

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

February 7, 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 Jorczak
Mike Scudiero
Angeline Shull
Lori Tolland
Doug Thomas, Chair

Staff Present

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

II. INVOCATION

Ms. Shull led the invocation.

III. PLEDGE OF ALLEGIANCE

IV. NOTICE REGARDING ADJOURNMENT

NEW ITEMS WILL NOT BE HEARD BY THE PLANNING BOARD AFTER 10:00 PM UNLESS AUTHORIZED BY A MAJORITY VOTE OF THE BOARD MEMBERS PRESENT. ITEMS WHICH HAVE NOT BEEN HEARD BEFORE 10:00 PM MAY BE CONTINUED TO THE FOLLOWING THURSDAY OR TO THE NEXT REGULAR MEETING, AS DETERMINED BY AFFIRMATIVE VOTE OF THE MAJORITY OF THE BOARD MEMBERS PRESENT (PER PLANNING BOARD RULES OF PROCEDURE, SECTION 2.7).

V. MINUTES

None available at this time.

VI. PLANNING DIRECTOR'S REPORT

Nothing at this time.

VII. PUBLIC HEARINGS

A. SE 2018-118: 221 Vining Court and 190 Coquina Court, Salty Church Building Expansion, Special Exception

Ms. Lauren Kornel, Senior Planner, stated that this hearing is for a Special Exception for 221 Vining Court and 190 Coquina Court for the Salty Church Building Expansion. The original Special Exception for this project as a House of Worship was approved in 2006, and the applicant is requesting three requests tonight; 1) allow the church to expand with an 11,856 square foot building that will have a 6,450 square foot assembly area; 2) allow future renovations to be approved in accordance with the current B-4 zoning district standards which allow a House of Worship as a conditional use rather than a Special Exception; and 3) to repeal Resolution 2007-85 that allowed commercial pay parking, since the church is proposing to use that lot as part of the church expansion.

Ms. Kornel displayed an aerial showing the property, which is 1.92 acres consisting of two parcels; 221 Vining Court and 190 Coquina Court. The applicant will be required to combine both parcels prior to being issued a Certificate of Occupancy. The property is the former site of the Ace Hardware. In 2006, the City approved Resolution 2006-186 allowing the church use as a Special Exception. In 2007, Resolution 2007-85 was approved authorizing a waiver for parking requirements. Both Resolutions were included with the staff report. The church purchased 190 Coquina Court for parking and continues to operate as a church today. In 2010, the City adopted an ordinance that amended the uses allowing Houses of Worship as a conditional use, as opposed to a Special Exception.

Ms. Kornel explained that the church is proposing 11,585 square feet for an expansion with an assembly area that will be connected with a breezeway to the existing church. The play area and the dumpster will be relocated, and the proposal includes the redesign of a parking lot to include paved and grass parking. The project does include tree removal with mitigation in accordance with the Land Development Code as well as the preservation of a 20-inch oak tree. The architectural style proposed is neo-eclectic with Florida Cracker and Bermuda attributes. Ms. Kornel played a short video that the applicant had provided, showing the proposed project.

Ms. Kornel stated that the applicant had a neighborhood meeting on January 15, 2019. There were about 35 citizens in attendance, and a copy of the meeting minutes can be found in the packet. The City Land Development Code currently allows Houses of Worship as a conditional use under the current B-4 zoning district. So the current code allows approval of a project of this nature at staff level rather than a public hearing. If they ever wanted to do an expansion in the future, they would not need to come back for a Special Exception. It would be allowed under the B-4 zoning district, as a conditional use. While there will be impacts in terms of parking and traffic outside of regular business hours, it is important to note that the church is considered

a relatively low intensity and the parking and traffic meet the requirements of the code. The church also has provided a number of shared parking agreements and the parking requirement has been met.

Ms. Kornel explained that most of the trees in the site are palm trees, and the applicant will be required to mitigate for tree removal, and staff is requesting that a 20-inch oak tree be preserved. On the site plan, it states that it is proposed for removal, but staff has made a request that that 20-inch oak tree be preserved. The proposal through alternative parking approaches is consistent with the City's Land Development Code and other policy-guiding documents such as the Downtown Master Plan and the Design Guidelines. The project does encourage mixed use, and compact, pedestrian and transit oriented redevelopment. Staff is recommending approval of the Special Exception request as outlined in the Staff Report, and a tentative public hearing date before the City Commission will be March 21st. The applicant is also here, should the board have any questions.

Mr. Scudiero asked how many parking spaces are currently on the two parcels versus how many would be there once this is finished, if approved. Ms. Kornel stated that the church would be required to have 121 spaces, and it is proposed for 156 spaces, and there are an additional 70 spaces in parking agreements and an additional 29 in public parking around the site.

Mr. Robert O'Brien, applicant, stated that he is the pastor and leader of the church. They have been on the property since 2007 functioning as a typical church, and they are going to continue to do so. The expansion would allow them to continue doing what they do. This might be different than a typical church application. Their focus is that they see themselves as a rescue station. So it's not just a house of worship on a Sunday. They have relocated their offices. They are now at 160 East Granada at the old fire station. They have labeled that the "Rescue Station" because they would like for the community to continue to see them as an asset to the community, helping to provide rescue wherever it is needed. Currently, they are taking in well over 600 calls a month, people asking for help among a lot of different things.

Mr. O'Brien continued that they have a ministry called Salty Family Services that is specializing in helping families with children stay off the streets, stay out of foster care, and stay out of government care. So far, since they started that three years ago, they are averaging one child helped every two days. It has become a pretty effective part of what they do, and this expansion of the building from a visual standpoint ought to be a significant improvement over what's currently there. But more importantly, the heart of what they do is going to allow them to continue the effort to help strengthen the community as a whole.

Chairman Thomas asked how many members does the church have. Mr. O'Brien stated that on the Ormond campus, they are seeing about 1,200 a weekend. Chairman Thomas then asked how many attend the most popular service. Mr. O'Brien stated that they have five worship services each week. One is on Thursday night that specifically targets the recovery community. One is Saturday night, and there are three on Sunday. Clearly, Sunday will be the busy time. At the 9 o'clock service, they are running about 300, at the 10:30 service, it's maybe upwards of 350, and then at the 12 o'clock, it drops down to more like 200. Chairman Thomas stated that he was just curious because of parking. He attends a church down the street from Salty Church and he knows that every Sunday, they are searching for parking spots. Mr. O'Brien stated that parking is always a concern. And it's not even so much about

trying to satisfy the city, but it is actually just trying to be functional. They have to know how they are going to provide for the people that want to come to their church. And he thinks they have a good plan with the shared parking with others. And by splitting things up between four and five different worship services every weekend really helps to deal with that.

Mr. Jorczak asked if the increase in parking under the combining of these two properties reduces the need to lease any parking for your people. Mr. O'Brien stated no, because the new facility is going to sit in a place that currently is not being used much for parking. So they will still need all that they can get with help from their partners.

Mr. Briley asked if there were any updates on the additional 29 public parking spots that may be available for shared parking. Ms. Kornel asked if Mr. Briley meant the public spaces along the right-of-way. Mr. Briley stated that they are adjacent, so he doesn't know if it is just about the right-of-way spaces or other potential parking lots that they're talking about using for shared parking. It is the 29 spaces that are outlined in the staff report. Ms. Kornel stated that she went around and did a count of public parking along the right-of-way around the entire property. Mr. Spraker, Planning Director stated that is not included in the overall calculation, so that's in addition to the shared parking that they have.

Mr. Galloway asked if the concept on the shared parking-- because at one point in time, he knows the Methodist Church and Salty Church were all working on shared parking – so at what point in time do we run out of shared parking? First of all, Mr. Galloway stated that he is 100% for this project. But, are we compounding shared parking on top of each of these services that are needed in our community? He thinks shared parking spaces on the street certainly could be considered. And maybe parking in some other parking lots. But at what point in time do we meet a saturation where there is no available shared parking? Have we analyzed that?

Mr. Spraker stated that the Downtown Master Plan encourages shared parking because the city doesn't want to build parking lots just to have parking. Each application is reviewed by the Site Plan Review Committee, including planning, engineering, and public works. Each new development or expansion is reviewed on its own. So the church is a great asset because during the week, other businesses can use their parking. And then on the weekends, the church is using other commercial properties that aren't open. So there is a great symbiotic relationship in that area, and that is what we want because we don't want them to build 250 spaces that are empty most of the week.

Mr. Briley stated that he doesn't know what time Lulu's opens on Sundays, but he knows they use a lot of on-street parking. He doesn't know what other uses there may be in that general area that are open on Sundays that may be competing for some of those same public parking spots. Mr. Spraker stated that this application gave a lease agreement. So they have the rights to use those spaces. He would bet Lulu's has some other agreements that allow off peak parking. We haven't been provided those, but he would imagine that they are using maybe CVS or on-street parking. So, yes, it is a balance of appropriate uses. Ms. Kornel stated that one of the property owners contacted her and indicated that they have somewhat of a gentleman's agreement between himself and the church and hopes that it would continue because, he advised, he also uses the church parking when it's not in use.

Mr. Jorczak asked if there would be any signage that indicates that those spaces are available for public. Ms. Kornel stated that she doesn't believe so.

Mr. Galloway stated that a perfect example would be that there may be two or three condo projects that people are looking at on Granada, on the beachside, and what if they come to the City and want the shared parking formula. Mr. Spraker stated that the one that he is aware of is Fountain Square, and they provided their parking on-site. So they weren't looking for shared parking. They were looking for some balance between the multifamily and the retail. For example, the multifamily could use the retail area at night. So there was some internal agreements, but they weren't looking for any shared parking agreements. And that's the point of why each project is reviewed individually within the area. Mr. Galloway asked about the other one that could be considered, which is larger than Fountain Square, and if they come and want to use a calculation for on-street parking, then they, too, could use the calculation for on-street parking. Mr. Spraker stated that on-street parking was not included in this application and it would not be included in any application. So, again, if that other project Mr. Galloway is talking about comes in, they would be reviewed on what they are providing on-site, what their use is, and what their shared parking ability is. If it is a restaurant, they are not going to have a whole lot of shared parking. But if it is an office, then they do have the ability to have shared parking.

Chairman Thomas asked if there were any additional questions from the board. Hearing none, he stated that the floor would be open to audience members.

Ms. Linda Williams lives on Bosarvey Drive, and she is not here about the church expanding. She loves Salty Church, and she has very good friends that go there. This is about the city doing something about the overload of traffic in our neighborhoods. On Bosarvey, five years ago, she could sit in her front yard and enjoy it. But now, everybody has learned to cut through Bosarvey. So it's not as quiet living there. It's going to be hard for people to go to church and not cut through the neighborhood, not go around Vining Court or come down Bosarvey. That already occurs. And so she is asking that the city find a way to redirect that traffic, not just for the Sunday church, but something has to be done about Granada. Nobody wants to drive all the way to A1A. They always want to cut through the neighborhood. So as she drove around the neighborhood, the problem is not parking. There is plenty. There are parking lots that are half empty, and CVS is always empty. And she understands from talking with Mr. Spraker that we are already doing shared parking and that the church has always been generous in sharing their parking. So this is not about the church. And she so appreciates that the church is going to save that oak tree. More parking invites more cars into the surrounding neighborhoods, which is a problem every day of the week. One of the problems is that there is only one way to get around in our little downtown area, and that's by car, and it doesn't have to be that way. Ms. Williams is hoping that the city can move more toward a walkable, likable community and cut down traffic and parking. There has to be a more creative solution. Perhaps the city could fund a trolley every Sunday or in general, especially during events, to get people who live here back and forth across the bridge and across Granada. Two elderly persons from the beachside told her they could not get near the art festival on Saturday because of not finding parking, and they came back home. So if we had something just going back and forth across the bridge, why wouldn't it help our businesses? People really can't walk across Granada. If there was a little trolley going constantly, then we can get across Granada and there would be fewer cars. She rode the public transportation

over to the Art Walk event, so she would not have to take her car across. So can you imagine that? Another way to look at this.

Mr. John Adams, 1094 John Anderson, stated that he came out to be supportive of what the church wants to do, and also to make sure that everyone is considering the challenges with parking. He is glad to hear the discussion about it. He appreciates everybody's comments. And let's just be sensitive to parking in that area, and thanks, everyone, for coming out tonight.

Mr. John Hall, 45 Ivanhoe Drive, stated that he and his wife have been residents of the city since '89 when they moved back from Gainesville. They have been a part of the church since its inception. They have watched it grow. They really think it is a great community asset, and he came to speak in favor of what has been presented tonight. He thinks they have been good neighbors, and their desire is to continue that. It also would allow the campus to be a little more consolidated. The children's ministries are across the street. And by giving them some expansion space, they will be able to consolidate the campus and be even more effective for families that are utilizing the facility. So he appreciates the board's consideration.

Chairman Thomas asked Mr. Spraker if they had considered any signage directing people when they leave the church, focusing them or channeling them out to A1A or Granada. Mr. Spraker stated certainly, they can look into that. The options are for them to use Vining Court to make a left-hand turn onto Granada or to go to A1A and again, make a left-hand turn and then go back to Granada. So they can certainly look at that.

Chairman Thomas stated that he is all in favor of churches. He thinks we need more of them. He thinks it is a wonderful thing that the church is doing. And as long as parking is not some great issue, he is 100% in favor of this.

Mr. Briley stated that he is glad to see the shared parking agreements, especially for that area, because he knows that there have been parking challenges and other folks over there have had parking challenges. He thinks it is a great project. If there are no other comments, he will make the motion.

Mr. Briley made a motion to approve SE 2018-118: 221 Vining Court and 190 Coquina Court, Salty Church Building Expansion, Special Exception. Mr. Galloway seconded the motion. Vote was called, and the motion was approved (7-0).

B. LUPA 2019-018: 2575 West Granada Blvd – Small-Scale Land Use Map Amendment

Ms. Becky Weedo, Senior Planner, stated that this is a request submitted by Kim Booker, Attorney at Law, on behalf of the property owner, Dana Bishop, to amend the future land use designation of approximately 5.02 acres located at 2575 West Granada Boulevard. The application seeks an amendment from the existing Public/Institutional land use to the Suburban Low Density Residential land use designation. The property is a vacant lot and is part of the Hunter's Ridge Development of Regional Impact (DRI). The owner has obtained an assignment of one single-family unit under the DRI from that master developer. The existing future land use category of Public/Institutional does not allow residential uses. The purpose of the amendment is to allow one single-family dwelling unit. If the land use amendment is approved, a separate DRI amendment shall be presented to the

Planning Board and City Commission. The current zoning district, Suburban Residential, is not proposed to be changed because it's compatible with the proposed future land use designation and allows single-family uses.

Ms. Weedo displayed an aerial photo of the subject property. It is adjacent to Hunter's Ridge Subdivision. On the other side of St. Rt. 40 is undeveloped property within the incorporated area of Daytona Beach, and the FDOT pond is the retention pond for St. Rt. 40. The subject property is located on the north side of Granada Boulevard, which has a green belt buffer designation, and the property is a little over 5 acres with an existing pond, and about 2.6 acres delineated as wetlands. There's a swale ditch area and a sidewalk on the St. Rt. 40 side south of the property line. Staff supports the amendment. The amendment meets the goals, objectives, and policies of the Comp Plan. It meets the requirements established in the Florida Statutes. The proposed land use is an appropriate use of land. There's adequate infrastructure, and the proposed land use will not impact the surrounding jurisdictions. Staff recommends that the Planning Board recommend approval of the future land use amendment from public/institutional to suburban low density residential. The tentative City Commission public hearing dates are March 21st for the first reading and April 2nd for the second reading.

Ms. Shull stated that this person is going to build a house on this property, a single-family home. If they purchase the property, could they change that and decide to split the property, and build more houses there? Is that an option? Or is it just one single-family home that can go there? Ms. Weedo stated that right now the owner has only received the ability to build one house on that property. Ms. Shull asked if in the future, she can split it, build on one half, and sell the other half? Ms. Weedo stated that only if the owner went back to the Master Developer and got another amendment, then maybe it could happen. We don't generally show the land and the constraints because this is a future land use amendment. So you want to look at the maximum of what can be built there. And under the Public/Institutional, a childcare center could be built there as of right now, and the trips and everything that would be generated would be much more intense. Ms. Shull stated that she is not concerned. She is just asking the question if it could happen. Ms. Weedo stated that if they went back and did another development amendment, it probably could. But, with the wetlands and pond, it doesn't seem viable.

Mr. Galloway asked about the ingress and egress off of St. Rt. 40. Can they just put a driveway in? Ms. Weedo stated yes, and they have already contacted DOT for that.

Chairman Thomas stated that he assumes there is sewage to hook up to. Ms. Weedo stated no. Chairman Thomas stated that we are talking a septic tank. Ms. Weedo stated that is correct. Mr. Galloway asked if they can tie in to a subdivision. Ms. Weedo stated that right now, it is not available. Mr. Spraker stated that the nearest sewer is in the Tuscany Subdivision which is approximately two miles away. And you would have to extend the force main for the whole distance of Granada, which is unreasonable.

Mr. Briley asked about water. Mr. Spraker stated that there are substantial wetlands. It would have to cross the two-acre wetland, and then would have to cross the pond. And that's why the land use change is appropriate because it's not appropriate to put an intense commercial use on this property because there's no facilities.

Chairman Thomas stated that he finds it ironic that Tuesday night, septic tanks is a huge discussion in the City of Ormond Beach, and here we are, looking at doing

something that's going to use septic. Mr. Spraker stated that we are talking one unit, so that is the reason why staff recommended it.

Mr. Galloway stated that what he is hearing is that it is not so much the change of use, but it is the question of septic, sewer and well in a wetland area. Mr. Spraker stated that you are allowed to have wells and septic as long as you maintain a certain distance away from the wetland.

Mr. Jorczak asked if the City Engineering Department weighs in on the size of the leach field or the drain field. Mr. Spraker stated that it will be the Volusia County Health Department that will monitor that.

Mr. Briley stated that he has to agree with staff on this one. It's one residential unit, and as it was mentioned, they could put a daycare center there by right, currently, with a well and septic. This is just, to him, a much less intensive use.

Mr. Scudiero stated that he is seeing Hunter's Ridge homes 100 yards from there. Can Mr. Spraker explain to him why there is no ability to tap into that? Mr. Spraker stated that the Hunter's Ridge and Breakaway Trails utilities are at, or over, capacity. The low pressure sewer systems aren't designed to handle anything additional. Even if they were, going through the wetland and creating those impacts would have some challenges.

City Attorney Randy Hayes stated that he just wants to remind the board that the application is for a change in the land use, regardless of what that use is, whether it would be public, institutional or residential. The problems with the water and sewers are going to be the same. It may be more of an impact or a lesser impact depending on the use, but we're not discussing a specific use as much as we are the potential land use change itself. And regardless of the land use, the property owner, if they want to develop it, they are going to have to submit the application. It is going to have to go through the formal channels and all of those questions are going to be vetted out. They are good questions from a policy perspective. But he just wants to make sure everybody understands, we are talking about land use. We are not talking about specifics at this time.

Ms. Tolland stated that she agrees with Mr. Briley. We are looking at less impact in what could potentially be there, and that's kind of our job, to look at that and how it affects the area.

Ms. Kim Booker, on behalf of Dana Bishop who owns the land, stated that she doesn't really have much to add. She just wants to point out that the actual use is consistent with the current zoning on the property, and that clearly, the one single-family residential use is significantly a lesser impact than what could be there under the current future map designation. And as far as more than one unit, the DRI contains the number of units, and the Master Developer would have to provide another unit. He has only provided Ms. Bishop with one single-family. And given the nature of this property, and location, and proximity, and the wetlands, it would probably be very unlikely that there would be any additional division of that lot. But, of course, at that time, she would have to go through the process to subdivide that lot if that, in fact, was going to be the case, but it is not that right now.

Mr. Jorge Gutierrez, 19 Foxhunter Flat, stated that he is actually one of the residents right behind this property. And he is looking at this probably from the most selfish point of view, as a homeowner. So when he sits on his deck, he sees a beautiful forest in the back. And when he got the notice and he heard five acres are being cleared, he

wasn't too sure what that meant. And so, although he does appreciate the alternative, which is better than what the alternative is, he is not sure what the clarity means. Five acres. Does that mean it's all going to be all gone, all forest, and woods? And then he is not going to be able to see that, which in a selfish point of view, it's going to affect the value of his property. So that's number one. He needs some clarity on that, and he would hope that you all do your due diligence on that piece. The second piece is that the distance between where that whole property is and his, it looks very, very close. He is not sure how far that is. It could be that it is 100 yards to your point. He doesn't know, but it looks very close to him. It looks like 10 feet to him. And so he would ask for due diligence on that part. And then the last piece is, there is a lot of water back there. And in fact, during the hurricanes, almost half of his yard got flooded. So he would ask to just make sure that if all that is going to be cleared away, that somehow, that water is taken care of. Because the last thing he doesn't want to do is be flooded when all that woods is gone. Where is that water going to go? And that is his concern. That is pretty much everything from his point of view. So he hopes that the board does the right thing. He is not opposed to anyone building. He just wants to make sure that his property does not lose value and that he is protected against the hurricanes and floods because it is a wetland back there. Thank you.

Ms. Susie Bogdanowicz, 17 Foxhunter Flat, stated that she lives beside Mr. Gutierrez and is another one of the properties that backs up to the five acres that are being discussed. It is complete wetlands back there. It is saturated with water. Very deep. Her concern is that when they have to build the property up, that water will be displaced. The water, more than likely, will not go over St. Rt. 40 because St. Rt. 40 is built up high. It will end up in their backyards. Their neighbor just built on a half an acre. She had to clear out the woods there. A lake was left behind. They had to build up the property. It still wasn't high enough. She had to add an extra \$25,000 to build it up on top of what they were told. Then they had to build a moat around their yard, and it is literally a moat with standing water all the time. Ms. Bogdanowicz spoke with the gentleman that excavated and built on the property every day. They couldn't go as deep as the city engineers had planned because they hit water shed and that was as deep as the moats could go. So the flooding is a very big problem right here. I don't know how many acres we're discussing. But just that half-acre lot caused flooding all over the street for months and months. She constantly has flooding in the front of her yard and on her sidewalk, it is constant water. There is constantly water on other properties on the street. And the neighbor's, what she calls a moat, is constantly full of standing water. So, again, if you take out these woods and the swamp, and then they have to build up the land, that water will be displaced and it has to go somewhere. So that's a big concern for us because our homes weren't built - it wasn't considered a flood zone at the time, so our homes won't be as high as the homes that are going to be built in the future there. So it would be a huge nightmare for us and our children that play in the yard. So thank you for hearing us.

Mr. Briley stated that any development that would occur, and maybe this can give these folks some assurance, anything that is built next to an adjoining property, they will be responsible for maintaining or for keeping their storm water, and they cannot negatively affect the neighboring properties. Ms. Weedo stated yes, when the development occurs, they will be required to have a storm water management plan, and they will be required to show that none of their drainage will go onto other properties. That is part of our engineering department's review when we are

reviewing building permits. Chairman Thomas stated that this property should not affect the neighbors because they are not allowed to, by law.

Mr. Galloway stated that in looking at the aerial photo of the property, he can tell just by the different colors in the foliage of the leaves that you see from the satellite picture, it is extremely wet, especially in the back area. Now, can they carve out one acre or half acre? He feels comfortable by allowing them to have a single-family residence versus it being a commercial place where somebody could go in and do a strip clear. They will be very restricted on what they can do. Looking at the property, he doesn't think anybody could ever put two or three houses on that property. Half of the project is not even buildable because you've got 1.6 acres of wetlands, and a 1 acre retention pond. So you're down to 2 and a half acres.

Mr. Galloway continued that he understands where the neighbors are coming from. When the board makes decisions, it is very important that we hear from the neighbors. Your home is your most valuable asset. And the one thing the board doesn't want to do is to change something that makes neighboring properties value go down. So thank you for being here and voicing your concerns. Mr. Spraker stated that just to further expand on that point, he pointed out where the wetland line was and where the neighboring properties are located. So the wetlands are going to be the buffer. That wetland will not be cleared, and then there's a 50-foot buffer next to the wetland.

Ms. Tolland asked Mr. Spraker if they could mitigate the wetlands and put them somewhere else and fill. If so, that could cause problems for the neighbors. Mr. Spraker stated that absolutely, you could do that. But again, there's a balance, and it's very expensive to mitigate wetlands. They have uplands in the middle of the property. So there's no advantage to them going and filling in a wetland when they have uplands to fill them. When they go to develop, they will have to build their own wetland pond as part of their site development. So there would be a wetland on this side, you would have a pond on this side, and then you have the upland in the middle.

Chairman Thomas stated that he is familiar with that area and he doesn't think the neighbors will even see the house being built there. Ms. Booker stated that she doesn't think it will clear those wetlands, nor would it be cost-effective for a single-family residence to do it. Now, if you were building the 174,000 square feet that you can build for the maximum building size under the existing code, then they may look at spending the \$100,000 credit for a mitigation. But for a single-family residence, it would not be cost-effective.

Ms. Shull asked about the interior that's upland, does the foundation have to come up a certain height from there to build. Ms. Weedo stated that she doesn't know if that is a flood zone delineation. But typically, our flood management requirements, if you're in a flood plain, requires one foot above the base elevation. Or if you're outside of a special flood, they require 18 inches above the crown of the road. She doesn't know what the elevation is, since we are not that far in the process. Ms. Shull stated that there are two and a half acres that are wetland. So does that leave two and a half acres that they could clear to build? Mr. Galloway stated that there are still setbacks from the wetlands. Ms. Weedo stated that there is also a 36' buffer from St. Rt. 40. Right now we are just talking about the land use amendment.

Mr. Jorczak stated that essentially, the density of what **could** happen is so much less than the existing zoning that's out there today. And so anything that we can do that reduces the possibility of something even worse happening, he thinks, is a very logical way to take a look at it. And the details that are going to be required

downstream from this for any kind of construction are going to have to meet the requirements that are in place. He thinks that the city engineering department would ensure that whatever goes in there would retain water on the property itself as opposed to having it go somewhere else.

Mr. Briley made a motion to approve LUPA 2019-018: 2575 West Granada Blvd – Small-Scale Land Use Map Amendment. Mr. Jorczak seconded the motion. Vote was called, and the motion was approved (7-0).

C. LDC 2019-028: Animated Wall Signs in the Downtown Overlay District, Land Development Code Amendment

Mr. Steven Spraker, Planning Director, stated that this is a request for animated wall signs within the Downtown Overlay District. Mr. Spraker displayed a map of the Downtown Overlay District showing its boundaries from Orchard Street on the west end to the ocean on the east end, and approximately 300 feet either side of Granada Boulevard. The applicant is requesting to do animated wall signs, with certain conditions. An example was provided, which is a pufferfish that expands and then contracts, and they are seeking to put this on the wall of a restaurant. The amendment would be for the whole district and not just this one property. This was presented to Ormond MainStreet, and one of their concerns was that it may be appropriate at one location and may not be appropriate through the entire district. So, there was a desire to allow the animated wall signs through a Special Exception, so each one could be reviewed individually against the Special Exception criteria. Attachment one has proposed language that would limit it to the Downtown Overlay District. It would limit it to neon construction only, so someone couldn't use a television as a wall sign. Also, there was a condition that it should only contain graphics and not words. Staff is recommending approval with the condition of a Special Exception. The applicant is here to address the board.

Mr. Scudiero asked if the board is looking at just this one example. Mr. Spraker stated that the board is looking at a Land Development Code amendment which would establish the framework to allow the signs to go through a Special Exception process. So if the board were to approve the Land Development Code amendment, then probably next month they would have a Special Exception come before them to allow for an individual site. Each new site would have to go through that process. So the Land Development Code would provide the framework and then each individual application would have to stand on its own.

Ms. Dorian Burt, 203 Pine Cone Trail, stated that “fugu” means pufferfish in Japanese and hence the animated fish. They do serve pufferfish - there are nonpoisonous ones - and they do it with sushi. So that's the connection. She will answer any questions the board may have, to the best of her ability. Mr. Jorczak asked who did the artwork. Ms. Burt stated Scott Disbennett at Shok.com S-H-O-K. He works with Mr. Jones with Metro electronics.

Mr. Galloway asked Ms. Burt to tell him exactly where this will be located on the property. Ms. Burt stated at 26 North Beach Street, Suite B, which is the northerly building of the former condo doctor's building. The northerly building where there is a breezeway that separates B and A, and then C is connected on the westerly side to A. Previously, there was a plastic surgeon in the suite and his sign was 4 x 8. So, it is going to go on the outside wall and is going to be a welcoming sign.

Mr. Galloway asked if it will be on the New Britain side of that building. Ms. Burt stated no, it will be on the Beach Street side, and it will only be on the front. She is not asking for approval for that individual site. She is asking you to change the Land Development Code to allow the sign. The board is not even approving the fish tonight, because MainStreet and staff said there should be Special Exceptions for this type of sign. So she will have to come back to the board if you allow animated neon-only, not LED, signs in the Downtown Overlay District not to exceed 32 square feet.

Attorney Hayes stated that staff has done a good job of putting together objective criteria if the board desires to approve this amendment. He always finds Special Exceptions a bit dangerous because that is where the subjectivity comes in and that is where the evaluation of content comes in. The one thing that these applications will not be able to be evaluated on through a Special Exception or any other use is the content, the visual impact. As long as they meet the objective criteria, that's what the decision must be based on. General rule of law is it has to be content neutral. So whether you like the image or not, that doesn't come into play. Whether it's a fish or a horse or an alligator or whatever doesn't come into play. The board cannot use that as a basis to approve or deny. The board has to look at their criteria, and base its decision on that. So he wants the board to understand that, in your decision tonight whether to allow the amendment.

Ms. Tolland asked why we want a neon sign in our downtown district. Ms. Burt stated that our downtown district is becoming more and more vibrant. The neon is a form of art and we have a designated arts district now and because Mr. Jones loves neon. The language of the "neon only" is such a safeguard, because it is so expensive that she will be amazed if you see another neon sign. But, it keeps the area vibrant, it's unique, it's different, and it adds excitement to the venue.

Mr. Briley stated that to Ms. Burt's point, typically, LED signs can be changed. With neon, once it's approved, that's all it is. You can't change it. So he actually likes that the language is part of the amendment.

Ms. Tolland was wondering, since the sign would be on Beach Street, is it going to be a distractor? There is a lot of signage down in that area. She has been paying a little bit more attention lately. There are signs that are on the face of the building. There are signs that stick out this way. There are federal signs. There is a lot of stuff going on. So her initial reaction is, why in the world would we want a neon sign? She just thinks it could be gaudy. She does think that it is an art district, and she likes art, and she thinks that when we get to the mural case, she thinks that is a cool thing. She is a little hesitant with the neon signs just because there's so much going on.

Attorney Hayes stated that he wants to draw one more distinction. This is being regulated as a sign, not art, not a mural, but a sign. There are significant legal distinctions to the terminology. And he understands that those terms get used interchangeably. But understand what the board is being asked to approve is an amendment to the sign ordinance. The next item that you'll get to in the murals, you will see that they have built right into the enabling legislation that the murals are being regulated as artwork. And they made a distinction in there that specifically says murals are not signs, and the reason for that is because of the complexity of the legal requirements for regulating it. So they are trying to be careful in how they categorize these things that are being presented to the board. So this is not artwork. These are criteria to regulate an animated sign. The board needs to understand that.

Chairman Thomas stated that he thinks it is going to be vibrant. He thinks it is going to add to the downtown and it is going to be a great addition.

Ms. Shull stated that it is going to be the same size that's required for any other sign. It states in the report that it, "has to be behind glass," which means it is probably going to be behind the front window. Is that what it means? Ms. Burt stated that neon is hot, and to be animated, you have to have two or three levels of neon for whatever the animation is. So each section gets behind glass. It's layered. And it's going on the exterior wall, not behind a window. It is encased so that you can't touch it.

Mr. Scudiero made a motion to approve LDC 2019-028: Animated Wall Signs in the Downtown Overlay District as a Special Exception, Land Development Code Amendment. Mr. Briley seconded the motion. Vote was called, and the motion was approved (7-0).

D. LDC 2019-040: Original Artwork Murals in the Downtown Overlay District, Land Development Code Amendment

Mr. Steven Spraker, Planning Director, stated that this is an amendment within our Downtown Overlay District to provide the framework to allow murals within the Downtown Overlay District. There was a discussion item that was presented to the City Commission in 2017 which provided the basis. Ormond MainStreet has worked very diligently to establish the framework of how we could do murals. Both Attorney Hayes and Ms. Reichmann, who helped us with the implementation of the signage, came up with a set of regulations that can provide a balance between allowing murals and still providing reasonable assurances to surrounding property owners. The Ormond Beach Arts District would be a nonprofit organization associated with MainStreet, and they would be tasked with reviewing applications against the criteria.

Mr. Spraker continued that the process would be that the mural would come in through the Planning Department, and it would be routed to the Arts District board. They would make a recommendation, and then it would go to the City Commissioners for final approval, and then, if approved, they would be issued a mural permit. One condition is that the mural would need to be done within a certain amount of time. The key aspect of this is that our MainStreet organization has worked to provide the framework, and they are the ones who are going to help identify sites, encourage property owners to go and get in contact with artists, and then create murals. The Downtown Overlay District is a unique area, and it has really tried to be a unique area. Things that aren't allowed in the rest of the city, can be done in the downtown area to create that interest, to create that attraction to this area. Staff is recommending approval. The MainStreet group is also here to address the board.

Mr. Jorczak stated that there are currently existing murals, and is there anybody that looks after what the condition of those murals are should there be any degradation due to weather, and then sees that they are fixed or removed. Does anybody in the city monitor that after they are approved? Mr. Spraker stated that Code Enforcement is the monitoring agency of the City, and they are reactionary based. So if someone calls and complains, they will come and see if there are issues. The only mural that he is aware that was permitted within the city is with the former Caffeine that is now The Grind. That is the only mural that he is aware of that was legally permitted within the city. Mr. Jorczak asked if code enforcement brings the matter to the attention of the Planning Department. Mr. Spraker stated that the matter would go to the property owner. The first step is always to seek compliance. So if there is graffiti, or if there

is some type of issue, code enforcement will go to the property owner and ask them to clean it up. And they will give them 10 days to a couple of weeks to fix it. If they don't fix it and obviously it is a site issue, then it gets escalated. They will be issued a Notice of Violation if they don't fix it.

Ms. Tolland asked about the artwork on the windows of the building on the north side of Granada, just before getting to Beach Street. Is that considered a mural? Is that something that should be maintained? Mr. Spraker stated that he isn't aware of any issues with it, but if there were complaints, they would put it through to Code Enforcement and notify the property owner.

Ms. Julia Truilo, 307 John Anderson Drive and Ms. Judy Stein, 166 Orchard Lane stated that they are here to answer any questions the board might have about the process, how this came about, and how they have arrived at finally having this piece of legislation for the board to look at. Ms. Truilo stated that just as an aside, the paint on that window that Ms. Tolland was asking about, was done as a temporary art installation for the first Granada Grand Festival of the Arts, which was held six years ago. The building owner liked it and left it up and then sold the building with it on. One of the things that their board looked at very carefully was upkeep and how maintenance could become part of this ordinance. Over the past couple of years, they have done a great deal of research into how other cities have handled their murals, what they do in terms of describing them or failing to describe them. The city of DeLand has no ordinance at all. DeLand's MainStreet organization commissions, pays for, and oversees the murals, but the city of DeLand's historic officer is in charge of making sure they are maintained once they are up. Everybody has developed a process, and she thinks that it is an important part of this ordinance that a process is in place.

Ms. Stein stated that she is the president of the board of Ormond Beach Arts District, and they are a relatively new organization, a sister organization to MainStreet. And she just wanted to say how excited they are about the prospect of this mural program and that they are very committed to making it a success and that they wouldn't bring a mural before the Commission that the board didn't think they would approve.

Chairman Thomas stated that he travels a lot and he goes to a lot of towns and he drives through the main street districts of those towns. And he always finds it interesting and enjoyable when he sees murals on the buildings and the neon designs. He really does find it attractive. Maybe it is because he refuses to get old, but he likes stuff like that. And he thinks it helps us get our kids and our youth downtown and more involved. So he is excited about this, both of these last two items.

Mr. Briley stated that the way this amendment is written, the way it is proposed, he thinks there is enough review of these projects that by the time they get to the Commission, they are pretty vanilla. And he would also like to say that in his personal opinion, and he has been sitting on this board since 1996, is that people's tastes and people's opinions of murals have changed. He can remember at one time there was a proposal, at what used to be the baseball card shop, for someone to paint a mural of the old Ormond Hotel on that building. And he thinks at the time, it was kicked around so much it kind of died. But he thinks that would have been a great addition to our downtown. So he is in favor of the measure.

Ms. Shull stated that she likes the idea of getting murals. She misses the big red bird on the side of the hotel down on the beach. That was so cool and retro.

Mr. Scudiero stated that a lot of work went into this amendment to make it so that it is almost foolproof. He doesn't think we could ever really get in a situation where we regret supporting this tonight. And thank you to both ladies from the Ormond Beach Arts District. He knows that the arts run deep in Ms. Truilo's family history in Ormond Beach and she is doing the family proud.

Ms. Tolland stated that she loves the way the Arts District and downtown MainStreet and everybody is working together on this project. She thinks it does really add a lot of eclectic, fun atmosphere. So she congratulates everybody on the good work.

Mr. Jorczak stated that he concurs with the other comments. He thinks it is well-regulated in terms of how it is laid out. He doesn't expect that the city would have a problem. He knows the intentions that MainStreet and the Arts District have in Ormond Beach, and he thinks this is a way to promote the city a little bit better in a very positive note. And so from that standpoint, he is for this agreement.

Mr. Galloway stated that he appreciates the city bringing something that is long needed, but he will tell you that there are some people who have done murals that he could have done a much better job than they did. And there are some three-dimensional murals that he sees when he travels that look very realistic. Go look online at some of the murals around the country. Murals will stand the test of time if people really like them. They have had one in Columbia, South Carolina for about 30 years that is a sunset coming through a tunnel, and it is so real they've had people actually try to drive through the tunnel in a parking lot. So his hat is off to everyone. He hopes whoever is selecting the artists, that it blends and isn't so abstract that you drive by and go, "What is that?" He is just saying that you have to be really careful with murals.

Ms. Trulia stated that one of the things that they did when they were putting together the program, was a call to artists, and they have a muralist registry. And the Arts District then took these submissions, they have checked their references and they have all their materials available for building owners should they want it. So, the idea is that they connect as a clearinghouse for building owners who want murals, but they don't know artists. And if they come with their own artist, they will do that same kind of research for the artist.

Mr. Galloway asked Ms. Trulia and Ms. Stein for their comments about the wall sign that was proposed. Ms. Trulia stated that they were in favor of it. But they did lean toward the Special Exception on the grounds that the uniqueness of the downtown is added to by the neon, but if everybody has exactly the same thing, then we've lost that flavor. So they like the idea of making it a little more difficult, a little more restricted in terms of the physical nature of the signage being approved. Mr. Galloway stated that he values their opinion. MainStreet to him is extremely important. And being one of the original members and the second president of it, it has taken a long time to get where we are now on MainStreet. And we just have to keep going.

Mr. Galloway made a motion to approve LDC 2019-040: Original Artwork Murals in the Downtown Overlay District, Land Development Code Amendment. Mr. Jorczak seconded the motion. Vote was called, and the motion was approved (7-0).

Mr. Briley stated that he would just like to say one thing while everyone is still here. It is really an exciting time for Ormond Beach. The things that are being brought forth by MainStreet, the things that have been brought forth by Mr. Jones, and the work

that staff and our city attorney have put into a lot of these things, and the willingness on some of these things in his opinion by this board to move forward with to our City Commission, he just thinks a lot of good things are happening in this town. And he just wants to put that on the record.

VIII. OTHER BUSINESS

Mr. Jorczak stated that he attended the last Airport Advisory Board meeting, and the board will be pleased to know that progress is being made with respect to a cell tower out on airport property. Nothing has been signed and finalized. But it has reared its head again, and should things go as the city hopes it will go, and Mr. Steven Lichliter hopes it will go, they may have something cleared before the end of the year there, which will help everybody out there in that neck of the woods. It won't be by the CAP building. And the pilots won't be upset. They are already aware of it, and it is not an issue from the pilots' standpoint.

IX. MEMBER COMMENTS

Mr. Scudiero stated that he knows Mr. Briley is probably the bigger historian on this board than himself, but he hopes what the board did here tonight allows for that Ormond Hotel mural to one day come back to life. That would be great.

Ms. Tolland stated that it is an exciting time to be on the Planning Board, and she really respects and appreciates all the information that is provided by staff: your reports, your thoroughness, and Attorney Hayes keeping us on track the way we are supposed to be, because we all get off track. We just have different perspectives. Several board members are into real estate development. And she still can't figure out why she is on the board, just being a nurse and a housewife, but she really enjoys it and she does try to do her homework and she appreciates it very much.

Ms. Shull thanked the staff. She knows the packets got sent out earlier this time, like on a Friday, which was really cool, instead of on a Monday. If that can happen more often, it would be great because it gave her a few more days to read it. She is sorry she missed the workshop the other night. She had read up on everything and was intending to come, and she apologizes.

Mr. Briley stated that he is just very proud of our community, volunteers, and our civic groups that come together and make this city the great city that it is.

Mr. Jorczak stated that he is wondering if anything ever happened to painting our water tower. Mr. Galloway stated that it would be the first mural.

Mr. Galloway stated that he wants to thank everybody that is still here, including the board. Attorney Hayes, thank you for being a great coach. Staff, thank you all for preparing what you do. To the private citizens, thank you all for coming here. And he thinks tonight was a perfect example. We had several things on the menu. But to him, it is extremely important when we have contiguous property owners that are being affected by something that has come before the board, and they have valid concerns. He wants everybody to clearly know he has no problem voting yes or no on anything, but when a contiguous, adjacent property owner comes and it can affect

their property, he will give them 110% of his time and effort. He thinks it is extremely important that we all work together and let everybody know we are clearly open-minded. But this city is moving forward. And thanks to everyone out there for all that you do.

Chairman Thomas stated that his first stint on this board was back in the '80s, and he did 10 years on the board, and he isn't even sure that sometimes the board would even want to pave a road in Ormond Beach. The difference is huge. He goes back to Bill Jones and Bill Motzel and all those guys, but it was a whole different mindset back then. Ormond wanted to stay the small little bedroom community of Daytona, and we didn't want to do things, and we wanted to be basically our own entity, which we still do to some degree. But, the way we have progressed is really great. And he thinks a lot goes to the board and of course, the staff. And, Attorney Hayes, he doesn't know what in the world he would ever do without him. Thank you very much.

X. ADJOURNMENT

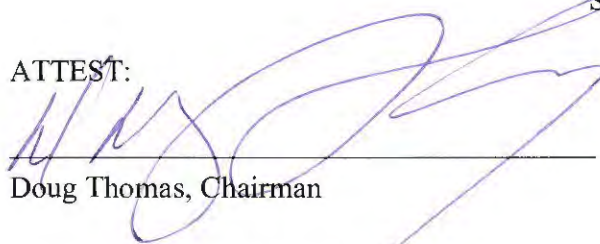
The meeting was adjourned at 8:39 p.m.

Respectfully submitted,



Steven Spraker, Planning Director

ATTEST:



Doug Thomas, Chairman

Minutes transcribed by Melanie Nagel