

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

December 13, 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
Al Jorczak
Angeline Shull
Lori Tolland
Doug Thomas, Chair
Lewis Heaster (resigned)

Staff Present

Steven Spraker, Planning Director
Becky Weedo, Senior Planner
Sha Moss, Recording Technician
Randy Hayes, City Attorney

II. INVOCATION

Ms. Shull 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

September 13, 2018

Mr. Galloway moved to approve the September 13, 2018 Minutes. Mr. Jorczak seconded the motion. Hearing no objections, the minutes were unanimously approved.

VI. PLANNING DIRECTOR'S REPORT

Mr. Spraker stated that staff is preparing the 2019 meeting calendar, and the February Planning Board meeting happens to fall on Valentine's Day. Mr. Spraker wanted to know if board members wanted to change the date of that meeting. Mr. Briley stated that he doesn't have a problem with moving it to February 7th. Board members were in agreement.

Mr. Spraker continued that there are a couple of neighborhood meetings coming up. The first one will be held on December 18, 2018 for Granada Pointe. They are doing an amendment, and the meeting will be held at the Hampton Inn. Another project coming up is with Salty Church. They are expanding, and will be holding a neighborhood meeting on January 15, 2019.

Mr. Spraker stated that the last Ormond Beach Life session will be held on January 22, 2019 and will be a wrap up meeting, summarizing all of the six sessions that were held.

Mr. Spraker stated that there are a couple of things that are being worked on in 2019 that the Planning Board will see. The city is starting a Downtown Master Plan update which will go through MainStreet and they will be putting together a committee that will take a look at where we've been, where we are, and where we are going. The Planning Board will also be part of some Land Development Code amendments – food trucks, medical marijuana and murals are all under consideration. Hopefully by February a workshop can be planned with this board and City Commission to discuss some of these issues.

VII. PUBLIC HEARINGS

A. LDC 2018-122, Restaurant Type "A" and Type "B" Definitions Amendment

Ms. Becky Weedo, Senior Planner, stated that this is a request for an amendment to Section 1-22 of the Land Development Code, modifying Restaurant Type "A" and "B" definitions, consistent with the state criteria for Special Food Service Establishment alcoholic beverage licenses. The changes to the Florida statutes were approved on April 6, 2016 and became effective July 1, 2016. The amendment created a special restaurant alcoholic beverage license category for restaurants meeting the 2,500 square feet of service area and equipped to serve meals to 150 persons at one time.

Ms. Weedo stated that prior to the amendment, restaurants applied for an SRX alcohol beverage license, based on 2,500 square feet and 150 seats. A restaurant can now qualify to sell and serve spirits, beer and wine if the restaurant has at least 2,500 square feet of service area and is equipped to serve 150 persons at one time. Outdoor

seating can be included in the 2,500 service area calculation, and the 150 persons that a restaurant must be equipped to serve is based on fire occupancy not seats.

Ms. Weedo continued that staff received verification from the Department of Business Professional Regulations from the Orlando District Commander and the Counsel for Compliance and Regulatory Programs on the number of persons "equipped to serve" and the "service area." As provided in the Staff Report, both representatives were able to confirm that the minimum service area of 2,500 square feet includes outdoor seating and the number of persons "equipped to serve" is based on fire occupancy.

The applicant represents the Topsy Taco Cantina which is currently classified as a restaurant Type "B" which is allowed to sell beer and wine only. The proposed amendment will potentially allow the restaurant to sell spirits as well, since persons served will not be based on the number of seats anymore. Staff recommends approval of the amendment modifying the Restaurant Type "A" and "B" definitions for consistency with the Florida statutes and Florida administrative code criteria for Special Food Service Establishment alcoholic beverage licenses.

Mr. Jorczak stated that if the change in state law had been picked up across the state in 2017, and if we had changed our code requirements to comply with that law in 2017, would the applicant still have to come before the Planning Board to change his designation, or could this be handled by staff. Ms. Weedo stated that the Land Development Code definition for Type "A" restaurants specifically said 150 seats, so that is why the amendment is being done, so that it doesn't say "seats" anymore.

City Attorney Randy Hayes stated that there would still need to be a text change to the code to make it consistent with the state law. So, from an amendatory perspective this is basically a house-cleaning item that will make it easier for staff to deal with the applicants as they come in.

Ms. Shull asked that if the state has this law, does the city have to change their code. Attorney Hayes stated that for this particular one, the answer is yes, because they need to be consistent with the state law. The caveat to that, under general home rule powers, local governments can regulate their home rule powers, unless they are exempted, and there are a number of ways that can happen. Sometimes the state will pre-empt an entire area from local regulations. Sometimes it will establish minimum parameters. And sometimes it will allow local governments to adopt regulations that may exceed the minimum standards, but not lessen them. What you have here is a change in legislation that we need to be consistent with. We don't have the ability to lessen it, but whether or not it could be increased would depend on if legislation has set the bar for the minimum standard, and then we could do something above that. But, that is not what is before the board tonight. What we are doing is making this consistent with the state law.

Mr. Jorczak stated that when the state passes new legislation, and in this particular case this issue is being triggered by an applicant who picked up on the information and is applying to the city for a change, is there anything that automatically hits the city with respect to new state legislation that then says that we need to put this on our list to change our Land Development Code. Attorney Hayes stated that city staff tries to stay current with legislative changes, which is hard to do. They try to capture a lot

of the changes, but sometimes it will be an applicant that comes to us and asks if we realize that there has been a change and that our code is inconsistent, and then we need to fix that. From an administrative perspective, the fix will make it easier for staff to implement the change.

Ms. Tolland asked, as the Planning Board, is this something that they should be worried about, with possibly every applicant wanting to come and do this. Is this how we want to see our restaurants grow? Mr. Briley stated that this change will take effect city-wide. Ms. Tolland stated that once the board says yes, and sets the precedence, doesn't that open Pandora's Box? Chairman Thomas stated that it has become state law.

Ms. Weedo stated that there are four classifications of restaurants – A, B, C and D. The type that are allowed to offer alcohol, they have to apply for their alcohol license, so there is a huge process that they go through. The only thing that we are doing is, when they come to the city, we can do their zoning sign-off for them. This Land Development Code amendment is only specific to Type "A" and "B" restaurants, so it's not a huge impact.

Mr. Jorczak asked Ms. Weedo if she knows how many Type "B" restaurants there are in the city, that would have the parameters to upgrade to an "A". Ms. Weedo stated that she didn't know how many there are. Mr. Jorczak stated that would be interesting to know how many more they might have that could change, understanding that they still have to go get a liquor license. Chairman Thomas stated that this isn't something that they have a lot of options for, or can do anything about. He sees it that we are just complying to the state regulations.

Ms. Tolland made a motion to approve LDC 2018-122, Restaurant Type "A" and Type "B" Definitions Amendment. Mr. Briley seconded the motion. Vote was called, and the motion was approved (6-0).

VIII. OTHER BUSINESS

There was none.

IX. MEMBER COMMENTS

Ms. Tolland stated that she just wants to thank the Planning Board for persevering and being receptive to everyone's comments and discerning what needs to be discerned, and staying positive. She loves the way the city is growing, and she wants to thank her colleagues for just being who they are. Ms. Tolland wished everyone a very merry Christmas and a happy new year.

Ms. Shull dittoed what Ms. Tolland stated, keeping it short and to the point.

Mr. Galloway asked Mr. Spraker to give an update on Julian's Restaurant. Mr. Spraker stated that there was a conceptual application for a retail gift shop. A formal application has not been submitted. Mr. Galloway asked about the old Duff's building and what is happening with that. Mr. Spraker stated that they have done a

partial demolition to the walls and they are planning a retail surf shop. They have building permits, and they are not only doing that building, but they are doing a facelift to the Dollar Store, so that the two buildings match.

Mr. Galloway stated that the change in the seating for the restaurant types is very pro-business, so that we are using people instead of chairs for 2,500 square feet, and it will allow the city to get better quality restaurants within the city. So, he wants to congratulate the state for finally looking into this. He thinks that eventually we need to start looking at boutique operators and start allowing less than 2,500 square feet too. It has been a great year and he looks forward to next year, and everyone here is A+ in his book.

Mr. Jorczak stated that his daughter was here for Thanksgiving and she was at Miss Priss to shop, and she stated that one of the owners said that they were having some difficulty, because they want to expand up to the second floor, and he wants to know what the issue is. Mr. Spraker stated that he had no knowledge of this. The difficulty could be with the architect and there could be building issues with adding a second story to that portion of the building. He is not aware that they have come into the office and talked to anyone. Mr. Jorczak has appreciated the opportunity to work with the board members, and hopefully and collectively they can add some insight to the city with their recommendations. He would also like to wish everyone a safe and happy Christmas and New Year.

Mr. Briley wished everyone a Merry Christmas and Happy New Year. This is a great group of people that he serves with, and he thanked the staff, which is second to none. Staff provides a lot of information and they do it very well.

Chairman Thomas asked Mr. Spraker for an update on the Hand Avenue extension, and when Mintos will be coming into Rt. 40. Mr. Spraker stated that Mintos is working from LPGA, and going north, which is Parcel B. There are around 3,400 homes in Parcel B. Parcel A is between their Parcel B and West Granada Boulevard. They have recently done land use and zoning changes to allow 3,250 single family homes and 200,000 square feet of commercial retail. As part of that, they only have approval for the first 800 units. They are not connecting Tymber Creek to West Granada Boulevard at this time. So, there is no direct connection to Granada Boulevard. During the comprehensive plan and zoning amendments, they basically said that they didn't anticipate going into the remainder of that parcel in the next 5-10 years. So, basically they have to work from LPGA north. If they average 300-400 homes per year, that's eight years for 3,400 homes. The city is aware that there is a project west of the Minto Parcel A where ICI Homes is proposing single family homes. We are not aware that they have gone in for comprehensive plan amendments in Daytona.

Chairman Thomas asked if there has been any further discussion about the Hand Avenue extension. Mr. Spraker stated not anything that adds it to a list to get funding sooner rather than later. He believes it is being talked more as an alternative to Granada, but he is not aware of any further movement on it.

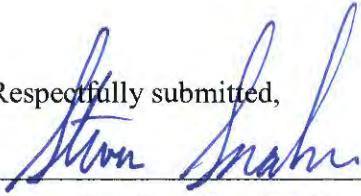
Chairman Thomas stated that it has been an interesting year on the board with some of the issues that they have had to deal with. He thinks they have come up with the right things for the city. He wants to thank everyone and he is glad to see that

everyone is coming back on the board, along with the newest member, Mike Scudiero. He is looking forward to working with everyone next year. Merry Christmas, Happy Hanukah and Happy New Year to everyone.

X. ADJOURNMENT

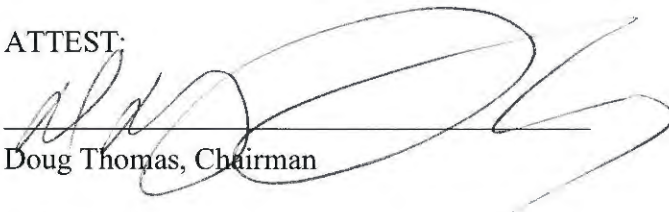
The meeting was adjourned at 7:24 p.m.

Respectfully submitted,



Steven Spraker, Planning Director

ATTEST:



Doug Thomas, Chairman

Minutes transcribed by Melanie Nagel.