



A G E N D A
ORMOND BEACH PLANNING BOARD
Regular Meeting

August 11, 2011

7:00 PM

City Commission Chambers
22 South Beach Street
Ormond Beach, FL

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

II. INVOCATION

III. PLEDGE OF ALLEGIANCE

IV. NOTICE REGARDING ADJOURNMENT

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

V. APPROVAL OF THE MINUTES

A. July 14, 2011

VI. PLANNING DIRECTOR'S REPORT

VII. PUBLIC HEARINGS

SE 11-98: 64 South Halifax Drive, St. James Episcopal Church – Special Exception:

The applicant for a proposed Special Exception, St. James Episcopal Church, at 64 South Halifax Drive has requested a continuance for the August 11, 2011 Planning Board meeting. The item was advertised for the Planning Board meeting and is required to be on the agenda. It is requested that the application be continued until a future Planning Board date.

VIII. OTHER BUSINESS

A. HB 7207 Community Planning Act Presentation

IX. MEMBER COMMENTS

X. ADJOURNMENT

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

July 14, 2011

7:00 PM

City Commission Chambers

22 South Beach Street

Ormond Beach, FL 32174

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I. ROLL CALL

Members Present

Rita Press
Harold Briley
Lewis Heaster
Al Jorczak

Staff Present

Randy Hayes, City Attorney
Lauren Kornel, AICP, Senior Planner
Chris Jarrell, Recording Technician

II. INVOCATION

Mr. Jorczak led the invocation.

III. PLEDGE OF ALLEGIANCE

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V. APPROVAL OF THE MINUTES

Chair Jorczak asked for approval of the meeting minutes from the June 9, 2011 Planning Board meetings.

Mr. Briley moved for the approval of the minutes from the June 9, 2011 meeting as amended. Mr. Lewis seconded the motion, which were unanimously approved.

VI. PLANNING DIRECTOR'S REPORT

Ms. Kornel reported that Ric Goss, Planning Director, is working on a growth management workshop to summarize recent changes in state law and requested Board members to e-mail staff a meeting date. The Planning Board members stated that they would prefer to do the workshop at a regular meeting and requested it at the August meeting.

VII. PUBLIC HEARINGS

A. LUPA 06-35: 1287 West Granada Boulevard, Brown/Thompson Commercial Site, Planned Business Development

Ms. Kornel stated this is a request for rezoning from SR (Suburban Residential) to PBD (Planned Business Development) to allow the development of a 9,225 square foot building on a 2.53-acre parcel. The property is located at 1287 West Granada Boulevard. Ms. Kornel discussed the property and the surrounding uses, land uses, and zoning designations. Ms. Kornel said the subject property has an "Office/Professional" land use designation which was approved in 2008 with some conditions. Ms. Kornel reviewed the land use conditions and said the overall purpose of the conditions were to ensure that there was adequate infrastructure to serve this project, plan for future development in this area, and allow a public review of the site plan for construction. Ms. Kornel stated the change in the land use designation required a rezoning to make the zoning consistent with the land use.

Ms. Kornel reviewed the site plan for the project and called out the building location, landscaping, stormwater location, site access and parking areas. Ms. Kornel stated that there was a phase 2 of the project which was not included in the current application and would require an amendment to be constructed. Ms. Kornel concluded that the zoning application was consistent with the land use and that staff recommended approval of the project.

Mr. Briley stated that he noticed that the stormwater was not on-site. Ms. Kornel confirmed that the stormwater for the project was on the abutting property owned by the applicant. Mr. Briley inquired why the stormwater was not included as part of the land considered for the PBD zoning. Ms. Kornel stated that was part of the PBD to allow this flexibility.

Mr. Heaster asked if the stormwater area proposed is the same owner as the PBD application. Ms. Kornel confirmed that it was the same property owner.

Mr. Heaster inquired to the family member that is west of proposed PBD, Ms. Schmidt, who agreed not to have a wall between her property and the development. Mr. Heaster asked about the site access for the area. Ms. Kornel discussed the master plan of the roadway improvements for this project and other properties in the area.

Mr. Heaster stated that he believed that written documentation should be provided from Ms. Schmidt regarding the wall and the site access as the abutting property owner.

Danny Johns, 3869 South Nova Road, project engineer stated that the development review staff has outstanding comments and conditions that need to be completed prior to any permits, including the provision of the road access. Mr. Johns stated he advised his clients not to execute any documents regarding the road access or stormwater area until there is a final approval and the project is going to move towards construction.

Mr. Johns confirmed for Mr. Briley that the City would be included in the stormwater easement and that the property owner would be required to maintain the stormwater area.

Ms. Press asked if the PBD sought would allow a variety of uses such as retail, office and restaurants. Ms. Kornel stated that the designation would allow office or a percentage of specialty retail, but not all retail uses.

Ms. Press recalled the property at 500 West Granada Boulevard had to go through several hearings to obtain the percentage of retail that they desired. Ms. Press inquired if uses such as a nail salon or a restaurant would be allowed. Ms. Kornel stated that the primary use would be office and professional uses with limited retail.

Ms. Press stated that she did not have a problem with allowing this development to have the ability to allow a variety of uses to ensure it can survive. Ms. Press wondered if limiting the project to solely office professional uses would result in a future zoning amendment to ask for additional retail square footage.

Mr. Briley asked what uses were considered in the traffic study. Mr. Johns responded that office/professional uses with a limited amount of retail uses were used.

Ms. Press asked the status of the Dr. Landau property to the north of the subject property and why the property would be required to obtain a Planned Business Development rezoning. Ms. Kornel responded that she would check into this but believed the land use approval required a PBD zoning designation.

Ms. Press said she thought the Site Plan Review Committee comments and the inclusion of the public benefit section of the staff report were two good things to include in the application packet.

Chairman Jorczak asked if the building floor plan was adjustable or if this was the plan for construction. Mr. Johns stated that the floor plan was flexible and could be adjusted based on how the building was leased to individual tenants.

Chairman Jorczak inquired about the single-family residential properties to the west of the project area. Ms. Kornel responded that these properties were part of a subdivision and that future development abutting these homes would require separate approvals.

Mr. Heaster stated he believed that Ms. Schmidt should provide a letter or testimony stating that she does not desire a wall for the City Commission review of the project.

Chairman Jorczak asked if there were any members of the public that would like to speak on the application. There were no members of the public that addressed the Board.

Mr. Briley made a motion to recommend approval of RZ 06-035 subject to the outstanding comments of the SPRC, Mr. Heaster seconded the motion, which was approved by a unanimous vote of the Board.

Chairman Jorczak closed the public hearing.

VIII. OTHER BUSINESS

There was no other business.

IX. MEMBER COMMENTS

There were no member comments.

X. ADJOURNMENT

The meeting was adjourned at 7:30 p.m.

Respectfully submitted,

Laureen Kornel, AICP, Senior Planner

ATTEST:

Al Jorczak, Acting Chair

CITY OF ORMOND BEACH

FLORIDA

PLANNING

MEMORANDUM

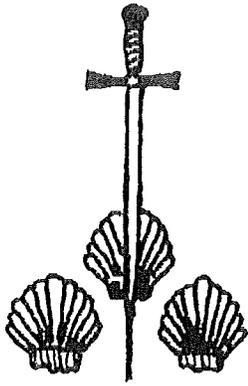
TO: Planning Board Members

FROM: Steven Spraker, AICP, Senior Planner

DATE: August 5, 2011

SUBJECT: Case #11-98, 64 South Halifax Drive - St. James Episcopal Church,
Request for Continuance

The applicant for a proposed Special Exception, St. James Episcopal Church, at 64 South Halifax Drive has requested a continuance for the August 11, 2011 Planning Board meeting. The item was advertised for the Planning Board meeting and is required to be on the agenda. It is requested that the application be continued until a future Planning Board date.



ST. JAMES EPISCOPAL CHURCH

The Rev. James W. Harris, Jr., D. Min.
Rector

August 4, 2011

Steven Spraker
Planning Department
City of Ormond Beach

VIA FAX 676 3361

RE: St James Episcopal Church and School application for a Special Exception permitting religious use of R-2 zoned residential property at 64 South Halifax Drive

Gentlemen:

I respectfully request a continuance of our Application for a Special Exception to allow the Church time to obtain a purchase contract on the contiguous property at 70 South Halifax Drive at which time the Application will be changed to include both properties.

Thank you.

Cordially,

CITY OF ORMOND BEACH
FLORIDA

PLANNING

MEMORANDUM

TO: Chairman Thomas and Planning Board
FROM: Ric Goss, Planning Director 
DATE: August 11, 2011
SUBJECT: HB 7207) Community Planning Act
CC: Joyce A. Shanahan, City Manager

In June, the State Legislature approved HB 7207 entitled the Community Planning Act. This bill replaces the 1985 Growth Management Legislation entitled The Local Government Comprehensive Planning and Land Development Act of 1985. A workshop has been planned to introduce the Planning Board to the fundamental concept of the new bill. I hope all will attend this workshop since this bill changes the how planning will be conducted in the future.

Community Planning Act

**HB 7207 Workshop
Planning Board
August 11, 2011**

Growth Management related bills that passed in 2011

- **HB 7001 Reauthorized SB 360**
- **SB 2156 Reorganized DCA**
- **HB 7207 Replaced the 1985 Growth Management bill with the Community Planning Act.**
- **SB 2156 Created the Department of Economic Opportunity where the remnants of DCA now exists**

Impetus behind the Community Planning Act (HB 7207)?

- **Economy**
- **Conflict between DCA and the Legislature.**



1985 Growth Management Act versus 2011 Community Planning Act

Growth Management characterized as “top down” (DCA) and highly regimented with a complex regulatory process.

HB 7207 – Planning characterized as “bottom-up,” providing communities the ability to plan creatively. Less shalls and more shoulds.

Prior to Community Planning Act

Required 7 public facilities be concurrent with impacts of development for:

- **Transportation**
- **Schools**
- **Parks & Recreation**
- **Water**
- **Sanitary Sewer**
- **Solid Waste**
- **Storm water**



Community Planning Act Themes

- **Local Responsibility** (concurrency changes; financial feasibility; Comp Plan considerations, EAR)
- **Reduced obstacles to New Development** (Changes to transportation mitigation; concurrent plan amendment and zoning)
- **Reduced State Oversight** (changes in plan review process, role and authority and public participation)
- **Legal and Administrative** (Burden of proof shifts, administrative challenges, permit extensions, conflicting bills and plan consistency with new legislation)

Community Planning Act

**No longer mandates State concurrency
for:**

Transportation



Schools



Parks & Recreation



HB 7207 “Shoulds”

- Adopt CIE to meet LOS.
- Favor urban infill and re-development.
- Exempt de minimis impacts.
- Favor job creation.
- Support multimodal solutions.
- Adopt area wide LOS.
- Assign second priority to vehicle mobility – favor walking and transit.
- Establish multimodal LOS.
- Reduce impact fees for multimodal projects.

The Shoulds & Shalls of HB 7207

HB 7207 “Shalls”

- Consult with FDOT on their roads.
- Exempt public transit.
- Allow everyone to use *Prop Share (PS)*, provided that:
 - 1) PS amount pay & go.
 - 2) Required mitigation does not exceed PS amount.
- Background failures are not in PS calc.

Transportation Concurrency

- **FDOT no longer establishes LOSS for Strategic Intermodal System (SR 40 west of I95). SIS impacts requires consultation only.**
- **Removes requirement to adopt mobility strategies to support and fund mobility. (Ormond Beach has a Mobility Plan and Fee designed to replace VC Impact Fee within TCEA)**
- **Deletes concurrency exemptions.**

School concurrency

- **School concurrency optional. Removes PSFE.**
- **Ormond Beach not eligible under 63.3180 6 (i)**
- **Requires interlocal agreement with school board if school concurrency is elected.**
- **Removes prohibition on adopting plan amendments for not addressing school siting requirements.**
- **Permits portables to be counted as supply for classrooms. (currently counted for 3 yrs)**

HB 7207 encourages development of tools and techniques that:

- **Facilitate development patterns that support multimodal solutions;**
- **Promote area-wide LOSS for roadway networks;**
- **Exempt impacts of locally desired development;**
- **Prioritize pedestrian environment and convenient interconnection to transit.**

Changes to Chapter 163 Capital Improvements Planning

- **Deletes financial feasibility requirement.**
- **Annual update of 5 year Schedule of Capital Improvements by ordinance only. (no longer a Comp. Plan amendment)**
- **Projects needed to achieve and maintain adopted LOSS must be identified as either funded or unfunded and given a level of priority for funding.**

Large Scale LUPA Process

- **Removes 2 per year limitation on Comp Plan amendments.**
- **180 day deadline for adoption of amendments.**
- **Affected agencies and local governments transmit comments directly to the applicant within 30 days of receipt of amendment.**
- **Affected Parties challenge adopted amendment within 30 days of adoption.**

Large Scale LUPA Process

- **Local government only submits adopted amendment to Department and those agencies that timely commented on proposed amendment.**
- **Department's review of amendment is limited to adverse impacts on important state resources and facilities and may file challenge if amendment does not adequately address these issues.**

Large Scale LUPA Time line

- **Proposed review 30 days rather than 60 days.**
- **Adopted review 30 days from completeness rather than 45 days.**
- **Adopted amendment becomes effective within 31 days of complete package rather than 67 days under old traditional review.**
- **Total review 65 days rather than 136 days.**
- **Twice per calendar year limitation removed for all large scale amendments.**

Small Scale Amendments

- **Amendment requires one public hearing which shall be an adoption hearing.**
- **Amendment must be 10 acres or less.**
- **A maximum of 120 acres per calendar year. (use to be 80)**
- **Text change directly related to future land use map change are now permissible.**
- **No density limitation.**

Evaluation Appraisal Report

- **Local government must analyze plan every 7 years. (Ormond Beach - not required to address EAR until 2017)**
- **Requires letter from local government summarizing findings. (no adoption)**
- **1 year to adopt EAR amendments.**
- **Restricts local government from amending plan if review letter or EAR amendment not submitted.**

Other notable changes

- Prohibits land use amendments requiring referendums.
- Development Agreements (Ormond Crossings DA is 20 years) extended to 30 years.
- HB 697 (Energy Efficiency requirements in planning) deleted from FS 163.
- 3rd Party challenge – Local government determination will be sustained if fairly debatable. DCA cannot intervene on citizen initiated petitions.

Why did we plan?

- **Create livable environments**
- **Guide and direct growth to where future infrastructure is planned**
- **Ensure infrastructure is in place when growth occurs**
- **Preserve natural resources**
- **Promote sustainability**
- **State made us do it**

In the End.....

- **HB 7207 did not change the “WHY” in why we plan.**
- **HB 7207 did change the “HOW” in how we plan.**

Questions and Answers