

January 24, 2012

MEMBERS OF THE LOCAL PLANNING AGENCY
PLANNING AND ZONING BOARD
New Smyrna Beach, Florida

THIS SHALL SERVE AS YOUR OFFICIAL NOTIFICATION of the regular meeting of the LOCAL PLANNING AGENCY AND THE PLANNING AND ZONING BOARD on MONDAY, FEBRUARY 6, 2012 at 6:30 P.M., in the City Commission Chambers, 210 Sams Avenue, New Smyrna Beach, Florida, for consideration of the following:

ROLL CALL

ELECTION OF OFFICERS

APPROVAL OF MINUTES

Regular meeting held January 9, 2012

PUBLIC PARTICIPATION

VISIONING

OLD BUSINESS

- A. V-13-11: KENCO SIGNS / 2240 STATE ROAD 44
Raymond Webb, Kenco Signs, 1539 Garden Avenue, Holly Hill, Florida, 32117, applicant on behalf of the property owner, Sand Capital IV, LLC, 5725 North Scottsdale Road, Suite 195, Scottsdale, Arizona, 85250, requests a variance to allow a 98.22-square foot sign in lieu of the 62-square foot sign permitted by code. The subject property is zoned B-3(C), Highway Service Business District (Corridor Overlay Zone), contains approximately 5.4 acres, and is generally located on the south side of State Road 44, at 2240 State Road 44.

NEW BUSINESS

- B. CPA-8-11: ANNUAL CIE UPDATE
The City of New Smyrna Beach, applicant, requests approval of an amendment the City's *Comprehensive Plan* to update the Capital Improvements Element, as mandated by Florida statutes.

C. PUD-1-12: HAMPTON INN PUD 1ST AMENDMENT

Ron Flick, 961687 Gateway Boulevard, Suite 201M, Amelia Island, Florida, 32034, applicant on behalf of the property owner, HIHO LLC / Premiere Development Group, 672 Marina Drive Unit B4, Charleston, South Carolina, 29492, requests approval of an amendment to the Hampton Inn Planned Unit Development (PUD) Master Development Agreement (MDA) to incorporate approximately 0.3 acres of additional property into the PUD. If approved, the revisions would constitute the first amendment to the Hampton Inn MDA. The subject property is generally located on the north side of Flagler Avenue, between North Peninsula Avenue and North Pine Street.

D. CLICK / 616 NORTH DIXIE FREEWAY

Jeffery Click, 307 South Orange Street, New Smyrna Beach, Florida 32168, applicant and property owner, requests approval of the following variances:

- A reduction of minimum parking to drive aisle width to allow a 15-foot wide drive aisle;
- Waiver of the 5-foot setback from west property line to allow a parking lot and drive aisle to be located zero feet from the west property line;
- Reduce the number of required parking spaces from two to one;
- Waiver of the required 3-foot wide landscape buffer on the west property line;
- Waiver of the requirement to pave required parking spaces; and
- Waiver of the required 10% interior landscaping in parking lots

The subject property is zoned B-3, Highway Service Business District, contains approximately 0.1 acres and is generally located southwest of the intersection of North Dixie Freeway and Vineyard Lane.

E. ZT-1-12: OUTPARCEL SETBACKS IN THE B-5 ZONING DISTRICT

The City of New Smyrna Beach, 210 Sams Avenue, New Smyrna Beach, Florida, 32168, requests approval of an amendment to the City's *Land Development Regulations* to revise the current minimum building setbacks requirements for Outparcels within the B-5 Planned Shopping Center District.

F. McDONALD DEANNEXATION PETITION

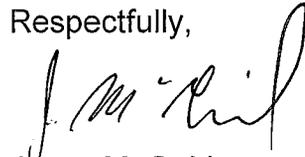
David Z. and Susan McDonald, 2275 Turnbull Bay Road, New Smyrna Beach, Florida, 32168 request approval of a voluntary contraction and associated *Comprehensive Plan* amendments. The subject property is generally located on the east side of Turnbull Bay Road, south of the intersection of Turnbull Bay Road and Bayview Drive, is an approximately 2.27-acre parcel, has a Future Land Use (FLU) designation – Low Density Residential, and is zoned RE, Residential Estate.

COMMENTS OR STATEMENTS BY MEMBERS OF THE BOARD

REPORTS AND COMMUNICATIONS BY THE STAFF

ADJOURNMENT

Respectfully,



Jason McGuirk
Chairperson

cc: Mayor and City Commissioners
City Manager
City Clerk
City Attorney
Planning Manager
Planners
Members of the Press

Pursuant to Florida Statutes 286.01015, if an individual decides to appeal any decision made by the Planning & Zoning Board with respect to any matter considered at this meeting, a record of the proceedings will be required and the individual will need to ensure that a verbatim transcript of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based. Such person must provide a method for recording the proceedings.

In accordance with the Americans With Disabilities Act, persons needing assistance to participate in any of these proceedings should contact the Board Secretary listed below prior to the meeting:

Ursula Moccia, Planning and Engineering Administrative Specialist
City of New Smyrna Beach
210 Sams Avenue
New Smyrna Beach, FL 32168
(386) 424-2132

1 The Local Planning Agency/Planning and Zoning Board held a regular meeting on
2 Monday, January 9, 2012 in the City Commission Chambers, 210 Sams Avenue, New
3 Smyrna Beach, Florida. Chairperson Jason McGuirk called the meeting to order at 6:30
4 p.m.

5 ROLL CALL

6
7 The following members answered to roll call:

8 Steven Casserly
9 Jason McGuirk
10 Brooks Casey
11 Kenneth Bohannon
12 Ian Ratliff
13

14 Travous Dever and Jessie Clark were absent. Also present were Planning Manager
15 Gail Henrikson, Planner Kevin Jameson; Planner Jeff Gove and members of the public.
16

17 Mr. McGuirk welcomed Mr. Casserly to the Board.
18

19 APPROVAL OF MINUTES

20 **Mr. Bohannon made a motion to approve the minutes of the regular Planning and**
21 **Zoning Board meeting held December 5, 2011, seconded by Mr. Casey. Motion**
22 **passed unanimously on a roll-call vote, 5-0.**
23

24 PUBLIC PARTICIPATION

25 No one from the public spoke regarding an item that was not on the agenda.
26

27 VISIONING

28 None.
29

30 Mr. McGuirk stated that in January, the Board typically elects a chair and vice-chair. He
31 stated that because this item was not on the agenda, his preference would be to hold
32 the election in February 2012. The consensus of the Board was to hold the election in
33 February.
34

35 OLD BUSINESS

36 A. A-16-11: McCALLISTER / 1576 LEWIS LANE

37 David and Stacy McCallister, Jr., 1576 Lewis Lane, New Smyrna Beach, Florida,
38 32168, applicants and property owners, request rezoning from Volusia County
39 RA, Rural Agriculture Estate to City RA, Rural Agriculture Estate. The subject
40 property consists of approximately 3.3 acres and is located south of Turnbull Bay
41 Road at 1576 Lewis Lane.
42

43 Ms. Henrikson addressed the Board, reviewed staff's findings and stated that staff
44 recommended approval of the requested rezoning.
45

46 No one from the public spoke for or against the request.
47
48

1 **Motion by Mr. Bohannon, seconded by Mr. Ratliff to recommend the City**
2 **Commission approve the requested rezoning. Motion passed unanimously on a**
3 **roll call vote, 5-0.**
4

5 B. A-17-11: NELLIS / 2800 CONWAY ROAD

6 Renee M. Nellis, 2800 Conway Road, New Smyrna Beach, Florida, 32168,
7 applicant and property owner, requests rezoning from Volusia County RA, Rural
8 Agriculture Estate to City RA, Rural Agriculture Estate. The subject property
9 consists of approximately 2.5 acres and is located south of Turnbull Bay Road at
10 2800 Conway Road.
11

12 Ms. Henrikson addressed the Board, reviewed staff's findings and stated that staff
13 recommended approval of the requested rezoning.
14

15 No one from the public spoke for or against the request.
16

17 **Motion by Mr. Bohannon, seconded by Mr. Ratliff, to recommend the City**
18 **Commission approve the requested rezoning. The motion passed unanimously**
19 **on a roll call vote, 5-0.**
20

21 **NEW BUSINESS**
22

23 C. A-14-11: STRAHMAN/1569 LEWIS LANE

24 Peggy A. Strahman, applicant and property owner, requests rezoning from
25 Volusia County A-2, Rural Agriculture to City A-2, Agriculture District. The
26 subject property consists of approximately 5.32 acres and is located south of
27 Turnbull Bay Road at 1569 Lewis Lane.
28

29 Ms. Henrikson addressed the Board, reviewed staff's findings and stated that staff
30 recommended approval of the requested rezoning.
31

32 No one from the public spoke for or against the request.
33

34 **Motion by Mr. Bohannon, seconded by Mr. Ratliff, to recommend the City**
35 **Commission approve the requested rezoning. Motion passed unanimously on a**
36 **roll call vote, 5-0.**
37

38 D. V-13-11: KENCO SIGNS / 2240 STATE ROAD 44

39 Raymond Webb, Kenco Signs, 1539 Garden Avenue, Holly Hill, Florida, 32117,
40 applicant on behalf of the property owner, Sand Capital IV, LLC, 5725 North
41 Scottsdale Road, Suite 195, Scottsdale, Arizona, 85250, requests a variance to
42 allow a 98.22-square foot sign in lieu of the 62-square foot sign permitted by
43 code. The subject property is zoned B-3(C), Highway Service Business District
44 (Corridor Overlay Zone), contains approximately 5.4 acres, and is generally
45 located on the south side of State Road 44, at 2240 State Road 44.
46

1 Mr. McGuirk stated that staff has requested that this case be continued to the February
2 meeting.

3
4 **Motion by Mr. Casey, seconded by Mr. Bohannon, to continue this case to the**
5 **February 6, 2012 Planning and Zoning Board meeting. Motion passed**
6 **unanimously on a roll call vote, 5-0.**

7
8 E. A-21-11: KRUCK / STATE ROAD 44

9 Donald Kruck, 445 Bouchelle Drive, Unit 205, New Smyrna Beach, Florida,
10 32169, applicant and property owner, requests annexation, *Comprehensive Plan*
11 amendment from Volusia County Environmental Systems Corridor to City
12 Agricultural; and rezoning from Volusia County RC(C), Resource Corridor
13 (Thoroughfare Overlay Zone) and Volusia County RC, Resource Corridor to City
14 A-2, Agriculture District. The subject property consists of approximately 5.0
15 acres and is generally located northeast of the intersection of State Road 44 and
16 Hughes Road.

17
18 Ms. Henrikson addressed the Board, reviewed staff's findings and stated that staff
19 recommended approval of the annexation, *Comprehensive Plan* amendment and
20 rezoning requests.

21
22 Mr. McGuirk asked whether someone could build on property that had the County's
23 Environmental Systems Corridor land use designation.

24
25 Ms. Henrikson discussed what type of uses would be allowed and the permitted
26 densities.

27
28 Donald Kruck, 445 Bouchelle Drive, New Smyrna Beach, addressed the Board. He
29 stated that he was the owner of the property. He asked the Board whether all of his
30 property would be annexed into the City, or whether the portion of his property that was
31 west of Hughes Road would remain in the County. Mr. Kruck stated that he had
32 concerns because Hughes Road runs across his property.

33
34 Ms. Henrikson stated that the entire property, including area on both the east and west
35 sides of Hughes Road were included in the annexation request.

36
37 No one from the public spoke for or against the request.

38
39 Mr. Kruck asked when the requests would be presented to the City Commission.

40
41 Ms. Henrikson stated that the items would be tentatively scheduled for the February 14
42 and February 28, 2012 City Commission meetings.

43
44 **Motion by Mr. Bohannon, seconded by Mr. Ratliff, to recommend the City**
45 **Commission approve the annexation, *Comprehensive Plan* amendment and**
46 **rezoning requests. Motion passed unanimously on a roll call vote, 5-0.**

1 F. SV-1-11: PESCADO STREET

2 Tony Otte, Community Redevelopment Agency Director, City of New Smyrna
3 Beach, 201 Sams Avenue, New Smyrna Beach, Florida, 32168, applicant on
4 behalf of the property owner, City of New Smyrna Beach, 210 Sams Avenue,
5 New Smyrna Beach, Florida, 32168, requests vacation of a portion of the platted
6 but unopened Pescado Street right-of-way. The subject property consists of
7 approximately 1.4 acres and is generally located south of the North Causeway on
8 property addressed as 160 North Causeway.

9
10 Mr. Jameson addressed the Board, reviewed staff's findings and stated that staff
11 recommended approval of the requests.

12
13 No one from the public spoke for or against the request.

14
15 Mr. Bohannon asked for verification that the letter from the Utilities Commission was a
16 letter of no objection, even though it was not specifically stated in the letter.

17
18 Mr. Jameson confirmed that it was a letter of no objection.

19
20 **Motion by Mr. Bohannon, seconded by Mr. Ratliff, to recommend the City**
21 **Commission approve the requested street vacation. Motion passed unanimously**
22 **on a roll call vote, 5-0.**

23
24 G. ZT-18-11: RA, RURAL AGRICULTURE ESTATE ZONING CLASSIFICATION

25 The City of New Smyrna Beach, 210 Sams Avenue, New Smyrna Beach, Florida,
26 32168, requests approval of an amendment to the City's *Land Development*
27 *Regulations* to create a new zoning classification – RA, Rural Agriculture Estate.

28
29 Ms. Henrikson addressed the Board, reviewed staff's findings and stated that staff
30 recommended approval of the request.

31
32 No one from the public spoke for or against the request.

33
34 **Motion by Mr. Bohannon, seconded by Mr. Ratliff, to recommend the City**
35 **Commission approve the requested amendment to create the RA, Rural**
36 **Agriculture zoning district. Motion passed unanimously on a voice vote, 5-0.**

37
38 REPORTS AND COMMUNICATIONS BY THE BOARD

39 None.

40
41 REPORTS AND COMMUNICATIONS BY THE STAFF

42 Ms. Henrikson introduced Jeff Gove, who was the new planner hired to replace Marissa
43 Moore.

44
45 Ms. Henrikson asked the Board if they wanted to continue to hold quarterly workshops
46 in 2012. The consensus of the Board was to continue to hold quarterly workshops.

LPA/PLANNING AND ZONING BOARD
JANUARY 9, 2012
MINUTES

1 Ms. Henrikson updated the Board about the visioning portion of the agenda. She stated
2 that the City Commission had established the 2012 goals in December. She stated that
3 staff was preparing a list of actions to implement those goals and would be presenting
4 that list to the City Commission on February 14th. She stated that once the City
5 Commission approved the list, staff would restart the visioning sessions, tying them into
6 the 2012 Commission goals.

7

8 ADJOURNMENT

9 With there being no further business, the meeting was adjourned at 6:55 p.m.

Interoffice Memorandum

City of New Smyrna Beach

To: Planning and Zoning Board Members

From: Gail Henrikson, AICP, Planning Manager 

Subject: **V-13-11: KENCO SIGNS / 2240 STATE ROAD 44**

Date: January 23, 2012

This item was continued at the January 9, 2012 Planning and Zoning Board meeting. Prior to the January 9th meeting, Planning staff had met with the property owner and sign contractor. At that meeting, revisions were made to the proposed sign, which would necessitate revisions to the variance request. This would necessitate re-advertising the request for the February 2012 Planning and Zoning Board meeting and re-sending notices to all property owners within 150 feet.

On December 14, 2011, staff emailed the applicant a list of items that would be required in order to prepare the revised variance report for the February Planning and Zoning Board meeting. These items were required to be submitted by January 13, 2012, in order to ensure that all required advertisement and notification deadlines would be met. As of January 19, 2012, staff had not received the required items. Therefore, staff is requesting that this item be continued to the March 5, 2012 Planning and Zoning Board meeting.

Staff advised the applicant on January 19, 2012 of the need to continue the request to March. Staff also advised the applicant that all required materials must be submitted by 5:00 p.m. on Monday, February 13, 2012, in order to remain on the March Planning and Zoning Board agenda.

1 CITY OF NEW SMYRNA BEACH – DEVELOPMENT SERVICES
2 **CPA-8-11: ANNAUL CAPITAL IMPROVEMENTS**
3 **ELEMENT UPDATE**
4 **FEBRUARY 6, 2012**
5

6 **I. Background**

7 **A. Applicant:** City of New Smyrna Beach, 210 Sams Avenue, New Smyrna Beach,
8 Florida, 32168

9 **B. Request:** Approval of an amendment the City's *Comprehensive Plan* to update
10 the Capital Improvements Element, as mandated by Florida Statutes.

11 **II. Findings**

12 A. Every year local governments must update the Capital Improvements
13 Element (CIE) of the *Comprehensive Plan*. The update must include a Five-
14 Year Schedule of Capital Improvements.
15

16 B. Under the 1985 Growth Management Act, local governments are mandated
17 to plan for the availability of public facilities and services to support
18 development and the impacts of such development. The purpose of the CIE
19 and the Five-Year Schedule of Capital Improvements is to identify the capital
20 improvements that are needed to implement the *Comprehensive Plan* and
21 ensure that the adopted Level of Service (LOS) standards are achieved and
22 maintained for concurrency-related facilities.
23

24 C. The 2005 Growth Management Act (Senate Bill 360) requires the Five-Year
25 Schedule of Capital Improvements to be financially feasible. However, the
26 2011 Growth Management Act (House Bill 7207) eliminated this requirement,
27 along with the mandate that the CIE be updated by December 1st of each
28 year. In response to the changes made to Chapter 163 of Florida Statutes,
29 staff has made several revisions to the CIE to delete information that is no
30 longer required. This amendment will constitute the 2011 update to the CIE.
31 Another amendment will be completed in November 2012 for this calendar
32 year.
33

34 D. The Five-Year Schedule of Capital Improvements includes all projects
35 required to meet or maintain adopted LOS standards for concurrency-related
36 facilities or implement the Goals, Objectives, and Policies of the
37 *Comprehensive Plan*. The concurrency management system for the City of
38 New Smyrna Beach is established by policy in the City's *Comprehensive*
39 *Plan*, and administered through regulations contained within the City's *Land*
40 *Development Regulations*. The Planning and Engineering Division is
41 responsible for regularly monitoring the cumulative effect of all approved
42 development on the capacity of public facilities.
43

44 E. The Capital Improvements Element is currently divided into eight different
45 sections. These sections are described in further detail, below. As part of
46 the proposed revisions, staff has deleted Sections C and E, both of which

47 addressed the issue of financial feasibility. As discussed above, it is no
48 longer required that municipalities demonstrate that their 5-year capital
49 improvements programs are financially feasible.

50
51 **Section A:** This is an introductory section, which explains why the City is
52 required to adopt a Capital Improvement Element and what
53 information is to be included in the element.

54 **Section B:** This section lists all the capital improvements needed to
55 achieve and/or maintain adopted levels of service for
56 concurrency-related infrastructure. The State mandates that
57 cities monitor water, sanitary sewer, solid waste, parks, roads,
58 stormwater drainage, and schools to ensure that adequate
59 capacity is available to serve proposed developments. The
60 capacity must be in place prior to or concurrent with the impacts
61 from the proposed development.

62 **Section C:** This section details the revenue sources are available to the
63 City. More than half (64%) of the City's revenue comes from ad
64 valorem (property) taxes. Other sources of revenue include
65 user fees, impact fees, franchise taxes, grants, and
66 intergovernmental revenue sharing.

67 **Section D:** Section D details the level-of-service standards for concurrency
68 related infrastructure. It also lists the different options the City
69 has to ensure that concurrency continues to be met as future
70 developments are proposed. Some of these options include
71 obtaining additional right-of-way from developers to
72 accommodate future road widening; utilization of the urban
73 service area; and, if needed, adopting a moratorium until
74 concurrency issues can be resolved.

75 **Section E:** Section E provides a fiscal assessment of the City's ability to
76 pay for the required concurrency improvements. This section
77 analyzes the City's projected revenues, debt obligations and
78 expenditures to determine whether sufficient funds would be
79 available to complete the projects outlined in Section B.

80 **Section F:** Section F contains is a summary section, which discusses
81 various methods the City uses to monitor and evaluate the
82 proposed Capital Improvements Program.

83 **Section G:** This section explains in further detail how City staff monitors
84 and evaluates concurrency-related infrastructure to verify that
85 sufficient capacity will be able to serve future development.

86 **Section H:** This section outlines the Goals, Objectives and Policies that the
87 City hopes to accomplish. Goal 2, which relates to state-
88 mandated school concurrency requirements, has not been
89 changed. However, Goal 1, and its associated policies, has
90 been revised to reflect the State's elimination of the requirement
91 that the Capital Improvements Element be financially feasible.

92
93 **III. Recommendation**
94 Staff recommends that the Planning and Zoning Board recommend to the City
95 Commission **approval** of the requested Comprehensive Plan amendment.

XII. CAPITAL IMPROVEMENTS ELEMENT

A. PURPOSE

The purpose of the Capital Improvements Element (CIE) and the capital improvement schedule (Schedule) of the *City of New Smyrna Beach Comprehensive Plan* is to evaluate the need for public facilities as identified in other Elements of this Plan. In addition, the Capital Improvements Element will present an analysis of the fiscal capability of the City to fund needed public facilities, recommend financial policies to guide the funding of those identified improvements, and to schedule the funding and construction of improvements over a five-year period in a manner necessary to ensure that capital improvements are provided when required.

Under the 1985 Growth Management Act, local governments are mandated to plan for the availability of public facilities and services to support development and the impacts of such development. The 2005 Growth Management Act (Senate Bill 360) ~~requires~~ required the Schedule to be financially feasible. However, this requirement was eliminated in 2011 with the adoption of House Bill 7207.

~~As defined by §163.3164(32), Florida Statutes, in order for a Schedule to be financially feasible, it must demonstrate that sufficient revenues are currently available or will be available from committed funding sources for the first three (3) years, or will be available from committed or planned funding sources for years four (4) and five (5). These revenues must be adequate to fund the projected costs of the capital improvements identified in the Comprehensive Plan necessary to ensure that adopted level of service (LOS) standards are achieved and maintained within the period covered by the five (5) year Schedule.~~

~~Pursuant to §163.1380(16)(f), Florida Statutes, if the funds in an adopted five (5) year capital improvements element are insufficient to fully fund construction of a transportation improvement required by the local government's concurrency management system, a local government and a developer may still enter into a binding proportionate share agreement authorizing the developer to construct that amount of development on which the proportionate share is calculated if the proportionate share amount in such agreement is sufficient to pay for one or more improvements which will, in the opinion of the governmental entity or entities maintaining the transportation facilities, significantly benefit the impacted transportation system.~~

B. CAPITAL IMPROVEMENTS INVENTORY

NEEDS DERIVED FROM OTHER ELEMENTS

The analysis documented in the preceding *Comprehensive Plan* elements have identified facility improvements needed to meet the existing service deficiencies and those needed to meet the demands of future growth.

The geographic service areas and locations were identified for major public education and public health system components. ~~System-Educational~~ components whose service areas include the City of New Smyrna Beach are identified in the list in Table XII-1. The public education system is operated by the Volusia County School Board, ~~and the public health systems are operated by the Volusia County Health Department.~~

Table XII-1 Public Education and Public Health Facilities Serving the New Smyrna Beach Area

Comprehensive Plan

City of New Smyrna Beach, Florida

Public Education Facilities
Chisholm Elementary School
Coronado Elementary School
New Smyrna Beach High School
New Smyrna Beach Middle School
Read-Patillo Elementary School
Public Health Facilities
Bert Fish Medical Center
Volusia County Health Department

The Volusia County School Board presently bases its needs assessments on the findings of the Educational Plant Survey, prepared every five (5) years by the State Department of Education in accordance with *Florida Statutes*. The last survey was completed in April 2008. The results of this survey at that time, indicated a need for a new elementary school to relieve Cypress Creek, Horizon, and Chisholm Elementary Schools. A new K-8 school ~~is was also~~ identified as being required to relieve New Smyrna Beach Middle School and Indian River and Edgewater Elementary Schools. The School Board has already acquired an elementary school site in New Smyrna Beach, which could potentially be the site for the new elementary school. The School Board has also acquired a site for the ~~needed-recommended~~ K-8 facility along State Road 442 in the southwestern section of the City of Edgewater, which is anticipated to open August 2014. Additions and remodeling have occurred at Chisholm Elementary and New Smyrna Beach Middle School. The remainder of the existing education facilities was noted as being in excellent or good condition and was adequately served by roadways, sanitary sewer, solid waste, stormwater drainage, potable water, and recreation facilities.

~~The State of Florida Agency for Health Care Administration determines the need for new health care facilities with a formula based on occupancy rates, historic use by age group, and population projects by age group. The Bert Fish Medical Center operates within the City of New Smyrna Beach incorporated area and serves the entire southeast Volusia County area.~~

Individual capital improvement needs identified in this element are, for the most part, those improvements, which cost \$25,000 or more and are generally non-recurring purchase items. The capital improvements identified in the other elements of this *Comprehensive Plan* are listed in Table XII-2 along with their estimated costs and projected year of expenditure. The improvements are listed by type of service, related to the various elements of the *Comprehensive Plan*. ~~As required by Rule 9J-5.016, Florida Administrative Code, the~~ The Capital Improvements Element addresses existing and future capital improvements needed for at least the first five (5) fiscal years after the adoption of the *Comprehensive Plan*. Therefore, Table XII-2 lists improvements identified for the years ~~2010-2015~~ 2011-2016. Table XII-3 details pending and approved proportionate fair-contributions for required transportation improvements. Table XII-6 identifies the *Volusia Transportation Planning Organization (TPO) Transportation Improvement Program FY 2010/11 – 2014/15* 2011/12 – 2015/16. Table XII-7 identifies the Volusia County School Board five (5) year work program which must be included within the CIE per the Public Schools Facility Element.

Table XII-2 Five (5) Year Capital Improvement Schedule

PROJECT #	DESCRIPTION	FY 40/41/11/12	FY 41/42/12/13	FY 42/43/13/14	FY 43/44/14/15	FY 44/45/15/16	TOTAL
WATER							
W-25	Upgrade Under-Sized Water Mains	220,500 320,500	232,000 337,000	244,000 254,000	256,000 267,000	269,000 280,000	4,224,500 1,458,500
Funding Source:	Renewal and Replacement Fund	320,500 220,500	337,000 232,000	254,000 244,000	267,000 256,000	280,000 269,000	1,458,500 1,221,500
Sanitary Sewer, Potable Water, Solid Waste, Drainage and Natural Groundwater Aquifer Recharge Element, Potable Water Sub-ElementGoal, Objective 1, Policy 3e							
W-26	New Customers Water Line Extensions	30,000 40,000	40,000	40,000	40,000	40,000 45,000	490,000 205,000
Funding Source:	Renewal and Replacement Fund	40,000 30,000	40,000	40,000	40,000	40,000 45,000	490,000 205,000
Sanitary Sewer, Potable Water, Solid Waste, Drainage and Natural Groundwater Aquifer Recharge Element, Potable Water Sub-ElementGoal, Objective 1, Policy 3e							
W-45	Road Relocation/Interagency Coop. Project	150,000	150,000 200,000	200,000	200,000	300,000 400,000	4,000,000 1,150,000
Funding Source:	Renewal and Replacement Fund	150,000	150,000 200,000	200,000	200,000	300,000 400,000	4,000,000 1,150,000
Intergovernmental Coordination Element, Objective 2, Policies e-g, Objective 5, Policy a							
W-125	Water Production Equipment and Fixtures	499,500 223,000	223,000 191,300	494,400 242,700	242,800 208,200	208,000 264,000	4,064,700 1,129,200
Funding Source:	Renewal and Replacement Fund	499,500 223,000	223,000 191,300	494,400 242,700	242,800 208,200	208,000 264,000	4,064,700 1,129,200
Sanitary Sewer, Potable Water, Solid Waste, Drainage and Natural Groundwater Aquifer Recharge Element, Potable Water Sub-ElementGoal, Objective 1, Policy 3e							
W-126	Water Distribution Equipment and Fixtures	252,400 264,900	264,900 279,300	279,300 295,100	295,400 308,600	308,000 327,000	4,399,700 1,474,900
Funding Source:	Renewal and Replacement Fund	252,400 264,900	264,900 279,300	279,300 295,100	295,400 308,600	308,000 327,000	4,399,700 1,474,900
Sanitary Sewer, Potable Water, Solid Waste, Drainage and Natural Groundwater Aquifer Recharge Element, Potable Water Sub-ElementGoal, Objective 1, Policy 3e							
W-127	Water Treatment Plan Hypochlorite Conversion	0	250,000 50,000	250,000 450,000	0	0	500,000
Funding Source:	Renewal and Replacement Fund	0	250,000 50,000	250,000 450,000	0	0	500,000
Sanitary Sewer, Potable Water, Solid Waste, Drainage and Natural Groundwater Aquifer Recharge Element, Potable Water Sub-Element, Goal 4							
W-128	Future Water Supply (Alternative Supply Needs)	0	40,000	244,000	205,000	422,000	911,000
Funding Source:	Renewal and Replacement Fund	0	40,000	244,000	205,000	422,000	911,000
Sanitary Sewer, Potable Water, Solid Waste, Drainage and Natural Groundwater Aquifer Recharge Element, Potable Water Sub-Element, Goal 4							
TOTAL		852,400 998,400	4,199,900 1,137,600	4,448,700 1,725,800	4,238,900 1,728,800	4,547,000 1,738,000	6,286,900 6,828,600
WASTEWATER							
WW-20	Manhole Lining Program	30,000 32,000	32,000 34,000	34,000 36,000	36,000 38,000	38,000 40,000	470,000 180,000
Funding Source:	Renewal and Replacement Fund	30,000 32,000	32,000 34,000	34,000 36,000	36,000 38,000	38,000 40,000	470,000 180,000
Sanitary Sewer, Potable Water, Solid Waste, Drainage and Natural Groundwater Aquifer Recharge Element, Sanitary Sewer Sub-ElementGoal, Objective 2, Policy 6a							
WW-38	Gravity Sewer Rehabilitation	100,000	200,000 300,000	300,000	300,000	300,000	4,200,000 1,300,000
Funding Source:	Renewal and Replacement Fund	100,000	200,000 300,000	300,000	300,000	300,000	4,200,000 1,300,000
Sanitary Sewer, Potable Water, Solid Waste, Drainage and Natural Groundwater Aquifer Recharge Element, Sanitary Sewer Sub-ElementGoal, Objective 2, Policy 6a							
WW-49	Biosolids Upgrade Process	50,000 20,000	500,000	450,000	0	0	4,000,000 970,000
Funding Source:	Renewal and Replacement Fund	50,000 20,000	500,000	450,000	0	0	4,000,000 970,000
Sanitary Sewer, Potable Water, Solid Waste, Drainage and Natural Groundwater Aquifer Recharge Element, Sanitary Sewer Sub-ElementGoal, Objective 82, Policy a							
WW-51	Road Relocations/ Interagency Coop.	100,000	150,000	150,000	175,000	175,000	750,000 775,000
Funding Source:	Renewal and Replacement Fund	100,000	150,000	150,000	175,000	175,000	750,000 775,000
Intergovernmental Coordination Element, Objective 2, Policies e-g, Objective 5, Policy a							
WW-59	Wastewater Collection Equip. and Fixtures	499,000 145,300	445,300 126,600	426,600 158,900	468,900 141,200	444,900 149,000	770,800 721,000
Funding Source:	Renewal and Replacement Fund	499,000 145,300	445,300 126,600	426,600 158,900	468,900 141,200	444,900 149,000	770,800 721,000
Sanitary Sewer, Potable Water, Solid Waste, Drainage and Natural Groundwater Aquifer Recharge Element, Sanitary Sewer Sub-ElementGoal, Objective 2, Policy 6a							
WW-60	Wastewater Pumping Equip. and Fixtures	272,000 259,000	259,000 301,000	304,000 284,000	284,000 327,000	327,000 310,000	4,443,000 1,481,000
Funding Source:	Renewal and Replacement Fund	272,000 259,000	259,000 301,000	304,000 284,000	284,000 327,000	327,000 310,000	4,443,000 1,481,000
Sanitary Sewer, Potable Water, Solid Waste, Drainage and Natural Groundwater Aquifer Recharge Element, Sanitary Sewer Sub-ElementGoal, Objective 2, Policy 6a							
WW-61	Reconstruct Lift Stations	240,000 221,000	224,000 232,000	232,000 244,000	244,000 256,000	256,000 269,000	4,163,000 1,222,000
Funding Source:	Renewal and Replacement Fund	240,000 221,000	224,000 232,000	244,000 256,000	256,000 269,000	269,000 282,000	4,163,000 1,222,000
Sanitary Sewer, Potable Water, Solid Waste, Drainage and Natural Groundwater Aquifer Recharge Element, Sanitary Sewer Sub-ElementGoal, Objective 2, Policy 6a							
WW-62	Repair/Upgrade 30 Lift Stations	236,000 0	248,000 100,000	260,000 105,000	273,000 110,000	287,000 116,000	4,304,000 431,000
Funding Source:	Renewal and Replacement Fund	236,000 0	248,000 100,000	260,000 105,000	273,000 110,000	287,000 116,000	4,304,000 431,000
Sanitary Sewer, Potable Water, Solid Waste, Drainage and Natural Groundwater Aquifer Recharge Element, Sanitary Sewer Sub-ElementGoal, Objective 2, Policy 6a							

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Sanitary Sewer, Potable Water, Solid Waste, Drainage and Natural Groundwater Aquifer Recharge Element, Sanitary Sewer Sub-ElementGoal, Objective 2, Policy ba									
WW-63	System-Wide Infiltration/ Inflow Assessment	0	500,000	0	0	0	0	0	500,000
Funding Source: Fund	Renewal and Replacement	0	500,000	0	0	0	0	0	500,000
Sanitary Sewer, Potable Water, Solid Waste, Drainage and Natural Groundwater Aquifer Recharge Element, Sanitary Sewer Sub-ElementGoal, Objective-8									
WW-65	Beachside Interceptor Force Main	0	200,000	750,000	1,000,000	250,000	2,200,000	2,200,000	2,200,000
Funding Source: Fund	Renewal and Replacement	0	200,000	750,000	1,000,000	250,000	2,200,000	2,200,000	2,200,000
Sanitary Sewer, Potable Water, Solid Waste, Drainage and Natural Groundwater Aquifer Recharge Element, Sanitary Sewer Sub-ElementGoal, Objective 2, Policy ba									
WW-66	Sugar Mill Collection System Improvements	60,000	0	0	0	0	0	0	60,000
Funding Source: Fund	Renewal and Replacement	60,000	0	0	0	0	0	0	60,000
Sanitary Sewer, Potable Water, Solid Waste, Drainage and Natural Groundwater Aquifer Recharge Element, Sanitary Sewer Sub-Element, Objective 2, Policy b									
WW-71	WWTP Hypochlorite Conversion	0	520,000	0	0	0	0	0	520,000
Funding Source: Fund	Renewal and Replacement	0	520,000	0	0	0	0	0	520,000
Sanitary Sewer, Potable Water, Solid Waste, Drainage and Natural Groundwater Aquifer Recharge Element, Sanitary Sewer Sub-ElementGoal, Objective 2, Policy ba									
WW-72	Indian River Outfall Discharge (Dechlorination)	0	0	0	208,000	208,000	0	208,000	208,000
Funding Source: Fund	Renewal and Replacement	0	0	0	208,000	208,000	0	208,000	208,000
Sanitary Sewer, Potable Water, Solid Waste, Drainage and Natural Groundwater Aquifer Recharge Element, Sanitary Sewer Sub-ElementGoal, Objective 2, Policy ba									
WW-73	WWTP Influent Structure Improvement	450,000	0	0	0	0	0	0	450,000
Funding Source: Fund	Renewal and Replacement	450,000	0	0	0	0	0	0	450,000
Sanitary Sewer, Potable Water, Solid Waste, Drainage and Natural Groundwater Aquifer Recharge Element, Sanitary Sewer Sub-ElementGoal, Objective 2, Policy ba									
WW-74	Rehabilitate Clarifiers	0	350,000	300,000	0	0	0	0	650,000
Funding Source: Fund	Renewal and Replacement	0	350,000	300,000	0	0	0	0	650,000
Sanitary Sewer, Potable Water, Solid Waste, Drainage and Natural Groundwater Aquifer Recharge Element, Sanitary Sewer Sub-ElementGoal, Objective 2, Policy ba									
WW-76	WWTP 3.5 MG Capacity Expansion	0	0	0	0	1,000,000	1,000,000	1,000,000	1,000,000
Funding Source: Fund	Renewal and Replacement	0	0	0	0	1,000,000	1,000,000	1,000,000	1,000,000
Sanitary Sewer, Potable Water, Solid Waste, Drainage and Natural Groundwater Aquifer Recharge Element, Sanitary Sewer Sub-ElementGoal, Objective 43, Policy a									
TOTAL		1,407,000	3,325,300	2,903,600	2,470,900	2,982,000	13,088,800	12,238,000	
		917,300	3,003,600	2,552,900	2,855,200	2,909,000			
REUSE									
R-26	Reclaimed Meters	56,000	59,000	62,000	65,000	68,000	68,000	71,000	310,000
Funding Source: Fund	Renewal and Replacement	56,000	59,000	62,000	65,000	68,000	68,000	71,000	325,000
Sanitary Sewer, Potable Water, Solid Waste, Drainage and Natural Groundwater Aquifer Recharge Element, Sanitary SewerPotable Water Sub-ElementGoal, Objective 62, Policy dg									
R-30	Road Relocation/Interagency Cooperation	50,000	50,000	50,000	75,000	75,000	75,000	75,000	300,000
Funding Source: Fund	Renewal and Replacement	50,000	50,000	50,000	75,000	75,000	75,000	75,000	300,000
Sanitary Sewer, Potable Water, Solid Waste, Drainage and Natural Groundwater Aquifer Recharge Element, Sanitary Sewer Sub-Element, Objective 6Potable Water Goal, Objective 2, Policy e									
R-36	Reclaimed Water Source Development	400,000	900,000	1,000,000	2,000,000	2,000,000	2,000,000	2,000,000	6,000,000
Funding Source: Fund	Renewal and Replacement	10,000	900,000	1,000,000	2,000,000	2,000,000	2,000,000	2,000,000	5,910,000
Sanitary Sewer, Potable Water, Solid Waste, Drainage and Natural Groundwater Aquifer Recharge Element, Sanitary Sewer Sub-Element, Objective 6Potable Water Goal, Objective 2, Policy e									
R-37	Sugar Mill Tank Storage	25,000	0	0	0	25,000	0	0	25,000
Funding Source: Fund	Renewal and Replacement	0	0	0	0	25,000	0	0	25,000
Sanitary Sewer, Potable Water, Solid Waste, Drainage and Natural Groundwater Aquifer Recharge Element, Sanitary Sewer Sub-Element, Objective 6Potable Water Goal, Objective 2, Policy e									
TOTAL		234,000	1,009,000	1,112,000	2,140,000	2,143,000	6,635,000	6,560,000	
		119,000	1,012,000	1,115,000	2,140,000	2,146,000			
RECREATION									
P-1	Pettis Accessibility Improvements	58,000	0	0	0	0	58,000	58,000	58,000
Funding Source: Block Grants (CDBG)	Community Development	58,000	0	0	0	0	58,000	58,000	58,000
Recreation and Open Space Element, Goal 1, Objective 1, Policy a									
P-2	Westside-Neighborhood Splash ParkBabe James Community Center Improvements	53,520	400,000	0	0	0	450,520	76,454	450,520
Funding Source: Block Grants (CDBG)	Community Development	53,520	0	0	0	0	53,520	76,454	53,520
Funding Source: Development-Assistance Program (FRDAP) (Planned)	Florida Recreation Program (FRDAP)	76,454	400,000	0	0	0	76,454	76,454	76,454
Recreation and Open Space Element, Goal 1, Objective 1, Policy a									

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P-3P-3	Esther Street Beachfront Park/Esther Street Beachfront Park Amenities	0	4,335,000 400,000	0	0	0	4,335,000 400,000
	Funding Source: Community Redevelopment Agency Fund (CRA)	0	785,000	0	0	0	785,000
	Funding Source: Florida Recreation Development Assistance Program (FRDAP) (Planned)	0	200,000	0	0	0	200,000
	Funding Source: Volusia County ECHO Grant (Planned) General Fund	0	350,000 400,000	0	0	0	350,000 400,000
Recreation and Open Space Element, Goal 1, Objective 6, Policy a Recreation and Open Space Element, Goal 1, Objective 1, Policy a							
P-4	Coronado Shuffleboard Courts Restroom Facility	174,284	0	0	0	0	174,284
	Funding Source: Florida Recreation Development Assistance Program (FRDAP)	76,284	0	0	0	0	76,284
	Funding Source: Community Redevelopment Agency (CRA)	55,000	0	0	0	0	55,000
	Funding Source: General Revenue Fund	40,000	0	0	0	0	40,000
Recreation and Open Space Element, Goal 1, Objective 2, Policy e							
P-64	North Causeway Boat Ramps/Swoope Site Boat Ramp and Parking	790,000 216,440	0	0	0	0	790,000 216,440
	Funding Source: Florida Inland Navigation Grant (FIND)	200,000 108,220	0	0	0	0	200,000 108,220
	Funding Source: Florida Fish and Wildlife Conservation Commission	495,000	0	0	0	0	495,000
	Funding Source: General Fund	395,000 108,220	0	0	0	0	395,000 108,220
Recreation and Open Space Element, Goal 1, Objective 6, Policy a							
P-55	Multi-Use Trail	0	0	4,126,242	0	0	4,126,242
	Funding Source: Volusia County Environmental, Outdoor, Cultural, and heritage Grant (ECHO)	0	0	287,853	0	0	287,853
	Funding Source: Volusia County Transportation Planning Organization (TPO)	0	0	838,359	0	0	838,359
Recreation and Open Space Element, Goal 1, Objective 6, Policy a							
P-66	Riverside Park Improvements and Maintenance	400,000 556,990	0	0	0	50,000	400,000 756,990
	Funding Source: Community Redevelopment Agency Fund	400,000 174,120	0	0	0	0	400,000 174,120
	Funding Source: General Fund	57,870	50,000	50,000	50,000	50,000	257,870
	Funding Source: Florida Inland Navigation District (FIND)	325,000	0	0	0	0	325,000
Recreation and Open Space Element, Goal 1, Objective 2, Policy e							
P-7	Flagler Boardwalk Improvements	1,439,236	0	0	0	0	1,439,236
	Funding Source: Community Redevelopment Agency Fund	1,439,236	0	0	0	0	1,439,236
Recreation and Open Space Element, Goal 1, Objective 1, Policy a							
TOTAL		4,472,804 3,476,632	4,435,000 450,000	4,126,242 50,000	0 50,000	0 50,000	4,034,013 4,076,632
TRANSPORTATION							
PW-21	Fairgreen Sidewalks	265,615 800,000	0	0	0	0	265,615 800,000
	Funding Source: Florida Department of Transportation/Capital Fund	265,615 265,615	0	0	0	0	265,615 265,615
Public Schools Facility Element, Goal 1, Objective 3, Policy a Future Land Use Element, Goal 1, Objective 2, Policy g							
TOTAL		265,615 800,000	0	0	0	0	265,615 800,000
STORMWATER/DRAINAGE							
SW-1	Central Beach Drainage Improvements, Phase 3	4,248,390 1,500,000	1,775,805 1,500,000	4,775,805 1,500,000	0	0	4,800,000 4,500,000
	Funding Source: Stormwater Operating Fund	4,248,390	830,805	830,805	0	0	2,940,000
	Funding Source: FEMA Hazard Mitigation Grant	375,000	375,000	945,000	0	0	1,125,000
		1,125,000	1,125,000	1,125,000	0	0	4,899,000
Sanitary Sewer, Potable Water, Solid Waste, Drainage and Natural Groundwater Aquifer Recharge Element, Drainage Sub-Element Goal, Objective 1							
SW-2	Fairmont/Westwood, between North Street and Conrad Street	609,000 461,102	0	0	0	0	609,000 461,102
	Funding Source: Stormwater Operating Fund	609,000	0	0	0	0	609,000
	Funding Source: Paving Assessment	80,461	0	0	0	0	80,461
	Funding Source: General Fund	80,641	0	0	0	0	80,641
Sanitary Sewer, Potable Water, Solid Waste, Drainage and Natural Groundwater Aquifer Recharge Element, Drainage Sub-Element Goal, Objective 1							
SW-4	Esther Street and Stormwater Drainage Improvements	0	375,000	0	0	0	375,000
	Funding Source: Community Redevelopment Agency Fund	0	450,000	0	0	0	450,000
	Funding Source: FDEP 319h Grant	0	225,000	0	0	0	225,000
	Funding Source: Stormwater Fund	125,000	0	0	0	0	125,000
Sanitary Sewer, Potable Water, Solid Waste, Drainage and Natural Groundwater Aquifer Recharge Element, Drainage Sub-Element Goal, Objective 1							
SW-5	Julia Street Water Quality Improvements	0	0	400,000	0	0	200,000
	Funding Source: Stormwater Operating Fund	0	0	50,000	0	0	400,000
	Funding Source: Florida Department of Environmental Protection LP6064 Grant	0	0	50,000	0	0	400,000
Sanitary Sewer, Potable Water, Solid Waste, Drainage and Natural Groundwater Aquifer Recharge Element, Drainage Sub-Element, Objective 1							

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SW-65	S. Orange Street Stormwater Improvements/ Streetscape (between Downing Street and Lytle Avenue and Smith Street)	456,150 <u>401,198</u>	0	0	0	0	456,150 <u>401,198</u>
Funding Source: Community Redevelopment Agency Fund/Stormwater Fund							
SW-7	Mary Avenue Streetscape/ Stormwater Improvements	483,677 <u>588,130</u>	0	0	0	0	483,677 <u>588,130</u>
Funding Source: Community Redevelopment Agency Fund							
Funding Source: FDOT							
Sanitary Sewer, Potable Water, Solid Waste, Drainage and Natural Groundwater Aquifer Recharge Element, Drainage Sub-Element/Goal, Objective 1							
SW-8	Isleboro Area Drainage Study/Arlington Avenue Drainage Improvements	4,000 <u>113,088</u>	0	0	0	0	4,000 <u>113,088</u>
Funding Source: Stormwater Operating Fund							
Sanitary Sewer, Potable Water, Solid Waste, Drainage and Natural Groundwater Aquifer Recharge Element, Drainage Sub-Element/Goal, Objective 1							
SW-9	Acquisition of Property at 2631 Westwood Avenue and 632 South Pine Street/Washington Street Streetscape and Stormwater Improvements	619,080 <u>793,550</u>	0	0	0	0	619,080 <u>793,550</u>
Funding Source: FEMA Grant/Community Redevelopment Agency Fund							
Funding Source: Stormwater Operating Fund							
Sanitary Sewer, Potable Water, Solid Waste, Drainage and Natural Groundwater Aquifer Recharge Element, Drainage Sub-Element/Goal, Objective 1							
SW-10	Isleboro Drainage Improvements	0	644,755	0	0	0	644,755
Funding Source: Stormwater Operating Fund							
Sanitary Sewer, Potable Water, Solid Waste, Drainage and Natural Groundwater Aquifer Recharge Element, Drainage Sub-Element, Objective 1							
TOTAL		<u>2,820,297</u> 4,969,768	<u>2,795,560</u> 1,500,000	<u>1,875,805</u> 1,500,000	<u>100,000</u> 0	<u>0</u> 0	<u>7,594,662</u> 7,969,768

Note: If planned funds cannot be obtained, the project will be placed on hold until such time as funding becomes available.

Table XII-3 Transportation Proportionate Fair-Share Agreements by Project

Project	Developer	Development	Agreement Approval	Date of Contribution	Total
Traffic Signal at State Road 44 and Glencoe	Village Square LLC	Village Square PUD	9/25/2007	Pending	TBD
	Coronado Land Investments LLC	Coronado Office Park PUD	Pending	Pending	\$ 30,633.78
	Southeast Interchange Complex LLC	Southeast Interchange PUD	5/10/2005	2/7/2007	\$ 17,148.80
	Odyssey (VI) Commercial DP VIII LLC	Timberlane Retail Center PUD	Pending	Pending	TBD
	Subtotal				\$ 47,782.58
Traffic Signal at State Road 44 and Sugar Mill	Acorn Development Company	Isles of Sugar Mill / Landings at Sugar Mill	11/28/2005	11/28/2005	\$ 37,042.00
	Progressive Builders LLC	Sugar Mill Gardens	6/1/2005	2/1/2007	\$ 17,704.50
	Subtotal				\$ 54,746.50
Paige Avenue Paving	Taco Bell of America, Inc.	Taco Bell, 1860 State Road 44	N/A	12/1/2008	\$ 8,054.55
	Subtotal				\$ 8,054.55
Total					\$110,583.63

PROJECT	DEVELOPER	DEVELOPMENT	AGREEMENT APPROVAL	DATE OF CONTRIBUTION	TOTAL
Traffic Signal at State Road 44 and Glencoe Road	Village Square LLC	Village Square PUD	9/25/2007	Pending	TBD
	Coronado Land Investments LLC	Coronado Office Park PUD	Pending	Pending	\$30,633.78
	Southeast Interchange Complex LLC	Southeast Interchange PUD	5/10/2005	2/7/2007	\$17,148.80
	Subtotal				\$47,782.58
Traffic Signal at State Road 44 and Sugar Mill Drive	Acorn Development Company	Isles of Sugar Mill / Landings at Sugar Mill	11/28/2005	11/28/2005	\$37,042.00
	Progressive Builders LLC	Sugar Mill Gardens	6/1/2005	2/1/2007	\$17,704.50
	Wal-Mart Stores, Inc.	Wal-Mart / Shoppes at Coronado	1/4/2010	3/2/2010	\$6,972.00
	Subtotal				\$61,718.50
Paige Avenue Paving	Taco Bell of America, Inc.	Taco Bell, 1860 SR 44	N/A	12/1/2008	\$8,054.55
	Subtotal				\$8,054.55
Traffic Signal at State Road 44 and Airport Road	Wal-Mart Stores, Inc.	Wal-Mart / Shoppes at Coronado	1/4/2010	3/2/2010	\$60,060.00
	Subtotal				\$60,060.00
TOTAL					\$177,615.63

Table XII-4 Summary of Capital Improvements

FACILITY TYPE	FY 10/11/11/12	FY 11/12/12/13	FY 12/13/13/14	FY 13/14/14/15	FY 14/15/15/16	TOTAL
Water	852,400	1,199,900	1,448,700	1,238,900	1,547,000	6,286,900
	998,400	1,137,600	1,725,800	1,228,800	1,738,000	6,828,600

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Sanitary Sewer	1,407,000	3,325,300	2,903,600	2,470,900	2,982,000	13,088,800
	<u>917,300</u>	<u>3,003,600</u>	<u>2,552,900</u>	<u>2,855,200</u>	<u>2,909,000</u>	12,238,000
Reuse	231,000	1,009,000	1,112,000	2,140,000	2,143,000	6,635,000
	<u>119,000</u>	<u>1,012,000</u>	<u>1,115,000</u>	<u>2,168,000</u>	<u>2,146,000</u>	6,560,000
Recreation	1,472,801	1,435,000	1,126,212	0	0	4,034,013
	<u>3,476,632</u>	<u>450,000</u>	<u>50,000</u>	<u>50,000</u>	<u>50,000</u>	4,076,632
Transportation	265,615	0	0	0	0	265,615
	<u>800,000</u>					800,000
Stormwater/Drainage	2,820,297	2,795,560	1,875,805	100,000	0	7,591,662
	<u>4,969,768</u>	<u>1,500,000</u>	<u>1,500,000</u>	<u>0</u>		7,969,768
Total Capital Improvements	7,049,113	9,764,760	8,466,317	5,949,800	6,672,000	37,901,990
	<u>11,281,100</u>	<u>7,103,200</u>	<u>6,943,700</u>	<u>6,302,000</u>	<u>6,843,000</u>	<u>38,473,000</u>

Table XII-5 Summary Schedule of Committed and Planned Funds

Source	2010-2011 FY 11/12	2011-2012 FY 12/13	2012-2013 FY 13/14	2013-2014 FY 14/15	FY 14/15 FY 15/16	Total
Capital Fund	800,000	0	0	0	0	800,000
Community Development Block Grants (CDBG)	111,520 144,454	0	0	0	0	111,520 144,454
Community Redevelopment Agency Fund	794,827 3,496,638	935,000 0	0	0	0	1,729,827 3,496,638
FDEP 319h Stormwater Grant (Planned)	0 275,000	225,000 0	0	0	0	225,000 275,000
FEMA Hazard Mitigation Grant	464,310 1,125,000	945,000 0	945,000 0	0	0	2,354,310 1,125,000
FDEP LP6064 Grant	0	0	50,000	50,000	0	100,000
FDOT	265,615 211,098	0	0	0	0	265,615 211,098
Florida Fish and Wildlife Conservation Commission	195,000	0	0	0	0	195,000
Florida Inland Navigation Grant	200,000 433,220	0	0	0	0	200,000 433,220
FRDAP	76,281	0	0	0	0	76,281
FRDAP (Planned)	0	300,000	0	0	0	300,000
General Revenue Fund	435,000 246,731	0 450,000	0 50,000	0 50,000	0 50,000	435,000 846,731
Paving Assessment	80,461	0	0	0	0	80,461
Utilities Commission Renewal and Replacement Fund	2,490,400 2,034,700	5,534,200 5,153,200	5,464,300 5,393,700	5,849,800 6,252,000	6,672,000 6,793,000	25,626,600 26,010,700
Stormwater Operating Fund	2,016,160 1,314,286	1,475,560 375,000	880,805 375,000	50,000	0	4,422,525 2,064,286
Volusia County ECHO Grant	0 281,153	0	287,853 0	0	0	287,853 281,153
Volusia County ECHO Grant (Planned)	0	350,000	0	0	0	350,000
Volusia County TPO	0 838,359	0	838,359 0	0	0	838,359
TOTAL	6,818,113 11,281,100	8,755,760 7,103,200	7,354,317 6,943,700	3,809,800 6,302,000	4,529,000 6,843,000	31,266,990 38,473,000

Table XII-6 identifies transportation improvements included in the first five (5) years of the Volusia County Transportation Planning Organization's (TPO) adopted transportation improvement program (TIP), to the extent that such improvements are relied upon to ensure concurrency and financial feasibility.

Table XII-6 Volusia County Metropolitan Transportation Planning Organization (MPO/TPO) Transportation Improvement Program FY 2009/10-2013/14 FY 2011/12 - 2015/16

PROJECT #	WORK SUMMARY	TOTAL ESTIMATED COST						SPONSOR
		FY 10/11/12	FY 11/12/13	FY 12/13/14	FY 13/14/15	FY 14/15/16	TOTAL	
2409925	Intersection improvement — one of 15 intersections identified for improvement in the US-1 Arterial Investment Study	1,025,000	0	0	0	0	1,025,000	FDOT
4068694	Add lanes and rehabilitate pavement on I-95 from Brevard County line to 0.5 miles north of SR 44.	3,051,508 2,826,081	690,517 0	452,034 0	0	0	4,194,059 2,826,081	FDOT
4068696	Add lanes and rehabilitate pavement on I-95 from 0.5 north of SR 44 to south of I-4.	6,316,925 4,031,406	0	0	0	0	6,316,925 4,031,406	FDOT
4180201	Replace existing strain pole supports with new mast arms for 7 traffic signals on SR 44 from Eddie Road to 3 rd Avenue.	0	0 1,713,958	1,915,029 0	0	0	1,915,029 1,713,958	FDOT
4216291	Install a new traffic signal system on SR 44 at Glencoe Road	397,500	0	0	0	0	397,500	FDOT
Candidate — 2-2010	New Smyrna Beach Multi-Use Trail	123,358	0	1,090,592	0	0	1,213,950	City of NSB
4233841	Construct new sidewalk along Fairway Drive between Wayne Avenue and Fairgreen Drive, 0.61 miles	265,615	0	0	0	0	265,615	City of NSB
4076741	Airport Hangar Construction	680,000	0	0	0	0	680,000	City of NSB
4144431	Aviation Capacity Project — NSB Municipal Airport	214,594	0	0	0	0	214,594	City of NSB
4182971	Airport Hangar Construction	0	0 200,000	200,000 0	0	0	200,000	City of NSB
4184851	Consolidated Fuel Farm at NSB Municipal Airport	0	0 1,250,000	925,000 0	0	0	925,000 1,250,000	City of NSB
4184861	NSB Municipal Airport Apron Parking Construction	5,134	193,038	431,096	1,666,008	2,363,570	4,658,846	City of NSB
4208561	NSB Municipal Airport Land Acquisition	0 906,250	1,250,000 0	0	0	0	1,250,000 906,250	City of NSB
4208571	NSB Municipal Airport Maintenance Facility	150,000 127,934	0	0	0	0	150,000 127,934	City of NSB
4208591	NSB Municipal Airport Taxiway Construction	67,850	518,908	2,391,530	3,246,836	3,301,558	9,526,682	City of NSB
4270171	Bridge Replacement — Turnbull Bay Road	10,542	0	0	0	0	10,542	FDOT
4272671	State Road 44 Resurfacing	50,000 134,282	0 7,318,558	9,235,561 0	0	0	9,285,561 7,452,840	FDOT
4296431	Repair/rehabilitate FEC Railroad Crossing #271972-R at SR 44 (Canal Street)	47,580	0	0	0	0	47,580	City of NSB

4298111	NSB Municipal Airport Parking Expansion	289,110	0	0	0	0	289,110	City of NSB
4300401	Replace existing two-lane bridge on Turnbull Bay Road over Turnbull Creek	1,165,171	3,167,781	3,455	0	0	4,336,407	Volusia County
4300781	New Smyrna Beach Multi-Use Trail	114,800	1,099,797	0	0	0	1,214,597	City of NSB
4302291	New Smyrna Beach SR 44 Gateway Streetscape	901,000	0	0	0	0	901,000	City of NSB
4302292	New Smyrna Beach SR 44-Canal Street Streetscape	501,000	0	0	0	0	501,000	City of NSB
4302311	Mary Avenue Sidewalk Extension over FEC Railroad	281,464	0	0	0	0	281,464	City of NSB

Source: Volusia County Transportation Planning Organization Amended TIP 2010/11 – 2014/15 2011/12 – 2015/16

Table XII-7 identifies public school facilities improvements included in the first five (5) years of the 2010/11-2014/15 2011/12 – 2015/16 Volusia County School Board Work Program.

Table XII-7 Volusia County School Board Five (5) Year Work Program, 2009/10-2013/14

	FY 10/1111/12	FY 11/1212/13	FY 12/1313/14	FY 13/1414/15	FY 14/1515/16
NEW CONSTRUCTION					
None	0	0	0	0	0
MAJOR PROJECTS AT EXISTING SCHOOLS & FACILITIES					
Blue Lake Elementary – Classroom Addition	0	0	0	250,000	2,750,000
Portables – Lease	800,000	600,000	500,000	250,000	250,000
	600,000	500,000	250,000		
Portables – Moves & Compliance	600,000	500,000	500,000	400,000	400,000
	400,000	400,000	300,000	300,000	300,000
Southwestern Mid. – Additions	4,000,000	0	0	0	0
Various Schools – Minor Projects	1,300,000	1,300,000	1,300,000	1,300,000	1,300,000
Various Facilities – Facilities Review Projects	4,650,000	5,000,000	5,000,000	5,000,000	5,000,000
	5,238,000	4,500,000	4,500,000	4,500,000	4,500,000
Total Major Projects at Existing Schools & Facilities	11,350,000	7,400,000	7,300,000	6,950,000	6,950,000
	7,538,000	6,700,000	6,350,000	6,600,000	9,100,000
FACILITIES MANAGEMENT					
Facilities Management – Various Projects	1,814,000	1,000,000	1,000,000	1,000,000	1,000,000
	1,581,000	1,581,000	1,581,000	1,581,000	1,581,000
TECHNOLOGY					
Network, EDP & Communications Equipment	6,000,000	6,000,000	6,000,000	6,000,000	6,000,000
	5,000,000	4,500,000	4,500,000	4,500,000	4,500,000
SYSTEM WIDE EQUIPMENT & VEHICLES					
Various Schools & Departments Furn. & Equip.	1,300,000	1,300,000	1,300,000	1,300,000	1,300,000
	800,000	800,000	800,000	800,000	800,000

BUSES					
Transportation Dept. – Bus Replacement	0	0	0 4,116,030	4,722,422 4,116,030	4,976,466 4,116,030
TRANSFERS					
Transfers – Debt Service	51,602,925 51,601,151	51,601,151 51,598,273	51,598,274 51,599,887	51,599,888 51,603,928	51,603,928 51,600,238
Transfers – Equipment Leases & Property Insurance	3,407,250	3,407,250	3,407,250	3,407,250	3,407,250
Transfers – Maintenance	15,800,000 15,600,000	15,800,000 15,600,000	15,800,000 15,600,000	15,800,000 15,600,000	15,800,000 15,600,000
Total Transfers	70,810,175 70,608,401	70,808,401 70,605,523	70,805,524 70,607,137	70,807,138 70,611,178	70,811,178 70,607,488
TOTALS	91,274,956 85,527,401	86,508,401 84,186,523	86,405,524 87,954,167	90,834,560 88,208,208	91,037,644 90,704,518

~~C. EXISTING FINANCIAL RESOURCES~~

~~The first step in planning capital improvements, as well as arranging the necessary financing through the budgeting process, is to inventory the major sources of funding available to the City. These major sources of funding, which include both monies paid to the City and to the Utilities Commission, City of New Smyrna Beach, are expected to contribute a total revenue sum of \$93,699,806 in fiscal year 2010/11. The revenue sources listed below comprise a working inventory for which the City's ability to fund the needed capital improvements will be assessed. In addition, the current status of each revenue source currently used by the City is indicated. It is important to note that the list below includes all of the major financial resources available to the City and is not limited to the funds that will be used for the capital improvement projects identified in the five (5) year Schedule included in this element. These currently utilized financial resources comprise, in part, the revenue sources that will be used to fund the identified capital improvement projects.~~

~~The City of New Smyrna Beach utilizes a fund structure as outlined in the accounting regulations that govern units of local government. A fund is a fiscal and accounting entity with a self-balancing set of accounts recording cash and other financial resources, together with all related liabilities and residual equities or balances and changes therein which are segregated for the purpose of carrying on specific activities or attaining certain objectives in accordance with special regulations, restrictions or limitations. Funds are divided into various types according to the legal restrictions imposed upon them or the uses to which the funds may be placed.~~

~~LOCAL REVENUE SOURCES~~

~~GENERAL FUND~~

~~The General Fund, which is the largest fund in the City, accounts for approximately sixty-four percent (64%) of the financial resources of the government. General Fund revenues include property taxes, franchise taxes, charges for services, intergovernmental revenue, fines and forfeitures, interest revenue, miscellaneous revenue, license and permit fees, internal service charges and various other types of revenues as outlined below. This fund finances most of the basic operating services, such as fire and police protection, community development, finance, parks and recreation, public works and general administration, as well as a number of capital expenditures extracted from the General Fund. The tentative millage rate, combined with the decline in assessed property values will result in a decrease of over \$5,594,578 in tax revenue for the General Fund from FY 09/10.~~

- ~~1. Property Taxes (Ad Valorem) — Property taxes are normally based on a millage rate (i.e., one [1] mil equates to \$1 per \$1,000 of assessed value, or 0.001), which is then applied to the taxable value of all real property, as well as all other tangible personal property. The revenue from ad valorem taxes may be used to fund both operating costs and capital projects, unless prohibited by local policies. §200.081, Florida Statutes, allows municipalities to raise the millage rate above the 10-mill cap when taxpayers approve such a levy. As the major source of revenue for the City of New Smyrna Beach, ad valorem taxes normally account for approximately forty-three and sixth-tenths percent (43.6%) of the annual budget for the General Fund, excluding transfers and reserves. The current millage rate for the General Fund is set at approximately 3.4793 mills. The expected tax yield for fiscal year 2010/11 is \$7,695,967 from a tax base (adjusted taxable value) of \$2,517,423,892. A level of assessment of ninety-five percent (95%) is currently used by the City.~~
- ~~2. Franchise Fee — Franchise fees are levied on certain utilities by the City for the privilege of doing business in the City. Franchise holders include Utilities Commission, City of New Smyrna Beach, Waste Pro, Southard Recycling, and Florida Public Utilities. Most taxes are based on gross revenues and fluctuate with changes in consumption and rates charged by the franchise holder. Budgeted revenue for FY 2010/11 is approximately \$4.2 million, based on historic trend analysis.~~

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3. ~~Utility Service Tax~~ — A utility tax is charged on homes and businesses located within the City. These taxes are assessed on the total amount of the monthly bills issued to customers by the Utilities Commission, City of New Smyrna Beach for electric service. Budgeted revenue for FY 2010/11 is \$1.2 million, based on historic trend analysis. The City also receives an annual payment of six percent (6%) of the gross revenues from utilities under the Utilities Commission, City of New Smyrna Beach control. In FY 2010/11, this payment is budgeted as \$3,613,356, based on historic trend analysis conducted by the Utilities Commission, City of New Smyrna Beach.
4. ~~Business Tax Receipt~~ — A person or company doing business in the City must have a business tax receipt (formerly called an occupational license). The majority of this revenue comes from annual renewals. Budgeted revenue for FY 2010/11 is \$154,350, based on historic trend analysis.
5. ~~Charges for Services~~ — The main components of this category of revenue are Planning and Zoning Department fees for planning and zoning activities and user fees for participants in various classes and sport-related activities offered by the Recreation Department. Miscellaneous fees are charged for funeral escorts, fingerprinting, CPR training, garage sale permits and pet licenses. These revenues represent less than one percent (1%) of the total General Fund Revenues. Budgeted revenue for 2009 FY 2010/11 is \$359,443, based on historic trend analysis.
6. ~~Court Fines and Forfeitures~~ — This revenue is the result of fines and penalties imposed by the court system for crimes and parking violations committed in New Smyrna Beach. Budgeted revenue for FY 2010/11 is estimated at \$83,265, based on historic trend analysis.
7. ~~Interest~~ — The City maintains a pooled cash fund for substantially all City deposits and investments. The City places the highest priority on the safety of principal and maintenance of liquidity to meet current needs. Budgeted revenue for FY 2010/11 is \$67,052, based on forecasted interest rates.
8. ~~Miscellaneous Revenues~~ — Miscellaneous income includes any income that is not in one of the other categories and primarily consists of rental income from various city facilities, insurance proceeds, the sale of fixed assets, appropriated fund equity and other reserves, and donations. Budgeted revenue for FY 2010/11 is \$339,607, based on based on historic trend analysis and current economic conditions.
9. ~~Transfers Into the General Fund~~ — This source of revenue is gained from a percentage of the administrative costs of the various user departments based upon their actual usage and miscellaneous revenues. Budgeted revenue for FY 2010/11 is \$30,700.

UTILITIES COMMISSION, CITY OF NEW SMYRNA BEACH FUNDS

1. ~~Revenue Fund~~ — The Revenue Fund was established by the Utilities Commission, City of New Smyrna Beach to be in compliance with Resolution No. 28-48. The Revenue Fund is used for operations. All sources of funds are deposited to this fund. Sources of funds include: operating revenue, such as direct sales to customers; other revenues, such as pole rentals, interest earning and hydrant rentals; miscellaneous operating revenue, such as cut-in fees, penalties, and miscellaneous revenue. The uses of these funds include payment of operation and maintenance expenses, required payment to the City, transfers to restricted funds, and lastly transfers to the internally designated Rate Stabilization Fund. The balance at any time in this fund is unrestricted and available for operations or any lawful purpose that the Commission desires. Budgeted revenue for FY 2010/11 is \$61,322,156, based on historic trend analysis conducted by the Utilities Commission, City of New Smyrna Beach.
2. ~~Renewal and Replacement Fund~~ — The Renewal and Replacement Fund is required by Resolution No. 28-78, Section 16, D(8), as amended and supplemented by Resolution No. 4-02, adopted on July 1, 2002. The source of funds deposited to this fund come from transfers from the Revenue Fund after the Revenue Fund first transfers sufficient funds into the Debt Service Sinking Funds. The use of funds is legally restricted to pay for capital improvements or replacement of utility plant assets as well as to provide for major repairs

to such assets.

Under the provisions cited above, "mandatory requirements" are to be transferred into the Renewal and Replacement Fund in an amount not less than eight percent (8%) of gross revenues, for the second preceding fiscal year, after deducting from gross revenues a sum equal to one hundred percent (100%) of the fuel and purchased power costs incurred by the electric utility system in the second preceding fiscal year. "Additional requirements" are transferred into the Renewal and Replacement Fund as necessary to meet planned expenditures for capital improvement projects and major repairs to utility system plant assets. The "additional requirements" are needed to insure completion of projects, since the "mandatory requirements" do not provide a sufficient level of funding to internally finance on-going and planned projects that are budgeted for the year. The fund exists to insure that utility plant is sufficiently maintained or expanded to generate recurring revenue as the source for repayment of the debt. Budgeted revenue for FY 2010/11 is \$4,241,007, based on historic trend analysis conducted by the Utilities Commission, City of New Smyrna Beach.

3. ~~Restricted Renewal and Replacement Fund — This fund was established to deposit payments collected from customers for water and wastewater capacity fee charges (connection fees) that are restricted under the terms of the agreements to add capacity to the utility plant assets, increase extensions, and provide for expansion of utility plant as necessary to accommodate growth in the Utilities Commission, City of New Smyrna Beach customer base. The source of funds accounted for in the Restricted Renewal and Replacement Fund is from "Connection Fees Restricted." These charges are deposited to the Revenue Fund and then immediately transferred from the Revenue Fund into the Restricted Renewal and Replacement Fund. The use of funds is restricted to pay for new plant, increase plant capacity, and increase of extension lines. Budgeted revenue for FY 2010/11 is \$249,130, based on historic trend analysis conducted by the Utilities Commission, City of New Smyrna Beach.~~
4. ~~CDD/Infrastructure Fees — The Community Development District/Infrastructure Fees are developed by the Engineering Department of the Utilities Commission, City of New Smyrna Beach to assist with expected growth within the City of New Smyrna Beach. Since inception the Utilities Commission, City of New Smyrna Beach has received \$1,605,370 in cash and \$910,141 in the form of Letters of Credit. Budgeted amounts are based on best available future development information provided to the Utilities Commission, City of New Smyrna Beach. Budgeted revenue for FY 2010/11 is \$125,000, based on development trend analysis performed by the Utilities Commission, City of New Smyrna Beach.~~

SPECIAL REVENUE FUNDS

The Special Revenue Funds account for the proceeds of specific revenue sources which are legally restricted to expenditures for specific purposes. The following funds are included:

1. ~~Stormwater Fund — The Stormwater Utility Fund accounts for the fiscal activity relating to the fees for stormwater utility operation and maintenance activities and City-wide planning related activities. An annual assessment rate of \$60 per ERU (Equivalent Residential Unit) of 1,818 square feet is charged to developed parcels. Stormwater is managed as a division of the Public Works Department. The funding program includes, but is not limited to, maintenance of the existing stormwater catch basins and swales; construction of stormwater handling infrastructure; replacement of deteriorating infrastructure, master planning to solve local flooding and water quality problems and capital improvement projects.
Budgeted revenue for FY 2010/11 is estimated at \$1,331,835, based on projected stormwater assessments, grant revenues, and miscellaneous revenue.~~
2. ~~Law Enforcement Trust Fund — The Law Enforcement Trust Fund receives proceeds from the forfeiture of property related to various police undercover activities that are allocated to the municipalities that participated in these programs. State statute requires these~~

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~~proceeds be deposited in a special law enforcement trust fund. Such proceeds and interest earned must be used for related police programs such as school resource officers, crime prevention, safe neighborhoods, drug abuse education and prevention programs or other law enforcement purposes. These funds may not be used to meet normal operating expenses of the law enforcement agency.~~

~~No revenue is budgeted in FY 2010/11.~~

- ~~3. Airport Fund – The Airport Fund accounts for the fiscal activities related to this agency. The revenues collected through rental and user fees are used to maintain and improve the airport facilities and are not used for general government functions. The airport has completed substantial capital improvements in the last few years and will continue to do so in fiscal year 08/09 through the use of federal and state grants. Budgeted revenue for FY 2010/11 is \$3,445,789, based on estimated operating revenues, federal and state grants, and interest income.~~
- ~~4. Law Enforcement Impact Fee Fund – The Law Enforcement Impact Fee Fund accounts for the fiscal activity relating to the law enforcement impact fees charged for growth-related law enforcement capital improvements. Activities subject to fees include any improvement to land that requires the issuance of a building permit or any changes in the use of a structure that generates additional law enforcement demands. For 2010/11, the revenues were based at the approximate residential rate of \$277.54. Fees are charged for residential land use and at a rate per square foot for non-residential land use. Fees may be appropriated for capital improvements including construction of law enforcement facilities, acquisition of law enforcement and protection equipment, acquisition, construction and equipping of training facilities and acquisition and equipping of vehicles and other equipment. Budgeted revenue for FY 2010/11 is \$20,000, based on historic trend analysis.~~
- ~~5. Fire Protection and Emergency Services Impact Fee Fund – The Fire Protection and Emergency Services Impact Fee Fund accounts for the fiscal activity relating to the fire and rescue impact fees charged for growth-related fire protection and rescue capital improvements. Activities subject to fees include any improvement to land that requires the issuance of a building permit or any changes in the use of a structure which generates additional fire/rescue demands. For FY 2010/11, the revenues were based on the residential rate of approximately \$299.61. Fees may be appropriated for capital improvements including construction of fire stations; acquisition of firefighting and protection equipment; acquisition, construction and equipping of training facilities; and acquisition and equipping of rescue vehicles and other emergency equipment. Budgeted revenues for FY 2010/11 are \$10,000, based on historic trend analysis.~~
- ~~6. Parks and Recreational Facilities Impact Fee Fund – The Parks and Recreational Facilities Impact Fee Fund accounts for the fiscal activity relating to the park impact fees assessed for growth-related parks and improvements. Activities subject to fees include any improvement to land that requires the issuance of a building permit. For FY 2010/11, the revenues were based at the residential rate of \$131.28. Fees may be appropriated for acquisition, expansion and development of capital equipment and facilities such as walking paths, construction of ball fields, picnic pavilions, installation of equipment of children's play areas, irrigation systems, lighting systems, fencing, bleachers, roads, parking facilities, restrooms, concession and community buildings, manager quarters, and storage units. Budgeted revenue for FY 2010/11 is \$5,000, based on charges for services and appropriated fund equity.~~
- ~~7. Marina Fund – The City Marina Fund accounts for all of the fiscal activities related to the operation of the marina, including resident and transient slip rentals. The marina reopened in mid-2006 after a complete renovation. The marina has established itself as one of the best city marinas in the area and has attracted boaters traveling up and down the East Coast. Since it is located next to the downtown canal Street area it continues to bring new customers to local businesses in the community.~~

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Budgeted revenue for FY 2010/11 is \$268,000, based on estimated charges for services and miscellaneous revenues.

8. ~~Transportation Impact Fee Fund — The Transportation Impact Fees Fund accounts for the fiscal activity relating to the transportation impact fees charged for growth-related transportation capital improvements. Activities subject to fees include any improvement to land which requires the issuance of a building permit or any changes in the use of a structure which generates additional transportation demands. For FY 2010/11, the revenues were based at the residential rate of approximately \$975.50. Fees may be appropriated for transportation capital improvements including preliminary engineering design studies, land surveys, right-of-way acquisitions, engineering, permitting, and construction of all the necessary features for transportation projects.~~

~~Budgeted revenue for FY 2010/11 is \$45,000, based on estimated impact fees and miscellaneous revenues.~~

9. ~~Special Events Fund — The Special Events Fund was set up during FY 2006 for the purpose of separately accounting for the special events that the City sponsors during the year, such as the Art Fiesta, Flamingo Follies, Ed Root Run, Senior Games, Seaside Fiesta, and Music in the Park.~~

~~Budgeted revenue for FY 2010/11 is \$63,000, based on estimated fees.~~

10. ~~Building and Inspection Fund — The Building and Inspection Fund was set up in FY 2006 to separately account for the fiscal activity of construction permitting and inspection. State statute requires this revenue be spent on expenses related to this activity and cannot be used for general government expenses.~~

~~Budgeted revenue for FY 2010/11 is \$632,840, based on estimated charges for services and interest income.~~

11. ~~Community Redevelopment Agency — The Community Redevelopment Agency (CRA) Fund accounts for the fiscal activities related to this agency. The CRA works to promote the economic development of designated areas of the City and receives special incremental ad valorem tax levies to pay for rehabilitation and redevelopment of the specified areas in need of improvement to sustain the tax base.~~

~~Budgeted revenue for FY 2010/11 is \$1,741,872, based on estimated ad valorem tax revenue, miscellaneous revenues, and appropriated income.~~

CAPITAL PROJECTS FUNDS

~~The Capital Projects Fund accounts for the financial resources to be used for the acquisition or construction of major capital facilities other than those financed by proprietary and trust funds. The major activities currently included in these funds are the construction of the police station, three (3) fire stations, and various sidewalk projects within the City.~~

~~Budgeted revenue for FY 2010/11 is \$3,620,001. Capital expenditures for the police and fire stations were budgeted in prior years' budgets. However, most of that budget has not been used due to construction delays. Therefore, these balances have been carried over.~~

PROPRIETARY FUNDS

1. ~~Golf Course Fund — The Golf Course Fund accounts for the fiscal activities of the City of New Smyrna Beach Municipal Golf Course, which is financed and operated in a manner similar to private business enterprises. It is the intent of the City that the costs of providing the golf course to the general public on a continuing basis be financed or recovered primarily through user charges for those services. However, the FY 08/09 budget includes a transfer from the general fund unless revenues exceed the current estimates.~~

~~Budgeted revenue for FY 2010/11 is \$1,217,776, based on estimated charges for services and miscellaneous revenues.~~

2. ~~Sanitation Fund — The Sanitation Fund accounts for the fiscal activities related to the operation of refuse and recycling services provided by third-party contracted vendors, the costs of which are recovered by user charges.~~

~~Budgeted revenue for FY 2010/11 is \$5,049,742, based on estimated charges for services~~

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and interest income.

- ~~3. Garage Fund — The Garage Fund accounts for the fiscal activities related to fleet maintenance services provided to other departments and agencies of the City, or to other governments, on a cost reimbursement basis.~~

~~Budgeted revenue for FY 2010/11 is \$832,890, based on charges for services, miscellaneous revenues, and appropriated fund equity.~~

STATE RESOURCES

GENERAL FUND

- ~~1. Local Option Gas Tax — These 6-cent and 5-cent per gallon taxes county-wide are allocated to the City based upon an inter-local agreement with Volusia County. The distribution formula is based on a population formula that is updated periodically.~~

~~Budgeted revenue for FY 2010/11 is estimated at \$703,793, based on state forecasts.~~

- ~~2. State Revenue Sharing — The Municipal Revenue Sharing Program is based on a percentage of taxes and user fees collected by the State of Florida and allocated based on a formula that considers population, sales tax collections and the relative ability to raise revenue.~~

~~Budgeted revenue for FY 2010/11 is estimated at \$451,572, based on state forecasts.~~

- ~~3. State Sales Tax — A portion of the State sales tax revenue is distributed directly to the City for the purpose of providing relief from ad valorem and utility taxes and to provide revenue for local programs. The allocation formula is computed by dividing the City's total population by the sum of the county's total population plus two-thirds (2/3) of the county's unincorporated population.~~

~~Budgeted revenue for FY 2010/11 is estimated at \$917,523, based on state forecasts.~~

- ~~4. Communications Services Tax — The Simplified Communications Services Tax allows both the state and local communications services tax to be imposed on a broad base of telecommunications and cable services and does not discriminate between services or providers. The tax base includes the transmission of voice, data, audio, video, or other information services, including cable services. The State of Florida is primarily responsible for collecting the tax and remitting it to the various local agencies.~~

~~Budgeted revenue for FY 2010/11 is estimated at \$1.1 million.~~

- ~~5. Federal and State Grants — The City expects to receive state and federal grants for various General Fund programs and capital projects in 2009. Agencies involved include, but are not limited to, the Florida Department of Transportation, U.S. Department of Justice, Florida Inland Navigation District, and the Department of Community Affairs.~~

~~Budgeted revenue for FY 2010/11 is estimated at \$1,246,212, based on the award amount of approved grants.~~

D.C. LOCAL POLICIES AND PRACTICES

In support of the goals, objectives, and policies documented in the various other Elements within the *Comprehensive Plan*, local policies and practices may be used to direct the timing and location of development in the City. Many of these policies and practices may be influenced by state, regional, and county agencies that provide public facilities within the City's jurisdiction.

Several segments of the City of New Smyrna Beach's roadway network are on the State and County Highway System. Because these roadways are largely the financial responsibility of the Florida Department of Transportation (FDOT) and Volusia County, the City is reliant on the *FDOT Five (5) Year Work Program* and *Volusia County MPO-TPO Transportation Improvement Program*. Consequently, these plans will affect the capacity of the roadways, which will in turn affect the intensity of development or amount of financial commitment for which the City must plan. With the passage of the 2005 Growth Management Act (Senate Bill 360), the Schedule must include transportation improvements included in the first five (5) years of the applicable metropolitan planning organization's (MPO) adopted transportation improvement program (TIP), to the extent that such improvements are relied upon to ensure concurrency and financial feasibility. MPOs are required to update their TIP by July 1 each year to

include all regional/county projects (See Table XII-6). This practice of utilizing plans of and/or agreements with various other governments in order to broaden the scope and efficiency of services is further described in the Intergovernmental Coordination Element.

The following is a list of the local policies and practices that have been adopted or may be adopted in the future by the City. A brief description of their general concept and the circumstances under which they may be used is also given.

LEVEL-OF-SERVICE STANDARDS

Level-of-service (LOS) standards are benchmarks or goals by which the City's services are measured. In short, LOS indicates the capacity per unit of demand of each public facility.

Chapter 163, *Florida Statutes*, and Rule 9J-5, *Florida Administrative Code*, require local governments to include measurable LOS standards for public facilities in their comprehensive plans. Furthermore, these LOS standards are utilized in issuing development orders to ensure that adequate public facilities will be available in advance of the impact of development.

As a part of the other Elements within this *Comprehensive Plan*, the following level-of-service standards for public facilities have been proposed:

SANITARY SEWER

212 ~~207~~ gallons per day per Equivalent Residential Unit

SOLID WASTE

7.3 pounds per person per day (non-residential waste is included in this figure)

POTABLE WATER

240 gallons per day per Equivalent Residential Unit

DRAINAGE

25 year, 24 hour event. Drainage system will be designed to meet the requirements contained in the *Land Development Regulations*.

ROADWAYS

LOS "C" or better for Florida Interstate Highway System

LOS "D" on other State highways

LOS "E" on minor arterials, collectors, local roadways and all facilities located within a central business district. The central business districts shall be defined as follows:

Mainland – That area designated as Mixed Uses on the Future Land Use Map including roads adjacent to areas designated as Mixed Uses.

Beachside – The area bounded by an east west extension of Florida Street on the north and Jessamine Street on the south and the Indian River and Atlantic Ocean as west and east boundaries, respectively.

RECREATION FACILITIES

- * Beach Access will be provided in 1.0 acre increments when demand equals 0.25 acres; the Level of Service standard is 0.25 acres per 1,000 residents.
- * Urban Open Space will be provided in 0.1 acre increments when the demand equals 0.05 acres; the Level of Service standard is 1.0 acre per 1,000 residents
- * Equipped Play Areas / Tot Lots Acres will be provided in 0.25 acre increments when demand equals 0.2 acres; the Level of Service standard is 0.2 acres per 1,000 residents
- * Neighborhood Parks will be provided in 1.9 acre increments when demand equals 1.9 acres; the Level of Service standard is 0.4 acres per 1,000 residents
- * Community Parks will be provided in 20 acre increments when the demand equals 10 acres; the Level of Service standard is 1 acre per 1,000 residents

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- * Regional Parks will be provided in 250 acre increments when the demand equals 200 acres; the Level of Service standard is 20 acres per 1,000 residents.
- * Urban District Parks will be provided in 50-acre increments when demand equals 40 acres; the Level of Service standard is 5.0 acres per 1,000 residents
- * Baseball / Softball Fields will be provided in 1-field increments when demand equals 1 field; the Level of Service standard is 1 field per 10,000 residents.
- * Basketball Courts will be provided in 1-court increments when demand equals one (1) court; the Level of Service standard is 1 court per 20,000 residents
- * Bicycle Trails will be provided in 1-mile increments when demand equals 0.5 miles; the Level of Service standard is 1 mile of trail per 10,000 residents
- * Boat Ramps will be provided in 1-lane increments when demand equals one (1) lane; the Level of Service standard is 1 lane per 12,500 residents
- * Piers/Catwalks/Jetties will be provided in 800-foot increments when demand equals 800 feet; the Level of Service standard is 800 lineal feet of pier/catwalk/jetty per 25,000 residents
- * Football / Soccer fields will be provided in 1-field increments when demand equals one (1) field; the Level of Service standard is 1 field per 25,000 residents
- * Handball/Racquetball Courts will be provided in 1-court increments when demand equals one (1) court; the Level of Service standard is 1 court per 20,000 residents
- * Shuffleboard Courts will be provided in 1-court increments when demand equals one (1) court. The Level of Service standard is 1 court per 12,000 residents
- * Tennis Courts will be provided in 1-court increments when demand equals one (1) court; the Level of Service standard is 1 court per 10,000 residents

PUBLIC SCHOOL FACILITIES

Elementary Schools – one hundred fifteen percent (115%) of permanent FISH capacity for the concurrency service area

K-8 Schools – one hundred fifteen percent (115%) of permanent FISH capacity for the concurrency service area

Middle Schools – one hundred fifteen percent (115%) of permanent FISH capacity for the concurrency service area

High Schools – one hundred twenty percent (120%) of permanent FISH capacity for the concurrency service area

CAPITAL IMPROVEMENT PROGRAM

A capital improvement program (CIP) is a plan for capital expenditures to be incurred each year over a fixed period of years to meet anticipated facility improvements and needs. The CIP identifies each capital project or other capital expenditures anticipated by the City, as well as presenting estimates of the resources needed to finance the project.

The CIP is to be designed to be consistent with the CIE of the *Comprehensive Plan* because it reflects the goals, objectives, and policies of the element and its implementation strategy, including the five (5) year Schedule. The CIP, however, is more inclusive than the CIE as it also lists those projects that are of relatively small scale and low cost (under \$25,000). Furthermore, the CIP is not limited to those public facilities discussed in the *Comprehensive Plan*, whereas the CIE is constrained.

~~The City of New Smyrna Beach anticipates adopting its first Five-Year Capital Improvements Program in FY 2010/11. The City of New Smyrna Beach implemented a CIP in fiscal year 2010/11.~~

URBAN SERVICE AREAS

Urban service areas are those to which the City provides public facilities and services. When used in conjunction with the Capital Improvements Element, a defined urban service area provides the local government with a tool to help schedule the public facility and service improvements within areas

planned for development.

The City's urban service area is illustrated in the Sanitary Sewer, Potable Water, Solid Waste, Drainage, and Natural Groundwater Aquifer Recharge Element and further discussed in the Intergovernmental Coordination Element of this *Comprehensive Plan*.

MANDATORY EASEMENT AND RIGHT-OF-WAY DEDICATIONS

As a condition of plat approval, the City may require that developers of a subdivision dedicate easements over that portion of land to be used for public purposes such as roadways, drainage, utilities, and conservation.

Developers of platted subdivisions are currently required to dedicate public right-of-way, and easements for, drainage, utilities, and conservation, to the City as part of the plat approval process.

MORATORIA

To temporarily halt or freeze development on an emergency basis for a specified period of time and geographic location, the City may adopt a moratorium ordinance. Moratoria are used to allow the City time to adopt regulations to address a specific issue or concern. This type of ordinance may be imposed on development orders (e.g. building permits, certificates of occupancy, etc.) or governmental services such as water and sewer hook-ups.

The City currently is not imposing any moratoria. However, such a policy may be reasonable or necessary for the protection of local public health, safety, and welfare at some time in the future based on failure to provide adequate level-of-service.

CONCURRENCY MANAGEMENT SYSTEM

This controls the timing and location of development by conditioning new development approvals on evidence that sufficient facilities and services are present or will be provided in order to maintain adopted level-of-service standards. In effect, this implements the 1985 Legislative mandate (Chapter 163, *Florida Statutes*) that requires public facilities to be available to support the impacts of new development. Therefore, development approval becomes contingent on the ability of local governments to provide facilities and services, and furthermore, may require the development itself to furnish the facilities and services in order to maintain the adopted level-of-service standards. Additional benefits associated with a Concurrency Management System are as follows:

- * Supports the consistency of the Capital Improvements Element with the Future Land Use Element;
- * Provides for the orderly expansion of public facilities;
- * Stabilizes capital improvement expenditures and taxing structures for capital improvements; and
- * Reduces the possibility of damage to the environment from the use of overburdened facilities.

Typically, the Concurrency Management System interacts with the development approval process by requiring that all zoning, subdivision, or planned until development (PUD) approvals be granted only upon demonstrated compliance with the system. The building permit stage is another level at which a Concurrency Management System may function. In this context, the Concurrency Management System may control development in areas that are already approved, but not as yet built on, such as pre-platted lands.

The City of New Smyrna Beach has developed a Concurrency Management System as part of the *Comprehensive Plan*, which is implemented in its *Land Development Regulations*.

~~E. ANALYSIS~~

~~FISCAL ASSESSMENT~~

~~This section analyzes the City's ability to sufficiently fund the capital improvements listed in Table XII-2. The~~

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assessment process consists of projecting the revenues needed and expenditures required for the City to construct the necessary or desired capital improvement projects. This process allows the City to identify any revenue surplus or major shortfalls, which in turn provides the basis for exploring alternative methods of financing.

This section not only reviews the direct costs incurred for capital improvements in the other elements of this Comprehensive Plan, but also addresses the additional operating costs (e.g. personnel, maintenance, etc.) incurred as a result of such improvements being put in place.

PROJECTED REVENUES

Revenue projections are based on current growth trends and/or on capital improvement expenditures made by the City in recent years. The revenues have been projected for each of the funding sources utilized by the City for capital improvements in 2010 dollars. Tables 8 and 9 show detailed projections for the ad valorem tax base and projected ad valorem yields for the planning period. Revenues from all sources projected for the fiscal years 2010/11 to 2014/15 are shown in Table XII-10.

The City's tax base value is projected to decrease for FY 2010/2011. This is based on the proposed millage rate combined with the decline in assessed property values, resulting in an estimated decrease of over \$1,012,655. Historically, the adjusted taxable value grew approximately thirty percent (32%) from 2006-2007 and remained at basically the same level from 2007-2008. The ad valorem tax base projections shown in Table XII-8 show an 11.52% rate of decline for the adjusted taxable value of property (including new construction) for FY 2010/11, with no increase in fiscal years 2011/12 – 2013/14. Beginning in FY 2014/15, a one percent (1%) growth rate has been applied. The City's assessment ratio is projected to remain stable at ninety-five percent (95%).

Table XII-8 Ad Valorem Tax Base Projections

Fiscal Year	Adjusted Taxable Value	Change
2005-2006	\$2,845,407,991	-
2006-2007	\$3,743,475,297	31.6%
2007-2008	\$3,750,485,808	0.2%
2008-2009	\$3,443,228,086	-8.2%
2009-2010	\$2,845,189,751	-16.7%
2010-2011	\$2,517,423,893	-11.52%
2011-2012	\$2,517,423,893	0%
2012-2013	\$2,517,423,893	0%
2013-2014	\$2,517,423,893	0%
2014-2015	\$2,542,598,131	1.0%

Ad valorem tax yields were projected assuming the proposed FY 2010/11 rate of millage and the projected taxable value rates shown in Table XII-8.

Table XII-9 Projected Ad Valorem Tax Yields

Fiscal Year	Ad Valorem Tax Rate	Adjusted Taxable Value	Total Ad Valorem Revenue	95% of Ad Valorem Revenue	CRA Tax Increment Revenue	General Fund Ad Valorem Revenue
2010-2011	3.4793	\$2,517,423,893	\$7,695,967	\$7,311,169	\$610,483	\$6,700,686
2011-2012	3.4793	\$2,517,423,893	\$7,695,967	\$7,311,169	\$610,483	\$6,700,686
2012-2013	3.4793	\$2,517,423,893	\$7,695,967	\$7,311,169	\$610,483	\$6,700,686
2013-2014	3.4793	\$2,517,423,893	\$7,695,967	\$7,311,169	\$610,483	\$6,700,686
2014-2015	3.4793	\$2,542,598,131	\$8,846,462	\$8,404,139	\$701,746	\$7,702,393

Table XII-10 Revenue Projections Affecting Capital Improvements

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FUND	FY 10/11	FY 11/12	FY 12/13	FY 13/14	FY 14/15	TOTAL
General Fund	17,713,906	18,418,297	18,786,663	19,162,396	19,545,644	94,517,340
Utilities Commission Revenue Fund	61,322,156	61,922,418	62,558,455	63,422,140	64,222,228	313,447,397
Stormwater Fund	1,331,835	2,637,899	2,690,657	2,717,564	2,744,739	12,122,694
Law Enforcement Trust Fund	0	84,240	85,925	87,643	89,396	347,204
Airport Fund	3,445,789	3,411,331	3,479,558	3,549,149	3,620,132	17,505,959
Police Impact Fee Fund	20,000	19,800	20,196	20,600	21,012	101,608
Fire/Emergency—Services Impact Fee Fund	10,000	9,900	10,098	10,300	10,506	50,804
Parks/Recreation—Impact Fee Fund	5,000	4,950	5,049	5,150	5,253	25,402
Marina Fund	268,000	265,320	270,626	276,939	281,560	1,361,545
Transportation Impact Fee Fund/Traffic—Concurrency Fees	45,000	44,550	45,441	46,350	47,277	228,618
Special Events Fund	63,000	62,370	63,617	64,890	66,188	320,065
Building and Inspection Fund	632,840	626,512	620,246	620,246	620,246	3,120,090
Capital Projects Funds	0	0	0	0	0	0
Golf Course Fund	1,217,776	1,205,598	1,229,710	1,254,304	1,279,390	6,186,778
Sanitation Fund	5,049,742	4,999,245	5,099,229	5,201,214	5,305,238	25,654,668
Garage Fund	832,890	824,561	841,052	857,873	875,031	4,231,407
Community Redevelopment—Agency Fund	1,741,872	1,637,360	1,653,733	1,736,420	1,823,241	8,592,626
TOTAL OPERATING EXPENDITURES	93,699,806	96,174,351	97,460,255	99,032,278	100,557,081	487,814,205

Note: — These projects represent new revenues only for each year, and do not include any carry-over from the previous fiscal year. The above funding sources are utilized for both operating and capital needs. Other City funds that are only operational in nature are not included.

Sources: City of New Smyrna Beach Finance Department and Utilities Commission, City of New Smyrna Beach

PROJECTED EXPENDITURES

The projected expenditures have been separated into three (3) categories for the purpose of this assessment: (1) scheduled capital improvement project expenditures; (2) capital improvement debt service expenditures; and (3) operating cost expenditures. The first category of expenditure represents the direct cost of those capital improvements that must be in place this planning period to meet the State's concurrency rules. Table XII-11 lists these projected expenditures by Fund for 2011-2015. This table only includes funds which have been committed and which are collected by the City. Grant funds are not included.

Table XII-11 Expenditure Projections for Scheduled Capital Improvements

Source	2010-2011	2011-2012	2012-2013	2013-2014	2014-2015	Total
Community—Redevelopment Agency Fund	794,827	935,000	0	0	0	1,729,827
General Revenue Fund	435,000	0	0	0	0	435,000
Utilities Commission Renewal and	2,259,400	4,525,200	4,352,300	3,709,800	4,529,000	19,375,700

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Replacement Fund						
Stormwater Operating Fund	2,016,160	1,475,560	880,805	50,000	0	4,422,525
Total	5,505,387	6,935,760	5,233,105	3,759,800	4,529,000	25,963,052

The second category includes the projected expenditures required to meet debt service requirements for outstanding bond issues, as well as planned future bond issues or loans. Table XII-12 shows the projected debt service expenditures by fund source.

Table XII-12 Expenditure Projections – Debt Service

	FINAL MATURITY	FY-10/11	FY-11/12	FY-12/13	FY-13/14	FY-14/15	TOTAL
General Obligation Bonds, Series 2005	FY-2024	1,423,136	1,418,686	1,422,593	1,419,048	1,418,788	7,102,251
Capital Improvement Refunding Revenue Bonds, Series 2005	FY-2030	504,315	504,844	503,679	499,891	500,191	2,512,920
Florida Municipal Loan Council Series 2008B	FY-2012	106,905	97,503	0	0	0	204,408
Capital Improvement Refunding Revenue Bonds, Series 1998	-FY-2014	341,454	341,653	341,860	171,011	0	1,195,978
Promissory Note 1997	FY-2013	21,465	21,477	10,742	0	0	53,684
Promissory Note 1998A	-FY-2014	45,768	45,750	45,750	22,875	0	160,143
Promissory Note 1999A	-FY-2014	426,782	426,769	426,804	429,865	0	1,710,220
State Revolving Fund Loan 1999	FY-2021	153,032	153,032	153,032	153,032	153,032	765,160
State Revolving Fund Loan 2002	FY-2023	40,408	40,408	40,408	40,408	40,408	202,040
State Revolving Fund Loan 2003	FY-2024	33,310	33,310	33,310	33,310	33,310	166,550
State Revolving Fund Loan 2009	FY-2028	20,000	20,000	20,000	20,000	20,000	99,998
TOTAL		3,116,575	3,083,432	2,978,178	2,769,440	2,145,729	14,093,354

Source: City of New Smyrna Beach Finance Department

The final category of expenditures contains the annual operating costs for providing the necessary facility improvements and services to the City's customers. These operating costs consist of the recurring expenses associated with the normal operation of capital facilities such as supplies, maintenance, personnel, and utility costs associated with the assessed capital improvement needs. The operating costs have been assigned to the first year in which they are expected to be incurred based on the schedule of improvements contained in Table XII-11. Table XII-13 presents the annual operating expenditures, including debt service, of the City for fiscal years 2011-2015. Transfers and payments to other governmental entities are not included in the operating expenditures, but are included in Table XII-14 of this element.

With regard to the Utilities Commission, City of New Smyrna Beach funds, monies in the Renewal and Replacement Fund are first deposited into the Revenue Fund and then transferred into the Renewal and Replacement Fund once monies have been withheld for debt service and operating expenses. Therefore, separate operating expenses are not listed for either the Renewal and Replacement Fund,

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Restricted Renewal and Replacement Fund or CDD/Infrastructure Fees Fund.

Table XII-13 Annual Operating Expenditures

FUND	FY 10/11	FY 11/12	FY 12/13	FY 13/14	FY 14/15	TOTAL
General Fund	18,022,220	17,841,998	17,841,998	18,198,838	18,562,815	90,467,868
Utilities Commission Revenue Fund	65,306,192	66,881,418	67,528,455	69,057,140	70,712,228	339,485,433
Stormwater Fund	2,656,721	2,391,049	2,391,049	2,438,870	2,487,647	12,365,336
Law Enforcement Trust Fund	93,600	84,240	85,925	87,643	89,396	440,804
Airport Fund	3,505,904	3,540,963	3,576,373	3,612,136	3,648,258	17,883,634
Police Impact Fee Fund	20,000	20,200	20,402	21,422	22,493	104,517
Fire/Emergency Services Impact Fee Fund	10,000	10,500	10,605	12,196	14,025	57,326
Parks/Recreation—Impact Fee Fund	80,000	15,000	16,500	18,975	21,821	152,296
Marina Fund	268,000	239,673	242,070	244,490	246,935	1,241,168
Transportation Impact Fee Fund/Traffic—Concurrency Fees	45,000	45,450	45,905	46,364	46,827	229,545
Special Events Fund	63,000	56,700	57,834	58,991	60,170	296,695
Building and Inspection Fund	632,840	522,878	528,106	533,387	538,721	2,755,933
Capital Projects Funds	3,619,611	2,895,689	3,538,764	-	-	10,054,064
Golf Course Fund	1,217,776	1,095,998	1,095,998	1,117,918	1,140,277	5,667,968
Sanitation Fund	5,344,017	5,450,897	5,505,406	5,615,514	5,727,825	27,643,660
Garage Fund	909,251	818,326	818,326	834,692	851,386	4,231,981
Community Redevelopment—Agency Fund	8,977,377	2,717,646	1,311,873	1,395,935	1,993,615	16,395,546
TOTAL OPERATING EXPENDITURES	110,771,509	104,628,625	104,615,588	103,293,612	106,164,440	529,473,775

In order to assess the City's capability to fund the necessary capital improvement expenditures, a determination of revenue sufficiency must be made. This capability is shown by finding the difference between the projected annual revenues and expenditures for each fund the City uses to finance the capital improvements. The assessment results are shown in Table XII-14.

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Table XII-14 - Fiscal Assessment

	FY 10/11	FY 11/12	FY 12/13	FY 13/14	FY 14/15	
GENERAL FUND	Revenues	17,713,906	18,418,297	18,786,663	19,162,396	19,546,644
	Transfers-In	30,700	30,700	30,700	30,700	30,700
	Fund Balance-Carryforward	8,500,000	8,500,000	8,504,662	8,976,338	9,470,705
	TOTAL SOURCES	26,244,606	26,948,997	27,322,014	28,169,433	29,047,048
	Expenditures	18,022,220	17,841,998	17,841,998	18,198,838	18,562,815
	Transfers-Out	642,820	602,347	503,679	499,881	500,181
	TOTAL FUND BALANCE	7,609,566	8,504,652	8,976,338	9,470,705	9,984,042
	Revenues	61,322,156	61,922,448	62,558,455	63,422,140	64,252,228
	Other Revenue Sources ¹	3,984,036	4,959,000	4,970,000	5,635,000	6,490,000
	Total All Revenues	65,306,192	66,881,448	67,528,455	69,057,140	70,742,228
Expenditures	66,306,192	66,881,448	67,528,455	69,057,140	70,742,228	
BALANCE	0	0	0	0	0	
Revenues	1,331,836	2,637,899	2,690,667	2,747,664	2,744,739	
Transfers-In	0	0	0	0	0	
Fund Balance-Carryforward	1,571,736	0	0	52,758	84,602	
TOTAL SOURCES	2,903,571	2,637,899	2,690,667	2,770,322	2,829,341	
Expenditures	2,656,721	2,391,049	2,391,049	2,438,870	2,487,647	
Transfers-Out	246,850	246,850	246,850	246,850	246,850	
BALANCE	0	0	52,758	84,602	0	
Revenues	0	84,240	85,925	87,643	89,396	
Transfers-In	0	0	0	0	0	
Fund Balance-Carryforward	88,286	-6,314	-5,314	-5,314	-5,314	
TOTAL SOURCES	88,286	78,926	80,611	82,329	84,082	
Expenditures	93,600	84,240	85,925	87,643	89,396	
Transfers-Out	0	0	0	0	0	
BALANCE	-5,314	-5,314	-5,314	-5,314	-5,314	
Revenues	3,445,789	3,441,331	3,479,558	3,549,149	3,620,132	
Transfers-In	0	0	0	0	0	
Fund Balance-Carryforward	1,456,890	1,396,775	1,267,143	1,170,328	1,107,344	
TOTAL SOURCES	4,902,679	4,808,106	4,746,701	4,719,477	4,727,472	
Expenditures	3,505,904	3,540,963	3,576,373	3,612,136	3,648,258	
Transfers-Out	0	0	0	0	0	
BALANCE	1,396,775	1,267,143	1,170,328	1,107,341	1,079,215	
Revenues	20,000	19,800	20,196	20,600	21,012	
Transfers-In	0	0	0	0	0	
Fund Balance-Carryforward	379,540	379,540	379,140	378,904	378,082	
TOTAL SOURCES	399,540	399,340	399,306	399,504	399,094	
Expenditures	20,000	20,200	20,402	21,422	22,493	
Transfers-Out	0	0	0	0	0	
BALANCE	379,540	379,140	378,904	378,082	376,601	
Revenues	40,000	9,900	10,098	10,300	10,506	
Transfers-In	0	0	0	0	0	
Fund Balance-Carryforward	190,304	190,304	189,701	189,194	187,298	
TOTAL SOURCES	200,304	200,204	199,799	199,494	197,804	
Expenditures	40,000	10,500	10,605	12,196	14,025	
Transfers-Out	0	0	0	0	0	
BALANCE	190,304	189,704	189,194	187,298	183,779	
Revenues	5,000	4,950	5,049	5,150	5,253	
Transfers-In	0	0	0	0	0	
Fund Balance-Carryforward	146,761	71,761	61,711	50,260	36,436	
TOTAL SOURCES	151,761	76,711	66,760	55,410	41,688	
Expenditures	80,000	15,000	16,500	18,975	21,821	
Transfers-Out	0	0	0	0	0	
BALANCE	71,761	61,711	50,260	36,435	19,867	
Revenues	268,000	265,320	270,626	276,039	281,560	
Transfers-In	0	0	0	0	0	
Fund Balance-Carryforward	293,666	293,666	288,613	286,470	287,318	
TOTAL SOURCES	561,666	558,986	559,239	562,509	568,878	
Expenditures	237,300	239,673	242,070	244,490	246,935	
Transfers-Out	30,700	30,700	30,700	30,700	30,700	
BALANCE	293,666	288,613	286,470	287,318	291,243	
Revenues	45,000	44,550	45,441	46,350	47,277	
Transfers-In	0	0	0	0	0	
Fund Balance-Carryforward	540,377	540,377	539,477	539,014	539,000	

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	FY 10/11	FY 11/12	FY 12/13	FY 13/14	FY 14/15
CONCURRENCY FEES					
TOTAL SOURCES	585,377	584,927	584,918	585,363	586,277
Expenditures	46,000	46,450	46,905	46,364	46,827
Transfers-Out	0	0	0	0	0
BALANCE	540,377	538,477	538,014	539,000	539,449
Revenues	63,000	62,370	63,617	64,890	66,188
Transfers-In	0	0	0	0	0
Fund-Balance-Carryforward	21,791	21,791	27,461	33,244	39,143
TOTAL SOURCES	84,791	84,161	91,078	98,134	105,331
Expenditures	63,000	56,700	57,834	58,991	60,170
Transfers-Out	0	0	0	0	0
BALANCE	21,791	27,461	33,244	39,143	45,161
Revenues	632,840	626,612	620,246	620,246	620,246
Transfers-In	0	0	0	0	0
Fund-Balance-Carryforward	-8,987	-8,987	94,647	186,787	273,646
TOTAL SOURCES	623,853	617,626	714,893	807,034	893,893
Expenditures	632,840	522,878	528,106	533,387	538,721
Transfers-Out	0	0	0	0	0
BALANCE	-8,987	94,647	186,787	273,646	355,171
Revenues	0	0	0	0	0
Transfers-In	0	0	0	0	0
Fund-Balance-Carryforward	10,064,064	6,434,453	3,638,764	0	0
TOTAL SOURCES	10,064,064	6,434,453	3,638,764	0	0
Expenditures	3,619,611	2,895,689	3,538,764	0	0
Transfers-Out	0	0	0	0	0
BALANCE	6,434,453	3,538,764	0	0	0
Revenues	1,217,776	1,205,598	1,229,740	1,254,304	1,279,390
Transfers-In	0	0	0	0	0
Fund-Balance-Carryforward	-845,073	-845,073	735,473	-601,761	-465,376
TOTAL SOURCES	372,703	360,525	494,237	652,543	814,015
Expenditures	1,217,776	1,095,998	1,095,998	1,117,918	1,140,277
Transfers-Out	0	0	0	0	0
BALANCE	-845,073	-735,473	-601,761	-465,375	-326,262
Revenues	5,049,742	4,999,245	5,099,229	5,201,214	5,305,238
Transfers-In	0	0	0	0	0
Fund-Balance-Carryforward	2,161,028	1,866,753	1,415,100	1,008,923	594,623
TOTAL SOURCES	7,210,770	6,865,998	6,514,330	6,210,137	5,899,861
Expenditures	5,344,017	5,450,897	5,505,406	5,615,514	5,727,825
Transfers-Out	0	0	0	0	0
BALANCE	1,866,753	1,415,100	1,008,923	594,623	472,037
Revenues	832,890	824,561	841,062	857,873	875,031
Transfers-In	0	0	0	0	0
Fund-Balance-Carryforward	476,099	399,738	495,973	428,700	451,881
TOTAL SOURCES	1,308,989	1,224,299	1,247,026	1,286,573	1,326,911
Expenditures	909,251	818,326	818,326	834,692	851,386
Transfers-Out	0	0	0	0	0
BALANCE	399,738	405,973	428,700	451,881	475,525
Revenues	1,741,872	1,637,360	1,653,733	1,736,420	1,823,241
Transfers-In	0	0	0	0	0
Fund-Balance-Carryforward	9,000,000	1,421,939	0	0	0
TOTAL SOURCES	10,741,872	3,059,299	1,653,733	1,736,420	1,993,615
Expenditures	8,977,377	2,717,646	1,311,873	1,385,035	1,993,615
Transfers-Out	342,556	341,653	341,860	171,011	0
BALANCE	1,421,939	0	0	170,374	0

Source: City of New Smyrna Beach Finance Department and Utilities Commission, City of New Smyrna Beach

F.D. IMPLEMENTATION

FIVE (5) YEAR CAPITAL IMPROVEMENT SCHEDULE

The five (5) year capital improvement schedule (Schedule) (Table XII-2) is the mechanism by which the City can effectively stage the timing, location, projected cost, and revenue sources for the capital improvements derived from the other *Comprehensive Plan* elements. Based upon the Inventory, Analysis, and Goals, Objectives, and Policies of this Element, the five (5) year Schedule has been developed to document the financial feasibility of the *City of New Smyrna Beach Comprehensive Plan*.

MONITORING AND EVALUATION

The role of monitoring and evaluation is vital to the effectiveness of any comprehensive plan and particularly for the Capital Improvements Element. As part of the annual budgeting process, the City evaluates the status of all scheduled capital improvements and the overall status of public facilities in relation to current and projected demand. This evaluation ensures that revisions to the budget, work programs, and this *Comprehensive Plan* may be made as necessary to provide facilities in a timely and financially feasible manner, consistent with adopted level-of-service standards. In addition, the issues of development orders and building permits are monitored continuously to ensure consistently with this plan.

The City's annual review includes the following consideration, which are also evaluated each year to determine their continued applicability:

1. Any corrections, updates, and modifications concerning costs; revenue sources; acceptance of facilities pursuant to dedications which are consistent with the element; or the date of construction of any facility listed in this Element
2. The Capital Improvements Element's consistency with the other elements and its support of the Future Land Use Element
3. The City's ability to provide public facilities and services within the Urban Service Area in order to determine any need for boundary modification or adjustment
4. The priority assignment of existing public facility deficiencies
5. The City's progress in meeting those needs that are determined to be existing deficiencies
6. The criteria used to evaluate capital improvements projects in order to ensure that projects are being ranked in their appropriate order of priority
7. The City's effectiveness in maintaining the adopted LOS standards
8. The City's effectiveness in reviewing the impacts of plans and programs of state agencies and water management districts that provide public facilities within the City's jurisdiction
9. The effectiveness of impact fees, and mandatory dedications or fees in lieu of, for assessing new development a pro rata share of the improvement costs which they generate
10. The impacts of special districts and any regional facility and service provision upon the City's ability to maintain its adopted LOS standards
11. Efforts made to secure grant or private funds, whenever possible, to finance the provision of capital improvements
12. The transfer of any unexpended account balances
13. The criteria used to evaluate proposed plan amendments and requests for new development or redevelopment
14. Capital improvements needed for the latter part of the planning period, for inclusion in the five (5) year Schedule

G.E. CONCURRENCY MANAGEMENT SYSTEM

OVERVIEW

The purpose of a Concurrency Management System is to provide the necessary regulatory mechanism for evaluating development orders to ensure that the level-of-service standards adopted as part of the

Comprehensive Plan

City of New Smyrna Beach, Florida

Comprehensive Plan are maintained. The system consists of three (3) primary components: (1) an inventory of existing public facilities for which concurrency is to be determined; (2) a concurrency assessment of each application for a final development order or permit; and (3) a schedule of improvements needed to correct any existing public facility deficiencies. Under this system, and according to the Florida State Legislature, no development orders may be issued which will cause a public facility to operate below its adopted level-of-service standard. However, development orders may be conditioned such that needed public facility improvements will be in place concurrent with the impacts of the proposed development.

In order to ensure that all public facilities included within this system are available concurrent with the impacts of development, concurrency will be determined during the final site plan or final subdivision plan approval process. All development orders and permits will specify any needed improvements and a schedule for their implementation. Thus, while some required improvements may not have to be completed until a certificate of occupancy is applied for, the requirements for the certificate of occupancy will have already been specified as a condition of approval of the original development order. If a development proposal cannot meet the test for concurrency, then it may not proceed under any circumstances and no development orders or permits may be issued. Likewise, if a development fails to meet a condition of approval once it has commenced, then no additional development orders, permits, or certificates of occupancy may be issued.

APPLICABILITY

Prior to the granting of a development order, all applications for a final site plan or final subdivision plan shall be reviewed for concurrency consistent with the provisions and requirements of this system. Development orders may be issued only upon a finding by the City that the public facilities addressed under the Concurrency Management System will be available concurrent with the impacts of the development.

All applicants for development permits shall be required to provide all information deemed necessary by the City so that the impacts of the proposed development may be accurately assessed.

The *Land Development Regulations* specifically list the application requirements for development permits that reflect the informational needs for the determination of concurrency.

PLANNING AND ZONING-ENGINEERING DEPARTMENT DIVISION

The ~~Planning and Zoning Department~~Engineering Division is responsible for the three (3) primary tasks that are described below. The Department Director may delegate all or a part of these functions to the employees within this Department. The three (3) tasks are: (1) maintaining an inventory of existing public facilities and capacities or deficiencies; (2) determining concurrency of proposed development which does not require Planning and Zoning Board approval; and (3) providing advisory concurrency assessments and recommending conditions of approval to the Planning and Zoning Board for those applications for development orders which require Planning and Zoning Board approval.

H.F. GOALS, OBJECTIVES, AND POLICIES

INFRASTRUCTURE GOAL:

To provide infrastructure to all residents in the community in a manner, which efficiently replaces obsolete or worn-out facilities, meets existing deficiencies, and accommodates desired future growth consistent with the Future Land Use Plan.

OBJECTIVE:

1. Capital improvements shall be provided to correct existing deficiencies, to accommodate anticipated future growth, and to replace outdated and obsolete facilities, as indicated in the five (5) year capital improvement schedule (Schedule) of this Element.

POLICIES:

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City of New Smyrna Beach, Florida

- a. The City shall include all projects required to meet or maintain adopted level-of-service (LOS) standards, as required by the Florida Growth Management Act, or implement the goals, objectives, and policies of the *Comprehensive Plan* and determined to be of relatively large scale in cost (\$25,000 or greater) as capital improvement projects to be included within the Schedule of this Element.
- b. The City shall, for accounting purposes, also include into this Element Debt Service and Operating expenditures.
- c. The City shall continue its current program providing for renewal and replacement of capital facilities as outlined in the various Elements of this Plan.
- d. The City shall create a capital improvement program and shall continue to adopt an annual budget as a part of its budgeting process. The City shall review the capital improvement program annually together with the Utilities Commission, City of New Smyrna Beach five (5) year capital improvement program to include the water and sanitary sewer related projects identified for the first five (5) years of these programs. The program shall be "financially feasible" as defined in *Florida Statutes*.
- e. The proposed capital improvement projects shall be evaluated and ranked in order of priority according to the following criteria:
 - i. Whether the project is needed to protect public health and safety, to fulfill the City's legal commitment to provide facilities and services, or to preserve or achieve full use of those facilities already in place;
 - ii. Whether the project promotes the City's development of alternative water supplies, corrects water supply deficiencies or otherwise results in a reduction in future dependence on Upper Floridan aquifer water sources to support future growth of the City;
 - iii. Whether the project increases efficiency of use of existing facilities, prevents or reduces future improvements costs, provides services to developed areas lacking full service, or promotes in-fill development;
 - iv. Whether the project represents a logical extension of facilities and services within the designated Urban Service Areas boundary, and is coordinated with the plans of state agencies that provide facilities within the City;
 - v. Whether the project implements the policies of this *Comprehensive Plan* as they pertain to the concurrency requirements; and
 - vi. Whether the project is financially feasible.
- f. The potential for reducing Vehicle Miles Traveled (VMTs) and green house gas (GHG) emissions should be considered in all location and investment decisions for public facilities.

OBJECTIVE:

2. The proportionate share of facility improvements that are necessitated by future development in order to maintain adopted LOS standards shall be borne by those directly benefiting from the improvements.

POLICIES:

- a. The City shall continue to collect impact fees from development projects to pay for the provision of water, sewer, recreation, public safety services, and transportation facilities required by those projects.
- b. The City shall consider the use of other impact or mobility fees, such as for transit service or pedestrian and bicycle facilities.
- c. All new development shall be required to donate or reserve their fair share of right-of-

Comprehensive Plan

City of New Smyrna Beach, Florida

way adjacent to major roadways prior to the issuance of a final development order.

- d. All new development shall be required to pay its proportionate fair share toward transportation LOS and mobility improvements that are necessary to provide capacity for their impacts as outlined in the City's Proportionate Fair-Share Ordinance.

OBJECTIVE:

3. The City shall manage its fiscal resources to ensure the provision of needed capital improvements for previously issued development orders and for future development and redevelopment. This objective shall be achieved through the implementation of the following policies:

POLICIES:

- a. The City shall not issue development orders or permits unless public facilities (which meet the adopted level-of-service standards) needed to support development or redevelopment are available, or will be available concurrently with the impacts of the development.
- b. The City shall continue to apply for and secure grants or private funds whenever possible to finance the provision of capital improvements and other City improvement projects.
- c. The City shall begin to adopt a five (5) year capital improvement program and shall consider adopting an annual capital improvement program as part of its budgeting process.
- d. The City shall identify and use stable revenue sources, which are also responsive to growth, for financing public facilities.

OBJECTIVE:

4. The City shall base all decisions regarding the issuance of development orders and permits on the coordination of the development requirements included in this *Comprehensive Plan, Land Development Regulations*, and ordinances, and the availability of public facilities needed to support such development at the time it is needed.

POLICIES:

- a. The City shall use the following levels-of-service (LOS) standards in reviewing the impacts of new development and redevelopment upon public facility provision:
 - * Sanitary Sewer – ~~212~~ 207 gallons per day per Equivalent Residential Unit
 - * Solid Waste – 7.3 pounds per person per day (non-residential waste is included in this figure)
 - * Potable Water – 240 gallons per day per Equivalent Residential Unit
 - * Drainage – 25 year, 24 hour event. Drainage system will be designed to meet the requirements contained in the *Land Development Regulations*.
 - * Roadways
 - * LOS "C" or better for Florida Interstate Highway System
 - * LOS "D" on other State highways
 - * LOS "E" on minor arterials, collectors, local roadways and all facilities located within a central business district. The central business districts shall be defined as follows:
 - Mainland – That area designated as Mixed Uses on the Future Land Use Map including roads adjacent to areas designated as Mixed Uses.
 - Beachside – The area bounded by an east west extension of Florida Street on the north and Jessamine Street on the south and the Indian River and Atlantic Ocean as west and east

Comprehensive Plan

City of New Smyrna Beach, Florida

boundaries, respectively.

- * Recreation Standards for Facilities
 - * Beach Access will be provided in 1.0 acre increments when demand equals 0.25 acres; the Level of Service standard is 0.25 acres per 1,000 residents.
 - * Urban Open Space will be provided in 0.1 acre increments when the demand equals 0.05 acres; the Level of Service standard is 1.0 acre per 1,000 residents
 - * Equipped Play Areas / Tot Lots Acres will be provided in 0.25 acre increments when demand equals 0.2 acres; the Level of Service standard is 0.2 acres per 1,000 residents
 - * Neighborhood Parks will be provided in 1.9 acre increments when demand equals 1.9 acres; the Level of Service standard is 0.4 acres per 1,000 residents
 - * Community Parks will be provided in 20 acre increments when the demand equals 10 acres; the Level of Service standard is 1 acre per 1,000 residents
 - * Regional Parks will be provided in 250 acre increments when the demand equals 200 acres; the Level of Service standard is 20 acres per 1,000 residents.
 - * Urban District Parks will be provided in 50-acre increments when demand equals 40 acres; the Level of Service standard is 5.0 acres per 1,000 residents
 - * Baseball / Softball Fields will be provided in 1-field increments when demand equals 1 field; the Level of Service standard is 1 field per 10,000 residents.
 - * Basketball Courts will be provided in 1-court increments when demand equals one (1) court; the Level of Service standard is 1 court per 20,000 residents
 - * Bicycle Trails will be provided in 1-mile increments when demand equals 0.5 miles; the Level of Service standard is 1 mile of trail per 10,000 residents
 - * Boat Ramps will be provided in 1-lane increments when demand equals one (1) lane; the Level of Service standard is 1 lane per 12,500 residents
 - * Piers/Catwalks/Jetties will be provided in 800-foot increments when demand equals 800 feet; the Level of Service standard is 800 lineal feet of pier/catwalk/jetty per 25,000 residents
 - * Football / Soccer fields will be provided in 1-field increments when demand equals one (1) field; the Level of Service standard is 1 field per 25,000 residents
 - * Handball/Racquetball Courts will be provided in 1-court increments when demand equals one (1) court; the Level of Service standard is 1 court per 20,000 residents
 - * Shuffleboard Courts will be provided in 1-court increments when demand equals one (1) court. The Level of Service standard is 1 court per 12,000 residents
 - * Tennis Courts will be provided in 1-court increments when demand equals one (1) court; the Level of Service standard is 1 court per 10,000 residents

- b. The City shall evaluate all proposed *Comprehensive Plan* amendments and requests for new development or redevelopment according to the following guidelines as to whether the proposed action would:
 - i. Be consistent with the Sanitary Sewer, Potable Water, Solid Waste, Drainage and Natural Groundwater Aquifer Recharge Element and the Coastal Management Element and not contribute to a condition of public hazard;
 - ii. Be consistent with the Transportation Element; Sanitary Sewer, Potable Water, Solid Waste, Drainage and Natural Groundwater Aquifer Recharge Element; and Recreation and Open Space Element and not intensify an existing public facility capacity deficits not envisioned within this plan;
 - iii. Generate public facility demands that may be accommodated by planned capacity increases as shown in the five (5) year Schedule;
 - iv. Conform with future land uses as shown on the future land use map of the Future

Comprehensive Plan

City of New Smyrna Beach, Florida

Land Use Element, and Urban Service Areas as described the Sanitary Sewer, Potable Water, Solid Waste, Drainage and Natural Groundwater Aquifer Recharge Element;

- v. Accommodate public facility demands based upon level-of-service standards by provision of facilities by the developer or by the City consistent with this element; and
- vi. Be consistent with state and regional agencies' and water management district's facilities plans.

PUBLIC SCHOOL FACILITIES GOAL:

Provide for a financially feasible public school facilities program.

OBJECTIVE:

- 1. The City of New Smyrna Beach shall ensure that the capacity of schools is sufficient to support residential subdivisions and site plans at the adopted level-of-service standard. This level-of-service standard shall be consistent with the level-of-service standard adopted in the Interlocal Agreement entered into by the Volusia County School Board and the local governments within Volusia County.

POLICIES:

- a. The level-of-service standard adopted by the City of New Smyrna Beach shall be applied consistently by all local governments within Volusia County and by the School Board district-wide to all schools of the same type.
- b. Consistent with the Interlocal Agreement, the uniform, district-wide level-of-service standards are set as follows using Florida Inventory of School Houses (FISH) capacity based on the traditional school calendar:
 - i. Elementary Schools – one hundred fifteen percent (115%) of permanent FISH capacity for the Concurrency Service Area;
 - ii. K-8 Schools – one hundred fifteen percent (115%) of permanent FISH capacity for the Concurrency Service Area;
 - iii. Middle Schools – one hundred fifteen percent (115%) of permanent FISH capacity for the Concurrency Service Area;
 - iv. High Schools – one hundred twenty percent (120%) of permanent FISH capacity for the Concurrency Service Area; and
 - v. Special Purpose Schools – one hundred percent (100%) of permanent FISH capacity.
- c. The following schools shall achieve the adopted level-of-service no later than the identified date. The level-of-service presented in the following table is the tiered level-of-service that shall apply to that school until the date noted in the table.

School	LOS	Date
Orange City Elementary	117 percent	July 1, 2012
Horizon Elementary	158 percent	July 1, 2012
Freedom Elementary	126 percent	July 1, 2012
Osceola Elementary	117 percent	July 1, 2012
Ortona Elementary	150 percent	July 1, 2012
Ormond Beach Elementary	116 percent	July 1, 2012
Southwestern Middle	120 percent	July 1, 2013
New Smyrna Beach Middle	122 percent	July 1, 2014

Note: This policy designates a tiered LOS for those schools that exceed the desired levels at the end of the five (5) year capital improvement program.

Comprehensive Plan

City of New Smyrna Beach, Florida

- d. The following schools shall be considered constrained schools at the designated LOS due to the inability to add capacity at the site and the nature of the communities they serve. Concurrency will be reviewed in the adjacent Concurrency Service Areas and requests to increase residential densities in the constrained Concurrency Service Areas will need to be accompanied by a plan to address school capacity.

School	LOS
Burns-Oak Hill Elementary	115 percent
Coronado Elementary	115 percent
Samsula Elementary	165 percent

Source: *Interlocal Agreement for Public School Facility Planning*

OBJECTIVE:

- 2. The City of New Smyrna Beach shall cooperate with the Volusia County School Board to ensure existing deficiencies and future needs are addressed consistent with adopted level-of-service standards for public schools.

POLICIES:

- a. By December 1 of each year, the City of New Smyrna Beach shall adopt as part of its Capital Improvements Element the Volusia County School Board five (5) year work program approved in September of each year as part of the School Board budget, including planned facilities and funding sources to ensure a financially feasible capital improvement program and to ensure the level-of-service standards will be achieved by the end of the five (5) year period.
- b. The City of New Smyrna Beach shall coordinate with the School Board and adopt development conditions to ensure that future development pays a proportionate share of the costs of capital facility capacity needed to accommodate new development and to assist in maintaining the adopted level-of-service standards via impact fees and other legally available and appropriate methods.

1 CITY OF NEW SMYRNA BEACH – DEVELOPMENT SERVICES
2 **PUD-1-12: HAMPTON INN PUD –**
3 **1ST AMENDMENT**

4 FEBRUARY 6, 2012
5

6 I. **Background**
7

- 8 A. **Applicant:** Ron V. Flick, President/CEO, Compass Group, 961687
9 Gateway Boulevard, Unit 201M, Amelia Island, Florida, 32034
- 10
- 11 B. **Property Owners:** HIHO, LLC, 672 Marina Drive, Unit B4, Charleston,
12 South Carolina, 29492
- 13
- 14 C. **Request:** Approval of an amendment to the Hampton Inn Planned Unit
15 Development (PUD) Master Development Agreement (MDA) to
16 incorporate approximately 0.3 acres of additional property into the PUD. If
17 approved, the revisions would constitute the first amendment to the
18 Hampton Inn MDA. (**Please see attached agreement and conceptual**
19 **development plan**)
- 20
- 21 D. **Site Data:** The subject properties contain approximately 2.02 acres and
22 are generally located between Flagler Avenue and Florida Avenue, east of
23 North Peninsula Avenue and west of North Pine Street (see location map
24 attached as **Exhibit A**).
- 25
- 26 E. **TAX ID #s:** 7455-10-02-0180, 7455-01-00-0480, 7455-09-00-0050, and
27 7455-10-02-0160

28
29 II. **Findings**
30

- 31 A. The subject properties are currently zoned PUD, Planned Unit
32 Development, and MU, Mixed Use (**Exhibit B**). Three of the four parcels
33 are included in the approved Hampton Inn PUD Master Development
34 Agreement (MDA). The MDA allows a three-story, 112-unit hotel, with
35 associated site improvements. The property owners have recently
36 acquired the fourth parcel, which is the subject of this amendment. The
37 new parcel will be used to provide an additional 36 parking spaces for the
38 approved hotel. A copy of the revised MDA and associated Conceptual
39 Development Plan is attached as **Exhibit C**. The surrounding future land
40 use designations, existing land uses, and zoning districts are as follows:

41
42 **North**

43 Future Land Use: Medium-Density Residential
44 Existing Land Use: Residential / Vacant

Zoning: R-3A, Single-Family and Two-Family Residential

South

Future Land Use: Commercial
Existing Land Use: Commercial, Vacant
Zoning: MU, Mixed Use

East

Future Land Use: Commercial
Existing Land Use: Commercial, Vacant
Zoning: MU, Mixed Use

West

Future Land Use: Commercial
Existing Land Use: Commercial, Residential
Zoning: MU, Mixed Use

- B. In conjunction with the request to amend the Master Development Agreement, the applicant has also submitted an application to change the approved site plan and an application for site plan approval for the proposed additional parking. Once approved, the proposed parking lot addition would create 36 additional parking spaces for the hotel, resulting in a total of 97 parking spaces. The site plan for the parking lot addition is scheduled for the March 2, 2012 Plan Review Committee meeting.

- C. Primary access to the site would continue to be provided from a two-way driveway on Flagler Avenue. A one-way exit onto Flagler Avenue is also provided. A two-way gated emergency access will also be provided on Florida Avenue.

- D. The City's *Land Development Regulations* states that requests to rezone property shall be reviewed for consistency with the City's *Comprehensive Plan* and *Land Development Regulations*. The additional parcel is currently zoned MU, Mixed Use, and has a future land use designation of Commercial. Because the intent is to rezone the additional parcel to PUD, any development parameters identified in the MDA would apply to this parcel. Any items not addressed in the MDA would default back to the City's *Land Development Regulations*. The following items relate to compliance with the MDA and the City's *Land Development Regulations*. It should be noted that these items relate to information shown on the Conceptual Development Plan, as that is included as an exhibit to the MDA. Other items may be identified during the site plan review process, which may require modifications as well.
 - A minimum five-foot wide perimeter landscape buffer is required by the MDA. As shown on the Conceptual Development Plan, the minimum landscaping requirement has been met.

- The additional parcel, which is the subject of this amendment to the MDA, is not located within the City's Community Redevelopment Agency (CRA) district. Therefore, the parking space size reductions do not automatically apply to this parcel. Typically, parking spaces throughout the City are required to be a minimum of 10' x 20'. However, within the CRA, parking spaces are only required to be a minimum of 9' x 18'. Therefore, the applicant has requested that the MDA be revised to include language that would allow the 9' x 18' parking spaces on the non-CRA parcel.

E. Pertinent goals, objectives and policies in the City's *Comprehensive Plan* are listed below (staff's comments are in **bold**).

- **Future Land Use Element, Goal 1, Objective 1, Policy k:** Promote the redevelopment of brownfield and grayfield sites to reduce distances between destinations and relieve pressures for Greenfield development.

On August 11, 2009, the City Commission designated the entire Community Redevelopment Agency (CRA) district as a brownfield. While the proposed parking lot is not within the CRA district, this lot will support the approved hotel development, which is located on a designated brownfield site within the CRA boundaries.

The proposed development is consistent with this Objective of the *Comprehensive Plan*.

- **Future Land Use Element, Goal 1, Objective 3, Policy b:** The City shall, through enforcement of its *Land Development Regulations*, continue to ensure that the transportation facilities function safely and effectively by limiting curb cuts on arterial roads, providing for common access points, and ensuring safe and convenient on-site and inter-parcel circulation.

As discussed in Finding "C", above, primary access to the site will be from a two-way drive on Flagler Avenue. There will also be a one-way exit onto Flagler Avenue as well. While a two-way driveway will be constructed on Florida Avenue, it will be gated, and may only be used during times when Flagler Avenue is closed to traffic or by approval of the City Manager. No new curb cuts are proposed for the additional parking lot which is the subject of this amendment.

The proposed development is therefore consistent with this Policy of the *Comprehensive Plan*.

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- **Future Land Use Element, Goal 1, Objective 6, Policy c:** Mitigate the visual and physical impacts of parking areas to surrounding residential development and public right-of-way with interior parking lot and perimeter landscaping.

As discussed in Finding “D”, above, a minimum five-foot wide landscape buffer is required around parking areas in the Mixed Use zoning district. This requirement has been met.

Both the City’s *Land Development Regulations* and the approved Hampton Inn MDA require 10% interior landscaping for all parking lots. The calculation provided by the project engineer indicates that the total parking lot area is 41,492 square feet. The required 10% interior landscaping would be 4,149.2 square feet. The total amount of interior landscaping to be provided is 4,614 square feet, or 11%.

The proposed development is consistent with this Objective of the *Comprehensive Plan*.

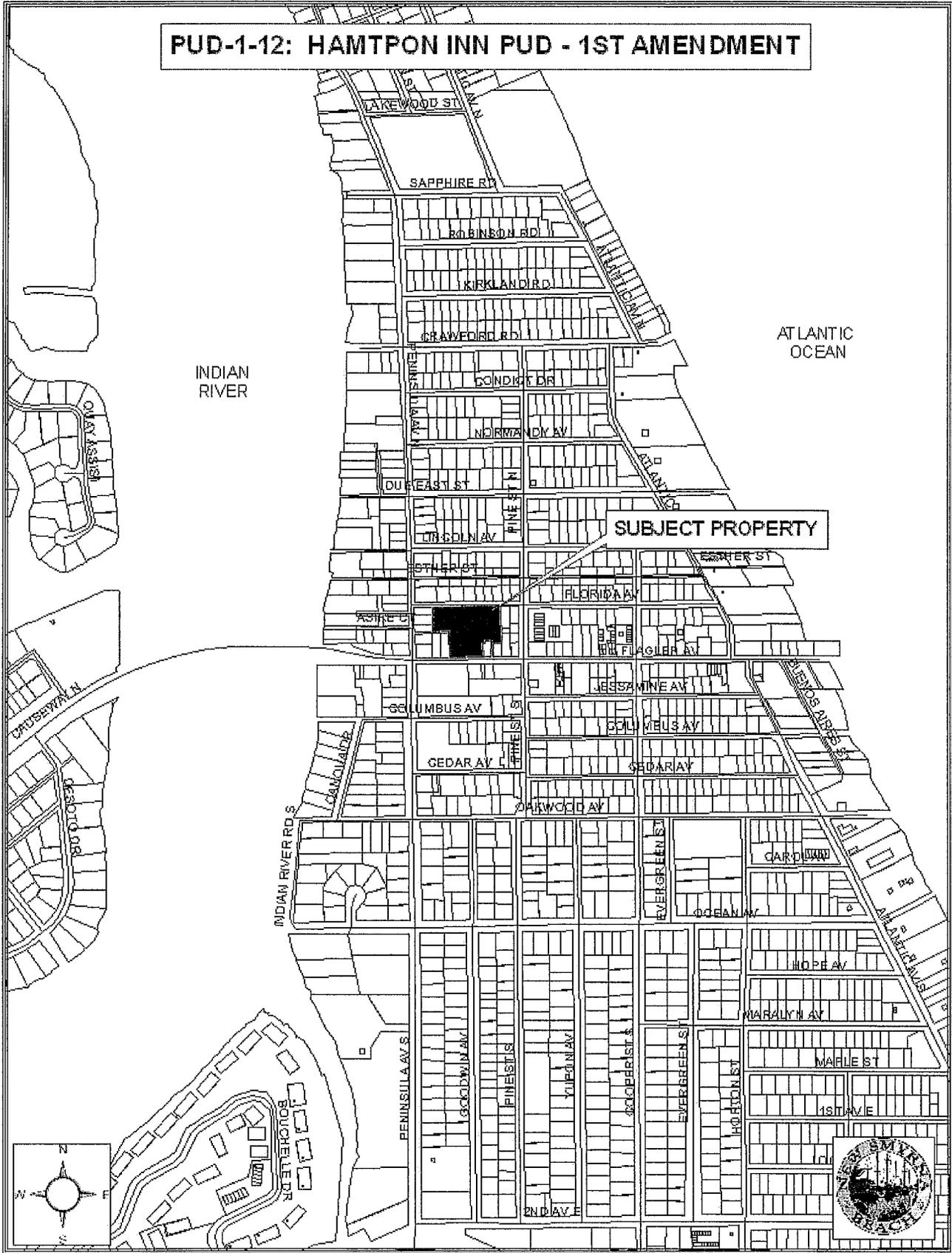
- **Future Land Use Element, Goal 6, Objective 2, Policy d:** Broaden the Tourism Market: The CRA shall partner with the City, the Southeast Volusia Chamber of Commerce and other public and/or private organizations in order to provide additional parking and promote development of hotels in strategic locations

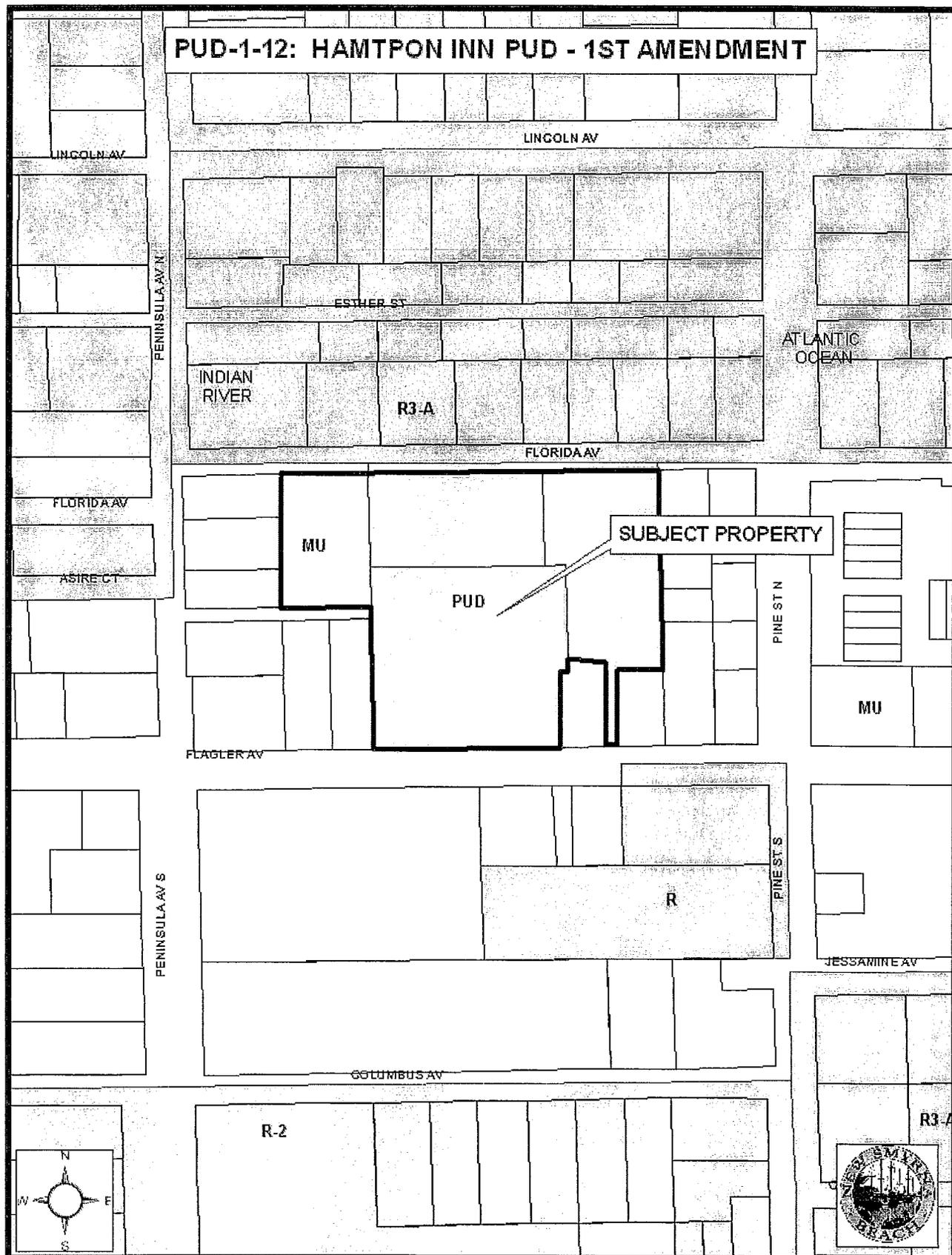
The parcel that is the subject of this amendment will be used for additional parking for the approved hotel.

The proposed development is consistent with this Objective of the *Comprehensive Plan*.

III. Recommendation

Staff recommends that the Planning and Zoning Board recommend to the City Commission approval of the 1st Amendment to the Hampton Inn New Smyrna Beach Planned Unit Development Master Development Agreement and Conceptual Development Plan.





**HAMPTON INN NEW SMYRNA BEACH
PLANNED UNIT DEVELOPMENT (PUD)
MASTER DEVELOPMENT AGREEMENT (MDA)
1st AMENDMENT**

ORDINANCE # _____

GRANTING THE REQUEST TO AMEND THE MASTER DEVELOPMENT
AGREEMENT AS PROVIDED IN ORDINANCE # 01-10

This AGREEMENT AMENDMENT, entered into and made effective this _____ day of _____, 2012, by and between **HIHO, LLC/PREMIER DEVELOPMENT GROUP**, referred to herein as "Developers", and the **CITY OF NEW SMYRNA BEACH, FLORIDA**, a political Subdivision of the State of Florida, referred to hereafter as "City", for the development of the **HAMPTON INN NEW SMYRNA BEACH**, referred to hereafter as the "Property".

RECITALS

WHEREAS, Florida Statutes, Chapter 163, grants the City authority to enact developer's agreements and the terms herein are consistent with all governing Statutes as it pertains to any and all terms and conditions of this agreement; and,

WHEREAS, the City of New Smyrna Beach Code of Ordinances, Part III Land Development Regulations, Article V, Paragraph 504.00, further grants the City authority and procedures to be followed to enact a developer's agreement and any amendments thereof; and,

WHEREAS, the parties are in agreement under the authority of Ordinance #01-10 as to the terms of this Agreement as Amended; and

WHEREAS, this Amendment to this Agreement is in the best interest of the citizens of the City of New Smyrna Beach, Florida.

NOW THEREFORE, in consideration of these recitals, the mutual agreement, the receipt and sufficiency of which is hereby acknowledged, the parties agree to amend Article III and Exhibit "A" of the Agreement as follows:

ARTICLE III

RESPONSIBILITIES OF THE PARTIES

DEVELOPER'S RESPONSIBILITIES AND UNDERSTANDING

3.1 PERMITTED USES: The entire (~~1.73-acre~~) 2.02-acre Property will be developed with no more than 112 transient lodging units and a maximum FAR of 2.0. Customary accessory uses associated with transient lodging facilities shall also be permitted. Such customary accessory uses include, but are not limited to, gift shops, swimming pools, exercise facilities, meeting facilities, banquet facilities, food service, laundry facilities and game rooms.

3.4 PARKING: Parking shall be provided as required by Section 604.10 of the City's Land Development Regulations. Additionally, the Developers may reduce the amount of required parking by up to 25%, as allowed by Section 504.02 of the City's Land Development Regulations. In no case shall less than 52 parking spaces be provided on the Property. Minimum dimensions for all parking spaces shall be 9' x 18'.

Exhibit "A" Legal Description, as recorded in Book: 6624 on Page: 1868 is replaced by the Amended and attached Exhibit "A" to reflect the addition of Parcel 7455-10-02-0160.

Exhibit "B" Conceptual Development Plan, as recorded in Book: 6624 on Page 1870 is replaced by the Amended and attached Exhibit "B" to reflect to addition of Parcel 7455-10-02-0160.

This First Amendment shall be effective as of the date it is executed by all parties.

This First Amendment shall be recorded in the Public Records of Volusia County, Florida, at the Developer's expense.

All provisions and elements of the MDA as recorded in Book: 6624 on Page: 1854 are thereafter this modification/amendment will remain in effect.

IN WITNESS WHEREOF, the parties have executed this First Amendment, by and through their duly authorized representatives, on the respective dates below.

WITNESSES:

THE CITY OF NEW SMYRNA BEACH,

EXHIBIT C (CONT'D)
FLORIDA, a Florida municipal
corporation

Witness 1

By:
Adam Barringer, Mayor

Print Name of Witness 1

Attest:

Witness 2

By:
Johnny Bledsoe, City Clerk

Print Name of Witness 2

HIHO, LLC/PREMIERE
DEVELOPMENT GROUP
A South Carolina Corporation

WITNESSES:

Witness 1

By:
Printed Name:

Print Name of Witness 1

Its:

Witness 2

Date:

Print Name of Witness 2

STATE OF FLORIDA
COUNTY OF VOLUSIA

EXHIBIT C (CONT'D)

The foregoing instrument was acknowledged before me this _____ day of _____, 2012, by Adam Barringer and Johnny Bledsoe, as Mayor and City Clerk, respectively, of the City of New Smyrna Beach, Florida, a Florida Municipal Corporation, on behalf of the City of New Smyrna Beach. They are personally known to me and did not take an oath.

Notary Public, State of Florida
Type or Print
Name: _____
Commission No.

My Commission Expires: _____

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this _____ day of _____, 2012, by _____, as _____ of HIHO, LLC/Premiere Development Group, a South Carolina Corporation, on behalf of the company. He/she is personally know to me or has produced _____ as identification and did not take an oath.

Notary Public, State of Florida
Type or Print
Name: _____
Commission No.

My Commission Expires: _____

Approved as to form and correctness.

City Attorney
Date: _____

EXHIBIT C (CONT'D)

**EXHIBIT A
LEGAL DESCRIPTION**

~~LOTS 5 6 & 7 & W 40 FT OF LOT 8 COOPER SUB WALKER GRANT & IN C
LOTS 44 TO 47 ASSESSORS WALKER GRANT PER OR 2234 PG 0557 P ER
COPY OF DC PER OR 5845 PG 0914 PER D/C 6057 PG 4763 PER D /C 6278
PG 1941~~

~~ALONG WITH~~

~~LOTS 18 TO 20 INC RESUB BLK 2 LONGSTREET SUB WALKER GRANT MB
8 PG 81 PER OR 2896 PG 0879 AND LOT 48 EXC S 10 FT OF W 40 FT &
LOTS 49 79 & 80 & E 9 FT OF LOT 78 WALKER GRANT & INC E 10 FT OF
LOT 9 COOPER SUB MB 4 PG 96 PER OR 2896 PG 0879~~

PARCEL 1:

LOT 42 EXCEPT THE WESTERLY 100 FEET, ASSESSOR'S SUBDIVISION OF
THE ROBERT WALKER GRANT, ACCORDING TO THE PLAT THEREOF AS
RECORDED IN MAP BOOK 3, PAGE 150, OF THE PUBLIC RECORDS OF
VOLUSIA COUNTY, FLORIDA.

AND

LOTS 16 AND 17, RESUB., BLOCK 2, OF H. C. LONGSTREET'S REVISED
SUBDIVISION OF LOT 5, BLOCK 1, ALDEN SUBDIVISION OF THE ROBERT
WALKER GRANT, ACCORDING TO THE PLAT THEREOF AS RECORDED IN
MAP BOOK 8, PAGE 81, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY,
FLORIDA.

PARCEL 2:

LOTS 5, 6, 7 AND THE WEST 40 FEET OF LOT 8, W. L. COOPER'S
SUBDIVISION OF THE ROBERT WALKER GRANT, ACCORDING TO THE
PLAT THEREOF AS RECORDED IN MAP BOOK 4, PAGE 96, OF THE PUBLIC
RECORDS OF VOLUSIA COUNTY, FLORIDA, LESS AND EXCEPT THAT
PORTION IN FLAGLER AVENUE.

AND

EXHIBIT C (CONT'D)

LOTS 44, 45, 46 AND 47, ASSESSOR'S SUBDIVISION OF THE ROBERT WALKER GRANT, ACCORDING TO THE PLAT THEREOF AS RECORDED IN MAP BOOK 3, PAGE 150, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

PARCEL 3:

THE EAST 10 FEET OF LOT 9, W. L. COOPER'S SUBDIVISION OF THE ROBERT WALKER GRANT, ACCORDING TO THE PLAT THEREOF AS RECORDED IN MAP BOOK 4, PAGE 96, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, LESS AND EXCEPT THAT PORTION IN FLAGLER AVENUE.

AND

LOT 48, EXCEPT THE SOUTH 10 FEET OF THE WEST 40 FEET, LOT 49, LOT 79 AND LOT 80, ASSESSOR'S SUBDIVISION OF THE ROBERT WALKER GRANT, ACCORDING TO THE PLAT THEREOF AS RECORDED IN MAP BOOK 3, PAGE 150, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

AND

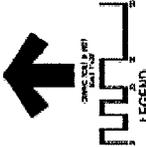
THE EAST 17 FEET OF LOT 3, BLOCK 2, H. C. LONGSTREET REVISED SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN MAP BOOK 4, PAGE 160, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, ALSO DESCRIBED AS: THE EAST 17 FEET OF LOT 78, ASSESSOR'S SUBDIVISION OF THE ROBERT WALKER GRANT, ACCORDING TO THE PLAT THEREOF AS RECORDED IN MAP BOOK 3, PAGE 150, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

AND

LOTS 18, 19 AND 20, CORRECTED MAP OF H. C. LONGSTREET'S REVISED SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN MAP BOOK 8, PAGE 81, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

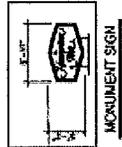
EXHIBIT C (CONT'D)

CONCEPTUAL SITE PLAN AMENDED (ADDITIONAL PARKING)

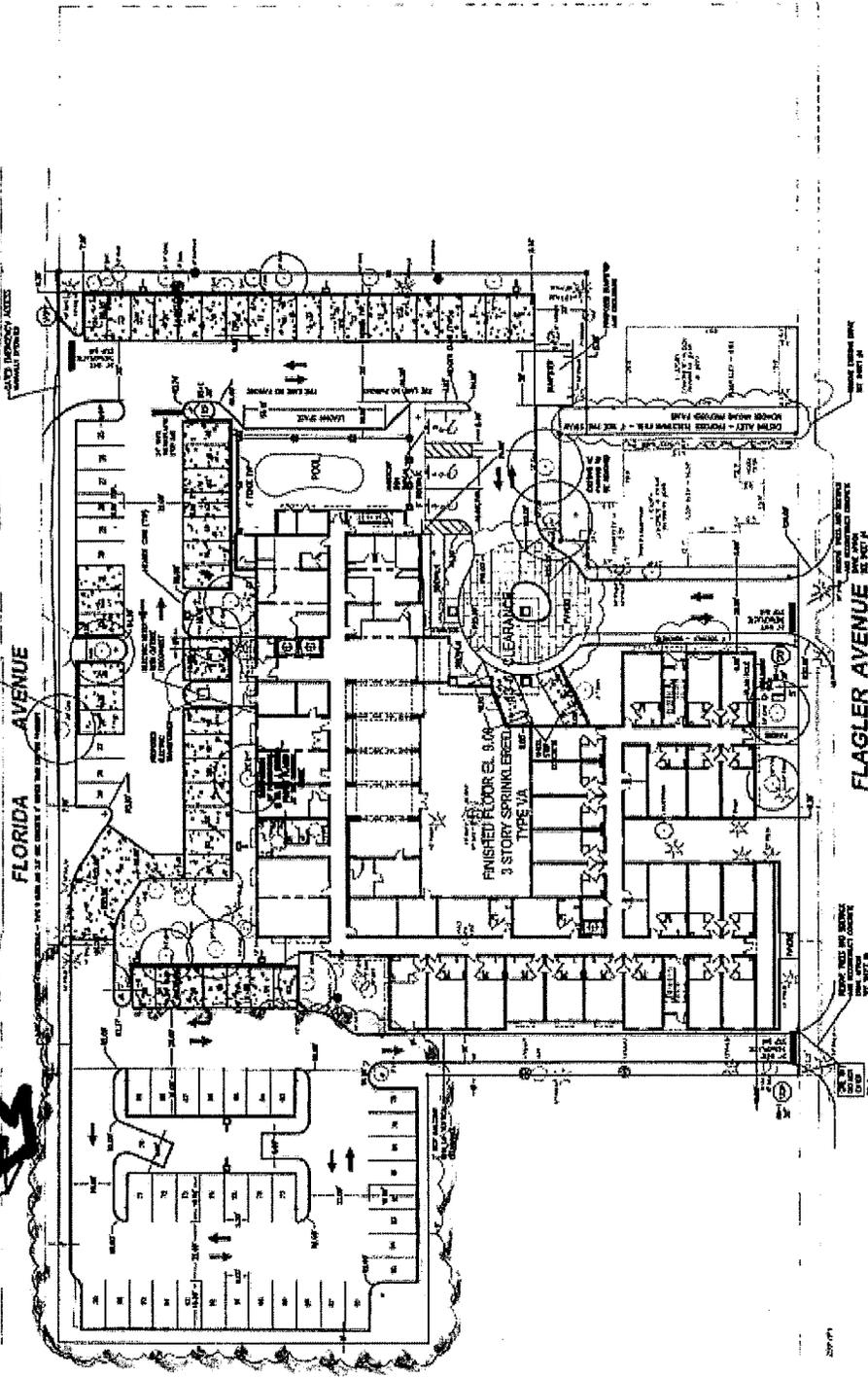


LEGEND

- FINISHED PAVEMENT
- UNFINISHED PAVEMENT
- DRIVEWAY
- SIDEWALK
- CONC. DRIVEWAY
- CONC. SIDEWALK
- CONC. DRIVEWAY AND SIDEWALK SYSTEM
- CONC. DRIVEWAY
- CONC. SIDEWALK
- CONC. DRIVEWAY AND SIDEWALK SYSTEM
- CONC. DRIVEWAY
- CONC. SIDEWALK
- CONC. DRIVEWAY AND SIDEWALK SYSTEM
- CONC. DRIVEWAY
- CONC. SIDEWALK
- CONC. DRIVEWAY AND SIDEWALK SYSTEM



MONUMENT SIGN



Daniel Johns, P.E. Professional Engineer No. 10000 1000 E. Highway 170, Suite 100 Palm Bay, FL 32909	
SITE PLAN HAMPTON INN New Smyrna Beach, Florida	
DATE: 10/15/07 SCALE: AS SHOWN SHEET NO.: 10	DATE: 10/15/07 SHEET NO.: 10

1 CITY OF NEW SMYRNA BEACH – DEVELOPMENT SERVICES

2 **V-1-12: 616 DIXIE FREEWAY/CLICK**

3 February 6, 2011

4
5 **I. Summary**

- 6 A. **Applicant:** Jeffery Click, 307 South Orange Street, New Smyrna Beach,
7 Florida 32168.
- 8
- 9 B. **Property Owner:** Jeffery Click, 307 South Orange Street, New Smyrna
10 Beach, Florida 32168.
- 11
- 12 C. **Request:** Variance to allow:
- 13 • A reduction of the minimum parking drive aisle width to allow a 15-foot
 - 14 wide drive aisle;
 - 15 • Waiver of the 5-foot setback from west property line to allow a parking
 - 16 lot and drive aisle to be located zero feet from the west property line;
 - 17 • Reduce the number of required parking spaces from two to one;
 - 18 • Waiver of the required 3-foot wide landscape buffer on the west
 - 19 property line;
 - 20 • Waiver of the requirement to pave required parking spaces; and
 - 21 • Waiver of the required 10% interior landscaping in parking lots
- 22
- 23 D. **Site Information:** The subject property is zoned B-3, Highway Service
24 Business, contains approximately 0.1 acres and is located on the
25 southwest corner of the intersection of North Dixie Freeway and Vineyard
26 Lane. (see Location Map attached as **Exhibit A**).
- 27
- 28 E. **Tax I.D. Number:** 7441-03-00-0350
- 29

30 **II. Findings**

- 31
- 32 A. The applicant is requesting variances that will aid in the conversion of the
33 residence at 616 North Dixie Freeway to a commercial use. Issues to
34 approving this conversion are:
- 35 • Two way drive aisles in parking lots are required to be 23 feet in width.
 - 36 • The B-3 zoning district has a 5 foot required side yard. (Initially this
 - 37 was deemed to be a 10 foot required side yard in error.)
 - 38 • Section 604.10 of the Land Development Regulations requires one
 - 39 parking space for every 300 square feet of office or retail use. The
 - 40 structure at 616 North Dixie Freeway is 980 square feet in size. This
 - 41 size of structure requires 3.267 parking spaces. The US-1 Corridor
 - 42 Special Parking District allows this requirement to be reduced by half
 - 43 to 1.63 parking spaces, which is rounded to two required parking
 - 44 spaces.
 - 45 • The B-3 zoning district requires a three foot wide landscape buffer
 - 46 against non-residentially zoned properties.
 - 47 • Off street parking lots are required to be paved if the size is in excess
 - 48 of 25 spaces or if the site generates 200 or more trips per day. A
 - 49 variance is therefore not required to provide a shell drive aisle for this
 - 50 property.

- For eight or more off-street parking spaces 10% of the parking lot area must be dedicated to landscaping. (This was listed as one of the variance requests in error. This site is showing only one parking space.)

B. Section 604.10 of the LDR requires a 23 foot wide drive aisle for two way traffic and a 15 foot drive aisle for one way traffic. The off-street parking proposed is for a single handicapped parking space. Because there is only one parking space, it is unlikely that there will be two-way traffic in the proposed parking lot.

C. The maximum permitted building coverage in the B-3 zoning district is 35% of the lot size and the maximum impervious coverage may not exceed 80% of the lot size. The proposed configuration of the property will not exceed either of these standards.

D. There is an existing six foot high fence on the property immediately to the west. This fence provides the separation between 616 N. Dixie Freeway and the property to the west that would otherwise be addressed with setbacks and landscape buffers.

E. On December 12, 2011 the Plan Review Committee (PRC) met with the applicant. Conversion of the property from residential to commercial use will require a major class I site plan. A letter containing the comments regarding the conversion of the property from residential to commercial use was provided to the applicant and his architect. All of the PRC comments must be addressed prior to the issuance of a Certificate of Occupancy (**Exhibit B**)

F. The LDR requires variance requests to meet all of the following criteria. The applicant's letter of response to the variance criteria is attached as **Exhibit C**. The site plan for the existing conditions of the site is **Exhibit D**. The plans for the proposed site conditions are **Exhibit E**. The photos of the site are shown in **Exhibit F**. Staff's responses to the criteria are listed below in **bold**.

- (i) Special circumstances exist which are peculiar to the subject property owner's land, structure, or building, and do not generally apply to the neighboring lands, structures, or buildings, in the same district or vicinity.

This property was originally developed as a residence. As such the property does not meet all of the criteria required of commercial sites developed as such. Further, this site has not been used as residence for more than a year. Under the regulations governing non-conforming uses, if a property is not used for a non-conforming use for a period of time exceeding one year, the non-conforming use is considered to

1 **be abandoned and may not be re-established. Therefore the**
2 **site may not be used as originally developed and without**
3 **variances may not be adapted to commercial use.**

4
5 **This criterion has been met for all four items.**

- 6
7 (ii) Strict application of the provisions of this LDR would deprive the
8 subject property owner of reasonable rights commonly applicable to
9 other properties in the same district or may preclude a benefit to the
10 community in general.

11
12 **Residential uses are considered to be non-conforming uses**
13 **within the B-3 zoning district. Under the regulations governing**
14 **non-conforming uses, if a property is not used for a period of**
15 **time exceeding one year, the non-conforming use is**
16 **considered to be abandoned and may not be re-established.**
17 **This property has not been used as a residence in over a year.**
18 **Therefore the property may not be used again for residential**
19 **purposes. The strict application of the LDR would prevent the**
20 **current structure from being used as a commercial property.**

21
22 **This criterion has been met for all four items.**

- 23
24 (iii) The special circumstances and conditions that exist do not result
25 from the direct or indirect actions of the present property owner(s)
26 or past property owner(s). This criterion shall not be satisfied if the
27 present or past property owner created, to any degree, the hardship
28 that is the subject of the variance request.

29
30 **Originally this property was developed as a residential**
31 **property. Over time the City has grown and the character of**
32 **the area has changed from a residential district to a**
33 **commercial district. This is not the result of the actions of the**
34 **current or previous owner.**

35
36 **This criterion has been met for all four items.**

- 37
38 (iv) That granting of the variance will not cause substantial detriment to
39 the public welfare or impair the purposes and intent of this
40 Ordinance.

41
42 **The reduction of the parking lot drive aisle width, the reduction**
43 **of the required west side yard, and the reduction of the west**
44 **side landscape buffer would cause little harm to the public.**
45 **The reduction of the required parking would leave no non-**
46 **handicapped parking for the property. Vineyard has a right-of-**
47 **way of approximately 32 feet and paved way of approximately**
48 **20 feet. Vineyard also lacks curbing. Parking along one or**

1 both sides of Vineyard to patronize a business at this location
2 could constrict traffic flow on Vineyard and eliminate the
3 ground cover along the paved way leaving a sandy shoulder.
4

- 5 • Drive Aisle Width- This criterion has been met.
- 6 • Required Side Yard- This criterion has been met.
- 7 • Reduced Parking- This criterion has not been met.
- 8 • Side Landscape Buffer- This criterion has been met.
- 9

- 10 (v) That granting of the variance will not constitute a grant of special
11 privilege that is denied by this Ordinance to other lands, structures,
12 or buildings, in the same district.
13

14 The reduction of the parking lot drive aisle width, the reduction
15 of the required west side yard, and the reduction of the west
16 side landscape buffer would not constitute the granting of a
17 special privilege as they would allow the use of the property as
18 commercial property operating with the general regulations of
19 the other commercial properties in the area.

20 The reduction of the required parking would leave no non-
21 handicapped parking for the property. Reductions in parking
22 have been made previous, though not to this degree. The
23 applicant must be aware that should the Board approve of the
24 reduction in parking, there will be no non-handicapped parking
25 available on-site.
26

- 27 • Drive Aisle Width- This criterion has been met.
- 28 • Required Side Yard- This criterion has been met.
- 29 • Reduced Parking- This criterion has been met.
- 30 • Side Landscape Buffer- This criterion has been met.
- 31

32 This criterion has been met.
33

34 III. Recommendation

35
36 Of the four requested items:

- 37 • Drive Aisle Width 15 feet - Meets 5/5 criteria.
- 38 • Required West Side Yard zero foot- Meets 5/5 criteria.
- 39 • Reduced Parking from two to one- Meets 4/5 criteria.
- 40 • Required West Side Landscape Buffer zero foot - Meets 5/5 criteria.
- 41

42 Staff recommends APPROVAL of the reduction of the parking lot drive aisle width, the
43 reduction of the required west side yard, and the reduction of the west side landscape
44 buffer as all criteria have been met. Staff recommends DENIAL of the reduced parking
45 as only four of the five required criteria for approval have been met.
46

47 For any approval that the Planning and Zoning Board determines to be appropriate,
48 staff recommends that the Board place the following conditions upon that approval:

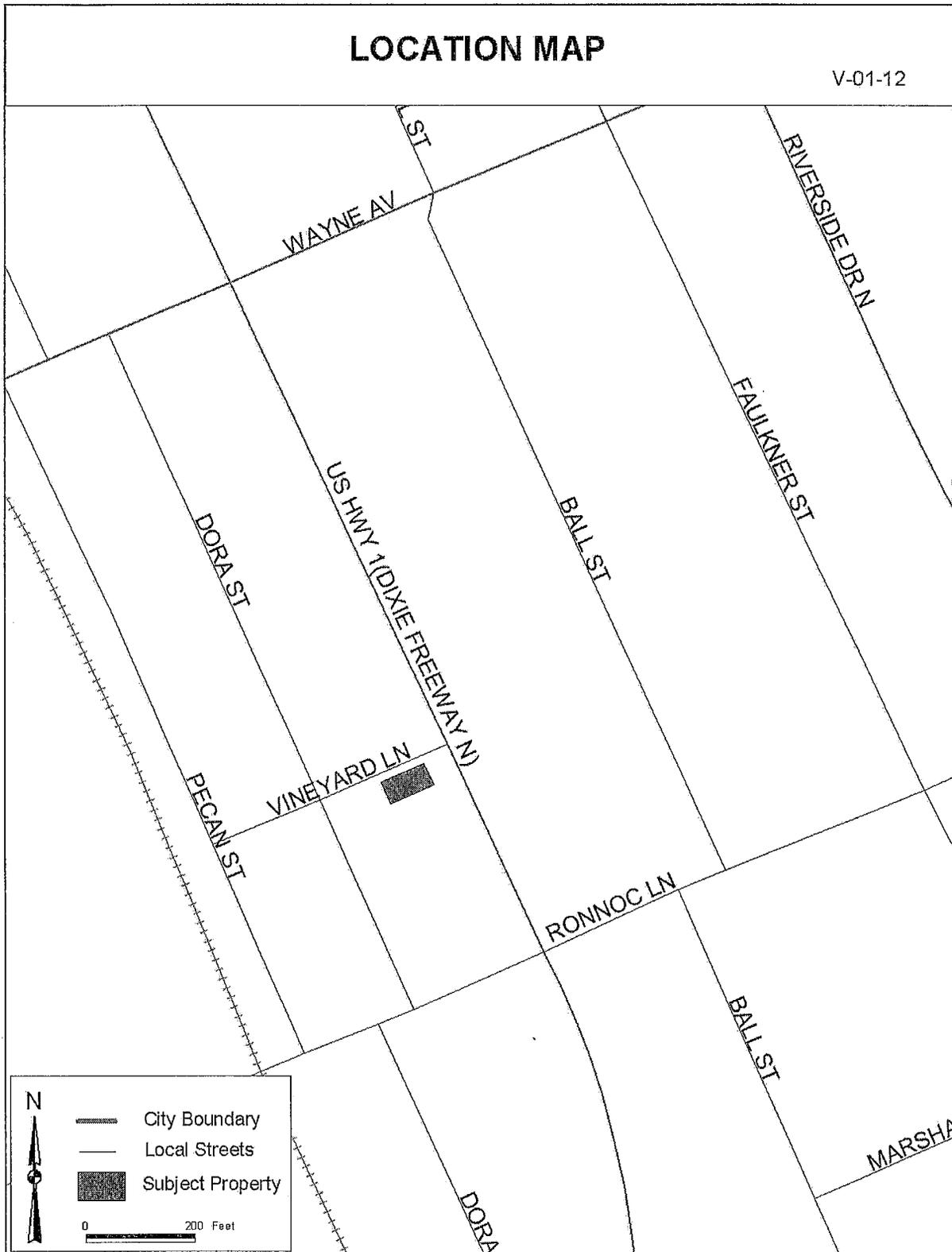
- 1 1) Should the existing structure ever be damaged to 50% or more of the
2 assessed value requiring the demolition of the existing structure, all variances
3 granted to this parcel shall be revoked and deemed void.
- 4 2) All comments from the PRC meeting of 12 December 2011 (**Exhibit B**) must
5 be addressed.

6
7
8 Should the Board deny the variance request to reduce the amount of required on-site
9 parking, the business owner must present documentation that the second parking place
10 has been provided either on site or within 200 feet of the site. This documentation must
11 be provided prior to issuing a Certificate of Occupancy for the building.

12

1

EXHIBIT A – Location Map



2
3

EXHIBIT B – Conversion Comments



City of New Smyrna Beach

December 12, 2011

Benjamin P. Butera, AIA
51 West Granada Boulevard
Ormond Beach, FL 32174

RE: 616 NORTH DIXIE FREEWAY – CONVERSION FROM RESIDENTIAL TO COMMERCIAL USE

Dear Mr. Butera:

Thank you for taking time to meet with staff today regarding the conversion of 616 North Dixie Freeway from a residential to a commercial use. As we discussed during our meeting, the following items must be completed before a Certificate of Occupancy can be issued for the building:

1. A handicapped accessible ramp must be provided.
2. The on-site handicapped accessible parking space must be a minimum of 17 feet wide by 20 feet deep.
3. A variance will be required to reduce the minimum width of the drive aisle from 24 feet to approximately 15 feet, as depicted on your drawing. The variance application was provided to you at this meeting. The variance application must be received by January 6, 2012, in order to be scheduled for the February 6, 2012 Planning and Zoning Board meeting.
4. A landscaping plan must be submitted to and approved by the Planning Department. The landscape buffer must consist of the following:
 - a. 20% trees
 - b. 20% groundcover
 - c. 60% shrubsExisting trees in the landscape buffer area will count towards your requirements. Each new shrub is considered to be a minimum of nine (9) square feet in area. Shrubs must be a minimum of 24 inches in height at the time of planting to meet the shrub requirement.
5. Irrigation will be required.
6. The use of river rock is not permitted. An alternative material, such as shell, should be used in the parking area.
7. A fence will be required around the area where the trash containers are stored.
8. Please note that if trash generation exceeds the capacity provided by two (2) totes, a dumpster may be required.

1

EXHIBIT B – Conversion Comments

616 North Dixie Freeway – Conversion from Residential to Commercial
December 12, 2011
Page 2 of 2

9. If there is no increase to the building footprint and the building is not demolished, there will be no fees from the Utilities Commission, other than the fee associated with the installation of the irrigation meter.
10. The cost of the irrigation meter is as follows:
 - a. Meter: \$400.00
 - b. Deposit: \$25.00
 - c. Cut-in Fee: \$35.00
11. Any proposed signage will require a separate permit from the Building Department. Freestanding signs are permitted to be a maximum of 10 feet in height and have a maximum copy area of 48 square feet. All free standing signs must be set back a minimum of five (5) feet from the property lines. Pole signs are prohibited.

Please feel free to contact us with any questions you may have. We look forward to working with you to ensure that your project is successful.

Sincerely,



Gail Henriksen, AICP
Planning Manager

Cc: Khalid Resheidat, Assistant City Manager/Public Works Director
Kyle Fegley, City Engineer
Randy Walter, Utilities Commission
Michael Knotek, Chief Building Official

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3

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EXHIBIT C – Letter from Applicant

Jeffery Click
307 South Orange Street
New Smyrna Beach, FL
32168

City of New Smyrna Beach
210 Sams Avenue
New Smyrna Beach, FL
32168

To whom it may concern;

I, Jeffery Click, wish to convert 616 North Dixie Freeway, New Smyrna Beach, FL, a residential property, to commercial use. Because the property is a small residential property, and the City of New Smyrna Beach Land Development Regulations requires a 24 foot wide parking lot aisle width for commercial properties, the current parking facilities are not large enough to accommodate the 24 foot wide parking lot drive aisle. I request a variance from the City of New Smyrna Beach to reduce the Parking lot drive aisle width from 24 feet to 15 feet.

If the City of New Smyrna Beach strictly applies the Land Development Regulations and the parking lot aisle width were not reduced, I would not be able to use the property for my intended commercial purpose since there is no other space on the property that can be used for parking and there is currently no public parking near the property. Jeff's Antiques has operated in New Smyrna Beach since 1999 as a thriving business. Denied the commercial use of the property the community would be deprived of a venerable New Smyrna Beach business. It would also deprive an area that has been hard hit by the economic downturn of the past half decade of a business that could potentially help breath new life into the area.

Because the property is being converted from residential to commercial use, neither I or the previous owners have contributed to the special circumstance and conditions, namely the lack of space necessary to fulfill the space requirement of a 24 foot wide parking lot aisle as required by the Land Development Regulations.

The Reduction of the driving aisle area is sufficient for safe passage of vehicles on and off of the property and affects only the property itself. It will in no way cause substantial detriment to the public welfare or impair the purpose and intent of the Land Development Regulations.

The majority of properties in the area that front North Dixie Freeway are used for commercial purposes including several small properties that were converted from residential to commercial use. As far as my research has lead me to believe, other properties, in similar situations to mine, would be able to request a similar variance to mine. Therefore, granting a variance would not constitute a grant of special privilege that is denied by the Land Development Regulations to other lands, Structures or buildings in the same district.

Sincerely,

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EXHIBIT F – Site Photos



Front of House, looking west from US-1.

2
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4
5



Parking area on west side of house, looking south from Vineyard Lane.

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8

1
2 CITY OF NEW SMYRNA BEACH – CITY COMMISSION
3 DA-1-12: McDonald / 2275 TURNBULL BAY
4 ROAD
5 FEBRUARY 6, 2012
6

7 I. Background

- 8
9 A. **Applicant and Property Owner:** David Z. and Susan McDonald, 2275
10 Turnbull Bay Road, New Smyrna Beach, Florida, 32168
11
12 B. **Request:** Voluntary contraction and associated *Comprehensive Plan*
13 amendments.
14
15 C. **Site Information:**
16
 - 17 • **Size:** 2.27 acres
 - 18 • **Location:** The subject property is generally located on the east
19 side of Turnbull Bay Road, south of the intersection of Turnbull Bay
20 Road and Bayview Drive. (see **Exhibit A** for a location map).
 - 21 • **Tax I.D. Number:** 7302-01-01-0025

22 II. Findings

- 23
24 A. The subject property is an approximately 2.27-acre parcel. The property
25 currently has a Future Land Use (FLU) designation – Low Density
26 Residential. The property is currently zoned RE, Residential Estate, which
27 requires a minimum lot size of 40,000 square feet

- 28 B. The surrounding future land use, existing uses, and zoning are as follows:

29 **North**

30 Future Land Use: County Rural
31 Existing Land Use: Residential
32 Zoning: County RR – Rural Residential
33

34
35 **South**

36 Future Land Use: County Rural
37 Existing Land Use: Residential
38 Zoning: County RR – Rural Residential
39

40
41 **East**

42 Future Land Use: City Low Density Residential, Industrial, Conservation
43 Existing Land Use: Water, Residences, Park, Municipal Airport
44 Zoning: City R-1, Single Family Residential, C, Conservation,
45 R, Recreation, I-3, Industrial Park
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West

Future Land Use: County Urban Low Intensity
Existing Land Use: Residential
Zoning: County RR – Rural Residential

A map showing the surrounding Existing Land Use is attached as **EXHIBIT B.**

- C. The City and County are currently negotiating a Joint Planning Agreement (JPA) that will establish the future City Limits in this area and allow for the annexation of the parcels that would be deemed as enclaves or parcels that are not contiguous with the City. If this parcel were to be contracted from the City, it is likely that in the very near future this parcel would be annexed back into the City as a result of the proposed JPA.
- D. Of the parcels fronting Turnbull Bay Road between Bayview Drive and Williams Road, there is one parcel of over five acres. The other 22 parcels range in size from 0.4 acres to 2.4 acres. Many of these parcels have been developed as single family residential housing in an urban and suburban manner.
- E. There is City of New Smyrna Beach Utilities Commission water service available in Turnbull Bay Road. The nearest sanitary sewer service is approximately 585 feet away in Turnbull Bay Road.
- F. There are numerous *Comprehensive Plan* maps that must be amended to remove the subject property from the *Comprehensive Plan*.
- G. The annexation of parcels into the City is a discretionary function of the City Commission, provided the parcels meet the standards of Florida Statute 171. The specific criteria for contraction are set forth in Florida Statute 171.052. This section of Florida Statutes specifically states that “[o]nly those area which do not meet the criteria for annexation in s. 171.043 may be proposed for exclusion by municipal governing bodies”.
- H. Therefore, under Florida Statutes, Chapter 171.052, if the subject property meets the annexation criteria outlined in Chapter 171.043, Florida Statutes, the municipal boundaries may not be contracted to exclude that parcel. The criteria outlined in Chapter 171.043 as discussed below. (Staff comments are shown in **bold**.)
 - 171.043 Character of the area to be annexed.—A municipal governing body may propose to annex an area only if it meets the general standards of subsection (1) and the requirements of either subsection (2) or subsection (3).
 - (1) The total area to be annexed must be contiguous to the municipality’s boundaries at the time the annexation

95 proceeding is begun and reasonably compact, and no part of
96 the area shall be included within the boundary of another
97 incorporated municipality.

98
99 **The total area of the property is contiguous to the city's**
100 **boundary. The parcel is not within the boundary of**
101 **another incorporated community. As noted in finding D,**
102 **the area is developing in an urban and suburban**
103 **manner. This would be reasonably compact.**

104
105 **This criteria for annexation has been met.**

106
107 (2) Part or all of the area to be annexed must be developed for
108 urban purposes. An area developed for urban purposes is
109 defined as any area which meets any one of the following
110 standards:

111
112 (a) It has a total resident population equal to at least two
113 persons for each acre of land included within its
114 boundaries; **Not met.**

115 (b) It has a total resident population equal to at least one
116 person for each acre of land included within its
117 boundaries and is subdivided into lots and tracts so
118 that at least 60 percent of the total number of lots and
119 tracts are 1 acre or less in size; or **Not met.**

120 (c) It is so developed that at least 60 percent of the total
121 number of lots and tracts in the area at the time of
122 annexation are used for urban purposes, and it is
123 subdivided into lots and tracts so that at least 60
124 percent of the total acreage, not counting the acreage
125 used at the time of annexation for nonresidential
126 urban purposes, consists of lots and tracts 5 acres or
127 less in size. **Met.**

128
129 **This criteria for annexation has been met.**

130
131 (3) In addition to the area developed for urban purposes, a
132 municipal governing body may include in the area to be
133 annexed any area which does not meet the requirements of
134 subsection (2) if such area either:

135
136 (a) Lies between the municipal boundary and an area
137 developed for urban purposes, so that the area
138 developed for urban purposes is either not adjacent to
139 the municipal boundary or cannot be served by the
140 municipality without extending services or water or
141 sewer lines through such sparsely developed area; or
142 **Not met.**

143 (b) Is adjacent, on at least 60 percent of its external
144 boundary, to any combination of the municipal
145 boundary and the boundary of an area or areas
146 developed for urban purposes as defined in
147 subsection (2). **Not met**
148

149 **This optional criteria for annexation has not been met.**

150 The purpose of this subsection is to permit municipal governing
151 bodies to extend corporate limits to include all nearby areas
152 developed for urban purposes and, where necessary, to include
153 areas which at the time of annexation are not yet developed for
154 urban purposes whose future probable use is urban and which
155 constitute necessary land connections between the municipality
156 and areas developed for urban purposes or between two or more
157 areas developed for urban purposes.

158 I. This property meets the mandatory criteria for annexation as set forth in
159 Florida Statute 171.043. Therefore, under Florida Statute 171.052 (1), the
160 parcel is not permitted to be contracted from the City.
161

162
163 **III. Recommendation**
164

165 Due to the existing infrastructure, development patterns, and the proposed JPA
166 that will allow for the annexation of this area into the City, staff does not find it in
167 the interest of the City to contract this parcel from the City. Further, Florida
168 Statute 171.052 prohibits the contraction of this parcel as it meets the criteria of
169 Florida Statute 171.043.
170

171 Staff recommends that the Planning and Zoning Board recommend the City
172 Commission **denial** of the petition for contraction and the associated
173 *Comprehensive Plan* amendments.
174
175

