

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

March 13, 2014

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

Pat Behnke
Harold Briley
Rita Press
Al Jorczak
Doug Wigley
Lewis Heaster
Doug Thomas

Staff Present

Becky Weedo, Senior Planner
Randy Hayes, City Attorney
Cindy Berglund, Permit Manager

II. INVOCATION

Doug Wigley 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. MINUTES

February 13, 2014

Mr. Briley moved to approve the February 13, 2014 Minutes. Ms. Press seconded the motion. Vote was called, and the motion unanimously approved.

VI. PLANNING DIRECTOR'S REPORT

Ms. Becky Weedo, Senior Planner provided the Planning Director's Report for Ric Goss, who was not able to attend the meeting. Ms. Weedo reminded the Planning Board Members that there will be a sound test at Riptides on March 25, 2014 at 6:15 pm. Subsequently, the Special Exception request for outdoor entertainment will go before the Planning Board on April 10th.

Also, Ms. Weedo introduced Ms. Cindy Berglund as the Permit Manager standing in for Ms. Meggan Znorowski, who recently left the City. Ms. Weedo announced that the position has been filled and the new employee will probably be in attendance at next month's meeting.

VII. PUBLIC HEARINGS

A. SE 14-050: 1626 North US Highway 1, Dairy Queen: Special Exception for Outdoor Activity

Ms. Weedo stated this is a request for a Special Exception to allow outdoor activity to include itinerant vending during special events at the Dairy Queen located at 1626 North US Highway 1. The applicant and owner is Jon Welsh who was not in attendance. Ms. Weedo explained the location, orientation, and characteristics of the property, and presented the staff report. Ms. Weedo stated staff is recommending approval of the application.

Chairman Thomas asked if there were any questions from the board members.

Mr. Briley asked if the administrative approval for itinerant vending will be an amendment to the Land Development Code once the Interlocal Agreement is approved.

Ms. Weedo responded "yes". City Attorney Hayes explained that the administrative approval for itinerant vending is only for the businesses in the Interlocal Service Boundary Agreement planning boundary. Those properties that currently engage in itinerant vending activities will be identified. The Land Development Code will need to be amended to memorialize the Itinerant Merchant License (IML) agreement language which would permit administrative approval of outdoor activities specifically in the North US Highway 1 planning area, and terminate all previously approved Outdoor Activity Special Exceptions so there is no conflict with the current Land Development Code. The work on the Interlocal Service Boundary Agreement is ongoing.

Mr. Briley also inquired about the inclusion of the race week special events. He was wondering if the special exception for Kickstart Saloon included race week special events.

Ms. Weedo verified that the special exception for Kickstart Saloon only included the bike week special events. Kickstart Saloon was also allowed to have outdoor entertainment which Dairy Queen will not have.

Mr. Briley also asked if RiverGrille Restaurant received a special exception for the outdoor entertainment. Ms. Weedo responded “yes”.

Ms. Press asked if there is a flat fee for the vendor permits.

Ms. Weedo responded “yes” and deferred to Cindy Berglund, Permit Manager, who explained that the host merchant is not charged additional fees since they already paid for the special exception (\$1,650). Each itinerant vendor is charged a \$25 permit fee and a \$45 fire tent inspection fee, if applicable.

Mr. Jorzak asked if the number of special events that are being approved for this special exception, if it is the intent of the Interlocal Agreement to standardize so that anyone in the planning area that has a special exception will qualify for the same time periods.

City Attorney Hayes responded that the Interlocal Agreement for itinerant vending will only apply to businesses in the unincorporated areas in the North US 1 planning service boundary. Properties in the City are still required to meet City regulations. Once the agreement is approved, all outdoor activity for the North US 1 service boundary will go through administrative approval.

Ms. Behnke questioned if the names of the races change, would the special exception include language to address the change.

Ms. Weedo explained that the named race special events are established by the various Executive Committees and Daytona Beach Area Convention and Visitors Bureau. Mr. Hayes added it is properly defined for flexibility.

Ms. Behnke wanted to clarify that during the three days allowed for set up prior to an event and three days after an event, the vendors are not allowed to conduct business.

Ms. Weedo confirmed that the regulation on three days prior and three days after was only for set up, prep, and removal.

Ms. Behnke also asked if the Interlocal Agreement will require the itinerant businesses in the unincorporated area of the County on North US Highway 1 to comply with the City regulations. City Attorney Hayes responded “yes”.

Mr. Heaster asked for confirmation that the “bikini clad” bike wash activity will not be allowed.

Ms. Weedo responded that the activity will not be included in the Development Order.

Chairman Thomas asked if there was anyone in the audience that would like to address the Special Exception. No one in the audience came forward.

Ms. Behnke moved to approve SE 14-050 with the condition that the itinerant vending not include “bikini clad” bike wash activity. Mr. Briley seconded the motion. The motion carried unanimously (7-0).

B. LUPA 14-001: Chelsea Place Subdivision Future Land Use Amendment.

Ms. Weedo stated this is a City initiated request for a Future Land Use Map amendment pursuant to the Florida Expedited State Review Process for the Chelsea Place Subdivision

property. The request is to change the current Volusia County future land use designations from "Urban Low Intensity" and "Urban Medium Intensity" to City "Suburban Low Density Residential" as the result of annexation. Ms. Weedo explained the location, orientation, and characteristics of the property, and presented the staff report. Ms. Weedo stated staff is recommending approval of the application.

Mr. Briley wanted to confirm that the land use amendment request is taking the existing County designation to the applicable City designation and that more dwelling units were currently allowed in the County.

Ms. Weedo responded that the maximum density in the County is 825 dwelling units. With the City land use restriction of 4.93 dwelling units, the gross residential density shall remain the same. Further, the "Suburban Low Density Residential" land use designation requires a capacity analysis. Because the Chelsea Place Subdivision was previously approved by the county as a 250 lot subdivision, if any increases were requested, an amendment to the Planned Residential Development Order would be required and a capacity analysis would be required at that time. There will be no changes to what has previously been adopted by the County with the proposed City amendment.

Mr. Briley also wanted to dispel of the rumor that there was going to be a road that connected Chelsea Place to Spring Meadows subdivisions.

Ms. Weedo responded that there were no such plans. Also, that the Chelsea Place plat dedicated 53% of the land to common area which includes lakes, community center, conservation, and parks.

Chairman Thomas invited Mr. Dick Smith, Vice-President, ICI Development to come forward and speak

Mr. Smith, ICI Homes, Vice-President Development, 2379 Beville Road, explained that the plans are to continue with the theme of the homes in the Chelsea Place subdivision. They are very pleased to be in the City of Ormond Beach and proud of the development and very pleased with the Staff assistance with the transition. Chelsea Place has a very low density and dedicated conservation easements and expect to continue with the plans previously approved by the County.

Chairman Thomas asked if there were any Board Members that would like to ask Mr. Smith any questions. Hearing none, Chairman Thomas asked if there was anyone in the audience that would like to comment.

Mr. Michael Stipo, 38 Spring Meadows Drive wanted to know how close Chelsea Place homes are coming to Spring Meadows. Some of the residents are concerned.

Mr. Smith explained there were no lots adjacent to Spring Meadows. There are wetlands and conservation buffers in between.

Mr. Stipo said the residents do not have any problems with building homes just concerned how close and that wetlands would not be impacted.

Chairman Thomas said he believed there are statutes that prohibit new developments from impacting surrounding areas.

City attorney Hayes confirmed that wetland and stormwater issues are usually taken care of in the original development approval process which previously took place.

Mr. Smith explained that the development plans have already been approved by the County and will not change.

Mr. Dennis Wood, 55 Spring Meadows Drive, questioned how close the homes are coming and what type of homes are being built.

City Attorney Hayes recommended that the Spring Meadows residents go to the City of Ormond Beach Planning Department to get specific answers.

Ms. Weedo offered the concerned citizens to sign a sheet if they wanted more information or copies of the approved plans.

Chairman Thomas reinforced that Staff would answer any question and go out of their way to get the answers to any of their concerns.

Mr. James Hamlin, 53 Spring Meadows wanted to explain the issue by showing an aerial on the overhead screen.

Ms. Berglund explained that we did not have the equipment.

Mr. Hamlin was invited to come up to the dais to show the members the aerial.

Mr. Heaster wanted to explain to the Spring Meadows residents that the development is already approved as existing and that the Planning Board does not have any say over their concerns because the development plan approval is past tense. The City now is distinguishing its land use and zoning to be as comparable as it was when originally approved by the County. Nothing is going to change and will not affect Spring Meadows residents.

Chairman Thomas reiterated that the only change is that the City is going to reduce the density. It is not in the Chelsea Place developer's best interest to reduce the wetlands or conservation areas.

Ms. Behnke and Mr. Briley also confirmed that annexation has already occurred and now the Planning Board is reviewing the proposed Future Land Use and Zoning map amendments. No changes previously approved by the County will be made.

Lisa Hart, 5 Meadowfield Court, was interested in knowing where the houses in Chelsea Place are going to be built.

Mr. Smith showed Ms. Hart where the homes are going to be built and explained they are not going into the wetlands. Mr. Smith estimated that the distance is around 200 linear feet.

Chairman Thomas recommended that the residents contact Staff to get any additional information.

Ms. Lynn Stipo, 38 Spring Meadows Drive, Spring Meadows Homeowner's Association President wanted confirmation of the distance to the Spring Meadows entrance off of Hand Avenue. She also asked how the annexation process worked.

Ms. Weedo explained that Chelsea Place was required to sign an annexation agreement in order to receive City water and sewer services. Before annexation could occur, the property had to be contiguous and not create an enclave by coming into the City. It took several years to get to the point where Chelsea Place was able to be annexed.

Chairman Thomas expressed that it is positive to annex properties into the City not just because of the additional revenues but because the City has authority over development. He then asked if there were anymore comments.

Mr. Jorczak moved to approve LUPA-14-001 as submitted. Mr. Heaster seconded the motion. Vote was called, and the motion unanimously approved (7-0).

RZ 14-004: Chelsea Place Subdivision: Amendment to Official Zoning Map.

Ms. Weedo stated this is a city initiated request, as the result of an annexation, to amend the City's Official Zoning Map for 167.47 acres from the existing zoning designations of R-4 (Single-Family Residential) and R-2 (Single-Family Residential) to City of Ormond Beach PRD (Planned Residential Development) for the Chelsea Place Subdivision. Ms. Weedo explained the location, orientation, and characteristics of the property, and presented the staff report. Ms. Weedo stated staff is recommending approval of the application.

Mr. Briley said that he understands the development has already been approved but is not crazy about the 55' wide lots.

Ms. Weedo responded that if you look at the trends of the aging population, the demand is for larger homes and smaller lot area to maintain. This is probably a good trend from a planning perspective especially since Chelsea Place is still going to be low density.

Ms. Press reinforced that the market controls the type of development. She also stated that the Chelsea Place residents are going to be Spring Meadows allies. The proposed Future Land Use and Zoning map amendments are a formality.

Chairman Thomas asked if anyone in the audience would like to address this.

Nancy Riedel, 229 Chelsea Place Avenue, appreciated Mr. Briley's comment about the lot size. She explained that there was a notice regarding a change in the building coverage. She wanted to confirm that no other increases are going to be made.

Ms. Weedo explained that the building coverage including accessory structures was increased from 35% to 40% by Volusia County in November 2013 and a copy of the approval was an attachment in the Planning Board Staff Report.

Chairman Thomas wanted to clarify that when the City adopts the PRD zoning district, no other such changes will occur.

Ms. Weedo responded that the currently approved regulations would be adopted with no change.

Ms. Riedel was concerned about the large home model being placed on the small lots. She just wanted to be assured that the 40% coverage was the maximum.

Ms. Weedo confirmed that the 40% was the maximum to be adopted.

Mr. Briley moved to approve RZ-14-004 as submitted. Mr. Heaster seconded the motion. Vote was called, and the motion unanimously approved (7-0).

OTHER BUSINESS

None.

VIII. MEMBER COMMENTS

Mr. Jorczak commended Ms. Press on her efforts and the Citizens of Ormond Beach to identify “zombie”/foreclosed properties and try to help the City clean up those properties.

Mr. Briley thanked everyone for coming out tonight and hoped that some of the issues had been resolved. He made the observation that when the yellow signs go up, the calls really come in.

Ms. Press explained that research on the foreclosed properties is ongoing. She wanted to know if there is a way to address properties that have been boarded up continuously for years especially in the downtown area. She mentioned that a building on A1A and Granada Boulevard has been boarded since the 2004 hurricanes and appears to be used for storage. Can the Planning Board make a recommendation for the Downtown area regarding the permanently boarded structures to the City Commission and how so.

City Attorney Hayes explained that a Property Maintenance Code would address the issue. He had not heard about the boarded building being used for storage and said that the use and zoning would need to be looked at.

Ms. Press reiterated that she is primarily concerned with the permanently boarded buildings in the Downtown area and wondered if there was something that could be done.

City Attorney Hayes responded that ideally it should be part of a Property Maintenance regulation that the City does not have.

Ms. Press asked how the Planning Board can go about making a recommendation to the Commission.

City Attorney Hayes said that the Planning Board can certainly make a recommendation as an advisory board.

Chairman Thomas recommended that Ms. Press provide him with something in writing and he will take it before the City Commission.

Ms. Press specifically asked what the process is to bring an issue to the Commission.

City Attorney Hayes responded that an individual can bring an issue to the Commission but it probably would be better to invite a broader discussion by the Commission, the Planning Board should ask the Commission to look into it in order to gauge the interest at the Commission level.

Chairman Thomas asked if the Planning Board members could request Staff to provide information on the issue and then the Planning Board could make a recommendation to the Commission.

Mr. Heaster explained that he has been communicating with one of the Commissioners on the very same problem properties in the MainStreet area. There are going to be some changes with the grant program but maybe, if there are some funds left, they could be used as incentives to beautify some of these properties. For example, add a "Welcome to Ormond Beach" sign instead of the old Food Lion sign or painting a wall. Not really interested in more regulation.

Ms. Weedo responded that she would research if there are any existing Codes that address permanently boarded buildings in the Downtown area and provide any additional information.

Chairman Thomas thanked everyone for their indulgence tonight. He believes that if someone shows up, the best way to stop a potential problem is to keep people from walking out thinking that they are nonresponsive. "If we take a few extra minutes to listen to what they have to say, make them feel they have had input, and that we have done our best to answer their questions, then we have been successful." He went on to say that the PRD signs are very ugly but they are effective.

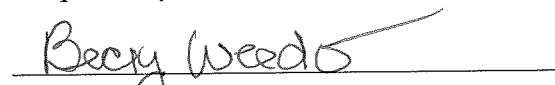
Ms. Weedo responded that the signs are required by the Code. She explained that arrangements had been made to have the signs removed.

Chairman Thomas asked if there were any more questions. There were no additional questions.

IX. ADJOURNMENT

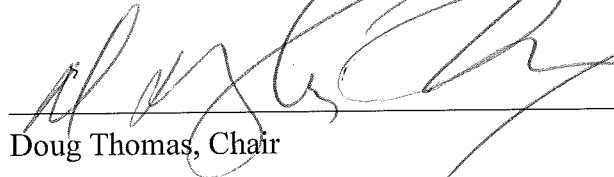
The meeting was adjourned at 8:30 p.m.

Respectfully submitted,



Becky Weedo, AICP, CFM, Senior Planner

ATTEST:



Doug Thomas, Chair