

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

August 9, 2018

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

Harold Briley, Vice Chair
G.G. Galloway
Lewis Heaster
Al Jorczak
Angeline Shull
Lori Tolland
Doug Thomas, Chair

Staff Present

Steven Spraker, Planning Director
Melanie Nagel, Recording Technician
Scott McKee, Assistant City Attorney

II. INVOCATION

Mr. Galloway 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

July 12, 2018

Mr. Jorczak moved to approve the July 12, 2018 Minutes. Mr. Briley seconded the motion. Hearing no objections, the minutes were unanimously approved.

VI. PLANNING DIRECTOR'S REPORT

There was none.

VII. PUBLIC HEARINGS

A. SE 2018-088: 100 West Granada Boulevard, Special Exception

Mr. Steven Spraker, Planning Director, stated that this is a request for a special exception at 100 West Granada Boulevard. The project is at the corner of South Ridgewood Avenue and Granada Boulevard. Whole Seafood is across the street and Ormond Beach Elementary parking school lot is to the east. The project originally was a gas station at one point. It's been vacant for a number years. Mr. Spraker thinks 2008 was the last time there was a business tax receipt for the use. Over the years the gas tanks have been removed and the site has gone through mediation. One of the challenges with this site is the limited depth, which is 67 feet, and the limited width. So, site redevelopment has been a challenge for a long, long time. The existing conditions, there's a non-conforming pole sign with the underground utilities. The city did obtain the easement from the property owner to put some Medjool palms in. There are two existing oak trees, which this project is proposing to save.

Mr. Spraker stated that when the project originally started, the concept was to take the existing building and expand it. Under our Land Development Code and under our form based code, when you expand a building within the downtown overlay district, basically you just have to meet whatever criteria are in place. So, you don't necessarily have to bring the building forward. You don't have to make two stories. You just have to meet the setbacks, and the parking requirements. As the project got into their design, basically, they found out it was not worthwhile to save the existing building, which is why they are going through this special exception process.

Mr. Spraker stated that in 2010, our Land Development Code developed a form-based code. The goal of the form-based code was to move buildings to the front of the lot and to make them two stories. So, this project has tried several site designs and can't meet that criteria. Basically, there are particular site conditions which the project needs assistance with. The city has done this before. They did it for LuLu's, and did a special exception based on the non-conforming lot and went through the special exception process. They have also done it with the Sunoco station and then did it administratively for the Jimmy John's building. So, the overall goal, and what he hears from the Ormond Beach MainStreet Committee, is that we are supportive of the form-based code. The concern is, not every parcel is going to be able to meet all those criteria. So, the two main criteria are moving the building to the front and being two stories.

Mr. Spraker continued that the Land Development Code does not require parking for the first 2,000 square feet. Two parking spaces have been provided on the site, and then the remainder of the parking would be in the public parking lot at Ormond Beach Elementary School, which is approximately 75 feet away from the site. In a

downtown area, you can't necessarily have every site provide its own parking. That is why there are public parking lots. The downtown is a unique area and basically, the utilization of the public parking lots is something that all the properties are going to need to do. Staff did take the plans to the Ormond Beach design committee. They recommended approval. Again, they stated their strong desire for the form-based code, but they acknowledged that this is a non-conforming parcel and there is only so much that can be done with it. City staff and a site plan review committee are recommending approval, and the applicant is here if there are any questions.

Chairman Thomas asked the applicant if they would like to speak.

Ms. Dorian Burt, 203 Pine Cone Trail, Ormond Beach, stated that they do great projects. This will be another one and she hopes the board sees it that way. Thank you.

Mr. Heaster asked Ms. Burt if she was planning to apply for the downtown matching grant money. Ms. Burt stated that she was going to.

Chairman Thomas asked if there was anyone in the audience who would like to address the board.

Mr. Robert Renforth, 97 South Ridgewood Avenue, stated that he has been in this neighborhood for 40 years and he wanted to say that he couldn't be happier to see something going in on that corner and all of his neighbors are very happy to see something going in on that corner. With that being said, he does have a few curiosities. When this site was a gas station there was gasoline contamination, the tanks leaked, they were replaced, and he doesn't know what the status is now. Has the state been notified about the intentions of using this property for food?

Mr. Renforth asked about the school parking lot, and stated that right now the school closes the street off in front of the parking lot, during school business hours. Has that changed? What are the business hours for this restaurant going to be? Also, Ms. Burt, at another public meeting, stated that she notified the school and got permission from the school board to use that public parking. Is she representing the City of Ormond Beach? Why is she doing what he thinks the city should be doing?

Mr. Renforth continued that he looked up on the Internet about cities and barbecues, and a lot of cities require smoke washers because of the contamination in the neighborhood. He does not feel that the restaurant is close enough to any residential neighborhood, but it is something that probably should be addressed. And he would guess there won't be alcohol served because the restaurant will be so close to the elementary school. And lastly, the double Ds - deliveries and dumpsters. The delivery trucks will probably come in the front driveway every day and unload whatever they need to. But, on the diagrams, he didn't see anything for dumpsters. So, where will the dumpsters be? All the other businesses on both sides of Granada have backstreet entrances which are very convenient. Businesses can get their deliveries in without stopping on the main road and have the dumpsters in the back. But that's not possible with this restaurant. So, he is curious how they are going to address the dumpsters, and where those dumpsters will be. Thank you very much for your valuable time.

Mr. Briley stated that he knows that Corbin Street is closed off at Ridgewood, but he thinks the lot is still open to the public, and on the eastern end there is still access to the parking lot. Mr. Spraker stated that is correct. Access to the parking lot would be from Lewis, and the gates are closed past the access point for the parking lot. Mr. Briley asked if it is a city parking lot. Mr. Spraker stated that it is a partnership with Volusia County. So basically, the school board and the city partnered together to develop that lot. The applicant and the city have worked with the principal and the School Board to allow parking access.

Mr. Spraker addressed Mr. Renforth's questions. The old gas tanks were taken out when the property went through remediation, and that happened in 2009 to 2012. The dry cleaners next to this lot has had some remediation issues. They've gone through a program. So, Mr. Spraker won't say the site is perfectly clean, but the gas station is available for use. The school parking issue has been addressed, and again, there's a gate that leads to the sidewalk, which leads to the light. So, there is the ability to cross with the light. Addressing the alcohol comment, basically our code, if you are licensed as a restaurant, you are allowed to do beer and wine sales through a 2COP license for consumption on premise, similar to Hull's Seafood and similar to the other restaurants in this area. Mr. Spraker has not asked them whether or not they have an alcohol license, but nothing would prevent them from getting a 2COP. The deliveries would happen before the restaurant opens and they generally would be in the front area. Again, this is a very small restaurant. So, they're not getting huge cargo trucks. They will be more box-type trucks. The dumpster will be located to the west of the building, and will be architecturally treated to match the site and hopefully it will blend in. There will be some landscaping around it, but there will be the ability for the dumpster truck to come in and then go back out. Mr. Spraker also pointed out that there is a one-way access in off of Granada, and one way access out onto Ridgewood. So, basically someone would not be able to turn left onto Ridgewood. They would have to go right. So, there's a one-way traffic flow that should function well.

Mr. Galloway stated that it looks like it will be successful for drive-up curb parking. Mr. Spraker stated that if someone calls ahead and wants to pick up their order, they have the ability to do so in the right lane.

Mr. Jorczak stated that he would expect the residents of Ormond Beach to figure out pretty quickly where to park if they're going to be downtown to use this establishment. But he is wondering about the tourists and out-of-town people that might come in and read about this on the website as a location that you can eat within the City of Ormond Beach. It might be appropriate to put some kind of directional signs for parking, especially because the lot by the school is kind of hidden. So, that somebody coming east on Granada knows that there's a way for them to get to convenient public parking to use the establishment.

Mr. Briley asked if there is a public parking sign at Lewis. Mr. Spraker stated that there is, but there is another sign being worked on for the project site, whether or not this use goes through, to guide people to the lot. The parking lot isn't visibly seen from Granada, so there will be a public parking sign placed prior to the lot that will guide people to Corbin Avenue.

Mr. Briley continued that he has been a proponent of changing our parking signs for some time, because the parking signs that the city has are hard to read and they're not

uniform. When you go to other cities, and you see the big green P parking sign, you know that is where you want to park. But for some reason, the Ormond Beach signs, the font is just so fine and it's so small, by the time you are on Granada Boulevard and traveling at 35 miles an hour, you don't see the signs. Mr. Spraker stated that it was a two-year process to get the signs that we have today. There was a very clear decision back at that point not to do the big P symbol. The city had those previously. Mr. Briley stated that if they are ineffective, what use are they? People don't read them. They can't see them until they're right upon them, and by then it's too late. That's why he would prefer to go back to the big P and he is sure FDOT would prefer that the city go back to them as well. Mr. Spraker stated that is something that would have to be worked out with the Ormond MainStreet design committee.

Chairman Thomas asked if that was a staff or a commission decision. Mr. Spraker stated that it went through Ormond MainStreet, it went through the City Commission, it went back through staff, and it went back through City Commission. So, it was a long process to try to come up with agreeable signage.

Ms. Tolland stated that the board had this discussion about the amount and number of signs we have in that small area. Not just signage of businesses, but directional signs too. And now we're thinking of adding another one. Maybe we need to just look at all the signage in that whole downtown area, and clean it up a little bit so it doesn't look quite as confusing.

Ms. Tolland asked about the parking lot across from the school. How utilized is that during the day? Is it mainly parents that are visiting the school or doing things like that? Mr. Spraker stated that on an average school day, maybe 20 spaces are full. It's used during school pickup and drop-off hours. If someone doesn't want to just drop off their child, they can park and walk in with their child. Ms. Tolland asked if there are designated areas for school or the public. Mr. Spraker stated it is kind of a first come, first served basis. He would imagine when the pickup is occurring, which is around 2 o'clock, that the restaurant probably isn't busy at that time. If there are issues, he is sure that the school can put reserved signs on the front parking spaces by the school.

Mr. Galloway stated that if someone were to put an ice cream shop in where the dry cleaner is and then come to the board and want to use this parking lot for their parking calculations, would they have this same right to this parking lot as the gas station? Mr. Spraker stated that it is a public parking lot. So, everyone has the right to it. If they were not taking down the building and putting a new building up, that would be just a change of use. So, they would already have the right to use the parking lot. There is no parking calculation requirement. Remember that the spaces in front of the dry cleaner are existing. The property owner also has spaces at the shopping center just to the west. This is the downtown area. You're going to have to use these shared parking spaces because there's no way for each site to provide the number of spaces that they need.

Mr. Briley stated that he thinks it is important to remember that this was the whole purpose for the city to approach the school board to do this cooperative parking lot. We don't have enough public parking in our downtown. And without it, we don't have the opportunity for a lot of revitalization. So, he just sees it as a win-win.

Ms. Shull asked if the piece of green grass at the east end of the parking lot was purchased by the city. Mr. Spraker stated that it is owned by a private corporation.

Mr. Rod Gammon, owner of Rod's Carpet, 90 West Granada Boulevard, stated that his problem with the City of Ormond Beach is the parking downtown. There is a major problem. He is not mad that Hull's got a permit to build another 100 seats in their restaurant, because he loves the restaurant. It is affecting his business because of the parking. He wants the barbecue restaurant to go across street. He has no problem with that. He has a problem with the City of Ormond Beach, to figure out why there's not enough parking. The parking lot on the corner is not designed right. You have to enter it from the back. There are gates down on the street. It is expected that people coming to his store should park there and carry samples across the street. It could be an 80 year old person. It could be raining. You've got people eating at a seafood restaurant and they can't even park there. They are trying to find parking places. So, the problem in downtown Ormond Beach is not the restaurants. His store has been on that corner for 50 years. No problems until recently with all the parking.

Mr. Gammon continued that the parking lot on the corner is not designed right. It needs to be designed so you can enter and exit from Granada. There needs to be signs, and it needs to be fixed. There is already trouble at the corner by his store and Hull's. People have come to his wife, got in her face, cussed her out, and called her names because we towed their car. We didn't tow their car. The city of Ormond Beach permitted all these cars down there. The cars get towed and they blame us. This morning he came to work and his window is busted out because somebody's car got towed. Cost him \$1,000 to replace a window in his store. He did nothing wrong. His business has dropped 10% since all these cars are downtown. So, he thinks the city of Ormond Beach needs to figure out how to make the parking downtown better. He is 100% agreeing with the barbecue restaurant. He is agreeing with everything else Mr. Jones is doing in the downtown. He think it is wonderful. But, he thinks it is a disgrace that Ormond Beach has not figured out how to make downtown parking the way it should be. It's terrible. It is the worst parking lot in America.

Mr. Gammon stated that the piece of property next to the parking lot has been sitting there for years. Somebody said it's owned by an individual. He has heard through rumors that the property owner doesn't want to sell it, and that he's not going to build on it. That should be a parking lot. People will come to his store and they'll say, "There's no parking anywhere." Mr. Gammon will say, "Did you know that's a parking lot across the street?" They don't know. Not one person has come into his store that knows that's a parking lot. They think it's a school parking lot. The decorations, the trees, the landscaping, it's pitiful. So redo that - take that piece of land, make it a beautiful downtown parking lot for Ormond Beach so people are proud of it. I love Ormond Beach. I've been here 50 years. It's my home. But somebody needs to do something about this. And it's not the people that are developing around it. It's the city that needs to do something with the downtown parking. Thank you.

Mr. Briley stated that he likes the plan for this corner. It would be an improvement to that corner. And it would certainly be an improvement to the downtown. To Mr. Gammon's point, he certainly agrees with a lot of the things he had to say. He can feel his frustrations with the parking downtown. Mr. Briley thinks the city, as well as some of the stakeholders downtown, and other groups, are looking at parking and

how they can make it better. But overall he likes the project, and he thinks it is going to be a nice addition to the downtown.

Mr. Heaster stated that he will echo the concerns about parking downtown. He knows from the properties that he owns downtown on the beach side, parking is always an issue. One of his properties is near a public parking lot which is full quite often. And they have issues with tenants and employees trying to find parking spots. A big thing that wasn't mentioned was that years ago when they took the parking off the street, that hurt a lot. You can go to DeLand. They still park downtown on the street. It gives you that downtown main street feeling. And that was removed years ago, and then they did the improvements to the medians. And that hurt. As this case was being presented tonight, Mr. Heaster was thinking if he were a customer, he is driving by and sees this new barbecue restaurant, is he going to take the time to say, "Oh, is that a parking lot over there? I don't know. Do I pull in there? Do I get out and walk over? I'll just keep going by." So, definitely there needs to be some discussion that could be relayed to the commissioners, who can maybe help make some decisions on this in the future, about accessibility or at a minimum, visibility, so you can see the parking lot better. Mr. Heaster likes the project, though. He is all for redeveloping downtown, and he thinks it will be a great addition.

Mr. Galloway stated that he deals with parking issues all the time. The big picture is, that this is letting the city know that the people who have been here for years, need a resolve. There's a problem and we need to come up with a solution to make it better. That land next to the parking lot - if the individual doesn't want to sell, surely the city could put together a proposal to do a long-term lease of the property. Mr. Galloway also agrees that the parking lot needs to be more of a welcome, friendlier space. If it means opening it up with proper lighting and new visualization on how to get in the lot. He thinks we could get people to start using that parking lot with what we've heard tonight, with better ingress and egress to the parking lot, and just make it aesthetically more pleasing. But this is exactly the type of projects that we need in the community. And he thinks we need to also work with the existing merchants who have been here, who are telling us they have a problem with parking. Mr. Galloway has been here 36 years and he remembers getting gas at this location, but that building has been empty for a long, long time. He thinks this will clean up that area a little bit better. So, he is greatly supportive of the project.

Ms. Tolland stated that she just wanted to reiterate what everybody else has said. She thinks the project is great. She thinks having a downtown barbecue is wonderful and she likes what the applicant has done to try and make it aesthetically pleasing as possible on that small piece of property. She really appreciates the fact that we have our residents and our owners of businesses coming and bringing their parking issues to our attention. We have been talking about parking, but to have it in front of us and letting us know exactly what's happened over the last years, she certainly appreciates it. She knows that the whole board appreciates it, and she would like to see some further discussion on the issue. Ms. Tolland has been coming to all these meetings and she drives right past the parking lot and wasn't even aware that there was a public parking lot there. She hopes that the board can come up with some kind of plan.

Mr. Jorczak stated that he thinks it fits well with the piece of property that's been a problem for a long period of time. He thinks that architecturally it blends with the rest of the properties that have been developed in the downtown. So, he likes the

concept of what's going in there. We have struggled with this parking issue for an extended period of time as part of the overall master plan for the redevelopment of the downtown area. And he is wondering if there is some vehicle by which the board might be able to add its input, along with MainStreet, to see what the viable alternatives are. He knows at one point there was discussion about creating a multistory parking garage behind city hall and because of the cost, that didn't go anywhere. But we have known there is a problem, and we even have a problem day in and day out with the parking that's available in the city hall parking lots. So, he thinks it is an element that is being brought forth from this meeting tonight. Definitely, it is something that should get higher elevation with respect to city staff and whatever we can do collectively as a community to see if we can elevate this issue to find a better solution about what's necessary for us to attract people, and have out-of-towners come in and help our businesses. It's integral with the parking. So this is something he thinks needs to be elevated from the city's standpoint, and the commission getting involved, and see if we can move something forward.

Chairman Thomas stated that this is a wonderful idea. He is excited about it. Chairman Thomas asked Mr. Spraker if there are any ordinances that would prohibit the applicant from having internal signs on their property to make their customers aware of the public parking lot across the street. Because he thinks that could be a step towards educating the people so that they would not pull in there, get frustrated and not return for future visits.

Mr. Spraker stated that yes, you are allowed to do parking signs within your property. He would imagine their advertising would feature where to park. On their website, they would tell people where to park. We can work with the school board and do some short-term solutions. There is a downtown master plan that's coming up next year. Parking is already identified as one of the issues. So, there is an ability to work with Ormond MainStreet. People want the most convenient parking. So, it's an educational process to have people walk across the street. So, yes, there are some solutions available.

Chairman Thomas stated that he thinks there are things that can be done to make that public parking lot more attractive than it is. Having said that, if there are no more questions, Chairman Thomas called for a motion.

Mr. Briley made a motion to approve SE 2018-088: 100 West Granada Boulevard, Special Exception. Mr. Jorczak seconded the motion. Vote was called, and the motion was approved (7-0).

B. SE 2018-091: Woodstock South, Inc., 344 South Yonge Street, Special Exception for Outdoor Activity

Mr. Steven Spraker, stated that this is a request for a special exception for outdoor activity at 344 South Yonge Street. The property began to do a number of improvements that included outdoor storage, product display, some murals, and some banners. They started the improvements and then were approached by code enforcement to get the property into compliance. The property owners have worked to come into compliance. Before the board tonight are two separate requests for outdoor activities. One is to allow outdoor product display and sales, and the second is to allow outdoor live music. Both of these uses are permitted in the B5 Zoning

district, as a special exception. So, it's not that the use isn't allowed, but there has to be determination that what they're proposing meets the criteria and doesn't have adverse impacts on surrounding properties.

Mr. Spraker stated that the first part of the request is the permanent outdoor storage and display. Basically the applicant is proposing to have all the merchandise and material to the building line and back. So, nothing would be in front of the building line. The second part is to have live music on Saturday and Sunday from 12:00 PM to 7:00 PM. The applicant, as required by the land development code, did perform a sound test. It was able to meet the decibel requirements and there is no residential in the surrounding area.

Mr. Spraker continued that within the staff report, there was an analysis of the special exception criteria. So, there was analysis for and against the project. The conclusion is that staff believes that the outdoor product display is something that could be allowed. By keeping it even with the building, it reduces the overall impact. Outdoor activity, outdoor storage, and product display has been allowed in other places. There's a furniture store just down the road that has similar items. Perrine's was another one that does outdoor product display, and Lowes has done it for a number of years. So again, it's not that it's not allowed, but there needs to be a determination that what they're proposing is acceptable.

The second part of it is the outdoor music. And again, this is the first request for outdoor music associated with a retail store. The other ones have been associated with restaurants and live music. Again, the fact that it's not facing residential, and it met the sound test, staff believes that it meets the criteria for outdoor music. These are two separate items. Staff would recommend that the planning board consider each separately and vote on each separately.

Mr. Heaster wanted to know how many times the applicant has been cited by code enforcement. Mr. Spraker stated that they were never cited. They were told they were not in compliance, and were told to start the effort to come to compliance. So, what they did was to remove the banners and get a sign permit. This is the second part of coming into compliance. Once they were made aware that there are violations, they started to work towards coming into compliance.

Mr. Galloway asked if the only request for live music is just on Saturday and Sunday between 12:00 and 7:00. Mr. Spraker stated that was correct.

Mr. Heaster asked about being consistent and having a uniform policy about timing for outdoor music. Mr. Spraker stated that each application stands on its own. Basically, on South Atlantic there were three properties that were in close proximity, so basically they tried to provide the same time for all of them. This isn't really the same as a South Atlantic property.

Having no further questions for Mr. Spraker, Chairman Thomas asked the applicant if he would like to speak.

Mr. David Oshman, 344 South Yonge Street, stated that 50 years ago in New York, he ran a hippie store on 2nd Avenue off St. Marks. And then, 50 years pass by and due to a number of circumstances he and his wife decided that they would like to start

a business again and she was the one who suggested opening a hippie store. And so, that was the beginning and the foundation of Woodstock South. There is a desire that they have, to be considered as important as people who have been here for 50 years because we are residents and Ormond Beach is our home. We have a desire to be part of the community of Ormond Beach.

Mr. Oshman continued that when they decided to open the store they were very aware and very cognizant of the lack of walk-in traffic. And they actually went to DeLand and thought maybe they should change their plans and move to DeLand, because they have that nice walk down street there. But they decided that with commitment and with some creativity that they could make this site work. They are kind of different than all the other stores around. They need to be very visible to make a living. They depend on this for their income and livelihood. So, it's not a mistake that there were originally a lot of colors and a lot of brightness on the building. This part of Yonge Street is an anomaly. It's kind of a paradox. There are a lot of buildings that are unoccupied. There are a lot of businesses that seem to be struggling to stay afloat.

Mr. Oshman stated that they are not in downtown Ormond Beach. If they could afford it, they would probably buy a building similar to this on Granada. They would have the walk-in traffic. They don't have that financial advantage and they don't have that option. So, they are living in their building, and they have about 1,200 square foot, and they made it as bright and full of celebration as they possibly could. This is not a head shop. They carry nothing to do with drugs and alcohol. The basis of what they do is to bring spirit and life to the people who walk into the store and to show the way it was, maybe 50-55 years ago.

Mr. Oshman stated that the question was raised about the music. The music was an idea of other people who have frequented the store. It would be a way to create some excitement and create some spirit in that area of Yonge Street. So, he proceeded to talk to both of his neighbors on each side and shared with them his idea about music on Saturday and Sunday, and they both voiced no objection to it, and they both agreed that if there were more cars than he could accommodate in front of his building, that he could use their parking on either side if more people showed up. So, his neighbors are in support of it. Those businesses are closed on Saturday and Sunday. So, they had no hesitation to agree that this might be fun.

Mr. Oshman stated that in regard to compliance, he apologizes to the town. He had misinformation. They told him banners would be okay, and they overdid it. But as soon as they were notified by the town that they were not in compliance with the regulations, within 24 hours that was corrected. He now has a sign permit and has been working with the building department to make sure that he is in compliance. He would like the board to consider both the requests. The request for outdoor display is because they need to stay visible, and let people know that they are there. He doesn't want to be another business that tries and fails in Ormond Beach. The only way that they can do that is by being bright, being very visible, and people knowing that they have a product that they might be interested in. They are different. They are unique and he feels that they are an asset to Ormond Beach.

Chairman Thomas asked if there was anyone from the audience who would like to address the board on this issue.

Ms. Anna Kamondi, owner of the Ormond Inn Motel at 372 S. Yonge Street, stated that what Mr. Oshman is doing, she hopes he does well. She has no problem with his display, but the loud music is interfering with her business. People come to her motel to sleep and relax. She already has guests signing that they don't want loud music. Also, her residence is on the same property. So, she lives there 24 hours a day.

Mr. Briley asked if Ms. Kamondi would be opposed if they had the music end earlier in the evening. Ms. Kamondi stated that back in April, she had to go down and ask them to turn down the music because her customers were complaining. There are people sleeping in daytime. One of them is a nurse. So, they are sleeping in the daytime, sleeping at nighttime, children, older people who are not good sleepers. She cannot tell her guests when to sleep and when not to sleep.

Ms. Tolland asked Mr. Spraker to provide information on the sound testing. Mr. Spraker stated that the sound test was at the property line. One of the things that has been discussed previously with music is somebody could do a sound test and get the decibels to work and the next day or the next hour, they can turn it up. And so, there is a code enforcement provision within the recommendation, but again, it's a use that could be potentially violated and then someone would have to call code enforcement. Code enforcement would do a sound test and if the person had a violation twice, they would lose the special exception.

Ms. Tolland asked if at the highest decibel that we allow would Ms. Kamondi's hotel be able to hear it. Mr. Spraker stated that they didn't go that far. So, he can't speak to that. They may be able to hear it and it still would be meeting the decibel limits because the decibel limits are 65. So, it doesn't mean you can't hear the music. It's just that it doesn't violate the decibel readings.

Mr. Briley asked if somebody else could be running a piece of machinery that makes the same amount of noise and it would still be legal. Mr. Spraker stated absolutely. The traffic decibel reading was around 79, 80. So, the traffic was the dominant noise.

Ms. Shull stated that in the staff report, it states that residential limits are at 60 decibels and for commercial it is at 65 decibels. To her, residential would be more particular because there are people living there, so the motel would have people living there. Mr. Spraker stated that the hotel is considered a commercial use. Ms. Shull stated that there is no other residential around this area. Mr. Spraker stated that is correct.

Mr. Heaster asked Ms. Kamondi how many times she has had an issue with music being played. She had mentioned just the one time. Ms. Kamondi stated yes, they played music one time. Mr. Briley asked if it was during the week or on the weekend. Ms. Kamondi stated that it was at Easter time around 3 or 4 o'clock in the afternoon. And her customer complained.

Discussion continued addressing restrictions at other venues that allowed outdoor music, including placement of equipment, amplified vs. acoustic, times allowed, proximity to condo's and hotels, etc. Also, a couple of board members felt that the times allowed for music should be consistent and standards established. Other board members felt that each case was unique and that is why there are special exceptions set up, to adjust to the situation.

Mr. Oshman stated that the area that they are proposing to have the music at, on the side towards the hotel there is the building. So that building would act as a natural acoustic barrier between where they are proposing to have the music and the hotel. The other point he wants to make, to put things in perspective, is they are on a tremendously busy and noisy road. He remembers when Mr. Spraker was there to do the sound test. He had to keep on stopping because the noise was so great from the traffic that he couldn't get a decibel reading of the music, because the decibel noise of the traffic was so severe. So just to put it in perspective, they are not on a quiet street that enjoys low traffic volume. They are on a street that always, 24 hours a day, has heavy traffic, trucks, motorcycles, honking, and noise that's being created all the time. I think that compared to that, having some sweet music up until 7 o'clock at night is not undesirable, and is not noxious in any way.

Mr. Oshman continued that they can put speakers outside and play pre-recorded music without a special exception. It doesn't require it. So they can make noise outside if they choose to. The idea is to create an attraction, to create something communal that people would enjoy. Not just noise, but they want people to see that they can come and enjoy the surroundings. Families can come. They are not serving liquor, and are not serving food. They just want to have people in Ormond Beach enjoy their business, that's their only objective.

Ms. Shull asked if the tent that they are using, can be made a more permanent fixture, a lean-to, maybe with three walls. Maybe he could direct the music one way. Going into his shop, and the front porch area of his shop, and the front parking lot of his shop. It would keep the noise traveling a little bit toward that direction. Ms. Shull thinks it would be more aesthetic too, to have a more permanent structure and that might make more people come in and hear the music because you'd be facing the music towards the traffic.

Mr. Oshman stated that to him, they were minimizing the impact by moving the music back and having the neighboring building to the south side. To him, this was the way to minimize the possible impact. But, again, he understands that people need to sleep during the day, but if you spend five minutes in front of his store, or in front of the hotel, it's horrendous the amount of noise that's there. So he would just ask the board to put that in perspective. It's not a quiet area.

Mr. Joe Dougherty, 33 Division Avenue, stated that this operation is not conducive to what Ormond is trying to go for. It reminds him of the little junk shop in Holly Hill that had the mannequin standing out waving at people as they went by. It's a wrong location for this business. He is not trying to take away what the owner is trying to do. He might reconsider his options; maybe put in a gift shop or something like that. If somebody gets injured during one of his sessions in the parking lot next door or the parking lot to the east or west, north or south of him-- is that the responsibility of the insurance company for the property owner or for his insurance company? The signs are not in compliance on the property. There's no room on the property. Where are people going to stand when they're listening to the music? Where are they going to park? If there are complaints about the music, does the city send somebody out at night during the operation of the program to measure these decibels? This is non-conductive. This business is non-conductive to the area. This is a furniture row. There is a carpet store. There is a paving store. There's a motel. He needs to bring it all inside, and sell items from the inside of the store. Not out on the street. It's not right.

Mr. Oshman sounds like a very nice man. He is just saying the business is wrong. Thank you.

Mr. Briley stated that he wishes Mr. Oshman the best with this property. The whole way this happened was kind of putting the cart before the horse. He didn't know what he was allowed to do until he did it, and then he got told he couldn't do it. When Mr. Briley looks at the outdoor storage part of this, it is allowed at Perrine's, and at Lowe's, and some other places. It's certain items, they're in a certain area, and they're organized. To him, when he saw the first few photos, it looked like what we have discouraged in the city in the past, which is like a continuous garage sale. He does have some concerns with the outdoor storage; he wishes it were more inside sales. If we could limit the number of items or where they're at, he would be a little bit more amendable to it. He doesn't have a problem with the music. As long as it's within the decibel range and within the time established. But he does have a few concerns with the outdoor storage.

Mr. Heaster stated that he has an issue with both items. He always tries to do a drive-by and inspect the property before it's up for discussion. When he drove by, he thought, this looks like a property that is in Holly Hill that Mr. Dougherty mentioned. It doesn't go with the theme and the feeling of Ormond Beach, with all the items outside. He feels for the business owner because he's trying to get the visibility and to have customers stop by. But it just doesn't fit with Ormond Beach and the surrounding properties with having the items outside. He has an issue with the music as well. When other people have music, it's behind the property, it's in a certain decking area within it, and it's not there right on the road. All he envisions is during bike week and Biketoberfest, bikes lined up there, music playing, and that's what we're trying to get away from on US 1 and that corridor. He has an issue with both items. He is not going to be able to support them.

Ms. Shull stated that she did a drive-by also. That's why she was asking about building a more permanent structure because she thought it was a little crazy with all the stuff there. The tent looked kind of cheesy to her, and that's why she thought if there were more of a tiki hut look – that is why she wanted to know if he could put up a permanent structure - something that was a little more aesthetic, or funky looking, than just the tent. Ms. Shull doesn't have an issue with the music. She thinks it is within code, it is comparable to other businesses that are doing music. The time requested is actually less than what everybody else is doing that has music. There is something in the rules about a one-year period, and if there are two code violations within one year, then it goes away. So she has no problem with the music. She doesn't think there's going to be a lot of traffic even during bike events. She doesn't think the bikers are going to be pulling up and staying. He's not serving alcohol. He's not serving food. They would be coming in just to shop, and get trinkets, and hippie stuff. And the music, she thinks, is more for background-type music while someone is in there experiencing the shop. So she doesn't think it's going to be a whole lot of traffic just pulling in and hanging out there. So, her only issue is the visual part.

Ms. Tolland stated that she is torn. She sees a lot of pros and cons to both and she understands what the applicant is trying to do. She thinks the one thing that hasn't been discussed, which is a little bit of a concern for her, is the safety factor. If she is driving down the road and she sees something fun or something that's distracting, she is going to be turning her head and not paying attention to the road. That's a little bit

of something she is afraid of because it's something she would not expect to see in that area. When she is driving down main street Granada, she goes a lot slower because she knows there is a lot of stuff going on, and there are pedestrians. But if she is zipping down US 1 and she sees some kind of fun, she is going to turn and look, so she is a little concerned about the safety of the distraction.

Mr. Jorczak stated that he thinks the music issue is probably something that could be controlled. He also has a concern that this is something that we have tried to stay away from with respect to the type of outdoor displays that we've seen in Holly Hill. The businesses that we have allowed displays, have been directly associated with the business in terms of furniture in an area where there are other furniture stores and that equipment also gets removed and goes inside. So from the standpoint of having a lot of this type of merchandise out on a permanent basis, he just doesn't think it is appropriate for the area.

Mr. Galloway stated that as far as the noise, it's no different than when his kids cranked their music up, the neighbors called the police and the police showed up. So he is all right with the music - it's limited, it's only on Saturday/Sunday. The main problem he has, is for years the city always told other businesses they could not have permanent outside storage. And that's always been something that Ormond has set themselves a little bit different from other cities. However, with that being said, we do allow special exceptions. There's several of the furniture stores on furniture row that are constantly having tent sales. So are we setting up a double standard in saying it's all right for them to do it, but not for him? So is the definition, as long as he has outdoor storage, is that it is not permanent? Does that mean he has to bring it in every Tuesday for two days? Or does he put a tent out and have a tent sale for two weeks like we allow furniture stores to have? And that's why Mr. Galloway thinks that the city needs to clean up some of these in discrepancies that allow one group to do it and not allow somebody else. He is against the permanent storage. He can go for the music. But he does think that we have a double standard when we say we don't allow permanent storage. And we need to clearly understand that when you have a tent sale, how long are you going to allow that tent sale? So he would be for him doing it if he bought it in and out every other day or something like that, but not as a permanent storage.

Chairman Thomas stated that he doesn't have a problem with the music. His business isn't too far off of US 1, and it is noisy. That is a loud place. On the other hand, he dropped by the business and he looked at the things and no offense. Part of him likes seeing it, and the other part of him doesn't like seeing it. He wishes it could be cleaned up a little bit. He understands what the applicant is trying to do with the music. He thinks if there was more music in the world, maybe we wouldn't have the world we have today. But, he is really torn between both of these issues. The music he is okay with. So having said that, he will just leave it up to the board.

Mr. Galloway made a motion to approve SE 2018-091: Woodstock South, Inc., for live outdoor entertainment as reported in the Staff Report. Ms. Tolland seconded the motion. Vote was called, and the motion was approved (6-1) with Mr. Heaster voting against the motion.

Chairman Thomas stated that the board still needed to discuss and vote on part two of this case.

Mr. Briley stated that the applicant came here tonight and discussed that maybe some things were done prior to knowing what he could do. He is not a huge fan of outdoor or permanent garage sales. But to Mr. Galloway's point, we do allow outdoor product display. Most of the places we allow it, it's organized. Furniture stores have chairs set up, typically, it's patio furniture. Perrine's has different fruits and vegetables set up outside. Lowe's has lawn mowers and gas grills set up outside. Mr. Briley wants this gentleman to feel like he's part of the community because he has that desire to be part of the community and to be a good neighbor. If there's something we can do to allow his product behind the yellow line shown on the one picture, that would be as far as product display can be. It can't be out around the sign. It can't be out in the parking lot. It can't be over on the grass. The applicant has a little porch where he had some tables set up. If we confined it to maybe the area underneath the overhang and maybe down the side of the building, but not in front of the tent area. It's just a thought. It's just maybe a compromise.

Mr. Galloway asked if board members remembered when the nursery was up there by Mario's, and they brought their plants all the way out to the fence line which was right on the sidewalk. Out and around Howard's you got two to three businesses that bring stuff out. His thought process is much like Mr. Briley. The applicant could bring anything into the side area. But everything would have to be back behind that yellow line. He could bring something out beyond it, but it couldn't be a permanent fixture. Someone mentioned the non-conforming sign, and until a hurricane blows down that sign, technically it's the same things as a conforming sign. But if the hurricane knocks it down then you got to put a different sign up. Mr. Galloway is just saying, you have got to treat everybody the same. For years we allowed that nursery to be right up on the sidewalk. The sign, it doesn't bother him. It's the stuff around the sign. When the hurricane blows the sign down, then they will have to put up a different sign. They won't be able to put that same type of sign up again.

Ms. Shull stated that in the carport area he could put in the enclosed tiki hut she had mentioned earlier, so he could hang items in there, the music could be in there, it would create a nice display area.

Mr. Heaster stated that to him, this shop does not reflect Ormond Beach. Even your little tweaking of this and that. He is sorry. He just can't buy into it. And you're setting that in precedence.

Mr. Galloway stated that this is a code enforcement issue and they should have gone there and notified the applicant that this is wrong, this is wrong, and this is wrong. The board is spending time acting as the enforcer of the code. We're not code enforcement. Code enforcement should be making these decisions of what the board is having to talk about.

Mr. Briley stated that the applicant is trying to amend the rules, so that they can display items on the property and be legal.

Mr. Spraker stated that businesses are allowed to do outdoor storage, or outdoor product display, 4 times a year, for 14 days, for a total of 56 days. So every business has the right to do it, just not on a permanent basis. So they are allowed to have their tent sales, and the applicant could do a sidewalk sale without a special exception. So every business has the right to do that on a temporary basis. The other thing is that

where the tent is, is his side yard. So if he puts a permanent structure, it would have to be set back 10 feet. So that may or may not impact some of the suggestions made for a permanent structure.

Mr. Heaster asked Mr. Spraker to clarify for the board that any special exception granted, continues to stay with the property. Mr. Spraker stated that was correct.

The board members continued to have discussion back and forth about what the code already allows for outdoor product display, and that the applicant just needs to have a better understanding of what he can and cannot do on the property based on the present code. Mr. Spraker stated that the applicant has that understanding. He knows he is limited to 56 days, and that is why he is asking the board, and eventually City Commission, to allow it permanently. If the board doesn't think it meets the criteria, then they would need to deny his application.

Mr. Galloway stated that he would like to make a motion, and it may die for lack of a second. He made a motion to allow permanent outdoor storage for SE18-091, just to move this along. Chairman Thomas asked for a second to the motion. Hearing none, and noting that the applicant wanted to speak, he asked the board if they wanted to hear from the applicant. The board affirmed it.

Mr. Oshman stated that he is surprised and disappointed that the members of the board would consider whether this is Ormond Beach product or an Ormond Beach store. That's not what this country is about. Cities have to have rules. He was on the board of appeals and zoning board in Massachusetts, and they went by the regulations, not by their personal preferences. Board members might not like his tie-dye shirt, but he has a right to wear it. Board members don't like the store in your town. Then he and his wife will work on moving somewhere else, but with a great distaste and embarrassment that Ormond Beach would make such a decision that they are not in concert with the type of products that we sell. Understand that this is yard art that they are displaying outside. Mr. Oshman would ask the board respectfully that they be allowed to display it, because he just spent another \$3,000 on yard art. And that's what they are selling, because there aren't that many hippies in Ormond Beach. So there are other stores, landscape stores that do a very similar display. And he is very comfortable with staying behind that yellow line, and staying on the side of the building – that is not a problem. But he would ask, respectfully, that you give him the right to do that.

Mr. Briley stated that he would second Mr. Galloway's motion, and open it for discussion.

Mr. Galloway stated that as far as the yard art, he buys yard art all the time from the guy at the honey stop up there on the way to Palatka, so the yard art is no problem. He thinks the problem is the permanent display. We don't allow other businesses to do it. It's been a point of contention for a lot of businesses. For years we wouldn't even allow people to put it on their sidewalk. And so what he is saying is, he has no problem with you bringing it out, but it's got to be treated the way we allow other businesses to do that. What you keep behind that yellow line, he has absolutely no problem with that. It's the condition of the property and the items being outside, regardless if it was Weber grills or yard art. That's the point the board is trying to make. It has nothing to do with what you're selling. It has the appearance of

everything being out there permanently. If they let one do it, then they have to let everybody do it. He believes in supporting small businessmen. Our country is Main Street, USA. So please believe him that there is nothing wrong with what is being sold. It's the presentation of it being out there 24/7.

Mr. Briley stated that is exactly how he felt about it. It's not what you're selling. It's how it's presented. And that's why he stated that the board should look at allowing you to keep it behind the yellow line, up underneath the overhang, and down the side of the building. Mr. Briley doesn't care for any of the stuff being out front. It's not the product. It's where it is. It's the display. But, he can agree with behind the yellow line.

Ms. Tolland stated that whatever is agreed on tonight, and if the applicant leaves the business, if the building is filled within six months, then we have to honor this for the next business. So she thinks consistency is good.

Mr. Briley reiterated that Mr. Galloway's motion and his second is to allow the outdoor storage behind the yellow line that staff has drawn on the aerial photo and that we consider allowing the outdoor storage along the side of the building. Vote was called, and the motion was approved (5-2) with Mr. Jorczak and Mr. Heaster voting against the motion.

C. SE 2018-095, 301 Division Avenue, Unit #15, Special Exception for Outdoor Activity

Mr. Steven Spraker, stated that this is a request for a special exception for live-outdoor music. The property is at 301 Division Avenue. The site abuts the railroad track and across the railroad track is the DuvaSawko parking lot. The request is to have the outdoor music Monday through Thursday from 4:00 PM to 10:00 PM and then 10:00 AM to 10:00 PM, Friday, Saturday, and Sunday. This property also did a sound test. They did it with a band with four members playing. Basically, all the perimeter decibel readings were within our Land Development Code. The readings were 62 along Division Avenue, on the other side of the railroad tracks it was 65, and as you got in the residential areas, it was in the low 50s. Staff is recommending approval of the application. We are recommending what we call the River Grille condition of enforcement. If there are two complaints verified by a police or code enforcement officer and then proven by a special master, the special exception would cease to exist. The applicant is here to address the board.

Mr. Rob Merrell, Cobb Cole Law Firm, 149 S Ridgewood Avenue, stated that he is here as a friend of Justin Robinson, who's the applicant. He established his business four years ago and appeared before the board to get his business started. The business is a brewery and is very successful. Mr. Merrell witnessed the DB test. The band that was brought in to check the music was a four or five piece band. He thinks this is the perfect place to have this activity. The railroad tracks are right there. You can't see it from the road. It's behind the buildings. It's all industrial so it complements what happens in the evenings. The industrial folks shut down. There's plenty of parking. So it's sort of the reuse of the industrial area that he thinks is kind of what we're looking for with urban reuse and renewal.

Mr. Merrell continued that Mr. Robinson has been involved with many charities since he started the business. The Children's Academy of Halifax, Halifax Humane Society, Alzheimer's Association, Sophie's Circle Dog Rescue, ARNI, Boys and Girls Club. So he's given back to and he is a part of this community. So he's the kind of person we want around here.

Ms. Shull asked why do they want to start the music at 10:00 AM on Friday, Saturday and Sunday. Mr. Justin Robinson stated that they do one big event every year where they actually open up at 11:00 AM. It's a fundraiser for the Emory L Bennett Nursing Home, and that's one that they do every year where it starts really early. So that's why they would start it at 10:00 AM. It's not going to be a regular thing. They could put it in the wording that it is just once a year but they want to leave the flexibility there. Again, they are in I-I zoning and early times are on Saturday and Sunday when there isn't anybody around.

Mr. Galloway stated that there was an anonymous complaint. We need to try to work with businesses. If the person who complained is not here then the board cannot ask them what they're really complaining about. In all small communities, all across the country, these breweries are bringing businesses back into the areas that need new life. This brings people back into the community. Mr. Galloway is 100% behind this, but we are setting a precedent where we are jumping all over the place on these times that we're allowing people to play music. We need some continuity here. It's a quaint setting, quiet, and he is 100% behind this.

Mr. Greg Schlaf, 15 Queen Anne Court, stated that he lives about 6 blocks away, been in the neighborhood for 20 years. Ormond Brewing has been a great addition to the neighborhood. Many of his neighbors frequent the brewery. Once somebody discovers it, they are going back. It's an easy walk or a bike ride from Central Park. It's a small, local business that's earned the support of the locals and it is the type of business the city should be encouraging. The location is perfect for outdoor music and for food trucks. It's a good location for food trucks because it's not going to impede any traffic. In his opinion, it's a gem of a place and a unique venue for Ormond Beach. He usually takes his out-of-town guests there just so he can show off what Ormond Beach is like and what we've got to offer in the way of a small, unique venue. So he would strongly urge the board to grant them their special-use exemption so that the business can reach its full potential.

Mr. Briley stated that he agrees with Mr. Schlaf. This is what makes Ormond Beach great, because there are so many different unique things, and he thinks this is very unique. He has been there and they have had the food trucks and they have had music and it's great. So he wishes them luck.

Mr. Heaster stated that this is the type of location he was talking about with music. Perfect location, behind a building, it's not up front. He just thinks it is a great fit.

Mr. Galloway made a motion to approve SE 2018-095, 301 Division Avenue, Unit #15, Special Exception for Outdoor Activity. Mr. Heaster seconded the motion. Vote was called, and the motion was approved (7-0).

D. LDC 2018-096, LDC Amendment - Malted Beverage Producer, Mobile Food Dispensing Vehicles

Mr. Steven Spraker, stated that this is a request for a Land Development Code amendment. Within our Land Development Code, the malted-beverage producer was created by the applicant, and basically, it's a use within the I-1 zoning district. So what they're proposing to do is to take and amend that use, only for the malted-beverage producer, to allow the food trucks. They have added some conditions. For example, it has to be in the I-1 zoning, it can't be on an arterial collector roadway, it has to be internal to the site, and basically, they can't use public parking. So the food trucks would only be for the malted-beverage producer. Right now, this use is the only malted-beverage producer within the city. Mr. Spraker can't say that there will never be another one, but it would have to be in the I-1 zoning district and it would have to meet all those other criteria. Staff is recommending approval. If there are any questions, Staff is available for answers, and the applicant is here.

Mr. Heaster asked if someone has an event and they have food trucks, is that allowed. Mr. Spraker stated if it is a city or civic sponsored event, they're allowed. Otherwise, they're not allowed within the city. Mr. Heaster then stated that if an existing business wants to have a food truck for a special event they are having, that it is not allowed. Mr. Spraker stated that was correct. Mr. Heaster asked if there is a limit to the number of food trucks allowed. Mr. Spraker stated not in the proposed ordinance.

Mr. Briley asked if there were any restrictions on times. Can they be there all the time? Mr. Spraker stated that was correct.

Mr. Galloway stated that if he wants a food truck to come to his place of business to feed his employees, he is violating the food truck code. Mr. Spraker stated that there is no language in the Land Development Code that allows food trucks. This would be the first.

Chairman Thomas stated that he has had food trucks come into his place of business for years and hawk their food. Mr. Spraker stated that if no one is calling code enforcement, they're not coming out and they're not looking for violations. So he hears what Chairman Thomas is saying, but there is no food truck regulation within our Land Development Code.

Ms. Shull asked if there were any restrictions on the number of trucks or time. Mr. Spraker stated not under the proposal. Ms. Shull asked if they could stay there 24 hours a day. Mr. Spraker stated that unless the Planning Board and City Commission wanted to make those amendments, there's none in the proposed amendment.

Mr. Heaster stated that if there's never been an issue, why did it come up that Mr. Robinson is requesting it. Mr. Spraker stated because he's not allowed to have it. The Land Development Code doesn't allow it. They desire to have food trucks as part of their business, part of their malted-beverage producer. So that is why they are amending the Land Development Code to allow it. And it's specifically for the malted-beverage producer.

Mr. Galloway stated that for 30 years, when that sandwich truck pulled up at the construction site, now it's illegal to do that? And for 30 years, it's been illegal? Why are we addressing this now? Mr. Spraker stated that this business is not allowed to have food trucks. And they desire to have food trucks. If there's a desire by the Planning Board to have a larger discussion on food trucks, we can certainly do that.

But the application before the board tonight is solely under the malted-beverage producer. And if you want to add conditions, such as the number of food trucks or the hours of operation, you can.

Mr. Rob Merrell stated that this is a positive thing. It's happening all over the country. And we are at the trailing edge of this thing. It's happening all over the state. There's a lot of it in Volusia County, just not in Ormond yet. It's very controlled. He has put safeguards in there. This is a very narrowly tailored piece of legislation that you're looking at. If you want to blow it wide open and have a big workshop or something, that's fine. But in this case, kind of like the music, it's tucked in a corner, it's in a perfect place. It's perfect for people who are coming there to have the taproom and drink the beer. We want them to have a little something to eat.

Mr. Galloway stated that he thinks it is ridiculous that we have to go to code like this. We are making it so hard for the small businessman to be an entrepreneur that he thinks it is ridiculous that we have to set an example for a place where a food truck can come in and park on somebody's private property. And so we're setting precedent here that now everybody's going to want to have a food truck exemption and it should be allowed, just by code, it should be allowed.

Ms. Tolland stated that she thinks we should be more welcoming and appreciative that they're trying to do something fun and positive. Austin, Texas - Richmond, Virginia - every town that's a small town that is trying to reinvent and keep the small town feel and bring the Millennials back in, are doing food trucks. Do we need to have a discussion in the future if we have a million food trucks going down Granada? Then, yes. But at this point, she thinks it is an awesome idea.

Chairman Thomas stated that he has a home in Pennsylvania and as he travels back and forth, he travels through a lot of small towns. And each one of them has their own special appeal. Quite often we talk about other communities and how they have stuff that we don't think is appropriate. But every town is different, every group is different, and it's nice to go and see some of this Americana. Chairman Thomas has a lot of friends and relatives that have been at the Ormond Brewery and he thinks it is great. How bad can a food truck be? Now, if you've got them on every corner, I guess you have a problem, but this is in an industrial place. So he doesn't see any problem with this at all.

Mr. Galloway stated that it is like some communities opposing Uber because the taxicab companies don't want Uber to come in and to him, it is just because times have changed, and food trucks should be allowed, period. His concern is, are we setting precedent now, if anybody wants to have a food truck that they are going to have to come to the board now and ask for this special exception.

Mr. Jorczak stated that he thinks it is a larger issue with respect to what staff wants to look at in terms of our Land Development Code, but he commends this businessman because he's doing something that is enhancing his basic business he started, he's now putting the other pieces in place to help grow his business, and he's to be commended for the effort that he's taken in developing his business in the community. And so he supports what Mr. Robinson is doing and Mr. Jorczak hopes he is very successful at it. He doesn't see any downside.

Ms. Tolland made a motion to approve LDC 2018-096, LDC Amendment - Malted Beverage Producer, Mobile Food Dispensing Vehicles. Ms. Shull seconded the motion. Vote was called, and the motion was approved (7-0).

VIII. OTHER BUSINESS

Chairman Thomas asked if anybody wants to look at the food truck ordinance, or lack of an ordinance. Mr. Spraker stated that Staff anticipated this reaction from the board, and they have already had discussion about it. Staff's preference is to get the new commission in place, get some policy direction, and then bring it back and work it through the Planning Board. So it would probably be early January or February. Staff will group it with a couple other issues that they are aware of in our code.

Mr. Galloway stated that he knows of three cities where food trucks have brought inner-city development. They have vacant lots, and every Thursday the food trucks come and set up and, if anything, it's brought more people back to the area.

Chairman Thomas stated that he doesn't think a food truck is going to hurt anything, the restaurants downtown, or anything like that. We're talking about a food truck that's going to go to a place of business where they are manufacturing something, where your workers just don't hop out and go have a two-hour lunch. These are the guys that are going to grab something, eat it, and get back to work.

IX. MEMBER COMMENTS

Ms. Tolland stated that it is really an exciting time to be on the Planning Board this year. And she just wants to thank Mr. Spraker for all his hard work and his staff. And as soon as Mr. Spraker came on board, all heck broke loose. So keep persevering. You're doing a great job.

Mr. Briley stated that it was awesome news about Lucky's coming to the old Food Lion. And he understands too, that Publix in The Trails is going to be torn down as well as the old CVS and they will rebuild a state-of-the-art Publix there.

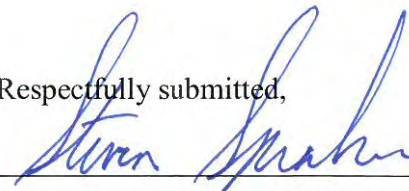
Chairman Thomas asked about PDQ not coming to Ormond Beach now, and wondered if it was because Zaxby's started construction. Mr. Spraker stated that he thinks that is part of it. With three chicken places within a half mile, he thinks that the demographics may not have worked.

Mr. Heaster stated that he doesn't understand why the developer didn't just go ahead and get the Type C for the land. Mr. Spraker stated that they are going to tie it to a site plan and they are going to tie it to a use. So they are not just generally going to give a special exception for a restaurant-type setting and then change the user or change the design. So a special exception is tied to a parcel. If they change the site plan, they would require a new special exception.

X. ADJOURNMENT

The meeting was adjourned at 9:30 p.m.

Respectfully submitted,



Steven Spraker, Planning Director

ATTEST



Doug Thomas, Chairman

Minutes transcribed by Melanie Nagel.