

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

November 12, 2009

7:00 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

John Adams
Patricia Behnke
Al Jorczak
Patrick Opalewski

Staff Present

Randal Hayes, City Attorney
Ric Goss, AICP, Planning Director
Chris Jarrell, Recording Technician

Members Excused

Rita Press
Doug Thomas

Members Absent

Doug Wigley

II. INVOCATION

Mrs. Behnke led the invocation.

III. PLEDGE OF ALLEGIANCE

IV. NOTICE REGARDING ADJOURNMENT

NEW ITEMS WILL NOT BE HEARD BY THE PLANNING BOARD AFTER 10:00 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).

V. PLANNING DIRECTOR'S REPORT

Mr. Goss postponed his comments to the public hearing discussions.

VI. APPROVAL OF THE MINUTES

The minutes of the September 10, 2009 Planning Board meeting were unanimously approved as presented.

VII. PUBLIC HEARINGS

A. LUPA 09-40: 1st Cycle 2010 Comprehensive Plan EAR-Based Amendments

Mr. Goss recalled that all the Elements included in the package before the Board had previously been reviewed by them. He said that many of the energy policy changes found in the Future Land Use, Conservation, Housing and Transportation Elements related to House Bill 697, and addressed the idea that the city needed to look at ways of reducing greenhouse gas emissions, as well as at better land use policies. He said that he did not know whether those policies would be sufficient for DCA approval, since the Department of Community Affairs had not provided much guidance.

Mr. Goss advised that the amendments also proposed changes to the Capital Improvements Element (CIE) based upon the levels of service (LOS) for recreation open space. He reported that the Leisure Services Board had reviewed the changes at their meeting the night before and had expressed no concerns. He said that based on direction from the City Commission, and in trying to prepare for the anticipated mandates of Amendment 4, staff proposed to eliminate five of the more detailed recreation level of service standards, leaving only two LOS standards in the comprehensive plan. He said that the first dealt with the amount of [recreation] land per thousand residents and the second dealt with the implementation of a capital facilities development fee, which would either be assessed against the developer or generated by an impact fee assessed against the building. He pointed out that an impact fee currently existed, but noted that staff wanted the option of either; he also noted that neither how-to method would be included in the comprehensive plan.

Mr. Goss referenced the memorandum regarding the Transportation Element that had been sent to the Board prior to the meeting, and said that at the time it was sent, staff believed that they would be going before City Commission at their December 1st meeting to request a policy direction as to whether or not Ormond Crossings would be added to the comp plan as a Transportation Concurrency Exception Area (TCEA). He said that subsequent to the memo being sent, however, staff had met with Tomoka Holdings representatives and that everyone had agreed not to do so. He said that staff was now hoping to move the Transportation Element forward with the other amendments as originally anticipated.

Mr. Goss said that he was also requesting changes to the Transportation Element for both clarification and also to correct typographical errors:

- General Statement on Page 1, ¶2: substitute “*SR 40 from AIA to Williamson Boulevard*” for “*SR 40 from AIA to I95*”. He said that the change was needed, since I-95 did not intersect with SR 40.
- General Statement on Page 1, ¶2: add “*or as otherwise provided in the comprehensive plan.*” following the above change, to allow the possibility of future transportation concurrency exceptions areas, should the city commission decide to add one as part of the Ormond Crossings development.
- Page 7 in Policy 1.5.1.: substitute “*SR 40 from AIA to Williamson Boulevard*” for “*SR 40 from AIA to I95*”. He said that the change was needed, since I-95 did not intersect with SR 40.
- Page 8, under Policy 1.5.2.: substitute “*Objective 1.6*” for “*Objective 6.6*” (typo).

Mr. Jorczak acknowledged that staff had considered the possibility of potential impacts of the Hometown Democracy initiative and questioned the location in the proposed amendment of language designed to allowed more flexibility.

Mr. Goss stated that all of the Directive Text had been removed, as well as the wetland regulatory policies and floodplain language from the Conservation Element. He reiterated that five policies regarding recreation open space had been removed so that Parks and Recreation Director Robert Carolin could use the Recreation Master Plan as the management tool. He said it would allow Mr. Carolin to decide how he would accept land for dedication, for what it would be developed and how it would meet the levels of service. He said that level of detail should not be in the comp plan.

Mr. Goss confirmed for Mr. Jorczak that staff had generalized the Comp Plan as much as possible to prepare for the possible passage of the Hometown Democracy legislation. He assured the Board that the policies that had been added were included as a way to strengthen what the city was doing with regard to the Economic Development Strategic Plan. He reminded the Board that a couple of land use designations (Heavy Industrial and Residential/Office Retail) had also been added as preparation in 1) accommodating a number of properties along Hull Road that would be annexed in from the County that’s in the County and, 2) allowing mixed uses up to ten acres without having to go through major comprehensive plan amendments. He advised that staff had attempted to prepare as much as possible for Hometown Democracy legislation, but without sacrificing community values.

Mr. Goss explained that all the data and analysis was presented in the Evaluation and Appraisal Report and he therefore did not think there would be any issues with DCA in that regard; any potential issues would instead be with the Transportation Element as it related to SB 360 (TCEA’s – the Transportation Concurrency Exception Areas), i.e., what the city intended with the transit corridors and concurrency enforcement methods. He speculated that the responses from DCA and FDOT would address TCEA implementation and that the disagreement would be in detailing the implementation in the comp plan, which he advised against.

Mr. Jorczak questioned why Ormond Crossings would not have opted for a TCEA.

Mr. Goss said he did not want Ormond Crossings included in EAR-Based amendment before the Board. He said that the TCEA's for the corridors were carefully crafted, based upon the fact that the city did not want to widen constrained roadways SR A1A, SR 40 or US 1. He said that the core transit routes through those areas (Votran Routes 1 & 3) would never disappear and that an existing Votran study indicated they wanted to improve frequency, headways and add a hub near Williamson Boulevard. Therefore, he said, there was a transit plan to implement and that the city could get the transit fee from development along the corridors and could improve levels of service by reducing traffic and pushing multi-modal transit. He explained that the reason staff did not want it included in the city's comp plan amendments was because Ormond Crossings was in the middle of vacant land and did not fit into the city's transportation concurrency area.

Mr. Goss said that Ormond Crossings would instead be in the remedial amendments as part of their development order forwarded to DCA. He said that they would include the TCEA, based upon all the planned mitigation projects (road enhancements, transit improvements, transit design improvements, etc.) and would be separate. He added that the amendments before the Board would not be approved until July 2010, whereas theirs would be acted upon by DCA much earlier. He said those remedial amendments would automatically go into the comp plan when the city's plan was approved, and pointed out that it was better to keep them separate because it kept things clean. He explained that although staff knew the basis for their amendments, they did not have the knowledge of the data and analysis that Ormond Crossings would use as support for a TCEA and how much of the impact would be mitigated by all their strategies.

Mrs. Behnke inquired if all the regulations taken from the comprehensive plan would be included in the comprehensive plan or if some would be simply disappear.

Mr. Goss replied that the Directive Text would disappear, adding that the wetland regulations currently being written would be based upon the regulatory requirements of the St. Johns River Water Management District, as well as those of Volusia County. He said that the floodplain language was being revised to allow for compensatory storage and would be included in the Land Development Code. He reiterated that staff had tried to remove regulatory text from the comp plan; it would be addressed in the LDC. He said that where the language was in both documents, it would be removed from the comprehensive plan. He agreed with Mrs. Behnke that it should not be so loose that there was no protection and recalled the spreadsheet analysis presented to the Board a year earlier, which showed those duplicates.

Mr. Opalewski asked if the County had their own environmental standards.

Mr. Goss confirmed that they did, noting that typically, the city would abide by St. John's regulations, but would adhere to Volusia County standards for buffers. He pointed out that the city had very stringent regulations along the Tomoka River and along Dawson's Creek and said they would not change. He said that staff wanted the allowed mitigation to occur within the same basin, or at least in the same shed.

Mr. Opalewski made a motion to accept LUPA 09-40, as presented by city staff. Mr. Jorczak seconded the motion. The vote was unanimous to accept.

B. LDC 09-39: Land Development Code Amendment – Chapter 1, Article III, Transient Lodging

Mr. Goss explained that the amendment before the Board was a change in the definition of Transient Lodging, to substitute the current reference to the State statute with language explaining that statute. He said that the city attorney recommended that the language simply state that the time threshold for transient lodging is six months or less. He said that the statute also mandated that properties (other than transient lodging) could not be rented more than three times in any six-month period.

Mr. Goss responded to Mr. Adams that the amendments were all related to neighborhood stabilization and said that there had been a number of issues that had precipitated the amendments, including too many cars being parked on unimproved yards, too many unrelated people occupying a house and renters in residential areas who seemed to be coming and going. He said that it had been recommended that staff put into place regulations drafted by the Legal Department and noted that the deputy city attorney had suggested that the definition of transient lodging be strengthened. He said Legal also recommended that the regulation regarding unrelated occupants remain the same, since it met current State and Federal law and did not create any fair housing issues.

Mr. Jorczak made a motion to accept LDC 09-32.

Mrs. Behnke seconded the motion, which was approved by unanimous vote (4-0).

Chair Adams declared the public hearing closed.

VIII. OTHER BUSINESS/INFORMATIONAL ITEMS

There was no other business to be discussed.

IX. MEMBER COMMENTS

Mrs. Behnke advised that she would not be able to attend the December meeting of the Planning Board. She wished everyone a happy holiday season.

X. ADJOURNMENT

The meeting was adjourned 7:40 p.m.

Respectfully submitted,

Ric Goss, AICP, Planning Director

ATTEST:

John Adams, Interim Chair

Minutes transcribed by Betty Ruger