

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

July 10, 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

Doug Wigley
Pat Behnke
Al Jorczak
Rita Press
Lewis Heaster
Doug Thomas, Chair (absent)
Harold Briley, Vice Chair (absent)

Staff Present

Ric Goss, AICP, Planning Director
Steven Spraker, AICP, Senior Planner
Ann-Margret Emery, Deputy City Attorney
Melanie Nagel, Recording Technician

Recording Technician, Melanie Nagel called the meeting to order, and asked for nominations from Board members for an Acting Chair for the evening, due to the absence of both the Chair and Vice Chair. Ms. Press made a motion to nominate Mr. Jorczak for the position, seconded by Mr. Heaster. Vote was called, and the motion unanimously approved.

II. INVOCATION

Mr. 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

June 12, 2014

Ms. Press moved to approve the June 12, 2014 Minutes. Mr. Wigley seconded the motion. Vote was called, and the motion unanimously approved.

VI. PLANNING DIRECTOR'S REPORT

Mr. Goss reported that a 1st reading was done on the Interlocal Boundary Agreement at the City Commissioner's meeting on June 17. It was decided to amend the map to add more area, so the 1st reading will be repeated on July 29, with the 2nd reading on August 19. Mr. Goss explained that there were a couple of areas that were covered in the agreement, but they had not been added to the maps.

VII. PUBLIC HEARINGS

A. SE #14-093: 867 South Atlantic Avenue, Outdoor Activity, Special Exception

Mr. Spraker stated this is a Special Exception to allow outdoor music at the Beach Bucket, 867 South Atlantic Avenue. Mr. Spraker explained the location, orientation, and characteristics of the property, and presented the staff report, two letters of objection from the Aliko Atrium, and played two video clips supplied by Mr. Kraslawsky, who lives in the Aliko Atrium. Mr. Spraker stated staff is recommending approval of the application.

Ms. Behnke asked if the sound test was done at street level or higher up. Mr. Spraker replied at street level and there was no access to the adjoining properties. Mr. Spraker also stated that it is the responsibility of the property owner and business owner, how they operate the outdoor music.

Mr. Heaster questioned if this Special Exception would mirror the requirements for Riptides. Mr. Spraker reiterated the hours allowed for Riptides live music, and said that the Beach Bucket has requested different hours for live music.

Mr. Jorczak asked if there were any comments from the public. Charles Wilkes, 67 Hernandez Ave, stated that he has been surfing at the Harvard beach approach for 50 years, and recently it has become a real mess at the approach. Mr. Wilkes stated that there are cigarette butts and beer bottles, and he doesn't feel it is right for the county to have to clean up after a business.

Ms. Press stated that she feels this is a legitimate request as far as the cleanup of the approach, and no matter what the Board decides about the music, this cleanup information needs to be passed on to the City Manager. Ms. Press then questioned Mr. Scott Studner, owner of the Beach Bucket, if breakfast is served at the restaurant. Mr. Studner replied that the Beach Bucket opens at 7:00 a.m. and starts playing recorded music at 9:00 a.m.

Ms. Behnke commented that the sound test was done with only one performer, but should have been done with two performers. Mr. Studner stated that he will normally only use one performer.

Mr. Clark Rohmer, 843 Marvin Road, stated that he hears the music and the loud speaker announcements, but he is also very concerned about the beach approach. Mr. Rohmer was at the beach that afternoon, and there were maybe two dozen people on the beach and about half a dozen available parking spots. He has been complaining about this approach for ten years. If he talks to the city, they say he should talk to the county. If he talks to the county, they say the problem is the city's. Mr. Rohmer concluded someone needs to clean up that part of the beach every morning.

Mr. Studner, applicant, owner of the Beach Bucket, is also concerned about the beach approach. He has placed numerous calls to the police over the years, about the high school kids who park there every single day and drink beer and smoke pot and cigarettes. Mr. Studner strongly objects to anyone associating the problems with trash to his business. The people who drink on his property are not allowed to leave the property with anything. The Beach Bucket is not a package store. There are people parking on that approach and doing a lot of bad things, and he strongly supports anything that can be done to clean up the approach, but it has nothing to do with the Beach Bucket.

Mr. Studner explained that the Beach Bucket was primarily set up to cater to locals, not the tourists. There is no signage, they don't advertise, and he wants to attract mature locals. When Mr. Studner became aware of the fact that Mr. Kraslawsky had a problem with the live music, Mr. Studner began to immediately take steps to address it. Mr. Kraslawsky did not have a problem until a speaker was moved up on the platform where the entertainer is located, which projected the sound up toward the condo. The speaker has since then been moved to a different location, which should minimally impact Mr. Kraslawsky.

Mr. Studner wants to make this a win-win. As soon as he was aware of the problem, he addressed the situation, and will continue to address it. The video clips that were shown, were made when the speaker was up on the platform. Mr. Studner also emphasized that his business closes at 9:00 p.m. He wants a business where people can carry on a conversation while they are eating, and enjoy the ocean. His mature crowd likes to talk to each other, and so he will keep his volume low.

Mr. Studner's goal is to have live music on two or three days only. Mr. Jorczak asked if the platform was built for the entertainment. Mr. Studner stated that the platform was built for raised visibility for when the association at Ocean's Edge is playing bingo, or if the Beach Bucket has a wedding. Mr. Jorczak also questioned the relocation of the speakers to the floor level, and were they pointing toward the building. Mr. Studner stated the speakers are actually against the building and pointing toward the ocean.

Mr. Heaster asked Mr. Studner when was he made aware that he needed to get the Special Exception to have live music. Mr. Studner replied that when Riptides went before the Planning Board, the owner then came to him and told him that the Beach Bucket having live music had been mentioned during the meeting. Soon after that, Mr. Studner received a notice concerning his live music. Mr. Heaster also questioned where the speakers were at for the sound test. Mr. Studner commented that the speakers were up on the platform when the two video clips were made, but for the sound test they had already been taken down from the platform to the lower level. Since then, the speakers have been moved up against the building, facing out to the ocean.

Mr. Wigley asked if there was access to the restaurant from the approach. Mr. Spraker pointed out on the presentation where the pass-through goes to the Beach Bucket. Mr. Wigley stated that some of the customers could be parking on the approach. Mr. Wigley also stated that years ago the Oceans East used to be a Quality Inn, and there has always been a restaurant on that corner. Mr. Wigley feels Mr. Studner has done a wonderful job, has a wonderful restaurant, and it is an asset to have a place to go and eat on the ocean front. Mr. Studner stated it is a pleasure to have an enterprise where you have local people coming into your establishment over and over.

Ms. Behnke questioned if the police have ever been called out to the Beach Bucket because of the loud music. Mr. Studner replied never for the music. He has on occasion called the police to have people trespassed off of his property. Ms. Behnke feels it would be unfair to give one business special hours for their music, so she can agree to approving this with the same hours as Dimitri's and Riptide's.

Mr. Studner would like to be able to play music earlier on Sunday. He has a lot of people come for Sunday brunch and dinner and would like the music to start earlier. Mr. Heaster explained how the Planning Board is trying to stay consistent with all of the venues, which makes it easier for enforcement.

Mr. Wigley stated that he understands the Board trying to do a one size fits all, but he feels this is a totally different situation, an oceanfront restaurant with a different type of crowd. The River Grille and Riptides are more for night time entertainment, and Mr. Wigley doesn't feel like the Beach Bucket should be locked in to the same specific times, but should be a little more flexible.

Mr. Heaster explained that if the other businesses in close proximity to the Beach Bucket feel they need the times changed, then they can come back to the Board and propose something different. But at this time, Mr. Heaster feels that a few months ago the Board decided that they wanted to be consistent with the live music, and they need to stay with the times they established.

Mr. Heaster moved to approve SE #14-093 Special Exception as submitted, keeping the allowable times consistent with Riptides and Dimitris. Ms. Behnke seconded the motion. Vote was called. Mr. Heaster for; Mr. Jorczak for; Ms. Press for; Mr. Wigley against (because he doesn't agree with the time restraints); Ms. Behnke for. The motion carried (4-1).

B. PP #14-105: Deer Creek, Phase 4B, Preliminary Plat

Mr. Spraker stated that the Deer Creek subdivision has been under construction since 2005, and they need to get approval from the Planning Board before they begin construction in the next phase. Mr. Spraker explained the location, orientation, and characteristics of the property, and stated that Staff is recommending approval.

Mr. Jorczak asked how long it would take to build this out, based on the past history. Mr. Spraker stated that it would be done in August.

Ms. Press asked if everyone in the subdivision would be exiting onto Airport Road. Mr. Spraker stated that there is only one entrance into the subdivision, and that is off Airport Road. Ms. Press also wanted to know if there were sidewalks along Airport Road leading to the school, and Mr. Spraker stated yes there were sidewalks.

Mr. Wigley moved to approve PP #14-105 Deer Creek, Phase 4B, Preliminary Plat, as submitted. Mr. Heaster seconded the motion. Vote was called, and the motion unanimously approved (5-0).

OTHER BUSINESS

None.

VIII. MEMBER COMMENTS

Mr. Jorczak requested a hard copy of the Land Development Report be given to Board members twice a year.

Mr. Heaster wanted to comment on the Waste Pro contract. Mr. Heaster knows someone who is in the garbage business, and this person commented that the City of Ormond Beach will have some real concerns dealing with Waste Pro. There may be a lot of upset residents. This company has had violations, and problems with customer service and the way the company is run. Mr. Heaster hopes the information he has been given is wrong.

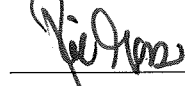
Mr. Jorczak commented that the PAL basketball league won the national championship, and he thinks that is a major accomplishment and they are to be congratulated for it. Again, it is indicative of the sports programs in the City of Ormond Beach.

Mr. Jorczak asked if there were any more questions. There were no additional questions.

IX. ADJOURNMENT

The meeting was adjourned at 8:20 p.m.

Respectfully submitted,



Ric Goss, AICP, Planning Director

ATTEST:



Al Jorczak, Acting Chair

Minutes transcribed by Melanie Nagel.