

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

March 11, 2021

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 (excused)
Al Jorczak
Mike Scudiero
Angeline Shull
Lori Tolland
Doug Thomas, Chair

Staff Present

Steven Spraker, Planning Director
Randy Hayes, City Attorney
Marcella Miller, Recording Technician

II. INVOCATION

Mr. Jorczak led the invocation.

III. PLEDGE OF ALLEGIANCE

IV. SUMMARY OF PUBLIC COMMENT PROCEDURES

Chairman Thomas explained the social distancing procedures as outlined on the agenda.

V. NOTICE REGARDING ADJOURNMENT

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

VI. APPROVAL OF MINUTES

February 18, 2021

Mr. Briley moved to approve the February 18, 2021 Minutes. Mr. Jorczak seconded the motion. The minutes were unanimously approved.

VII. PLANNING DIRECTOR'S REPORT

Mr. Spraker, Planning Director, stated that the Parks and Recreation Master Plan is having a public meeting on March 31, 2021 at 6:00 p.m. at the South Ormond Neighborhood Center. All are encouraged to attend. It will be both in-person meeting as well as streamed on YouTube.

VIII. PUBLIC HEARINGS

A. RZ 2021-011(A) – 1480 North U.S. Highway 1, Ormond Ace Hardware, Amendment to the Official Zoning Map

Mr. Steven Spraker, Planning Director, explained that this is a request from Gross Family Properties NG, LLC, property owner, for a zoning map amendment of the property at 1480 North U.S. Highway 1 from B-7 (Highway Tourist Commercial) to PBD (Planned Business Development). He explained that on the U.S. Highway 1 frontage, there are two (2) billboards on the site that are proposed to stay.

Mr. Spraker stated that the zoning map amendment provides a framework and provides an ability for the next item on the agenda, the issuance of a development order. Today the property has a commercial B-7 (Highway Tourist Commercial) zoning district that allows a variety of uses including retail, offices, restaurants and hotels. He continued that they are going to the Planned Business Development (PBD) in order to approve a site specific development plan.

Mr. Spraker commented that the site plan is included in the Board packet specifying where the building, garden center, natural preservation and stormwater pond is on the plan. The greenbelt is proposed to be enhanced with understory plantings and the rear next to Flagler Road is proposed to be a landscaped area. Mr. Spraker added that there is a loading area in the garden center. Mr. Spraker commented that the building is being shifted to save a historical tree and add additional land area around it. There are two (2) rights-of-way that are abutting the property that are seeking to be vacated. One (1) is along Flagler Road which is platted as a 60 foot right-of-way. The city standard detail is 50 feet. The City has previously vacated five (5) feet on either side of Flagler Road when applicants have developed and asked for it.

Mr. Spraker continued that there is a second t-shaped alleyway internal to the site that was part of the 1926 plat. Both rights-of-way are going through separate processes to be vacated.

He explained that the use of the property is a permitted use under the zoning district, and the purpose for the public hearing process is to provide site specific approval. Mr. Spraker explained that the first Planned Development request item is that they are going to be a full-service hardware store with an outdoor garden center and propane and chlorine tanks. Mr. Spraker remarked that the applicant is seeking to do the garden center which is a natural part of a hardware store but under the Land Development Code (LDC) it becomes outdoor activity which requires either a Special Exception or a Planned Development and public hearing approval.

Mr. Spraker stated that the second Planned Development request item is that the building is being shifted nine (9) to ten (10) feet to save the 39 inch historic tree. The building requires a twenty (20) foot setback.

The third Planned Development request is the intersection of Flagler Road and Gowers Street. The Land Development Code (LDC) requires a 50 foot setback in which the Site Plan Review Committee (SPRC) can reduce down to 40 feet. The request is to allow a 20 foot setback based on the existing stormwater improvement within Flagler Road. Mr. Spraker stated that Engineering Department staff have reviewed the request and have no objections. He added that Gowers Street is a substandard roadway and improvements to it is part of the overall site plan development. Gowers Street would be extended to make it a conforming roadway. A sidewalk will be placed along Gowers Street. The Department of Transportation (DOT) is considering a sidewalk project along North U.S. Highway 1 and the applicant seeks to put the sidewalk money into the sidewalk fund to be used towards the overall DOT project.

Mr. Spraker continued that the fourth Planned Development item is the rear façade. When the site plan was submitted on February 5, 2021 it was shown as a finished façade with a stucco finish. It was explained that with the Planned Development application the architectural elevation was revised to show the metal panels as well as where the garden center is. Historically, staff has not recommended approval of metal or unfinished materials but through the Planned Development the applicant can request it. Mr. Spraker commented that the Planning Board would need to make the recommendation to the City Commission.

The fifth Planned Development item is the fencing surrounding the garden center. There was a decorative wrought-iron fencing planned around the perimeter of the garden center with the site plan submitted on February 5, 2021. With the Planned Development submittal on February 26, 2021 it was amended to a chain-link fence with a black mesh coated finish on it. Historically chain-link fences have not been recommended along major corridors in the city.

Mr. Spraker concluded that Staff recommends approval of the retail center of approximately 17,000 square feet and the garden center with the specific Planned Development items recommending approval of the first three (3), and for the last two (2) recommending for a finished stucco material for the rear façade and the decorative aluminum fencing. The City Commission dates are tentatively scheduled for April 20th and May 4th.

Mr. Briley asked for confirmation of there not being any access off of U.S. Highway 1 to the property. Mr. Spraker replied that the project did not meet the separation requirements of the Florida Department of Transportation (DOT) from Gowers Street and explained that the access is off of Gowers Street. Mr. Briley asked about the façade of the building and if it would be visible from U.S. Highway 1. Mr. Spraker

answered that it would not as it would be in the rear but that as part of the Planned Development, an unfinished façade is not typically recommended. Staff believes that it would still be seen from both Flagler Road or Gowers Street. Mr. Briley asked if the chain-link fence would only be visible from the back of the building. Mr. Spraker replied that the side facing south and the back would be visible. Mr. Briley asked if a condition could be made by the Board for chain-link fencing in the back only, with the same decorative fencing along the front on U.S. Highway 1. Mr. Spraker answered yes.

Ms. Shull stated that she noticed a residential home on Gowers Street and asked if a block or concrete fence will have to be installed as they are abutting residential. Mr. Spraker replied that it is a nonconforming single-family house in a commercial zoning district so no fencing is required along Gowers Street. If the Planning Board believes that there should be fencing then it could be a condition as part of the Planned Development. The only fencing proposed for the site is around the garden center.

Ms. Tolland asked for specifics on how the applicant wants to alter the setback. Mr. Spraker replied 20 feet down to 10 feet to save the tree in the back. Following discussion, it was determined that the landscape buffer will be both natural and planted.

Mr. Scudiero asked about the billboards that are staying on the site. Mr. Spraker explained that the code specifies that once the billboard is removed or destroyed beyond 75 percent that the billboard then can be removed. The City does not have the ability in the LDC to remove billboards with site development.

Attorney Hayes stated that more information is needed from the applicant as the item goes up to City Commission. There are a set of Statutory Regulations and Florida Administrative Code Regulations that apply specifically to billboards. Billboard companies enter in long term contractual arrangements with the property owners. He continued that the property owner may not have the ability to make the billboards go away if there is an existing contract.

Mr. Jeff Gross, owner, Ace Hardware, 333 West Granada Boulevard, stated that his family works in the store and has lived in the community since 1980 when he moved to town from Miami. He continued that he worked for Ace Hardware for 30 to 40 years both in retail and wholesale. The family has owned the Ormond Beach Ace Hardware store since 2010 and looks forward to expanding to the west side of the community and employing another 20 to 30 people. Mr. Gross added that there is a contract on the billboards that was signed last year when the property was purchased. He is uncertain whether the contract is three (3) or five (5) years.

Ms. Sharon Trescott, 689 Pineland Trail, stated that she owns the house across the street and has no objection for the project. She commented that she is happy to see it happen and believes that more of the area needs to be developed in the commercial zoning district. Ms. Trescott expressed her concern with not having any adverse effects to her property. She remarked that engineering drawings have impacted another property of hers on U.S. Highway 1, the reason for the swales in that area. She stated that she does not want to have to take a flood policy out on her property and expressed concern with the road having no drainage on the sides. Ms. Trescott added that she did not know that the setback would be changing and that everyone should consider it and keep it where it is for the sake of the development on the other side. She continued that she asked Mr. Spraker for a letter that she now has and noticed the vacation of the 5 feet on Flagler Road. The letter states that the developer

and her can have 5 feet on each side of Gowers Street. Ms. Trescott asked why Mr. Gross is not utilizing the 5 feet of Gowers Street and Magnolia Street where the swale is as it may help with the setback issue for saving the historical tree. She commented that the drainage is severe and how she may have to take out a flood policy on her property. Ms. Trescott concluded that she hopes that the corner that the house is on will develop commercially and noted that it will not be a problem to sell the house but does not want it under water.

Mr. Shamus Schroeder, Design Engineer, Newkirk Engineering, stated that in the matter of stormwater, he worked with Mr. Vanacore putting the swales in when expanding the RV and storage property. He commented that he is familiar with the drainage patterns and the way everything operates in the area. The site discharges in three (3) directions, to the rear of the site, towards Gowers Street and Magnolia Street. He pointed out that the front is flat. Mr. Schroeder added that cities are regulated by the Florida Department of Transportation (FDOT) and water management districts, and cannot exceed the predevelopment rate, volume and discharge. He added that as the site is developed, less water will be coming off of it. The water will be directly channelized straight to the front ditch into the FDOT right-of-way. Mr. Schroeder remarked that they already have a DOT drainage permit for the discharge. After the site is developed the volume and rate of water flow in the area will be reduced. Mr. Schroeder commented that with the swales it will take a lot of water to flood the area due to their size and capacity for storage, in addition to the ability to convey water out of the area. Mr. Schroeder reassured Ms. Trescott that she should not see any water problems on Gowers Street. He commented that any pooling on Gowers Street will be eliminated. All of the water on the site, aside from the landscape buffer right on the Gowers Street property line, will be directed into the pond, from the pond to the right-of-way into a 30 inch pipe and across the street into the canal system. Mr. Schroeder commented that they cannot expand the right-of-ways, as to not affect the swale on the Magnolia Street side, and detailed his explanation regarding Gowers Street; "If the desire is to push the property line it would assist with the setback and can move the setback five (5) feet further. The building would still be five (5) feet closer to the property line. He added that they would like to shift the building nine (9) feet allowing space for the historical tree. If the requirement is to observe the 20 foot setback it will push the building within six (6) feet of the tree at the edge of the garden center which may or may not negatively impact the tree." Mr. Schroeder concluded that the construction activity will take place over half the tree roots as proposed or if they move the setback as Ms. Trescott has suggested.

Ms. Shull asked Mr. Schroeder about the drainage plan. She inquired if the Gowers Street side of the property will flow towards the retention pond. Mr. Shamus confirmed that it will and that everything from the property lines will flow back into the site. The grading on the pavement is peaked at the property line. Forward of the property line will flow out into the right-of-way on Gowers Street. The other side of the property line will come into the system. Mr. Schroeder explained that a drain is being put in at the property line at the proposed driveway on Flagler Road. It has been graded to pick up any water that comes down to the end of the street. Anything that flows down Gowers Street will be picked up and brought into the system. Ms. Shull asked how far up the property that abuts Gowers Street is going to be built. Mr. Schroeder answered approximately a foot and a half above the level of the road as the finished floor is 31.5 feet and the existing elevations range between 29 and 30 feet.

Mr. Jorczak asked about the additional impact of the waterflow that will be channeled to U.S. Highway 1 going into the system in Ormond Lakes. Mr. Schroeder replied that he heard of their stormwater issues and knows the drainage from this area is channelized through there after hitting the canals. All of the water that comes off of the site currently that does not percolate into the ground goes into the swale system which empties into the ditch up front and then flows across the street. He concluded that the amount of water will be reduced overall.

Ms. Tolland expressed concern about the buffer on Gowers Street and the construction aforementioned regarding the impact to the historical tree. Mr. Schroeder explained the development impacts flattening and grading the site, pouring the concrete slab and compaction of it. Ms. Tolland asked if there was a plan for the building to be setback further with the garden center. Mr. Schroeder answered that if shifting closer that it would be extremely close to the historical tree. Shifting the site would interfere with the 15 percent tree preservation that has to be maintained on the site. Ms. Tolland asked for the amount of greenspace on the property. Mr. Schroeder replied 47.2 percent.

Mr. Spraker added that they have to meet their 15 percent tree preservation and landscaping areas and have exceeded both. The tree is near the middle of the property, therefore in any direction they go there will be issues due to the historical tree. The site design has tried to move as far away from the tree as possible, still making reasonable use of the property while preserving the tree and the perimeter around it.

Ms. Shull inquired about the Magnolia Street side of the property and asked why the building could not have been on that side of the property. Mr. Spraker explained that is where there are two (2) rights-of-way. Both Magnolia Avenue and Flagler Road are being used as a stormwater conveyance swale. He continued that the tree is in the center of the site, therefore it would create the same issues in that location. Mr. Spraker concluded that the solution was to try and shift it, and whether vacating Gowers Street and giving five (5) feet and have a 15 foot setback, the distance is still the same.

Chairman Thomas closed the public hearing and entertained a motion.

Ms. Tolland motioned to approve RZ 2021-011(A) – 1480 North U.S. Highway 1, Ormond Ace Hardware, Amendment to the Official Zoning Map. Ms. Shull seconded it. Vote was called, and the motion was approved (6-0).

B. RZ 2021- 011(B) – 1480 North U.S. Highway 1, Ormond Ace Hardware, Issuance of a development order

Mr. Steven Spraker, Planning Director, reiterated that this item was included in the aforementioned item presentation. This is a request from Gross Family Properties NG, LLC, property owner, for the issuance of a development order to construct a two (2) story building of approximately 16,853 square feet for the Ormond Ace Hardware that proposes retail activity including a garden center (defined as outdoor activity) of approximately 2,566 square feet and associated site improvements on a 2.70 acre property.

Mr. Briley commented that knowing the use of what the property is going to be and knowing the owner of the property and the business he has been operating in Ormond

Beach, he does not have a problem with the façade in the rear of the property. He continued that it will not be seen from U.S. Highway 1. Mr. Briley added that he does not have a problem with the chain-link fencing as long as it is in the back of the property. He would like to see a continuation of the decorative fencing on the front of the property along U.S. Highway 1.

Chairman Thomas remarked that he has a problem with chain-link fencing. He stated that he would like to see the finished façade in the back.

Ms. Shull asked for explanation of where the fencing will be. Mr. Spraker explained that the fencing is only around the garden center, the front, side and rear connecting to the building.

There was discussion amongst the Board regarding their opinions on chain-link fencing.

Mr. Scudiero stated that he drove around town looking at businesses with fencing and noted one location had both wrought-iron fencing and chain-link fencing and remarked how he never noticed it prior. He added that he does not have a problem with it and brought attention to the efforts done to preserve the tree and address the stormwater issues. Mr. Scudiero concluded that the requestor is a good citizen and that he would be in favor of all five (5) conditions.

Mr. Jorzak commented that he would be fine with chain-link fencing in the back and wrought-iron fencing in the front. He added that the only cars that will see it are the northbound cars depending on what the vegetation is that is in the buffer area. Mr. Jorzak stated that he is in favor of a dressier look and noted that is what the goal has been for years.

Chairman Thomas remarked that this would be setting precedent in the area.

Ms. Tolland commented that she does not think that the Board should compromise. She remarked that she loves Ace Hardware and how it is on the corridor coming in from Interstate 95, on U.S. Highway 1 where the City has been cleaning up. Ms. Tolland concluded that she is not for the chain-link fence.

Ms. Shull concurred with Ms. Tolland and commented that it is not that much to continue with wrought iron fencing will look classy. There was discussion of the purpose of the fence. Mr. Spraker replied that it is the enclosure of the garden center.

Attorney Hayes reminded the Board that this is a recommendation to the City Commission and not the final decision. The options are if there is a 3-3 vote the decision would be a denial because it was a tie vote and would go to the City Commission. If one of the three voters on either side change their vote, an asterisk could be noted as to why and it would still go to the City Commission to make their vote.

Mr. Jorzak stated that he would rather see the wrought-iron fencing around the entire garden center.

Mr. Briley concurred regarding the wrought-iron fencing and noted that he would not have an issue with the rear façade.

Chairman Thomas agreed with Ms. Tolland that the Board has gone a long way with bringing U.S. Highway 1 up from where it was and commented that he does not like the idea of putting up a 10 foot high chain-link fence. He added that he would like the back of the building stuccoed and finished but is willing to compromise.

Attorney Hayes stated that it is not his role or function to get involved in the Boards decision making process but wanted to comment on the Planning Board and City Commission over the last 20 years and their hard work with cleaning up the aesthetic view of the corridor on U.S. Highway 1.

Chairman Thomas remarked that Mr. Spraker has worked hard on getting rid of the junk on U.S. Highway 1 and restated his dislike of chain-link fencing.

Mr. Jorczak concurred. He asked what the finished surface would be on the property on the building facing Gowers Street. Mr. Spraker replied that it will be stucco. Mr. Jorczak commented that his experience at Ace Hardware far exceeds his experience at any other hardware store. He asked if the contract with the billboards expires in three (3) to five (5) years if something can be conditional on it not being renewed. Mr. Jorczak concluded that it is his preference that the billboards go when it is feasible. Attorney explained that it would have to be researched and that billboards have been deemed to be nonconforming uses with built in protections for the existing billboards. The challenges are how they are amortized out, and how to analyze and address advertising. The answers will be addressed at the City Commission level. Attorney Hayes suggested taking each element individually and vote on them and the underlying motion as has been approved with the separate elements for the City Commission.

Mr. Dana Smith, Architect, DJ Design, asked if it would be acceptable to have chain-link fencing on the back side of the garden center that faces the Vanacore parking lot and the greenspace and leave the remainder wrought-iron. He explained that the chain-link fencing is more serviceable, less expensive and easier to replace when damaged.

Mr. Briley asked about the functionality of the fencing, chain-link versus wrought-iron, particularly in a loading zone.

Mr. Smith stated that the fence would not be visible from U.S. Highway 1 at all.

Chairman Thomas expressed his concern with other development eventually being to the south and the north the property where the fence will be visible. He concluded that he would rather the City Commission decide what they want to do in this matter.

Chairman Thomas closed the public hearing and entertained a motion.

Attorney Hayes recommended voting on each item individually as separate amendments to the motion and stated that if it ends in a 3-3 tie vote, and is at the end of the fifth item, the Board should vote on the underlying measure as has been approved.

Ms. Shull motioned to approve RZ 2021-011(B) – 1480 North U.S. Highway 1, Ormond Ace Hardware, Issuance of a development order – Item #1: Outdoor activity. Mr. Jorczak seconded it. Vote was called, and the motion was approved (6-0).

Ms. Shull motioned to approve RZ 2021-011(B) – 1480 North U.S. Highway 1, Ormond Ace Hardware, Issuance of a development order – Item #2: Side corner setback. Mr. Briley seconded it. Vote was called, and the motion was approved (6-0).

Ms. Tolland stated that she is willing to accept this item with the understanding that the landscape area between the road and the building will be heavily landscaped. Ms. Tolland expressed appreciation of the saving of the historic tree.

Mr. Briley motioned to approve RZ 2021-011(B) – 1480 North U.S. Highway 1, Ormond Ace Hardware, Issuance of a development order – Item #3: Intersection setback. Ms. Shull seconded it. Vote was called, and the motion was approved (6-0).

Mr. Briley motioned to approve RZ 2021-011(B) – 1480 North U.S. Highway 1, Ormond Ace Hardware, Issuance of a development order – Item #4: Rear Façade to be metal panels as opposed to stucco. Mr. Scudiero seconded it. Vote was called, and the motion was approved (5-1) with Ms. Tolland voting against the motion.

Ms. Tolland asked for verification of the existing façade material. Attorney Hayes stated that the staff recommendation is a stucco finish. He asked Mr. Briley to clarify the motion. Mr. Briley stated that the motion was to allow the metal panels as opposed to a stucco façade. Mr. Scudiero verified that his second to the motion was to allow the metal panels as opposed to a stucco façade. Mr. Jorczak stated that he did not believe that the wall would be visible and only a storage facility is located to the west.

Ms. Shull motioned to approve RZ 2021-011(B) – 1480 North U.S. Highway 1, Ormond Ace Hardware, Issuance of a development order – Item #5: Requiring decorative aluminum fencing around the garden center. Chairman Thomas seconded it. Vote failed with a 3-3 vote.

Mr. Scudiero motioned to approve RZ 2021-011(B) – 1480 North U.S. Highway 1, Ormond Ace Hardware, Issuance of a development order – Item #5: Chain-link Fencing in the rear of the garden center only with decorative aluminum fencing around the front and side. Mr. Jorczak seconded it. Vote failed with a 3-3 vote.

Attorney Hayes advised that another motion could be made or the Board could leave it as it is as a dead lock tie. Chairman Thomas recommended letting the City Commission decide this item.

Ms. Shull motioned to approve RZ 2021-011(B) – 1480 North U.S. Highway 1, Ormond Ace Hardware, Issuance of a development order – Main motion, including items 1-5 provided above. Mr. Jorczak seconded it. Vote was called, and the motion was approved (6-0).

IX. OTHER BUSINESS

Ms. Ashley DuFrene, 118 N. St. Andrews Drive, Tomoka Oaks, stated that in reference to the Tomoka Oaks golf course property it is unknown if the property is going to close for certain but noted that it is under contract with a developer. The community came together and started a committee to get ahead of the matter and show concern for the potential golf course becoming a neighborhood inside of a neighborhood. She continued that in two weeks they have received 1200 signatures

opposing the development as it stands in its current zoning. Ms. DuFrene brought the petition and read points off of it including that the current zoning is Low-Density, approximately 4.3 houses per acre, adding over 350 homes on the golf course. She commented that the neighborhood was not constructed to have two (2) neighborhoods inside of a neighborhood being that there is only one (1) entry way and exit from Tomoka Boulevard to Nova Road which would cause a lot of congestion. She added that there could be possible environmental impacts being that the golf course is one of the highest points in Volusia County. It houses a lot of hundred plus year old, beautiful oak trees and wildlife. Ms. DuFrene stated that the golf course is coquina-limestone, and absorbs and filters a lot of water. She commented that a concern is once putting cement over grass that the water will have to go somewhere and the neighborhood may experience flooding with the possibility of bringing in sediments and pollution from the Tomoka River. Ms. DuFrene added that she has lived on the golf course and has been a resident of Tomoka Oaks for six (6) years. There are over 100 homes on the golf course and over 500 homes in the neighborhood. She stated that the residents are asking for consideration and would like if there is a planned proposed project for the Board to keep all of the aforementioned factors in mind. If a plan goes through they hope for some compromise. Ms. DuFrene commented that plans have not been submitted yet but that they are interested in saving the greenspace. She stated that her house is on the golf course and her property line end is two (2) inches after her pool screen. When she purchased the house on the golf course they were under the assumption that the golf course would stay. If the development goes through they would be interested in the 100 foot buffer around the perimeter, giving space to the current owners on the property. She added that there would be less housing, less congestion, and would keep the greenspace to continue the absorption of water that acts as a filter for the community.

Mr. Spraker gave Ms. DuFrene his business card and advised that there have been no applications and explained that when there are he will reach out to the residents contact list of Tomoka Oaks with information and add the information to the website. He commented that the land use is 4.3 units per acre. He stated that oftentimes that type of density is not available once getting to the zoning with stormwater and landscape buffers. The contract purchaser was directed to talk to the HOA and neighbors prior to submitting anything to the City. They were advised to have a concept meeting with the neighbors. He explained that once there is a plan, the process would include a neighborhood meeting, Planning Board review and then goes to the City Commission. Mr. Spraker concluded that there will be multiple opportunities to provide comments and input on the project.

Chairman Thomas commented that years ago he recalled back and forth between residents and the developer that they were told to set up a meeting and then come back to the Planning Board with an agreement. Mr. Spraker remarked that the contract purchaser indicated that they are willing to meet but have no concept plan. They were directed to have two (2) neighborhood meetings, one (1) at a conceptual level and the second, the required neighborhood meeting. The process will be sent to Ms. DuFrene.

Chairman Thomas concluded that the Board wants to work it out and be accommodating to everybody, including the residents and the developer.

Mr. Jorczak stated that electric cars are coming rapidly. There was discussion in the past regarding the new Sunoco Gas Station going up on A1A as to what gas stations were putting in regarding the capacity for electric chargers. There was nothing in the city codes then that addressed that issue. He commented that it is progressing rapidly on a national basis and car companies are saying that by 2035 there will be no petrol-driven cars as they will all be electric. Mr. Jorczak inquired if any gas stations can be remodeled, requiring them to install the capacity to handle multi-port charging and asked if there is a mandate that requires them to do so. Mr. Spraker advised Mr. Jorczak that the matter can be looked into and that most electric charging stations in town are on private property where there is a longer period where people are parked such as Walmart. They have the most electric charging stations in the city. He will research if gas stations can be mandated to add charging stations.

X. MEMBER COMMENTS

Mr. Scudiero remarked that he was glad that the Board was able to help a small businessman further his work in Ormond Beach, expressing that is what it is all about. He commended the businessowner in how he has invested in the community.

Mr. Scudiero expressed that Tomoka Oaks is the “worst kept secret in Ormond Beach”. He commented on there being something in the works there and asked what you do with a retired golf course. Daytona is going through a similar situation with one (1) golf course and Ormond Beach has two (2). Mr. Scudiero hopes that they bring something that has been vetted and discussed.

Chairman Thomas commented that the reason why the input from Tomoka Oaks residents is allowed is because it is going to be a hot issue. Everybody should have a fair hearing.

Attorney Hayes shared a cautionary note that there are boundaries and how important it is for residents to have an opportunity to speak what is on their minds. He continued that it is also important for the Planning Board to understand the significance of their role as a quasi-judicial body on matters including legislative on zoning changes. Attorney Hayes expressed that when hearing from more Tomoka Oaks residents not to state their position on a particular matter including buffers and what type of development is preferred. He reassured that nothing was done wrong this evening and just noted to be mindful of it. Chairman Thomas asked if it was okay to receive input but not give personal thoughts on the matters. Attorney Hayes agreed and explained that if a decision is made on a matter sometime in the future which aligned with comments that were made and then becomes evidence in the course of litigation that could be used to overrule a final decision on a matter. It is important to make sure that those discussions happen in an open and public meeting where both sides can present their evidence and their side of the story.

There was also discussion on the Sunshine Law.

Ms. Tolland stated that two (2) weeks ago she was approached by phone regarding the Tomoka Oaks matter. She advised them about the development process including holding a neighborhood meeting and to contact the Planning Director. Ms. Tolland suggested that perhaps Ms. Jarlene, Ormond Beach Observer Reporter, put together an article on how the process of the Planning Board works when projects come to

town to settle anxiety. Attorney Hayes commented that information is on the city website.

Mr. Scudiero commented on Mr. Jorczak's suggestion regarding the charging station and remarked that it may be on the Planning Board's agenda in 2050. He remarked that in 2050 the Planning Board will ask what to do with retired gas stations similar to the current question now on retired golf courses.

Mr. Briley added that a lot of the city's infrastructure as far as roads comes from the gas tax. Once the automobiles go to electric, how will revenue be raised to pay for roads that the electric vehicles are going to use. He assumes that roads may be charged on property taxes or people will pay per mile when charging at a charging station or could have a balance due when the times comes to renew vehicle tags. Mr. Scudiero commented that it will be a state matter. Mr. Briley concurred that the legislature will mandate how it is all done.

Ms. Tolland commended Ace Hardware going in at the new location and reiterated to the Board to keep steadfast with what has been visualized in that area. She expressed she is hopeful to keep good buffers and that the drainage issues are met regarding that the water that is going into the pond does not seep onto surrounding properties.

Ms. Shull asked what will happen when cars start flying. She asked Mr. Spraker what the status is of 1561 North U.S. Highway 1, the old Wendy's. Mr. Spraker replied that there are people looking at purchasing it but no site or building applications or issues there at this time.

Mr. Jorczak asked Mr. Spraker what the underground work is on Sunshine Boulevard. Boring is taking place underneath of the area. Mr. Spraker answered that he will research with Mr. Rademacher, Economic Development.

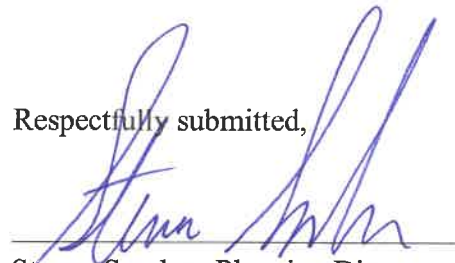
Chairman Thomas stated that when he first saw the Ace Hardware item on the agenda that he was pleased that they were moving out there and expressed that they run a great business. He reflected on the past when the Board ran the strip club and outlaws out of that area and how the Board worked hard on cleaning the area up, therefore could not budge on a 10 foot chain-link fence. The style and quality preference is being set in the area.

Chairman Thomas referenced a topic brought up with the Board years ago on windmills offshore. It was discussed that the city needed to have a piece of property where they could bring transmittal lines off of the ocean floor with wind turbines to be able to tie into. He commented that this week in the newspaper there was an article on windmills in the ocean. They will be offshore in the future and will be where energy comes from. He concluded that it would be beneficial to have space for transmission lines to come in would give the city a head-start with other communities.

XI. ADJOURNMENT

The meeting was adjourned at 8:34 p.m.

Respectfully submitted,



Steven Spraker, Planning Director

ATTEST:



Doug Thomas, Chairman

Minutes transcribed by Marcella Miller.