



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

January 12, 2012

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. ADMINISTRATIVE ITEMS

- A. Election of Chairperson and Vice Chairperson
- B. Adoption of 2012 Rules and Procedures

III. INVOCATION

IV. PLEDGE OF ALLEGIANCE

V. 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).

VI. APPROVAL OF DECEMBER 8, 2011 MEETING MINUTES

VII. PLANNING DIRECTOR'S REPORT

VIII. PUBLIC HEARINGS

A. M 12-037 US 1 North Brownfield Designation

This is an administrative request to consider designating 2113 acres involving 311 parcels as a brownfield area along US 1 North pursuant to Florida Statute 376.

IX. OTHER BUSINESS:

X. MEMBER COMMENTS

XI. ADJOURNMENT

CITY OF ORMOND BEACH

FLORIDA

PLANNING

MEMORANDUM

TO: Planning Board Members

FROM: S. Laureen Kornel, AICP, Senior Planner

DATE: January 5, 2012

SUBJECT: Planning Board Administrative Items

This is the first meeting of the Planning Board for the year 2012. There are two administrative items on the agenda including the election of the chairperson/vice-chairperson, and the rules of procedures. Section 1-15.B.3 of the Land Development Code states at the first meeting of the Board each year, the secretary shall call the meeting to order and shall then call for nominations for chairperson. Staff has included the previous year's Rules of Procedure for Board action.

If there are any questions, I can be contacted at 676.3345 or by e-mail at kornel@ormondbeach.org. Thank you.

**RULES OF PROCEDURE
OF THE
PLANNING BOARD
FOR THE
CITY OF ORMOND BEACH**

The Planning Board of the City of Ormond Beach, Florida shall be governed by the terms of the Charter, the Code of Ordinances, and the Land Development Code of the City of Ormond Beach, and the Rules of Procedure set forth herein and adopted by the Board.

SECTION 1. OFFICERS, MEMBERS AND DUTIES

1.1 Chairman. A Chairman shall be elected by the Board, in accordance with Subsection 1-15:B3 of the Land Development Code. The Chairman shall decide upon all points of order and procedure subject to these rules, unless otherwise directed by a majority of the Board in session at the time. The Chairman shall appoint any subcommittee found necessary to investigate matters before the Board. The Chairman shall sign all minutes of the Board and all pertinent correspondence.

1.2 Vice-Chairman. A Vice-Chairman shall be elected by the Board, in accordance with Section 1-15:B3 of the Land Development Code. The Vice-Chairman shall serve as Acting Chairman in the absence of the Chairman and, at such times, shall have the same powers and duties as the Chairman.

1.3 Secretary. The Secretary shall be the Director of Planning or the designee of the said Director. The Secretary shall keep all records, shall conduct all correspondence of the Board, shall cause to be given the required legal notice of each public hearing and shall generally take charge of the clerical work of the Board. The Secretary shall take, or cause to be taken, the minutes of every meeting of the Board. These shall show the record of all important facts pertaining to each meeting and hearing, every resolution acted upon by the Board, and all votes of members of the Board upon any resolution or upon the final determination of any questions, in dictating the names of members absent or failing to vote. The Secretary shall endeavor to present the final copy of the minutes to the Chairman for signature not later than five (5) days before the next regular meeting. The Secretary shall keep all records open to the public at all times during normal business hours (8:00 AM-5:00 PM), but shall in no event relinquish the original of any record to any person, unless such authority is granted by the Chairman of the Board.

1.4 Members. As required by the Land Development Code Subsection 1-15:B1, members of the Board shall be appointed by the City Commission. Terms and conditions of appointment shall be governed by Article I, inclusive. Members shall provide the Secretary with their current home address and home and/or office telephone number, unless such information is made confidential by law. Such information shall be kept current by the members. In the event that a member of the Board shall be unable to attend a regularly scheduled meeting, the member shall notify the Secretary of the member's expected absence no later than five (5) days before that meeting. The five (5)

days notice of absence shall not apply to emergency absences beyond the member's control, nor to special meetings described in Subsection 2.2 below.

- 1.5 Viewing. The Board members shall make every effort to view any site being considered for recommendation. The Secretary shall provide each member with a map showing the subject site.
- 1.6 Schedule of Meetings. Pursuant to Subsection 4-03:C of the Land Development Code, the Board members shall approve a yearly calendar of meetings at its inaugural meeting each year. This schedule of meetings will establish timeframes for application submittal and SPRC review.

SECTION 2. MEETINGS

2.1 Regular Meetings. Regular meetings of the Planning Board shall be held generally on the second Thursday of each month, at 7:00 PM, in the City Hall Commission Chambers. If the Chambers are not available, an alternate location shall be noted on the agenda and in all related advertising and noticing. The time and place of the regular monthly meeting may be changed by affirmative vote of a majority of the Board.

2.2 Special Meetings. Special meetings of the Board may be called at any time by the Chairman, or at the direction of any three (3) members of the Board. At least seventy-two (72) hours advance notice of the time and place of special meetings shall be given by the Secretary or Chairman to each member of the Board.

2.3 Cancellation of Meetings. Whenever there is no business for the Board, or whenever so many members notify the Secretary of inability to attend that a quorum will not be available, the Chairman may dispense with the regular meeting by instructing the Secretary to give written or oral notice to all members not less than twenty-four (24) hours prior to the time set for the meeting.

2.4 Quorum. A quorum shall consist of four (4) members for the transaction of business.

2.5 Conduct of Meeting. All meetings shall be open to the public. The order of business at regular meetings shall be as follows:

- a. Roll Call
- b. Invocation
- c. Pledge of Allegiance
- d. Notice Relative to Adjournment
- e. Approval of the Minutes
- f. Planning Director's Report
- g. Public Hearings
- h. Other Business and Discussion Items
- i. Member Comments
- j. Adjournment

2.6 Continued Meetings. The Board may continue a regular or special meeting if all business cannot be disposed of on the day set, and no further public notice shall be necessary for resuming such a meeting if the time and place of its resumption is stated at the time of continuance and is not thereafter changed.

2.7 Adjournment. New items will not be heard by the 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 a date and time certain, or to the next regular meeting, as determined by affirmative vote of the majority of the Board members present.

SECTION 3. VOTING

3.1 Vote. The affirmative vote of a majority of the members present and legally entitled to vote at any meeting shall be necessary to make any recommendation on any matter coming before the Board. The Chairman shall have one (1) vote on all issues voted upon by the Board.

3.2 Voting Conflict of Interest. No member of the Board shall participate in any matter which would inure to the member's special private gain or loss, which the member knows would inure to the special private gain or loss of any principal by whom the member is retained, or to the parent organization or subsidiary of a corporate principal by which the member is retained; or which the member knows would inure to the special private gain or loss of a relative or business associate of the member without first disclosing the nature of the member's interest in the matter.

Such disclosure, indicating the nature of the conflict, shall be made in a written memorandum filed with the Secretary prior to the meeting in which consideration of the matter will take place, and shall be incorporated in the minutes. Any such memorandum shall become a public record upon filing, shall immediately be provided to the other members of the Board, and shall be read publicly at the next meeting held subsequent to the filing of this written memorandum.

In the event that disclosure has not been made prior to the meeting, or that any conflict is unknown prior to the meeting, the disclosure shall be made orally at the meeting when it becomes known that a conflict exists. A written memorandum disclosing the nature of the conflict shall then be filed within fifteen (15) days after the oral disclosure with the Secretary and shall be incorporated into the minutes of the meeting at which the oral disclosure was made. Any such memorandum shall become a public record upon filing, shall immediately be provided to the other members of the Board, and shall be read publicly at the next meeting held subsequent to the filing of this written memorandum.

Any member of the Board who, after written notice and public hearing, is found to have violated the provisions listed above, shall have the member's membership on the Board immediately terminated.

3.3 Abstention. All members of the Board shall vote in favor of, or in opposition to, all matters coming before the Board for vote, and such vote shall be recorded in the official records of the Board. However, no member shall vote upon any matter which would inure to the member's special private gain or loss; which the member knows would inure to the special private gain or loss of any principal by whom the member is retained or to the parent organization or subsidiary of a corporate principal by which the member is retained, other than an agency as defined in Florida Statutes, Section 112.312(2); or which the member knows would inure to the special private gain or loss of a relative or business associate of the member. Any member so required to abstain shall, prior to the vote being taken, publicly state to the assembly the nature of the member's interest in the matter from which the member is abstaining from voting and, within fifteen (15) days after the vote occurs, disclose the nature of the member's interest as a public record in a memorandum filed with the Secretary, who shall incorporate the memorandum in the minutes.

3.4 Policy. It shall be the policy of the Board to provide sufficient findings of fact in making a recommendation for denial, approval or approval with conditions. All findings of fact shall be based on the applicable standards and regulations contained in the Land Development Code, the information provided by the applicant, Planning staff's review of the application and appropriate information or evidence and testimony presented at the public hearing.

SECTION 4. ATTENDANCE

Attendance of the Planning Board members shall be subject to the standards contained in the Code of Ordinances, Chapter 2 Administration, Article VI Boards, Commissions, Committees and Other Agencies, Division 1. Generally, Section 2-202, Attendance of Members, as amended.

SECTION 5. RESIDENCY REQUIREMENTS

All Board members must be residents of the City of Ormond Beach. A member who, after appointment or selection to the Board, ceases to be a resident of the city shall promptly tender a resignation, which shall be effective immediately upon its tender. Failure to resign shall result in the person's membership on the Board being terminated by the City Commission. A member who locates his permanent residence outside of the zone from which he was appointed shall also be required to tender a resignation from the Board. Failure to tender the resignation, with continuous residency outside the zone from which he was appointed for more than sixty (60) days, shall be presumed to constitute residency outside the zone and the membership shall be terminated by the City Commission. Upon request of the person involved and upon a showing of good cause, the City Commission may extend such time.

SECTION 6. APPLICATIONS

All applications for Board action shall be complete and filed in the manner provided for in the Land Development Code.

SECTION 7. CONDUCT OF HEARINGS

The applicant may appear in person or by agent or by attorney at the hearing. The order of procedure for each hearing shall be as follows:

7.1 The Chairman, the Chairman's designee, shall present a summary explanation of the application;

7.2 The staff shall present its analysis and recommendations regarding the application;

7.3 The applicant or the applicant's agent shall be afforded the opportunity to speak in behalf of the application;

7.4 Any Board member, with permission of the Chairman, may request additional staff input or question the application or his agent;

7.5 The Chairman shall direct persons wishing to speak in favor of, or in opposition to, the application shall be allowed to do so after signing in and stating their name and address - such presentation shall be made at the podium. The Chairman shall ensure that there is sufficient time allocated to the staff, applicant and public to provide comments and to address questions, comments and recommendations raised by the Planning Board members in their discussion of the application;

7.6 In order to allow the meeting to proceed in an orderly fashion, the Board, by motion, may limit the time allowed for remarks concerning a specific agenda item to a maximum of thirty (30) minutes for City staff, the designated representative of the applicant and the designated representative of any organized group and to five (5) minutes for members of organizations and other individual speakers. Additional time shall be allowed to respond to questions from the Board. The Chairman may also direct speakers to limit their comments to issues which have not been previously stated;

7.7 Arguments between the parties shall not be permitted - all remarks shall be addressed to the Chair;

7.8 Where there is no opposition to an application, the Chairman, by consensus of the Board and upon confirmation that all Board members have read the staff report, may waive the staff analysis (Section 7.2);

7.9 Members shall at all times speak directly into the microphones to facilitate the recording of the meetings; and

7.10 Copies of any and all letters, exhibits, or any information not otherwise provided prior to the meeting are required to be presented to the recording secretary for inclusion in the Board minutes.

SECTION 8. DECISIONS

8.1 Time. Decisions by the Board shall be made in the form of a motion upon completion of the hearing.

8.2 Notification. The Secretary shall send a copy of the Board's recommendations to the City Commission and to the applicant within fifteen (15) days of the date of decision by the Board. A copy of the Board's recommendation shall be inserted in the applicant's file.

SECTION 9. AGENDA

Each matter shall be placed upon the agenda of the Board by the Secretary. The order shall be set by the Chairman with emphasis placed on anticipated audience interest. There may be a cut-off date established by the Board after which no further matters shall be added to the agenda. The agenda of matters to be heard shall be mailed or delivered to each member of the Board at least five (5) days before the regular meeting.

SECTION 10. RECONSIDERATION

Once a motion has been adopted, the Board may reconsider that matter at the same meeting, provided a motion to reconsider is made by a member who voted with the prevailing side.

SECTION 11. AMENDMENTS

These Rules of Procedures may be amended or modified by an affirmative vote of not less than four (4) members of the Board, provided that such amendment be presented in writing at a regular meeting and action taken thereon at a subsequent regular meeting.

SECTION 12. MOTIONS

Every motion shall require an affirmative vote of the majority of the Board members present and voting. Prior to polling the board, the Chairman shall announce the movant and the second.

SECTION 13. ROBERT'S RULES OF ORDER

Any point of procedure not otherwise addressed by these Rules shall be governed by the current edition of Robert's Rules of Order, Newly Revised.

PRESENTED IN WRITING at a regular meeting of the Board on January 12, 2012.

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

December 8, 2011

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

Lewis Heaster
Harold Briley
Doug Thomas
Doug Wigley
Al Jorczak
Rita Press
Pat Behnke, Excused

Staff Present

Ann-Margaret Emery, Assistant City Attorney
Richard Goss, AICP, Planning Director
Steven Spraker, AICP, Senior Planner
Laureen Kornel, AICP, Senior Planner
Becky Weedo, AICP, Senior Planner
Meggan Znorowski, Recording Technician

II. INVOCATION

Mr. Briley led the invocation.

III. PLEDGE OF ALLEGIANCE

IV. NOTICE REGARDING ADJOURNMENT

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

V. APPROVAL OF THE MINUTES

A. November 10, 2011

Chair Thomas asked for approval of the meeting minutes from the November 10, 2011, Planning Board meeting. Mr. Thomas stated that he had never seen thirty-something pages of minutes.

Mr. Briley stated he had one correction on Page 6, next to last paragraph- after “no reuse water” add “south of Granada Boulevard”.

Ms. Press moved to approve the minutes with the stated correction. Mr. Jorczak seconded the motion. Vote was called and the motion unanimously approved.

VI. PLANNING DIRECTOR’S REPORT

Mr. Goss stated there was no report.

VII. PUBLIC HEARINGS

A. PBD 11-009: Garden Plaza Stor-It, Planned Business Development Rezoning, 99 Portland Street

Mr. Steven Spraker, Senior Planner, City of Ormond Beach stated that this is a request for rezoning for a Planned Business Development (PBD). Mr. Spraker explained that this property is located on North US1 and Portland, which is being proposed to be constructed by the applicant as part of this development. Mr. Spraker further explained that this project has three properties that make up the PBD:

1. The first property is located at the corner of the proposed Portland Street, which is the proposed location for a monument sign related to U-Stor It. Mr. Spraker explained that property would retain all the uses of the B7 zoning district so if another use comes along or it is combined with other properties, it could be anything within the B7 zoning district.
2. The second property is a long rectangle along unpaved Flagler Road, which is proposed to be RV and boat storage of 91 units and a stormwater retention pond. Mr. Spraker stated that the access for this project will be Portland Road.
3. The third property was the retention area for the stormwater.

Mr. Spraker explained that Staff has been in communication with the property owner who immediately abuts the property and one of the concerns was how the roadway would impact the structure which is an older structure. Mr. Spraker stated that the project engineers have worked to provide stormwater so as not negatively impact that structure. Mr. Spraker stated that the abutting property owner is present to address the Board should she have any concerns.

Mr. Spraker explained that the purpose for this rezoning is to introduce the RV and boat storage use, the sole purpose of the application. Mr. Spraker stated that the applicant has expressed a conviction that RV and boat storage shouldn't be on US1, and that this is a good site for people to store their recreational vehicles in a location which isn't seen by the general public. Mr. Spraker continued this location is 400 feet off the roadway, will provide a covered canopy, security provided by fencing, landscaping, and the site sign on US1 will identify the project. Mr. Spraker explained that there will not be any traffic other than for this development to use Portland Road, and the adjoining property will be given an access method which will help take some of the traffic off of US1.

Mr. Spraker stated that another benefit of the PBD rezoning is the method of installation of the water lines. He stated typically the applicant could have come straight in Portland and directly into the project, but the proposed waterlines run along Flagler Road; so as future development occurs they will be able to tie into the water, which takes into account future growth in the area. Mr. Spraker stated that Staff is recommending approval of the project; that Staff believes the project meets the criteria for the Planned Business Development; that there is value in having property abutting a railroad which is off of US1 serving this type of use; and gives people the opportunity to store their recreational vehicles somewhere other than on residential property.

Mr. Briley asked regarding the waterline extension along Flagler Road, would the people who developed the properties north of Flagler Road have to annex into the City in order to have access.

Mr. Spraker responded that anytime someone connects to the City's utilities that person would have to annex or sign an annexation agreement.

Mr. Jorczak asked what Flagler Road connected to on the north side and whether there was another way to enter and exit the property.

Mr. Spraker responded that it connects to Broadway Avenue, but there are unpaved portions, and the sole entrance and exit would be off of Portland Street.

Mr. Jorczak asked if there was any signage that could be done in order to alert traffic on US1 of the potential for slow moving, large vehicles entering the roadway which could obstruct both southbound lanes.

Mr. Spraker responded that he would inquire of Florida Department of Transportation regarding special signage.

Ms. Press asked if the storage would be restricted to just recreational vehicles or would business vehicles be permitted.

Mr. Spraker responded that any type of vehicle would be allowed within this development.

Mr. Briley asked if Staff had received the additional information on the overflow of stormwater in the area.

Mr. Spraker responded that it is one of the outstanding comments which would need to be resolved prior to getting a City Site Plan Review Committee approval. Mr. Spraker stated that the applicant has already obtained a St. Johns River Water Management District permit, but that they still need to go through the Planning Board and City Commission.

Mr. Thomas asked if there was anyone present who would like to address this item other than the applicant.

Mr. Dwight DuRant, Zev Cohen & Associates, 286 Booth Road, Ormond Beach stated that he was present to answer any questions.

Mr. Briley asked about the chain-link perimeter fencing, if that was in lieu of a wall based upon sufficient vegetation and no aesthetic issue because it abuts the railroad.

Mr. Spraker responded that the fence will be located behind the landscaping so that the landscaping can grow over the fence, and that the fence is for security. Mr. Spraker stated that it is similar to how industrial properties are allowed to fence.

Mr. Briley asked if it was similar to the wall waiver on commercial properties.

Mr. Spraker responded that there are no residential structures surrounding the proposed project and the existing structure abutting the proposed project is in a commercial zoning district, so no wall waiver is needed.

Mr. Jorczak asked Mr. DuRant if the project is being built right up to the Florida East Coast Right of Way, or is there some setback from that right of way.

Mr. DuRant responded that the property is contiguous to the right of way.

Mr. Briley stated that he thought it was a 25 foot buffer.

Mr. Thomas asked if all of the vegetation would remain.

Mr. DuRant responded yes.

Mr. Jorczak stated that Florida East Coast may decide to double track that line.

Mr. Thomas stated they can only build within their property.

Mr. DuRant stated for clarification that there is a 6 foot landscape buffer, and a wall will be built in order to maintain the vegetation instead of sloping the property.

Mr. Briley stated he read that there was 50% increase in the landscape buffer than what would normally be required.

Mr. DuRant responded that that was correct.

Mr. Briley moved to approve PBD 11-009. Mr. Heaster seconded the motion.

Ms. Press stated that she is delighted to see this kind of storage because we have so many rules and regulations about businesses not parking their commercial vehicles in residential areas, and she hopes that many businesses that have that dilemma will use this facility.

Mr. Heaster stated that he echoed Ms. Press's sentiments and thinks it is a great use of the land.

Vote was called and the motion unanimously approved.

B. M 12-011: Brownfield Designation for the Granada Economic Opportunity Zone

Mr. Richard Goss, Planning Director, City of Ormond Beach, stated that Staff has been working on this since June 16, 2011, when this was brought before the City Commission at the prompting of a property owner wishing to establish a brownfield area for his site and some other sites. Mr. Goss stated at the June 16, 2011, City Commission meeting an area was laid out and the Commission directed Staff to engage the public, which was completed, and this is the first public hearing. Mr. Goss explained that there will be a second public hearing on January 3, 2012, and hopefully if the Commission acts on the item it will be designated that night and move forward to the Florida Department of Environmental Protection (FDEP). Mr. Goss stated that this presentation will be almost the same given at four previous workshops. Mr. Goss explained that there were workshops held in July, August, and September and had approximately 75 people at all of them; attendance was heavy at the very beginning, but started tapering off towards the end. Mr. Goss stated that what was interesting about the meetings is that some of the people were the same business people who wanted to know more about the program. Mr. Goss explained that the four workshops were well advertised via email blasts, the City's webpage, and a flyer to every individual property owner within the proposed boundary. Mr. Goss stated that the boundary includes about 45% of the redevelopment district and the rest of it is along Orchard and the hospital. Mr. Goss explained that downtown was chosen because a few years ago with the form base code development was to be shifted upstairs to two stories or higher; this program will work well to offset the cost of upper-story buildings. Mr. Goss stated there are approximately 398 property owners and 419 actual properties. Mr. Goss explained that brownfield areas are areas that are either underutilized and/or abandoned that could be redeveloped; it may or may not have contamination- it does not need to have contamination to be in this program. Mr. Goss further explained that it is more of an incentive program for redevelopment along downtown commercial corridors. Mr. Goss stated that the reason for the large 16 inch ad in the News Journal was a

requirement due to the combining of the Community Redevelopment Area (CRA) with property outside the CRA. Mr. Goss explained that a brownfield site is property that could be expanded through redevelopment or reuse which may be complicated by actual or perceived contamination. Mr. Goss explained that the designation does not depreciate property. Mr. Goss stated that some people have expressed concern that the designation of the brownfield would result in the property appraiser valuing properties lower within the brownfield; fortunately Audrey Parente, reporter for the Daytona Beach News Journal, actually asked the property appraiser, and it was reported in the paper, that he would never mark down properties located in the brownfield because cities such as Ocala, Orlando, and most of the downtown areas in Volusia County are brownfields. Mr. Goss stated that the brownfield's name will be the Granada Economic Opportunity Zone because it really is an economic opportunity. Mr. Goss then explained the process of obtaining the designation, processes thereafter, and incentives pursuant to Florida Statute. Mr. Goss then explained incentive of the 80%/20% split between the State and the City, loan guarantee incentives, and housing and healthcare incentives.

Mr. Briley asked regarding the 80%/20% split, where the money would come from for the City's portion.

Mr. Goss responded that if the jobs are created within the CRA it will come from TIF and if the jobs are created outside the CRA it will be paid from the Economic Development Fund.

Ms. Press asked how pay grades for jobs would determine incentives given; are the criteria for incentives.

Mr. Goss responded that there are criteria in the Statute; and that it cannot be temporary construction work- it has to be some type of permanent job, but that is all worked out when the meetings begin with Florida Enterprise from which an incentive package is then taken to the City Commission. Mr. Goss explained that from his understanding of the program, while there are a number of statutes on this program- everything is negotiated in the process as part of the package agreement.

Mr. Heaster asked if the job incentive would be for new employees at full time, and with regard to TIF monies- the 20%- would the areas along Granada still qualify for the program for renovations.

Mr. Goss responded yes the programs can be layered; for example, if someone downtown wanted to do commercial below and apartments above in an existing building that needs renovations, they could get the \$50,000 from the City for the rehabilitation of the building, the job bonus for the jobs created on the first floor, the sales tax exemption paid back on the materials for the second floor, and the 50% loan guarantee for a commercial office or the 75% loan guarantee if there is housing above the retail. It all depends on how a project is packaged and the negotiations through the process.

Mr. Heaster asked if the 20% monies would take away from TIF monies for other development.

Mr. Goss responded that he did not think it would be that great. Mr. Goss stated that for each job created the City's portion would be \$200. Mr. Goss stated that he thought that this would be a very good benefit for those who want to come downtown with the mentality of "what's in it for us".

Ms. Press asked how many businesses would fit into the criteria.

Mr. Goss stated that when the economy turns around and the beer distributor moves to US1, that building will be sitting vacant and this would be a good incentive package to bring a business that could create jobs. Mr. Goss explained that if no one does anything, and this program is instituted, there would be no harm. If someone does something, they can benefit from this program if it is instituted.

Mr. Goss explained that if there was a brownfield site within the brownfield area there are benefits such as liability protection for the lender, liability protection for buyers of the property, a new program for risk based clean up based upon the use of the property, sales tax credits, and corporate income tax credits. Mr. Goss explained that the following areas are brownfield areas: New Smyrna Beach Airport, New Smyrna Beach downtown, South Daytona, and Daytona Beach.

Mr. Briley asked if the existing brownfield areas have been running long enough to know the effect they have had.

Mr. Goss responded no; the oldest program began in 1997, and the program did not start taking off until the State started putting significant funds into the program. Mr. Goss stated that all of the programs he listed started in the last 5-6 years.

Ms. Press asked that since there are no downsides to the program, why isn't the whole state a brownfield.

Mr. Goss responded that there are some whole cities which are brownfields. Quincy, located in the panhandle, the entire city has been designated a brownfield area. Mr. Goss stated that Staff has tried to choose areas for the brownfield where the benefit would be the best.

Mr. Wigley asked if the funds were not available for the incentives, did he think it would stall construction or renovations.

Mr. Goss responded that the credits would come; you would essentially be in line. Mr. Goss then explained the statistics of new jobs and indirect jobs created by the program. Mr. Goss stated he has had no requests to opt out. Mr. Goss explained that an advisory board would need to be set up.

Mr. Thomas asked that once the brownfield area is defined can it be added to; do all of the properties have to be contiguous.

Mr. Goss responded that it can be and yes the properties have to be contiguous.

Mr. Thomas asked if there could be more than one brownfield area.

Mr. Goss stated yes, that there is another already in progress which would include US1, the airport, Ormond Crossing, and the business park.

Mr. Wigley asked if an advisory board was required.

Mr. Goss responded that it is required by the Statute because they want an advisory board that is made up of business people in the district to make recommendations to the City Commission with regards to the package of incentives that is going to the Commission for approval. Mr. Goss stated that the advisory board would work the same way it does right now with Main Street with the building improvement grants.

Mr. Heaster asked, with regards to funding, if these are State funds, how much is allocated on an annual basis for the new area if designated.

Mr. Goss responded that he knows he will have the money in TIF to pay for the City's portion.

Mr. Heaster asked how popular this program is.

Mr. Goss explained that it has been so popular that money has always been allocated to the program, but not enough so people have been waiting in line; they get their money, but they are waiting in line.

Mr. Jorczak asked how long it takes to get the designation.

Mr. Goss responded that the designation is automatic; as soon as the resolution is approved it is automatic. The resolution will then be sent by certified mail to Tallahassee and the area will be assigned a number and that will be the account number.

Mr. Jorczak asked how long until the advisory board has to be established.

Mr. Goss responded within the first three months after designation.

Mr. Jorczak asked if anyone has asked to opt out in the second brownfield.

Mr. Goss responded no.

Mr. Jorczak asked that since there will be two distinct areas, what will be the best way to coordinate this without having to have two separate committees.

Mr. Goss responded that he thinks there will have to be two separate advisory boards.

Mr. Thomas asked if someone from another board could serve on one of the advisory boards.

Mr. Goss responded yes.

Mr. Goss stated that this designation has nothing to do with land use or zoning; this is solely a program that provides financial incentives for redevelopment and contamination. Mr. Goss stated once the designation was made you can go to the federal government and get a \$200,000 grant for identification of sites and have someone do a site identification so you know what you have and can proceed from there.

Mr. Thomas opened the floor for audience participation.

Maggie Sacks, 215 Wormwood Drive, Ormond Beach, asked if this was used nationwide or only a Florida program.

Mr. Goss responded that it is nationwide.

Dorian Burt, 203 Pine Cone Trail, Ormond Beach, asked for an explanation; if we are designated and the applicant has to go to Florida Enterprise first, and then the advisory board.

Mr. Goss explained that in his dealings with Daytona Beach and the personnel involved with this program, it is always good to make first contact with Florida Enterprise because they are the financial side; the applicant goes with the City and explain what needs to be done, negotiate the package; then the package goes through the advisory board and then on to the Commission for approval by resolution. It then goes to Florida Enterprise and they underwrite it. After that it goes to an accounting firm in Tallahassee; once they give the blessing the check is written. Mr. Goss explained that that is what Daytona Beach does.

Mr. Briley stated he saw no downside.

Mr. Jorczak stated that he thought it would be a big help and spur the overall economic development in the City. He commended staff for the research and getting it to this point.

Mr. Heaster thanked Mr. Goss for the presentation and Dorian Burt for raising the process information.

Mr. Thomas stated that he has spoken to no one that has anything bad to say about the program, everything is positive; and that he thinks it is a win-win situation. Mr. Thomas stated that his only wish was that all of the areas could have been designated at one time to save money. Mr. Thomas asked about the area west of I-95 once the Airport Road extension is done is there potential brownfield use out

there; the area from SR40 and Tymber Creek Road (Walgreens) going west to where the Airport Road extension is going to come in (west of Hunter's Ridge).

Mr. Jorczak moved for approval of PBD 12-011. Mr. Briley seconded the motion. Vote was called and the motion unanimously approved.

C. CPA 12-003: Chapter 2: District and General Regulations, Article III- General Regulations, Section 2-50: Accessory Uses

Becky Weedo, Senior Planner, City of Ormond Beach, stated that this is an administrative request to amend the LDC pertaining to docks, boathouses and boatlifts. Ms. Weedo explained that this item was presented at the last meeting on November 10, 2011, and the Board directed Staff to provide a comparison of the current and proposed Ormond Beach regulations with the Florida Department of Environmental Protection's regulations as well as language permitting requirements for repairs. Ms. Weedo stated that permit language had been added for repairs; now walkways and terminal platforms can be repaired without a permit; any structural repairs or new construction will require a building permit. Ms. Weedo explained that Section E2I clarifies that no permanent enclosures are allowed; non-permanent structures such as sunshades are allowed; Section E3A was modified with regards to the setback requirements; Section E3E was modified with regard to the maximum length for access piers; Section E5C regarding the boathouse maximum square footage which is now 500 square feet for all waterways.

Mr. Heaster asked with regards to the repair of lifts requiring a permit, what was the thinking behind that.

Ms. Weedo responded that lifts are typically structural, and structural things require permits.

Mr. Heaster stated that a lift which has been damaged, from personal experience, repairing a lift whether it is from a storm or otherwise. He doesn't see how that is structural; it could be a sling or replacement of existing type of lift.

Ms. Thomas stated he could see Mr. Heaster's point on repair, but in his opinion, if a boat lift is there and you are going to repair it, it should not require a permit, but if you are going to install a boat lift you have to have an electrical permit.

Mr. Briley stated he believes new installation should require a permit, but anything to do with repair should not require a permit.

Mr. Thomas stated that ever since the last meeting, everyone he has come in contact with that he has told them what was proposed, the first thing they responded with was that that was ridiculous with regards to the replacement of boards.

The Board then suggested proposed language in order to strike the repairs of lifts needing permits.

Mr. Goss asked the Board to allow Staff to construct the language.

Ann-Margaret Emery, Assistance City Attorney, City of Ormond Beach, stated that she was concerned about removing completely the requirement of having a permit for structural repairs of a lift. Ms. Emery stated she would like to hear from the Chief Building Official on what would be considered a structural repair because it is considered a life-safety issue; just because a contractor is licensed and they pull a permit does not mean they have called for a final inspection, they have had a lot of these problems flow through their office.

Ms. Press asked if they could agree to send the item to the City Commission with the Board's concerns and the Chief Building Official's comments.

Ms. Emery responded that the Board could do that.

Mr. Wigley stated that the members who are struggling with this item need to clarify what part of a structural repair of a lift should not require a building permit.

Mr. Thomas responded a strap.

Mr. Wigley responded that a strap is not structural.

Mr. Thomas responded that that is totally up to interpretation because it holds the boat.

Mr. Wigley stated that he did not think you need a permit for everything you do on a lift.

Mr. Briley stated that if you are replacing a lift or a strap you shouldn't need a permit, but if you are installing a new lift which never existed you would need a permit.

Mr. Jorczak asked if the Board wanted clarification or additional information from the Chief Building Official, could the element to lifts be removed now and review that issue back at a later date as another item.

Ms. Emery responded prior to the item going to the City Commission the item should be worked out because it would be more time consuming to change the amendment later; the Board could make a request that prior to this item going to Commission that the language be clarified and provided to the Board.

Mr. Thomas stated it was his understanding that the Board can make whatever recommendation they want to the City Commission and then the City Commission can do what they like with the discussion.

Mr. Heaster stated if that is the consensus of the Board to send it to the Commission with comments?

Ms. Press stated that the reason for the advisory board is to flush out things just like this in order for the Commission to review them; move this item forward with the recommendation that many members have a problem with “repair” and the Chief Building Official is to review the item and submit that opinion to the Commission.

Mr. Thomas asked who determined the 180 square foot terminal platform area to be “adequate”.

Ms. Weedo responded that the 180 square foot terminal platform has been the limit since the code came into effect and the 160 square feet in the aquatic preserve; if you add all of the structures permitted it comes up to almost 1,000 square feet in coverage over the water, so if the square footage for the terminal platform increases and incremental increases, the coverage over the water increases.

Mr. Thomas stated his concern for large boats, where they do not have a boathouse, but could they have a larger terminal platform.

Ms. Weedo responded that they can have open moorings; there would be an additional width 6 feet for the walkway; there have never been any complaints to the City. Ms. Weedo stated that the reason for the changes to the code were to make the City’s code more consistent with FDEP regulations and to simplify the code; FDEP allows a total square footage of 500 square feet in outstanding Florida waters and 1,000 in Class 3 without a permit, once that is exceeded additional fees and permits are required.

Mr. Jorczak asked what the maximum length permitted of an access pier, located in shallow water is.

Ms. Weedo responded that it can go until it reaches 4 feet mean low waterline or 1 foot below the lowest part of the vessel or 25% opposite buildable shore or 50% of non-buildable shore, which is consistent with FDEP.

Mr. Thomas asked about structures that were built years ago, are those grandfathered in; what would negate that.

Ms. Weedo responded that they would simply be legal non-conforming; 50% or more damage would require the structure to then conform to current code.

Mr. Briley moved for approval of LDC 12-003 with the Planning Board’s comments and concerns and an opinion by the Chief Building Official to be given to the City Commission. Mr. Wigley seconded the motion. Vote was called and the motion unanimously approved.

D. LDC 12-014- Chapter 1, General Administration, Article III, Definitions and Acronyms and Chapter 2, District and General Regulations: Automatic Amusement Center/Game Room

Mr. Goss explained that the Legal Department brought before the City Commission an ordinance pertaining to making internet cafes illegal; as a part of that they also made some amendments to the Amusement Center/Game Rooms and this item would align the Code with the Ordinance. Mr. Goss further explained that the existing definition was eliminated and added a new definition; a definition was added for automatic amusement devices; criteria was added for the actual game rooms and amusement centers; several changes were made to criteria to make it consistent with the Ordinance which was approved by the Legal Department and City Commission; with this realignment everything should be consistent.

Mr. Briley moved for approval of LDC 12-014. Ms. Press seconded the motion. Vote was called and the motion unanimously approved.

VIII. OTHER BUSINESS

A. Approval of 2012 Planning Board calendar of meeting dates.

Mr. Wigley asked if there were any conflicts with the March 8th meeting date with regards to Bike Week. There were none.

IX. MEMBER COMMENTS

Mr. Jorczak wished everyone a safe and happy Christmas and commended the members of the Board for their dedication in trying to make the community a better place and sound advice throughout the year.

Ms. Press concurred with Mr. Jorczak. Ms. Press then stated her concern with Plantation Oaks and the request for rezoning to mobile homes; the item is going before the County's Planning Board on Monday and then on Thursday to County Council, which is unprecedented.

Mr. Goss responded that it is before the City Commission on Tuesday, December 13, 2011, for discussion.

Mr. Wigley stated he hoped everyone enjoyed their holidays.

Mr. Heaster stated that he lives on Riverside Drive and that the community was fortunate that Rockefeller Gardens was remodeled; living so close to the gardens he has noticed over time with the amount of use now for different events that there are a lot of people that cross the road there and are put into danger. Mr. Heaster stated that he has spoken with Joyce Shanahan and the Mayor for over a year; Ms. Shanahan was nice enough to put reflectors out and a yield sign, but he has continued to suggest a speed table. Mr. Heaster asked for support.

Mr. Thomas stated he would be more than happy to support him with regards to speed bumps; he has been an advocate of them for years in recreational areas. Mr. Thomas wished everyone a Merry Christmas, Happy Chanukah, and Happy New Year.

X. ADJOURNMENT

The meeting was adjourned at 9:00 p.m.

Respectfully submitted,

Ric Goss, AICP, Planning Director

ATTEST:

Doug Thomas, Chair

Minutes transcribed by Meggan Znorowski

STAFF REPORT

City of Ormond Beach Department of Planning

DATE: January 2, 2012

SUBJECT: M 12-037 US 1 North Brownfield Designation

APPLICANT: Administrative

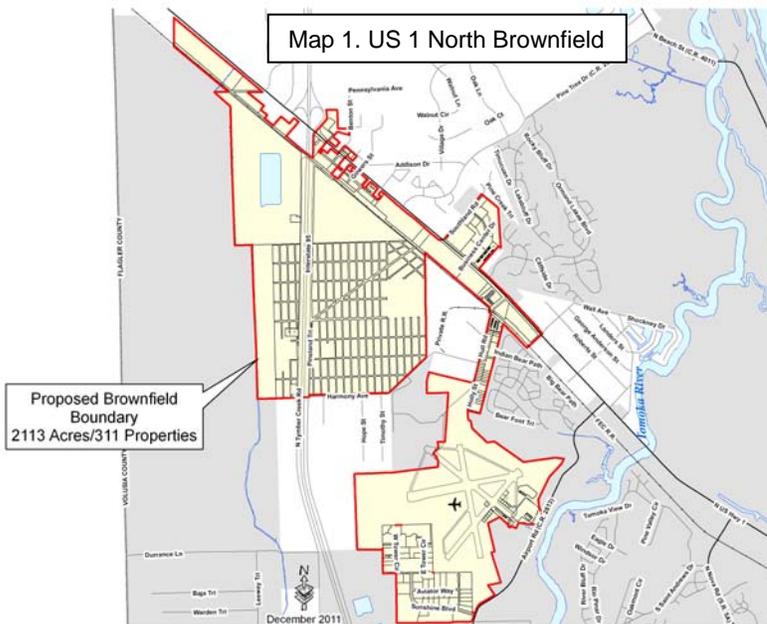
PROJECT PLANNER: S. Lauren Kornel, AICP, Senior Planner

INTRODUCTION: This is an administrative request to consider a proposed Brownfield Area designation known as the US 1 Brownfield including 311 parcels involving 2,113 acres. After the SR 40 Brownfield Designation was initiated, a member of the public recommended staff consider Brownfield designation in the US

1 North area containing-properties which are contiguous along North US 1, the Ormond Beach Municipal Airport/Business Park and Ormond Crossings as depicted in Map 1. In response, staff examined the feasibility of designating the subject area and conducted a series of informational public workshops to provide information and receive input on the Florida Department of Environmental Protection (FDEP) Brownfield Redevelopment Program.

FDEP, the state agency responsible for the Brownfield Redevelopment Program, frames

the program as a smart growth approach to community, economic development, environmental, land use, tax base and urban redevelopment issues. Brownfield redevelopment is one area where environmental and economic development goals further each other. In Florida, cities and counties throughout the state have designated Brownfield areas as a priority due to the emphasis placed on economic and urban redevelopment initiatives. The current administration in Tallahassee for the State has placed a priority on the Brownfield Redevelopment Program because of its proven record in job creation.



The City's Brownfield Program is being presented to the Planning Board as a public hearing item pursuant to the Board's authority outlined in Section 1-15 C.1.c. of the Land Development Code.

BACKGROUND:

Proposed Area Overview

As previously stated, the proposed Brownfield Area generally lies along the US 1 North Corridor including Ormond Crossings and the Ormond Beach Municipal Airport/Business Park. The US 1 corridor has historically been used as the primary north/south arterial thru the City of Ormond Beach. The corridor has changed with age over time and has somewhat declined in aesthetic character. Some sections of the corridor particularly near the interchange are characterized by overhead utilities, sign clutter, and ingress/egress conflicts with deteriorating buildings. The subject area has an inter-mixing of properties in unincorporated Volusia County and the City of Ormond Beach with differing sometimes conflicting standards and has been identified as a redevelopment opportunity. Ormond Crossings, already designated a CRA, consists primarily of vacant lands and is yet to be developed. Though Ormond Crossings is not considered derelict or declining in aesthetic character, at present the property is idle and economically underutilized. The Ormond Beach Municipal Airport/Business Park consists of a variety of businesses including manufacturing, assembly, offices, and communication and is viewed as an area with the potential to generate increased employment in the City of Ormond Beach.

Designation Criteria

In defining the boundaries of the proposed area the City considered the following criteria:

1. Whether the Brownfield area warrants economic development and has a reasonable potential for such activities;
2. Whether the proposed area to be designated represents a reasonably focused approach and is not overly large in geographic coverage;
3. Whether the area has potential to interest the private sector in participating in rehabilitation; and
4. Whether the area contains sites or parts of sites suitable for limited recreational open space, cultural or historical preservation purposes.

Overall, the area for the proposed Brownfield designation fits the criteria used to determine areas to be designated.

Brownfield Program Definitions

The Brownfield Program is designed to redevelop previously used sites including Brownfield sites, locating needed jobs to an urban area and revitalizing commercial corridors where shopping patterns have changed. To understand the Florida Brownfield Redevelopment Program, three definitions are provided:

1. Brownfield's are abandoned, idled, or underused industrial and commercial properties where expansion, reuse, or redevelopment may be complicated by real or perceived environmental contamination.

2. Brownfield area means a contiguous area of one or more Brownfield sites, some of which may not be contaminated, and which has been designated by a local government by resolution. Such areas may include all or portions of community redevelopment areas, enterprise zones, empowerment zones, other such designated economically deprived communities and areas, and Environmental Protection Agency designated Brownfield pilot projects. 376.79(4) F.A.C.
3. Brownfield site means real property, the expansion, redevelopment or reuse of which may be complicated by actual or perceived environmental contamination. 376.79(3) F.A.C.

The Brownfield Program is voluntary and not regulatory. The City is not proposed to change land use or zoning on any of the properties located within the proposed Brownfield Area. A Brownfield designation according to Florida Statute 376 is a formalized process involving a resolution, 2 public hearings and informational meetings. The public hearing before the Planning Board serves as one of those required public hearings.

Financial Incentives Brownfield Area designations offer three financial incentives that are available to all property owners within the designated area regardless whether environmental issues exist or not on a site. These incentives include:

1. A tax credit of up to \$2,500 for each new job above the first five jobs created within the designated area;
2. A sales tax credit on building materials purchased to construct a housing project or mixed-use project in the designated area; and
3. A last resort loan guarantees from 50% to 75% of a total loan.

All these incentives are offered through Enterprise Florida. The one time job bonus is an 80/20 cost sharing with the State. The State provides \$2,000 and the City provides \$500.

In addition to the three incentives provided for area designation, individual sites with environmental issues have a host of other benefits such as liability and legal protection for the property owner and lender, and voluntary cleanup tax credits. There are also federal benefits that are available, including grants and the Brownfield Federal Tax Incentive that allows environmental clean-up costs to be to be fully deducted in the same year they occur.

Advisory Board Requirement

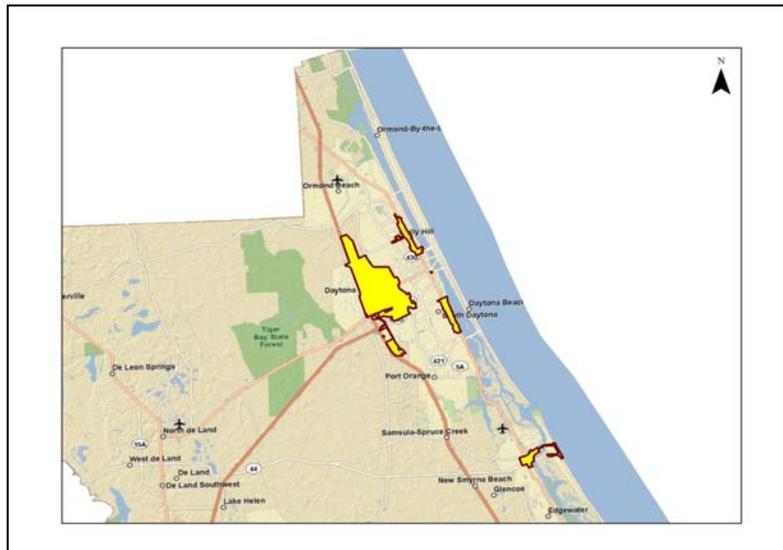
The City is required to use an existing or establish an Advisory Committee that can advise the City Commission regarding redevelopment in the Brownfield Area. In accordance with Florida Statutes, members of the advisory committee should be made up of residents adjacent to the Brownfield Area, businesses operating within the Brownfield area, and other interested parties deemed appropriate.

Current Brownfield Initiatives in Volusia County/Central District/State

The following Brownfield designations exist in Volusia County and are depicted in Map 2 below.

- Daytona Beach Area – Aero Park - (Airport, Aero Industrial Park, ERAU, and Clyde Morris Boulevard properties)
- Holly Hill Special Economic Enhancement District (CRA-downtown)
- New Port LLP (Port Orange) – (Individual property)
- NSB Brownfield Enhancement Zone (CRA-downtown)
- NSB Airport (recent designation)
- River walk Project Area (CRA Downtown Port Orange)
- South Daytona Florida Brownfields Economic Enhancement Area (CRA-downtown)
- William Lofts (Daytona Beach) –(Individual property in downtown)
- 1601 Tionia Road (NSB) – (Individual property)
- Central Business Corridors (Daytona Beach)

Map 2 – Volusia County Brownfield Designations



- Central District:
 - ◆ 60 Brownfield Designation Areas (1 in 2011 so far)
 - 39,100 acres in Brownfield Area Designations
 - >433 acres in Brownfield Sites (1% of Brownfield Area)

- Statewide:
 - ◆ 262 Brownfield Designation Areas
 - >198,000 acres in Brownfield Area Designations
 - >39,100 acres in Brownfield Sites (2% of Brownfield Area)

Brownfield Economic Success

- New Jobs - January 2009 to June 2010
 - ◆ 2,336 new direct jobs,
 - ◆ 3,392 new indirect jobs
 - ◆ New Capital Investment - \$387,903,000

- Since Program Inception in 1997
 - ◆ 13,163 new direct jobs,
 - ◆ 16,529 new indirect jobs
 - ◆ Capital Investment - \$1,679,539,591

Public Outreach

A substantial effort to inform property owners of this proposed designation occurred during the fall of 2011. A series of workshops were held on October 11 and 27, and November 8 with the intention to inform and educate property owners about the benefits and opportunities a Brownfield Area designation provides in redevelopment of properties. The Florida Department of Environmental Protection attended two of the three workshops to assist in disseminating information. In addition staff sent flyers to each property owner located in the proposed area. Workshops were not well attended it is thought perhaps due to the previous four informational Brownfield workshops that were held to designate the Downtown Brownfield.

CONCLUSION: After reviewing the enabling Statute and operating program guidelines, it is clear that the Florida Brownfield Program is voluntary, not regulatory and designed to assist redevelopment through the use of financial tax incentives. The fact that the Brownfield Designation is proposed to include Ormond Crossings, a CRA, further encourages reinvesting in the North US 1 Area. There are currently ten Brownfield designations in Volusia County – all in cities and one proposed designation in the Downtown area of the City of Ormond Beach. Five of those designations include either all or portions of downtown Community Redevelopment Areas. There are 311 parcels involving 2,113 acres in the proposed US 1 Brownfield. Staff received no correspondence from property owners with properties in the proposed Brownfield Area objecting to their property being included in the designation; therefore no property has been deleted from the original list of properties.

RECOMMENDATION: It is recommended that the Planning Board recommend to the City Commission that the US 1 North Brownfield be designated as a Brownfield Area in accordance with FS 376.