



CITY OF OAK HILL

SPECIAL MEETING

6:00 P.M. – COMMISSION CHAMBERS - CITY HALL

MAY 18, 2015

MINUTES

A. CALL TO ORDER

B. ROLL CALL

Present: Mayor Gibson, Commissioner Livingston, Commissioner Bittle, Commissioner Hyatt.

Absent: Vice Mayor Bracy.

C. **ORDINANCE #2015- 07**

AN ORDINANCE OF THE CITY OF OAK HILL, FLORIDA, AMENDING ITS COMPREHENSIVE PLAN BY AMENDING CHAPTER 1 FUTURE LAND USE ELEMENT, POLICY 1.1.2.H. PROVIDING FOR SEVERABILITY; REPEALING ALL LAWS OR PARTS OF LAWS IN CONFLICT HEREWITH; AND PROVIDING WHEN THIS ORDINANCE SHALL TAKE EFFECT.

The City Attorney read the ordinance into the record by heading only.

The City Attorney stated he had a conversation with Clay Henderson, a representative of opposing organizations, in regards to this item and asked Mr. Henderson if he wanted to speak to the commission in regards to that conversation.

Clay Henderson, representative of Florida's Audubon Society, South East Volusia Audubon Society and 1000 Friends of Florida and the National Parks Conservation Association, stated the South East Volusia County Audubon Society has been granted standing at the recent Volusia Growth Management Commission meeting in regards to this item presented. He went on to state that he is confident that any action taken on this item will be deemed null and void. Therefore he would be willing to sit down with the parties involved to discuss this issue before any action is taken; otherwise his representatives are willing to pursue legal options that would delay this for up to a year.

The City Attorney stated that all parties have not met with the objecting parties and since there is time, as there is no potential end user the City has the luxury of time.

The Mayor asked Mr. Henderson if he has made the statement that he will fight this all the way?

Clay Henderson stated that the organizations that he represents, which includes the National Parks Conservation Association which is a multi-million member organization, are fully opposed to this item that is being presented. He went on state he can assure the Commission that in 21 days we will before an administrative law judge and perhaps a Circuit court judge as well, no expense will be spared to have a judge to deem any action taken on this item to be null and void.

The mayor asked Mr. Henderson where his organizations were when the policy was created to allow 75% residential and 25% commercial.

Mr. Henderson stated his organizations are not opposed to any proposed launch commercial ground facilities on the west side of US Highway 1, the objections are for the policy change that will allow industrial next to a National Park.

The City Attorney asked Mr. Henderson if the organizations are against any industrial on the east side of US highway 1; would there be any reason for all parties to meet as their will not be an agreement.

Clay Henderson stated he believes his clients deserve a chance to meet and discuss this item.

The Mayor stated there is confusion between the Shiloh launch site and the property that is being discussed and when speaking about this item that needs to be made clear.

Clay Henderson stated his clients are committed to protecting the integrity of the National Parks.

Steve Unatin, one of the property owners of the 400+ acres that is being discussed; stated as the owner of the property he is trying to create what would be most beneficial for his partners, himself and the City. He went to express this option of industrial use is a positive step for the city because water and sewer infrastructure would be brought to the City. He urged the City to move forward tonight and if Clay Henderson and his clients want to speak the door is always open.

The City attorney stated the Commission needs to decide if they are willing to sit down with the opposing organizations and/or their representatives and try to come to a possible agreement and delay this item for 30 days. This will give the City a chance to avoid an adverse situation of going to court and also allow the City to set aside money to fund a possible court case.

The Mayor stated the City has not received any suggestions for remedying the opposition from Mr. Henderson's clients.

Clay Henderson stated it is not his position to provide solutions to his objections; yet he is willing to sit at the table with the City, his clients and Canaveral National Seashore (whom he does not represent).

Motion: To continue this item in 30 days, Action: Approve, Moved by Commissioner Hyatt, Seconded by Commissioner Livingston.

Maurice Mathieu, Canal Avenue, stated he urges the Commission to go forward with the Land Use adoption now; he said when a developer comes in they will go through numerous permitting processes and everyone's voice would be heard.

The City Planner stated from a statutory position the time frame to adopt is 180 from the March 28, 2015 date; yet she feels that a continuance is not necessary.

Robert Clinton, Community Trust member, stated if the City postpones this item he urged them to be diligent and do not let this item lose support.

Mike Arman, Magda Lane, urged the City to move forward.

Denise King, 250 South Us Highway 1, urged the City to move forward.

Jupp Norhausen, 214 Gary Ave, urged the City to move forward.

Lyn Seaward, 345 Ezra Rd, as a member of the PLDRC board stated this is not the last step and there will be many channels a developer would need to go through and urged the City to move forward.

Walter Maynard, North Us Highway, stated the land that is being discussed used to be a landfill and anything there would be an improvement and urged the City to move forward.

Dave Hall, 400 Bills Hills Road, stated the people whom are his neighbors and adjoin this property would welcome a delay. He went on to state that his neighbors and himself do not know what this industrial designation would mean and they would like to discuss this with the City.

The Mayor stated the time for Mr. Henderson's clients and other opposing citizens to speak was at the VGMC meeting. He stated the PLDRC chairperson spoke under oath and made many misstatements including telling the Committee her property was adjacent to the property in question.

The Mayor stated he understands everyone is afraid of the unknown but feels delaying this item will not help. Andrea Lux stated the adjoining property owners should be included in these discussions.

Roll Call Vote: Commissioner Hyatt and Livingston; Yes. Mayor Gibson and Commissioner Bittle; No. Motion failed.

Bethe Lemke, Planning Solutions stated staff recommends the Commission include the suggested wording from DEP to the Ordinance 2015-07. As stated below:

FLUE Excerpts

Policy 1.2.3. A building height limit of 35 feet shall be maintained throughout the city, except in the Activity Center.

Policy 1.1.2

H. ~~Special District #1—The Special District #1~~ Activity Center – The Activity Center Future Land Use is specific to a 415 acre area as identified on the Future Land Use Map and shall be developed as a mixed use development with a City approved Planned Development Agreement. The following standards shall apply to the net developable acres:

(a) Allowable Uses:

Scenario #1 - Net Developable Acreage

75% Residential and

25% Commercial.

OR

Scenario #2 - A mix of the following uses on the Gross Acreage:

30% Industrial

70% Conservation & Agricultural

(b) 4 to 8 Residential units per acre (net developable with central utilities).

(c) Maximum of .50 FAR (floor area ratio) Commercial (net developable with central utilities).

(d) Maximum of 1.0 FAR (floor area ratio) Industrial (net developable with central utilities). Further, Scenario #2, above will not exceed the impacts on public facilities and services of Scenario #1, above.

(e) Development scenarios and buffers

(1) Scenario #1 – The net developable acreage may consist of 75% Residential & 25% Commercial with the remaining areas designated as open space to provide a buffer to adjacent uses.

(2) Scenario #2 – The net developable acreage may consist of industrial uses with the remaining areas designated as conservation and agricultural to provide a buffer to adjacent uses.

(f) Orientation of Permitted Uses and Structures.

Industrial, commercial or residential uses shall be oriented towards the center of the site.

Motion: Ordinance 2015-07 with the suggested amendment from DEP, Action: Approve, Moved by Mayor Gibson, Seconded by Commissioner Bittle.

Clay Henderson, representative of Florida's Audubon Society, South East Volusia Audubon Society and 1000 Friends of Florida and the National Parks Conservation Association; asked the letters that were previously sent to the City from these organizations to be reentered into the record as they outline their concerns and objections. He went on to state he has two objections to enter into record the first being the legal notice for this hearing as it was not advertised as required by state statute and the second objection is the ordinance has not been amended as to include the conditions from the VGMC. He stated again his other objections stated in the correspondence from his client entered into record; those being lack of proper data and analysis and the compatibility with the surrounding uses which are national parks and conservation land.

Motion: Ordinance 2015-07 with the added wording from DEP, Action: Approve, Moved by Mayor Gibson, Seconded by Commissioner Bittle.

Motion passed unanimously.

Beth Lemke stated staff recommends continuing Ordinance 2015-08 to allow for time to meet with citizens and have more discussion as this category is created.

Motion: Continuing ordinance 2015-08, Action: Approve, Moved by Commissioner Livingston, Seconded by Commissioner Hyatt.


Motion passed unanimously.

D.

ORDINANCE #2015- 08


AN ORDINANCE OF THE CITY OF OAK HILL, FLORIDA, AMENDING ITS LAND DEVELOPMENT REGULATIONS, BY ADDING AN ACTIVITY CENTER PLANNED DEVELOPMENT ZONING CLASSIFICATION; PROVIDING FOR SEVERABILITY; REPEALING ALL LAWS OR PARTS OF LAWS IN CONFLICT HERewith; AND PROVIDING WHEN THIS ORDINANCE SHALL TAKE EFFECT.

E. ADJOURNMENT – 7:38PM



Douglas A Gibson, Mayor

ATTEST:



Kohn Evans, City Clerk/Administrator

APPROVED FOR LEGALITY AND FORM:



Scott Simpson, City Attorney

Pursuant to Florida Statute 166.041 (3) (A) including 286.0105, if an individual decides to appeal any decision made with respect to any matter considered at a meeting or hearing, that individual will need a record of the proceedings and will need to ensure that a verbatim record of the proceedings is made.