

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

September 14, 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 (Excused)
Al Jorzak
Mike Scudiero
Barry du Moulin
Troy Railsback
Doug Thomas, Chair (Excused)

Staff Present

Steven Spraker, Planning Director
Becky Weedo, Senior Planner
Randy Hayes, City Attorney
Marcella Miller, Recording Technician

II. INVOCATION

Mr. Jorzak 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

August 10, 2023

Mr. Jorczak moved to approve the August 10, 2023 Minutes. Mr. Scudiero seconded the motion. Vote was called, and the motion was approved (5-0).

VI. PUBLIC HEARINGS

A. PP 2023-066, Enclave Subdivision, Preliminary Plat

Mr. Steven Spraker, Planning Director, stated that PP 2023-066 is a request from Paylin Tymber 1 and 2, LLC., with the authorization of the property owner, Enclave of Timber Creek, LLC., for a preliminary plat for the Enclave subdivision consisting of 12 single-family lots on 26.17 acres. Each lot ranging from 1.7 acres to 2.75 acres. Mr. Spraker explained that a preliminary plat is a construction drawing for subdivision improvements. The property is located at 475 North Tymber Creek Road (Southern Pines subdivision) and has a zoning of Suburban Residential. Suburban Residential zoning districts require one acre lots connecting to water. He stated that Tymber Creek Road is a Volusia County roadway and in coordination with Volusia County, they have reduced the number of driveways to four, each driveway serving three lots. There will be less curb cuts on North Tymber Creek Road. Mr. Spraker added that they are dedicating a 32' right-of-way (ROW) to help the future expansion of Tymber Creek. Part of the site improvements will be for them to do a 12" waterline along the frontage, extending it from Southern Pines to their northern boundary. Located on Interstate 95, the project has a Greenbelt landscape buffer of 60', and they have a minimum of 70', and may be more depending on how the individual sites develop.

Mr. Spraker stated that the individual sites will go through a tree and stormwater review. Each single-family house will have their own stormwater permitting. Mr. Spraker stated that there are wetlands on the property which are being saved through the plat. It will be up to the homeowners to determine if they want to get through a process to impact the wetlands to get to the uplands for some of the lots. He continued that the preliminary plat is a two-stage process, beginning with the zoning, the preliminary plat out of the construction drawings, and once the improvements have been done they will come back to the Planning Board with a final plat and then it goes on to the City Commission. Mr. Spraker concluded that the Site Plan Review Committee (SPRC) recommends approval.

Ms. Shull opened it up to the Board for questions.

Board Discussion and Questions

Ms. Jorczak asked about them providing a waterline and if water and sewer is out in the development area to the south. Mr. Spraker replied that there is water and sewer but the sewer stops at a considerable distance to the south. They are not required to extend the sewer as long as the lot sizes are maintained. Mr. Spraker added that Ormond Crossings has some responsibility for the extension of waterlines in this area. There is no timeline on it and it is not in the City's capital budget, therefore it depends on when development occurs that will then need that waterline extended.

Mr. Jorczak asked if that area of Interstate 95 is cut out for a rest stop. Mr. Spraker replied that it is a former rest stop and is no longer active. Mr. Jorczak explained his interest in the topic due to amount of truck traffic and the need for more truck stops in the state. He asked if they would have the responsibility after the project is developed to erect walls with any noise concerns. Mr. Spraker confirmed that the individual homeowners would be responsible for that or using a natural vegetation as a buffer being that they are near or towards Tymber Creek.

Mr. du Moulin expressed his concern with septic systems and commented that wetlands and septic systems do not go together with any flooding, and asked if each individual homeowner is responsible for maintaining their septic system. Mr. Spraker answered that the Suburban Residential zoning district allows if over an acre to do septic systems and confirmed that each individual homeowner would be responsible for theirs. There is a financial feasibility of utility extensions in the State Statutes. He continued that the Land Development Code (LDC) allows the development and size and further explained that if they were two acres and higher that they would not have to extend the waterline. Mr. Spraker concluded that an example is Durrance Acres and how all of the properties there are on well and septic.

Ms. Shull asked if horses are allowed on the lots. Mr. Spraker replied that he believes that the lots have to be five acres for horses.

Audience Comments/Input

There were no individuals who spoke on this item.

Board Recommendation

Ms. Shull opened it up to the Board for questions and to entertain a motion.

Mr. du Moulin remarked that it is well designed with the number as a clean version instead of jamming a lot of houses on 26 acres.

Mr. Scudiero referenced recalling the subdividing of the land and wishes there were more of these areas.

Mr. Scudiero motioned to approve PP 2023-066, Enclave Subdivision, Preliminary Plat. Mr. Jorczak seconded it. Vote was called, and the motion was approved (5-0).

B. SE 2023-079, 1133 and 1141 N. U.S. Highway 1, CMD Realty LLC, Special Exception Request for Outdoor Activity

Ms. Becky Weedo, Senior Planner, stated that SE 2023-079 is a request by Mr. Coby Moore, CMD Realty LLC., property owner, for a Special Exception to allow up to 10 itinerant vendors and up to two food trucks during recognized special events of Bike Week, and Biketoberfest established by the Daytona Beach Area Convention and Visitors Bureau. She displayed an aerial map of the property and the adjacent uses. She explained that the City adopted the North US1 Interlocal Service Boundary Agreement (ISBA) with the County in 2014, and 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 agreement. Ms. Weedo added that the property owners operate CM Custom Pools at 1133 N. U.S. Highway 1 and Moore Outdoor Living at 1141 N. U.S. Highway 1. Broken Spoke Saloon is located on the north side of Moore Outdoor Living and has been hosting itinerant vending and outdoor activities since the early 2000's, and they are supportive of the request, looking forward to coordinating activities with Mr. Moore.

Ms. Weedo further explained that towards the goal, the owners would like to offer a venue to allow up to 10 product and accessory vendors plus two food trucks, who might not be able to participate in the special events at Broken Spoke Saloon during the Bike Week and Biketoberfest event dates. There is an approximate 119' buffer planned between the vendors and the residential properties to the east. She stated that after the notice went out, two residents called to see if a fence can be installed in the back of the property. The applicant has no problem installing a fence. She added that there will be no outdoor music or alcoholic beverages served on the premises. Ms. Weedo concluded that staff recommends approval of the outdoor activity of itinerant vending with the following conditions:

1. During recognized special events of up to 10 vendors plus up to two food trucks operating from 9:00 a.m. to 10:00 p.m. on Sundays through Thursdays and 9:00 a.m. to midnight on Fridays and Saturdays during the recognized special events of Bike Week and Biketoberfest;
2. Submittal of a detailed site layout plan 21 days in advance;
3. Obtain a Master Vendor Permit;
4. Food vendors comply with all applicable local and state laws;
5. & 6. Compliance with Section 2-89 (Itinerant Merchant section) of the LDC;
7. The Special Exception will be valid for three years pending approval by the City Commission on October 17, 2023, and will expire on October 17, 2026. They would then have to come back again to continue, similar to what Boot Hill Saloon did.

Applicant's Presentation

Mr. Coby and Ms. Michelle Moore stated that they are located in the north corridor area where Bike Week and Biketoberfest are actively located and their goal is to work with the community around them as they have developed good relationships with Broken Spoke Saloon and Smiley's Tap Room and want to support them with overflow parking and keeping pedestrians safe. Ms. Moore added that they have a lot of support and are big supporters of the growth in Ormond Beach as well as are partners with the Ormond Beach Chamber. She stated that they have lived in Volusia County their entire lives and in Ormond over twenty years. She continued that they are beautifying the area by tearing down what used to be an old trailer park and old outdated buildings that were there and have followed the City's recommendations with plans to continue to beautify the area. Ms. Moore stated that they are not trying to compete with the other businesses and will not have any live music or alcohol.

Ms. Shull opened it up to the Board for questions.

Mr. du Moulin asked where the business analysis is for this kind of a venue and asked if they felt it was risky. Ms. Moore replied that it came from having a relationship with the Broken Spoke Saloon and them expressing their need for help and stated they do not feel it is risky.

Ms. Shull stated that she thinks that it is a great idea as she attends a lot of the biker events and sees the people walking up and down U.S. Highway 1, adding that if they want to go to the next place, they get on their bike in the traffic. She commented that keeping them in one location is a great idea. Ms. Shull emphasized that after the events, she wants to ensure that the property is cleaned up.

Ms. Moore remarked that they have 35 employees and they hire them to do help with the clean-up. She added that their businesses are right next door and want to keep it look as nice as possible.

Audience Comments/Input

Ms. Christine Wagstaff, 1138 ½ Roberts Street, stated that she lives directly behind the businesses and is not against Bike Week but expressed concerns with it. She continued that her and her late husband rode for 15 years and he was killed in a motorcycle accident two years ago. Since then she commented that she is nervous from the sounds of too many bikes, in fear something might happen. Ms. Wagstaff remarked that she really enjoyed the music, festivals and vendors and that she too would like to see it more spread out so that it is not so congested in one area. She expressed her concern with the noise and people coming through the easement to go to Bike Week and Biketoberfest. She said that several years ago people were walking through and even climbing fences. Ms. Wagstaff requested a soundproof fence be installed between the businesses and her property. She added that she would like it if they put in to a resourceful, environment commitment, to put trees in the area to continue beautifying the area.

Ms. Shull opened it up to the Board for additional questions and entertained a motion.

Ms. Shull confirmed with the applicants that they are in agreement to install the soundproof fence.

Mr. Railsback suggested specifying where exactly the fence will go and the style of it.

Mr. Moore stated that most of the property already has a fence and the section that Ms. Wagstaff is referencing is now chain-link fencing. The remainder of the fencing there is a wooden privacy fence. He added that he is not aware of a soundproof fence, and intended to put the same type of 6' wooden privacy fence up, but will look into the soundproof style request.

Ms. Moore shared her research online that shows that a vinyl fence may be one of the best fences for a soundproof barrier and expressed that they can do a 6' vinyl fence without a problem. She concluded that they are there to help support their neighbors.

Mr. Jorczak commented that he feels it is a helpful situation and admirable, helping out another business. During Bike Week he sees a lot of issues at the Airport Business Park off of U.S. Highway 1 and Airport Road. He remarked that he usually stays off of the road during Bike Weeks and Biketoberfests but likes that it expands the parking capability for the adjacent business, keeping the traffic off of U.S. Highway 1 and will reduce pedestrian traffic in the area.

Mr. Railsback commented that he noticed the pictures of the wooden fence in the background on the presentation and thinks that the requirements should be that it is contiguous or similar in style to the existing fence. If choosing to do more than that, he remarked that it is up to the applicants. He added that he thinks that uniformity looks better.

It was discussed and determined that the fence would require permitting through the Building Department.

Mr. Scudiero stated that it may not look right to add white PVC fencing in with the existing wooden fence. He added that he is not sure of what would insulate the property from Bike Week noise. He remarked that the decisions made by the Planning Board that get carried on to the City Commission are permanent. This item in particular has a three-year sunset on it and if it goes bad, the applicants would have a harder time getting it reapproved in three years. Mr. Scudiero concluded that he supports it.

Board Recommendation

Mr. Railsback motioned to approve SE 2023-079, 1133 and 1141 N. U.S. Highway 1, CMD Realty LLC., Special Exception Request for Outdoor Activity, with the condition of, at a minimum, a contiguous, same-style and height, fence addition on the adjacent parcel's preexisting fence, added as a requirement. Mr. Jorzak seconded it. Vote was called, and the motion was approved (5-0).

VII. PUBLIC COMMENTS

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

VIII. OTHER BUSINESS

Comprehensive Plan Evaluation Appraisal Report (EAR) Introduction

Mr. Spraker explained the process of the Comprehensive Plan Evaluation Appraisal Report (EAR), required by the State. The City can write a letter that no changes are needed as they did in 2017. The last time the City really went through the EAR was 2010. He continued that there are a lot of areas of the Comprehensive Plan that need updating. Mr. Spraker stated that one of the things from the Downtown Master Plan consultant was that the plan was being updated and tweaked based on what had happened, which is what is happening with the EAR.

Mr. Spraker stated that the Comprehensive Plan is a long range plan document to provide the guidance for how communities provide decisional development, redevelopment, preservation and establishes the level of services for public facilities. It includes the Future Land Use Map (FLUM) and the elements. Mr. Spraker there have been changes in state laws that need to be updated. He added that the Master Plans have been updated as well with the Downtown, impact fees, Parks & Recreation and Stormwater and how it is good to incorporate aspects of those Master Plans into the Comprehensive Plan. It gives a chance to identify major issues with current and future growth and development, and a chance to see what policies have been accomplished and which ones have not and if they are still valid.

Mr. Spraker reviewed the draft schedule that was included in the Board packet. The goal is to provide the Board with a couple or more of the elements of the Comprehensive Plan every meeting. He continued that the intention is to have a public meeting in late October or early November 2023 to get input on the general planning issues and decision points for the City Commission. Mr. Spraker stated that the Planning Board is the local planning agency designated by the State. Recommendations will be shared from Staff in a chart as far as if it should be modified, kept, deleted, or no change needed. February 29, 2024 was planned for a lunch-meeting format to review the Utilities and Transportation elements. Mr. Spraker advised the Board that all planning for the EAR is on a city webpage: <https://www.ormondbeach.org/1041/Comprehensive-Plan-EAR>. If Board members are interested in the full Comprehensive Plan, it was directed to e-mail Mr. Spraker or Ms. Miller.

X. MEMBER COMMENTS

Mr. Jorczak expressed that he had an opportunity to attend the Citizens for Ormond Beach meeting this week and commended Mr. Shawn Finley's presentation on the water management issues in the City. Mr. Jorczak recommends that the presentation would be of great benefit for the rest of the members of the Planning Board and citizens as it shows where we are in respect to the flooding issues and the movement of water and the City's efforts to deal with it, and give a better understanding of the scope of the problem. He stated that it will make everyone more aware of the issue. Mr. Jorczak commented on the staggering budget numbers for the City to address the ongoing issues with old piping and undersized piping, and the capital expenses that are going to be required. The City is making commitment as they can within the capital budgets as they can to address the issues. Mr. Jorczak suggested broader advertising of a meeting for this to make others aware, including residents, to make everyone aware on a long-term basis.

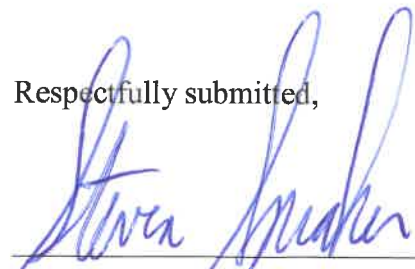
Ms. Shull asked who takes care of the sidewalks on Granada Boulevard/State Road 40 and Clyde Morris Boulevard, specifically the sidewalk in front of Houligan's Restaurant. Mr. Spraker replied that Granada Boulevard is a State Road and Clyde Morris Boulevard is a County Road. Ms. Shull stated that the sidewalk is tore up there and not safe. Mr. Spraker suggested reaching out to the Volusia County Engineering Department.

Mr. Jorczak asked about the first item housing development and their septic systems, and if they are capable of sustaining a septic system, and if there are problems with the leach fields and hydraulics. Mr. Spraker answered that in the site plan in the Board packet, there was a sample layout of the proposed single-family house layouts. It also specified where the separation is between the wetlands and the septic systems and floodplains, as part of the subdivision design.

XI. ADJOURNMENT

The meeting was adjourned at 6:40 p.m.

Respectfully submitted,



Steven Spraker, Planning Director

ATTEST:



Angie Shull, Vice Chair

Minutes transcribed by Marcella Miller.