

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

January 10, 2019

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 Jorzak  
Mike Scudiero  
Angeline Shull  
Lori Tolland  
Doug Thomas, Chair

Staff Present

Steven Spraker, Planning Director  
Laureen Kornel, Senior Planner  
Randy Hayes, Legal Attorney  
Melanie Nagel, Recording Technician

**II. ADMINISTRATIVE ITEMS**

**A. Election of Chairperson and Vice Chairperson**

**Mr. Briley moved to appoint Doug Thomas as Chair. Mr. Jorzak seconded the motion. Vote was called, and the motion unanimously approved.**

**Mr. Jorzak moved to appoint Harold Briley as Vice Chair. Mr. Galloway seconded the motion. Vote was called, and the motion unanimously approved.**

**B. Adoption of the 2019 Planning Board Calendar**

**Mr. Briley moved to adopt the 2019 Planning Board Calendar. Mr. Jorczak seconded the motion. Vote was called, and the motion unanimously approved.**

### **III. INVOCATION**

Mr. Briley led the invocation.

### **IV. PLEDGE OF ALLEGIANCE**

### **V. 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).

### **VI. MINUTES**

#### **December 13, 2018**

**Mr. Galloway moved to approve the December 13, 2018 Minutes. Ms. Tolland seconded the motion. Hearing no objections, the minutes were unanimously approved.**

### **VII. PLANNING DIRECTOR'S REPORT**

Mr. Steven Spraker, Planning Director, stated that he wanted to let the board know that there is a neighborhood meeting for the Salty Church development on January the 15th. It will start at 6:30 p.m. and it will be at the Salty Church. They are doing an expansion of their property. On January 22nd, there is the last OB Life wrap up to the series, so we certainly hope everybody will come to that. And then there may be a joint workshop with the City Commission on food trucks and medical marijuana. That will be in February, and as soon as we get that information, we'll give that to the Planning Board.

### **VIII. PUBLIC HEARINGS**

#### **A. PBD 2019-014: Granada Pointe Planned Business Development Amendment**

Mr. Spraker, Planning Director, stated that this is a Planned Business Development amendment that involves six specific amendments. In 2017, there was a rezoning to Planned Business Development, and then there was a development order that approved specific items. Summarizing what the plan approved, unit one had a drive-through approved. Unit two was a retail area of 26,000 square feet. Unit three was the Wawa gas station of approximately 6,100 square feet and 12 gas stations. Unit four was a 41,952 square foot grocery store. There was a stormwater pond and a compensating storage pond of 6.71 acres. The north parcel had 15,000 square feet of retail proposed, and that parcel could be subdivided into two, and then there was a 10-acre preservation parcel.

Mr. Spraker explained that the application has gone through several steps. First, it went through the Site Plan Review Committee for the Modern Wash site plan. There was a neighborhood meeting held on December 18, 2018. The Planning Board is the advisory board who reviews the staff report, listens to the input provided tonight and provides a recommendation to the City Commission. The tentative City Commission dates are February 19th and March 5th. Whatever version gets approved, it will go back to the Site Plan Review Committee for final approval, and then site and building permits are issued, and then inspections and Certificate of Occupancy would be granted.

Mr. Spraker stated that the first amendment is to allow a car wash as a permitted use within the Planned Business Development. It would be on unit one, where there was originally going to be a drive-thru restaurant. There will be a double stacking lane of approximately 10 cars that leads into a single lane that goes into the car wash, and outside there are vacuums. Through both the neighborhood meeting and site plan review, the applicant has stated that there are usually three or four employees that basically help someone get through the car wash. The hours of operation would be limited from 7:00 AM to 9:00 PM. There would be no outdoor detailing on site, and the vacuum system would only operate during the car wash hours.

Mr. Spraker continued that the applicant has provided benefits that they are arguing as part of the Planned Business Development. Basically, a car wash would reduce the operating hours as compared to a fast food restaurant. It would reduce the traffic generation on the project, it would eliminate a drive-thru window and menu order board. It would increase the landscaping along the greenbelt buffer to 55' to provide some additional screening, and it would reduce the garbage service that would be vital for the fast food restaurant use. The car wash would increase water conservation benefits versus someone washing their car in a driveway. So it would use less water.

Mr. Spraker stated that the land use in this area is "Residential/Office/Retail," and that land use allows retail restaurants and personal services along with multi-family. It doesn't allow a car wash or any type of automotive use. Those uses are allowed in the B5 (Heavy Commercial) land use areas, primarily along US 1. There are no other car washes within the ROR land use. There are designated areas within the B5 and the 11, which are generally located on US 1, and then the car wash that is close to Granada, the one on Tymber Creek, it isn't a commercial land use, so it has different characteristics, and that car wash is located behind the 7-Eleven so the rear property is not visible on Granada Boulevard. Staff's recommendation for the application would be to deny the requested car wash use based on the criteria in the Land Development Code and the Comprehensive Plan.

Mr. Spraker stated that the second amendment is for the privacy walls. When this project first came before the Planning Board, a member of the subdivision had requested a portion of the wall to be eight feet in height. As the project has started through construction, the homeowner at 602 Tomoka Avenue asked for the entire wall to be eight feet, which the applicant is willing to do. The project needs to go through the amendment process to allow an increase of wall height to eight feet. The applicant is asking for the ability to go to eight feet as part of this development order amendment. Staff is recommending approval of this amendment.

Mr. Spraker continued that the third amendment is to remove a required easement for eight future parking spaces along the north parcel, on the north side of Granada Boulevard. Through conversations with the Historical Society, they would like the access to be controlled by the Historical Society to maintain the integrity of that site. So what the application is asking to do is to remove the non-exclusive parking spaces that were required in that original development order. The spaces would still be constructed. They just wouldn't have an easement to the Historical Society. Staff is recommending approval of the amendment, and someone from the Historical Society is here tonight to speak about both amendments three and four.

Mr. Spraker explained that the fourth amendment is to modify the requirement of the \$10,000 contribution to the Ormond Beach Historical Society. The purpose of that contribution was to construct a walkway from the parking spaces into the site, and state approval is required in order to do any modifications. The original application sought to use the \$10,000 for maintenance and repair of the Three Chimneys. After the neighborhood meeting, the applicant provided a letter which states that they are willing to donate the money, without any restrictions on how the Historical Society uses the donation. Staff is also recommending approval of amendment four.

Mr. Spraker stated that amendment five seeks to clarify that two outparcels are allowed on unit four. Unit four was the larger parcel next to the stormwater pond that was originally slated for a grocery store. The development order has text that allows the master development of five to eight parcels. The site plan didn't show the eight parcels, so there is a conflict within what was shown and then what was in the text of the development order. This would be an eight-parcel division of the property. These parcels are a condominium, so people own their land, and then there is a master condominium association that would take care of the common improvements such as the stormwater, decorative pavers, and trees within the right-of-way. So there is both a condo owner and the master association. Staff looked at several things in the report. The first one is a reduction in the square footage of the grocery store would provide additional land area. So, if you're not required to have X number of spaces, say 150, now you're only required 100, then your land area is now open to allow other types of uses. The amendment would not amend the approved traffic study, so they have a certain number of trips that they're allowed to generate. So, the trips for the project could all be one use for a 42,000 square feet building or it could be 24,000 square feet in the grocery and then a combination of other uses. At the neighborhood meeting, the applicant stated that they did not know what the two uses of the potential outparcel would be, although they showed fast food restaurants on the site plan. Staff also reviewed if it had adequate land area to meet the lot width in dimensional standards, which it does. Even as one unit, there is nothing in the Land Development Code that would prevent multiple parcels or multiple buildings on one parcel. So there could be three buildings on one parcel under common ownership. Staff recommends approval of the fifth amendment, as submitted.

Mr. Spraker stated that the last amendment is for the removal of historic tree number 19 on the north parcel. There was some confusion if they were removing 19 historic trees or one historic tree. It is one historic tree, tree number 19, and it is located within the green belt buffer on the north side. Mr. Spraker displayed the access point for the project. The tree does lean. In September, the applicant contacted city staff and the City's landscape architect had an independent arborist take a look at the tree. Their conclusion was it was healthy, there was no sign of disease, and there was no reason

for removal. In addition, city staff had the three arborists employed by the city of Ormond Beach, take a look at it, and the three arborists also concluded that the tree was healthy. Staff's recommendation from the city landscape architect is the tree is healthy and should not be removed, and the historic tree removal should be denied.

Mr. Spraker concluded that there was a neighborhood meeting conducted on December 18, 2018. There was a wide range of topics covered, which are provided in a summary in the staff report. There were a lot of detailed questions about the operation of the car wash and the holding tanks. The holding tanks would discharge into the sanitary sewage system. They don't discharge into the stormwater system. There was discussion on the Historical Society amendments and then of course discussion on the original approval and development of the property. Staff received three correspondences, two of which were in the packet, and then the letter from Mr. Young that was emailed to the board. Staff also had one individual, Ms. Scheiber, who has requested that the board grant her five minutes to address the board during the public hearing. If there are any questions, Mr. Spraker stated he would be more than happy to answer them.

Mr. Jorczak stated that in going through some of the engineering plans, he noticed that some of the drawings show about a 35' section of the wall, and on other drawings it doesn't show up. Is that the only wall that is going to be along that side of the road? Mr. Spraker stated that was correct. The abutting use is a commercial use, zone B-9, so there are no wall requirements along that portion of the property. Mr. Jorczak stated that we don't know exactly why the wall is going in. Mr. Spraker stated that he imagines the retaining wall is to hold the fill that is going on the property. It is not a privacy wall.

Mr. Briley asked for clarification that the proposed car wash is all drive-through, and would not be like Sparkle-N-Shine, where there are people that actually hand wash the cars. Mr. Spraker stated that was correct, and there is a specific condition that prohibits it. If they ever want to hand wash cars, they'd have to come back through the whole process again, in order to do that.

Ms. Shull asked Mr. Spraker to review amendment five again. Mr. Spraker stated that the original development order stated, "The project shall allow a master development of five to eight parcels, a stormwater parcel and a tree/wetland conservation parcel." So the text in the development orders tells us that they can have eight commercial parcels. The site plan didn't reflect those eight parcels. The site plan basically reflected the grocery store, and then there was text in the development order that the north parcel could be subdivided. So out of an abundance of caution and just so that everything is transparent, there was a concern if they are allowed eight parcels in this configuration. In staff review, there is no impact how you shuffle the pieces. It's the uses and the trip generation that the project was reviewed upon. Even if they decrease the size of the grocery store and they allow additional uses, the total trip generation cannot exceed what the traffic study approved.

Mr. Galloway asked how many people attended the neighborhood meeting. Mr. Spraker stated that it was kind of hard to get a true number. It was around 40 to 50. It was a small room and people were walking in and out. It was hard to get an exact number.

Ms. Tolland stated that she would like to go back to amendment five again. When you have three separate parcels that used to be one, and they are set up as a condo, does that also mean aesthetically the buildings have to look the same, even though their uses are different and their owners may be different? Do our architectural standards require that? Mr. Spraker stated that the original architectural standards of the development order require the neo-eclectic and they require common signage. This would not amend the driveways or the access points. So nothing with the infrastructure is changing, nothing with the architectural signage would change. The number of signs are set. So it is really how the internal workings of that parcel is allowed to develop.

Prior to the applicant speaking to the board, Chairman Thomas stated that he had met with Mr. Holub in his office on Tuesday, and he just wanted to make it clear that he did meet with him. When Chairman Thomas left the meeting, he told Mr. Holub that he didn't know which way he was going to vote, and he still doesn't know.

Mr. Mark Watts with the law firm of Cobb-Cole, 231 North Woodland Boulevard, DeLand, thanked Mr. Spraker for doing a very thorough job of analyzing and reporting the content of the applications before the board this evening. Mr. Watts also has with him this evening Paul Holub, owner and manager of Granada Pointe Investments, Harry Newkirk who is the project engineer, and Brendan Johnson, and Jeff Gilson with Cloud 10 Car Wash. They have put together a more detailed presentation that walks you through the amendments. Mr. Holub will make the presentation and then Mr. Watts will further discuss a couple of points on the amendments. They agree with Mr. Spraker and his analysis on the vast majority of the things that are in the packet, but have a few issues with items one and six.

Mr. Paul Holub, managing member of Granada Pointe LLC, stated that what they are asking for is to remove what was going to be a fast food operation on unit one, and in place of that to seek approval for a single car wash operation. There are several advantages to the car wash in relation to the hours of operation, significantly less traffic, and less garbage. It is not a Sparkle-N-Shine operation. The Cloud 10 Car Wash group came to Mr. Holub to make a presentation to purchase the land, and he was very careful before he went into contract with them, because he would be developing a retail center, similar to Tuscany Shoppes, next door to the car wash if it is approved. So he was very careful in not only the design of the car wash, the use, how it operates, the hours of operation, but most importantly, that there would be no exterior detail or any exterior use whatsoever, other than the self-serve vacuum area.

Mr. Holub continued that they started working on site plans and designs and were going through the process looking at the landscape and the architecture. They were shown several facilities that Cloud 10 has built across the country, and they selected what they thought was one of the nicer, more upscale architectural elevations with significant embellishments and a glass tunnel. The Granada Pointe Shoppes will be on unit number two. These parcels have already been put under a condominium declaration and been recorded. Wawa is on lot three, and getting their permit to start construction in the next week or two. There are plans to build on lot two, next to the car wash, and some of the elevations are in the packet.

Mr. Holub stated that the west side of the facility that will face the area where they will be building a retail center, is predominantly glass. On the east side, they cannot

have as much glass because they have to have an area for indoor storage for their equipment. A formal site plan has been prepared and has been reviewed at the applicant's risk with staff as they have gone through the process. The applicants knew that they had to receive public hearing approval, but they went ahead and engaged Newkirk Engineering to prepare the plans, and Mr. Holub believes they are at the very end of design and permitting. If this is approved, this is something that would close in the very short term, and construction would start almost immediately.

Mr. Holub displayed some of their proposed signage, which will be per the Land Development Code, and their monument signage will be what was required in the original Planned Business Development. He displayed an interior view of the car wash with the glass and the glass tunnel. This facility is nothing like we have had in our market. These are being built all across the country. The tunnel holds five cars at a time. They have calculated that they have, with the cars in the tunnel and in the dual lanes, a 35 car stack and they will not ever have an issue with stacking, which was another concern of his, that he would not want the cars stacking up onto his adjacent shopping center. If there are 35 cars in queue, he is pretty sure that people will come back at a different time to get their car washed.

Mr. Holub displayed a study on a very similar size community as Ormond Beach. If people wash their car at home, and they are in older subdivisions which do not have stormwater facilities or storm drainage systems, once they wash off their car, the water makes it into the aquifers, and makes it into the storm system. What is washed off your car in the tunnel is contained in the tunnel. All of the solids and all of the contaminants are collected into something similar to a grease trap at a restaurant, and then as those tanks are filled, they are then transported off-site by an environmental vendor and disposed of. None of this makes it into the stormwater system. There has been some chatter on social media that the car wash water is going to run off into our stormwater pump. It's not so. All of the water is contained in the tunnel. All of the solids are collected in the tanks, and the water is recycled, four, five or six different times, and then at some point that water is disposed of in the sewer system just like anything else, whether it's a shower, a tub or whatever. But none of it makes it into the stormwater pond. All of the contaminants are collected.

Mr. Holub stated that there was some discussion about traffic. A fast food restaurant is certainly a much higher traffic generator, so they looked at the ITE manual, and unfortunately, it didn't have a daily trip generation for a car wash. So, they asked the applicant to give some history on their other locations, and he believes that the average during the week is two to three hundred cars a day, and on a weekend five to six hundred per day. Your fast food trips are a minimum of four times that. So this type of use is freeing up a great deal of impact that would have normally occurred with development of a fast food restaurant with a drive-thru.

Mr. Holub stated that there have been two areas of noise concern. One is the blower motor system that is inside the tunnel, but that is located at the very north end of the tunnel where cars will exit. The vacuum system is the other concern and that is 300-plus feet to the nursing home, and 400-plus feet to the residential area. The study that is in the packet doesn't take into concern that there is an eight-foot screen wall already in place with landscaping, and there is a 1.5-acre wet retention pond with a fountain. The four homes that are directly on the front edge of the residential area are going to hear the noise from the fountain, not the noise from the blower or the vacuum system.

The vacuum system itself is interior to the complex in an enclosed room. So those studies really are to demonstrate that there is no noise issue with this type of facility, especially when you take into account the dimensions of the closest residential. The majority of the neighborhood is already screened with an eight-foot wall plus landscaping.

Mr. Holub explained that there is a lot more landscaping to go into the site. The site plan has a 55-foot buffer, and then it has the required 36-foot buffer. One concern both to Mr. Holub and to staff, was that where they have the vacuums located, that they did not want them to be seen from Granada Boulevard. So after a couple of different revisions to the site plan, the landscape buffer was significantly increased in that area. If someone gets their car washed, and they want to vacuum, they can do it, but it is self-serve. They do not charge for it, but they do not vacuum your car. They do not detail your car. They do not touch your car. But it was important that this area was screened from Granada not only with the required buffer and the increased buffer in this area but also in a closer area where the actual vacuums would be located.

Mr. Holub stated that the fountain is lit and running. It will run probably 8 to 12 hours a day. It will not run all night, but that will also diminish any background noise or anything like that that the facility may produce. This is a personal care facility, an auto care type use. It is not an automotive use. There are no repairs. There are no automotive tire chains, those types of things. It just does not fall into the automotive use category. Other communities consider it a retail use. All of our communities for their east-west thoroughfare roads, including Palm Coast, Daytona Beach, even South Daytona at Beville for east-west and Port Orange all allow car washes in their area.

Mr. Holub continued that a car wash is currently allowed in the Granada Pointe development. Under type C you're allowed to have a convenience store such as Wawa with fast food, which has a sub sandwich shop inside. You're also allowed to have that fast food in the convenience store with the drive-through for the fast food, and in addition, in your current permitted code, you're allowed to have a car wash. So that is already permitted in the Granada Pointe development order. However, they are not interested in building another gas station or a convenience store, and they are not interested in putting anything else in other than a car wash. So he would ask the board to consider that as they review this project tonight.

Mr. Holub stated that two years ago when he started this project, he volunteered to donate money to Three Chimneys and also give them some parking spaces because they don't have any designated parking. Back in May of this year, he sent the Historical Society a letter saying that they were getting ready to finish up the project. They, in turn, wrote a letter back stating, "Thank you, but we really don't want the parking spaces and we really don't want the money if it's tied to a specific use." So fast forward to now, Mr. Holub is not asking to waive the donation. He certainly intends to make the donation to them, and they don't care how they use it, and they are asking that the easement that they were going to record for Three Chimneys be released because they do not want the parking spaces. Now, when that property gets developed, those spaces will ultimately be there, but they won't be there under a license or a use permit or an easement for their facility. The money that they were going to donate was so they can build a walkway from those parking spaces into the Three Chimneys, but there is a little bit more involved for them to do that that we



were not aware of. So bottom line is they are still willing to make the donation and they will make the donation regardless, but they have to get the board's approval to modify what is in the development order.

Mr. Holub explained that their original grocery store on the site was 46,000 square feet, and that grocer has left town. They're not coming to Ormond Beach, and there is nobody in that site's category left that is looking at Ormond Beach. They do have a grocery store that is very close to committing to the site in the 25, 26 thousand square foot range. That freed up a lot of parking. So the grocery store got reduced significantly in size. They did have at all times an outparcel at the corner, and now they have added, just for depiction purposes, another outparcel. Their narrative language in the development order talked about five to eight parcels, and this is what they envisioned. Now, that doesn't mean they will build two outparcels, because the particular grocer that they are talking to right now, because of line of sight and view and that type of thing, probably will not come to the site with this outparcel. So they may have to give this up anyways, even with the reduced footprint for the grocer. But for clarification purposes, since they were going through this process, they asked that it be included in their presentation.

Mr. Holub stated that the historic tree Mr. Spraker mentioned is on the north side of Granada Boulevard. If this board and staff and City Commission want that tree to stay, they have no issue with it. They just know that it is an extreme hazard, and their concern is the mast arm system that's going in for the traffic signal. Again, once they put it in, it is not their responsibility, but that tree is going to be directly over a new mast signal arm, and the canopy of the tree, unfortunately, is all towards Granada. It's just the way it's grown over the years, and so there's really not much of a canopy on the back side. But if this board and commission and staff want that tree to remain, we don't have any issue with it. They just want it to be on record that if that tree does come down on the traffic signal facility, they at least brought it up to everybody's attention. Their engineer gave it a hazard rating of nine and their landscape architect that looked at it gave it a hazard rating of nine. 10 is the worst. Yes, the tree is fairly healthy. It does have some decay and some cavities as all historic trees do over time, but the important part was that our landscape consultant gave it a hazard number nine because of the canopy and what was there long before the traffic signal mast arms became an issue.

Mr. Holub continued that when they were building the wall, they had Mrs. Kasim from 602 Tomoka Avenue say, "Could you please put in an eight foot-wall?" They were more than willing to do it, but unfortunately, the code states six, and it was too late. So they put up the eight-foot wall where it was allowed. They put up the six-foot wall for the rest. They have landscaped their section of it. The section behind Wawa has not been landscaped yet. They will do that on their own. Mr. Holub stated that they have also added a little bit of landscaping on Mr. and Mrs. Kasim's property where they wanted some additional trees. But, with the development of lot four, they do want to have the flexibility to go to an eight-foot wall. In retrospect, he should have probably requested it for the entire site.

Mr. Holub stated that they have two representatives from the car wash buyer/developers here tonight that have come down from the northeast to answer any of the board members questions. It is a multi-million dollar investment into the community. All the things that the neighborhood was against with traffic and late

operating hours, those types of things are being eliminated with this use. Some people think they have come here tonight to ask for five fast food restaurants or two more fast-food restaurants because of what is depicted on unit four, and that's not accurate at all. The fast-food restaurant is permitted. It's currently a permitted use in our development and it is a permitted use without any restriction on hours of operation. So with this type of use, they are removing a fast food use that would have gone on that lot and they are limiting the hours, and he thinks it is an improvement to some of the concerns that the neighbors had in the past. Mr. Holub would be glad to answer any other questions the board may have.

Mr. Briley asked how high the front elevation of the building would be. Mr. Newkirk stated that the height of the building at the peak would be 26 feet.

Mr. Watts stated that he knows there are a lot of things that are included in the item before you this evening. He said at the outset that he thought they would probably spend the majority of the time talking about amendment number one, amendment number five and potentially amendment number six. Ms. Elysha Petschauer is here from the Historical Society, and so he wanted to try and get her out of here a little bit earlier if he could, so he wanted to know if there were any questions with regard to the two items related to the Historical Society and Three Chimneys - amendment number three, the modification on the parking spaces, or amendment number four with the \$10,000 contributions. Ms. Petschauer is here to confirm that the Historical Society is in agreement with those changes, and he didn't want to keep her any later than necessary.

Mr. Briley stated that he doesn't have any issue with that at all. In fact, he thinks it was probably a better idea, because he was never fond of the idea of unfettered access to the Chimneys site without representatives of the Historical Society being there. Chairman Thomas asked the board if any of them had any issues with this. Hearing none, he stated that he doesn't think there will be any problems with amendments three and four.

Mr. Watts stated that he would like to wrap up with a couple of the comments based on what Mr. Holub has presented and then open up the floor for any other questions the board might have. With regard to amendment number five, the one relating to the number of parcels, he thinks Mr. Spraker did a great job of explaining it. He thinks the exhibit that they have included in the requested amendment simply makes it match with the text that's already in the development order. They are not increasing in any way the overall intensity that's permitted under the existing approval. It is just clarifying that what can be built currently in one building that's shown in the graphic that was attached to the prior approval could be built in multiple buildings, multiple lots, as long as it doesn't increase the intensity or the traffic in any way.

Mr. Watts stated that with amendment six, their principal concern there is the liability with regard to the mast arm signals and whether or not that tree might come down at some point in time and damage those signals in a way that would be a pretty costly expense. Those typically are a 4 or 5 hundred thousand dollar cost when you're installing mast arm signals of that nature, but again they wanted to be on the record with regard to that. If it is the board's preference, as it has been indicated that it is staff's preference that the amendment be denied, then that is not something that they are objecting to.

Mr. Watts continued that in the staff report, on page 14, when it gets into the analysis of the use and the first two criteria that the code requires the board to look at when they are gauging whether or not to approve an amendment, the staff analysis concluded under the first section of that analysis that it was inconsistent with the Land Development Code. That car washes located on Granada Boulevard really were intended to be assigned into the B-5 or to the I-1 zoning district. But he thinks that when dealing with a PBD, the board has the ability and the authority to allow a particular use in a particular location based on a particular set of criteria. While he thinks that the concern about vehicle services encroaching into the Granada corridor is certainly a valid concern, this type of use is very different than that. He thinks it is much more in the personal care realm or a vehicle care type use.

Mr. Watts is familiar with these types of car washes because he lives in DeLand and they actually had a number of these built in the past couple of years. Those are akin to a retail use. They are akin to a personal service use, and he doesn't think it is the type of use that you try to put into heavy commercial or industrial, where they deal with auto repair or tire stores. He doesn't think the board will set any precedence here that they need to be concerned about in the long run. Mr. Watts thinks that when the board looks at what is already permitted under the convenience store type C, you have car wash as a use that's already A) permitted there under the Land Development Code, and B) been deemed to be consistent with the Comprehensive Plan because it was approved as part of the original PBD.

Mr. Watts stated that he thinks in that context the key is, in a particular piece of property with a particular set of conditions, can it be consistent? Can it be appropriate? And he thinks, given the restrictions on the hours, given the other conditions that have been proposed and given the additional buffering that's been proffered as part of the site plan, he thinks it avoids some of the concerns that he thinks staff or others may have with regard to setting a precedent with regard to that type of use along this corridor. So with that said, they are here to answer any questions the board might have with regard to any of the pending amendments.

Mr. Jorczak stated that the water in the car wash would be reused four or five or six times before it would be disposed of into the sewer system, so what is the efficiency of that process in terms of water loss if you took the total amount, I think you've got like 2,000 gallon holding tanks and you've got three of them and you're effectively recycling that water. Could you give us a percentage of reclaimed capability of that water before you dispose of it? Mr. Watts stated that he could get one of the gentlemen with the company to come up and do that. Mr. Watts stated that it is probably 100% more efficient at reusing the water, than it going under the driveway. Mr. Jorczak stated that he is sure that it is, but he was just curious because water is such a huge issue nationally. It's an issue in Florida, and anything that conserves water over time is something that is critical to all of us.

Mr. Jeff Gilson, 401 Morning Dove Circle, Sewell, New Jersey. Stated that he is a second-generation car-washer. This is one of many projects they are doing in Florida, New Jersey, Connecticut, and Pennsylvania. He was the president of the International Carwash Association 2010 and was the one who helped with the WaterSavers program that the International Carwash Association rolled out. With regards to the recycling, they are going to use equipment that cleans the water. It's a SoBrite system - PureClean with SoBrite. They are about 80% efficient with that. He knows there

were some concerns at the neighborhood meeting about the water use. They did talk to the manufacturer and equipment installer, and believe that they can get it down to about 20 to 25 gallons of fresh water per car. That water goes into what's called a cleaning pit and goes through three different holding tanks, out to a water-oil separator, then to the sewer system. They will use less than what a restaurant uses. They will use less than if the fast food was there. They are not a huge water user. They are not a hotel, which is a big water user. They are minimal when it comes to water use. That's what they try to do. They are a part of the WaterSavers program.

Mr. Jorczak asked what the consumption would be per month, and would this be using city water. Mr. Gilson stated that they would be using city water. He asked Mr. Johnson to come up and discuss the consumption. Mr. Brendan Johnson, CEO of the company, stated that if they are using a million and a half, to 1.6 million gallons per year, and by his math, which would be about half of what a restaurant would use. They are more incentivized than anyone to use less water. So if you look at the most environmentally-conscious municipalities in the country, the first thing they do is they outlaw driveway cleaning, period. They make it illegal to do that, and they police it. The second thing they do is they promote being environmentally conscious, so he hears the concerns loud and clear. He just wants to make sure the facts are such that they use less water than most businesses, and that is by design. They are spending hundreds of thousands of dollars to put in systems specifically to not use a lot of water.

Mr. Jorczak stated that the sludge that eventually gets removed by a company like Safety-Kleen or somebody that handles environmentally sensitive materials, how often would you anticipate that those tanks would have to be cleaned. Mr. Johnson stated that usually it is once a year. The water goes through three different holding tanks, 2,000 gallons each, then to a water-oil separator. So that first tank is grabbing most of the sludge. By the time it gets to the third tank, it usually has very little left. So they are making sure they keep that first tank clean.

Mr. Briley stated that his idea of a convenience store or a gas station type C is more like the Speedway station at the corner of Hand and Nova, where there is a gas station with a convenience store. They have little sub place inside, and a carwash that's attached to it. Mr. Spraker stated that the car wash is an accessory use and not the principal use. Mr. Briley stated that we are not saying that the car wash is going to be an accessory use to the Wawa. Mr. Spraker stated, no, not at all. What they are proposing is a principal use. While you can say it's an accessory use, it's usually a small accessory use, and certainly not to the scale and volume of what is being proposed. So he understands what they are saying is that it is an accessory use to a convenience store type C, but what they're proposing is a principal use that is a standalone use. Mr. Briley stated that Mr. Spraker's position is that it is not akin to a type C. Mr. Spraker stated no, nor is it a retail-type use. It's a vehicle wash, which is allowed in the B-5 and I-1 districts.

Mr. Jorczak stated that he has a question about the adjoining property to the east. There is the nursing home, and then where the retention pond is, that's all part of that same parcel, which means, essentially, that that would never be developed. Mr. Spraker stated that is correct. The commercial property to the east has the building towards the front and then a retention area at the back. Mr. Jorczak asked if that retention pond and all of the trees that are back there essentially could not be

developed any further. Mr. Spraker stated correct, it is a separate parcel and there is a drainage ditch in between the two uses. Mr. Jorczak stated that it is going to be there in perpetuity, essentially. Mr. Spraker stated correct. Mr. Jorczak stated that the only impact other than the houses is whatever sound might be transmitted to the nursing home facility. Mr. Spraker stated that there is nothing in the amendment that allows any variation to the noise ordinance. So if there are noise complaints, we have code enforcement who have decibel readers who will enforce the noise, so they'll have to adjust their business to ensure that they meet all the noise standards. Mr. Watts stated that the information that was provided in the packet with regard to those decibel levels demonstrates that consistency. Mr. Jorczak stated that with the distances involved, he would be expecting that it probably would not be a problem, but he just wanted to make sure that the land immediately to the east couldn't be impacted if something else happened to that property.

Mr. Galloway asked that on the northwest corner of Granada Boulevard and US 1, the Shell gas station is a convenience-C, isn't it? Mr. Spraker stated that was correct, and it also has a "general commercial" land use. So in order to talk apples to apples, we need to look at land use and zoning. So that property has a commercial land use and it has heavier types of uses. The land use for the property before us tonight is in "Residential-Office-Retail." So the land use that previously allowed retail-personal services-restaurant as a percentage, now allows it as a principal use. Mr. Galloway stated that he is talking about the Shell station. Mr. Spraker stated that it has a different land use. Mr. Galloway stated that it has a freestanding car wash there. Mr. Spraker stated as an accessory use, which is exactly what Mr. Watts was talking about, as an accessory use. Mr. Galloway asked if that counts as a convenience store. Mr. Spraker stated that it is a convenience store type C, yes. Mr. Galloway stated that there is something in existence already on Granada Boulevard. Mr. Spraker stated that what he is trying to communicate is the land uses are different. Mr. Galloway stated that the land use is different, but with a PBD, you have the flexibility. Mr. Spraker stated that yes, the Planning Board and the City Commission have the discretion either to allow it or not to allow it. As long as it is consistent with the Comp Plan.

Mr. Watts stated that his point is that car washes as a use are permitted under Type C. Again, in that context, it's an accessory. So the question is ownership. Can you have one as a permitted principal use that's owned separately and apart from the convenience store? If we were here, having this as an expansion of the Wawa site plan and it was owned and controlled by Wawa, we wouldn't be having the conversation. It's permitted already under the existing use. So I agree with the characterization that Mr. Spraker has made. But Mr. Watts thinks the point is, again, in a PBD, the board has the ability to say, "Under this set of conditions, and in this particular location with those conditions, it can be deemed appropriate."

Chairman Thomas stated that he will begin the audience participation. Before that, there has been a request for a five-minute time limit instead of the standard three-minutes. It is going to be up to the board if they want to break from a three-minute time limit in this case. However, if we do, that will be the only exception. Mr. Briley asked if the person who's asking for the extra time is representing several people or speaking for several people. Chairman Thomas stated that there is no indication of that. Mr. Galloway stated that he believes that if somebody takes the time to request extra time, he thinks the board owes them that, as stewards of the citizenship, to allow

them to do that. But at the same time, they should be able to allow anyone else that may need a minute. He doesn't want to be cutting anybody else off on an issue like this. If we allow one to do it, and somebody runs over a little bit, I don't think we should cut them off either. Chairman Thomas asked Mr. Galloway if he is saying the board should allow everybody five minutes tonight. Mr. Galloway stated that he doesn't think everybody's going to talk five minutes. Mr. Jorczak stated that if we are going to grant it for one, we should grant it for anybody else that wants it. Chairman Thomas stated that he is not going to grant it, the board is going to grant it. Mr. Galloway made a motion that the board allow any individual that wants to talk on this issue five minutes. I can be here all night. Mr. Jorczak seconded the motion. Chairman Thomas asked if they needed to call a vote for that. Attorney Hayes stated that it is a procedural rule, so they can do it by consensus. Chairman Thomas called for those in favor to respond aye. The vote was unanimous from the board.

Mr. Galloway wanted to ask one question real quick before there are speakers? It seems like there are a lot of people here to talk on this issue. But he would like to know if each speaker lives in the subdivision that is directly affected by this or contiguous to the property that is being affected by this project. He thinks that would help him in his decision-making.

Ms. Connie Colby, 108 Roble Lane, stated that her house is about three blocks south of the location where the new Wawa gas station is going to be put. The project that she is seeing tonight looks like a nice project. She thinks that this particular location is a very bad place to put it. From what she has been reading in some of the literature about the planning of the city, it sounds like it's not architecturally consistent with anything in the area, the big glass windows and all. Those kinds of projects should be, according to what she has read, at places like major intersections or out by I-95 or someplace like that, not in the middle of a neighborhood area. It would be nice if there could be things that were more architecturally consistent, like the medical buildings that are along there and the office buildings. Even a little fast food restaurant wouldn't be bad in that area. There are not a lot of places to get coffee along that stretch of road. One of the things that's bothers her too is that people attend neighborhood meetings, and it seems like there are more changes to what they were originally told was probably going to be there. And she understands things may change as it goes along. With some more properties at the corner that is being talked about, she doesn't have a problem with them being there, except that traffic is probably going to start coming down Old Tomoka Road towards Orchard Street, and that road is very narrow. And then, if you go back up towards Granada on Orchard, that road is also quite narrow with one tree that's practically in the middle of the road by Arby's. Her major concern is that if we keep coming back, we're going to be looking for things like tattoo parlors or something else. She doesn't want to see marijuana dispensers or something coming to our area. She likes to think about protecting the neighborhood where they are. Thank you.

Ms. Rita Press, 875 Wilmette Avenue, stated to Mr. Galloway, that any development that happens on Granada, that happens on Nova, that happens on US1, concerns us all, not just the people that live there. She doesn't live near there, but she drives by there and she is concerned about everything that goes on. She just wants to say that every city has to do a Comp Plan. And why do they have to do a Comp Plan? Because the Comp Plan is a roadmap as to what the city is going to do, how it is going to grow, what will be put in certain zones, and what those zones are. And so she is just going

to keep her remarks to one particular thing, and that is, the most compelling argument that she can make against this car wash is that it is against the city's Comp Plan. The Comp Plan says that this is a "Residential-Office-Retail" land use, and it was not intended to allow a car wash. She thinks the attorney is giving his interpretation of what he thinks the Comp Plan is, but she is going with the interpretation of our city Planning Director. Just think about it. All the years that members have been on this Planning Board, how many times has the Planning Director ever said, "Do not vote for this?" There's got to be a reason. He is the man who knows our Comp Plan, and our Comp Plan says not to do this. This is a terrific looking car wash, but it doesn't belong with the architectural things, and it doesn't belong with the three tanks underneath with the blowers, and we have to worry about, as Mr. Holub said, that the fountain will cover the noise. This doesn't belong here. As a former Planning Board member, the one thing she thought was their responsibility to do, was to adhere to the Comp Plan. That was their responsibility. That was their guidance. And so she hopes that the board agrees with her today, that they go with what the city Planning Director recommends and say, "No." If this is such a good thing, it belongs in B-5, it belongs on US1. When the attorney talked about the Shell station that is a completely different thing. That's a little convenience store that has a car wash as an accessory use. That's in a B5 zone. That isn't where this is proposed. This is in a zone that does not allow it. So she hopes that the board members will think about this, think about their responsibility as a Planning Board member, and go with what the Comp Plan says, and it says, "Do not allow this in this district." Thank you.

Mr. Eric Breitenbach, 184 Royal Dunes Boulevard, which is beachside, north of the golf course, stated that he has been a professor at the College of Arts and Sciences, Daytona State College, since 1981. For decades, Ormond Beach has had a reputation as the cultural, historic, and aesthetic jewel in the crown of East Volusia County, and the city has maintained this reputation consistently and impressively. For decades, the city's leaders and residents saw the wisdom in maintaining a heightened approach to aesthetics and city planning. This has been evidenced in residential developments such as The Trails, Tomoka Oaks, and Tymber Creek. Houses were designed to blend into, not obstruct or replace the landscape. Strong land development codes were at that time enacted to protect both trees and their symbiotic wetlands. In the '90s, residents voted to tax themselves for a 1.5 million dollar bond to preserve the Rivers property, 80 acres on the Tomoka. In 2003, Ormond citizens rallied to save the Loop and its trees from overdevelopment by Volusia County. In 2006, voters approved the referendum to put building height limits in the city charter to protect our beachfront. Outside entities have even respected these traditions. The national chain Office Depot acknowledged Ormond's character by preserving a magnificent set of live oaks. The location of Sahai Pediatrics is even more impressive. The first time he saw the site, he did a double take. Never before had he seen a more beautiful commercial property. In his opinion, this is the kind of development Ormond Beach should strive for and reward. If he had more than three minutes, he could further discuss the advantages in the realm of environmental science of such planning strategies, but it may be enough to say that trees clean the air, wetlands prevent flooding, and both are aesthetically splendid and environmentally necessary. In 1980, Ormond historian Alice Strickland said the following in her book *Ormond-on-the-Halifax: a Centennial History, 1880 to 1980*. "Ormond Beach is essentially a town of very attractive residential districts. It has survived many storms, economic troubles, wars, and the ever-present threat of over-development. However, the city government and the people of Ormond Beach



have managed so far to value the natural beauty of the town and its surroundings above the material value of indiscriminate development and the destruction of ecologically and historically important areas. The early pioneers of Ormond would appreciate and approve of the concern and effort of its current citizens to preserve these valuable assets so that in another hundred years, Ormond Beach will survive as a town that is noted for its conservative approach to development and which will retain its God-given beauty and attraction." Finally, if a car wash, a gas station, and a convenience store are not examples of what Strickland termed indiscriminate development, he doesn't know what is. One thing he does know, we don't need to cut down any more trees. Thank you.

Ms. Linda Williams, 131 Bosarvey Drive, stated that in the interest of disclosure, she also met with Mr. Holub, and he's not a bad guy. People do what they do. It's their business. And we are the ones that have to say stop. So, she doesn't think we need to demonize him. Whatever he's done has been approved by this board and our City Commission. One of the unsolved issues of our current rate of development is traffic issues, and it's affecting my little street, Bosarvey Drive, on the beachside. People from the overflow from Granada, they are cutting down Bosarvey to get to AIA or Halifax Drive. And she has worked on this with the city. It hasn't been resolved. So she has heard reduction of traffic used to promote the car wash over fast food restaurants. What if we can reduce the traffic even further and up the happiness factor in the neighborhood and the beauty factor? So she doesn't think there is a comparison that should be made between whether we have a car wash or fast food restaurants, which is going to bring in less traffic. A book she has been reading, and she hopes everyone will get it, is "Walkable City, How Downtown Can Save America, One Step at a Time." How does that apply to this? We talked about this, that if the car wash doesn't go over, we could have a walkable neighborhood like a little village there, a village with a town center. The neighbors could walk there and eat and whatever is available there that they could walk to. That would really reduce traffic because they're stuck out there, so they've got to drive other places that would reduce traffic. What if we had little villages in front of those neighborhoods being impacted, that they could walk to and spend a nice afternoon or evening and do their shopping and eat, a park-like atmosphere in the middle of eating places, a playground for the kids, maybe a little music. We would put less CO2 in the atmosphere, get to know our neighbors, laugh, play, dance, drink, and walk back home. In the book "Walkable City," Jeff Speck lays out a way for everybody to be happy, including the soil, water, air, and a few little animals and their people. One could take their doggies there, and one might even meet a partner, get healthier from walking and dancing and having fun, and we could thank Mr. Holub. Thank you.

Mr. Robert Renforth, 97 South Ridgewood Avenue, stated that he urges the board to follow recommendations of the city and of the city staff and deny this proposition for a car wash at this location. He believes Ms. Press must have read his notes, because she said everything that he was thinking. And the only other objection he has is the impact of this big ugly building on people visiting Ormond Beach, and it is not his idea of what he wants to see when he comes into a city. So please deny it this time, and let's work out something better than a car wash or a fast food restaurant; maybe a sit-down restaurant. Maybe there's something a little bit better that could go there. The board controls that, not the developer. The board has the final say. Thank you for your valuable time.



Ms. Pam Novy, 26 Carriage Creek Way, stated that she will probably take 30 seconds, so the times will balance out. She urges the board to grant clemency to the historic tree number 19, as well as any others that can possibly be saved. She hopes that in the future, Ormond Beach will avoid the clear-cutting we've seen, and encourage more low-impact development. Additionally, due to the conflict with the Land Development Code, already overwhelming traffic on Granada, the inconvenience and possible adverse effects on the surrounding neighborhood, and the number of car washes we already have, she sincerely hopes that the board will deny the permit for the car wash. That is all she has to say, and thank you for doing your job.

Ms. Donna Smith, 1066 Shockney Drive, stated that the reason she wrote that she wanted to speak was all about public hearings. And she just wants to let the people at this public hearing know that there is another public hearing that she saw advertised in the News-Journal just the other day. It is to be held January 23rd at a conference room in the Daytona Beach Airport, and it is regarding another property that's been clear-cut on Granada which is about to become a huge senior living center for people that need a lot of assistance and assisted living. And she is just so concerned about the traffic on Granada. She lives down off of U.S. 1, and she will not be able to go to Granada, where she normally goes, and turn right very soon, because the traffic is already tremendous. And she also has one question regarding the parcel four on the development that Mr. Holub is going to be doing. It seems quite vague as to if there are condos going to be built there, how tall will those condos be, how many people will they accommodate? Or if that doesn't occur, what will be there? I don't know. If I were on the Planning Board, I'd be concerned as to the vagueness of what could possibly result. Thank you.

Mr. Ken Sipes, 355 Applegate Landing, stated that he drives Granada a lot. He is representing Citizens and Neighbors Dedicated to Ormond Beach. They were troubled by the new request for Granada Pointe. As a special exception request, a car wash is not a project that enhances the area. It will not be good for traffic, air quality, and lack of good jobs. And there are already car washes nearby on US1. The intersections of Granada and US1 and Granada and Nova are two of the most accident-prone intersections in Volusia County. And that whole stretch of traffic is very heavy already on Granada. The additional entities from Granada Pointe, especially drive-thru restaurants, will only add to this problem. More entrances and exits to Granada will equal more congestion, more accidents. Traffic diverted to the adjacent neighborhoods will also have a negative effect. So therefore, he is not in favor of adding a drive-thru on parcel four. Drive-thru restaurants are special exceptions for a reason. They are not the highest form of development. They exponentially impact traffic because they are revolving doors for cars. This area of town is a tale of two Granadas. On the north side, the office and professional development is more desirable than the south side represented by a gas station, car wash, and drive-thru restaurants. This is lowering our city's standards. This is any-town USA in the making. Our city's standards are supposed to guide development to be consistent with the city's Comprehensive Plan. We do not see that happening here. A car wash does not fit in. This project is in the center of town on a main thoroughfare, and it is cheapening it. And finally, he would hope that healthy tree number 19 could be saved in a responsible way. Thank you for your time.

Suzanne Scheiber, 549 Sandy Oaks Drive, stated that here we are at the three-year anniversary of residential land being re-zoned to commercial and open-space

conservation for what is now known as Granada Pointe. How equally inappropriate it is that the developer is asking for amendments to the original project for a car wash, which is not consistent with the Comprehensive Plan. It has been one year since the trees were clear-cut, and all these high-tech jobs, first-rate grocery stores, and beautiful landscaping that were touted and approved in June 2017, where are those? What happened to those hallowed goals and what were originally improved? Why are we here again? Pertaining to the special exception of the addition of a car wash, there are three car washes nearby. Ormond Beach does not need another car wash. The will of the citizens needs to be heard. The current locations are Speedway at 700 South Nova Road, which is a drive-through car wash, Magic Too at 20 South Yonge Street, which is a self-service car wash, and Sparkle-N-Shine at 49 South Yonge, which is a full-service car wash, meaning you can drive through or leave your car to be cleaned. Sparkle-N-Shine has approximately 55 employees. I called them. It would be a problem if Sparkle-N-Shine employees lost their jobs because of a new car wash. Did anyone think of this? Has anyone considered the loss from a new car wash being added? The car wash is being touted as environmentally friendly. There were better options, for example, the Green Phantom Eco Wash in Orlando uses one cup of water per car, and mixed with biodegradable cleaning products which are applied by hand. The application method minimizes run-off, and biodegradable cleaner is safe enough to be applied to plants without harming them. Before you tell me this is a different type of car wash, that is my point. Ormond Beach could have done something better and something different. Still referring to the car wash, South Daytona recently turned down a car wash. It turns out their Development Code says a car wash cannot front Ridgewood Avenue. They have a higher level of Development Code than Ormond Beach, and environmental concerns. This is what they said to me. I repeat, "South Daytona has a higher level of Development Code than Ormond Beach, and on Ridgewood Avenue, which is their main road." Why would an amendment for a car wash be considered on Granada Boulevard, Ormond's only east-west thoroughfare, which has an FDOT rating of an F? As far as environmental concerns, is anyone looking out for our natural environment? Of course, this brings me to traffic and the new traffic light. Consider the flow of traffic in the lots of a car wash, a Wawa gas station, a grocery store, two drive-thru restaurants converging from the south side of Granada, traffic from various parking lots coming from different locations trying to exit at the light. This is the overworking of an area with a traffic jam in the making. If the developer can request to change the plans, then the citizens have a right to request changes in return.

Ms. Scheiber continued that as a citizen of Ormond Beach and someone directly affected by all these decisions, I'm requesting my own amendments at the developer's expense. Number one, in the developer amendments, D reads, "Permit the privacy walls to range for a minimum of six to a maximum of eight feet in height. I want the wall along Tomoka Avenue to be increased to an eight-foot wall to block the noise and the view, and all privacy walls to be eight foot in height. Number two, a sign needs to be placed at the front of the neighborhood, saying, "No outlet," to discourage cut-through traffic. Number three, there should be no optional watering for plants on any parcel. At least 75% of the landscaping needs to consist of native vegetation, with the rest consisting of other species with low water requirements. Reclaimed water should be used, fertilizer not needed, and no turf should be laid, and potable water will never be used for landscaping. Number four, there have been unwanted congregations conducive to drugs, violence, and crime reported at Wawa gas stations

at several locations. This 24-hour mega gas station threatens the safety of our once-quiet neighborhood. A full-time security guard needs to be positioned at Tomoka Avenue, behind the Wawa gas station, 24 hours a day. I expect my amendments to be considered as seriously as the developer's. The car wash is out of character at the location on Granada, as was the gas station when it was approved. A different type of business could have gone there, with trees saved. It could have been much more appealing to the community, both aesthetically and economically. Ormond Beach had the opportunity to be unique, but that has passed us by. Do the right thing, and deny all the amendments to Granada Pointe. We do not want to look like Dunlawton Boulevard. The will of the citizens needs to be heard. Ms. Scheiber had some handouts, which she gave to the board members. They are pictures of all three car washes. And she also had a copy of her amendments request.

Mr. John Trost, 1275 West Granada Boulevard, stated that he is with SVN Commercial Alliance for Commercial Real Estate Advisors. He attends a lot of real estate conventions around the state, commercial conventions with retailers, grocers, and restaurateurs. To answer the question of where are the retailers and jobs that were talked about that would be here, the picketing, the letters to the newspapers, social media, and the letter to a CEO, all are widely discussed in a very small community of retailers. A number have chosen not to become part of the public outcry and be targeted, they chose the path of least resistance, and you'll be visiting a number of them on LPGA Boulevard. Make no mistake, this is a \$3 million project. This is typically seen in higher-income neighborhoods. This is not a low-income project, this is not a fly-by. This is a well-capitalized group that's coming to town that's putting some capital here. The length of these car washes is extremely long. This is virtually the only site on Granada that'll accommodate a car wash of this size. But once this investment is made, you won't see another car wash like it. It's highly unlikely that anyone else would come with a car wash which the city has already and the quality of this one. Nor at this location, so you're not opening a Pandora's Box, by no means, with what you're doing here tonight. I think you'll find this will become an asset to the community, one that will give another variety for consumers to use and be embraced, once all this has passed. Thank you for your time.

Wayne Stoner, 17 Spiveys Court, stated that he is one block behind the already-established eight-foot section of wall. If he remembers correctly, the parking places are going to be lost. He hates to see parking places lost for The Three Chimneys. That's our history right there's Three Chimneys. He hates to see those lost. The \$10,000 donation to the Historic Society, hopefully those two components can be worked together. He doesn't know if pulling off of Granada into a nice park-style setting is going to be a very easy thing to do. But that's two of his concerns. The old tree, all its little brothers and sisters are gone. It's going to die anyway. All those trees back in there, they've all died. They tried to save them, they tried to build them up 20 years ago with that parking design over there. They all died. It's just you take all the stuff away, they're going to die. We've had so many trees removed, I'm sorry, what's another one? It's going to die anyway. That the people with the city, the tree people, they decide on that, they can make a decision on that, because I think it's going to be up to them. Mr. Stoner does think this project is going to be a black eye for the entry-way to the city. It's been a black eye with us, with our election process. He has been attending all the OB Life presentations. He has been very impressed with all of those. He did not know some stuff that's so good about this city, and he has lived here for

30-some years. Mr. Holub, if you're going to hire somebody to do work for you, you want to hire the best. He has high standards and, high quality. Mr. Stoner just thinks that this particular project in this location is going to be a black eye to the city. How can we improve it? As far as the car wash is concerned, he would love to see it close at 8 o'clock at night, and not have a restaurant that's run till 11 o'clock at night next to the Wawa stations 24 hours, all night long. He would like to think that the rest of the development, could be higher quality retail that does close at night. One last thing he did say at a City Commission meeting, when you enter, when you're leaving to Old Tomoka, it's like someone else said, you're forced to go up to the traffic light. The people who live back in that community back there, they don't care. They'll go up to the traffic light and go round the block and go back into their community. We don't need everybody else to think they can come out, cut through my neighborhood, come down my cul-de-sac, and be PO'd because they can't get out because they did not know how to get out of my community and my neighborhood. We don't need that. One amendment change is a forced turn right, go back to the traffic light, when you're exiting Old Tomoka. That's all I have. Thank you.

Mr. Holub stated that he would like to comment on some of the earlier items. First of all, Sparkle-N-Shine, if it has 55 employees, that operation has grown more since it was bought in 1999. The business is on probably less than an acre of ground. And it is a problem, and you do have backup with traffic. And if they have 55 employees, where do those 55 employees park? Ironically, the owner of Sparkle-N-Shine is building a new car wash on LPGA. So he's obviously not afraid of competition, and Mr. Holub doesn't think it is up to the residents to decide if this operation is going to impact another. These people that are under contract have done a market study, they've spent a lot of time and a lot of money in this community to determine if this type of facility will work in Ormond Beach and will be a success. And their investment of \$3 million, or north of \$3 million, demonstrates that they've done their homework. He thinks both Sparkle-N-Shine, which is a totally different operation, and this particular facility can survive and be successful in Ormond Beach. We're not asking for any new entrances or exits, we did significant traffic studies on this project several years ago with different renditions over time, and nothing with ingress and egress has changed. There will be a grocery store, there will be retail stores, and there will be restaurants on several of the parcels. But let's be realistic. If this parcel tonight, originally had a car wash or some other use, and he was here to ask for permission for a 24-hour Krystal's or Church's Fried Chicken or some other fast food type of operation - the list is endless - we all know that we would have people screaming about the hours of operation, 24 hours, the traffic. A fast food operation under the ITE manual, at a minimum, talks about 22 hundred trips a day. The average trips for this facility during the week are two to three hundred, and on a weekend it's five to six hundred. It is significantly different. So we would be arguing about all the things that we've brought to you tonight with regard to traffic and hours of operation.

Mr. Holub continued that everybody talks about the environment. Do the math. 146,000 cars, one million six gallons of water being purchased from the city to run this operation, and the average car washed in your driveway, under studies that have been done all across the country, ranges from 60 gallons all the way up to 100, but let's just call it 70 gallons. That 70 gallons times the same amount of cars that goes through this facility is 10,220,000 gallons. So don't tell him that you're only environmentally conscious about one thing, but not another. You're talking about



saving eight and a half million gallons of water in our community just from this one facility with the cars that they will service. So we would have a different argument in a different situation tonight, if it were reversed, and we were asking for and did not have the approval of a fast food restaurant. And if a car wash doesn't go here - and by no means is this a threat, because fast food is already permitted - but if a car wash doesn't go here, that particular lot lends itself to a fast food operation, and ultimately, it probably will be. It was originally designed for a fast food restaurant for Culver's, and we lost Culver's to LPGA. Matter of fact, we lost out on a lot of opportunities to LPGA over the last couple of years. And it's unfortunate, but it happened. So don't tell him tonight that we're against this car wash for all these different reasons, and then a fast food facility goes there, whether it's open till 11 o'clock or 1 o'clock in the morning or 24 hours, that is a reality.

Mr. Holub continued that with Culver's, it certainly wasn't a late night restaurant. They close at the facility in Port Orange at 10 or 11 o'clock. But unfortunately, they lost what was a high-end, upper-scale fast food. And they lost that opportunity for the time being. As far as South Daytona, that is absolutely not accurate. That is absolutely not true. And the reason he can tell the board that is because they are the applicant in South Daytona. And the reason that they withdrew the application was that when they filed it, they filed it as a Special Exception, and that planning staff and planning director, John Diller, told them that they need to change the application. It was never heard by their Land Development Board, and it was never heard by their city council. It is a pending application that is being revised. They do allow car washes on Beville Road on their east-west, and the reason that they don't have it on US1 is because, similar to what we have for a definition of a car wash in Ormond Beach is, they do not want the open-bay wand car washes being developed on US1. And their current definition allows that, and that is what they're afraid of. So they are in the process of refileing an application. It has never been heard, and he can tell the board that with absolute certainty because he is the applicant.

Mr. Holub explained that as far as Ms. Scheiber, and he certainly feels for her, but her home, from the back of the eight-foot and six-foot wall is 1,200 feet away. From the most southerly portion of our 6.8-acre conservation stormwater pond, her home is 630 feet away. So she may be impacted in other ways, but certainly not by noise or glare or lights or that type of thing. Her home is 1,200 feet to the south, and the reason we looked that up was because she was concerned that she was not notified under the process you go through for notification, which we get a certified list from the county, and we give them all the tax numbers, they give us the list, and they certify everything within 600 feet. Not 600 feet from the center of the property, 600 feet from the outskirts of the most northerly, southerly, easterly, and westerly perimeters of the property. And some people on her street did get notified on one side, but when you get to the other side, it's more than 600 feet.

Mr. Holub stated that he didn't make the regulations. He complied with them. They sent out 242 notices. Again, this group has done a market study. They are very confident. They just opened a car wash in Naples, and it has a different architecture. If this board is not pleased with the type of architecture that's been presented, they can certainly come up with other architectural designs that can be considered, and certainly they can pull together a couple of the others that have been built. As Mr. Trost mentioned, a lot of the retail, restaurant uses have leapfrogged to LPGA. LPGA will have more square-footage of retail and restaurant and commercial

businesses' square-footage built in a five-year period than Ormond Beach has had in 30 years from I-95 to the bridge. So it is amazing what has happened out there, and they have certainly captured the lion's share of the market.

Mr. Holub continued that they will get a grocery store here. They are working hard to do it. There certainly will be opportunities for neighbors to walk to this facility for groceries, and when they build a Tuscan-type retail center, there will be professional services and restaurants and other retail uses for the community. He has been doing this for 32 years. With Blockbuster Video in 1994, he stood at a Planning Board meeting until 1 o'clock in the morning. The neighborhood was against everything he did there. And the project was approved, and he can't tell you how many people walked and rode their bikes to Blockbuster Video for years and years. The same thing happened at Seminole. The same thing happened at Tuscan. And he understands that the car wash is a different use. But it's not up to him, and it's not up to the board or the community to tell them if we need one more or we don't need one more. He thinks it is up to the people developing, who have done their homework and they know that they are willing to come into the community, make a \$3 million investment, and they're confident that not only will their car wash succeed, they're not concerned with Sparkle-N-Shine, because Sparkle-N-Shine is a different animal. Just like the bay-type carwash on US-1 in Ormond is a totally different animal where you put 2 or 3 dollars in to wash your vehicle. He thinks they all can exist, and he thinks with the significant reduction in traffic, the environmental considerations that this brings to the community, the saving of the water and conservation, and more particularly, the less intensive intensity of use versus a fast food use on the site with reduced hours is something that this board should consider. Thank you.

Chairman Thomas stated that it is time for discussion from the board. Attorney Hayes stated that he would like to offer some suggestions. Because there are six requests before the board, the board may want to take them each in order. The Staff Report has provided an analysis for each of them, and so you may want to address each one individually on its own merit, and then you can come back and deal with the underlying application. The guiding principles and the criteria are in the Staff Report. The Planning Director is the official interpreter of the code. With respect to the first amendment for the car wash request, the board will have to discuss whether they agree with the Planning Director's interpretation with respect to the convenience store/car wash as an accessory use versus a standalone. And he knows that is going to be part of the discussion, but Mr. Spraker is your official interpreter. If the board has questions, Attorney Hayes will be happy to address them as they come up, but he would suggest that the board discuss each in order.

Chairman Thomas stated that he wanted to get a general overlay of opinion or questions from the board first. Mr. Galloway stated that since his name was called out during the public comments, he would like to make a statement to that. He takes this job extremely serious, and he is not a "rogue operator" as somebody called him on social media. The definition of a "rogue operator" is somebody who is scampy. He takes large notes. He has taken six pages of notes up here. He takes this extremely serious. He has lived in this community for 36 years, so he values every single person. He was the one that opened this meeting up and believed that everybody should have a fair amount of time in five minutes. But, he has been a professional for 36 years in this community, as a commercial real estate broker. He also ran for United States Congress. Paul Holub supported his competitor. He has never received

one commission in 36 years from Paul Holub. So when he is called out as a “rogue operator” who doesn’t know what he is doing, he takes that as a personal insult to himself, his family, his city, and most of all his integrity. The reason he asked everybody to give their address was because anybody whose home is contiguous to that property or adjacent to the property has more impact of loss of potential value than those who may have a philosophical difference with the developer of this property, who lives more than a mile or two miles away. So to Ms. Press, yes, he does think it's important when somebody gives their address to let him know when he has to make a decision on a project that there may be more people against it for some philosophical reason. As a representative of all the people in here, he is very concerned about those people who pay tax dollars into this community and their properties are contiguous to a project that other people have philosophical differences with. Yes, ma'am, he wants to talk to them and he wants to know more about them. That's why he asked who the people are who are contiguous with the property. From his notes that he took, out of 13 people who talked, maybe three people were contiguous or adjacent to this subject property regardless if it is a clothing store, a car wash or what it could be. So that is why he asked those individuals. He wants to hear from those people who potentially their homes, their cottage or their castle could be hurt by a value situation of something that other people don't want because of its philosophical differences. That's why he asked where the speakers live. Thank you.

Mr. Briley stated that Mrs. Williams made the remark early on that Mr. Holub was not a bad person. And he is not here tonight to defend Paul Holub, but he will agree with Mrs. Williams. Paul Holub is a person who has developed in this city for a very long time. Mr. Briley has been coming to City Commission meetings and Planning Board meetings since the 1980s. He can tell you that as Mr. Holub testified, people were against many of his developments out West Granada Boulevard, even the doctor’s offices that we all use today. But he thinks every one of his projects that he has developed has been quality projects that we all use. The statement Mr. Holub made was very true. It is not up to the board to determine competing businesses in Ormond Beach. If we determine there's too many gas stations, too many dollar stores, or even too many car washes. It is the board’s job to determine if it is the proper use for the parcel. Mr. Briley thinks there are potential benefits to the car wash, traffic being one of them. He truly believes that it could possibly be worked into the project. However, it's a car wash. It's not his ideal use on Granada Boulevard. He is still somewhat undecided on this. He does not care for the architecture of the building. He just doesn't think that it fits in with some other buildings on the project. With that being said, he would like to hear from other board members. He would like the hours of operation to be modified to close earlier in the evening in the interest of traffic and noise.

Ms. Tolland stated that she will talk about the car wash first since that is probably the most forefront topic. She appreciates the water-saving environmental efforts that that car wash can provide. She does appreciate the fact that a car wash can decrease the amount of trips per day in that area as related to a fast food restaurant. But she does have some issues because she does respect our Comprehensive Plan. She does tend to agree that a higher density commercial land use is not appropriate in that area, although she does like the fact that a car wash could provide a service. She would like to see it placed somewhere in the proper zoning area, and she knows that

is interpretive. She does think that Granada is the main corridor, and she thinks development is good, and she thinks what Mr. Holub has done with his architecture and all is beautiful. She just doesn't know if that's exactly the right place for it. So those are her comments about the car wash. Ms. Tolland continued that she does think that it is reasonable, not just with this project, but with all our projects, when we talk about landscaping to consider Florida native and water-saving plants that can be pretty. There is no doubt about it, and she thinks that is really the way that all cities will be going in the future. But she knows that is not up for discussion now. She does agree that the flow of traffic is a potential problem for the neighbors behind the project. If the city can do things that would help avoid neighborhood intrusion, like a simple sign, "No outlet" or "Please no trespassing" that would be great. Ms. Tolland has to agree with Mr. Galloway's comments, that we all really do care a lot about the comments and the citizens coming to us. We make our decisions based on what we hear, and the addresses are important in knowing who is directly affected as opposed to those that are affected because you're a tax-paying citizen. So it is important for us to know that. And there is always going to be philosophical differences in growth and development. That's just the nature of who we are. And if we can just listen to each other and make our best decisions on what our city needs, that's what the board does. We are all volunteers. We do this because we care about our city just like you care about our city. And she hasn't lived here 100 years like some people she knows, but she has lived here long enough and she has seen it grow, and she thinks it is growing beautifully, and she is really proud of what the board is doing up here.

Ms. Shull stated that she came into the meeting tonight thinking that she didn't want a car wash on Granada. But, Mr. Holub, you made it a beautiful facility. She has to agree with Mr. Briley, and she is not really crazy about the modern look, but she loves the style and the look of it. But, she just doesn't think it fits into what is going in on Granada. Granada Boulevard is our gateway into town, and it is nice to have a consistent look coming through town, and it is nice to have that uniqueness. When she travels around the state, she goes to other little towns, and it is nice to see the trees and how they are maintained, and how they have different aspects of that hometown community where people can walk places and do things and ride their bikes. The car wash is appealing. It's really nice. It's really nice-looking for a car wash. It really is. She just doesn't think it belongs where it's going. Maybe further out West Granada where there will be more traffic and we don't have a car wash. The traffic flow is an issue right there. Ms. Shull agrees with Mr. Holub about the traffic flow at Sparkle-N-Shine. It is crammed in that little place, but it's not on our main Granada Boulevard. She also has to go back to what Ms. Press said about the Comp Plan, and it not being allowed in our Comp Plan. We have a basic design that was set before us and the Planning Board is following that, and we have to agree with that.

Mr. Scudiero stated that he came in to his first meeting with a very open mind and he still has one. He likes hearing what everyone has to say. He has a couple of thoughts, and they were addressed, so he doesn't want to overkill things, but the idea on what Ormond Beach needs, that really doesn't move him, because 30 years ago somebody built a giant human maze on Speedway Boulevard, and he thought it was great at 9 years old. A few years later, they decided they couldn't make any money, and now it is an Embry-Riddle office building. Things happen, and if these



gentlemen came down here from the northeast to do this project, they obviously think they will make some money with it or they wouldn't be here. So he is not really concerned about the need. What did concern him was, and he met with Mr. Spraker the other day, that this is his first meeting and he got a flavor for how some of these things work, since he does not work in real estate or development or anything like that. And the big question he has is hearing about the gas station car washes, and knowing that there is one near his home that is about 300 feet back from Granada out on Tymber Creek. The question before the board, he thinks is, there are similarities in one way or another to what this would be, and the question is, do we want to extend that a little further for this project? It's a fair question, and he guesses everyone has got a lot of opinions on that. The architecture didn't bother him personally, but maybe some other folks it did. To Ms. Press, the Comp Plan issue is a fair question that he can't answer tonight. So he would like to hear Mr. Spraker, at some point before we vote, maybe clarify if the Comp Plan is supposed to be their Bible. Is it the constitution that it should not be changed? And would they be changing that by any of these amendments here tonight? He will trust staff before he hears from people who might have an interest one way for it or against it. But to him, he is still weighing how much of a difference is this from some other car washes that are within eyesight of the four lanes of Granada?

Mr. Jorczak stated that he approached this, and Mr. Holub has done a very detailed plan, as he usually does for the city and the Planning Board, and the primary issue obviously is, do we want another car wash on Granada. There really is only one, essentially. He doesn't think we can count the installation at the Shell station at US-1 in any way, shape or form. What we are talking about here is much more akin to what's out on Tymber Creek Road, which is just slightly removed from Granada. And because his business is in a very technical area, he tends to focus in on the technical aspects of what's been requested and what the capabilities are, and how it fits within the framework of what we are looking for in Ormond Beach. Some of it, obviously, is artistic. What is the appearance of the city? What is the density? Where are the kinds of buildings being located? What are the services that those buildings provide to the citizens, not only those that live here, but those that visit us? And the growth of any city is a very complex mix because you have so many different individuals that have so many different expectations as to what they saw 10 or 15 years ago. Mr. Jorczak stated that he has been here 28 years now and it's changed so much from the time that he first came to town to where it is today. There are some things that he absolutely hates about the way it's changed and there are other things that he still says, "I can compare this to eight other communities that I lived in all around the country and what they had versus what we have here in Ormond Beach." And what we have here in Ormond Beach is really special from a whole variety of reasons.

Mr. Jorczak continued that he looked at this plan, and if his measurements were correct, it looked like the face of this building, which is where the cars exit the car wash, is about 25 feet. That's the distance across there and it's mostly an open door with the exception of the architecture of the building, which frankly, he doesn't think quite fits with what we have here in Ormond Beach. But there are options to that because you have a basic structure. You can change the front of it. For the most part, the sides of it don't have any impact. The rear of it doesn't have any impact. What you're looking at driving down Granada Boulevard is 25 feet and a big open door.

The distance from the road appeared to be about 60 feet. So we're 60 feet off of Granada with a landscaped structure in front of it that tends to block elements of the parking area, block elements of where they're going to have, and the proposed vacuum stations. And from what he read with the technical details of the potential noise issues, the state-of-the-art use of water is outstanding in terms of this type of a structure that is going to consume water. So he thinks we are working with a high-quality state-of-the-art piece of structure that leaves very little impact on the community in terms of how it physically functions in its operation.

Mr. Jorczak asked if the city needs another car wash. He has had the same problems that other people have experienced at Sparkle-N-Shine. And he doesn't go there that often, but when he does go there, there have been a number of times where he has not been able to get into the queue, especially in the morning. And everyone is blocking the street because there just isn't enough room for the amount of traffic that's going through there. And maybe he has caught it at the wrong time, but certainly the fact that this facility is designed to handle far more cars if they come is a definite plus, plus the fact that those cars are not going to be impacting anything outside on a regular city artery. He respects the Comp Plan and the work that has gone into the Comp Plan, and he respects the Land Development Code, and all of the work that we have done in the city for trying to achieve some level of standardization to what we do. Would he prefer a completely different type of structure in that area? He would love to have a super duper steak house there. That would be fantastic.

Mr. Jorczak stated that he is not a developer. He is a businessman and he operates a manufacturing business. When he looks at what Mr. Holub has to work with within the plot, which is what he's asking for in terms of, how does he get the land, and then how can he parcel the land up to the maximum use that he can do that's going to be economically feasible for him to develop the property, and at the same time try and mix that in with what the community could use. And the people that come for an economic reason, they see that there is enough traffic there that they think they can grab a piece of that for a service that people use. People use a car wash. He would much rather have somebody do that for him for a reasonable price. And so we have a city that's gone from 28,000 to 43,000 people, and it's going to go to 60,000 people and maybe more, with the housing developments that are coming in around us. These people want these services. There is a synergy to this because you have a gas station, you have a food place where you can eat, and you can get your car washed. You can accomplish three things with one trip instead of driving all over the place to try to get to the services that you're going to use. And so there is an element that says this is a more efficient way for us to have those services available to us and yet reduce the impact on our environment that we're going to be generating.

Mr. Jorczak continued that his last point is, he doesn't know of a plan in the world - businesses operate with a one year, a three year and a five-year plan and some of them go with a 10-year plan and they're updated virtually every year. And those plans change every single year. There's no plan that stays the same. The one year plan, and what you thought was a three-year plan or a five-year plan, five years downstream it's nowhere close to the way it was when you originally designed it. And corporations operate this way because things change. And as those things change, you have to be able to adapt your systems to accommodate that change in the best way that you can. So does he have mixed emotions about this? Yes. He

would love it if there was another option that was presented, but that option may not come for X number of years. And do I have a responsible corporation? Am I doing it as environmentally sensitive as I can? Am I supplying a service that is a needed service? Are all these things coming together that basically say, is it so bad that if we can architecturally put that in there and make an alteration to what we had written down on a piece of paper of what we expected to see? To him, it is not an unreasonable way to approach the situation. Strictly from a car wash standpoint, he thinks it can be done with some adaptations architecturally that would fit within a service need that is here in the community, and a little competition frankly doesn't hurt. Not many people are going to drive all the way out to Tymber Creek Road just to get their car washed. Anyway, when he looked at it, basically he was trying to balance where we are, what we've done in the past, where we might make modifications or changes to come together and add something to the business community, add something not so much from the standpoint of people and jobs obviously, but in terms of services for the residents. And it's a matter of compromise no matter where we go.

Mr. Galloway asked Mr. Spraker that if he is the keeper of the gate of the Comp Plan, when an individual requests a PBD, can that change a Comp Plan. Mr. Spraker stated no. The Comprehensive Plan is the controlling document of the city, so it takes precedence over the Land Development Code. The Comprehensive Plan contains your goals, policies, and objectives, and how you're going to develop. The Land Development Code implements that, so it provides the details, the zoning, the uses, the dimensional standards. So the Comprehensive Plan is the higher level authority. Mr. Galloway asked if in layman's terms, an individual can go through a PBD to make a change. Mr. Spraker stated to make a change within the Land Development Code, but not the Comprehensive Plan. A Comprehensive Plan amendment would have to go through a public hearing process between Planning Board, City Commission, to the Volusia County Growth Management Commission, and in some cases, depending on if it's a first amendment, to the Department of Economic Opportunity. Mr. Galloway stated that if Mr. Spraker is the keeper of the gate and there is a question as to the interpretation of the Comp Plan, what is the proper procedure? Mr. Spraker stated that it would go to the City Commission. Mr. Galloway stated that the City Commission has the final say so. Mr. Spraker stated that the City Commission always has the final say.

Mr. Spraker stated that they have a development application that amends the Planned Business Development. So in their review, they go to the Comprehensive Plan and the ROR land use states, "A multi-use land category to provide areas served by transit for residential uses, general office, medical and professional uses, restaurants, retail sales and personal service." It goes on to say that at least 30% should be developed for multi-family and adult care retirement facilities. So that is the guiding policy. Mr. Spraker stated that heavy commercial says, "The multi-use land category design provides for the sale, service, display, and storage of certain commodities which by their nature are not compatible with most retail uses. Such uses are often related to automobile but may include other uses such as business, home improvement services." So in staff's review, the ROR land use doesn't allow a car wash, but it is supported by the Land Development Code in B-5 and I-1. Now, the Land Development Code does provide applicants the opportunity to go through a Planned Business Development and introduce uses. But what staff is telling you

from their perspective and what's in your staff report is they don't believe that it is consistent with the Comprehensive Plan, which is higher than the Land Development Code. They could request a Comprehensive Plan text amendment and bring it back to this board, and then City Commission.

Mr. Briley explained to Mr. Galloway that 99% of the time the Land Development Code and the Comprehensive Plan agree, but when there is ever a disagreement between the two documents, the Comprehensive Plan prevails.

Attorney Hayes explained that all developments must, by law, be consistent with the Comprehensive Plan and the Land Development Codes. The Comp Plan is, essentially, the constitution for the development of land, the use of land, and that's the gold standard. The Land Development Codes must, by law, be consistent with your Comp Plan. If there is an inconsistency between the two, then the Comp Plan would control in that instance. The only way to modify a Comp Plan would be to consider an application that would come before you in a public hearing to do that, and that's been done, usually at staff levels, what happens, and then you've got to make sure that your Land Development Codes are consistent with that. So what you have here is not an application to amend the Comp Plan or to amend the Land Development Codes. The staff took the application and looked at the criteria in the Land Development Code, and made a determination as to whether or not the use, this particular use, is consistent with the Comp Plan policies and consistent with the Land Development Code. And so that's what you have. Now, the Planning Director is the official interpreter of the Land Development Code. If there is a dispute with respect to an official interpretation, and that does happen from time to time, there is an appeal process for that, but this is not it. Eventually, it would go before the City Commission. But what the board has before them this evening is an application just like any other development application you have, and you must weigh that against the criteria in the Land Development Code. There are nine criteria which are set forth on pages 14 through 21 of the Staff Report, and Attorney Hayes believes that the official recommendation from the planning staff found that they believe the application complies with four of those six. The two at issue are with respect to the Comprehensive Plan use plan and the Land Development Code. So that is where the focus of the discussion should be. What he would need the board to do in each of these six requests is to articulate in the record why you believe the application or the request on each of those either complies with those nine criteria or does not comply with those nine criteria. There needs to be a basis and a record for that, however the board's decision is going to go.

Mr. Jorczak asked that if the zoning were changed for that area, would that have any impact. Mr. Spraker stated if you were to change this to the B-5 for example, you would also have to change the land use. So you would change the land use to heavy commercial. Mr. Briley stated that you could do that, but you wouldn't want to do that here. Mr. Spraker stated that staff would not recommend "Heavy Commercial" land use on Granada Boulevard.

Chairman Thomas stated that he would like to expand a little bit and maybe explain a little bit about some things that people are or are not aware of. They are seven people up here who could just as well be sitting out there. A lot of them are involved in the community. They have to take this time at the meeting to discuss the items before the board, because they can't talk to each other, due to the Sunshine Laws.

They can't say to each other, "What do you think about the car wash?" or, "What do you think about this?" or, "What do you think about that?" The only place they can talk is here. Here at the board meeting. That is it. And he can't go to Mr. Spraker and give Mr. Spraker his opinion and then Mr. Spraker would go to Mr. Briley and tell Mr. Briley what his opinion is. The board can't do that. And Chairman Thomas can understand why Mr. Galloway got a little offended. Chairman Thomas has lived here for 46 years. He has coached some of your children. He has coached some of your grandchildren. He has coached some of your brothers and he has coached some of your sisters, and he takes his part in this community extremely, extremely seriously. And when he gets accused of taking a bribe or doing something wrong, he gets really - well, it's more than offended. He gets hurt because he has spent 28 years on this Planning Board serving the people of this city. And so those people who are booing these board members, and he gets catcalls, and he gets hollered at, and they get nasty things said in the newspaper. And they don't get interviewed by the press as Planning Board members to even get out their side of issues. So, for the last 8, 10, 12 months, they have been taking it in the ear, and it just gets kind of frustrating. And this society has gotten really nasty. It's nice to call somebody names behind print or a computer or an email. If you're going to do it, call them out to their face.

Chairman Thomas continued that having said that, and he had to get that off his chest, this has been a bull crap year that we went through with this development, everything that they've done, and he for one doesn't want to do it again. When he met with Mr. Holub, the first thing he told Mr. Holub was that his first reaction was that he was totally against this. Then when he started looking into it, then he thought that maybe this isn't so bad. His wife takes her vehicle to Sparkle-N-Shine every four to five weeks to get detailed. That's a zoo. Sometimes you can't even get out of there. So his first impression was, "I don't want another one of those." They have tents out front, and they have driers and all these people out front, and so that was his first impression. Then after meeting with Mr. Holub, he kind of decided that this isn't that bad.

Chairman Thomas stated that he is not a great lover of a car wash on Granada, but he also sees the value of the saving of the water, the recycling of the water, and the environmental things. Somebody suggested there be a right turn only sign, as you exit the Wawa, which would take you back to the light. His business is south of Granada down by Division Street. So he would have to turn right, then turn right onto Granada and then turn right onto Orchard. You can put a no left turn sign up where cars come out of there and people are going to turn there anyway. So, he doesn't see much value to that. Only people that know Ormond and that use those roads are going to go in and out that way. It's not going to be a thoroughfare. The looks of the building, yes, he wishes it had something more than a front awning that looks like it is getting ready to take off. Those are his thoughts.

Mr. Briley stated that he was going to go to amendment number two, because he doesn't want to take this entire item up at the end for all of the six components. So, he would like to say that he has no problem with amendment number two on the wall height. Chairman Thomas asked Attorney Hayes if they can talk about the other amendments and get an agreement on them and then come back to the car wash. Attorney Hayes stated that they can do that. Chairman Thomas asked if there was anybody that objects to an eight-foot wall. Board members replied no. Attorney Hayes stated that for the record, he is assuming that within your consensus the board

is in agreement that the request meets the requirements of the Land Development Code and the criteria set forth in the Staff Report. Mr. Briley stated that when it comes to item number three regarding the eight parking spaces, staff does indicate that the amendment request is consistent with the Comprehensive Plan. Chairman Thomas polled the board and they did not have a problem with the parking spaces. Mr. Briley stated that he also has no problem with the \$10,000 contribution or with the number of parcels. Chairman Thomas asked if the board had any issue with the contribution or number of parcels. The board was in agreement to allow both. Mr. Briley stated as to the historic tree, he will go along with the staff recommendation to deny that amendment. Chairman Thomas stated that he is all for keeping that tree there. Mr. Galloway stated that the tree needs to stay and let mother nature take it out. The board was all in agreement with denying amendment six. Chairman Thomas asked if anybody had any questions for the applicant. Hearing none, he asked the applicant if there was anything that he wanted to address to the board.

Mr. Watts stated that we have all talked a lot about the core issue here, number one - is it consistent with the Comprehensive Plan, and number two - is it permitted within the Land Development Code. The staff analysis on page 15 on the car wash, states that in the past there has been no policy direction to allow the uses from the B-5 zoning district into the areas within the "Residential, Office, Retail" (ROR). Prior to the approval of the Granada Pointe project, there was no convenient store Type C allowed in the ROR. So you made the interpretation when you approved the PBD, and you have the authority to interpret it to say, "We think that in this instance, with these particular sets of conditions, that can be consistent with the Comprehensive Plan." Now, he knows that differs from what staff's conclusion is, but he thinks their conclusion is based on the fact that there has been no prior policy direction from the Planning Board or the Commission.

Mr. Watts continued that in the analysis on page 16, the land use category did not envision introduction of vehicle services use. The heavy commercial definition that Mr. Spraker read to the board talked about vehicle service and that type of use being something that is inconsistent with the character of general retail. He agrees 100%. As Mr. Holub said, there is a definition for car care in the code right now that is probably 30 years old. This is a much different operation than what you had 30 years ago. This type of use, in this particular location, is much more akin to a retail or a personal service type use. He thinks the board has the latitude to make that determination and make the recommendation to City Commission, who ultimately has the authority to determine whether or not it's consistent with the Comprehensive Plan.

Mr. Watts said that the architecture of the building has been discussed. There are certainly several other different types of buildings that have been approved in other cities that could be used. There is one in Naples, Florida, which is a similar high-end community like Ormond, and they have allowed two of these to be built because the architecture and the design is something that was appealing to them. That can certainly be something that's changed as we go through the process. We appreciate all the time and energy that the city has put into this, and he appreciates the time that has been spent here this evening on this particular item.

Mr. Jorczak stated that he is wondering how buying a wash for your car is much different than buying gasoline for your car, which is in the same development. Mr.

Spraker stated that under the Granada Pointe, the convenience gas under the previous planning director was treated as a retail sales. The Wawa store has convenience items that you can buy inside and the gas is for sale as retail. So a car wash is not allowed within that retail category. It's allowed in that heavy commercial. So the board has a decision to make. Do you think that a carwash is an automobile use type that should be in "Heavy Commercial" on B-5, or do you think it's a retail use that then is allowed in the ROR land use category? Mr. Spraker is sure that when the City transitioned from the "Office Professional" to the ROR, there was never a vision of having car washes on Granada. There were visions of allowing the retail, personal service and restaurants that were accessory with office to now come as standalone uses to be a mixed-use so you have trip generations that equal out and that you can go to multiple places. So it's a key policy decision that you're making tonight.

Mr. Jorczak asked what if someone could buy car wash supplies in this facility. Mr. Spraker stated that in his opinion, this is a car wash. Mr. Galloway asked what if they put a convenience store within that car wash and sold chips and hamburgers and hot dogs, could there then be a car wash. Mr. Spraker stated that it would have to be an accessory use, and couldn't exceed more than 50% of the square footage of the convenience gas station, or convenience store. It would have to sell gas. Mr. Galloway stated that maybe we need to adjust some of our Comprehensive Plan, when we don't allow a small businessman who wants to be a prescription store and only sell prescriptions, but we allow Walgreens, the big guys to come in here in the disguise of retail and sell prescriptions. Mr. Spraker stated that we are mixing issues. Mr. Galloway stated that there are little blips within our planning that we need to address. We have issues coming up with food trucks. Should they be able to compete with restaurants or not? This is one of many things. What he is saying is our Comprehensive Plan has some blips in it that maybe we need to look at, not just because of this issue. Mr. Galloway continued that if there had been 12 neighbors contiguous to this property here tonight, his answer would already be no on this project. He is just saying those are all interpretations to the Comprehensive Plan. Mr. Spraker stated that we read the directive text of the Comprehensive Plan and it didn't have anything to do with automobile uses. That's the basis. So if your opinion is that this is a retail use, then you could make that as your policy direction to the City Commission.

Mr. Briley asked if Wawa owned this car wash, would it be an accessory use to the Wawa. Mr. Spraker stated that it would have to be an accessory use - the 50% rule. It has to be at least 49% or less. He thinks the car wash is around 4,000 square feet. That to him is not an accessory use. It's the principal use. Mr. Briley stated that say this car wash was much smaller but was still owned by the Wawa, then it becomes an accessory use? Mr. Spraker stated that it would be similar to the gas stations.

Mr. Holub stated that he spoke to the developers for the car wash, and he thinks their current request was for hours until 9:00 PM, and they said they would scale back to 8:00, and the only reason for 8:00 is during summer months when it stays light later. In regard to the homes that are adjacent to this property, there are actually no homes adjacent, but rather across the street. We still would consider that adjacent under a lot of circumstances in zoning and before this board. There are four homes, and he has visited with three of them. One of them is for sale on the corner, and he sat and visited with the other three owners, and to his knowledge, they are not here tonight.

To his previous knowledge, they have supported the project and they are the most affected.

Mr. Holub continued that the convenience store was not permitted in the ROR district. And the Planning Board and the City Commission approved that in the Planned Business Development. Personal services are allowed in ROR under the Comp Plan. Mr. Holub stated that this is not an automotive use. It is either a personal service use or it's a retail use. In Daytona Beach, this exact use is retail use under the BR zoning. So he thinks the board has the latitude to call this a personal service use, which is allowed under the current Comp Plan. He believes Palm Coast also considers it as retail. He thinks that the board has the latitude in the ROR to look at it as a personal service use or a retail use. And he doesn't remember what staff's position was when they allowed them to bring in the convenience into the ROR and into this PBD. But it certainly was not an underlying use in the PBD and they had the latitude to pull that use in. Now they're saying as a retail use and I agree. Some other communities do look at the newer, larger convenience stores as a retail use and not an automotive use. And this car wash is similar. It is not your car wash in the 70s or 80s. It is a professional service auto care use or a retail use. But it is not by any stretch an automotive use where they are taking your car apart and putting it back together in any way, shape or form. So I would ask the board to consider the professional services that are allowed in the ROR and that gives you the latitude to approve this.

Mr. Holub said that he thought the he had given the board the best architectural elevation. What he presented to the board tonight and presented to staff over the last several months, does not compare to what they built in Naples. Naples, a very high-end community, approved this twice to be built. And the owners would be more than willing to change the architecture on this facility if some of the board has a concern with the architecture. This type of architecture is similar to the WaWa architecture that is being built on the site.

Mr. Galloway stated to Mr. Spraker that there is a difference between a wand-held 4 bay car wash and what Mr. Holub is applying for right now. What we don't want is something with four or five bays where people just pull in, wind it up, and sling the mud around. That's not what we want there. Is there a difference to you as a city planner? Mr. Spraker stated that to him, a car wash is a car wash. They have presented a very nice project, but it's still a car wash. He can't get over that fact. If the board interprets this as a retail use, then every ROR property can come through a Planned Development. But it's now opened all along Granada. Mr. Galloway asked, what about personal services. Mr. Spraker stated that personal services are a hair salon or nail salon. Those are things that are done to a body. Staff appreciates the quality of the project, but their opinion hasn't changed from what they've written in the staff report.

Mr. Galloway asked what if there were stiffer architectural standards set. Mr. Jorczak stated that is not the issue, The issue is, pure and simple, it doesn't meet the requirement of the code as staff interprets it. Mr. Spraker stated that in conclusion, if the board does believe it, then he thinks you should take advantage of everything that's being offered - the building architecture, hours of operation, everything to make it the best use possible.



Mr. Scudiero asked Attorney Hayes if they can legally do that. Can they make that an amendment to amendment one? Attorney Hayes stated yes. The applicant has offered certain modifications voluntarily. If the board finds them to be reasonable conditions you can do that. You will also need to make a determination as to whether you believe the character of this particular use is not a car wash but is instead a personal service or retail. And you do need to weigh in about other types of uses, not just this particular use, that could come and make an application on the same claim.

Chairman Thomas stated that if there were no more questions, it is time to vote. Mr. Galloway asked what if they wanted to add something to an amendment. Chairman Thomas stated that would be made as part of the motion. Attorney Hayes stated what Mr. Galloway would do, would be to make a recommendation on number one and then everything else that was discussed from two through six, can be incorporate into the motion. So if the board can come to some consensus with respect to the car wash, which is number one, and, for instance, if you're inclined to characterize the use as a retail, then you can say that you want to approve it based on kind of re-characterizing the use in that regard. Accepting the applicant's concessions to change the closing time and to change the architecture to what we will call the Naples architecture if you will.

Mr. Galloway stated that he is more concerned with the architect first. He wants to make sure that the original plan that was presented is not used, but it would be the Naples plan or better. Attorney Hayes stated that the board needs to work through the details on amendment one, since they are different than the staff proposal. So you need to work through those elements on the car wash and then agree to that. Then the board can come back and treat each amendment individually or you can approve them all as one package at that point. But you're not quite there yet.

Ms. Tolland asked if the board was losing its focus, when they should be looking at if this complies with the Comprehensive Plan. Attorney Hayes stated that is probably your determination. He is less concerned with the architecture and more concerned with the criteria. Ms. Tolland stated that she is always concerned about beauty and aesthetics and environmental stuff. But she feels like our direction is supposed to be if it complies with the Comp Plan. Attorney Hayes stated that is a primary focal issue that the board needs to address. It comes down to agreeing with the Planning Director's recommendation and opinion, or agreeing with the applicant's attorney's recommendation. If you agree with the Planning Director's interpretation, you really don't do anything else, because you have determined that it is not consistent with the code or the Comp Plan. If you agree with the applicant's attorney, then you can get into the other components of what they have requested.

Chairman Thomas entertained a motion. Hearing none he stated that if there isn't a motion, the discussion dies. Everything dies. So somebody can make a motion to deny, or somebody can make a motion to approve.

Mr. Galloway stated that he is more worried that there could be two fast food restaurants in place of the car wash. He would rather see the Naples plan car wash there than two fast food restaurants open 24 hours a day. And so at some point in time, he might have to disagree with the planning director, but at the same time, there is a user right here that he would rather have there. I want to get a motion on the table that we accept this project with some strong architectural improvements in

what they came to us with and he will call it the Naples plan. And he is having a tough time wording it. Attorney Hayes stated that Mr. Galloway wants to make a motion to accept the car wash, so he will try to help with a motion and then we can see if we get a second to that. So the motion would require a determination that the use is either a retail service or personal service. Mr. Galloway stated a personal service. Attorney Hayes stated that the motion then is that Mr. Galloway believes that the use is a personal service use which is consistent with the Comp Plan and the Land Development Code regulations. And you want to accept the applicant's concessions that the business will close at 8:00 PM and you want to accept the architecture in the form of the Naples architecture, as we are calling it. Attorney Hayes asked Mr. Galloway if that is essentially what he wants to make in his motion. Mr. Galloway stated yes. Attorney Hayes asked if there is a second. Mr. Jorczak seconded the motion.

Chairman Thomas stated that there is a motion and a second. He called for any discussion. Mr. Briley stated that the only concern he has is the consistency with the Comprehensive Plan.

Chairman Thomas stated that if this were turned down, how difficult would it be to go back and look at changing the Comp Plan. Mr. Spraker stated that it is a process. It'll probably take four to six months to get from start to finish. And then, from a policy perspective, you would have to decide if you want to allow automotive uses whether it be just car washes or automotive repair in the ROR district. Which is basically along Granada Boulevard. So you're going to have a policy decision to make.

Chairman Thomas then asked that if this recommendation moves ahead to the City Commission, and if the City Commission approves it, and 5 years, 10 years down the road, some property was torn down, and somebody came in and wanted to put up a new super duper better car wash, then it would just be allowed. Mr. Spraker stated that if it's in the ROR land use, it would come through as a planned development. So if it is abutting residential, it would have a neighborhood meeting, planning board, and city commission.

Mr. Gilson stated that he spent the last 25 years as an executive in the banking industry. These car washes are so expensive to build. He knows you brought up a couple of times and this is going to open up a can of worms. He can't think of a bank in the country that would finance two of these within three miles of each other in this circumstance. The first question the bank will ask is, "What is your creditworthiness." And the second is, "Where is the closest one of these things." They don't work together. It's not like McDonald's and Burger King. Two together go out of business because of the capital investment.

**Chairman Thomas stated that there is a motion on the floor, and a second for Amendment One for PBD 2019-014: Granada Pointe Planned Business Development Amendment. Vote was called, and the motion failed with a (3-4) vote. Mr. Galloway, Mr. Jorczak and Mr. Scudiero voted for the motion. Mr. Briley, Ms. Shull, Ms. Tolland and Chairman Thomas voted against the motion.**

Attorney Hayes stated that the board has, in essence, agreed with the planning director's opinion with respect to the car wash. So the board needs to make a motion

on the underlying package. That would include accepting the recommendation of the planning director with respect to number one, car wash, number two which is the wall height, number three which is the eight parking spaces, number four which is the \$10,000 contribution, number five which is number of parcels, and number six which is save the tree. I move we accept two, three, four, five, and six of the-- Essentially, accepting the planning directors staff report is what it amounts to.

**Mr. Jorczak made a motion to approve the Planning Director's recommendations for PBD 2019-014: Granada Pointe Planned Business Development Amendment. Ms. Shull seconded the motion. Vote was called, and the motion unanimously approved (7-0).**

**B. PBD 2018-119: 275 Interchange Boulevard, Extended Stay America, Planned Business Development Rezoning**

Mr. Steven Spraker, stated that this is a rezoning request from a B-7 zoning district with a PBD overlay to Planned Business Development. As part of it, it also issues a development order. The project is a four story all-suites hotel, the Extended Stay America. They're proposing 124 rooms and they're seeking deferral of 39 parking spaces. That is the only thing they are seeking as a variation. So if they just build the parking spaces, the project would be a staff approval. The property is located at 275 Interchange. You may remember that was part of the Tomoka Estates Apartments, which is no longer being planned. It is currently vacant. It has both the land use and the zoning for a hotel.

Mr. Spraker continued that they did have a neighborhood meeting on December 6th. There were no objections to the meeting. One of the surrounding business owners, Zev & Cohen, supported the project and attended the neighborhood meeting. This project would go through similar steps of the previous planned development with the tentative Commission dates on February 19th and March 5th. A unique feature about the hotel is that it doesn't have a swimming pool, it doesn't have a restaurant. It is an extended stay for people who have longer stays than a vacation. By deferring the parking, they are able to save a number of trees. They have the ability to construct a parking lot if it becomes needed. They have the storm water they would need and they have the open space with or without this area, so it enhances the overall vegetation. There is also a 25-foot common area along Interstate 95. Just a couple of things they've done, which we thought went really well. They saved a large oak tree, and they put a pavers around it. So they did a great job of site design around the trees.

Mr. Spraker showed a picture that was included in the packet. It will be a modern building that will be going along the Interstate. They will have the ability to have an Interstate sign. This is consistent with the Southwest Interchange Planned Business Development. Staff is recommending approval and the applicant is here to address the board if you'd like to ask him anything.

Chairman Thomas asked about the parking lot that they're not going to put in, that they could do later, what would that be? Mr. Spraker stated that it depends on the situation. If they're just having seasonal overload, let's say during bike week, there's an opportunity perhaps to do grass parking. But if they experienced higher parking calculations, they would have to remove the trees, grade it, and pave it.

Mr. Peter Pensa, an AICP certified planner and director of planning with AVID Group. They are the planners and engineers and landscape architects on the project. With him is a representative from Extended Stay America as well. It has been a long evening, so he will try to get right to the point. Mr. Spraker did a good job in the staff report, detailing everything. The site is B-7 zoning. The use is allowed. There are already two hotels there. So therefore, another one is compatible with that. There is no residential or anything to impact that area. Storm water channels through a master storm water retention system for the property. There are over 10,000 trips approved for that development. And conservatively, staff looked at the trip duration as a hotel use and with that, there are still almost 3,500 trips still vested under that traffic study. An all-suites hotel or a business hotel would have much less traffic than that. This is an all-suite use. It is an unusual type of use. He doesn't know if the board is familiar with Extended Stay America or not. The typical stay is 21 to 24 days at one of these facilities. It is technical professionals coming into the community, working as contractors with businesses, or executives and technical people relocating to the area using the system for housing until they find a permanent residence. And so because of that, it's different than what you see with a regular hotel.

Mr. Pensa continued that they are doing projects with Extended Stay America throughout the state of Florida. They are typically doing either 1 parking space or 1.1 spaces per room. His understanding is that part of that is because of issues with Bike Week and stuff in the past. So what they have proposed, is providing parking in excess of what Extended Stay America needs to handle that overflow when there are those unique cases. And the ability to provide those other 39 spaces through a deferral if there is a pattern of need for the spaces in the future, that way staff can administratively require that parking to be provided. But in the meantime, and as we expect it to not be an issue, that would allow us to preserve a substantial number of trees on the site. He brought a revised concept plan that shows a little bit better than what was included in the staff report. It shows all the trees that are being saved on the site in yellow. So you'll see there's a lot of trees we're able to save that will all have to be removed if we were to provide the parking instead.

Chairman Thomas asked if this was the one by the Volusia Mall. Mr. Pensa stated no. Extended Stay America has not built in over a decade. Again, they are unique in the hotel industry. They are all corporate-owned, they don't have franchises, and every one of them is run and managed and maintained by Extended Stay America Corporate. They are in the process of going through and renovating all the existing hotels. But then, they're rolling out what they're calling ESA 2.0 with a whole new prototype based on their experience from the last decade. They are doing these projects throughout the state of Florida, and then absolutely doing it elsewhere in the country as well. So it's not comparable to anything you've seen in the area. They have got some under construction in Hillsborough County, Collier County, and West Melbourne has a recently approved one. It is actually going through site planning now, but it's approved from zoning.

Ms. Tolland asked what the usual cost per day is. Mr. Pensa stated \$69 to \$110.

Chairman Thomas asked the board if they had any questions. Mr. Jorczak stated that he attended the neighborhood meeting and there were very few people that attended the session. His own personal view is that he thinks it is a far better use of that piece of property than the previous proposed development. Not that he was against the

concept of that development, but he thought there was a better location within Ormond Beach for that particular project. So he thinks this project fits that property to a T.

**Mr. Briley made a motion to approve PBD 2018-119: 275 Interchange Boulevard, Extended Stay America, Planned Business Development Rezoning. Mr. Galloway seconded the motion. Vote was called, and the motion unanimously approved (7-0).**

**C. SE 2019-013: 1560 North U.S. Highway 1, Outdoor Storage Special Exception**

Mr. Steven Spraker, stated that the next application is for a Special Exception at 1560 North US Highway 1. The project came into the city through Volusia County as outdoor retail sales of a fruit stand. Our Neighborhood Improvement has done some current enforcement action along the North US 1 corridor and noticed the property. One of the things they are trying to do is clean up the outdoor storage and the trailers on site. The property owner indicated that based on their use, they have four trailers which they need. All the other trailers would not be allowed to have a long-term stay. If they are going to the Waffle House or they are buying fruit, they can stay, but basically they can't be there overnight. We view this as a great opportunity to start cleaning up some of the properties on North US 1. The property owner has been cooperative, obviously, by applying for the Special Exception. Our only comment was, if possible, we would like the property owner to move trailer four and get it behind the building and not as an extension of the building. The applicant is here to address the board, if there are any questions.

Mr. Harley Head, 904 Red Bud Trail, St. Augustine, Florida, stated that the recommendation for moving the trailer is no problem. That is easily done. He does need the trailers that would be allowed to stay.

**Mr. Briley made a motion to approve SE 2019-013: 1560 North U.S. Highway 1, Outdoor Storage Special Exception. Mr. Jorczak seconded the motion. Vote was called, and the motion unanimously approved (7-0).**

**D. MM 2019-020: 2018 Capital Improvements Element (CIE) Annual Update**

Ms. Laureen Kornel, Senior Planner, stated that the city is updating the Comprehensive Plan with the Capital Improvements Element that was adopted in September. It's the same amendment that is done each year. If the board has any questions, Ms. Kornel would be happy to answer them.

Mr. Jorczak asked if the capital budget is exactly what the Budget Advisory Board approved or have there been any changes to it, from what was approved by that board? Ms. Kornel stated that there have been no changes from what was approved in September of 2018. We've taken just the capital projects that would apply for the level of service standards that we have for the different services and inserted them into the tables.

Mr. Jorczak stated that the only comment he would make, because he took the time to read it all, and it is sequentially very difficult to follow because they aren't put in the same order. Maybe if it could be re-numbered as the changes and alterations are made from the CIP. If there is some way that you can address that issue so it is easier

to know what you are reading in the original CIP and then what that change is, it would save a lot of time for them trying to figure out what's been pushed out, and what dollars are changing in the categories.

Chairman Thomas stated that he would just like to go on record saying there is not enough money spent on Leisure Services.

**Ms. Tolland made a motion to approve MM 2019-020: 2018 Capital Improvements Element (CIE) Annual Update. Ms. Shull seconded the motion. Vote was called, and the motion unanimously approved (7-0).**

## **IX. OTHER BUSINESS**

Mr. Spraker stated that they are forming a Downtown Steering Committee to update the Downtown Master Plan. And they are seeking a member of the Planning Board to be on the Downtown Steering Committee. We are hopeful that on the 23rd of January, the City Commission will appoint the full board and in February, it will be formed by resolution. So what we're trying to do is include different organizations. We included the Planning Board, Historical Landmark Preservation Board, Ormond Beach Chamber, Historical Society, MainStreet, and then the Commission gets to appoint whoever they believe is appropriate. So we're seeking tonight a nomination for that board from the Planning Board.

Mr. Jorczak stated that he would like to nominate Lori Tolland. Ms. Shull seconded that. Ms. Tolland stated that she would be honored to serve.

## **X. MEMBER COMMENTS**

Mr. Jorczak asked if there is any way to expedite any changes to the Comp Plan instead of having everything turn into a six or seven-month ordeal. Mr. Spraker stated that there are certain steps that you have to go through. The Planning Board takes time, the Commission takes time, Volusia County Growth Management gets 30 days, and the DEO gets 30 days. So certainly the answer is no. It has to go to Tallahassee and they approve it and then it comes back.

Mr. Galloway stated that he is behind Mr. Spraker 110%. What he was afraid of was that there was a philosophical difference tonight. And the reason he asked where the speakers came from, we had a public meeting and to the best of his knowledge, maybe out of all the people coming, maybe only one person was within 600 feet of the property. And when these projects come up and it becomes an issue due to philosophical differences, he thinks we do our community a disservice because the people who oppose it, they oppose it no matter what was going there. If there would have been several abutting homeowners, he would have been adamantly against it. But they did not show up. And what he hopes that we realize is when a homeowner that is contiguous doesn't show up and we're fighting a philosophical battle, no matter what that developer brings, there's going to be people opposed to it.

Chairman Thomas stated that he understands what Mr. Galloway is saying, and he agrees whole-heartedly with what he said. His problem was the Comp Plan. Mr. Galloway stated that he understands. It was a tough issue, and that is why he just wanted to go ahead and get it out as an amendment, regardless of how we voted it up

and down, it was a tough situation. So he doesn't want Mr. Spraker to think that we were challenging him or staff. Mr. Spraker stated that he realizes his role in this process. His job is to provide a recommendation. It's the board's job, and it's a tough job, to provide a decision. So you're not going to hurt his feelings. They are going to give the board a recommendation, and they are going to implement whatever the board and the Commission decide.

Mr. Jorczak stated that he would like to echo that too. He was struggling with the legality of the applicant. And he just viewed the description as a service that they were providing. And other than the architectural issues, which he thinks could have been corrected very easily, from an appearance standpoint, it really wouldn't be objectionable, in his view. And somewhere, the verbiage that gets cranked into the way the Comp Plan is written or the Land Development Code is written, he is sure is going to come up with areas that maybe require a review of the interpretation or a change in the language. And that happens legally all the way up through the system. Unfortunately for developers, that takes a long time. He concurs with the decision that Mr. Spraker made based on the way he viewed the language that's there. It's just unfortunate that you can't change that through some level of interpretation as events and techniques and building construction and services change over time. It is unfortunate that they are not going to be able to use that piece of property the way they hoped to and they have to go back to the drawing board. But he wishes there was a process that could speed that up. And he doesn't know how we do that.

Attorney Hayes stated that he does want to mention one process matter and that is that your comments in general nature are fine. But once we close the public hearing on items, specific comments with respect to that should end, so that we are not revisiting the decision outside the public hearing. This is a legal process. From here, it goes to the Commission. The Commission will make a determination. It could end up in the courtroom somewhere. What you need to stay away from is getting back down into the weeds with respect to reasons why you voted one way or another on a particular project outside of the public hearing.

Chairman Thomas stated that he hears Attorney Hayes saying that he wants us to state specific reasons why we voted against something or for something earlier. We have to do it within the public hearing at that time, announce that public hearing and then we move to another hearing, and we are done with the first one. Attorney Hayes stated that the board can talk about policy and general comments all you want. That's fine. Or the need to amend the Comp Plan or code based on whatever. That is fine in the general sense. But you need to be very careful not to come back and revisit something that you have voted on. This is a difficult job that you all have. You don't get paid for it. Mr. Spraker and he are the technical people. He is the legal person, and Mr. Spraker is the planning person. So it's their job to make sure that the board operates within the parameters. They understand that sometimes those parameters have to breathe and be flexible. And the challenge sometimes for them is how far do they let you go before they have to draw you back in. And it's all for your own protection. This is not uncommon. This was a very difficult decision.

Mr. Briley stated that he had just three quick things. One, congratulations to Mr. Galloway on Flapjack Johnny's going over to beachside where the old Burger King was. The second is congratulations to Ms. Tolland on representing this board on the Downtown Steering Committee. He will probably be somewhat active with that as

well, being a design committee member for MainStreet. An agenda item that he would like to see addressed is signage in the downtown. He thinks it is a little lacking. On the Downtown Master Plan from 2006/2007, for some of the city signage, they decided to go with a little bit more decorative signage. People from other communities don't recognize it, they don't identify with it, the stroke on the lettering is too narrow, and they don't see it. So if we go back to something that's more uniform, that is approved by the federal DOT, the state DOT, and the NUTCD, which is the bible for signage, he thinks we would be better served in our downtown to identify where our parking areas are. The other thing he was going to ask, and this is relating back to the car wash issue, is perhaps in the future, from maybe a staff level, we may want to look at a Comp Plan amendment regarding car washes. Because he doesn't necessarily see them in the same light that he sees heavy mechanical. He saw the applicant's point, but he also saw staff's position. So maybe this is something that we look at down the road, because he did see some positives with the project.

Ms. Tolland stated that she wanted to welcome Mr. Scudiero. Our meetings the last couple of years have been a lot of fun. She wants to let everyone know that she is really proud of this board and the tough decisions they make. We all do really care and she is really honored to be part of it. And thank you for your trust in this next adventure, whatever it may hold for her. And she wanted to congratulate the city on the award for Tree City USA.

Ms. Shull stated that she just wants to say Happy New Year to everybody. Going in to her second term on the board, she thinks she is starting to understand and get the hang of the process and everything. So she is glad to be back. She really enjoys even nights like this. It is just nice to hear from everybody and whenever she speaks to anybody out and about, she tells them to come to the meetings. They will be complaining and she will tell them to come and have a voice. This is where you have to come. One thing Ms. Shull would like to ask is, in this report, there was a letter about the tree that was voted on, stating that it wasn't being taken care of. Mr. Spraker stated that the city Landscape Architect and our Inspector went out and did some improvements.

Mr. Scudiero stated that four hours for his first meeting and he could go another four!! In reading through past minutes, he saw that the meetings ranged from ½ hour to a couple of hours. You get a new appreciation for what goes into all of this when you do a four hour meeting. He came into this with eyes wide open, and it is a fascinating process. No matter how things turn out, when you see the staff input and the citizen input, a lot goes into it. And due to the hour, he will keep his comments short.

Mr. Jorczak asked Mr. Spraker if anything has been done with the city and putting Microtel antennas on the power poles for telephone communication. Mr. Spraker stated that two or three companies have registered, and he believes they are doing them in certain areas. Engineering is in charge of those permits.

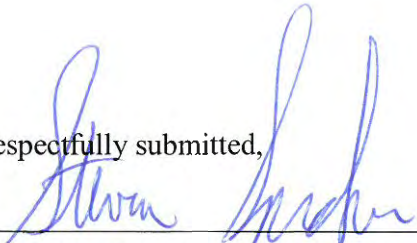
Chairman Thomas welcomed Mr. Scudiero to the Planning Board. They have served on another board in the past, and he knows the value that Mr. Scudiero brought to that board, and he knows that the same value will be brought here. He thanked the board for electing him again as Chairman. About three or four months ago he was torn about being on the board anymore. He had some people ask him to stay on another year. But, he will promise the board that this will be his last year.



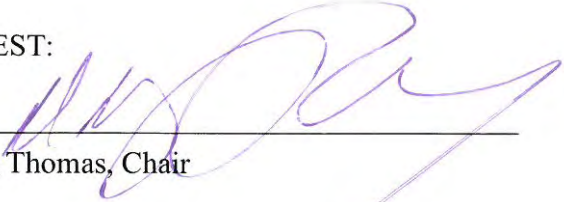
**XI. ADJOURNMENT**

The meeting was adjourned at 11:05 p.m.

Respectfully submitted,

  
\_\_\_\_\_  
Steven Spraker, Planning Director

ATTEST:

  
\_\_\_\_\_  
Doug Thomas, Chair

*Minutes transcribed by Melanie Nagel*