewing that draft as a resource for a future green building ordinance that will likely focus solely on green construction guidelines but not land use and site planning.

**Chris Bowley**, AICP, is **Deltona's** new director of planning & development services. He most recently was the director of land acquisition and operations for Metro Development Group, LLC; and also has previous planning experience with home construction and consulting firms, as well as serving as adjunct professor at Rollins College, Winter Park.

**~~ IN FLAGLER COUNTY ~~**

**Donna Wysong** is the new **FLAGLER COUNTY deputy attorney**. She most recently was Tampa's assistant city attorney and prior to that served as assistant county attorney in Hillsborough. Ms. Wysong graduated first in her class from Stetson School of Law; and her previous experience includes planning and zoning issues, comprehensive plans, and working with councils and committees. She replaces Lisa Bosch who resigned about a year ago.

A series of public '**visioning**' workshops are being conducted by **BUNNELL** officials as they begin an update of the city's comprehensive plan -- an ongoing project during the next year. This comp plan and land use update especially is important as Bunnell leaders have annexed almost 90,000 acres of rural land in recent years – expanding the city from 2 to 145 square miles and making it Florida's second largest city in size, next to Jacksonville.

... Members of our association's Flagler Chapter (FCARD) will be monitoring these workshops and providing input to city officials. Call VCARD if you would like to participate.

**... F.Y.I. ... 'Growth Management, Energy, Climate Change, and the Environment'** is the focus of the 25<sup>th</sup> annual **growth management short course** being sponsored by the Florida Chamber of Commerce, Feb. 18-20 in the Daytona Beach Hilton, 101 N. Atlantic Avenue. Keynote speakers will be **Tom Pelham**, secretary of the Florida Department of Community Affairs; and State Representative **Dean Cannon**. Call VCARD for descriptions of the various courses being offered, as well as registration information.

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

**Michael D. Chiumento III** (Chiumento & Guntharp, P.A.) is the new chairman of the board for the **Flagler County Chamber of Commerce**. He also has been an active leader with Enterprise Flagler, currently serving on the economic development agency's board.

... **Michael** recently was selected by the *Business Report* as one of 2008's *Young Business Leaders* for the Volusia-Flagler area. Also selected were **Chris Challis** (Cobb Cole) and **Frank Severino** (Severino Enterprises).

*Congratulations* to **Rose Ann Tornatore** (Wholesale Lighting), a recent recipient of the Daytona Beach Chamber of Commerce Leadership Council's top honor, *The Marvin Samuels Leadership Award*. Rose Ann was recognized for her dedicated service on the Daytona Beach Affordable Housing Board; Children's Home Society; Daytona Beach Police Foundation; Crime Stoppers; and Chamber of Commerce membership recruitment.

**Mark Neiman**, P.E., is new senior project manager of transportation services in the Daytona Beach office of **Wade Trim**, a civil engineering and planning firm. Neiman previously owned CSI Engineering where he served as principal engineer, managing more than 130 development projects throughout the state of Florida. Established in 1926, Wade Trim has 25 offices in eight states.

**Shailesh K. Patel**, principal at **Dredging & Marine Consultants**, LLC (DMC) has been elected president of the **Florida Lake Management Society**. More information about the society is available at [www.FLMS.net](http://www.FLMS.net).

... DMC is a Port Orange environmental-engineering firm specializing in the design and permitting of waterfront facilities and structures such as marinas, ramps, docks and piers; shoreline protection such as rock-revetments and seawalls; dredging; and upland site and stormwater planning.

The **National Speakers Association** (NSA) featured Past VCARD Chair **Hardy Smith** (Hardy Smith Consulting) as speaker for the January NSA President's Council Campfire Chat. The monthly conference call provides NSA chapter presidents nationwide with resources to enhance their leadership skills. Hardy -- who helps nonprofit groups connect with people and profit -- shared tips for developing and implementing leadership succession plans as a strategy for strengthening chapter organizations.

... Nonprofit and volunteer leaders nationally benefit from *Hardy's Tips For Nonprofit Success* monthly newsletter. Learn more about Hardy Smith and his consulting services through [www.hardysmith.com](http://www.hardysmith.com)

*At VCARD's January 30<sup>th</sup> lunch forum* ... Public Relations and Public Affairs Consultant **Patrick Slevin** provided great insights for *improving community relations* in the development review process. Aside from our association members, the audience included numerous local government officials (politicians and planners) as well as many involved citizens. Everyone learned of ways they can improve communications to benefit both the community and quality development. Patrick will be opening a new web site soon with information about his past presentations and 'civic engagement' concepts. Call VCARD to be informed about it.