

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

April 9, 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
Pat Behnke
Al Jorczak
Rita Press

Staff Present

Lauren Kornel, AICP, Senior Planner
Randy Hayes, City Attorney
Steven Spraker, Senior Planner
Christine Jarrell, Recording Technician

Members Absent

Patrick Opalewski
Doug Thomas
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. APPROVAL OF MINUTES

Mr. Jorzczak noted a typographical error on Page 8 of the February 18, 2009 Planning Board minutes; Stanford, Connecticut had been spelled incorrectly. The minutes were approved, as amended.

Mr. Jorzczak moved to approve the minutes of the March 12, 2009 Planning Board meeting. The motion was seconded by Mr. Adams and also approved by unanimous vote.

VI. PUBLIC HEARINGS

A. **PBD 09-04: Planned Business Development Amendment -The Courtyards at Ormond Beach**

Mr. Spraker said this was a request for a planned business and residential use on the east side of North US1 between Highland and Dix Avenues. He said that the proposed 20,000 square feet of commercial space would be located along the US 1 frontage, with 16 rental townhomes in the rear. He recalled that the property had gone through two previous iterations: one in 2003, for 30,000 square feet of retail and 17 residential units, and then again in 2005 for 14,000 square feet of office and retail with 52 residential units. The 2005 version included a five-story building in the front, with two-story residential uses in back.

Mr. Spraker referenced the site plan exhibits provided, which showed that the developer planned to accomplish the project in phases. As part of site improvements, a stormwater pond was planned during the first phase to address initial concerns with drainage in the area and existing flows from surrounding properties. Mr. Spraker said it was not yet known what type of retail would be in the commercial section, which was planned for the second phase (to be accomplished within three years) and that the final phase would be the construction of the townhomes. The applicant was requesting a five-year expiration date for the final phase. Stating that the site had been designed to have the same architectural features throughout, Mr. Spraker said the applicant planned to use monument signs and put in buffers that exceeded the City's standards.

As part of the site development, the applicant held a neighborhood meeting in September, 2008. Mr. Spraker said some residents had expressed concern with the hours during which delivery trucks would be allowed to load and unload. The applicant had agreed to limit loading hours for those trucks so there would not be any negative impact on the neighborhood.

Mr. Spraker said that the applicant was requesting flexibility on the 50-foot setback required between single-family and multi-family uses, since the rear of the multi-family buildings would back up to the single-family dwellings. He explained that although the setback could be met, it

would result in the parking for the multi-family buildings facing the back of the single-family homes; therefore, staff felt that the proposed design would have less impact on the existing single-family homes.

Mr. Spraker advised that the architectural style was to be Florida Cracker and stated that the proposed plan exceeded all the design requirements. He said that the Dollar General store would face the interior of the site and that the applicant would like the signage facing the interior of the parking lot rather than Dix Avenue.

Mr. Spraker said that staff recommended approval subject to the conditions outlined in the staff report.

Mr. Jorczak observed that aerial appeared to indicate a significant amount of vegetation and trees at the back of the neighboring homes. Mr. Spraker agreed, adding that the applicant was doing a good job of saving a number of trees, but pointed out that they would be clearing parts of the property in order to install the necessary pipes, etc. He said that some existing trees would remain, but that additional trees and vegetation would be planted; a fence was also planned.

Ms. Behnke asked for a clarification of the language on Page 9, Item 4. Mr. Spraker said the double negative was an error and confirmed that it should be rewritten.

Mr. Don Wallace of D'Argent Properties, Clearwater, said he had gotten a lot of input from the neighborhood meeting and had substantially updated the plan in response, including bike paths/sidewalks, etc., to make the development more user-friendly. He said opening the Dollar General would help control prices in the area by offering competition and stated that the Dollar General Company made it a point to contribute to the areas in which they were located, specifically through a literacy program they offered through area schools. Mr. Wallace said that he had been building retail centers such as this throughout the United States and stated that it was a proven fact that their presence and convenience to the neighborhoods helped to increase the property values when they were well done.

Mrs. Press opened the floor to public comment.

Mr. Roy Saunders, 145 Highland Avenue, said he had not attended the September meeting. He voiced concern that the retention pond, to be located in back of his property, would lower his property value. He was also concerned with the safety for children and pets, the maintenance of the pond, and the aesthetics of the landscaping. He questioned why such a pond was needed, since believed the area drained into the river during storms.

Mr. Spraker responded that there would be a landscape buffer and a fence around the retention pond, which would include a fountain, and added that in similar projects, neighbors had viewed such ponds as an amenity, similar to that of waterfront property. He assured Mr. Saunders that maintenance standards were included in the plan, backed up by code enforcement. He explained that the pond slope was specifically designed for safety and that stormwater management was a primary part of the application. He further explained that a standing mandate to staff was that historic flow from other properties must not be stopped and said that the applicant had done a

good job of addressing that requirement. Mrs. Press added that the fountain would prohibit the pond from becoming stagnant and agreed that it was a good thing to have.

In response to Mr. Jorczak's inquiry regarding the pond depth, Mr. Daniel Johns, the project engineer, 3869 S. Nova, said there would be a gentle slope at first that would drop off near the center. The pond would be 8'-10' when full but would usually be around 3'-4' deep. He said that because this site was one of the last undeveloped properties in the area, considerable drainage flowed onto the property from those that surrounded it. He explained that State law and City regulations both mandated that the amount of water discharged from the site, once developed, could not exceed the amount currently discharging from the site. And, he pointed out that although the current water discharge from the site was untreated, the post-development water discharge would be treated before going into the river.

Ms. Joan Counts, 153 Highland Avenue, said she lived behind the site and acknowledged that it did get rather wet. She said she had called the City before about drainage problems on the street, with standing water after a rain. She pointed out that traffic in the area and on Highland Avenue had already been made worse because of the redesign of North Yonge Street and said that she had also called several times because of safety concerns for the children in the area. She stated that she was opposed to the proposed development.

Mr. Spraker confirmed for Mrs. Press that a sign could be erected to alert drivers to the presence of the children in the area and agreed with Ms. Counts that the redesign of US 1 had had an impact on neighborhood traffic. He assured Ms. Counts that the proposed development would not exceed the traffic levels of service that had been established.

Mrs. Press advised that the first reading of the item before the City Commission would be on May 19th, with the second reading on June 2nd.

Mr. Spraker confirmed for Mrs. Press that the sidewalks would be completed with each respective phase of the project.

Mrs. Press also asked why the residential units were being developed as rental units rather than condominiums. The developer replied that condominiums might be considered at a later date once the economy stabilized, but said that rentals were needed at present, with very little demand for single-family homes. Mrs. Press questioned whether or not garages would be required for reconsideration as condominiums, to which Mr. Spraker replied that garages were not required for multi-family units. He also responded to Mr. Jorczak that the developer was not yet at the point of estimating the price per unit. Mr. Adams noted that the townhomes were still five years from being constructed.

Mr. Adams made a motion to approve PBD 09-04. Ms. Behnke seconded the motion, which was passed by unanimous vote.

B. PBD 09-11: Planned Business Development Amendments - RaceTrac

Mr. Spraker stated that the item was an application for a PBD amendment for property on SR 40 at Interchange Boulevard. He recalled that last year the property had been approved for a gas station of 5,000 square feet with 24 gas pumps and 12 fueling stations, and said that the applicant had been approved for waivers, particularly for the size of the canopy. He stated that the applicant was now before the board to request new amendments because of changes in the economy.

Although the originally approved canopy was to have been Mediterranean in style, Mr. Spraker advised that staff was not opposed to the overall concept of the new style, since changes could be proposed as long as they were within the allowable styles. He noted, however, that staff did recommend that the downspouts and scuppers shown on the proposal be covered. He added that if the new building style was approved, the applicant wanted to change the canopy from the originally-approved barrel tile roof to one more in line with RaceTrac's standards, which include striping and signage. He informed the Board that staff would not support that type of request and explained that in accordance with the LDC architectural standards put in place in 2004, other gas stations had been required to take down striping and signage as they requested changes.

Mr. Spraker also pointed out that the new landscape plan proposed by the applicant would take away the fuller, larger oak trees and replace them with slash pines, and proposed to eliminate the wax/crape myrtles planned throughout the site. He said that the City's greenbelt standards required 44 tree credits within the front buffer; the current plan proposed 39. The plan originally approved was for 89 tree credits. He stated that at the very minimum, the applicant would have to provide 44 tree credits.

Mr. Spraker stated that Staff was concerned about the canopy. He said that the applicant could have opened up view corridors (keeping, but moving the landscaping), but that the solution proposed by staff had apparently not been acceptable to the applicant. Mr. Spraker summarized for the Board that the staff recommendation was for approval of the building design and denial of the other requests.

Mr. Michael Woods of Cobb & Cole, 351 E. New York Ave., Deland, stated that Todd Duplantis, RaceTrac's director of engineering and permitting for Florida, was also present. He said that RaceTrac management currently had concerns with developing the SR40 project, due to economic concerns and the drop in population in Florida, and more importantly with regard to identity and visibility issues. He said that Mr. Duplantis had been informed by the management that the project would be taken off of their action list if those concerns could not be addressed. Mr. Woods pointed out that RaceTrac had been in development review with the City since 1999. He said that approval to move forward had been given prior to the current canopy standards being instituted by the City, but had not done so. Mr. Woods acknowledged that to have been a mistake on the part of RaceTrac, but said that they believed the City's policies were not evenly applied. He added that prohibitions focused on architectural design resulted in the nature of the business being hidden and in the case of the subject, a fueling station located 750 feet from the interstate.

Mr. Woods explained that the City's Code policies did not limit canopy size, but rather set the size of the canopy as a ratio to the size of the main building, which meant that with a larger building, RaceTrac could have a larger canopy. He said that he viewed that regulation as a mechanical inconsistency in the code with unintended consequences, and said that there was no reason to build a larger building. He assured the board that no one wanted the canopy to stick out, but pointed out that RaceTrac had concerns about visibility and corporate signage, particularly given the location next to the interstate and the poor visibility in that area. He said that their customers needed to be able to recognize the station as a RaceTrac and noted that similar stations nearby had been allowed to use their corporate signage. He stressed that it was a problem if a business could not be recognized.

Regarding the landscaping, Mr. Woods stated that the original plans looked great, but hid the structure. He reiterated that RaceTrac was dependent upon visibility and stated that the necessary visibility could not be achieved if they met the current greenbelt corridor standards. He said that given that restricted visibility by City's standards and the difficult economic conditions, RaceTrac management had become concerned about the ability to do business at that site. He pointed out for the Board members that RaceTrac hired only full-time employees with full benefits and that the proposed development could be expected to provide 15-20 people with good jobs. He stated that without the requested relief, the company would be forced to abandon the project. He added that the corporation respected the City's decisions, but asked that the Planning Board recommend approval of RaceTrac's requests.

In response to Mr. Jorczak's inquiry, Mr. Woods stated that the issue was not cost of construction, but rather concern about the long term viability of property without visibility and corporate signage. He thought the new store would be a beneficial business addition to Ormond Beach (rather than Daytona) and mentioned that he was aware of other business owners who had been unsuccessful in their attempts to get better signage on the interstate.

Ms. Angela Payne-Hellenic of Creative Hotel Association, which managed and operated Hampton Inn, 155 Interchange Blvd., said that they were located across from the RaceTrac site and said that her hotel had been on the Department of Transportation's waiting list for signage for ten years. She said that they had fought to get signage on the interstate, only to be told that there was not enough room to propose sites for signs for hotels, and the sign for gasoline she thought was full. In response to Mr. Jorczak, she said that their billboard advertising had become cost prohibitive; the cost was approximately \$70,000 per year. Ms. Payne-Hellenic explained that when the interstate was elevation, the hotel had lost its monopoly signage and, thus, considerable business. She said that cutting back all the trees had increased walk-ins, but that business was not what it should be; 50% of her business was from Interstate 95 and that due to the visibility issue, people were passing by the area and going to Daytona Beach and Palm Coast. Ms. Payne-Hellenic believed that the RaceTrac could impact her hotel substantially by increasing walk-in traffic. She urged the Board to do everything possible to work with RaceTrac and help to open the new station. She also informed the Board of a problem with vagrants on the undeveloped lot and said the property needed to be developed.

Christine Jarrell, 421 Division Avenue, stated that she traveled a lot in the area where the interchange was located, as well as around Jupiter and other Florida cities. She said Jupiter's codes were similar to Ormond Beach's and she had many times passed by restaurants and gas

stations in Jupiter when she was looking for a place to stop, because she could not see them through the landscaping until after it was too late to turn. She acknowledged that it looked beautiful and said she was sure the people who lived there appreciated it, but said she had noticed that it was hard to see the businesses. Ms. Jarrell added that she thought the area could use a good gas station, as she found both the Hess station and the 7-11 at Tymber Creek Road and SR 40 difficult to access. She said she thought the station would be an asset to Ormond Beach.

Mr. Jorczak stated that the canopy looked much better in the original design than what was now proposed. He verified with Mr. Woods that both the planned landscaping cuts and the corporate canopy design must be met in order for the project to go through. Mr. Todd Duplantis added that RaceTrac had 300-400 stores across the country and, just like Chick-Fil-A or McDonald's, had corporate standards to which to adhere. He said RaceTrac wanted to be recognized by people as they drove along the interstate, since people would choose RaceTrac over other stores with the idea that the station would be the least expensive and would have the cleanest bathrooms. He said that such name recognition during these difficult economic times was extremely important. Mr. Duplantis said that he, personally, had been involved with the project for ten years, and that one week earlier, he had been instructed by the CEO and president of RaceTrac to sell the property; the company no longer wanted to pay taxes on a piece of property that could not be developed to RaceTrac's standards. He said that he had been able to convince them to let him try to make the project work, since he had been involved with it from its inception and it was important to him to see it through. What was being offered now was something that could have been built five years ago and that it was a shame that RaceTrac had not gone through with the project then; however, he felt it would still be a great product and would benefit to the community.

Ms. Behnke pointed out that the interchange was the same at present as it had been when the plans were submitted and approved in 2008, and commented that she did not like the either/or scenario presented to the Board. She conceded that reduced foliage could make the canopy more visible, but said she traveled that corridor very frequently and had never had a problem with accessing the 7-11 or the Hess stations. She also stated that as hard as jobs were to come by, fifteen jobs were not enough for her to abandon the City's codes, which she noted had not been put in place capriciously.

Ms. Behnke said she had loved the original concept proposed by RaceTrac, which she thought to be beautiful. She pointed out that other stations, some of which might have had striping, were deteriorating and would not be able to utilize that same look when they redeveloped, unless the City abandoned its Codes with the current RaceTrac request. She said she could support the reduced landscaping as it would allow more visibility, but could not go along with the corporate signage and striping.

Mr. Duplantis reiterated that they would be providing 15-20 full-time positions with full medical and dental benefits, and 401K, and that the average sales tax revenue of existing stores across the state was half a million dollars or more. He added that RaceTrac was a neighborhood company that was involved with its communities, since those were the people who supported the business. In response to Ms. Behnke, he said that the RaceTrac on US 1 and I-95 had approximately 20 positions; he said that he would get the store's statistics on what that store contributed to the tax

base. He also advised that corporate members from Atlanta had previously visited local chambers of commerce to determine what was needed by those communities supporting RaceTrac. Ms. Behnke again responded that she would like to see the RaceTrac built since she thought it would be a benefit to the community, but that she could not support the striping. She noted that she would go along with reduced vegetation.

Mr. Adams said he would love to see the project move forward and that he agreed with some of the statements made earlier regarding the need for newer facilities in that area. At the same time, he wondered why the applicants had moved forward only a year ago with a project that they would not do today. He acknowledged that the economy had changed, but he did not see that the added visibility would be enough to make or break the deal. Although he felt that the applicant kept asking for more and more flexibility from the City, he also thought the project would be great and hoped they could find a way to make it work, even if an agreement could not be reached at the meeting.

Mrs. Press agreed that RaceTrac and the Board were close and that it seemed ridiculous to have a project fail with such a slight difference. She, too, remarked that she loved the project as it had been approved and up to City standards and said that she felt it would be good for Ormond Beach. She pointed out that the City had approved a canopy 81% larger than allowed by Code; therefore, it was not as if the City was unwilling to work with the applicant. She said that the City had made it clear by permitting the changes requested a year ago that it supported the project and wanted it in Ormond Beach. She said that it was right off the interstate and would be easily seen by anyone with the 16-foot canopy that had already been approved by the City, and that everyone would know it was RaceTrac.

Mrs. Press said she supported putting the RaceTrac look on a monument sign, but did not think it was necessary to place the logo on every pump. She suggested that RaceTrac could go back to the drawing board and come back with something more palatable to the City. She felt that Ormond Beach wanted and deserved high standards and that RaceTrac could produce high standards, but said she could not support what was being requested by RaceTrac.

Mr. Jorczak moved to adopt staff recommendations with respect to the project. Ms. Behnke seconded the motion. Mr. Spraker restated the recommendations: to approve the building elevations submitted (after reworking the rear elevation to hide downspouts and scuppers), to deny the proposed canopy, signage on the canopy, and striping; and to deny the proposed landscape plan.

All were in favor of adopting the recommendations except for Mr. Adams, who voted against the motion.

C. LDC 08-55: Land Development Code Amendments: A-frame Signage

Mr. Spraker stated that this was a request from Ormond Beach MainStreet to modify the Land Development Code to allow A-frame signage on businesses throughout Ormond. He said there had been some discussion at the City Commission and that the planning director had been asked to come up with a draft ordinance to establish standards and to allow a sunset date, which had

been left blank. The date could be set for any period of time the Board wished or sent back to the City Commission to set if that was the Board's preference.

In response to Mr. Adams, Mr. Spraker said similar signs could be seen in downtown DeLand and that the signs were designated according to allowable square footage rather than height, which automatically limited them to a certain size. Mr. Jorczak asked if there was any concern about damage caused by the signs being blown by strong winds and the potential for lawsuits against the City. Mr. Spraker said that if a sign was deemed unsafe, then action would be taken to remedy the situation, but that signs could not be made resistant to high winds. He said Mr. Goss had researched policies in other communities to come up with the recommended ordinances.

City Attorney Hayes addressed Mr. Jorczak's concerns, stating that if a sign was on private property, the City could not be sued, though if it was on public property and placed in a manner that made it unsafe for pedestrians, that could be another matter. He said he thought the idea was to have the tenant or property owner submit a paper indemnifying the City. He noted, however, that anything on public property opened the City up for possible liability. Mr. Jorczak said he would like to see standards for sturdier signs to shield the City, at least to some extent. Mr. Spraker said it was also possible to forbid the signs within the public right-of-way, which, Mr. Hayes said, would be best from his perspective as an attorney. Mr. Jorczak said he was in favor of trying to do something that would help small businesses, but wanted to tighten the specifications a little. Mr. Spraker offered the idea of having to submit a sign packet for the City to review. Mr. Jorczak approved of the idea.

Mr. Adams congratulated the Planning Department on the fast response to the plea from businesses in town. He felt that this was something that was really needed in the downtown district, given the current economic conditions. He said he had seen similar signs in DeLand and had noticed that they had an impact on his decisions about which businesses to enter, so he felt the signs would be helpful to the local businesses. As for the right-of-way issue, he said he did not see the point in passing any ordinance at all if the signs would not be permitted to reach into the right-of-way. He pointed out that A-frame signs were generally considered sidewalk signs. He also thought the signs should be made available to businesses along both East and West Granada. Mr. Adams did have an issue with the \$50 first time fee, which he considered it high. He observed that the fee was higher than other similar fees in the City and asked if he could make a motion to reduce the fee. Mr. Spraker said the fee had been set, based on the amount of work and staff time involved for the Building Department, but that reducing the fee was certainly within the Board's realm.

Ms. Behnke said she was in favor of the signs and that she had often seen them weighed down with sandbags on windy days. She said her concern was the ability to enforce the restrictions as there were only two people in code enforcement [the Neighborhood Improvement Division]. She said that in a two-hour tour of local businesses she took with another person, she found 28 violations. Mr. Spraker said it would be easy to identify what was permitted and what was not using the policies proposed. Further, he said the sunset date was the hammer. It was in businesses' best interest to follow the codes, otherwise the City was likely to take away the option if there were too many transgressions. Ms. Behnke approved of the sunset date. She said

she did not think the signs would be attractive, but she supported the idea if the situation could be well monitored.

Stating that she would like to go on record in support of the option (she had been a small business person and worked with small businesses), Mrs. Press said that because the business owners thought it was going to help, she was willing to give the idea a try. However, she recommended a sunset of six (6) months from adoption of the policy. She said she knew people would complain that those who only wintered in the area would not be back until November, but that was her stance: six months to see how the policy worked. She felt there would be problems with the policy, but for the small business owner who thought the signs would make a difference, she was willing to give it a try. She opened the meeting for public comment.

Mr. Barry Bayer from Tradewinds Grill, 1425 Hand Avenue, said he was that small business person who was hurting and, just like the people from the gasoline company, he was looking for visibility. Stating that he did not fully understand what would be allowed with the A-frame signs, he asked to show some pictures of his small local business that would demonstrate his visibility problem. As he passed around the pictures, Ms. Behnke said she had been to the site and had been able to see it very clearly from the road. Mr. Bayer said he did not have the luxury of having sidewalks there and asked to be allowed to put an A-frame sign on the property in the driveway area during mealtime hours showing the daily special. He said allowing some restaurants to use the signs, but not others, would not be fair. Ms. Behnke reiterated that she'd had no difficulty seeing his restaurant and said that his situation was the same as all the businesses in Ormond Plaza. Were they all to put out signs, there would be a minimum of twenty signs on the street. Mr. Bayer said they were allowed to disagree, but noted that she had been looking for the building. He said he had tried 100 percent to live by the City's codes and was just trying to survive. If his competitors were allowed to put out signs, he said, they were being given the advantage. Ms. Behnke suggested having the trees trimmed, to which Mr. Bayer replied that the telephone pole was a big issue, but he had spoken with the landlord, who had told him he would not trim the trees as he liked them there.

In response to Mrs. Press's request for a motion, Ms. Behnke moved to accept the proposed policy as presented by staff for a time period of six months from passage by the City Commission. Mr. Adams asked if Ms. Behnke would be amenable to adjusting the application processing fee to \$20. Ms. Behnke said she would and Mr. Adams offered a second for the motion. Mr. Adams, Mr. Jorczak, and Ms. Behnke voted in favor. Mrs. Press voted against the motion as she thought all small businesses should have the opportunity to use the signs, as had been requested by Mr. Bayer. Mrs. Press said the item would go before the City Commission for the first reading on April 21st.

VII. DISCUSSION ITEM

A. E.A.R. Amendments: Utilities Element

Ms. Kornel presented a discussion item related to a memorandum she wrote at the beginning of April on the EAR amendments. Regarding tonight's discussion on the Utilities Element, Ms. Kornel said the amendments consisted of changes to utilities consistent with levels of service and

with capital improvements policies. She said the Water Supply Plan amendments were separate and had already been completed, so were not included with the EAR amendments. She indicated that a detailed list of the policy changes could be found on Page 2. Stating that no vote was needed on the item, she asked if there were any questions.

Mr. Jorczak asked about the equipment to be used for the leak detection system, whether there were many leakage problems with the existing system, and whether the detection system was mandated by the State or by Ormond's own policies. Ms. Kornel said she would check into it and respond to him via e-mail.

VIII. MEMBER COMMENTS

Mr. Jorczak said he thought the night's discussions were very apropos with respect to the City's standards. He said he would have liked to have seen the RaceTrac operation go through and that he hoped it would in the future, but he did not see the need to compromise the City's standards significantly to make that happen. Whether the project went forward or not, he said, the site was a valuable piece of property on an interstate interchange and such properties were in demand. Ms. Behnke said Mr. Jorczak had put it very well and she could not have said it better. She felt that more and more people were trying to get around the City's standards, but she felt it was important to stick with them. Though money was also important, it was not more important than quality of life and she felt businesses would be glad to be in Ormond Beach. Mr. Adams said he thought there had been good discussions and that he appreciated everyone's time.

Mrs. Press recalled her first discussion ever as Chair of the Planning Board had been about a development on Airport Road and everyone had been totally against it. The Board members had not asked any questions but had gone right into why they were against the project. The attorney representing the project had become quite upset and said the board was operating as a quasi public entity. She said that event was what had led her to recommend that the Board members ask questions first and then give their comments after all of the information had been discussed. City Attorney Hayes commended her decision, stating that it was always better to listen first and ask questions in order to allow a full discussion.

IX. ADJOURNMENT

Mrs. Press thanked the board members for their time and adjourned the meeting at 9:09 p.m.

Respectfully submitted,

Ric Goss, AICP, Planning Director

ATTEST:

Mrs. Rita Press, Chair

Minutes transcribed by Shannon McLeish.