

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

February 10, 2022

6:08 PM

**City Commission Chambers**  
22 South Beach Street  
Ormond Beach, FL 32174

PURSUANT TO SECTION 286.0105, FLORIDA STATUTES, IF ANY PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE PLANNING BOARD WITH RESPECT TO ANY MATTER CONSIDERED AT THIS PUBLIC MEETING, THAT PERSON WILL NEED A RECORD OF THE PROCEEDINGS AND FOR SUCH PURPOSE, SAID PERSON MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDING IS MADE, INCLUDING THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

PERSONS WITH A DISABILITY, SUCH AS A VISION, HEARING OR SPEECH IMPAIRMENT, OR PERSONS NEEDING OTHER TYPES OF ASSISTANCE, AND WHO WISH TO ATTEND CITY COMMISSION MEETINGS OR ANY OTHER BOARD OR COMMITTEE MEETING MAY CONTACT THE CITY CLERK IN WRITING, OR MAY CALL 677-0311 FOR INFORMATION REGARDING AVAILABLE AIDS AND SERVICES.

**I. ROLL CALL**

Members Present

Harold Briley, Vice Chair  
G.G. Galloway  
Al Jorzak  
Mike Scudiero (excused)  
Angeline Shull  
Lori Tolland  
Doug Thomas, Chair

Staff Present

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

**II. ADMINISTRATIVE ITEMS**

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

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

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

**B. Adoption of the Planning Board Calendar and Rules of Procedures**

There was Board discussion on amending the Board Rules of Procedures to reflect a time change of 9:00 PM on the Agenda item Notice of Adjournment summary and in the Planning Board Rules of Procedures.

**Mr. Jorczak moved to adopt the amended Planning Board Rules of Procedures. Mr. Briley seconded the motion. Vote was called, and the motion unanimously approved.**

**III. INVOCATION**

Ms. Tolland led the invocation.

**IV. PLEDGE OF ALLEGIANCE**

**V. SUMMARY OF PUBLIC COMMENT PROCEDURES**

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

**VI. NOTICE REGARDING ADJOURNMENT**

NEW ITEMS WILL NOT BE HEARD BY THE PLANNING BOARD AFTER 9:00 PM UNLESS AUTHORIZED BY A MAJORITY VOTE OF THE BOARD MEMBERS PRESENT. ITEMS WHICH HAVE NOT BEEN HEARD BEFORE 9:00 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).

**VII. APPROVAL OF MINUTES**

**December 09, 2021**

**Mr. Jorczak moved to approve the December 09, 2021 Minutes. Mr. Briley seconded the motion. The minutes were unanimously approved.**

**VIII. PLANNING DIRECTOR'S REPORT**

No report.

**IX. PUBLIC HEARINGS**

**A. LUPA 2022-015: 722 S. Atlantic Avenue, Small Scale Land Use Map Amendment**

Ms. Noel Eaton, Senior Planner, explained that LUPA 2022-015 is an administrative request for a Small-Scale Comprehensive Plan Land Use Map amendment for a ±0.353-acre property located at 722 S. Atlantic Avenue, Parcel ID 4223-10-02-0050, from "Low Density Residential" (LDR) to "Tourist Commercial" (TC). This request is to correct an inconsistency with the adopted zoning district of B-7 (Highway Tourist Commercial). She explained the property was originally zoned R-3C in 1957, and the property was rezoned to C-5 in 1968 and then the C-5 zoning district was later renamed B-7. The 1980 Comprehensive Plan classified the property as "Low Density Residential" (LDR). Ms. Eaton added that the Future Land Use Map was never amended from LDR to a compatible land use with the B-7 (Highway Tourist Commercial) zoning district, which is what is being discussed tonight.

Ms. Eaton stated that city staff met with the property owner to discuss potential development options for the site through the Site Plan Review Committee (SPRC), however since the property's use of a parking lot is associated with the required parking for the office use at 722 S. Atlantic Avenue, staff believes a land use amendment to "Tourist Commercial" is consistent with the existing use and zoning designations of B-7 (Highway Tourist Commercial). She continued that there are no active site plans or concept plans for any development activity. The purpose of the land use amendment is to make the land use and zoning designation consistent.

Ms. Eaton noted that the property abuts developed commercial property to the east and north. The properties to the west and south of the subject parcel are developed as residential properties. Planning staff is also processing a separate administrative amendment to the zoning map for the four residential properties to the west which also have an inconsistent residential land use and commercial zoning of B-7. Ms. Eaton concluded that staff recommends that the Planning Board approve the Future Land Use Map amendment to change the land use for ±0.353 acres from the existing land use designation of "Low Density Residential" (LDR) to "Tourist Commercial" (TC) for 722 S. Atlantic Avenue. The tentative City Commission dates are March 22, 2022 for first reading and April 5, 2022 for second reading.

Mr. Jorczak asked if it changes the tax status of the properties. Ms. Eaton replied no, that it does not change the use of the property, just the land use.

Mr. Briley asked for clarification for the only reason that it is being done and if it is for the consistency between the zoning and the land use. Ms. Eaton confirmed he was correct and added that it is a residential land use in commercial zoning.

Ms. Shull asked how this inconsistency is noticed or red flagged. Ms. Eaton explained that it was brought to staffs attention at the Site Plan Review Committee (SPRC) meeting where the applicant (owner of this property) was looking at the land use and the zoning to see what can be done with the property today. Based on the use of the parking lot being acquired for the 722 S. Atlantic Avenue use, it was determined to change the land use to be consistent with the zoning. Ms. Eaton continued that in 1968 the area was rezoned to C-5 and then later to B-7 and the other residential properties were changed back to residential and this property stayed commercial.

Mr. Briley asked if the parking lot serves the commercial buildings on A1A. Ms. Eaton answered that it serves as required parking for the 722 S. Atlantic Avenue office building.

Mr. Galloway commented that there has always been an imaginary line that separates the commercial properties from the residential properties and inquired how the neighborhood was allowed to encroach as much as it has. Mr. Briley replied that it is outside of Ellinor Village. Mr. Galloway expressed it that it seemed like it is a clean up of a mess up. Ms. Eaton confirmed he was correct.

There was Board discussion and question about the Future Land Use Map displayed overhead. Ms. Eaton explained that the map shows the land use area and proposed amendment today.

Chairman Thomas opened up the public hearing for comments.

## **Audience Comments**

Ms. Donna Danver, 224 Benjamin Drive, commented that the parking lot is not being used for anything and questioned the inconsistency of the area. Mr. Briley explained that the idea is to make the zoning and the land use the same. She expressed her concern with it all being one property, the parking lot and the building, and with what the zoning change allows since it is right across from her property.

Mr. Briley asked if the applicant needs the parking lot to meet the parking requirement for the business. Mr. Spraker replied that is correct and added that there are two separate applications and sees the two public hearing items being intermingled. The first item is for the parking lot that is attached to 722 S. Atlantic Avenue. The change is due to an incorrect land use. Mr. Spraker stated that the zoning is already B-7 and staff is trying to change the land use to be consistent with the zoning based on the parking lot use. At this time the applicant cannot do anything to the parking lot because they need it for the parking for the principal building. If they ever were to do anything, they would have to go through SPRC and a neighborhood meeting and provide buffer requirements and a wall. He explained that there are steps if that were to be developed in the future and how right now there is no development plan. Mr. Spraker concluded that staff is trying to clean up and make the land use and zoning consistent.

Ms. Tolland asked Mr. Spraker to explain what the B-7 zoning district allows. Mr. Spraker stated that it is a commercial zoning district and is allowed mostly on A1A and allows retail, office, restaurant, and personal service. He explained that in order to develop the uses, adequate size is needed for parking, stormwater, and landscaping. He reiterated that this is not what is being done today. The application today seeks to change the colors on the map for consistency.

Ms. Danver, 224 Benjamin Drive, commented that the large parking lot is not used at all. She added that there is a Prudential building, 730 S. Atlantic Avenue, on the end, that only has six to eight parking spaces, and 722 S. Atlantic Avenue is about 4,500 square feet and needs parking. Ms. Danver expressed concern with the term 'personal use or personal services' allowed in the commercial zoning district as she fears it can turn into a massage parlor right across from her property.

Mr. Briley inquired about the 722 S. Atlantic Avenue property and its size and suggested that if the applicant were to use it to its fullest extent that he would need the other parking. Mr. Spraker replied that Mr. Briley is correct and that with 4,500 square feet, the parking calculation is one parking space for every 200 square feet, which equals 23 spaces needed. Mr. Spraker expressed uncertainty with whether or not the building is being leased to its fullest capacity but it does not sound like he is allowing other businesses to share parking. If in the future there is development or redevelopment, it would go through a separate process through the SPRC and through a neighborhood meeting. Mr. Spraker offered to take contact information from anyone interested in notifications for future applications.

**Ms. Shull motioned to approve LUPA 2022-015: 722 S. Atlantic Avenue, Small Scale Land Use Map Amendment. Ms. Tolland seconded it. Vote was called, and the motion was approved (6-0).**

**B. RZ 2022-016: 215, 225, 229, and 233 Benjamin Drive Zoning Map Amendment**

Ms. Noel Eaton, Senior Planner, stated that RZ 2022-016 is a city-initiated request to amend the City's Official Zoning Map from the existing zoning classification of City B-7 (Highway Tourist Commercial) to R-3 (Single-Family Medium Density) zoning for the four properties located at 215, 225, 229, and 233 Benjamin Drive. She explained that the zoning map amendments are to correct an inconsistency with the adopted Future Land Use classification of "Low Density Residential" (LDR). Ms. Eaton reiterated the history behind it, how the properties were rezoned to C-5 in 1968 and then the C-5 zoning district was later renamed B-7. Per the 1980 Comprehensive Plan, the subject properties were classified as "Low Density Residential" (LDR). The Future Land Use Map was never amended from "Low Density Residential" (LDR) to a compatible land use consistent with the B-7 zoning district. There are no site redevelopments proposed for the subject properties associated with this rezoning. Ms. Eaton continued that the administrative request to amend the zoning map from the B-7 to R-3 is to correct the inconsistency with the Future Land Use designation of "Low Density Residential".

Ms. Eaton apprised the Board that staff received a call this afternoon from the property owner at 233 Benjamin Drive who stated that he has a nonconforming multi-family use on the property and inquired how the amendment would impact him. The nonconforming use can continue until it is destroyed by more than 50 percent, or the property owners themselves change the use. Again, the zoning map amendment is to correct the inconsistency with the land use and would not impact the nonconforming use. Ms. Eaton concluded that it is recommended that the Planning Board recommend approval to the City Commission of the administrative request to amend the official zoning map to change the zoning classification of 215, 225, 229, and 233 Benjamin Drive from City B-7 (Highway Tourist Commercial) to R-3 (Single-Family Medium Density), consistent with the "Low Density Residential" Future Land Use classification. Tentative City Commission dates are March 22, 2022 for first reading and April 5, 2022 for second reading.

Ms. Tolland asked if the property owner at 233 Benjamin Drive were to sell his property, if the multi-family use is then null and void. Ms. Eaton stated that the use can continue with ownership unless there is a natural disaster and it is destroyed by more than 50 percent or if a new property owner comes in and is interested in it being a single-family home. Once the conversion occurs it would no longer be allowed. It was confirmed that it can be different owners with the same use but the use cannot be expanded.

Mr. Briley commented that it is a no-brainer and expressed how some things can be overlooked understandably. It makes sense for it to be R-3, because that is what it already is.

There was additional Board discussion on the status of the nonconforming property at 233 Benjamin Drive. Mr. Galloway added that if the property were to be vacant for six (6) months or longer, the non-conforming use could not be reestablished.

Chairman Thomas asked Ms. Danver if she was okay with the discussion explanation.

Ms. Danver, 224 Benjamin Drive, stated that she does not have a problem with it, and commented that 215 and 225 Benjamin Drive are directly across the street from 233 Benjamin Drive which abuts the parking lot. Ms. Danver questioned why the properties were being assigned a medium density land use. Mr. Spraker responded that the R-3 (Single-Family Medium Density) zoning designation existed in the area and there was not another lower residential zoning classification in this area.

**Ms. Shull motioned to approve RZ 2022-016: 215, 225, 229, and 233 Benjamin Drive Zoning Map Amendment. Ms. Briley seconded it. Vote was called, and the motion was approved (6-0).**

## **X. OTHER BUSINESS**

None.

## **XI. MEMBER COMMENTS**

Mr. Jorczak inquired about the City's Brownfield cleanup efforts with the Brownfield Advisory Board (BFAB) meeting sporadically and asked for an update. He continued that in the past the city received grant money to assist cleanup operations. Mr. Spraker replied that the grant expired two to three years ago. As the grant expired, some of the BFAB duties were somewhat reduced. If someone has a Brownfield site, they can still pursue State funding opportunities, although there are no city monies through a grant any longer. He added that the Brownfield designation is still in the city but there are no corresponding grant funds to help with Phase 1 or Phase 2 environmental investigations. Mr. Jorczak asked if there were any issues that are under mitigation. Mr. Spraker replied that he is sure that there are a lot of properties including gas stations and added that they are remediating on their dollar before they go into a Brownfield program if they choose to. Mr. Spraker pointed out the Wendy's drive-through restaurant on Interstate 95 and U.S. Highway 1 and suggested that the site will most probably have some remediation. It was discussed that the number of properties needing attention are relatively fewer.

There was additional Board discussion on Brownfields, and it was said that there have been a lot more economically stressed properties than polluted properties.

Mr. Jorczak passed out a handout regarding traffic on State Road 40 to the Board and expressed that the traffic situation on Granada Boulevard will not get better. He added that there are no easy options with Hand Avenue or the Hand Avenue extension on Interstate 95, and the development west of Interstate 95 is soon to kick in to high gear. It is anticipated that the traffic on State Road 40, even with traffic light timing, it is going to get a lot worse in the coming years. Mr. Jorczak continued that the City of Lakeland is piloting a traffic program to improve traffic flows that take cars off of the road. He suggested that it is something for the City to look into and evaluate their progress, results and cost to research and see if there is some applicability in what they are doing and to see if there are any federal dollars to support it and gauge as the City continues to develop the Main Street and additional activities off of State Road 40. Mr. Jorczak concluded that it might be beneficial and the City may be interested in employing as a traffic solution.

Mr. Galloway apologized to the Board and commented that he was not prepared for the property at Tymber Creek at the last Planning Board meeting and elaborated on how they were “bamboozled”. He challenged people to walk the property with him and only one person did so. He stated that he and Mr. Bill Lites of Zev Cohen and Associates, drove and walked the property in every direction and he added that waders are not needed, but that snake boots were a good idea. He continued that the real problem is that the two elementary schools were built too close to each other. Mr. Galloway expressed his aggravation with the three-quarters-of-a-mile No Parking signs on Interstate 95 next to the rest stop and State DOT signs. He continued that in Orlando, around the Longwood rest stop there are No Parking signs for approximately a mile and how that here off of Leeway Trail there are also No Parking signs for up to three-quarters-of-a-mile and feels that they are intrusive. Mr. Galloway expounded on how people came in and spoke on how they did not want the development because it is going to create traffic although the neighborhood that they live in also created the traffic. He added that the topography land is all the same and explained how their retention pond is big enough for boating and waterskiing. Mr. Galloway commented how helicopter-parents do not allow their kids to walk to school and parents drive their cars for student drop off and pick up. He added that he drove the Groover Branch Creek up to U.S. Highway 1 behind Destination Daytona. Mr. Galloway added that the sand pine trees and magnolia trees that he noticed when he was on the property, do not grow in wetlands. He stated that there are two isolated wetlands up at the front of the property that were created when Airport Road was paved. Mr. Galloway suggested that it is best when researching properties to communicate with the engineers and heed staffs suggestions. He commented that there is not traffic out there at any other time than school hours. Mr. Galloway concluded that if the property is not developed that there will be more water problems and suggested for people to walk the properties in the future.

Chairman Thomas explained that he could not walk the property at the time in December due to the timing as his wife had an accident, but has visited properties prior to the subject property being discussed, and also walked this property after the fact recently. He commented that the swamp is right off of the road, making it appear to be all wetlands. Chairman Thomas told City Commissioners that he regretted his vote and concurs with Mr. Galloway that the schools are the problem.

Ms. Tolland stated that there are dry and wet seasons in Florida and agrees that everyone needs to do their due diligence when projects arise as the Planning Board are the ones doing the recommending. She commented that she somewhat agrees with Mr. Galloway and Mr. Thomas but mentioned that she does see water over the road there in wet seasons. Ms. Tolland concurs with the school concerns. She added that other than the traffic and the water, the project came back to the Board with the same amount of density which threw the red flags up more than anything.

Mr. Galloway commented that he feels that he let the Board and staff down and will be better prepared next time.

Chairman Thomas concurred with Ms. Tolland’s comment on the water over the road in the area and added that he spoke with Commissioner Kent about it and was told the water was over the road there due to the swamp having no place to drain because the land behind it is higher.

Ms. Tolland added that Groover Branch is natural environmental land, starting at U.S. Highway 1 at Destination Daytona and curves around and through Tymber Creek, dumping into the Tomoka River. She concluded that the Board will do better next time and commended the staff for presenting all of the information to them in the most non-biased opinion format possible.

Ms. Shull concurred and stated that her vote was not only based on the water and commented that she did not like the density on the property. She lived on a neighboring property to the area for two years and noticed that it was always wet and did not think that this property would be any better. Ms. Shull added that she does not want to see Ormond Beach turn into a look with no trees and row homes. She wants to see parks and sidewalks, and a community-look in the new neighborhoods. She commented on how the developers want to put in as many homes as they can. Ms. Shull concluded that she is a realtor and has clients that state that they want to live in Ormond Beach because of its look.

Mr. Briley touched on the real estate market and suggested recommending redeveloping older mobile home parks in the city to tiny home communities to the City Commission. He continued that the tiny home communities would fit the zoning designation. Mr. Briley referenced the older mobile home park behind the gas station on Granada Boulevard and U.S. Highway 1, commenting that he can envision one there. He said that The City of Port Orange is setting up a workshop to look into tiny home communities, and The City of Daytona Beach is looking into them as well.

Mr. Briley asked Mr. Spraker about any calls regarding flooding in the backyards along Woodgrove since the WaWa and Cloud 10 Car Wash was constructed. He received a call about a small wetland in the backyard of a resident's house. Mr. Spraker replied that he is aware and has spoken with the Engineering Department regarding the matter. In research it was learned that that Woodgrove was building in the late 80s and early 90s and the stormwater system has not been maintained in the 30-home subdivision since the Homeowners' Association (HOA) has dissolved. It was stated that there are larger issues at play with the maintenance of a subdivision stormwater area. It was determined that the property owners in the development still have the obligation in their private subdivision.

Chairman Thomas thanked the Board for their vote for him as Chairman.

Vice-Chairman Briley thanked the Board for their vote for him as Vice-Chairman.

Mr. Galloway spoke to Mr. Briley's aforementioned comments regarding tiny home communities, commenting that the average home in the area is \$375,000 to \$425,000 with a combined annual income of \$41,000. He elaborated on his travels and different projects in San Diego, California, Austin, Texas, and Charlotte, North Carolina, and the changes he is witnessing. Mr. Galloway suggested everyone change their mentality on smaller homes. He continued that when the military came back after the war, the average home was 725 square feet and at some point we are going to have to go back to smaller homes. Mr. Galloway spoke on how many apartment projects have been built recently in the area and that five more apartment projects are soon to be announced in the next six months.



Mr. Briley added that on the Florida Space Coast there are developers that are buying large tracks of land and building single-family homes for rental communities, and expressed that it is also coming here. The developers will own the land and the homes will be leased.

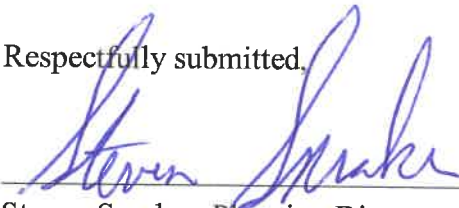
Ms. Tolland asked the average square footage of a tiny home. Mr. Briley answered approximately 750 to 800 square feet. It was discussed that they are not as seen on TV, where a shipping container is converted into a house.

Mr. Galloway commented that our greatest asset are our children and they will not be able to afford to live here and suggested that everyone stay open to it. He continued that he met with the Governor and expressed how unbelievable it is how many people are moving to Florida bringing good quality jobs.

## **XII. ADJOURNMENT**

The meeting was adjourned at 7:26 p.m.

Respectfully submitted,

  
Steven Spraker, Planning Director

ATTEST:

  
Doug Thomas, Chairman

*Minutes transcribed by Marcella Miller.*