

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

March 12, 2020

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 (excused)

Staff Present

Steven Spraker, Planning Director  
Noel Eaton, Senior Planner  
Randy Hayes, City Attorney  
Marcella Miller, Recording Technician

**II. INVOCATION**

Mr. Scudiero 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. APPROVAL OF MINUTES

February 13, 2020

**Mr. Galloway moved to approve the February 13, 2020 Minutes. Ms. Shull seconded the motion. The minutes were unanimously approved.**

## VI. PLANNING DIRECTOR'S REPORT

Mr. Steven Spraker, Planning Director, delivered information on the adaptive signal coordination along Granada Boulevard, DOT's work program for this year, should be underway this summer.

Mr. Galloway asked Mr. Spraker for information about survey sticks on Wilmette Avenue and Granada Boulevard and if they are putting an underground line in. Mr. Spraker answered that he was not sure. Mr. Galloway asked about the 6 inch line being put it on Beach Street. Mr. Spraker replied that a sewer line collapsed and they are installing a new sewer line and repaving the area. Mr. Galloway stated that what he was referring to involved direct boring. Mr. Spraker replied that it could possibly be an AT&T or other utility project. Mr. Galloway commented he heard that it was an ESPN AT&T line and thought it could be a shoot line for other electronics. Mr. Spraker answered that it could be that, and could be a private utility.

## VII. PUBLIC HEARINGS

### A. LUPA 2020-031: 806 Cordova Avenue, Small Scale Future Land Use Map Amendment

Mr. Steven Spraker, Planning Director, stated that the property shown at 806 Cordova Avenue was in unincorporated Volusia County. There was a utility request for sewer and as part of the utility request the property was required to annex. The annexation was completed on March 3, 2020 and as part of the annexation the City is required to assign a land use and a zoning map which is at no cost to the applicant. Mr. Spraker continued that this amendment takes the property from the County to the City land use. The request is to assign the property a City land use of "Low Density Residential". Mr. Spraker stated that staff believes it is appropriate and that there are other "Low Density Residential" properties in that area, and that staff recommends approval.

Mr. Briley announced that this is a Public Hearing and asked if there was anyone in the audience that wished to address the board on the item and opened it up to the board for discussion.

**Mr. Jorczak motioned to approve LUPA 2020-031: 806 Cordova Avenue, Small Scale Future Land Use Map Amendment. Ms. Shull seconded it. Vote was called, and the motion was approved (6-0).**

### B. RZ 2020-032: 806 Cordova Avenue, Amendment to the Official Zoning Map

Mr. Steven Spraker, Planning Director, explained that this item would take the property from the Volusia County zoning designation to the City's R-3, which is a Single-Family Residential zoning district. Mr. Spraker continued that this zoning

district is what is in the other areas surrounding the property, and would allow it to go to R-3 Single-Family Medium Density Residential. Mr. Spraker concluded that staff recommends approval.

Mr. Briley announced that this is a Public Hearing and asked if there was anyone in the audience that wished to address the board on the item and opened it up to the board for discussion.

Mr. Jorczak asked Mr. Spraker how many properties like this are in the area. Mr. Spraker replied that there are a few and that the sewer line ends at the end of Cordova Avenue and that there should not be too many going north. It is in an area that is interspersed between Ormond Beach, Volusia County and Holly Hill. He continued that Holly Hill has some services in the area and that it goes where the utilities are.

Mr. Briley stated that a lot of them are on City water, and that a lot are on septic, and that they got City water but not sewer. Mr. Jorczak asked if there was a mandate to tie into sewer. Mr. Spraker answered that if they are within a certain distance and their septic system fails they would then be required to tie in. Mr. Jorczak added that would be the case if the septic system fails. Mr. Briley stated that when applying for a permit for a septic system replacement, they would be required to obtain a permit from the Volusia County Health Department who determines if there is available sewer in the area.

**Mr. Jorczak made a motion to approve RZ2020-032: 806 Cordova Avenue, Amendment to the Official Zoning Map. Ms. Shull seconded the motion. Vote was called, and the motion was approved (6-0).**

**C. LDC 2020-033: Section 4-06, Information to be included in site plan application, Land Development Code amendment**

Mr. Spraker, Planning Director, stated that this is a request for a Land Development Code Amendment. In 2015, the City went to electronic plan review but the Land Development Code still requires a submittal of paper copies so the City is trying to clean up the Land Development Code. Mr. Spraker added that it would require the electronic submittal of site plans and that staff recommends approval.

Mr. Briley asked if this would make electronic submittal a requirement. Mr. Spraker confirmed that it would require electronic submittals, and that paper site plans have not been accepted since 2015. He continued that previously, nine sets of paper site plans were routed throughout the City and then after comments, another nine sets were submitted. ProjectDox allows people to make comments on the drawing and then the design professional can see that drawing and make revisions.

Mr. Briley announced that this is a Public Hearing and asked if there was anyone in the audience that wished to address the board on the item and opened it up to the board for discussion.

Ms. Tolland asked if the City has assisted anyone visiting the Planning Department unable to electronically submit a file, and asked if has been an obstacle. Mr. Spraker answer that has not happened with trying to submit a site plan. He continued that most design professionals prefer to submit electronically, but that there have been cases when people have tried to electronically submit a building permit and staff would scan in smaller driveways and similar cases like that. Most design professionals find it easy to electronically submit the files and upload versus printing.

**Mr. Galloway made a motion to approve LDC 2020-033: Section 4-06, Information to be included in site plan application, Land Development Code amendment. Mr. Scudiero seconded the motion. Vote was called, and the motion was approved (6-0).**

**D. LDC 2020-034: Sections 1-22, Definitions of terms and words and Section 3-26, Off-street parking requirements, Land Development Code amendment**

Mr. Spraker, Planning Director, explained that this action seeks to specifically allow electric vehicle charging stations. It is not allowed or denied in the Land Development Code and the City has always permitted electric vehicle charging stations. Wal-Mart, LuLu's Restaurant and First Green Bank are a few examples of places that the City has permitted it. The administrative request is to amend Chapter 1 – General Administration, Article III, Definitions and Acronyms, Section 1-22, Definitions of terms and words to add a definition for electric vehicle charging station and chapter 3 – Performance Standards, Article III – Off Street Parking, Circulation and Loading and Section 3-26 – Off-street parking requirements to state electric charging station(s) are specifically allowed within parking lots.

Mr. Scudiero asked Mr. Spraker if anyone who has the electric vehicle charging stations would have any compliance problems once this is adopted. Mr. Spraker replied no, that it basically recognizes the policy that the City has had and allows height to screen their mechanical equipment. Wal-Mart's vehicle charging station is slightly higher than 6 feet but met the building setback so is permitted. They may need 7 feet or 8 feet in order to screen the equipment. Mr. Spraker concluded this would be putting the policy the City has into the Land Development Code.

Ms. Shull asked if the owner maintains and installs the electric vehicle charging station following the codes with inspections. Mr. Spraker answered yes and that is on private property. He added that someday there may be vehicle charging stations on public land.

Mr. Jorczak asked if the City is considering anything on city parking lots. Mr. Spraker answered that there is not at this time. Mr. Jorczak asked if there were any plans of adding it at some point in the future. He added that it would make sense to him since we are going to electric vehicles everywhere. Mr. Spraker commented that there is no parking lot under design or under construction within the City. Mr. Jorczak gave an example of Andy Romano Park and commented how it would be a good place to have six charging stations. Mr. Spraker stated that it would require a retrofit to do that. He continued that this would allow it either way, and that it does not take into the policy considerations whether a place should or should not have it. Mr. Jorczak continued that his question goes beyond the explanation of this item. Mr. Spraker stated he preferred not to go beyond it and just stick with the Land Development Code because it is a cost and a policy of if someone is going to spend money to provide electricity to a private vehicle. The amendment would do nothing to stop it in the future.

Mr. Galloway commented that a can of worms was being opened and that he does not want his tax dollars to provide free electricity. Mr. Galloway stated that he goes to Wal-Mart and puts his credit card in and hopes it is not a front where someone starts saying that they need four electrical chargers and has the City pay for it. Mr.

Spraker answered that nothing states that the City could not charge for the charging stations, and that this topic is going beyond the scope of what this LDC amendment is. Mr. Jorczak stated that he is thinking ahead 20 years and 90 percent of people will be driving electric vehicles.

**Mr. Jorczak made a motion to adopt LDC 2020-034: Sections 1-22, Definitions of terms and words and Section 3-26, Off-street parking requirements, Land Development Code amendment. Ms. Tolland seconded the motion. Vote was called, and the motion was approved (6-0).**

**E. LDC 2020-035: Section 1-14, Development Orders and building permits, Land Development Code amendment**

Mr. Spraker, Planning Director, explained the four actions the City is trying to amend within Section 1-14 and stated that it is a key part of the Land Development Code and contains all of the Development Order and building permit submittal requirements. One action item is to create an expiration with a site permit. A site permit is everything not related to the building, such as the utilities, stormwater, grading and clearing. Mr. Spraker continued that there currently is not an expiration date within the Land Development Code. There is a policy of City staff that expires site permits after one year and staff is seeking to put an expiration date into the code. He added that the City is mimicking the site plans with the building permits in terms of requiring an electronic permit submittal. The code requires building reviews within 10 calendar days, and the building code requires it within 30 calendar days. The City prefers to use the Florida Building Code requirements. Mr. Spraker continued that the goal is to do the building code requirements as soon as possible but do not want to be forced into a 10 day review requirement. The administrative variance section is contained within the site plan section and is being used for variances on single-family lots. They are small variances, no more than 10 percent and have been extremely helpful in allowing property owners to do additions or pool screen enclosures. Mr. Spraker commented that the City is seeking to put them in a more appropriate place.

Mr. Briley announced that this is a Public Hearing and asked if there was anyone in the audience that wished to address the board on the item and opened it up to the board for discussion.

Ms. Shull asked what the required inspection time frame is. Mr. Spraker replied one year to start the project and that if they did not it would expire by department policy. Ms. Shull asked if it could be extended. Mr. Spraker answered that they would have to reapply and pay another fee.

Mr. Galloway commented that it is not known what impact the virus will have on a set expiration date. He added that he feels it would not be right to ask an individual on a large commercial deal to pay additional money and asked what the fees are. Mr. Spraker replied that it does not apply to building permits, and that a house would be under a building permit, with an expiration of 6 months with no inspections according to the Florida Building Code, a state mandate. He continued that a site plan is approved by the Site Plan Review Committee and has an expiration date of 2 years. It can also be extended another year. The site plan is valid a total of 3 years and does not allow an individual to go to construction. It is a planning and engineering

document. Mr. Spraker stated that when a contractor is ready to go to construction they have to fill out an engineering permit which verifies they are a valid contractor with outside agency permits and requires a pre-construction meeting. Once they have done all of those things they have 1 year, going beyond the 6 months allowed by Florida Building Code as a site improvement, not a building improvement. Mr. Spraker commented that after 1 year there has to be some time where you have to cut off the permit otherwise the site plan can expire but the engineering permit would never expire.

Attorney Hayes stated that it creates an incentive to encourage the timely completion or initiation of the project. He advised Mr. Galloway that what happens in the event that there is a catastrophic event, the Governor and or the Legislature will step in to create the remedy. The last event they extended a lot of the permits and Development Orders that would have expired.

Mr. Galloway commented that he wants to make sure everyone understand to have flexibility.

Ms. Shull asked if this item was for the site inspection or the whole building. Mr. Spraker answered that every commercial building has two aspects, one is the site engineering permit and the other is the building permit. Each commercial project has those two permits. He continued that this is for the non-building site work. They would need their first inspection within 6 months of obtaining their permit.

**Ms. Shull made a motion to approve LDC2020-035: Section 1-14, Development Orders and building permits, Land Development Code amendment. Ms. Tolland seconded the motion. Vote was called, and the motion was approved (5-1). Mr. Galloway voted against the motion.**

**F. LDC 2020-036: Section 2-50(n), Fences and walls, Land Development Code amendment**

Mr. Steven Spraker, Planning Director, stated that this amendment is within the accessory uses section dealing with fences and walls and there are four amendments being sought after to allow. Within another section of the Land Development Code, there is a prohibition of chain-link fencing in commercial zoning districts. Nobody knows it due to not looking in the architectural section. They are looking for it in the fence section. Mr. Spraker continued that the goal is to copy the regulation and have it in both sections so if someone is looking for fences to put on their commercial property they will be aware of the restriction. Mr. Spraker stated that the second action the City is seeking is to allow wall heights of 8 feet in height for a non-residential use that abuts a single-family use. It is not mandatory as there have been a number of projects that sought to do 8 foot walls and they are told they cannot because the most that can be approved is 6 feet.

Mr. Briley asked if WaWa's wall is 8 feet high. Mr. Spraker replied that yes, WaWa's wall is 8 feet high and was done through a Public Hearing process and that they would have extended it further down but did not ask for it in a Public Hearing. Staff did not have the ability to allow it to go to 8 feet. This would have allowed them to extend it. Mr. Spraker continued that the City has updated the temporary construction fencing standards and found that temporary fencing is valuable in construction sites

and provides security and wind screening. Mr. Spraker added that the Land Development Code requires fences and the orientation of the finished fence side facing the neighbor. There have been several applications where individuals want to flip the orientation where the finished side faces the person putting it up and the unfinished side faces the neighbor. Mr. Spraker concluded that there is no ability to prove it as nothing in the Land Development Code gives staff the right. This would allow it provided both owners give notarized authorization. The question that has been asked is what happens when someone else buys it. The only thing that can be offer is that the purchaser bought it knowing which side the fence was oriented to. Mr. Spraker commented that this may only be used a few times per year but that staff is seeking direction from the Planning Board if they want to allow the ability and it would reaffirm that the City is not going to flip the orientation.

Mr. Briley commented that he has concerns on the fence orientation amendment.

Mr. Briley announced that this is a Public Hearing and asked if there was anyone in the audience that wished to address the board on the item and opened it up to the board for discussion.

Mr. Galloway stated that he understands that the way it is now, the nicer side of the fence faces the neighbor. Mr. Briley confirmed the statement and added that PVC is nice on both sides. Mr. Galloway commented that he is noticing that a lot of cities and companies are allowing wood frame fences with critter wire and a Florida plant or confederate jasmine growing through to make a green fence. Mr. Spraker replied that chain-link fencing is permitted with the ability to grow material. Mr. Galloway replied that it is not chain-link that he is referring to but a nice wooden structure allowed in Charleston, Charlotte and Austin with creative green type fencing that this item would not allow. Mr. Briley stated that his concern would be maintaining the vegetation. Mr. Galloway commented that historical downtown Charleston has no problem with it, Charlotte,... and those cities are having a lot of growth. He added that there might be a state that comes out with no more PVC fencing being that they are doing away with straws, the next thing would be taking away the PVC fencing. Mr. Galloway continued with an example of the situation with a property owner on Beach Street and how someone brought in 8 feet of dirt and his 6 foot fence between his house was raised up. Mr. Spraker replied that one side would be higher and the other would be 6 feet. It is allowed to be taken from either grade and the retaining walls are able to be any height needed to get the grade of the lot which is separate from the four actions. Mr. Galloway suggested that Mr. Spraker go by and look at it and see how to address it.

Ms. Shull asked if the 8 foot fence matter is where commercial abuts residential, and if it had to do with Mr. Galloway's comments. Mr. Spraker replied that they are separate situations and what Mr. Galloway is referring to is a retaining wall.

Ms. Tolland commented that Chairman Thomas was not in attendance but that he has strong opinions about fences, and asked if this addresses the types of fences referred to. She asked if the fence being talked about today is PVC or masonry, which can be stucco. Mr. Spraker replied that this would be a masonry wall or a post and panel wall.

Mr. Briley stated that there is flexibility in the code and that it is not mandatory to do a masonry wall, that they could do a PVC or wooden fence. Mr. Spraker clarified that if a commercial use abuts a residential use they would have to do a masonry or

post and panel wall, similar to WaWas, Granada Point, Realty Pros and CVS. The goal is to allow the additional height at a staff level so it will encourage the buffering which likely came as a result of a neighborhood meeting because every commercial versus non-residential has to have a neighborhood meeting. Mr. Spraker continued that it would save the applicant the time from coming through a Planned Development. The Volusia County Beachside Safety building on Cardinal Avenue has a higher wall that went through a variance and the Board of Adjustment and Appeals was not pleased because you are creating your own hardship. The height variances cannot be taken through the Board of Adjustment and Appeals, it has to come through a Planned Business Development which is \$2900.00, 3 months and a Public Hearing.

Mr. Galloway advised Ms. Tolland the reason the board went with 8 feet is because 8 feet can shield some of the back lighting and some of the headlights.

Mr. Scudiero asked under item D if he wanted to do that at his house that he would have the two property owners adjacent to him to consider, and they would both have to consent. Mr. Spraker replied that it would be whomever side he is on. If on the right, it would be the neighbor he is abutting. One neighbor can say yes, one neighbor can say no and it would be up to him as to what he wanted to do.

Mr. Briley commented that he is not in favor of folks coming in saying that they want the good side of the fence. The neighbor should always have the good side. Mr. Spraker stated that they would have to consent to flip the orientation.

Ms. Shull asked if that policy is the law. Mr. Spraker answered that it is currently within the Land Development Code. Ms. Shull asked if the fence installers are aware. Mr. Spraker replied that they should be, that it is on every permit. Ms. Shull commented that she sells houses and sees houses every day and that they are not always properly done. Mr. Briley commented that sometimes the homeowner put the fence up themselves and they do not know. Ms. Shull stated that this would make it go in properly. Mr. Briley stated that is the way the code reads now, that the neighbor has to have the finished side of the fence and this allows it to be switched. Mr. Spraker stated that if they disagree they would not sign the written and notarized authorization and the finished side would have to face the neighbor.

Attorney Hayes asked if you were the neighboring property why you would consent to the wrong side. Ms. Shull replied that she sees it all the time. She continued that the attitude of homeowners that pay for the fence is to want to see the pretty side of the fence. Attorney Hayes commented that he can see that element and the question not being properly explained until the fence goes up.

Mr. Galloway gave an example stating that if Mr. Briley was his neighbor that he would go to him and ask for him to pay half of it, and if he pays half then he would put the good side of the fence facing him. Mr. Spraker asked if Mr. Briley signed a written notarized consent and if not that at the fence inspection it would fail and then they would have to flip the fence. There is no way for staff to amend it. Staff is fine with it either way but needs direction from the board for the policy.

Mr. Scudiero asked if again he was doing this at his house to the fence facing the road. Mr. Spraker replied that he would have to put the finished side facing the road being that there is no neighbor to sign off on it.

Mr. Briley asked why change it if the board is happy with the way that it is.



Mr. Scudiero asked how many of these requests that the Planning Department has received since Mr. Spraker has worked at the City. Mr. Spraker replied approximately 5 to 6 per year. He continued that they got the permit and knew they were supposed to do it and put the wrong side up, then they go to the neighbor and they are okay with it and they want staff to approve it and staff cannot so then 200 feet of fence has to be flipped.

Mr. Galloway stated that it does not happen with shadow box and that it only happens with the straight wood side fence.

Mr. Briley commented that he has had it happen in his neighborhood where someone started putting their fence up and put it up the wrong way and within a week all of the panels were flipped. He continued that he probably called for an inspection and they told him that he installed it the wrong way.

Ms. Tolland stated that the board is trying to make a pretty city and not trying to put the bad side out to the public. She added that whether you are paying for it or not if you have the bad side and it is your property you can plant shrubs.

Mr. Briley commented on chain-link fences with above ground retention ponds being set at slopes, gradual and not deep and how in the County where Ormond Town Square is there were fenced retention areas with a 6 foot chain-link fence. He continued that fences around retention ponds have been discussed before as a practical matter, the board and City Commission have opted not to have chain-link fences because they are unsightly. Mr. Briley asked if it would keep with the same policy keeping the retention ponds the way they are, not too deep, to require a chain-link fence. Mr. Spraker replied that was correct and advised that wrought iron is also an option.

Mr. Jorczak asked if the board put up a concrete block wall and elected not to finish it with painting or coating, if it was acceptable. Mr. Spraker replied that the fence final would not be approved. It would be required to be finished on both sides. Mr. Jorczak asked if a pre-cast concrete wall would be acceptable. Mr. Spraker replied that he was correct and a finished split face block would be acceptable. He added that a typical masonry brick unfinished wall would not be acceptable, it would need to have stucco.

Mr. Briley advised the board that they can make a motion and include amendments.

**Ms. Tolland made a motion to approve LDC 2020-036: Section 2-50(n), A, B and C, and delete item D, Fences and walls, Land Development Code amendment. Mr. Galloway seconded the motion. Vote was called, and the motion was approved (6-0).**

**G. LDC 2020-037: Section 2-50(r), Generators, Land Development Code amendment**

Mr. Spraker, Planning Director, stated that within the accessory uses Land Development Code section, generators are generally allowed to have the same setback as air conditioners based on a 2018 Land Development Code (LDC) amendment. The 2018 LDC amendment amended the setbacks for generators. This amendment seeks to amend the rear yard setback requirement for generators. Typically accessory structures, like a sidewalk, can go 5 feet to the property line. The current code is written that generators can go 4 feet into a required yard. For most

single-family houses, the rear yard setback is 20 feet. He continued that generators could not go past 16 feet but that was not the intention of the 2018 amendment. Mr. Spraker stated that the intention was to match the air conditioners regulations which are allowed to go closer to the property line. This amendment would allow a generator at a 5 foot rear yard setback. Otherwise they would have to meet the principal building setback minus 4 feet, which would be a 16 feet setback. Mr. Spraker stated there was other minor clean up within the Land Development Code section.

Mr. Scudiero questioned if it was a 4 feet side or rear setback, and if this would make it a 5 feet setback in the rear. Mr. Spraker replied that he was correct and that right now it is a measured setback into a required yard and the current regulation does not a set standard. If there is an 8 foot side yard setback in the current regulations, the generator can go to a 4 feet setback. If you have a 20 foot rear yard setback with the current regulations, the generator can go to a 16 feet setback. The rear yard setback is greater which does not allow the installation of a generator.

Mr. Spraker continued that staff is seeking to give generators a standard setback in the rear yard for residential properties. Mr. Spraker stated that generally, individuals want generators as close to the house and as close to the electrical panel as possible. Mr. Scudiero agreed and commented that basically it is like the A/C unit which is always going to be near the wall. Mr. Spraker commented that some properties cannot meet that side yard setback due to possibly their house being non-conforming, or maybe they only have a 5 feet setback for the existing single-family house. Their next option would be to place the generator in the rear yard. The way the existing regulation is written, is that a generator can only go 4 feet into the required setback in the rear yard. Mr. Spraker continued that generators are an accessory structure, just like an air conditioning unit, so they should be allowed to go 5 feet into the property in the rear yard. Mr. Spraker commented that if the board did not think that a 5 foot setback was appropriate, the setback standard could be amended.

Ms. Tolland stated that this is for properties that have zero lot lines, so that they can put theirs in the back up snug to the house. Mr. Spraker replied correct, or if they are non-conforming houses that would not allow the generator to be placed in the side yard setback. Some houses were built with 5 foot setback and would not be able to locate a generator in the side yard setback.

Ms. Shull asked for further details and asked if her house had a 20 foot setback in her backyard, if the generator can come 5 feet from the house. Mr. Spraker replied that currently single-family properties in Ormond Beach you would generally have a twenty foot rear yard setback. The generator could only put the generator up to 16 feet from the property line. Most accessory structures allow property owners to go into the building setback at a greater distance to the property line. This Land Development Code proposal is to allow generators to be installed at a 5 feet setback to the rear property line. Mr. Spraker continued that if you had a patio or a pool that does not allow for the 4 feet from the house (16' rear yard setback), the property owner would need a variance.

Mr. Galloway stated that he wanted to make sure that he understood the side yard information and asked if the average house in Ormond Beach is a combination of 8 feet and 12 feet for the setbacks. Mr. Spraker replied that the current regulation would

allow generators could go 4 feet into the 8 foot setback from their property line, with an 18 inch separation from the house and is not changing.

**Mr. Jorczak made a motion to approve LDC 2020-037: Section 2-50(r), Generators, Land Development Code amendment. Ms. Shull seconded the motion. Vote was called, and the motion was approved (6-0).**

**H. LDC 2020-038: Section 3-27, Reduction in parking spaces, Land Development Code amendment**

Mr. Steven Spraker, Planning Director, stated within the Comprehensive Plan and Land Development Code there are certain allowances for parking reduction. Within the Comprehensive Plan there is a policy that allows a 20 percent parking reduction in a multi-modal corridor which is where there are bus services and sidewalks, effectively reducing the need for hard surface of parking. Mr. Spraker continued that the issue is that the standards are scattered throughout the code. Some regulations are still in the Comprehensive Plan, but not in the Land Development Code. The goal of this Land Development Code amendment is to put all of the exemptions, including multi-modal corridors and the redevelopment area, in one Land Development Code section. The goal of the LDC amendment is to consolidate all parking reductions standards in one code section. Mr. Spraker commented that if people are looking for a certain LDC regulations and looking in the wrong place, they will never find it.

Mr. Briley announced that this is a Public Hearing and asked if there was anyone in the audience that wished to address the board on the item and opened it up to the board for discussion.

**Mr. Scudiero made a motion to approve LDC 2020-038: Section 3-27, Reduction in parking spaces, Land Development Code amendment. Mr. Jorczak seconded the motion. Vote was called, and the motion was approved (6-0).**

**VIII. OTHER BUSINESS**

**IX. MEMBER COMMENTS**

Ms. Tolland thanked staff for putting together the workshop and stated that it was enlightening and helps with the history. She continued that she appreciated Ms. Peggy Farmer being there and commented that she has been a soldier for US1 for a long time and she makes valid points. Ms. Tolland stated that we cannot forget about US1 being a gateway and appreciates staff looking into the fruit stand. She continued that she would like the vacant abandoned properties looked into, keeping in mind some County properties were grandfathered in as well as City properties and would like to see minor landscaping on both sides and clean up the edges until the properties are developed. Ms. Tolland stated that regarding the workshop she liked Mr. Jorczak's idea of grouping industrial in one area but would love to hear from staff and the Economic Developer what the City is really going after in those properties. She added that she knows the City is doing residential and thinking strip malls to support those residential areas and asked how staff and the board really wants to see it grow. If the desire is for it to be continued or eventually try and continue to change the direction of the corridor like Attorney Hayes started with in getting rid of some

of the other properties. Ms. Tolland concluded that she would like to hear that input some time.

Ms. Shull thanked staff for tonight's meeting stating it was very helpful and suggested that they occur twice a year or prior to something coming up to be informed. She agreed with Ms. Tolland on Mr. Jorczak's suggestions in trying to figure out a business that is going to go into US1 that can be targeted to go up there to make it more cohesive instead of piecemealing because the urban sprawl in Florida is crazy. Ms. Shull stated that she grew up in Tampa and saw stuff go up here and there and it would be nice to have a plan. Ms. Farmer was really good with how to try and get that done.

Mr. Scudiero explained that 17 years ago when he was working in the Legislature the then City Manager brought to Tallahassee the concept of Ormond Crossings and encompassed in it was a dire need for a new interchange, that what was there was failing. Seventeen years later it is still there, and there are still wrecks on the highway at that interchange once a week if not more, and that it has been his opinion that ever since that time as to why things are so bad there. Who would want to invest in that if there was a reasonable chance that your property was going subject to eminent domain and turn into an interchange. He commented that until getting over that hump it will continue to be a problem.

Ms. Tolland asked what year it was on the books for the interchange. Mr. Spraker replied that Mr. Finley is working on the planning, design and engineering on it now but that it takes a number of years to get an interchange which could take up to 15 years until construction. Mr. Spraker concluded these are all valid points and that the interchange is recognized as one of the key issues.

Mr. Galloway thanked Mr. Spraker and staff and commented that staff does an unbelievable job. He continued that the vote he voted no on has nothing to do with staff but dislikes developers and commercial projects paying double fees if the project does not start construction, when the commercial fees are so much substantially more. He continued that he had the privilege of traveling to Austin and reviewed developments out there and suggested that everyone research the Community First Village, the first homeless village project he has been through that they are resolving the homeless issue through giving them a community first. He has seen one in Las Vegas and they use tiny and smaller homes. Mr. Galloway commented that it was all done by the private sector. He advised Ms. Tolland that he agreed with her regarding US1 being the new gateway and improving it. Mr. Galloway expressed his concern with Avalon Park and that fact that it is going to be another Celebration with 10,000 to 15,000 homes. He would like for staff and the board to know more about it and how it can affect our city. Attorney Hayes explained that they have been watching the area for many years and that he understands. He continued that there is a lot to it and that it is not certain what to bring to the board right now, but that the board is in the target zone. Mr. Galloway commented that the board is sometimes the first to hear something and feels they are in front of the firing squad. Mr. Galloway concluded that at Team Volusia today they met with the #1 site selector and their company is out of Greenville, South Carolina, and discussed no matter how hard we try to get the quality paying jobs, even with the amendment of \$15.00 per hour on the constitution, that you cannot buy a house at that income. He continued

that Florida is one of the few states that that the permitting process on a quick turnaround for a good quality industry takes a long time, more so than in other states. He feels that it is the way the state is set up with the core of engineers and the St. Johns Water District, etc. Mr. Galloway hopes that from a planning standpoint that the City learns how to become better or see what other parts of the country is doing to fast track high paying quality jobs with companies like Samsung who might pay \$45,000.00 per year, competing with Greenville, South Carolina or Mobile, Alabama to win the assignment for them to buy a piece of property.

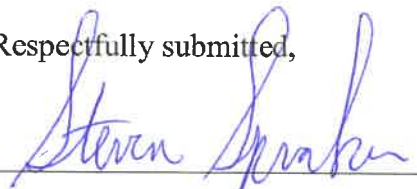
Mr. Briley also commended staff for the workshop and spoke to Ms. Shull and Mr. Galloway's points in saying that when information is received about Avalon it would be good information to have. He expressed an idea he has that one way the City could take care of it would be by buying it to be able to control what is developed and what is not. Mr. Briley acknowledged audience members from the Daytona Beach area Association of Realtors Leadership Academy who are making the rounds at public meetings, one of the requirements of their curriculum.

Mr. Jorczak commented that he would like to see if the plan for the interchange is what was originally proposed 10 years ago when Ormond Crossings was being put in. The design was being reconfigured. He continued that he would like to know more about the plan and what it is going to look like. Mr. Jorczak commended Mr. Galloway on a recent award he just won from his company as an outstanding individual. He has won the award three times in a row as one of the most outstanding individuals in his company as represented by Coldwell Bankers.

## X. ADJOURNMENT

The meeting was adjourned at 8:09 p.m.

Respectfully submitted,

  
Steven Spraker, Planning Director

ATTEST:

  
~~Doug Thomas, Chairman~~  
Harold Briley, Vice-Chairman  
*Minutes transcribed by Marcella Miller.*