

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

March 10, 2022

6:00 PM

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

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

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

I. ROLL CALL

Members Present

Harold Briley, Vice Chair
G.G. Galloway
Al Jorczak
Mike Scudiero
Angeline Shull
Lori Tolland
Doug Thomas, Chair

Staff Present

Steven Spraker, Planning Director
Becky Weedo, Senior Planner
Robin Gawel, Senior Planner
Randy Hayes, City Attorney
Marcella Miller, Recording Technician

II. INVOCATION

Chairman Thomas led the invocation.

III. PLEDGE OF ALLEGIANCE

IV. 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).

V. APPROVAL OF MINUTES

February 10, 2022

Mr. Galloway moved to approve the February 10, 2022 Minutes. Mr. Jorczak seconded the motion. The minutes were unanimously approved.

VI. PLANNING DIRECTOR'S REPORT

Mr. Spraker, Planning Director, stated that the Parks and Recreation Master Plan is coming to a conclusion with the workshop scheduled for March 22, 2022. The City Commission plans to look at the last two sections, the vision and the needs analysis in hopes for adoption in April or May. He continued that the City is currently working on the Impact Fee Study with the workshop scheduled for April 5, 2022. It will adjust the impact fees and analyze new ones. Both workshops will be held at 5:30 p.m. in conference room 103.

VII. PUBLIC HEARINGS

A. SE2022-019(A) – 100 West Granada Boulevard, Special Exception

Mr. Steven Spraker, Planning Director, explained the request submitted by HEJAHA, LLC, for a Special Exception for building signage at 100 West Granada Boulevard. Mr. Spraker stated that the buildings at 100 and 124 West Granada Boulevard are located on one tax parcel. The property is being redeveloped from a former gas station into an ice cream parlor. Mr. Spraker stated that there are two walls that hinder the ability to install wall signage at 100 West Granada Boulevard. He continued that the Special Exception seeks to allow a 25 square foot sign that is not attached to the building and would be located on a pole located between two building walls. Mr. Spraker stated that the Land Development Code does not recognize the type of sign proposed but does allow the Special Exception process for alternative building signage. Mr. Spraker concluded that staff is recommending approval of the application.

Ms. Shull inquired what would occur if the businesses were to be changed. Mr. Spraker stated that the Special Exception would run with the property and a new business could perform a face change to the sign. Mr. Briley clarified that the next business would need to be established in less than six (6) months.

Ms. Dorian Burt, 203 Pine Cone Trail, stated that those are not two walls, but instead architectural embellishments.

Mr. Jorczak asked if the sign can be lighted. Mr. Spraker stated the he believed that the sign would a be lighted sign.

Ms. Tolland stated that as she was driving to the meeting tonight, she noted the Hull's Seafood signage. She continued that she believed that the proposed signage would complement the existing signage in the corridor.

Mr. Briley noted and appreciated the ability in the Land Development Code (LDC) to have flexibility to allow signage such as proposed in this application.

Mr. Scudiero stated as someone who attended Ormond Beach Elementary and watched this building deteriorate, it is hard to believe that this is the same building. He stated he is looking forward to the opening. Chairman Thomas concurred that it was a well-done renovation.

Mr. Galloway stated that he wished that city staff had the ability to approve these variations instead of requiring a Special Exception.

Mr. Scudiero motioned to approve SE2022-19(A) – 100 West Granada Boulevard, Special Exception. Mr. Briley seconded it. Vote was called, and the motion was approved (7-0).

Chairman Thomas recognized Ms. Doreen Hackett who desired to speak on this item.

Doreen Hackett, 39 Mound Avenue, stated that she lives close to this site and owns a commercial property at 115 East Granada Boulevard. She commented that she has watched the transformation of Granada Boulevard from Beach Street to U.S Highway 1. Ms. Hackett concluded that she does not know Mr. Jones, but attended tonight to thank him and encourages the Board to grant his requests.

B. SE2022-019(B) – 124 West Granada Boulevard, Special Exception

Mr. Steven Spraker, Planning Director, explained the request submitted by HEJAHA, LLC, for a Special Exception for wall signage at 124 West Granada Boulevard. The property is being redeveloped for a BBQ restaurant. The building has undergone substantial renovations and improvements. He continued that the Special Exception seeks to allow a projecting sign of approximately 30.33 square feet on the building. Mr. Spraker stated that staff can allow a 12 square foot projecting sign and the proposed sign is at 30.33 square feet. Section 3-48(B) of the Land Development Code (LDC) allows alternative business premise signage through a Special Exception. Mr. Spraker displayed the location overhead of the proposed sign and concluded that staff is recommending approval. The tentative City Commission date is April 19, 2022.

Ms. Shull commented that she likes the pig, commenting that it is cute, artistic, and whimsical for the downtown area.

Mr. Galloway asked about the size of the proposed sign versus what is allowed. Mr. Spraker confirmed that the property at 124 West Granada Boulevard is allowed 52 square feet for one sign or for two signs, a total of 78 square feet. The proposed sign is 30.33 square feet.

Ms. Dorian Burt, 203 Pine Cone Trail, read a letter from Mr. Bill Jones, property owner:

Hello to all members of the board.

I am pleased and honored that you would give us this time to speak about, what I believe, is an amazing piece of structural artwork. Affectionately dubbed “the pig”, the sign would sit proudly on the new/old vintage gas station known as the “pump house”. It has always been my goal to attempt to bring the downtown to its former glory.

Everything we do downtown is at the top of its class. I don’t build “disposable structures” and in fact spend more than most builders do. I do this because I have a sense of history and I want the downtown to be as vintage and beautiful as it can be. I spend more time to get the desired affect that I want and the city deserves. My return on investment takes longer to recoup but, after all, this is my home, I love this town and its people and only wish to enhance and beautify the place we all call home.

Now, to the barbecue sign or as I like to call it, “the pig”. It is an original vintage sign approaching nearly one hundred years of age. I bought it from a collector in Los Angeles and its story is that it hung over one of the many barbecue restaurants in Memphis, Tennessee on Beale Street. It wasn’t inexpensive but beauty comes with a price. I believe that if you will allow me to display the sign over The Pumphouse, it will be the beginning of structural art in the downtown. It is not signage per se but instead equivalent to an installation of cows I have seen in downtown Chicago and New York City and Los Angeles, as well as other cities all embracing structural art.

In closing, I hope that you see the beauty in the piece and allow me to install one more amazing piece in the downtown that will catch peoples’, visitors’ and residents’ eyes and make them want to stop and investigate our beautiful downtown.

I’m sorry I couldn’t be here tonight as I am on a business trip to Los Angeles. Thank you for your time and consideration.

Yours truly

Bill Jones

Chairman Thomas opened the public hearing for comments. Hearing none, he turned it over to the Board for discussion.

Mr. Briley reiterated the appreciation of the ability in the Land Development Code (LDC) to have flexibility to allow signage such as proposed in this application.

Mr. Jorczak noted that the signage adds character to the Downtown.

Ms. Tolland motioned to approve SE2022-019(B) – 124 West Granada Boulevard, Special Exception. Ms. Shull seconded it. Vote was called, and the motion was approved (7-0).

C. LUPA 2022-023 – Second Amended Interlocal Service Boundary Agreement (ISBA) Future Land Use Map Amendment (Small Scale)

Ms. Becky Weedo, Senior Planner, stated that the request is an administrative request to amend the City of Ormond Beach Comprehensive Plan’s Future Land Use Map to include the expansion of the Municipal Service Area land uses consistent with the Second Amended Interlocal Service Boundary Agreement (ISBA) between the City of Ormond Beach and Volusia County pursuant to Chapter 171, Part II, Florida Statutes, as amended. Ms. Weedo explained the amendments:

1. Land area owned by RidgeHaven – 84.26 acres: From existing Volusia County “Urban Medium Intensity” (UMI) to City of Ormond Beach “Low Density Residential” (LSR). The proposed condition to limit density: The maximum gross density shall not exceed three (3) units per acre and total units for all lands within the RidgeHaven subdivision (including the 19.19 acres to the south) shall not exceed 298 residential units.
2. Parcels within individual ownership (not owned by RidgeHaven) – 5.73 acres: From existing Volusia County “Urban Medium Density” (UMI) to City of Ormond Beach “Medium Density Residential” (MDR). Proposed condition to allow same density as Volusia County: The maximum gross density shall not exceed eight units per acre.

Ms. Weedo explained the prior actions of the adoption of the original N. US1 Interlocal Service Boundary Agreement (ISBA); Adoption of the first amended N. US1 ISBA, to expand the joint planning and service area to include the Plantation Oaks subdivision and 13 other privately owned properties; Adoption of the second amended N. US1 ISBA to expand the joint planning and service area to include the RidgeHaven land area and eight other privately owned properties; Adoption of the second amended ISBA by the Volusia County Council on February 15, 2022 with conditions; and City Commission approval of the annexation of the RidgeHaven area at First Reading on March 1, 2022.

Ms. Weedo stated that the amendment to the Future Land Use Map is being processed as a small-scale amendment per Florida Statutes related to joint planning agreements. She added that this amendment is the companion document to the Comprehensive Plan Element amendments next on the agenda and the following applicant initiated small scale future land use map amendment to the 19.19 acres south. Ms. Weedo continued that the City Commission first reading of this amendment is planned to be on April 19th with the second reading on May 3rd and submittal to the DEO and VGMC on May 10th.

Ms. Weedo explained that the land use map limitations are proposed in order to meet the goal of applying similar land use classifications and maintaining existing entitlements. Approximately 84.26 acres are owned by RidgeHaven and there are eight parcels individually owned, totaling approximately 5.73 acres. The policy table proposes different limitations based on whether the parcel is owned by RidgeHaven or one of the eight individually owned parcels. Ms. Weedo added that based on policy limitations, the proposed amendment from County Future Land Use to City Land Use will decrease density by about 422 potential dwelling units on properties owned by RidgeHaven. Intensity will also decrease by over 1.1 million square feet. Using the policy limitations, no major impact from the change from County to City Future Land Use is anticipated.

Ms. Weedo stated that staff determines that the proposed amendment meets the goals, objectives, and policies of the City's comp plan, and the requirements established by Florida Statutes, the proposed uses are appropriate, the amendment provides adequate infrastructure, and will not impact surrounding jurisdictions, especially since the amendment and limitations are in compliance with the adopted Second Amended Interlocal Service Boundary Agreement (ISBA) between Volusia County and the City of Ormond Beach. Ms. Weedo concluded that staff recommends that the Planning Board recommend approval to the City Commission of the proposed Comprehensive Plan amendments to the Future Land Use Map (FLUM) to implement the terms of the Second Amended Interlocal Service Boundary Agreement (ISBA).

Mr. Scudiero asked for clarification on if it lowers the density by over four hundred units. Ms. Weedo answered that the density reduction is based on their entitlements with the Volusia County land use designation.

Mr. Jorczak commended the staff on their work on the proposal and bringing it into the ISBA and the work to reduce the density and number of homes.

Ms. Shull asked for clarification of the medium-density versus low-density. It was clarified that the "Urban Medium Intensity" is going to "Low Density Residential".

Mr. Spraker replied that the RidgeHaven property is going to “Low Density Residential”. The property owner agreed to go to three (3) units per acre for their portion of the ISBA and staff maintained the eight (8) units per acre in the areas outside the RidgeHaven development. The goal with the remaining parcel is to give them the exact density (eight units per acre) that they had in the County without taking entitlements away for the enclaves. Mr. Spraker added that the RidgeHaven project would still have to go through a site plan and a Planned Development.

Mr. Briley asked about the stand-alone parcel on the left through the hatched parcel and what they can develop there at eight units per acre. Mr. Spraker answered a duplex, and that they will still have through permitting to ensure that density would work on the property.

Mr. Glen Storch, PA, Storch Law Firm, stated that the city has been working with their firm and Volusia County to approve the ISBA. He commented that a higher quality product will be delivered with this change, reducing density. He elaborated that 800 units could have been built on the property and now the density can be reduced by 530 units. Mr. Storch noted that two-unit villas can be put on some of the property. The maximum number of units for both sites will be a total of 298. He explained that they purchased every enclave that would sell.

Ms. Tolland asked if the density is being concentrated in the enclaves. Mr. Storch clarified that they do not have control over the enclaves but when annexing in and changing the ISBA, the agreement with the enclaves are that nothing will affect them. Roads will be installed to their locations with it being in their best interest to annex into the city for water and sewer connections.

Mr. Briley asked if the enclaves will be encouraged to follow suit to prevent mixed-use in the area. Mr. Spraker expressed that if the land use allows eight units per acre and the zoning allows multi-family then the enclaves have the right to do what is allowed in land use and zoning regulations. He continued that the size of the property may not lend itself to a multi-family development, although a duplex may be allowed. The enclaves maintain the same rights that they had in Volusia County. The focus is on maintaining whatever entitlements they have. The current stage in the process at hand is for the land use. Mr. Briley concluded that he hopes that in the future when they want to develop, that they are encouraged to stay within the same flavor of the surrounding use.

Attorney Hayes provided the history of the ISBA, reiterating past Volusia County issues on U.S. Highway 1. The ISBA sought to bring the corridor under the city’s jurisdiction which allows the City to take jurisdiction and seek to improve the area. He continued that a benefit to the ISBA is that it provides legal authority for the city to annex properties even though there may be an enclave, otherwise it would not be possible. Attorney Hayes stated that under Florida law, once a property is annexed into a City under the ISBA, there is an obligation to provide a similar same use as to the entitlements it enjoyed in the County. No one is forced to annex under the ISBA.

Audience Comments

Mr. Joseph Valerio, 1213 Northside Drive, commented that he would like the Board to consider preserving the oak trees in new development and not clear-cutting. He continued that he would like the language added to the process.

Mr. Warren Wesley, 22 Needles Lane, expressed his concern with the development with the wildlife and what will happen to them. He added that he received an abutter letter ten days ago and is concerned with why he has not heard of this prior to that as an adjacent land owner to the property.

Ms. Weedo explained that this is a future land use amendment and explained the process that when it comes back for the zoning it will most probably be a Planned Residential Development (PRD). At that time is when the project can provide additional information what will take place with the property.

Mr. David Boswell stated that he is a state licensed contractor, lives in the vicinity of the property and was in the original meetings on the property with the County, and has concerns with what has been omitted that was promised to the County and Pine Run residents. He expressed that he feels it is being downgraded. It was said that there would be a 150' wildlife corridor. Mr. Boswell commented that he has grown up in construction and land surveying and is concerned with the aesthetics of the community and the promised municipalities such as fire departments, schools and grocery stores. He is concerned with Ormond Beach turning out like Holly Hill such as where developers have made promises and then the residents do not have the money to upgrade their sanitary system. Mr. Boswell advised that he knows building will take place but want to stay within the context of what was laid out in County meetings.

He commended the City of Ormond Beach for working with the residents. Mr. Boswell concluded that his mother sold the old gas station property that is now The Pumphouse, to Mr. Bill Jones because they could not get any sign approvals, or parking at the time.

Mr. Glen Storch, PA, Storch Law Firm, responded to Mr. Boswell's comments, explaining that this is a Comprehensive Plan review is to reduce the density for the property and added that regarding the trees, the project is in the design stage and has higher standards than the County. The purchaser of the property is a resident of Ormond Beach and wants to do something that he can be proud of. Mr. Storch advised that 15 percent of the property is set aside for trees as well as four to five acres of wetland preservation.

Ms. Tolland asked for additional information the speaker was referring to with the wildlife corridor aforementioned. Mr. Storch replied in his research he has not seen the information on it in the title or the County Comprehensive Plan, zoning codes or Land Development Code (LDC).

Mr. Briley asked if the matter can be discussed and encouraged when it comes time for the neighborhood meetings. Mr. Spraker replied that Ormond Beach is unique and explained how with the land use amendment, it is a city requirement that everyone within 300 feet of the property is notified via certified mail. Following notification the matter goes to the Site Plan Review Committee (SPRC) and that information is placed on the City website. The next step is the neighborhood meeting.

Mr. Spraker continued that after the first submittal, a neighborhood meeting is coordinated, followed by the Planning Board and City Commission meetings. He reiterated that tonight is only regarding the land use where it is being reduced by 422 units and a million square feet of commercial. The Volusia County analysis showed that the land can support 1,054 units. He offered his business card for any communications or meetings on the matter.

Chairman Thomas commented that people are not aware of how the process works and asked that there be an outline so that it is clearer on the overhead projector.

Mr. Scudiero added that as the process plays out there will be a better visual on it all. Concerns will be taken to hear prior to the Board voting on anything down the line. He commented that anything that reduces density should be a yes.

Mr. Galloway was interested to obtain more information on the wildlife corridor referenced by the speaker.

Mr. Jorczak applauded the property owner's and staff's efforts with reducing the density.

Mr. Briley concurred, "It's a no-brainer".

Ms. Shull motioned to approve LUPA 2022-023 – Second Amended Interlocal Service Boundary Agreement (ISBA) Future Land Use Map Amendment (Small Scale). Ms. Tolland seconded it. Vote was called, and the motion was approved (7-0).

D. CP 2022-024 – Comprehensive Plan Text Amendments Related to the Second Interlocal Service Boundary Agreement (ISBA)

Ms. Becky Weedo, Senior Planner, stated that this item is one of the companion documents to the previous Second Amended ISBA Future Land Use Map (FLUM) amendment and is an administrative request to amend the City of Ormond Beach Comprehensive Plan's Future Land Use and Intergovernmental Coordination to update language and references consistent with the Second Amended Interlocal Service Boundary Agreement (ISBA) between the City of Ormond Beach and Volusia County pursuant to Chapter 171, Part II, Florida Statutes, as amended. She added that since the Second Amended ISBA has been adopted, the Comprehensive Plan amendments must be processed to update the policies and objectives consistent with the expanded joint planning and service area. A summary of the proposed amendments were shown overhead and explained.

Ms. Weedo noted that the amendments are text amendments to Comprehensive Plan Elements, and the item will be processed as a large scale amendment which requires an expedited State review by the Department of Economic Opportunity (DEO) and a review by the Volusia Growth Management Commission (VGMC). The City Commission first reading of this amendment is planned to be on April 19th with transmittal to DEO and VGMC by April 29th. She continued that second reading is tentatively scheduled on June 7th and submittal of the adopted package to DEO and VGMC by June 17th.

Ms. Weedo concluded that staff recommends that the Planning Board recommend approval to the proposed Comprehensive Plan amendments to the Future Land Use Element and the intergovernmental coordination element to be consistent with the Second Amended Interlocal Service Boundary Agreement (ISBA).

Mr. Jorczak motioned to approve CP 2022-024 – Comprehensive Plan text amendments related to the second Interlocal Service Boundary Agreement (ISBA). Mr. Briley seconded it. Vote was called, and the motion was approved (7-0).

E. LUPA 2022-020 – RidgeHaven original ISBA Small Scale Comprehensive Plan Land Use Map Amendment (RidgeHaven – 19.19 acres (Small Scale))

Ms. Becky Weedo, Senior Planner, stated that this is a request by Corey D. Brown, authorized representative on behalf of Snilloc Family LP Number One and RidgeHaven LLC, property owners, for a Small-Scale Comprehensive Plan Future Amendment for a 19.19± acre property located within the original Interlocal Service Boundary Agreement (ISBA) adopted in 2015. Ms. Weedo added that the requested land use map amendment is going from City “Low Intensity Commercial” (LIC) to City “Medium Density Residential” (MDR). The maximum gross density shall not exceed eight units per acre and total units for all lands within the RidgeHaven subdivision (including within the 84.26 acres to the north) shall not exceed 298 residential units.

Ms. Weedo explained that the existing land use per the original ISBA, allows up to 153 dwelling units with a 0.50 Floor Area Ratio (FAR) for retail. The proposed land use category density still remains the same at 153 residential units. There is also a condition that the total RidgeHaven area cannot exceed 298 residential units within this land area of 19.19 acres and the other RidgeHaven land area of 84.26 acres. Ms. Weedo continued that the proposed FAR is 0.30. The non-residential entitlements will decrease by 167, 183 square feet. The proposed land use limits any FAR uses to institutional uses, such as a house of worship. She added that the amendment to the Future Land Use Map is also being processed as a small-scale amendment per Chapter 163, Section 3187, Florida Statutes. Effective July 1, 2021, the process for small scale amendments changed the acreage from 10 acres or less to 50 acres or less. Ms. Weedo reiterated that it is a companion document to the Second Amended ISBA small scale amendment to the 84.26 acres north. City Commission first reading of this amendment is planned to be on April 19th with the second reading on May 3rd and submittal to DEO and VGMC on May 10th.

Ms. Weedo explained that staff determined that the proposed amendment meets the goals, objectives, and policies of the City’s Comprehensive Plan, and the requirements established by Florida Statutes, the proposed uses are appropriate, the amendment provides adequate infrastructure; and will not impact surrounding jurisdictions. She concluded that staff recommends that the Planning Board recommend approval to the City Commission of a Future Land Use map amendment for a 19.19± acre land area from the existing future land use designation of “Low-Intensity Commercial” to “Medium-Density Residential” with conditions for the RidgeHaven land area.

Ms. Shull asked for clarification of the request and if it is already included with the prior vote. Ms. Weedo answered that it is part of the entire RidgeHaven area and this

future land use amendment is required to be done separately due to the 19.19 acres being originally in the ISBA. It had a city future land use designation. It was confirmed that it is going to Medium-Density Residential from Low-Intensity Commercial. Ms. Weedo stated that it is going to provide similar density which is limited to the eight dwelling units and the City wishes to be consistent with what was previously approved.

Mr. Spraker explained some of the philosophy with it already being a City commercial land use area. “It is significant that 170,000 square feet of commercial use is being eliminated.” He added that residential has a lower trip generation. Mr. Spraker stated that the theory is that there would be higher density along the roadway and transition to lower-density along the interface of the Village of Pine Run.

Mr. Storch noted that the duplexes are a lower density than apartment complexes. A variety of areas can be put in the project with the total number only being a maximum of 298. Both Comprehensive Plan amendments will contain a line item that specifies that the two parcels can only go to 298 residential units.

Mr. Galloway spoke on property rights and commented that someone is taking a commercial property that is valued today and paying taxes on commercial property and is downsizing to go to a residential property. He continued expressing that if someone is willing to downsize their property and go to a residential zoning, that it is a “win-win”. Mr. Galloway stated that he believes it is better off as residential, commenting “although the neighbors may not like it, the alternative of having something commercial, most would rather have residential.”

Mr. Storch commented that the whole development is going to be a community with amenities, walking trails, park areas, retention areas and lakes. He added that other than staff, his client ‘Rick’, worked very hard on the project to create something special.

Audience Comments

Mr. Warren Wesley, 22 Needles Lane, expressed his relief in hearing that out of the total 103 acres, that only 298 units will be built on it.

Mr. Briley motioned to approve LUPA 2022-020 – RidgeHaven original ISBA Small Scale Comprehensive Plan Land Use Map Amendment, 19.19 acres (small scale). Mr. Scudiero seconded it. Vote was called, and the motion was approved (7-0).

VIII. OTHER BUSINESS

A. Front Yard Waterbody Calculated Setbacks

Ms. Robin Gawel, Senior Planner, explained that this is a discussion item regarding an administrative request to amend front yard and waterfront yard setbacks. The purpose is to introduce the proposed amendment and gain any input from the Planning Board before presenting a Land Development Code (LDC) Amendment. Ms. Gawel continued that the request would amend certain district regulations that currently contain additional front yard and waterfront yard setback requirements.

Ms. Gawel used the R-1 revisions exhibit included in the Board packet as an example, explaining that the proposed amendments seek to update the Land Development Code (LDC) by:

1. Consolidating Section 2-40, Exceptions and Supplemental Standards criterion under the specific zoning districts to reduce inconsistencies within the Land Development Code (LDC).
2. Correcting inconsistent formatting of paragraphs and numbering between districts with similar setback requirements.
3. Correcting language in both the “Additional Front Yard Setbacks” and the “Waterbody Setbacks” requirements to be consistent among the zoning districts.
4. Provide alternative review criteria that will protect and maintain the view corridor along the river without the necessity of a variance.
5. Add new exhibits to better illustrate the front and waterbody yard viewing angle.

Ms. Gawel added that the “Additional Front Yard Setback” criteria contains a provision for allowing a reduced setback from the calculated average by utilizing a minimum viewing angle which allows the setback to be less than the calculated average provided that the site designer shows that the new structure would be so located as to allow a minimum viewing angle to the right-of-way front of not less than 110 degrees from the closest front corner and 130 degrees from the furthest front corner of the closest structure on the adjacent lot. Ms. Gawel displayed an original viewing angle exhibit overhead, explaining that the original exhibit detail showed the viewing angle from both the right-of-way or the waterway, however the language was not included under the Additional Waterbody Setbacks to allow staff to apply this criterion to the waterfront yard setbacks along the Tomoka and Halifax River front lots. Similar to the Additional Front Yard Setbacks, the Additional Waterbody Setbacks for Ocean Yard and Tomoka and Halifax River frontage lots are intended to protect and maintain view corridors along the river but the current regulations only allow for a calculated average setback. She added that the calculated average of the setbacks generally works well, however there are circumstances where this average can be significantly skewed by an older existing home with an unusually large setback or the meandering of the shoreline.

Ms. Gawel further explained in detail with an example of a site plan that was used as an exhibit in a variance application that was previously granted. She stated that the calculated average setback can be negatively affected by an existing home on an adjacent lot within 300’ that has a considerably deeper setback. Staff would have been able to approve if the Minimum Viewing Angle criteria was included in the Additional Waterbody Setbacks.

Ms. Gawel stated that by applying similar criteria to what is currently included in the Additional Front Yard Setbacks, there will be alternative methods available for residents developing single-family homes along the river that will protect and maintain the view corridor without the necessity of a variance. The amendment is sought to provide consistency within the zoning districts that have calculated setbacks and introduce the ability to use viewing angles along the waterbody yard where the

only relief is a variance. Ms. Gawel added that based on different components of the amendments, Planning staff believes that the item should be presented as a discussion item and any items from the discussion item would be incorporated into the Land Development Code (LDC) amendment.

Mr. Jorczak inquired if it will increase the flexibility of an estate home being torn down and rebuilt without having to comply with the old viewing angles. Ms. Gawel answered that it gives more flexibility for a single-family dwelling unit that is proposed to replace an existing, being built to the same setback and same building footprint and height. She further explained that for the water front yard, the calculated average setback will be required. If the site designer can show that it does not affect the viewing angle, there is criterion that will allow staff to approve it without having to go through the variance process.

Mr. Jorczak elaborated about noticing how on Beach Street that a number of older homes are being demolished and the ground elevation levels on the newer structures are considerably higher than the adjacent properties. He asked if there is any impact to water retention issues to what is currently required with respect to the adjacent properties that are at lower elevations. He added that the newer homes are three feet higher than the older homes. Mr. Spraker replied that the FEMA floodplain regulations require a certain height over a base flood elevation. In the 1950 and 1960s when some of the homes were built, they did not have elevation requirements. He continued that in redevelopment they have to come 18" above the crown of the road or 1' above the base flood elevation.

Mr. Spraker noted that they still have to do a stormwater management plan that keeps the water on the property. This amendment does not impact those requirements. The finished floor elevation requirements are also still required as well as the requirement to retain the water on the site. The amendment provides another level of flexibility. Mr. Spraker concluded that the amendment will provide a consistent viewing angle that everyone can rely upon if the Planning Board and City Commission are interested in going in that direction or staff can keep doing the variances.

Mr. Galloway expressed concern with raising the lots up versus building a stem wall and building the footprint of the house up 3' to 5'. Storms can bring the river up 8' and the water comes out to Beach Street. He continued that some are allowed to build boundary walls on both sides of their house and the house to the south is 3' to 4' lower. Mr. Galloway touched on property rights and how the individual has property rights to raise their land and also has the property rights to stop water from being funneled in a massive storm on other properties. Ms. Weedon replied that most of the properties on Beach Street are not in a floodplain. The Land Development Code requires the finished floor to be 18" above the crown of the road so when infill and redevelopment occurs, staff has the ability to get a letter from the City Engineer to allow less than 18". She elaborated that the City has been approving a lot of redevelopment less than 18" due to the adjacent homeowners. Ms. Weedon concluded that the City recognizes the neighbors in the infill process and do not want their water from their development to go on other properties.

Mr. Briley stated that a redevelopment on North Beach Street, south of Wilmette Avenue, has been filled and a stem wall was put up. Years prior the house sat below the crown of the road. When it rained, water would run down to the garage and the

front door and flood it. The house to the south of it has a similar situation but instead of being flooded from the street side, floods from the riverside during storms. Mr. Briley commented it is something that has to be dealt with in redevelopment of properties. Ms. Weedo elaborated an example on Putnam Avenue where a house was built on poles and they were not allowed to bring in any fill, and had to keep everything at the grade that it was with wetlands and floodplain. She concluded that it is being addressed.

Ms. Tolland expressed concern with a property in Broadwater where they are building a new house on a lot with a 12' to 14' high stem wall on one side. Ms. Weedo replied that the plans are submitted and authorized by licensed Engineers.

Mr. Spraker stated that Ormond Beach is unique because the City requires stormwater plans for infill single-family lots. Not many other jurisdictions do so. He continued that as they redevelop they have a Professional Engineer perform a lot grading/stormwater plan. There are many sources of flooding issues including preexisting conditions. Professional Engineers are hired to do a grading and stormwater plan and prove that they are not draining on adjoining lots. If there are drainage issues, it then falls on the Professional Engineer. Mr. Spraker added that City Engineering staff reviews those plans and a site inspector verify them through surveys to see that what was designed, was built. He offered to set up a meeting with Engineering staff regarding any specific properties analysis and refocused the subject back to the viewing angles. Mr. Spraker concluded that 10 to 15 applicants over the last three years have had to come before the Boards for variances regarding the calculated average setbacks which is why staff is bringing this proposed amendment forward.

Attorney Hayes remarked that no motion is needed for this item as it is a discussion item. Staff will prepare the text change and bring back for a vote.

XI. MEMBER COMMENTS

Mr. Scudiero complimented the 6:00 p.m. meeting time change.

Ms. Tolland remarked that she appreciates staff bringing projects forward that decrease the usage of land. She added that she appreciates staff comments and audience comments, especially when it involves trees and the environment. She commented that the Taste of Ormond event was fun and enjoys living in Ormond Beach.

Ms. Shull inquired about the parcel status where the old Regal movie theatre at 215 Williamson Boulevard was. Mr. Spraker answered that there are no applications to date for any amendments, although there was a conceptual meeting identifying multi-family for the property.

Ms. Shull asked if side streets were included in the water view amendment. Mr. Spraker replied that it is primarily in R-1 and R-2 which are located along Beach Street, Riverside Drive, and Halifax Drive. Side streets do not have a similar calculated waterbody setback, instead go by the zoning district which has a maximum height of 30'.

Mr. Galloway stated that he just returned from a conference in Austin, Texas and proclaimed that they are ahead of the game with autonomous taxis, buildings and hotel pizza trucks. He added that the city has scooters and food truck courtyards everywhere.

Mr. Briley reiterated about the fill, lots and adjoining lots and how the LDC contains requirements about lots and redevelopment of lots that states that adjoining lots cannot be negatively impacted.

Chairman Thomas stated that he is President of the local Police Activities League (PAL) Association and wants to recognize Mr. Paul Holub, a local well-known developer, donated \$10,000 to the organization to help disadvantaged children. Chairman Thomas remarked that Mr. Holub never asks for fanfare for his contributions and feels he deserves the kudos.

XII. ADJOURNMENT

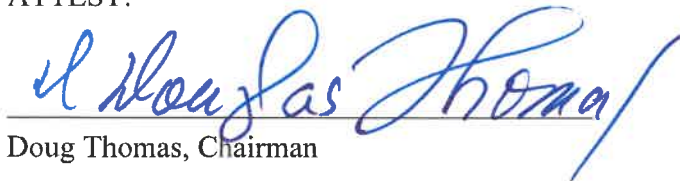
The meeting was adjourned at 7:45 p.m.

Respectfully submitted,



Steven Spraker, Planning Director

ATTEST:



Doug Thomas, Chairman

Minutes transcribed by Marcella Miller.