

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

March 09, 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

Angie Shull, Vice Chair
G.G. Galloway
Al Jorczak
Mike Scudiero
Barry du Moulin
Troy Railsback
Doug Thomas, Chair

Staff Present

Steven Spraker, Planning Director
Randy Hayes, City Attorney
Marcella Miller, Recording Technician

II. INVOCATION

Mr. Jorczak led the invocation.

III. PLEDGE OF ALLEGIANCE

IV. 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 9:00 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).

V. APPROVAL OF MINUTES

February 09, 2023

Mr. Galloway moved to approve the February 09, 2023 Minutes. Mr. Jorczak seconded the motion. The minutes were unanimously approved.

VI. PLANNING DIRECTOR'S REPORT

Mr. Spraker, Planning Director, reviewed upcoming meetings. March 14th there is a neighborhood meeting for 121 East at 6:00 p.m. in the Ormond Beach Library, March 22nd an Impact Fees meeting at 5:30 p.m. at City Hall in room 103, and the March 27th Impact Fees meeting at 10:30 a.m. at City Hall in room 103. Mr. Spraker added that the impact fee meetings can be attended virtually as well.

Mr. Spraker delivered an update on the utility meter inquiry and advised that after communicating with Public Works on the matter it was determined that 90 percent of the meters are radio-read and can be read remotely. The remainder of the meters are touch-read and are being transitioning over to radio-read.

VII. PUBLIC HEARINGS

A. ZMA 2023-019, 475 North Tymber Creek Road, The Enclave, Zoning Map Amendment

Mr. Spraker, Planning Director, explained the request for ZMA 2023-019 from Paylin Tymber 1 & 2, LLC., with authorization from the property owner, Enclave of Timber Creek, LLC., is for a Zoning Map Amendment for a 26± acre parcel from expired PRD, Planned Residential Development to SR, Suburban Residential. The property is located at 475 North Tymber Creek Road and the property owner proposes going one unit per acre. The dates that this item will go before City Commission are April 18th and May 2nd. Mr. Spraker concluded that staff recommends approval and that there is no site plan.

Chairman Thomas opened it up to the Board for discussion and entertained a motion.

Board Questions

Mr. Jorczak asked Mr. Spraker if the Board approves the proposal and if the applicant later decides to go to a higher density, what the process would look like, and asked if they would have to stay with one acre as a minimum. Mr. Spraker replied that the process to go to less than one unit per acre would be through a Planned Residential Development (PRD) and go through a neighborhood meeting, Planning Board and City Commission process. Mr. Spraker continued that if they stay with the Suburban Residential zoning district, it would still go through the Planning Board as a Preliminary Plat which subdivides land. The question would be if they meet the minimum lot size.

It was discussed that the land use is the same Suburban Low-Density as Southern Pines. It was determined that they came through a PRD as well.

Mr. Scudiero motioned to approve ZMA 2023-019, 475 North Tymber Creek Road, The Enclave, Zoning Map Amendment. Mr. Jorczak seconded it. Vote was called, and the motion was approved (7-0).

B. PP 2023-025, Ormond Gateway Preliminary Plat

Mr. Spraker, Planning Director, stated that PP 2023-025 is a request from Mr. Luke Kilic, P.E. of Zev Cohen and Associates, on behalf of the property owner, Destination Interchange, LLC., for a preliminary plat for an 18.17 acre property located at 1670 North U.S. Highway 1, 1662 North U.S. Highway 1, and no address (Volusia County parcel number 3136-01-66-0070) for an eight-lot commercial subdivision with associated site improvements. Mr. Spraker explained that the proposal is to take a large parcel and subdivide it into smaller parcels for a commercial subdivision. He added that the zoning is in the B-7 zoning district. This property came before the Board prior for a three-lot subdivision. The uses planned for at that time did not work out, therefore the proposal is for a maximum of an eight-lot subdivision located directly across from Destination Daytona Boulevard. Mr. Spraker stated that there are subdivision improvements planned for such as a common area, 15 percent open-space, and stormwater. Two historic trees onsite are being preserved and the clearing will be done only for the subdivision improvements and would only take place where the stormwater pond is, compensating storage, and for the utility work. Mr. Spraker added that each property will have their own site plan and if they need a public hearing approval for a use that is not allowed in the B-7 zoning district, that the particular individual site plan can come back before the Planning Board, otherwise the Site Plan Review Committee (SPRC) can approve. Mr. Spraker concluded that staff recommends approval.

Chairman Thomas opened it up to the Board for discussion.

Board Questions

Mr. Galloway asked if this site was previously proposed to be a gas station. Mr. Spraker replied that it was planned for a RaceTrac Convenience Store at one time.

Ms. Shull asked Mr. Spraker about the road construction, including the ingress and egress with the new Interchange taking place. Mr. Spraker answered that this parcel would not have any impacts in regards to the Interchange. As with other subdivisions, the plan is to establish a construction entrance, clear, grade and fill for the stormwater and then do the utility work. Each site plan will come in as its own project. It was discussed and determined that the road will not be widened at this parcel area, but that there will be turn lanes and sidewalks as improvements to the existing right-of-way (ROW). A new right-of-way (ROW) will not be dedicated.

Applicant's presentation

Mr. Like Kilic, Project Manager, Zev Cohen & Associates, 300 Interchange Boulevard, explained that the previous proposed site plan for the RaceTrac Convenience Store was planned at that time for lots 2, 3A, 3B, 3C, but did not go through due to the landscape buffer requirements. Another convenience store and gas station is now contracted to go on lot 2. Restaurants and or retail spaces are anticipated to go in as well in the future.

The rail-lines were discussed for the railroad and it was determined that the site will not be of impact.

Ms. Shull inquired about the offsite storage site for water for the proposed project. Mr. Kilic clarified that based on the total flood zone impacts on the site, there is limited area to provide compensating storage on the property. The property owner purchased the parcel from Ormond Crossings, directly behind the site, where additional compensating storage will be provided for a dry depressional area. No runoff from the site will be conveyed into it. During the 100-year flood event it will capture the amount of storage needed. It was further explained that geo-technical borings were done for drainage.

It was discussed and determined that a lot of landscaping is being preserved due to the 36' greenbelt buffer requirement in the front of the property. Additional landscaping is also planned for this area along U.S. Highway 1.

Chairman Thomas opened it up to the Board for discussion and entertained a motion.

Mr. Scudiero motioned to approve PP 2023-025, Ormond Gateway Preliminary Plat. Mr. Railsback seconded it. Vote was called, and the motion was approved (7-0).

Board discussion

Ms. Shull inquired about the signage and asked if there would be one large sign advertising the different businesses or if there would be separate signage. Mr. Spraker replied that the Preliminary Plat is a subdivision of land and each parcel is entitled to their own sign. It was explained that it can be negotiated down through the Planned Development. The sign parameters were discussed and it was advised that monument signs requirements are a maximum of 8' in height and based on the linear frontage, for a 100' lot, 32 square feet is allowed and if lot sizes are expanded, monument signs are allowed to be larger. It was discussed and determined that given the lot sizes for the subject properties other than lot 2, the monument signs can be 4' by 8'. Lot 2 is larger, therefore that sign can be up to 64 square feet.

It was discussed that the signage is installed in the landscape buffer.

Vote was called, and the motion was approved (7-0).

C. LDC 2021-019, Land Development Code Amendment: Section 1-27, Impact Fees

Mr. Spraker, Planning Director, explained LDC 2021-019, an administrative amendment to the Land Development Code (LDC), Chapter 1, General Administration, Article IV, Schedule of Development Review and Impact Fees, Section 1-27, Impact Fees, to update impact fee credits, including the deletion of the existing 10 percent annual reduction of impact fee credits.

Mr. Spraker advised that when a building is demolished in a project, the impact fees expire 10 percent per year. After 10 years, all of the impact fee credits are lost. He continued that in 2015, there was a provision placed in the Code that specified that impact fee preservation can be done. Through the impact fee process there was

advise given from the City's consultant that the impact fees should not be expired. If a use was there and it was demolished, the impact fees have been paid and satisfied, and the provision should be removed from the Code. The fees can be transferable by state law, therefore it is being asked for item C to be struck from the amendment.

Ms. Shull asked what impact fees pay for. Mr. Spraker replied that impact fees pay for capital facilities that new development creates, such as waterlines, sewer lines, capacity of the plant, turn-lane, sidewalk, trail, park and recreation. It allows capital facilities that are needed based on new growth. Examples were discussed.

Chairman Thomas ensured that no one from the public was present to speak on the subject, then opened it up to the Board for discussion and entertained a motion.

Mr. Railsback motioned to approve LDC 2021-019, Land Development Code Amendment: Section 1-27, Impact Fees. Mr. Galloway seconded it. Vote was called, and the motion was approved (7-0).

VIII. PUBLIC COMMENTS

The opportunity was announced and it was determined that there was no one in attendance that wished to deliver any public comments.

IX. OTHER BUSINESS

A. Impact Fee Study Update

Mr. Spraker reviewed the City of Ormond Beach Connection and Impact Fee Summary, and the Police and Fire Impact Fee Study that was in the Planning Board packet and displayed overhead that was put together with the help of the contracted company Raftelis Consultants over 2021-2023. He stated a Land Development Code (LDC) Amendment will be presented to the Board.

Mr. Spraker stated that impact fees are paid by new development and expansions for increased demand for services and as growth and new development happens there are impacts to water, sewer, roads, park and recreation, police and fire. The basis for impact fees and related criteria have been developed under Florida Statutes and case law. Mr. Spraker continued that there was a Florida Impact Fee Act that was created in 2006 and recently amended in 2021.

Mr. Spraker explained that the consultant, Raftelis, provided the conditions and parameters of impact fees and state that it has to be based on the most recent localized data, looking at the city-capital costs and what the city's population is. He added that 90 days-notice is required before imposing a new or increased fee. Regarding legal considerations and criteria, Mr. Spraker stated that there is a dual rational nexus based on the cost of capacity to serve new growth where impact fees must be based on the capital cost requirements anticipated for providing service to new development. Impact fees must be based upon reasonable level of service standards that meet the needs of the City. Mr. Spraker emphasized that impact fees cannot be used to fund deficiencies in capital needs of the city or pay for any operating costs. It can be used for a new capacity and in a specific matter.

Mr. Spraker reviewed information on water and sewer impact fees and stated that the City has had the water and sewer impact fee since 1974. It was suggested to change

the term impact fee to a 'connection fee' which has been done throughout the State of Florida. He added that it was also recommended to add a western service area. The difference in existing and proposed fees were explained, showing that the water went down and the sewer went up for single-family unit, based on capital costs.

Mr. Spraker reviewed information on stormwater impact fees. The consultant researched and discovered that they could not find another jurisdiction with a stormwater impact fee as most use stormwater fees. It was recommended to delete the stormwater impact fee and City Commission agreed.

Mr. Spraker reviewed information on park and recreation impact fee. There were questions regarding reducing the Impact Fee or extend it over time. The City Commission provided direction to go to the full maximum justifiable amount over a one-year period.

Board Comments and Questions

Chairman Thomas commented on the park and recreation impact fee, stating that the amount is justifiable due to the amount of people that are increasingly using it and the cost of the astronomical maintenance and repairs. He concluded that the City of Ormond Beach has beautiful facilities and believes that it is in the best interest of Ormond Beach to continue to maintain them.

Mr. Spraker reviewed information on the local roads impact fee. The fast-food and convenience store were included in other, larger categories as recommended by the City Commission.

Ms. Shull remarked that there is a lot of traffic from other areas that impact the City of Ormond Beach roads and inquired about the ITE (Institute of Transportation Engineers) Trip Generation. Mr. Spraker answered that the regional model is put into the model for the ITE Trip Generation for local roads, not Granada Boulevard or Volusia County-maintained roads. Ms. Shull emphasized the amount of overflow the City of Ormond Beach roads receive from other cities and expressed concern about it skewing the numbers. It was emphasized that ITE is used to determine traffic flows, now in the 11th Edition, the newest edition and is up to date.

Mr. du Moulin concurred with Ms. Shull, and commented about the growth on Williamson Boulevard and Clyde Morris Boulevard with commuters from other areas using the City of Ormond Beach roads and inquired if the study took it into account. Mr. Spraker replied that they did so through a regional model. He added that they are paying a Volusia County impact fee. The uses are paying both local roads and Volusia County, as well as their own jurisdiction.

Mr. Railsback delivered his knowledge of what he learned when he worked with Impact Fees himself, and noted that the model previously discussed, serves as the basis for defense of the reason for a specific charge, coordinating with data related to the regional entity/municipality, the County, and identifies how and why the City is charging that same user twice.

Mr. du Moulin inquired about the fire and police impact fee. Mr. Spraker explained that they do a calculation and then come up with what the City can charge at a

maximum, based on the capital facilities and new growth. He added that for police and fire, they cannot use it for operations. It can be used for new service. If setting up a new zone, they can buy a new car, truck, or part of a truck, and do existing building additions, and can do an Emergency Operations Center (EOC).

Mr. Jorczak inquired if anyone in the area is required to review and integrate the information into any decision process and bless the City's decision on the fees. Mr. Spraker answered that the blessing will come through the Ordinance and Planning Boards recommendation and the City Commission's action based on the data analysis generated from Raftelis over three studies. He reiterated that these are only Ormond Beach impact fees.

Mr. Spraker stated the report recommended that the Impact Fees be reviewed every five years so there is not such a large increase.

Mr. Galloway expressed his concern with impact fees, commenting that they are like an artificial tax, going by a different name. He continued that the end users are really the ones who

Mr. Scudiero inquired what was sought from the Board at this meeting.

Mr. Spraker stated that the City Commission has already given direction on the impact fees update, but welcomed the expression of opinions on the subject from the Planning Board, as it is not absolute yet. Mr. Spraker continued that the goal is not to surprise the Board with the Ordinance and to make all aware of the background data and analysis and to identify any concerns.

Mr. Spraker reviewed information on the mobility fees, different than local road Impact Fees and were enacted in 2011. The City adopted mobility fees for corridors physically or politically constrained; Granada Boulevard from Williamson Boulevard to Atlantic Avenue (A1A); A1A south and portions of U.S. Highway 1. Those roads are not designated to be extended. Mr. Spraker explained that in those areas, mobility fees are charged and can be used for a broader range of uses, or pay for transit, trails or sidewalks. Outside those three corridors, the local road Impact Fee would pay.

Mr. Spraker reviewed information on the police impact fees and explained that they are not assessed today. He reviewed the single-family residential change comparison and increase of fees, showing how the water and stormwater are less.

It was asked how much time has been put into the impact fee study. It was said to be a considerable amount of time to gather the data and for the study to be done itself, including staff time and consultant time. Mr. Spraker reviewed the tentative schedule regarding the Ordinance.

XI. MEMBER COMMENTS

Mr. Railsback commended the staff for their hard work and input on the impact fees update.

Mr. Jorczak asked about City property at the park next to Riverbend, and the status of how it will fit into the City plans for recreation and if since it is adjoining the study going on for the airport property, if the two will be integrated them. Mr. Spraker

answered that there has been no formal capital budget process as of yet and that the budget process begins in April 2023. He is not aware if they are doing anything specifically for the park parcel immediately. There is recreational use tied to it with BMX bikers using it for a bike trail. It would need to come through a capital process to establish a trail on it and create certain standards.

Mr. Galloway commented on a group of engineers he noticed at the 7-11 Convenience Store and the Trails Publix Shopping Center on Nova Road, hopeful that they will be working on the dangerous stretch of road in that area where numerous accidents have taken place over the years. He emphasized the need for islands or barriers on that section of the road. Mr. Galloway thanked whomever put the pressure on the State or County for analyzing.

Chairman Thomas inquired if the 2024 Planning Board meetings can be changed and coordinated around future Bike Week and Biketoberfest events due to the traffic. Staff will identify the dates and bring it to the Board early in 2024 for a vote.

XII. ADJOURNMENT

The meeting was adjourned at 7:29 p.m.

Respectfully submitted,


Steven Spraker, Planning Director

ATTEST:


Angeline Shull, Vice Chair

Minutes transcribed by Marcella Miller.