

**M I N U T E S**  
**ORMOND BEACH PLANNING BOARD**  
**Regular Meeting**

January 12, 2023

6:00 PM

**City Commission Chambers**  
22 South Beach Street  
Ormond Beach, FL 32174

PURSUANT TO SECTION 286.0105, FLORIDA STATUTES, IF ANY PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE PLANNING BOARD WITH RESPECT TO ANY MATTER CONSIDERED AT THIS PUBLIC MEETING, THAT PERSON WILL NEED A RECORD OF THE PROCEEDINGS AND FOR SUCH PURPOSE, SAID PERSON MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDING IS MADE, INCLUDING THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

PERSONS WITH A DISABILITY, SUCH AS A VISION, HEARING OR SPEECH IMPAIRMENT, OR PERSONS NEEDING OTHER TYPES OF ASSISTANCE, AND WHO WISH TO ATTEND CITY COMMISSION MEETINGS OR ANY OTHER BOARD OR COMMITTEE MEETING MAY CONTACT THE CITY CLERK IN WRITING, OR MAY CALL 677-0311 FOR INFORMATION REGARDING AVAILABLE AIDS AND SERVICES.

**I. ROLL CALL**

Members Present

Angeline Shull, Vice Chair  
Al Jorczak  
GG Galloway (absent)  
Mike Scudiero  
Troy Railsback  
Barry du Moulin  
Doug Thomas, Chair

Staff Present

Steven Spraker, Planning Director  
Becky Weedo, Senior Planner  
Robin Gawel, Senior Planner  
Cara Culliver, Landscape Architect RC  
David Allen, Planning Civil Engineer  
Tom Griffith, Chief Building Official  
Brian Rademacher, Economic Development  
Mike Stephenson, Utilities Engineer  
Randy Hayes, City Attorney  
Marcella Miller, Recording Technician

**II. ADMINISTRATIVE ITEMS**

**A. Election of Chairperson and Vice Chairperson**

**Mr. Jorczak moved to appoint Doug Thomas as Chair. Ms. Shull seconded the motion. Vote was called, and the motion unanimously approved. (6-0)**

**Mr. du Moulin moved to appoint Angie Shull as Vice-Chair. Mr. Scudiero seconded the motion. Vote was called, and the motion unanimously approved. (6-0)**

New Planning Board members Mr. Troy Railsback and Mr. Barry du Moulin, introduced themselves.

**B. Adoption of the Planning Board Rules of Procedures**

**Mr. Jorczak moved to adopt the amended Planning Board Rules of Procedures. Ms. Shull seconded the motion. Vote was called, and the motion unanimously approved. (6-0)**

**C. Adoption of the 2023 Planning Board Calendar**

**Mr. Jorczak moved to adopt the 2023 Planning Board Calendar. Mr. Scudiero seconded the motion. Vote was called, and the motion unanimously approved. (6-0)**

**III. INVOCATION**

Chairman Thomas led the invocation.

**IV. PLEDGE OF ALLEGIANCE**

**V. NOTICE REGARDING ADJOURNMENT**

NEW ITEMS WILL NOT BE HEARD BY THE PLANNING BOARD AFTER 9:00 PM UNLESS AUTHORIZED BY A MAJORITY VOTE OF THE BOARD MEMBERS PRESENT. ITEMS WHICH HAVE NOT BEEN HEARD BEFORE 10:00 PM MAY BE CONTINUED TO THE FOLLOWING THURSDAY OR TO THE NEXT REGULAR MEETING, AS DETERMINED BY AFFIRMATIVE VOTE OF THE MAJORITY OF THE BOARD MEMBERS PRESENT (PER PLANNING BOARD RULES OF PROCEDURE, SECTION 2.7).

**VI. APPROVAL OF MINUTES**

**December 5, 2022**

**Mr. Jorczak moved to approve the December 5, 2022 Minutes. Mr. Scudiero seconded the motion. The minutes were unanimously approved. (6-0)**

**December 8, 2022**

Mr. Railsback stated that his comments from the December 8, 2022 Planning Board meeting required revision. He added that his dialogue in the second sentence of his comments on page 8, should be written as:

*If building #8 is gone, there is area to shift building #9 to minimize its visual impacts to Indian Springs.*

**Mr. Scudiero moved to approve the amended December 8, 2022 Minutes. Ms. Shull seconded the motion. The amended minutes were unanimously approved. (6-0)**

**VII. PLANNING DIRECTOR'S REPORT**

Mr. Spraker, Planning Director, thanked the Planning Board members for their time and recommendations. He apprised the Board of neighborhood meetings on January

17, 2023 at 6:00 p.m. for Ormond Enclave at the Trails Clubhouse and January 23, 2023 at 6:00 p.m. for MetroNet at the Hampton Inn on Interchange Boulevard. These neighborhood meetings are also advertised on the City of Ormond Beach website.

## VIII. PUBLIC HEARINGS

### A. SE 2023-010: 1089 N. U.S. Highway 1, Boot Hill Saloon Outpost: Special Exception for Outdoor Activity

Ms. Becky Weedo, Senior Planner, explained three requests from Ms. Karin Gehris, President, Jackson Hole Saloon and Grille, Incorporated, dba Boot Hill Saloon Outpost, for a Special Exception to:

- 1) Continue outdoor activities previously approved by Resolution 2020-37 on March 3, 2020 during recognized special events of Bike Week, and Biketoberfest established by the Daytona Beach Area Convention and Visitors Bureau; and Speed Weeks as established by the Daytona International Speedway for:
  - A. Itinerant vending of up to 24 vendors, including food trucks; and
  - B. Live outdoor music from 2:00 p.m. to 10:00 p.m.; and
- 2) Allow Live outdoor music on Saturdays and Sundays from 2:00 p.m. to 7:00 p.m. Previously approved by Resolution 2020-37 was live outdoor music up to four (4) times per month, either Saturday or Sunday afternoon, from 2:00 p.m. to 5:00 p.m. in association with the new Boot Hill Saloon Outpost.

Ms. Weedo stated that each of the three requests are considered under the umbrella of outdoor activity and are described and analyzed separately and require separate votes for each use. Boot Hill Saloon Outpost, is located at 1089 North U.S. Highway 1, which lies within the larger parent property addressed as 1081 North U.S. Highway 1, and is zoned B-5 (Service Commercial). The property is located in the North US1 Interlocal Service Boundary Agreement (ISBA) area which the City of Ormond Beach has established jurisdictional authority. Ms Weedo continued that the property abuts residential to the east, The Hog Pen to the south, Tomoka Center to the north and Coastal Business Park across the street.

Ms. Weedo explained the history of the property with the owner purchasing the Boot Hill Saloon Outpost in 2005. The property participated in itinerant activities during recognized special events with live outdoor music in unincorporated Volusia County. The onsite restaurant was burned beyond repair in 2008 and the property owner continued to operate itinerant vending and live outdoor music during the recognized special event periods through itinerant and host permits from Volusia County. Ms. Weedo continued that on August 19, 2014, the City adopted the North US1 Interlocal Service Boundary Agreement (ISBA) which became effective on August 28, 2014. Even though the subject property is in the unincorporated area, the City of Ormond Beach has land use and zoning jurisdiction over the property based on the ISBA. The property owner has continued itinerant and outdoor music activity with approved city permits since 2015. The property was placed on the amortization list and was not able to establish a permanent use prior to the expiration date, and for this reason the owner submitted a Special Exception application in 2020 with an established business.

Ms. Weedo stated that on February 13, 2020, the Planning Board recommended approval for the requests with conditions and on March 3, 2020, The City Commission approved Resolution 2020-37 as recommended by the Planning Board. Ms. Weedo explained that one condition was a three-year expiration of the development order on March 3, 2023. For this reason, the applicant has reapplied for another Special Exception to continue the itinerant merchant vending and live outdoor music as previously approved and allow live outdoor music on weekends from 2:00 p.m. to 7:00 p.m. Ms. Weedo noted that live music not associated with special events was previously approved was on Saturdays and Sundays up to four times per month from 2:00 p.m. to 5:00 p.m. She added that there have been no open code violations for the outdoor activities at the property in the last three years, therefore staff is not recommending an expiration date. Ms. Weedo reviewed slides overhead illustrating requests #1A, #1B, and #2. She added that for the live entertainment requests, the City completed a sound test on December 19, 2022 at 5:00 p.m. with a three-piece band staged on the deck with speakers facing south as part of the review and Special Exception criteria. The purpose of the test was to establish a decibel level that would be acceptable on a continuous basis. Ms. Weedo commented that there was very little variation in decibel when music was playing and when music was not playing due to the normal noise of traffic on North U.S. Highway 1. The music was said to be in compliance with the adopted maximum decibel limits on the residential side, north and south sides of the property. The highest decibel was 68 on the south and north sides with music playing. On the west side along the highway, the highest decibel was 75 with no music and 76 with music. The sound test did not show an impact based on the location of the stage. Only two people attended the neighborhood meeting not including staff or owner representatives, and there were no complaints by the participants. Ms. Weedo added that one person there commented that she enjoyed the special events with live outdoor music.

Ms. Weedo explained the public hearing notification process. For the neighborhood meeting, the applicants mailed letters to the abutters within 600' of the property and a Daytona Beach News-Journal ad is published. Notices were also posted to the City website. For the Planning Board meeting, the applicant posted the property, letters were mailed, a Daytona Beach News-Journal ad was published and notices and Planning Board packets were posted to the City website. For the City Commission meeting, letters will be mailed, appropriate Daytona Beach News-Journal ads will be published and notices will be posted on the City website.

**Ms. Weedo stated that for the first vote, staff recommends approval of the itinerant vending with the following conditions:**

1. *During recognized special events of up to 24 vendors, including food trucks operating from 9:00 a.m. to 10:00 p.m.;*
2. *And in compliance with Section 2-89 of the LDC related to:*
  - a. *Submittal of site plans;*
  - b. *Host and Vendor Permits;*
  - c. *Food vendors;*
  - d. *Prohibited activities; and*
  - e. *Preparation, setup, inspections, and vacation of premises.*

**Ms. Weedo stated that for the second vote, staff recommends approval of the outdoor live entertainment with the following two conditions:**

- 1. Hours of entertainment during recognized special events from 2:00 p.m. to 10:00 p.m.*
- 2. If there are two code violations pertaining to the outdoor entertainment, the applicant will lose the right to continue to have outdoor entertainment as described in the conditions stated in the staff report.*

**Ms. Weedo stated that for the third vote, staff recommends approval of the outdoor live entertainment with the following two conditions:**

- 1. Hours of entertainment on Saturdays and Sundays from 2:00 p.m. to 7:00 p.m. with up to two live performers.*
- 2. If there are two code violations pertaining to the outdoor entertainment, the applicant will lose the right to continue to have outdoor as described in the conditions stated in the staff report.*

Ms. Weedo concluded that the Land Development Code (LDC) requires the application be reviewed by the City Commission. The City Commission hearing date is scheduled tentatively for February 21, 2023.

### **Board Questions**

Ms. Shull inquired about the itinerant vending and asked if it was only for time during special events. Ms. Weedo confirmed that the itinerant vending is only for the recognized special events.

Mr. du Moulin asked for confirmation of any outstanding violations. Ms. Weedo replied that there have been no outstanding violations or complaints.

Mr. Railsback asked if there is a year-round established business on the property now. Ms. Weedo answered that there is. Mr. Railsback inquired if there are any other properties with a similar status with Special Exception approval that have gone through the same process. Ms. Weedo replied that when the ISBA was adopted and became effective, the businesses that had been providing itinerant vending and live outdoor music were on a five-year amortization schedule and included Broken Spoke and they established a business before the five years expired. They did not have to apply for a Special Exception. She concluded that there are no other properties with similar scenarios.

### **Applicant's presentation**

Ms. Karen Gehris, President, Jackson Hole Saloon and Grille, Inc., dba Boot Hill Saloon Outpost, 1089 N. U.S. Highway 1, stated that she owned the property since 2005 and reiterated that a fire demolished the structure in 2008 and reviewed the challenges of the property since. Ms. Gehris commented that the business is permanent and open for business.

Mr. Jorczak inquired if Ms. Gehris anticipates using the Special Exception every weekend or if a schedule would be put together where it will not take place 52

weekends per year of live music. Ms. Gehris replied that it will most probably not be every weekend. She noted that it will be a two-piece band with a guitar and at times only one musician.

Chairman Thomas questioned if two performers was her or the City's suggestion. Ms. Gehris answered that it was suggested and added that normally, afternoons during these times there is acoustic music and not a band.

Mr. Scudiero commented that the number of two performers may be to keep the decibel level closer to what everyone can live with.

Chairman Thomas stated that there are no audience comment cards and opened it up to the public for any comments. Hearing none, he opened it up to the Board for discussion and entertained a motion.

**Mr. Jorczak motioned to approve staff's recommendations with the conditions for SE 2023-010: 1089 N. U.S. Highway 1, Boot Hill Saloon Outpost: Special Exception for Outdoor Activity, 1A, for itinerant vending of up to 24 vendors, including food trucks. Ms. Shull seconded it. Vote was called, and the motion was approved (6-0).**

**Ms. Shull motioned to approve SE 2023-010: 1089 N. U.S. Highway 1, Boot Hill Saloon Outpost: Special Exception for Outdoor Activity, 1B, for live outdoor music. Mr. Jorczak seconded it. Vote was called, and the motion was approved (6-0).**

**Mr. Jorczak motioned to approve staff's recommendations for the conditions for SE 2023-010: 1089 N. U.S. Highway 1, Boot Hill Saloon Outpost: Special Exception for Outdoor Activity, 2, for live outdoor music on Saturdays and Sundays, from 2:00 p.m. to 7:00 p.m. with up to two live performers. Mr. Scudiero seconded it. Vote was called, and the motion was approved (6-0).**

## **IX. PUBLIC COMMENTS**

None

## **X. OTHER BUSINESS – SITE PLAN REVIEW COMMITTEE (SPRC)**

Mr. Spraker delivered a general overview of the SPRC and the development process guided by the Comprehensive Plan displayed in a PowerPoint presentation overhead. He explained the Land Development Code (LDC) and Interlocal Service Boundary Area (ISBA). Mr. Spraker noted that the Planning Board will be working on the Comprehensive Plan update over the next year and a half for 2025. He advised that the City and Ms. Gawel specifically, is preparing for transitioning from using the Naviline program for the permitting process to Tyler EnerGov. The Planning Department is also working on the updated impact fee analysis.

Members of the Site Plan Review Committee (SPRC) introduced themselves and their role in the committee. Mr. Spraker explained the SPRC process further stating that every Wednesday morning SPRC meetings are held and are available both in-person and via Zoom. Applicants get placed on the agenda by reaching out to the Planning Department by phone or e-mail and the agendas are published to the City

of Ormond Beach website on Tuesdays, and the SPRC minutes are published on the website once complete. The 30-minute meetings are an open-format and are intended to allow discussions on any concept or idea. Mr. Spraker added that project site plans and location maps are also published on the website. The Monthly Development Report (MDR) is also published to track city projects. The first step is the SPRC meeting and review. If the property where development is proposed abuts residential, even if a permitted use, it has to do a neighborhood meeting. If it is a Special Exception or Planned Development, it goes to the Planning Board where the Board gives a recommendation to the City Commission. If it is approved at City Commission, it then comes back to SPRC for a development order and then goes on to site building permits, inspections and a Certificate of Occupancy. Mr. Spraker reiterated that neighborhood meetings are required for a commercial use next to a residential use. Industrial uses are specifically exempted. No neighborhood meeting is required. Notification goes out to a radius of 600' around the property. The applicants are in charge of the neighborhood meeting from sending out the notice, to running the meeting. Mr. Spraker stated that staff attends, records and takes notes.

Mr. Spraker explained the distribution lists and advised that if a resident gives him their e-mail and is interested in a specific project, e-mail updates are sent out regarding when the application is submitted, when it goes before the Planning Board and when the neighborhood meeting is held. He added that there are approximately eight distribution lists for major projects sent out.

Mr. Spraker explained Planning Board specifics beginning with advertising. Notices, site postings, abutter letter and newspaper ads are all used for advertising. All items going to Planning Board, City Commission, Historic Landmark Preservation Board, Board of Adjustments & Appeals are advertised on the city website. The Planning Board meeting materials including the agenda were detailed, as well as the format of the meetings. Mr. Spraker stated that the Planning Board is an advisory board and makes recommendations to the City Commission. The decisions made here are not final. The City Commission is the final authority. Mr. Spraker concluded that after staff's review of the application, the Planning Board's responsibility is to review the criteria to determine if the application met the requirements, and from there either approve, approve with conditions or deny the application.

Mr. Brian Rademacher, Economic Development Director, delivered information and an update on Ormond Crossings, a 3000-acre proposed development on U.S. Highway 1 and Interstate 95.

## **XI. MEMBER COMMENTS**

Mr. Scudiero commented on the material prepared by staff and distributed to the Planning Board in preparation for the meetings and all of the information given in order to decipher support of city-projects. He welcomed the new Planning Board members.

Mr. Railsback concurred and expressed the importance of the historical and institutional knowledge.

Mr. du Moulin concurred and thanked staff for the education and their service of the community.

Mr. Jorczak thanked Mr. Spraker, the Board and staff. Mr. Jorczak inquired about the undeveloped land in the city and asked how much of the land is in a flood zone. He advised that in the City of New Smyrna Beach there was discussion about a short-term moratorium on land development that was voted in for flood zone properties to do a more thorough evaluation before they proceeded with development of the land. There was a limitation given of how long it was going to last. He asked if the City of Ormond Beach has given consideration to that type of activity as it relates to the City's flood zone properties. Mr. Spraker replied that the number of the houses permitted last year was 47 in Ormond Beach and his estimation was that could be the number New Smyrna permitted over the last month alone. He suggests that the amount of development is likely greater in New Smyrna. Mr. Spraker continued that the areas of future development will be Plantation Oaks and Ormond Crossings, which have undergone detailed studies as they are developed. Ormond Crossings did a detailed flood study and a detailed stormwater and data analysis. Plantation Oaks has permits from the St. John's River Water Management District (SJRWMD) and were reviewed initially by Volusia County. A detailed stormwater analysis was also done and the City feels comfortable that the two large areas have the flood studies and stormwater data needed to be successful. Mr. Spraker referenced individual developments, such as Tattersall, with the amount of concern at a zoning level for stormwater. With that project will be multiple engineers reviewing it and looking to demonstrate that they are discharging less water at a less rate than what the predevelopment condition says. The City has adopted a city stormwater master plan which was used to get grants to retrofit existing areas that had flood damage. Mr. Spraker added that there is a stormwater master plan that is in process now that the Engineering Department is working on which will seek to address any areas that have existing flooding issues today.

Mr. Jorczak asked if there is anything that Flagler County is doing on the south end that impacts the City of Ormond Beach and asked how it interfaces with what we do in the City's planning process with respect to water management. Mr. Spraker answered that the City coordinates with Flagler County and he is not aware of any development that has the potential to negatively impact the City of Ormond Beach.

Ms. Shull thanked the Board for voting for her as the Vice Chair and hopes to make Mr. Briley proud. She concurred with the Board on the SPRC information given and staffs performance. Ms. Shull inquired about the unkept three-parcel property across the street from the Iron Horse on U.S. Highway 1 and remarked that it appears that it is stuff leftover from events. Mr. Spraker advised that he will communicate with the Neighborhood Improvement Division on code enforcement for the property.

Chairman Thomas thanked the Board for their trust in him as Chair and welcomed the new Planning Board members.

## **XII. ADJOURNMENT**

The meeting was adjourned at 7:09 p.m.

Respectfully submitted,

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Steven Spraker, Planning Director

ATTEST:

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Doug Thomas, Chairman

*Minutes transcribed by Marcella Miller.*

DRAFT