



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

December 13, 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. 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:** October 11, 2012.
- VI. PLANNING DIRECTOR'S REPORT**
- VII. PUBLIC HEARINGS**

A. LUPA 12-116: 1433, 1435, 1437, and 1439 North US Highway 1 (MBA Business Center) – Small Scale Land Use Map Amendment

An administrative Small Scale Comprehensive Plan Land Use Map amendment for approximately ±3.97 developed acres located at 1433, 1435, 1437, and 1439 North US Highway 1 to change the land use designation from Volusia County "Commercial" to the land use designation of City of Ormond Beach "Low Intensity Commercial".

B. RZ 12-117: 1433, 1435, 1437, and 1439 North US Highway 1 (MBA Business Center) – Zoning Map Amendment

An administrative Zoning Map Amendment for approximately ±3.97 developed acres located at 1433, 1435, 1437, and 1439 North US Highway 1 to change the zoning classification from Volusia County MPUD (Mixed Planned Unit Development) to the zoning classification of City of Ormond Beach PBD (Planned Business Development).

C. LUPA 12-118: 1-103 Bella Vita Way (Gardens at Addison) – Future Land Use Map Amendment – Expedited State Review Process

An administrative Future Land Use Map amendment for approximately ±11.5 developed acres located at 1-103 Bella Vita Way to change the land use designation from Volusia County “Commercial” and “Urban Medium Intensity” to the land use designation of City of Ormond Beach “Medium Density Residential”.

D. RZ 12-119: 1-103 Bella Vita Way (Gardens at Addison) – Zoning Map Amendment

An administrative Zoning Map Amendment for approximately ±11.5 developed acres located at 1-103 Bella Vita Way to change the zoning classification from Volusia County MPUD (Mixed Planned Unit Development) to the zoning classification of City of Ormond Beach PRD (Planned Residential Development)

E. LDC 13-21: Land Development Code Amendment, Mobility Fees

An administrative request to amend the Land Development Code (LDC) to add a Mobility Fee which is to replace the City’s local road impact fee for three multimodal corridors which are Transportation Concurrency Exception Areas (TCEA). The amendments to the Land Development Code include **(1)** Add a new Section 1-26 to Chapter 1, Article IV entitled Mobility Fee which contains the purpose, fee component, applicability, calculation and fee amount. **(2)** Amend Section 1-32 F of Chapter 1, Article V by adding subparagraph 12 which indicates the fee shall be paid at Certificate of Occupancy and allocated to each mode by the percentage specified in Section 1-26. **(3)** Amend Subsection 1 entitled Purpose and Intent of Section 1-32 (G), Proportionate Fair Share Program shall apply only to transportation facilities outside of designated Transportation Concurrency Exception Areas. **(4)** Amend Chapter 1, Article V, Section 1-32 G by adding to subsection 3 a statement that development within a TCEA is exempt from Proportionate Fair Share. **(5)** Amend Chapter 1, Article V, Section 1-32 G by deleting subsection 13 where a TCEA is subject to proportionate fair share.

F. LDC 13-24: Land Development Code Amendment, Doggie Dining

An administrative request to amend the Land Development Code for restaurants types contained in Chapter 2, Article IV – Conditional and Special Exception Regulations of the Land Development Code: **(1)** Section 2-57, subsections R 5. Restaurant Type A; 6. Restaurant Type B; 7. Restaurant Type C; and 8. Restaurant Type D is proposed for deletion in its entirety. **(2)** Section 2-57 R 5 Restaurant Types, subsection 1 and 2 is proposed to be added as a table depicting requirements by restaurant types and to enable doggie dining at restaurants with outdoor seating areas subject to certain requirements related to application submittal, general criteria for compliance, administration and enforcement and penalties. **(3)** Section 2-57 R of Chapter 2, District and General Regulations, of Article IV, Conditional and Special Exception Regulations of the City Land Development Code is amended to

numerically change subsequent subsections 9, 10 and 11 to 6, 7 and 8 respectively.

G. LDC 12-112: Land Development Code Amendment, Site Signage

An administrative request to amend the Land Development Code for site signage contained in Chapter 3, Performance Standards, Article IV, Sign Regulations of the Land Development Code as follows: **(1)** Delete Section 3-49, Master Sign Plan, and replace it with a Special Exception process to allow ground and pole signs in lieu of monument signs, where required, based on certain conditions. All other sign variances would be required to be processed as a planned development rezoning. **(2)** Amend Section 3-47.B.2 to increase the maximum allowable height of monument signs to eight feet. **(3)** Amend Sections 3-47.B.6 and 3-47.C.4, increase the number of allowable tenant panels from six to eight for monument and pole signs. **(4)** Amend Section 3-47.C to include the word “ground” in the title. The amendments also require an amendment to Chapter 1: General Administration, Article III, Definitions and Acronyms, Section 1-22, to remove the five foot height limitation for monument signs.

H. LDC 13-36: Land Development Code Amendment, Residential Rear Yard Setbacks

An administrative request to amend the Land Development Code for residential rear yard setback standards contained in Chapter 2, District and General Regulations, Article II, District Regulations of the Land Development Code to reduce the rear yard setback in certain residential zoning districts to 20'. The rear yard setback amendments include Section 2-14.B.9.b. (R-2.5 zoning district) from 25' to 20', Section 2-15.B.9.b. (R-3 zoning district) from 25' to 20', Section 2-17.B.9.b. (R-4 zoning district) for all types, including single-family, cluster, patio, zero lot line, multi-family, duplex, triplex, and townhouse from a 25' to a 20' rear yard setback, Section 2-18.B.9.b. (R-5 zoning district) for all types, including single-family, cluster, patio, zero lot line, multi-family, duplex, triplex, and townhouse from a 25' to a 20' rear yard setback, and Section 2-19.B.9.b. (R-6 zoning district) for all types, including single-family, cluster, patio, zero lot line, multi-family, duplex, triplex, and townhouse from a 25' to a 20' rear yard setback.

VIII. OTHER BUSINESS

IX. MEMBER COMMENTS

X. ADJOURNMENT

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

October 11, 2012

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

Al Jorzak
Harold Briley
Pat Behnke
Rita Press
Doug Thomas
Doug Wigley
Lewis Heaster

Staff Present

Richard Goss, AICP, Planning Director
Steven Spraker, AICP, Senior Planner
Lauren Kornel, 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 MEETING MINUTES: September 13, 2012

Mr. Jorczak moved to approve the minutes as amended. Mr. Briley seconded the motion. Vote was called, and the motion unanimously approved.

VI. PLANNING DIRECTOR'S REPORT

None.

VII. PUBLIC HEARINGS

A. FON 12-120: US1 Finding of Necessity.

Lauren Kornel, Senior Planner, City of Ormond Beach, stated this is FON 12-120: US 1 Finding of Necessity an administrative request to recommend to the City Commission approval of the US1 Finding of Necessity including the proposed CRA boundaries. Ms. Kornel continued that this board reviewed this same item August 8, 2012. She explained that this study is a fact finding exercise to document the existing conditions along the US 1 corridor. Ms. Kornel then detailed the location, orientation, characteristics, data, and properties of the study.

Ms. Kornel explained that a legal ad had been placed for this public hearing in the News Journal and approximately 950 property owners were notified via USPS. Ms. Kornel stated that staff had fielded roughly 40 public inquiries and staff has not received any objections regarding the study or any of the findings contained in the study to date. Ms. Kornel concluded her presentation by stating staff seeks a recommendation from the Board to the City Commission to adopt the study via resolution at the December 4th City Commission meeting; at that point the City Commission will consider designating the corridor as a Community Redevelopment Area (CRA) by way of that resolution; if the resolution is passed the City will begin looking toward developing a CRA.

Ms. Press stated she thinks the audience needs to know what this means and how it will affect them.

Mr. Briley offered his understanding is that this is a vehicle to offer rehabilitation or redevelopment of properties.

Ms. Kornel stated that the purpose of the Finding of Necessity is to review the existing conditions of the corridor, analyze the data and make a determination if the corridor meets the State criteria to call the area a blighted area. Ms. Kornel explained that ultimately the City will be looking at developing a CRA, which is a redevelopment tool financed through existing taxes to overcome various blighted conditions. Ms. Kornel continued that the CRA is the mechanism toward improving the areas that have been identified as blighted along the US 1 corridor.

Mr. Briley commented that he would like Ms. Kornel to touch on the benefits.

Mr. Thomas asked that Ms. Kornel explain how this will affect property owners along US 1.

Ms. Kornel stated that it is tough to say at this juncture what the City will move towards in terms of projects, but examples of projects could be a landscaping project or the burying of utilities.

Mr. Thomas stated that people would be interested in how this will be funded.

Ms. Kornel responded that the CRA is the mechanism that a portion of taxes would be applied to various projects within an area once it is designated a CRA, and deferred to Mr. Richard Goss, Planning Director, City of Ormond Beach.

Mr. Briley asked if the money would be captured and only be used within that district.

Mr. Goss replied that is exactly what happens. Mr. Goss explained that assuming the redevelopment plan is approved, for example, 2013, a tax increment financing district would be set up, it freezes the tax base at 2013 rates, so whatever taxes are in 2013 would continue to come to the City for the general fund. However, any new taxes as a result of property appreciation would apply to more improvements because the idea is to improve the values of property through public improvements, and as property values appreciate there is an increment of new taxes and that money is reinvested back into the same neighborhood or area; once that is done it adds to the value to the property, and then the process snowballs.

Mr. Thomas wanted to clarify that it will not increase the property owners' taxes unless the value of their property increases.

Mr. Goss responded that even if the millage rate stays the same, for example, if the millage rate is 10 mills on \$10, when the value goes up to \$15 and it is still 10 mills there is an increment of value and the property value has increased, which is the whole idea behind this.

Mr. Thomas stated he wanted it clarified that this will not be a new tax being levied.

Mr. Goss added that if the property value goes up then there will be an increased increment that is paid, and the improvements funded could be sidewalks, building, or stormwater improvements as identified in the Finding of Necessity.

Mr. Heaster asked if this is similar to the program initiated in the downtown CRA in that there are incentives for employers.

Mr. Goss replied that employers will have two incentives through the brownfield program new employee tax rebate and tax benefits if the property needs rehabilitation due to contamination as well as through the CRA if that is approved in the redevelopment plan.

Mr. Goss explained that the redevelopment plan is not the study before them, but the study will be an appendix to the redevelopment plan; the study only supports the

redevelopment plan with regards to justifying why it is being designated and using those deficiencies to put together an action plan.

Mr. Jorczak asked if it is Mr. Goss' understanding that Holly Hill, Daytona Beach, and New Smyrna Beach have already started a program to do exactly the same thing on US 1.

Mr. Goss responded Holly Hill already has there US 1 corridor designated. Mr. Goss stated that the City of Ormond Beach indicated it wanted the US 1 CRA designation in the 2010 Comprehensive Plan. Mr. Goss continued that Daytona Beach has a portion of US 1 in its redevelopment plan that it is looking to expand, and Daytona Shores has upgraded their portion of US 1 via underground utilities and landscaping. Mr. Goss explained that FDOT is working on a corridor study from Edgewater to the Flagler County line, and he anticipates any transportation, sidewalk, and drainage improvements FDOT indicates would be added to the Finding of Necessity.

Mr. Goss added that the inquiries staff has received have mostly been from people who are from the north and whose experience with redevelopment was condemnation. Mr. Goss stated he does not believe condemnation is in the picture for this study, it was not part of the downtown plan, and he suspects it will not be contained in the plan for the US 1 corridor. Mr. Goss stated the whole idea of this process is to improve the property values, make improvements, and continue to do so, so that in the future when the corridor can stand on its own and the property values increase the City will move on to another location that needs improvements.

Ms. Kornel stated there are three other cities moving towards CRAs: Orange City, Deltona, and Debarry. Ms. Kornel added that the majority of the inquiries she fielded were questions about what the Finding of Necessity study is, if it has anything to do with land use or zoning, and that it is just a fact finding exercise to study the area. Ms. Kornel continued when the redevelopment plan comes, there will be community outreach looking for citizen input regarding what the community wants to see in the area in the terms of redevelopment.

Mr. Thomas called for anyone in the audience who would like to speak.

Roland Malo, 1109 N. US 1HWY, Ormond Beach, asked how the City handles properties located within the County. Mr. Malo stated he could understand amongst all of the negativity how the sidewalks are a necessity. Mr. Malo explained he came in with reservations and now believes this is a good thing as long as it does not involve personal property rights.

Mr. Thomas stated he wanted it made clear that there is no intent to affect personal property or condemnation, but rather a CRA is a mechanism to provide upgrades to the area.

Ms. Kornel thanked Mr. Malo for his comments on pedestrian access. Ms. Kornel stated the reason both incorporated and unincorporated areas is so that the study would be all inclusive and prepared for the future when the City looks at annexing those properties. Ms. Kornel explained this is why there is an interlocal agreement in the works; to deal

with the mix of incorporated and unincorporated properties. Ms. Kornel stated that the City intends to partner with Volusia County in doing this CRA, and the purpose was to be as inclusive as possible so that everyone that might be in need has an opportunity to take advantage of the benefits of the CRA program.

Ms. Lisa Wilson, 126 S. Ridgewood Avenue, Ormond Beach, inquired as to the other means along with taxes being used to fund the improvements; will there be federal money involved.

Ms. Kornel responded that there possibly could be federal money because once it is designated a CRA there is the possibility of applying for federal grants.

Ms. Wilson asked what the ramifications are for this area under federal grants.

Ms. Kornel responded that CRA has not been established yet and that since there are no projects yet, federal grants have not been researched for the proposed CRA.

Ms. Wilson asked if the reasons the businesses closed are known, if it is due to over-regulation.

Ms. Kornel stated with regard to the south study area there are issues with the lots being small and thus have issues related to access and parking.

Ms. Wilson asked if there was a surplus from taxes in order to start this program.

Ms. Kornel replied that the funding would come primarily from taxes at this juncture, but other ways of generating funds would be investigated.

Mr. Thomas stated that one of the first things being looked at would be landscaping, so it would be lower cost improvements to begin with. Mr. Thomas explained that in his experience with grants, most grant funds are matching.

Ms. Wilson inquired if the City was going to make it easier for businesses to move into the vacant properties.

Ms. Kornel responded that is the whole point of the doing the CRA is to improve these conditions, and Ms. Wilson's question is a good one with regards to federal funding, but might be premature in the sense that there is no redevelopment plan yet. Ms. Kornel stated that it is difficult to say what type of federal funding might be pursued until the CRA is established and until a plan with goals, objectives and policies is established.

Mr. Thomas stated that the City is trying to achieve on US 1 is being done in downtown Ormond Beach.

Joan Peligrino, North Ridgewood, Ormond Beach, stated, when she first received the notification, she thought the City was going to take over her house. Ms. Peligrino asked why the study didn't go all the way to Beach Street. Ms. Peligrino also asked what administration asked for the study and the groundwork of where this came from. Ms. Peligrino inquired if abandoned homes will be torn down; who has the authority for

what properties will be destroyed; who will dictate to the property owners what is to be done.

Mr. Briley stated he did not think this had anything to do with condemnation, and if it did he would not support it.

Mr. Thomas responded that Ms. Kornel already stated that condemnation is not even being considered.

Ms. Kornel replied that it was the direction of the City Commission to move forward with the blight study, because US 1 was identified as an area of concern, in terms of its age and areas within it that are deteriorated. Ms. Kornel explained that the boundaries were established by the criteria under the state statute; that is not to say that there are not other areas in the City that are in need of attention, but staff looked at the corridor in its entirety and what would be best included based on the state criteria. Ms. Kornel emphasized that there will be no condemnation. CRA's are a tool or means to achieve redevelopment. Ms. Kornel stated the City is not looking at condemning vacant properties; this is a non-regulatory program.

Mr. Heaster pointed out that there was one other question with regards to other areas. Mr. Heaster stated there is another CRA area along Granada Blvd from Orchard to A1A, so there is already one in the community.

Mr. Wigley stated that this item is strictly to determine if there is a finding of necessity to try to move forward by the City Commission towards a CRA; not creating policy or code enforcement, but rather determining whether there is blight in this area and if the City needs to apply for a CRA designated area.

Mr. Thomas stated he agrees, but since the citizens took the time to show up he wants to hear what they have to say.

Clay Beazley, 2180 Arabian Trail, Ormond Beach, stated that there are some points to take note of; in 1973 the City of Daytona Beach established a CRA and has spent a couple hundred million and still has blight. Mr. Beazley continued that when you talk about freezing property taxes and only using what goes up as a percentage, you are actually talking about subtraction from the fund that it ordinarily would go into for basic services. Mr. Beazley stated the reality of it is that it is not free money; it is factual that if you are taking the money away from somewhere it would be growing, especially in areas where property taxes would be more than likely go up quicker, it could rob from basic services if you think about it from that standpoint. Mr. Beazley suggested a timeline, the total amount, and the amount of matching funds be thought about. Mr. Beazley inquired if matching funds had been contemplated

Ms. Kornel responded that there is no plan yet.

Mr. Thomas reiterated that there is no plan; all that is being accomplished at this meeting is determining that the Board agrees with staff that there is a problem on US 1 and it needs to be addressed.

Mr. Beazley stated Holly Hill has a CRA, and \$2,000,000 later it is empty. Mr. Beazley continued that a good look needs to be taken before the flood gates are opened.

Mr. Chris Jessup, 508 N. Halifax Avenue, Ormond Beach, inquired as to the length of time the taxes would be frozen.

Ms. Kornel responded that is yet to be determined.

Mr. Jessup asked if a CRA address non-conforming lots in any way.

Ms. Kornel responded that there is no CRA yet; what is before the Board is a study that identifies some non-conforming lot issues. Ms. Kornel explained that how to address those issues would be looked at in the development of the redevelopment plan when the time comes.

Mr. Jessup stated if the City goes down this road, reclaimed water that is being made available to the medians should be made available to all of the business along US 1 as well as that is a very real need if the City wants a green zone.

Mr. Joe Dougherty, 352 S. Yonge Street, Ormond Beach, stated he is concerned about the landscaping. Mr. Dougherty asked if he will be required to take the landscaping if he doesn't want it. Mr. Dougherty stated landscaping programs have been brought though before and he isn't happy with some of it.

Ms. Kornel responded that the City has not identified landscaping as something that will definitely be done, but landscaping was indicated as one time of project that might be considered. Ms. Kornel reiterated that the City will be gathering community input when the plan is developed. Therefore, it might be premature to say that is what will be done.

Mr. Dougherty stated sewers were needed and asked if sewers would be a part of this.

Ms. Kornel stated sewers could potentially be part of the redevelopment plan in the future. Ms. Kornel explained that some of the ingress and egress issues Mr. Dougherty referred to in terms of parking and the like are things that were examined when the study was formulated, which is how it was determined that some of the areas are blight. Ms. Kornel explained that is why staff recommended to the Board that they move this item forward and begin to look at designating the area as a CRA so some tax monies could be focused into that area.

Mr. Thomas reiterated that if the Board and City Commission decide to move this forward a redevelopment plan will be formulated with citizen input.

Ms. Kornel added that it won't just be public hearings; there will be public workshops within the community to gather input.

Mr. Marvin Miller, 524 S. Yonge Street, Ormond Beach, thanked the Board for considering this as he believes it is a great idea for the City.

Mr. Heaster stated that there is one good point that came of the discussion tonight, which is that the base year tax revenue when that goes up from the base year forward, and the additional tax monies go back into the areas, they will in fact be redirected. Mr. Heaster continued that is a good thing to think about when it goes to the City Commission, and when the workshops are held that criteria is debated such as how long the funds will be diverted.

Mr. Briley reiterated that this is not a code enforcement tool, but it is designed to benefit the districts.

Ms. Press stated the important thing to remember is that if any of these issues arise, they come back before the Planning Board where the citizens have an input; the meetings will be advertised.

Mr. Jorczak moved to approve FON 12-120 as submitted. Ms. Press seconded the motion. Vote was called, and the motion unanimously approved.

B. PRD 10-152: Marshside- PRD Amendment and Rezoning

Mr. Steven Spraker, Senior Planner, City of Ormond Beach, stated this is an application for a property located at the corner of Tymber Creek Road and Airport Road. Mr. Spraker explained the history, location, orientation, and characteristics of the subject parcels. Mr. Spraker stated the application is seeking two actions. Mr. Spraker explained that when the property was annexed into the City of Ormond Beach it was required to be given the "Suburban Low Density Residential" (SLDR) land use. Mr. Spraker continued that there is only one zoning designation consistent with the SLDR land use, which is a Planned Residential Development (PRD). Mr. Spraker continued that once it is given the SLDR land use it is forced into the Planned Residential Development or alternatively, one acre lots if they property is connected to water.

Mr. Spraker explained that the first action of the application is to rezone the 37 acres, which was annexed into the City of Ormond Beach, to the PRD. Mr. Spraker continued, the second action is to amend the existing Marshside PRD of 68 lots to incorporate the additional 37 acres to the new design of 163 that are proposed to be 60' in width by 110' in depth.

Mr. Spraker stated when the 2006 plan went through City Commission there was a request by the City Commission to look at an offsite park on the City owned property. Mr. Spraker stated the concept was to clear a patch of land so there could be a park site. Mr. Spraker explained the applicant has worked with staff since that 2006 meeting, and the original park site was at the intersection of Leeway Trail and Airport Road. However, Leisure Services staff had concerns with the size of that park in that it was not large enough to serve any function.

Mr. Spraker stated that at that point staff responded to the developer that the City would rather take the impact fees than the park. Mr. Spraker explained that City staff provided criteria for the park, including a cleared area 450' by 480'. Mr. Spraker stated to accommodate the established criteria the applicant proposed a site along Leeway Trail which does not have the wetland constraints as the parcel along Airport Road. Mr.

Spraker stated there are no designs for this park, and staff is seeking input from the Planning Board and City Commission as to whether or not they would want to enter into an agreement that allows the park development and impact fee credits. Mr. Spraker explained that any design would have to be reviewed by the Leisure Services Advisory Board as well as abutting property owners who would have to be consulted.

Mr. Wigley asked for the location of the proposed park to be pointed out on the map.

Mr. Spraker showed the 6 acre track on the aerial photograph. Mr. Spraker explained the previous location with the required size constraints would impact wetlands which would require mitigation and involve a cost.

Mr. Thomas asked Mr. Randy Hayes, City Attorney, if it was appropriate to have two Planning Board members who sit on another board that could potentially deal with parks comment on the park issue.

Mr. Hayes stated it was a publicly advertised meeting and therefore those board members could speak freely about any items on the agenda.

Mr. Wigley inquired as to the access for the proposed park.

Mr. Spraker responded off of Leeway Trail.

Mr. Thomas asked for clarification that the park was designated 1 acre for play area and 1 acre for parking.

Mr. Spraker stated there was no concept design for the area on Leeway Trail. Mr. Spraker explained the park is something that has been offered by the developer, and if there is a desire not to do the park then the developer pays the impact fees. Mr. Spraker stated it is not a condition of the rezoning or PRD and it would not impact the development of the property. Mr. Spraker explained that the developer is trying to respond to comments provided in 2006 by providing additional recreation area for the west Ormond Beach area.

Mr. Jorzak asked for Mr. Spraker to point out the city-owned property.

Mr. Spraker outlined the city-owned property.

Ms. Press asked if there will be amenities on site for the subdivision.

Mr. Spraker responded yes, including a swimming pool, tot lot, and gazebos. Mr. Spraker explained that one of the requirements of the PRD zoning is recreational amenities, and the developer is exceeding what is required. Mr. Spraker stated the off-site park is an additional amenity and expense to the developer for which they would receive impact fee credits for each individual lot.

Mr. Heaster asked if the developer will pay to construct the park up front at the commencement of construction and the City give impact fee credits which would be applied on the remaining lots. Mr. Heaster stated he believed it was a no brainer if the

City gets the money up front in a park and the impact fee credits trickle in over time during the building.

Mr. Thomas commented the only issue is that the park says “free play” which means a grass field.

Mr. Heaster responded that if you take into consideration the costs associated with developing this site: parking, retention, drainage, and the like, and the City would have it today on his dollar.

Mr. Thomas stated that the City would not be receiving impact fees for recreation, what you’re doing is trading your impact fees for a vacant lot that does not alleviate the problems at fields and facilities in Ormond Beach.

Ms. Behnke asked if that area is mostly farm area and developed communities. Ms. Behnke stated the other developed communities have their own amenities, and expressed concern regarding how much the park location actually be used.

Mr. Wigley added there is the maintenance issue as well.

Mr. Thomas stated the City gets more benefit out of the impact fees.

Ms. Behnke concurred because the usage would not justify the fees being given up.

Mr. Heaster disagreed because there is a lot of development and growth in the west side of the City, and to have fields like that in a close proximity gives an advantage.

Mr. Thomas stated he disagreed because there are maintenance issues and they just haven’t work out in the past. Mr. Thomas explained the other issue is if the City is going to maintain it they have to be able to get the machines and fertilizers there.

Ms. Press added the park is just one part of this. Ms. Press inquired how the density of this project compared with the other surrounding developments.

Mr. Spraker replied that the density is similar to Southern Pines which is 1.9 units per acre and higher than Pineland which is approximately 1.2 units per acre. Mr. Spraker stated most west Ormond Beach subdivisions are between the 1 and 2 units per acre. Mr. Spraker stated the density is higher than the 1.47 units per acre proposed with the 2006 approval based on the 60’ wide lot subdivision design.

Ms. Press stated she didn’t recall any other development that had 60’ wide lots.

Mr. Spraker responded that Deer Creek in Hunter’s Ridge has 60’ wide lots.

Mr. Heaster added that it is a new trend with new developments is the narrower lots with less upkeep and maintenance.

Mr. Briley asked how many units are in the other subdivisions with 60’ wide lots.

Mr. Spraker answered that he did not have that information available.

Mr. Jorczak stated a potential advantage he sees to the size of the lots means less expensive homes which means an increase in affordable housing availability and its proximity to Ormond Crossings could be an advantage with respect to the industrial park, while a disadvantage is more traffic referring to the letter in opposition presented. Mr. Jorczak voiced his concern that staff be aware of the impact of this development as well as others that were approved and not yet built out on traffic in this area.

Mr. Spraker continued his presentation regarding traffic impacts, and stated there is a 32' right of way dedication along Tymber Creek Road and Volusia County has a funded roadway project along Tymber Creek from Peruvian Way to SR40 with a design only for the balance from Peruvian Way to Airport Road, but it is not funded. Mr. Spraker explained the traffic analysis included trips generated today, the proposed project trips, and everything that has been vested but not constructed. Mr. Spraker concluded that the results were that Tymber Creek with the four lane improvement and Airport Road maintains an acceptable Level of Service (LOS). Mr. Spraker added that the approach at the intersection of Airport Road and Tymber Creek fails with or without this project.

Mr. Briley stated that gives him concern that it fails with or without this project in that do we really want to make a bad situation and make it worse.

Mr. Spraker responded that according to the Community Planning Act, it is not the responsibility of the developer to bring the entire situation up to the LOS. Mr. Spraker explained that they are required to pay for their impact, which is a significant change from a few years ago with proportionate fair share. Mr. Spraker added that when that intersection fails is when everything is built such as Ormond Crossings, Hunter's Ridge, and others. Mr. Spraker stated there are absolutely traffic issues when the school is opening, and there are other elementary schools that have a similar problem.

Mr. Briley stated during peak hours such as when school is in, you are only 600' back with the first access road from Tymber Creek Road, it will be almost impossible to get out of the subdivision. Mr. Briley asked if staff was okay with the first access road being only 600's back.

Mr. Spraker replied yes. Mr. Spraker added that there is a second access point further down. Mr. Spraker stated the access points are constrained by the wetlands which don't allow development further back into the property.

Mr. Spraker explained there are on-site amenities such as a pool, cabana, tot lot, and gazebos throughout the subdivision. Mr. Spraker highlighted that a special characteristic of the PRD is the architectural standards which ensures that the houses will not all be the same style as well as landscape standards. Mr. Spraker stated there will be perimeter fencing around the project and subdivision signage.

Mr. Spraker stated the Comprehensive Plan and Land Development Code provide certain regulations which require this project to go through this process. Mr. Spraker explained if the Planning Board feels that the lot sizes, architectural styles, or amenities are not what they should be, those are the things that the Board has the ability to negotiate or find that they are not consistent.

Mr. Spraker expressed staff has looked at traffic and understands the AM peak which also occurs at other schools and staff is recommending approval. Mr. Spraker stated the applicant is present should the Board have questions, and staff has had contact with a number of people throughout the public hearing process, so hopefully the Board will hear from all sides.

Mr. Edward Speno, President of White Falcon Land Development, 5036 Dr. Phillips Blvd., Orlando, stated a lot of work has been put into this application, such as the subdivision architectural controls. Mr. Speno asked for the Board's careful consideration. Mr. Speno stated the traffic has been discussed for 6 years and it is a 35 minute problem in the morning and then it goes away. Mr. Speno stated with regards to the park they are just trying to be cooperative and if the Board decides it doesn't want the park, they are comfortable with paying the impact fees.

Ms. Behnke asked with 163 units there is a certificate of school concurrency of total capacity reserve of 64 students, if that is a realistic number.

Mr. Spraker answered that is directly from the School Board staff, who has adopted generation rates which shows 29 elementary students, 15 middle, and 20 high school students.

Ms. Behnke responded that she can't believe there will be no more than 64 school children in that area. Ms. Behnke stated she believes there will be more school traffic than that.

Ms. Press asked if the applicant was marketing towards older people and what the approximate cost of a house in this subdivision would cost.

Mr. Speno confirmed that they were thinking along those lines, the market has changed in the last six years, the years of the large houses are over, and people are looking for something more affordable. Mr. Speno continued they have included in the application an architectural standard that is much more significant than the City's minimum standard. Mr. Speno stated the houses would be listed at between \$175,000-\$250,000 in his estimation.

Mr. Clay Beazley, 2180 Arabian Trail, stated he has been residing in this area for 28 years. Mr. Beazley explained that Leeway Trail is not maintained by a municipality and the residents of that area maintain it. Mr. Beazley expressed concern with building a park with a road that no one maintains. Mr. Beazley stated when he moved into this area in the late 1980s, the lot sizes were 50 acres and they had to be split amongst family members, and when the City annexed the properties in, the lot sizes went to 5 acres. Mr. Beazley continued that then the lot sizes went to 100' in width, then 80', and now 60'. Mr. Beazley stated that they bring up Deer Creek, which is the only subdivision with 60' lots, because when it was brought for public comment the subdivision was to have a couple of golf courses, and it does not. Mr. Beazley asked if the property owner is the developers or is the property owner trying get this passed so they can sell this to the developer. Mr. Beazley stated this is relevant if the applicant is obtaining approval so it can be sold.

Mr. Thomas asked for Mr. Hayes' opinion if this is relevant to the item at hand.

Mr. Hayes responded it is for the purposes of any further document that may go to the Commission, not specifically as it relates to the decision before the Board. Mr. Hayes stated the first page of the staff report reads that it is a request for rezoning and a PRD amendment related to Marshside Subdivision submitted by Edward Speno, President of White Falcon Land Development Company, Inc. (applicant) on behalf of the property owners, Tymber Creek, LLC, Marshside, LLC and Tymber Sky, LLC, so from this he would take that the owners are three entities combined and Mr. Speno is the applicant on their behalf.

Mr. Spraker stated Mr. Speno is the owners' representative, but he is not privy to their relationship.

Mr. Speno explained that his company enjoys a contractual relationship with the property owners and they have been engaged in this entitlement process for seven years.

Mr. Beazley stated in 2006 the Board approved 80' lots, and there has been nothing built since then while other projects in that area are being built. Mr. Beazley expressed his concern that the houses will sell for more than \$175,000, and stated no one buys a house on a 60' wide lot for \$200,000 or more. Mr. Beazley stated that Ormond Beach enjoys something that other cities don't, high values and low taxes. Mr. Beazley added that he is not sold on the idea that low income housing is what is needed. Mr. Beazley stated there is no guarantee that the pictures shown in the presentation is what will be built.

Mr. Beazley stated the 35 minute estimate is a very long time for traffic, and he counted 115 cars from the corner of Tymber Creek and Airport Road meet and the subdivision access. Mr. Beazley stated that is ridiculous to think that anyone is going to be able to get out. Mr. Beazley stated, with regards to the Resource Corridor, it is 1 house per 25 acres because the area you see on the map is a swamp.

Mr. Beazley stated there is no way 163 homes will go into this development with only 64 children, and now they are going to allow these children to go into this school when the classroom size amendment cannot be met. Mr. Beazley stated he didn't understand how anyone could consider trading off impact fees for a park that is a grass lot. Mr. Beazley expressed that his is not against housing projects, but he is against what this project could potentially be.

Mr. Speno responded that there are no less than 16 architectural standards set forth that are very clear and specific, and these standards do not represent entry level housing by any means. Mr. Speno called the Board's attention to Page 2 containing the architectural guidelines, and stated no matter whom the builder may be, these would be the architectural standards.

Ms. Susan Marshall, 455 Leeway Trail, stated this will affect her badly because once the 163 houses are built the other surrounding homeowners will have a problem with flooding as they had issues with flooding when KB Homes went in because they had built their properties higher. Ms. Marshall questioned the fact that there were supposed to originally be 60 homes in this subdivision and now there are going to be 163. Ms.

Marshall explained that there already is a traffic issue as it is now with the school and buses. Ms. Marshall stated that the people that currently live in this area enjoy country living in the city, which is nice. Ms. Marshall added that no one maintains Leeway Trail except the residents. Ms. Marshall said if the developer wants to build something like this let him do it in Orlando.

Mr. Mike Wickman, 2401 Lipizzan Trail, Ormond Beach, pointed out the areas that flood when there is a heavy rain. Mr. Wickman stated his idea if there is a choice between impact fees and the park, take the impact fees and put them towards the sports complex for a stadium. Mr. Wickman questioned who would use the park and where the parks and golf courses planned for Hunter's Ridge.

Mr. Wickman stated he is not against the first approval in 2006 for the 60 homes, but now it has been raised to 163. Mr. Wickman added if this is going to happen, this traffic from all three elementary schools in the area will be impossible. Mr. Wickman explained that all of the 18-wheelers from the industrial parks come across Airport Road to SR 40 to go west or onto I-95. Mr. Wickman stated there is no funding to fix the bottleneck issue near Peruvian Way and if Tymber Creek Road is four-laned there might be a better response. Mr. Wickman asked who is going to maintain, police, and use the park. Mr. Wickman stated if you are thinking it is going to be a spillover practice field for the sports complex, put the money back into the sports complex and build that out. Mr. Wickman continued that if the traffic isn't planned for and the residents have to be inconvenienced, the residents will not be happy and there will be more resistance. Mr. Wickman addressed Mr. Speno by telling him to figure out a way to get the traffic in and out of the area without affecting the school and help the school.

Mr. Bob McCutcheon, 425 Leeway Trail, stated his property abuts the existing City property and the applicant's property. Mr. McCutcheon addressed the park by stating water and sewer would have to be installed. Mr. McCutcheon said in 2004 Hunter's Ridge logged that area, and in 2004-2006 the City ended up with the property. Mr. McCutcheon asked how that happened.

Mr. Thomas responded that Hunter's Ridge was a project between Georgia Pacific, the Durrances, and Jerry Upson; Georgia Pacific owned part of the property.

Mr. Goss added that at that time the City was looking at that parcel for a water treatment facility before the plans changed in the early 1990s, at that time Hunter's Ridge owned it, Georgia Pacific logged it, and then they dedicated the property to the City for a water treatment plan. Mr. Goss stated there is a water reuse tank on the property, but it was never used for the intended use. Mr. Goss stated it was dedicated under the original Development of Regional Impact (DRI) Development Order just for Hunter's Ridge in Ormond Beach not as part of the Flagler portion.

Mr. McCutcheon stated he is not opposed to the applicant building the homes, but he is not supportive of the park concept. Mr. McCutcheon stated Leeway Trail is not being maintained and it cannot handle any extra traffic.

Mr. George Severini, 24 Acanthus Circle, stated in Southern Pines there are still 20 lots left that haven't been built on with a lot size of 80' by 120'. Mr. Severini explained his

concern is that if this subdivision is approved and they clear it and it will be left vacant. Mr. Severini stated the people in the proposed subdivision backing up to the park would have to come out of the development to use the park. Mr. Severini voiced his concern regarding flooding as Southern Pines has issues with flooding during heavy rains.

Mr. Wigley asked what the houses are priced in Southern Pines.

Mr. Severini answered \$160,000 and up.

Ms. Crystal Casper, 290 S. Janice Lane, stated the traffic is horrendous and she cannot make it down the road in 45 minutes. Ms. Casper continued that there are no sidewalks on portions of the road so the kids cannot walk home.

Ms. Patricia Sparks, 290 S. Janice Lane, stated she cannot get out of her neighborhood during school hours.

Mr. Raymond Culgin, 11 Acanthus Circle, Southern Pines, stated since SR40 has been opened up through Airport Road trailer trucks now travel that road as well as on Tymber Creek and traffic considerations should be updated for that area to accommodate changes in the area.

Mr. Speno stated the park construction is an accommodation that they are prepared to make and the design of the park is not yet determined. Mr. Speno continued that this was a cooperation effort with the City and they are prepared to live up to the commitment they made.

Mr. Speno addressed the traffic issue by stating the biggest problem with the traffic is the two elementary schools, and for six years he has been suggesting they change the start up times by deferring them to ease the traffic completely.

Mr. Thomas stated that won't happen because the school board would not agree to that.

Mr. Clay Beazley, 2180 Arabian Trail, stated there is a creek that runs through the proposed project and when the water gets high enough it crosses Leeway Trail and across Tymber Creek as well. Mr. Beazley stated flooding is a big issue. Mr. Beazley continued that the parcel labeled a resource corridor is designated that for a reason and should not contain 60' wide lots. Mr. Beazley stated the developer has the ability to build the lots at 80' width currently, and he is opposed to going from 63 to 163 homes in the proposed subdivision.

Mike Ciocchetti, Esquire, Doran & Sims, 1020 International Speedway Blvd., Daytona Beach, attorney for the property owner for the parcels at issue, explained that Mr. Speno is a development partner and proceeding through the entitlement process and has been working diligently with the City of Ormond Beach to obtain those entitlements. Mr. Ciocchetti stated the owners of the subject properties, while in the form of an LLC, are a local family who owns a number of properties in the area with longtime generational ties to the City.

Mr. Ciocchetti explained that all of the City's architectural standards will be part of the submittal and what is approved. Mr. Ciocchetti commented on traffic by stating there are pre-existing conditions and a traffic study submitted that states traffic will not be affected should the lot sizes be adjusted from 80' to 60' in width. Mr. Ciocchetti stated there is also a St. Johns River Water Management District permit for the property that says if the lot size is reduced that there will not be any flooding concerns, which means there is nothing to dispute in the record.

Mr. Ciocchetti addressed the issue raised of whether or not the lots will sell by stating projects take time to establish and build out. Mr. Ciocchetti continued this project is in the entitlement process and at some point the inventory will clear out. Mr. Ciocchetti concluded by stating there has been a School Board Concurrency Certificate that was issued which is independent and nothing that has been presented today controverts any of the approvals given to the property. Therefore the property being developed should not be penalized for the existing concerns. Mr. Ciocchetti expressed that they will pay their own way for any improvements made to the property through impact fees and increased tax base, and what has happened in the past should not affect this property.

Mr. Wickman stated Mr. Ciocchetti is a paid mouthpiece and the owner will pay his way with the least dollar it will take to get the approval because the extra money goes in their pockets. Mr. Wickman continued that the owners don't live there and the residents who reside in this area will live with what they build. Mr. Wickman stated the residents have valid concerns over traffic, which is pre-existing, but the additional 163 families and cars for the proposed subdivision will most definitely impact that traffic. Mr. Wickman added that the owner is trying to minimize the issues, but it doesn't impact them although it will impact everyone that lives around the proposed subdivision or buys a lot in the proposed subdivision.

Mr. Wigley stated it seems to be an issue that Leeway Trail is not being maintained. Mr. Wigley asked if Leeway is paved with respect to the proposed park.

Mr. Spraker responded that it is his understanding that Leeway Trail is paved in this area, but it is a private road and part of the Durrance Acre project. Mr. Spraker added if there is a decision to do recreation there may be other things that need to occur.

Mr. Wigley asked how those properties are annexed into the City and not have a road that is maintained by the City.

Mr. Spraker replied that the intent has always been to have it as a rural area and as part of the annexation there were provisions that the City would not be responsible for the roads or extending water or sewer to those properties.

Mr. Thomas added that it had to be a dedicated right-of-way.

Mr. Wigley asked if they pay City taxes.

Mr. Spraker answered yes.

Mr. Hayes added the roads did not meet the City standard and the Tymber Creek subdivision is another example because when it was annexed the roads were made private for them to maintain because it did not meet the current standards.

Mr. Beazley concurred and added everyone who bought on the road paid \$5,000 per acre to be on that road because the owners paved that road with their money and the road belongs to the property owners. Mr. Beazley stated when the City annexed the properties it wanted nothing to do with Leeway Trail, and that road belongs to the residents, not the developers.

Mr. Wigley asked if the part of the road that would serve the proposed park is paved.

Mr. Beazley responded that it is paved by his dollars and only about ¼" thick and it is not made for high traffic.

Mr. Thomas closed the audience comments and opened discussion by the Board.

Mr. Briley stated a lot of topics have been touched on and if there were only going to be 50 homes there would still be an impact on traffic and with 160 homes there will be even more of an impact on traffic. Mr. Briley stated with previous subdivisions with 55' and 60' wide lots he was not in favor of them not and is not in favor of them now because it is not the flavor of Ormond Beach and does not support the smaller lot size.

Ms. Behnke stated she is not in favor of the park concept because it does not show potential for utilization and the impact fees would be more appropriate. Ms. Behnke expressed her issue with the 60' lots strictly for the aesthetics and 163 homes could be a problem even being built over a period of time, and is in favor of the 80' lot width.

Mr. Jorczak asked for clarification that the rezoning is not in any way tied to the size of the lots.

Mr. Spraker replied yes the Board can vote for the rezoning for inclusion into the PRD, and then the Board can provide direction as to the standards such as the lot size and the park. Mr. Spraker stated the lot size could be varied like the Tuscany/ Il Villagio subdivision which had lots ranging from 55' to 80' wide.

Mr. Jorczak stated his opinion is that the infrastructure is not in place to handle the concerns and traffic issues that this area has. Mr. Jorczak stated there are developments on the east side of I-95 that have been developed and additional work with the industrial park and at Ormond Crossings, so the density of traffic moving through this area is already a problem adding to that the additional build outs of existing developments it will be a nightmare. Mr. Jorczak stated he had no issue with the rezoning.

Ms. Press stated she, through the years, has had a problem with how this area developed. Ms. Press expressed the issue she has with development in the future is that it is known that there is a problem right now, and it is unknown how bad the problem will be when the existing developments are completed. Ms. Press stated she is concerned because of the wetlands and has issues with the 60' wide lots. Ms. Press stated people have the right

to develop their property, but she would not approve this particular amount of lots coming in at this time.

Mr. Wigley stated he would support the rezoning from A-2 to PRD, but he is uncomfortable with the additional of 37 acres which is predominately wetlands and increasing the number of lots from 68 to 163 lots. Mr. Wigley stated that the increase in lots takes place in most of the original area where currently only 68 lots are approved. Mr. Wigley added he is uncomfortable with 60' wide lots and the traffic as well.

Mr. Heaster stated we cannot fault the landowners for wanting to develop their property to the best and fullest use as that is their right as a landowner. Mr. Heaster stated, unfortunately they are being blamed for the traffic when it is the County's failure for putting two schools in such close proximity and not widening the roads appropriately. Mr. Heaster added that the frustration is being directed at the developer when it is not their fault. Mr. Heaster stated, with regards to the park, if the developer can put some type of amenity outside the subdivision that is good in today's dollars, if it goes to impact fees you don't know where that money will end up not in that area.

Mr. Thomas stated he believes a person has the right to develop their property the way the law says they can and at this time, the law says they can have 63 homes. Mr. Thomas responded to Mr. Ciocchetti's comment that the property owners should not be punished because of the traffic. Mr. Thomas expressed that it didn't matter whose fault it is that Tymber Creek Road is a bad road, the fact remains that it is a bad road. Mr. Thomas stated that no one can convince him that 163 homes are not going to impact it more than the original number slated. Mr. Thomas stated in his opinion these parks do not work and they are not used and it is better to put the money into the centrally located and used parks such as Nova Recreation. Mr. Thomas expressed that he could not support the 60' lot width.

Mr. Spraker stated the Board has two actions; the first is whether to rezone the property zoned A-2 into the PRD and the second is to incorporate that parcel into entire project and providing development approvals. Mr. Spraker explained that should the Board approved the rezoning to PRD, the next determination is the development plan the Board desires for the entire subject property. Mr. Spraker stated the options include, the 68 units that were originally approved only, allow them to have the ability to have 80' wide lots, reengineer the plans to see how many lots they come up with, allow them to have the plan as presented; or the combination of lots meaning a number of different lot sizes.

Mr. Jorczak moved to approve PRD 10-152, Item 1, the rezoning with regards to the property zoned A-2 to match PRD 10-152. Mr. Heaster seconded the motion. Vote was called, and the motion unanimously approved.

Mr. Briley moved to deny PRD 10-152, Item 2. Ms. Behnke seconded the motion. Vote was called: Mr. Wigley for; Ms. Behnke for; Mr. Briley for; Mr. Heaster against; Mr. Jorczak for; Ms. Press for; Mr. Thomas for. The motion carried 6 for, 1 against.

Mr. Thomas stated the Board voted for the inclusion of the A-2 property into the PRD, and voted for the lots to stay at the 80' width.

Mr. Hayes clarified this was only a recommendation to the City Commission.

C. RZ 12-134: 146 N. Orchard Street Amendment to Official Zoning Map

Mr. Spraker stated this is an application for rezoning at 146 N. Orchard Street. Mr. Spraker stated in 2010 the Future Land Use Map designation was changed to "Light Industrial" and with that designation there are limited options for zoning classification, in particular I-1 Zoning District. Mr. Spraker explained this request is to make the zoning consistent with the land use.

Mr. Jorczak asked why not change the land use.

Mr. Spraker responded that the land use was already changed to Industrial based on an applicant amendment. Mr. Spraker stated the Planning Board recommended against the proposed land use change and after the applicant made changes, the City Commission approved the "Light Industrial" land use.

Ms. Press asked what the choice is, if the Commission has implemented the land use.

Mr. Spraker explained that the zoning needs to be changed to be consistent with the land.

Mr. Press responded that if the Commission has already agreed to the industrial land use, it seems like just a formality.

Mr. Spraker agreed with Ms. Press.

Ms. Press stated she voted against the land use amendment and is still against it because it is the worst location to put storage in her opinion. Ms. Press stated that area should be improved and not used for storage.

Ms. Behnke asked if the subject property is currently being used for RV storage.

Mr. Spraker responded no, it is currently vacant land.

Mr. Jorczak concurred with Ms. Press in that the City Commission made an error when they changed the land use. Mr. Jorczak stated when you look at how the downtown area is being developed further downstream, he sees a time when the industrial area along Orchard will disappear, and to convert a property in that proximity to SR 40. Mr. Jorczak stated he understands that staff is looking for a recommendation on the zoning change, but how it will be used is another issue when it comes before the Planning Board in terms of an appropriate use. Mr. Jorczak reiterated that it is a long term mistake for the City.

Mr. Briley moved to approve RZ 12-134 as presented. Mr. Wigley seconded the motion. Vote was called: Mr. Jorczak for; Ms. Press against; Mr. Wigley for; Ms. Behnke for; Mr. Briley for; Mr. Heaster for; Mr. Thomas for. The motion carried 6 for, 1 against.

D. SE 12-136: 906 N US1, Kickstart Saloon: Special Exception for Outdoor Activity.

Mr. Spraker stated this is a request for a Special Exception for outdoor activities including itinerant vending, outdoor music, and bike washes. Mr. Spraker explained the property is the Kickstart Saloon located at 906 North Highway US 1, and described the location, orientation, and characteristics of the property.

Mr. Spraker explained that the applicant was able in 2012 to partner with a non-profit to host a bike week event using itinerant vending and outdoor music. Mr. Spraker continued that the applicant applied this fall to do so again, but it was determined that a non-profit could not be utilized to allow uses that require a special exception and not gain approval administratively.

Mr. Spraker stated it is at the Planning Board and City Commission's discretion what outdoor activities to allow and the hours of operation. Mr. Spraker explained that the application submitted did not provide the type of conditions staff thought were needed to provide parameters of such an event. Mr. Spraker continued that staff attempted to create conditions that staff believes are appropriate and reviewed Volusia County's regulations and attempted to mimic those by permitting the applicant to be the master permit agency with the individual vendors obtaining their own permits with any necessary inspections or state required permits and/or licensing.

Ms. Behnke inquired if the itinerant vendors are permitted on the City part of North Highway US1 by I-95.

Mr. Spraker replied that itinerant vendors are not allowed within the City without a Special Exception because it is an outdoor activity and any outdoor activity requires a Special Exception. Mr. Spraker explained the only type of outdoor activity permitted is if a retail store displays what they have inside on the outside through a special event permit.

Ms. Behnke asked if there have been requests for Special Exceptions for other locations on North Highway US1.

Mr. Spraker responded not to date, but he would expect that there will be more as properties are annexed into the City. Mr. Spraker explained Volusia County allows these activities by right and the City Commission has provided clear direction that they do not want outdoor activity approved by staff.

Ms. Behnke inquired as to the location of the vendors on the property.

Mr. Spraker answered that the applicant has to submit a site plan and the site plan may change from event to event.

Ms. Press asked if the Special Exception, as it is before the Board, is only for the week at Bike Week and the 4 days for Biketoberfest.

Mr. Spraker replied yes, the permit would be for the dates as designated by the Chamber for those events, but Bike Week and Biketoberfest would be the two activity dates only unless they came back and amended the special exception.

Mr. Jorczak asked if the Chamber modifies the event to run for 20 days would this submitted special event would permit that.

Mr. Spraker responded yes.

Mr. Thomas asked if was for official bike week.

Mr. Spraker replied yes.

Mr. Thomas inquired as to how far the subject property was from residential areas.

Mr. Spraker replied that the property ends at the railroad tracks and the railway is 100' in width; there is a house abutting the railroad in Tomoka Oaks.

Mr. Thomas stated using the County's guidelines gives him concern.

Mr. Spraker stated one thing he wanted to bring to the Board's attention is that staff limited the Special Exception to 6 events. Mr. Spraker stated the application cost is approximately \$2,000, so while staff was concerned about allowing the Special Exception to go on indefinitely staff wanted it to be fair to the applicant.

Mr. Thomas asked if they would be allowed to put poles at the property.

Mr. Spraker responded no, the only type of live entertainment allowed is the band.

Mr. Thomas inquired if bike washes are allowed.

Mr. Spraker replied that bike washes are permitted. Mr. Spraker explained that typically non-profits partner with businesses and non-profits are allowed anywhere so if you get Easter Seals to do the bike wash at the gas station, they are permitted uses.

Ms. Behnke stated the termination date was incorrect and needs to end after Biketoberfest 2015.

Mr. Jorczak asked if the application was for 3 years to save money on the reapplication fees.

Mr. Spraker responded yes, but one thing staff specifically wanted the Planning Board and City Commission to look at is if they feel that is an appropriate amount of time. Mr. Spraker stated he envisions that as businesses build up either a good or bad reputation, the Planning Board and Commission would have the ability to extend or shorten the review period accordingly.

Mr. Thomas stated that is logical.

Ms. Press stated the greater issue is what the City wants US 1 to look like.

Mr. Thomas responded that it is already there and it is being restricted to the back, and through annexation the appearance can be changed.

Mr. Heaster stated the issue is who is policing these events and the residents abutting the property are not going to know the laundry list of items the applicant has to conform to and by the time code enforcement would get to it, the event would be over.

Ms. Behnke stated she felt stopping the music at 10:00 PM is good.

Mr. Wigley stated if there is something awry, it is usually complaint driven, and if they are in violation, they lose their special exception; it becomes a non-issue.

Mr. Briley with regards to outdoor entertainment on Page 5, Item 5, oil wrestling should be added.

Ms. Press stated that was one of the issues Mr. Heaster was getting at and how do you list every prohibited activity.

Mr. Nelson Jackson, 906 North Highway US1, stated they had the band at the last Bike Week and they made sure they were done by 10:00 PM so there would be no problems. Mr. Jackson explained the bikini bike wash was to the side of the building and when it got slow the girls walked the side of the road and the police stopped them. Mr. Jackson added he made no money off of the bike wash. Mr. Jackson continued, it was something to get the people in the door. Mr. Jackson stated business is slow and they are using this to help make it through to the next year. Mr. Jackson explained it would be very quiet compared to Iron Horse.

Ms. Press asked what he would be getting from each vendor.

Mr. Jackson responded during Bike Week the rental would be between \$1,000 and \$1,500 a piece. Mr. Jackson explained that if they have the music they will stay.

Ms. Behnke asked what percentage of proceeds they donate to the two foundations. Ms. Behnke also asked for clarification of the charities listed on the application.

Mr. Jackson replied 10% was the past donation.

Ms. Behnke stated she approved of the 6 events, but the dated needed to be corrected to Biketoberfest of 2015.

Mr. Andrew Gertis, 76 N. St. Andrews Drive, stated he saw the notice in the paper and came to state he approves of the language as written; and likes the fact that he is trying to improve his business; his concern was the outdoor music but is satisfied with the 10:00 PM cut off. Mr. Gertis asked if it was restricted to the bike events.

The Board answered yes.

Mr. Gertis stated he felt the term was long, but as long as violation resulted in revocation then is ok with it.

Mr. Briley moved to approve SE 12-136 as presented. Mr. Wigley seconded the motion. Vote was called, and the motion unanimously approved.

VIII. OTHER BUSINESS

None.

IX. MEMBER COMMENTS

Mr. Briley asked if Mr. Goss had heard from Boys Scouts Troop 403.

Mr. Spraker responded that as a non-profit they need to submit a site plan and get a permit; the permit is no cost.

Ms. Behnke stated she wanted to be sure the correct dates are presented for SE 12-136.

Mr. Jorczak inquired as to when the workshop items will come before the Planning Board.

Mr. Goss replied that survival swim instruction will come before the Board in November and signs are scheduled for December.

X. ADJOURNMENT

The meeting was adjourned at 10:07 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: December 13, 2012

SUBJECT: 1433, 1435, 1437, and 1439 North US Highway 1 –
MBA Business Center – Small-Scale Land Use Plan
Amendment

APPLICANT: City Initiated

NUMBER: LUPA 12-116

PROJECT PLANNER: Becky Weedo, AICP, CFM, Senior Planner

INTRODUCTION:

This is a City initiated request for a Small Scale Comprehensive Plan Land Use Map amendment for the MBA Business Center located at 1433, 1435, 1437, and 1439 North US Highway 1 (Exhibit A). This request is to change approximately 3.97 acres from the existing future land use designation of Volusia County "Commercial" to Ormond Beach "Low Intensity Commercial" as the result of an annexation on May 15, 2012.

BACKGROUND:

The MBA Business Center located at 1433, 1435, 1437, and 1439 North US Highway 1, was approved by the Volusia County Development Review Committee (DRC) on February 17, 2004 and rezoned to County Mixed Planned Unit Development (MPUD) by Resolution #2003-209 on June 30, 2004. The subject property is currently built out with four (4) principal buildings totaling approximately 43,712 square feet. The property connected to City water in 2006. The property annexed into the City on May 15, 2012 based on the connection to City utilities and contiguity with the City boundary. Since the subject property is now located within the City of Ormond Beach, it is required to have a similar land use and compatible zoning. Until a City land use designation and zoning classification are adopted, the property maintains its County land use and zoning classifications.

The property is currently developed and there are no plans for future site development. The expected zoning classification will be PBD (Planned Business Development) and will follow upon the completion of the administrative land use change. The proposed land use amendment schedule of the subject property is as follows:

Action/Board	Date
Planning Board	December 13, 2012
Transmit to Volusia County Growth Management Commission and adjoining jurisdictions	December 14, 2012
City Commission 1 st Reading	January 15, 2013
City Commission 2 nd Reading	February 5, 2013
Transmit to Florida Department of Economic Opportunity (DEO)	February 7, 2013
Amendment Adoption Date (If no challenge is received by DEO)	March 8, 2013
Amendment Adoption Date (If a challenge is received by DEO)	The date the State or Administration Commission, respectively, issues a final order determining that the adopted amendment is in compliance (No challenge is expected).

ANALYSIS:

The proposed amendment seeks to change the land use designation of the subject property from unincorporated Volusia County "Commercial" to the City of Ormond Beach "Low Intensity Commercial" on the future land use map (Exhibit B). Staff has reviewed the proposed Future Land Use Map amendment based upon the following criteria:

1. Whether the future land use amendment is consistent with the Comprehensive Plan Goals, Objectives and Policies.

The proposed FLU amendment is consistent with the Goals Objectives, and Policies of the Comprehensive Plan, including but not limited to (Exhibit C):

- Future Land Use Element: Goals: 5, and 6; Objectives 1.2, 2.5, 5.1, 6.1; and Policies 1.1.13, 2.5.2, 2.5.3, 5.1.1, 6.1.1, and 6.1.2
- Transportation Element: Goal 1
- Utilities Element: Policy 1.5.3
- Public School Facilities Element: Policies 1.4.1 and 1.4.2;
- Capital Improvements Element: Objective 1.7
- Intergovernmental Coordination Element: Policy 2.1.5

2. Whether the proposed plan amendment meets the criteria established in the Florida Statutes:

In accordance with Chapter 163.3187(1), Florida Statutes, any local government comprehensive plan amendments directly related to proposed small-scale development activities may be approved without regard to statutory limits on the frequency of consideration of amendments to the local comprehensive plan. A small-scale development amendment may be adopted only under the following conditions:

a. The proposed amendment involves a use of 10 acres or fewer.

The subject property is ±3.97 acres (less than 10 acres)

b. The cumulative annual effect of the acreage for all small scale development amendments adopted by the local government does not exceed a maximum of 120 acres in a calendar year.

The proposed small-scale amendment complies with this requirement. The following represents amendments currently approved in calendar year 2012:

File Number	File Name and Address	Land Use Change	Status	Total Acres
LUPA 12-06	115 North Nova Road	City "Open Space/Conservation" to City "Office/Professional"	Adopted	±0.46
LUPA 12-97	1634 North US Hwy 1	Volusia County "Commercial" to City "Tourist Commercial"	Adopted	±4.60
Total:				±5.06

c. The proposed amendment does not involve a text change to the goals, policies, and objectives of the local government's comprehensive plan, but only proposes a land use change to the future land use map for a site-specific small scale development activity. However, text changes that relate directly to, and are adopted simultaneously with, the small scale future land use map amendment shall be permissible under this section.

The proposed amendment is solely to the Future Land Use Map and does not propose any text amendments to the City's Comprehensive Plan.

d. The property that is the subject of the proposed amendment is not located within an area of critical state concern, unless the project subject to the proposed amendment involves the construction of affordable housing units meeting the criteria of s. [420.0004\(3\)](#), and is located within an area of critical state concern designated by s. [380.0552](#) or by the Administration Commission pursuant to s. [380.05\(1\)](#).

The site location is not located within an area of state critical concern, and this criterion does not apply.

3. Whether the land use is an appropriate use of the land.

Land Use: The adjacent land uses and zoning are as follows:

Land Use and Zoning Designations of Adjacent Property			
	Current Land Uses	Future Land Use Designation	Zoning
North	Gardens Business Center	Volusia County "Commercial"	Volusia County B-4 "General Commercial"
South	Vacant	Volusia County "Urban Medium Intensity"	Volusia County BPUD "Business Planned Unit Development"
East	Gardens at Addison Townhouses	Volusia County "Commercial" and "Urban Medium Density"	Volusia County MPUD "Mixed Use Planned Unit Development"
West	Vacant	Ormond Beach "Tourist Commercial"	Ormond Beach B-7 "Highway Tourist Commercial"

The future land use designation presently assigned to the subject property is Volusia County "Commercial". The Volusia County Comprehensive Plan states the following for the "Commercial" land use category:

"Commercial (C) - "This category accommodates the full range of sales and service activities. These uses may occur in self-contained centers, high rise structures, campus parks, municipal central business districts, or along arterial highways. In reviewing rezoning requests or site plans, the specific intensity and range of uses, and design will depend on locational factors, particularly compatibility with adjacent uses, availability of highway capacity, ease of access and availability of other public services and facilities. Uses should be located to protect adjacent residential use from such impacts as noise or traffic. "

This request is for a land use amendment to assign the City "Low Intensity Commercial" future land use category. The directive text of the City's Comprehensive Plan states the following for the "Low Intensity Commercial" category:

"Purpose: A multi-use land use category to depict those areas of the city that are now developed, or appropriate to be developed, for retail, office and professional services, and restaurants consistent with the surrounding uses, transportation facilities and

natural resource characteristics of such areas. For projects that propose a mixture of residential and non-residential uses, the minimum FAR should be 0.2.

Density: Maximum 10 units per acre.
Maximum FAR: 0.6.”

The proposed future land use classification is compatible with adjacent land uses to the subject property.

4. Whether there is adequate infrastructure to serve the proposed land use.

Typically, an infrastructure analysis is performed to determine the maximum development scenario. This application is unique in that the project was originally approved by Volusia County as MBA Business Center, a Mixed Planned Urban Development (MPUD) and the land use amendment is the result of annexation.

Transportation: The subject property is currently developed as office/retail with four buildings totaling ±43,712 square feet. A traffic impact analysis was prepared December 2003 as part of the Volusia County site plan review requirements. The land uses analyzed were office and retail using a total square footage of 45,600 square feet for trip generation projections. Since the current development built is less square footage (43,712) than what the County Development Order approved (45,600), the land use amendment shall not impact the trip generation rate. There are no deficiencies on the existing and future roadway network in this area in the mid-term (2020) or the long-term (2025). If the site were to expand in the future, a concurrency analysis would be required.

Water & Sewer: The subject property is located in the utility service area of the City of Ormond Beach and will not generate an increase in demand.

Stormwater Management: The site is developed with an approved site plan that contains a stormwater management system.

Solid Waste: This property is developed and will not generate an increase in demand.

Schools: The site is developed as a business center and there will be no impacts to schools as a result of the subject land use amendment. The Volusia County Schools has reviewed for impacts and finds no objections as the proposed amendment will not increase density (Exhibit D).

Other Services: City police and fire protection services serve this area. The parcel is located within an approximate 4-5 minute response time from emergency facilities.

5. Whether the proposed map amendment impacts surrounding jurisdictions.

The property is not located next to another City and there are no impacts expected to any surrounding jurisdiction. The North US Highway 1 corridor around I-95 is a mixture of properties located within Ormond Beach and unincorporated Volusia County.

CONCLUSION:

Staff supports the land use amendment from Volusia County "Commercial" to Ormond Beach "Low Intensity Commercial". Since the existing parcel is developed as the MBA Business Center, the small scale land use map amendment is an administrative amendment required to assign a City Future Land Use Map designation to the subject parcel. Staff believes that the Ormond Beach "Low Intensity Commercial" land use category is appropriate for the following reasons:

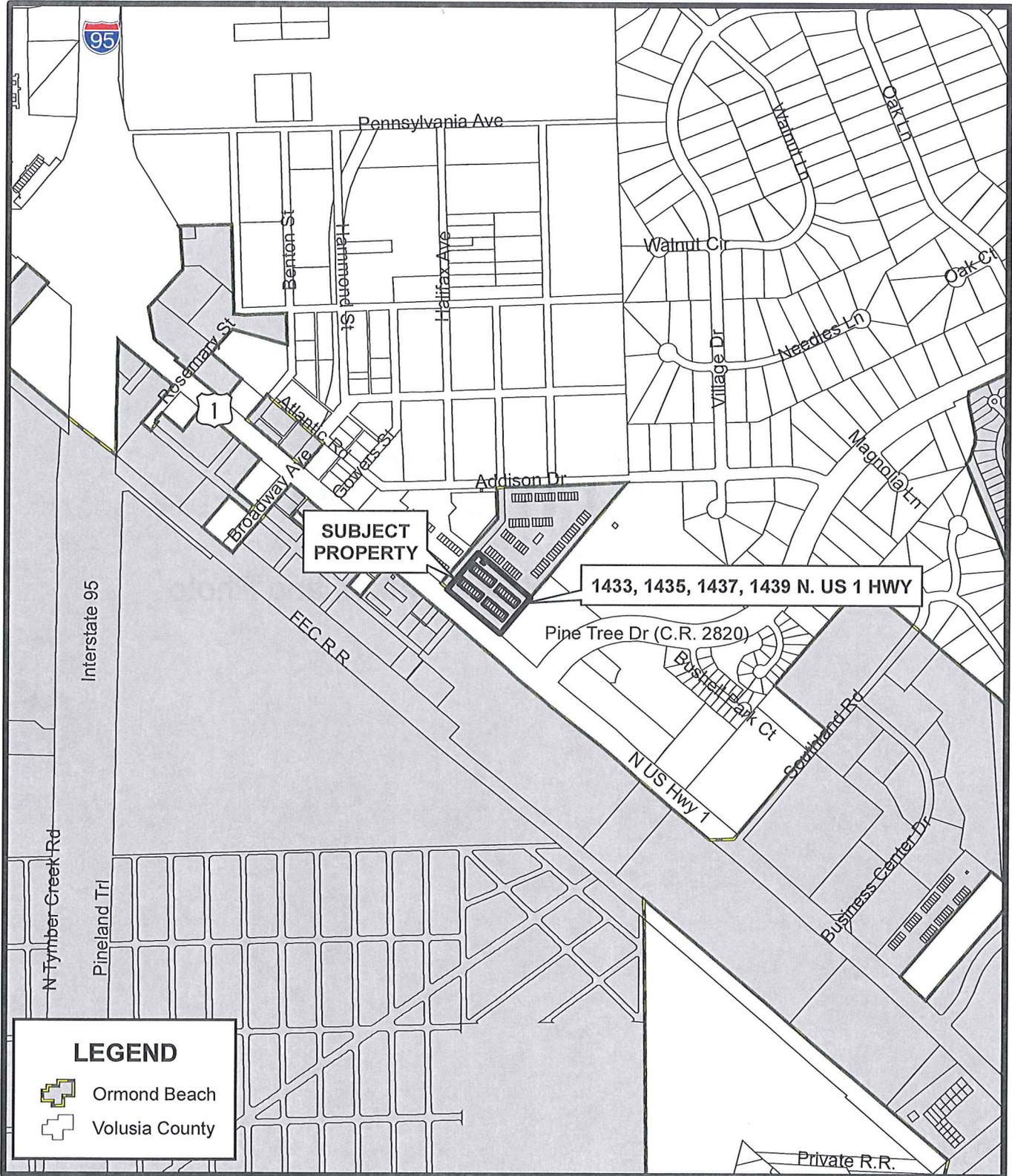
1. The amendment meets the Goals, Objectives, and Policies of the City's comprehensive plan;
2. The amendment meets the requirements established in the Florida Statutes;
3. The proposed land use is an appropriate use of land;
4. There is adequate infrastructure to serve the proposed land use. Since the site is already developed, there will be no change to impacts on facilities and services as a result of the administrative change in land use from County "Commercial" to Ormond Beach "Low Intensity Commercial"; and
5. The proposed land use will not impact surrounding jurisdictions.

RECOMMENDATION

Staff recommends that the Planning Board recommend **APPROVAL** of Case # LUPA 12-116 – a Future Land Use map amendment for ±3.97 acres from the existing land use designation of Volusia County "Commercial" to City of Ormond Beach "Low Intensity Commercial" at 1433, 1435, 1437, and 1439 North US Highway 1, also known as MBA Business Center.

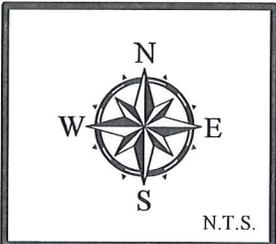
EXHIBIT A

Location Map, Legal Description, and Photo



**1433,1435,1437,1439 N. US 1 HWY
(MBA Business Center)
LOCATION MAP**

The City of Ormond Beach G.I.S. Department
Prepared By: Steve Johnson 10/23/2012



MBA Business Center (1433, 1435, 1437, and 1439 North US Highway 1)
Legal Description and Photo

A PORTION OF SECTION 36, TOWNSHIP 13 SOUTH, RANGE 32 EAST, VOLUSIA COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

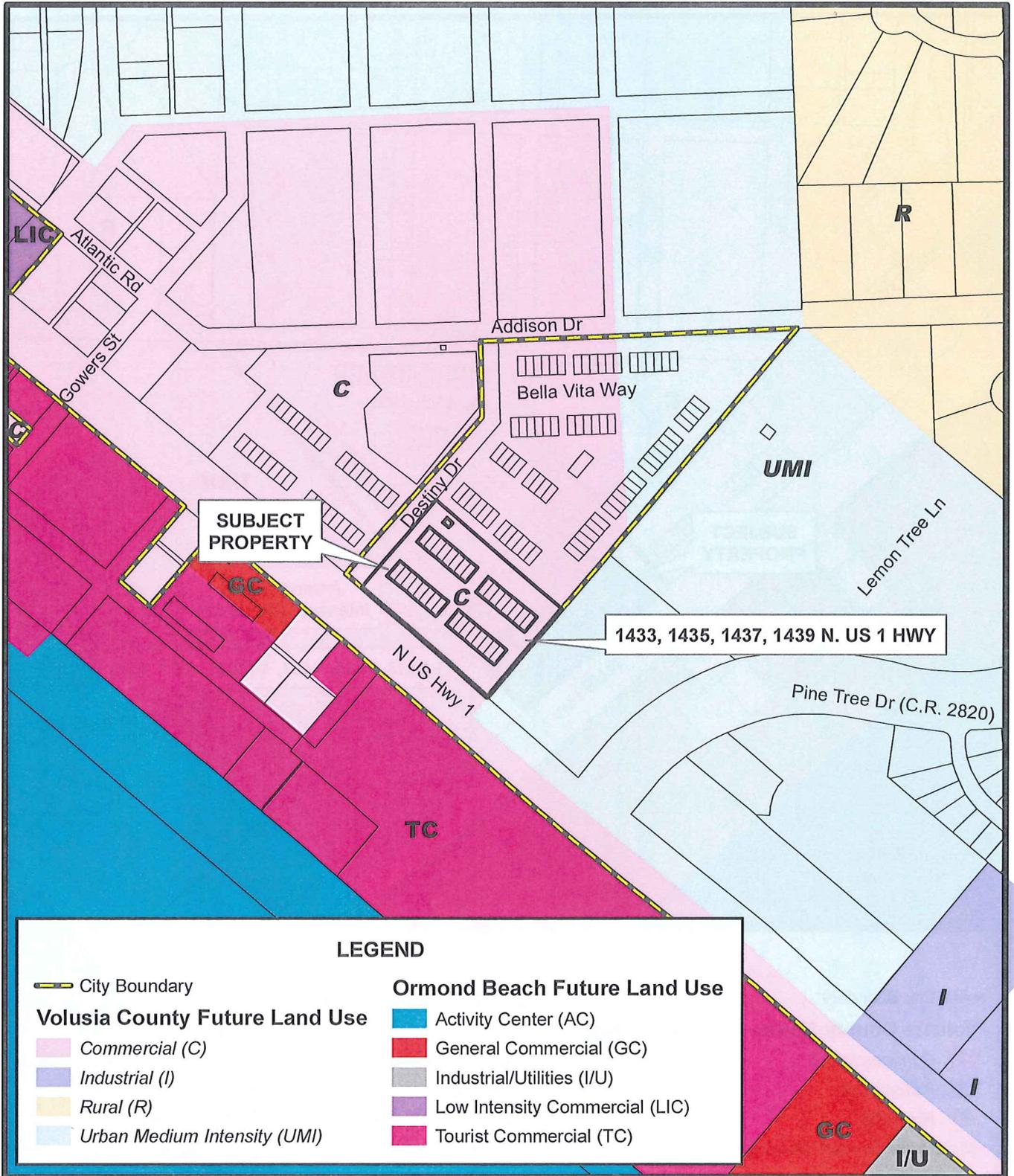
BEGINNING AT THE INTERSECTION OF THE NORTHEASTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO.1 (A 160 FT. RIGHT-OF-WAY AS CURRENTLY OCCUPIED, AND ESTABLISHED), WITH THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF DESTINY DRIVE (A 60 FT. RIGHT-OF-WAY, ALSO KNOWN AS ST JOHNS STREET), AS SHOWN ON THE REVISED PLAT OF NATIONAL GARDENS AS RECORDED IN MAP BOOK 10, PAGES 250-253, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, RUN THENCE N42°41'24"E ALONG SAID SOUTHEASTERLY RIGHT-OF-WAY LINE OF DESTINY DRIVE A DISTANCE OF 345.00 FEET TO A POINT; THENCE DEPARTING SAID SOUTHEASTERLY RIGHT-OF-WAY LINE S47°22'44"E FOR A DISTANCE OF 500.59 FEET TO THE NORTHWESTERLY LINE OF THE LAKES OF PINE RUN CONDOMINIUM SITE AND THE VILLAGE OF PINE RUN, MAP BOOK 35, PAGE 40, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA; THENCE S42°35'21"W ALONG SAID NORTHWESTERLY LINE FOR A DISTANCE OF 345.00 FEET TO THE NORTHEASTERLY LINE OF U.S. HIGHWAY NO.1 AFORESAID; THENCE N47°22'44"W ALONG SAID U.S. HIGHWAY NO.1 FOR A DISTANCE OF 501.16 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINING 3.97 ACRES MORE OR LESS



EXHIBIT B

Future Land Use Maps



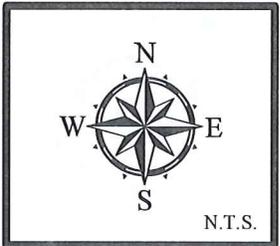
LEGEND

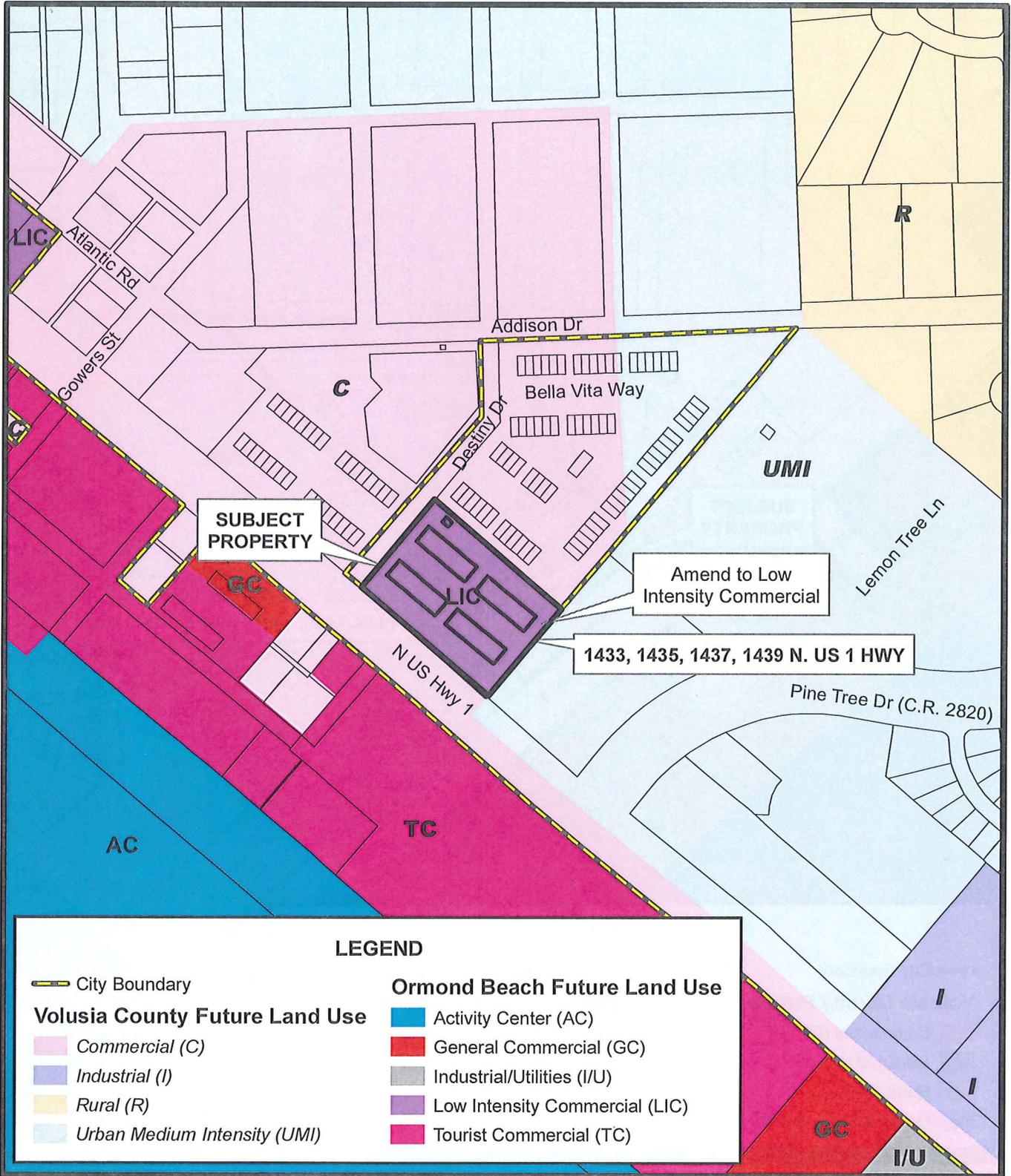
City Boundary	Ormond Beach Future Land Use
Volusia County Future Land Use	Activity Center (AC)
Commercial (C)	General Commercial (GC)
Industrial (I)	Industrial/Utilities (I/U)
Rural (R)	Low Intensity Commercial (LIC)
Urban Medium Intensity (UMI)	Tourist Commercial (TC)



CURRENT FUTURE LAND USE MAP
1433,1435,1437,1439 N. US 1 HWY (3.97 Acres)
PID 3136-04-00-0001 (MBA Business Center)

The City of Ormond Beach G.I.S. Deaprtment
 Prepared By: Steve Johnson 10/23/2012





PROPOSED FUTURE LAND USE MAP
1433,1435,1437,1439 N. US 1 HWY (3.97 Acres)
PID 3136-04-00-0001 (MBA Business Center)

The City of Ormond Beach G.I.S. Department
 Prepared By: Steve Johnson 10/23/2012

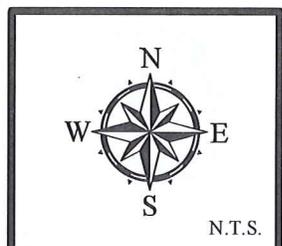


EXHIBIT C

Goals, Objectives, and Policies

Future Land Use Element

OBJECTIVE 1.2. COMMERCIAL LAND USE-Ensure that adequate amounts of land are available to meet the commercial land use needs of the community.

POLICY 1.2.13. Those properties for which a BPUD has been approved in the County can develop under those land uses, provided that the Development Agreement with the County is still valid and in effect. Applicants shall be encouraged to meet City land development standards.

OBJECTIVE 2.5. COMPREHENSIVE PLAN AMENDMENTS - The City shall review proposed text and Future Land Use Map amendments based upon state requirements, Volusia County regulations, and the Goals, Objectives, and Policies of the City's Comprehensive Plan.

POLICY 2.5.2. - The following criteria shall be used in reviewing Comprehensive Plan amendments:

1. Consistency with the Goals, Objectives, and Policies of this Plan.
2. Consistency with state requirements, including 9J-5 and Florida Statutes requirements.
3. If the amendment is a map amendment, is the proposed change an appropriate use of land.
4. If the amendment is a map amendment, the impacts on the Level of Service of public infrastructure including schools, roadways, utilities, stormwater, and park and recreation facilities.
5. If the amendment is a map amendment, impacts to surrounding jurisdictions.

POLICY 2.5.3. - All Comprehensive Plan amendments shall require the advertising and notification requirements of Florida Statutes and Chapter I, Introduction, Plan Administration of this Comprehensive Plan.

GOAL 5. ANNEXATION - THE CITY PROVIDES UTILITY SERVICE BEYOND IT'S MUNICIPAL LIMITS AND SHALL REQUIRE THAT ANY CONNECTION TO THE CITY UTILITY SYSTEM EITHER ANNEX INTO THE CITY OR ENTER INTO AN ANNEXATION AGREEMENT IF NOT CONTIGIOUS FOR UTILITY SERVICE.

OBJECTIVE 5.1. ANNEXATION - Newly annexed areas and new development shall not impose additional tax burdens on City residents or adversely impact City managed natural resources, public facilities and services, including potable water, sanitary sewer, drainage, solid waste, parks and recreation and cultural facilities. Future land uses shall be located consistent with the provision of public facilities and services.

POLICY 5.1.1. - Properties that are annexed into the City of Ormond Beach shall be assigned a similar land use that existed in Volusia County. Property owners may apply for more intensive land uses, but shall be required to provide the data and analysis to justify the increase in density and/or intensity.

GOAL 6. PLANNING PROCESS - CONTINUE TO IMPLEMENT A PERMANENT AND EFFECTIVE LOCAL LAND USE PLANNING PROCESS, BASED ON SOUND PROFESSIONAL PLANNING PRINCIPLES AND THE DESIRES OF THE CITIZENRY TO GUIDE THE FUTURE DEVELOPMENT OF THE CITY TO ENSURE THE HIGHEST QUALITY OF LIFE POSSIBLE FOR ALL EXISTING AND FUTURE RESIDENTS.

OBJECTIVE 6.1. PUBLIC PARTICIPATION - The City should continue to provide adequate opportunity for citizen initiative and participation in the planning process. This shall include notification procedures appropriate to the planning issue.

POLICY 6.1.1. - The City, through the City Commission, the Planning Department, and advisory boards, shall continue to solicit public input and involvement in all areas of planning.

POLICY 6.1.2. - The City Commission and the Planning Department shall continue and, where necessary, improve and initiate measures to increase citizen awareness concerning planning issues.

Transportation Element

GOAL 1. LAND USE - PROMOTE A BALANCED, AFFORDABLE, RELIABLE, CONVENIENT AND EFFICIENT MULTI-MODAL TRANSPORTATION SYSTEM THAT SUPPORTS THE LAND USE VISION OF THE ORMOND BEACH COMPREHENSIVE PLAN.

Utilities Element

POLICY 1.5.3. - The location and timing of providing public facilities and services shall be used as methods of implementing the Comprehensive Plan and associated sound and reasonable growth management policies and plans, and for the establishment of a direct, objective relationship between the entire array of public facilities and services and land use intensities.

Public School Facilities Element

POLICY 1.4.1.- The City of Ormond Beach shall take into consideration the School Board comments and findings on the availability of adequate school capacity in the evaluation of comprehensive plan amendments and other land use decisions including but not limited to developments of regional impact. School Board review shall follow the policies and procedures set forth in the interlocal agreement.

POLICY 1.4.2. - Amendments to the future land use map shall be coordinated with the School Board and the Public School Facilities Planning Maps.

Capital Improvements Element

OBJECTIVE 1.7. INTERGOVERNMENTAL COORDINATION

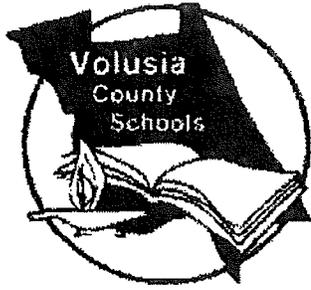
Intergovernmental cooperation and coordination shall be established and maintained in order to plan for and provide the best methods for providing efficient, cost-effective, and environmentally sound public facilities and services.

Intergovernmental Coordination Element

POLICY 2.1.5.- The City of Ormond Beach shall continue to implement school concurrency and Section 206 of the Volusia County Charter no later than February 1, 2008.

EXHIBIT D

Volusia County Schools Letter



Dr. Margaret A. Smith
Superintendent of Schools

FACILITIES SERVICES

3750 Olson Drive, Daytona Beach, Florida 32124
PHONE: 386/947-8786 FAX: 386/506-5056

School Board of Volusia County

Dr. Al Williams, Chairman
Ms. Judy Conte, Vice-Chairman
Mr. Stan Schmidt
Ms. Candace Lankford
Mrs. Diane Smith

October 22, 2012

Ms. Becky Weedo
Senior Planner
City of Ormond Beach
Planning Department
22 South Beach St., #104
Ormond Beach, FL 32174

RE: 2012 Administrative Future Land Use Amendments

Dear Ms. Weedo:

District staff has reviewed the information for five (5) administrative land use amendments for recently annexed properties located along U.S. Highway 1 in the Ormond Beach area. Staff understands that these land use amendments are necessary to change from Volusia County land use designations to the city's designations.

Regarding the following four (4) future land use amendments:

1. 1433, 1435, 1437, and 1439 N. US 1 Hwy (MBA Business Center) \pm 3.97 acres.
2. 1444 N US 1 Hwy - \pm 7.2 acres – Parcel ID 3136-01-58-0190
3. 1428 N. US 1 Hwy – \pm .53 acres – Parcel ID 3136-01-58-0460
4. 1438 N US 1 Hwy - \pm .15 – Parcel ID 3136-01-58-0210

The current Volusia County land use designations are commercial. The city proposes to change the future land use designations to low intensity commercial. It is the districts understanding that these amendments would be considered 'housekeeping' following the annexation into the city limits.

Regarding the Gardens at Addison Townhomes:

5. 1-103 Bella Vita Way (Gardens at Addison Townhomes) – ±11.5 acres

This townhome development received final development order approval in 2004 and remains valid for 72 townhome units. The current Volusia County future land use designation is commercial/urban medium intensity. The city proposed land use designation is medium density residential. At this time, there are no plans for additional development and no new residential dwelling units are proposed with this land use change.

Please be advised the school district has no objection to the future land use amendments since they will not result in an increase of residential density.

The district thanks you for the opportunity to review the proposed administrative future land use map amendments. If you should have questions or require additional information, please do not hesitate to contact me at (386) 947-8786, extension 50805.

Sincerely,



Helen LaValley
Planning Specialist

STAFF REPORT

City of Ormond Beach
Department of Planning

DATE: December 13, 2012

SUBJECT: MBA Business Center, 1433, 1435, 1437, and 1439 North
US Highway 1: Amendment to Official Zoning Map

APPLICANT: City Initiated

NUMBER: RZ12-117

PROJECT PLANNER: Becky Weedo, AICP, CFM, Senior Planner

INTRODUCTION:

This is an administrative request, as the result of an annexation, to amend the City's Official Zoning Map for approximately 3.97 acres from the existing zoning classification of Volusia County MPUD (Mixed Planned Unit Development) to City of Ormond Beach PBD (Planned Business Development). The subject property is located at 1433, 1435, 1437, and 1439 North US Highway 1, MBA Business Center.

BACKGROUND:

MBA Business Center was approved by the Volusia County Development Review Committee (DRC) on February 17, 2004 and rezoned to County Mixed Planned Unit Development (MPUD) by Resolution #2003-209 on June 30, 2004. The project is completed with the construction of four (4) principle buildings with a total of 43,712 square feet. The property connected to City water in 2006. The City Commission approved the annexation of MBA Business Center on May 15, 2012 based on the connection to City utilities and contiguity with the City of Ormond Beach boundary lines.

The City is presently processing a separate land use amendment from Volusia County "Commercial" to Ormond Beach "Low Intensity Commercial". The proposed rezoning from Volusia County MPUD (Mixed Planned Unit Development) to Ormond Beach PBD (Planned Business Development) is contingent upon adopting the land use change. As previously stated, the subject property is already developed and there is no site development or alterations proposed for the subject property associated with this rezoning. Subsequent to Planning Board review, the rezoning will be reviewed by the City Commission for final action.

ANALYSIS:

The existing Volusia County zoning classification for the subject property is MPUD (Mixed Planned Unit Development). The Volusia County MBA Business Center/Gardens at Addison MPUD Resolution #2003-209 designates the following allowed uses:

Volusia County Permitted MPUD Uses approved for MBA Business Center

Art, dance, modeling and music schools	Essential utility services	Laundry and dry-cleaning establishments	Retail sales and services
Barber and beauty shops	Exempt excavations	Pawnshops	Retail specialty shops
Catering services	Exempt landfills	Pest exterminators	Tailors
Dental laboratories	Financial institutions	Private clubs	Travel agencies
Employment agencies	General offices/office flex space	Restaurants, types A and B	Veterinary clinics

The subject property is undergoing a land use amendment to assign a City Future Land Use designation of "Low Intensity Commercial". The goal of the zoning classification is to provide the most similar classification assigned by Volusia County. In accordance with the City's Comprehensive Plan the City "Low Intensity Commercial" land use designation was applied to the subject property. In choosing an appropriate zoning district, Table 2.2 under Chapter 2, Article I – Establishment of Zoning Districts and Official Zoning Map, Section 2.02 of the City's Land Development Code was referenced.

Comprehensive Plan Future Land Use Map Designation	Corresponding Compatible Zoning District
Low Intensity Commercial	Professional Office – Hospital (B-1) Central Business (B-4) Service Commercial (B-5) Oceanfront Tourist Commercial (B-6) Highway Tourist Commercial (B-7) Commercial (B-8) Boulevard (B-9) Suburban Boulevard (B-10) Planned Business Development (PBD)

Chapter 2, Article I Zoning Districts, Section 2.02 Future Land Use Map Designations and Zoning Districts, Table 2-2

Given the County's adopted Mixed Planned Unit Development (MPUD) zoning classification, under the "Low Intensity Commercial" future land use designation, the Planned Business Development (PBD) zoning district is the most applicable. The PBD zoning district is typically applied to annexed properties to:

- 1.) Make a project conforming that developed under different standards than the City's;

- 2.) Hold harmless the property owner since a designation of non-conformity can cause issues regarding insurance and refinancing; and
- 3.) Allow flexibility upon such time as all or portions of the MBA Business Center were destroyed. The development would be permitted to be rebuilt at current City standards or go through the PBD amendment process if the City standards could not be met.

Zoning Adjacent Land Use:

Adjacent land uses and zoning are as follows:

Land Use Designations and Zoning Classifications of Surrounding Property			
	Current Land Uses	Future Land Use Designation	Zoning
North	Gardens Business Center	Volusia County "Commercial"	Volusia County B-4 "General Commercial"
South	Vacant	Volusia County "Urban Medium Intensity"	Volusia County BPUD "Business Planned Unit Development"
East	Gardens at Addison Townhouses	Volusia County "Commercial" and "Urban Medium Density"	Volusia County MPUD "Mixed Use Planned Unit Development"
West	Vacant	Ormond Beach "Tourist Commercial"	Ormond Beach B-7 "Highway Tourist Commercial"

CONCLUSION/CRITERIA FOR APPROVAL:

Section 1-18 D.3. of the Land Development Code states that the Planning Board shall review non-planned development rezonings based on the Development Order criteria in Section 1-18.E. of the Land Development Code which are analyzed below:

- 1. The proposed development conforms to the standards and requirements of this Code and will not create undue crowding beyond the conditions normally permitted in the zoning district, or adversely affect the public health, safety, welfare, or quality of life.**

No new development is proposed and the request is based on a need to assign a City zoning classification to the property as the result of annexation. The zoning map amendment is contingent on a City land use being assigned and will not adversely affect public health, safety, welfare, or the quality of life.

- 2. The proposed development is consistent with the Comprehensive Plan.**

There is a separate land use map amendment that proposes to assign a City "Low Intensity Commercial" designation to the property. Policy 5.1.1. of the Future Land Use Element states that properties annexed into the City of Ormond Beach shall be assigned similar land uses that they had in Volusia County. The subject property is already developed with four (4) principal buildings totaling approximately 43,712 square feet in operation and no additional improvements are proposed. The requested PBD zoning district is consistent with the "Low Intensity Commercial" land use designation.

- 3. The proposed development will not adversely impact environmentally sensitive lands or natural resources, including but not limited to waterbodies, wetlands, xeric communities, wildlife habitats, endangered or threatened plants and animal species or species of special concern, wellfields, and individual wells.**

The property is currently developed and built out. There is no new construction proposed so the criterion is not applicable.

- 4. The proposed use will not substantially or permanently depreciate the value of surrounding property; create a nuisance; or deprive adjoining properties of adequate light and air; create excessive noise, odor, glare, or visual impacts on the neighborhood and adjoining properties.**

This proposed zoning map amendment is not anticipated to have a significant impact on adjacent properties and the existing business center will continue to operate as it historically has.

- 5. There are adequate public facilities to serve the development, including but not limited to roads, sidewalks, bike paths, potable water, wastewater treatment, drainage, fire and police safety, parks and recreation facilities, schools, and playgrounds.**

The property is currently developed and built out. There is no new construction proposed so the criterion is not applicable.

- 6. Ingress and egress to the property and traffic patterns are designed to protect and promote motorized vehicle and pedestrian/bicycle safety and convenience, allow for desirable traffic flow and control, and provide adequate access in case of fire or catastrophe. This finding shall be based on a traffic report where available, prepared by a qualified traffic consultant, engineer or planner which details the anticipated or projected effect of the project on adjacent roads and the impact on public safety.**

The property is currently developed and built out. There is no new construction proposed so the criterion is not applicable.

7. The proposed development is functional in the use of space and aesthetically acceptable.

The property is currently developed and built out. There is no new construction proposed so the criterion is not applicable.

8. The proposed development provides for the safety of occupants and visitors.

The property is currently developed and built out. There is no new construction proposed so the criterion is not applicable.

9. The proposed use of materials and architectural features will not adversely impact the neighborhood and aesthetics of the area.

The property is currently developed and built out. There is no new construction proposed so the criterion is not applicable.

10. The testimony provided at public hearings.

There has not been a public hearing at this time. The comments from the Planning Board meeting will be incorporated into the City Commission packet.

Section 1-18.E.3 of the Land Development Code states that the City Commission shall consider rezonings based on the consistency with the Comprehensive Plan. The rezoning is consistent based upon the following points:

- The impacts on facilities and services will not change as a result of the requested zoning amendment from Volusia County MPUD (Mixed Planned Unit Development) to Ormond Beach PBD (Planned Business Development).
- The proposed City zoning classification of PBD is most consistent with the Volusia County zoning classification of MPUD and provides similar types of uses.
- The administrative request is consistent with the compatibility matrix outlined in the Land Development Code for the Future Land Use Plan Map designation of "Low Intensity Commercial".

RECOMMENDATION:

Staff recommends that the Planning Board recommend **APPROVAL** to the City Commission of the administrative request to amend the Official Zoning Map to change the zoning classification of 1433, 1435, 1437, and 1439 North US Highway 1, as described in the attached legal description, from Volusia County MPUD (Mixed Planned Unit Development) to Ormond Beach PBD (Planned Business Development).

Attachments:

Exhibit 1: Zoning Map

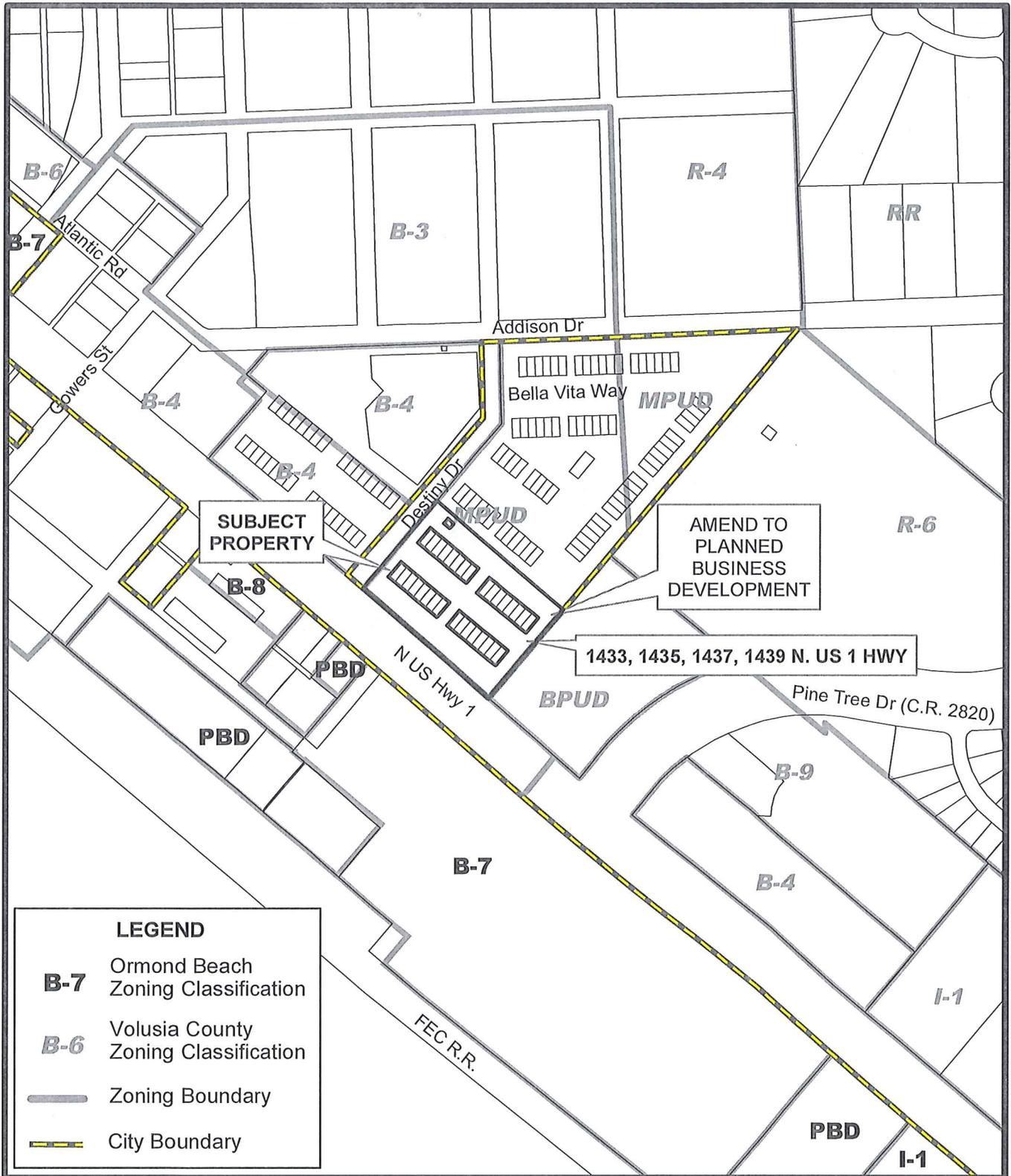
Exhibit 2: Photo and Location

Exhibit 3: Legal Description Aerial

Exhibit 4: Volusia County Resolution #2003-209

EXHIBIT 1

Zoning Map



ZONING MAP
1433,1435,1437,1439 N. US 1 HWY
PID 3136-04-00-0001 (MBA Business Center)

The City of Ormond Beach G.I.S. Department
 Prepared By: Steve Johnson 10/23/2012

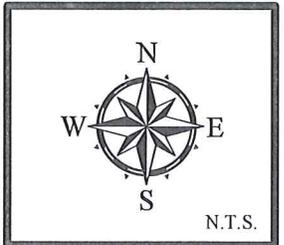


EXHIBIT 2

Photo and Location Aerial

MBA Business Center (1433, 1435, 1437, 1439 North US Highway 1)





SUBJECT
PROPERTY

1433 thru 1439 N. US HWY 1



AERIAL MAP
1433 thru 1439 N. US HWY 1
(MBA Business Center)

The City of Ormond Beach G.I.S. Deaprtment
Prepared By: Eric Dickens 11/14/11



N.T.S.

EXHIBIT 3

Legal Description

**MBA Business Center (1433, 1435, 1437, and 1439 North US Highway 1)
Legal Description**

A PORTION OF SECTION 36, TOWNSHIP 13 SOUTH, RANGE 32 EAST, VOLUSIA COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE NORTHEASTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO.1 (A 160 FT. RIGHT-OF-WAY AS CURRENTLY OCCUPIED, AND ESTABLISHED), WITH THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF DESTINY DRIVE (A 60 FT. RIGHT-OF-WAY, ALSO KNOWN AS ST JOHNS STREET), AS SHOWN ON THE REVISED PLAT OF NATIONAL GARDENS AS RECORDED IN MAP BOOK 10, PAGES 250-253, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, RUN THENCE N42°41'24"E ALONG SAID SOUTHEASTERLY RIGHT-OF-WAY LINE OF DESTINY DRIVE A DISTANCE OF 345.00 FEET TO A POINT; THENCE DEPARTING SAID SOUTHEASTERLY RIGHT-OF-WAY LINE S47°22'44"E FOR A DISTANCE OF 500.59 FEET TO THE NORTHWESTERLY LINE OF THE LAKES OF PINE RUN CONDOMINIUM SITE AND THE VILLAGE OF PINE RUN, MAP BOOK 35, PAGE 40, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA; THENCE S42°35'21"W ALONG SAID NORTHWESTERLY LINE FOR A DISTANCE OF 345.00 FEET TO THE NORTHEASTERLY LINE OF U.S. HIGHWAY NO.1 AFORESAID; THENCE N47°22'44"W ALONG SAID U.S. HIGHWAY NO.1 FOR A DISTANCE OF 501.16 FEET TO THE POINT OF BEGINNING

SAID PARCEL CONTAINING 3.97 ACRES MORE OR LESS

EXHIBIT 4

Volusia County Resolution #2003-209

BEST AVAILABLE COPY

07/06/2004 08:08 AM
Instrument# 2004-164614
Book: 5353
Page: 1419

IN THE COUNTY COUNCIL OF THE
COUNTY OF VOLUSIA, FLORIDA

IN RE: Case #PUD-03-093, Application of

MBA BUSINESS CENTER/GARDENS AT ADDISON MPUD

RESOLUTION # 2003-209

ORDER AND RESOLUTION

**GRANTING A REQUEST FOR CHANGE OF ZONING FROM B-2, B-3, R-6 TO
(MPUD) MIXED PLANNED UNIT DEVELOPMENT**

The application of SELF STORAGE 101, INC., LORE BLEDSOE, PRESIDENT, hereinafter, "Applicant", for rezoning was heard by and before the Volusia County Council, Volusia County, Florida, on November 13, 2003. Based upon the verified Application and other supporting documents, maps, charts, overlays, other evidence and instruments; the advice, report, and recommendations of the Growth and Resource Management Department, Legal Services, and other departments and agencies of Volusia County; and the testimony adduced and evidence received at the Public Hearing on this Application by the Planning and Land Development Regulation Commission on October 14, 2003, and otherwise being fully advised, the Volusia County Council does hereby find and determine as follows:

*This agreement
approved by C.C.
over rides City of
Ormond Beach
Standards*

GENERAL FINDINGS

- A. That the application of SELF STORAGE 101, INC., LORE BLEDSOE, PRESIDENT, was duly and properly filed herein on July 25, 2003, as required by law.
- B. That all fees and costs which are by law, regulation or Ordinance required to be borne and paid by the applicant have been paid.
- C. That the applicant is the OWNER of a 14.84 acre parcel of land which is situated in Volusia County. This parcel of land is described more particularly in the survey and legal description, a true copy of which is attached hereto as Exhibit "A".
- D. That the Applicant has held a pre-application meeting as required by the Volusia County Zoning Ordinance No. 80-8, as amended.
- E. That the Applicant has complied with the "Due Public Notice" requirements of the Volusia County Zoning Ordinance No. 80-8, as amended.
- F. That the owner of the property, SELF STORAGE 101, INC. agrees with the provisions of the Development Agreement.

FINDINGS REGARDING REZONING

A. That the Applicant has applied for a change of zoning from the present zoning classifications of the parcel described in Exhibit "A" from B-2, B-3, and R-6 to MPUD (Mixed-Use Planned Unit Development).

B. That the said rezoning to a MPUD is consistent with both the Volusia County Comprehensive Plan, Ordinance No. 90-10, as amended, and the intent and purpose of the Volusia County Zoning Ordinance No. 80-8, as amended, and does promote the public health, safety, morals, general welfare and orderly growth of the area affected by the rezoning request.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, IN OPEN MEETING DULY ASSEMBLED IN THE COUNTY ADMINISTRATION CENTER, COUNTY COUNCIL MEETING ROOM, DELAND, FLORIDA, THIS 13th DAY OF November, 2003 A.D. AS FOLLOWS:

A. That the Application of SELF STORAGE 101, INC., LORE BLEDSOE, PRESIDENT, for the rezoning of the subject parcel is hereby granted.

B. That the zoning classification of the subject parcel described in Exhibit "A" attached hereto is hereby amended from B-2, B-3, and R-6 to MPUD as described in Article VII of the Volusia County Zoning Ordinance No. 80-8, as amended.

C. That the Official Zoning Map of Volusia County is hereby amended to show the rezoning of said parcel to MBA BUSINESS CENTER/GARDENS AT ADDISON (MPUD).

D. That Volusia County Zoning Ordinance No. 80-8, as amended, is consistent with the provisions of the "Development Agreement" as hereinafter set forth in this Order and Resolution and with respect to any conflict between Ordinance No. 80-8, as amended, and the "Development Agreement", the provisions of the "Development Agreement" shall govern. Ordinance No. 80-8, as amended, shall govern with respect to any matter not covered by the "Development Agreement." The Volusia County Zoning Enforcement Official will ensure overall compliance with this Order and Resolution.

E. Unless otherwise provided for herein, Article VIII, Supplementary Regulations of Volusia County Zoning Ordinance No. 80-8, as amended, shall apply to the MPUD in the same manner as the R-6 classification for the residential portion and B-4 for the U.S. 1 frontage commercial portion.

F. Nothing in this Order and Resolution shall abridge the requirements of any Volusia County Ordinance other than Zoning Ordinance 80-8, as amended. Timing and review procedures contained in this Order and Resolution may be modified to comply with the Volusia County Land Development Code, Ordinance No. 88-3, as amended. Further, nothing in the Development Agreement is intended to abridge the requirements of Ordinance No. 88-3, as amended, and any other County Ordinances.

DEVELOPMENT AGREEMENT

A. Development Concept. The property shall be developed as a MPUD substantially in accordance with the Master Development Plan. The Master Development Plan shall govern the development of the property as a MPUD and shall regulate the future land use of this parcel.

1. Master Development Plan. The Master Development Plan shall consist of the Preliminary Plan prepared by Parker Mynchenberg & Associates, Inc., dated July 30, 2003; and revised September 22, 2003, and this development agreement. The Preliminary Plan is hereby approved and incorporated in this Order and Resolution by reference as Exhibit "B". The Master Development Plan shall be filed and retained for public inspection in the Growth and Resource Management Department and it shall constitute a supplement to the Official Zoning Map of Volusia County.

2. Amendments. All amendments of the Master Development Plan, other than those deemed by the Zoning Enforcement Official to be minor amendments as set out by Section 813.06 of Ordinance No. 80-8, as amended, shall require the review and recommendation of the Planning and Land Development Regulation Commission and action by the Volusia County Council in the same manner as a rezoning of the parcel.

3. Subdivision Approval. After the Master Development Plan is recorded, and prior to any construction, including clearing and landfill, the area to be subdivided shall be submitted for review and approval and the existing, underlying Plat and dedicated rights-of-way to be vacated by the Volusia County Council, in the manner required by Article II of the Volusia County Land Development Code, Ordinance No. 88-3, as amended.

4. Final Site Plan Approval. After the Master Development Plan is recorded, and prior to issuance of any permits for construction, including clearing and landfill, a Final Site Plan shall be prepared and submitted for review and approval in the manner required by Article III of the Volusia County Land Development Code, Ordinance No. 88-3, as amended.

B. Unified Ownership. The Applicant or his successors shall maintain unified Ownership of the subject parcel until after issuance of the Final Plat Development Order and Final Site Plan Development Order.

C. Phases of Development. The project infrastructure, including St. Johns Street improvements and the residential amenity area will be developed in the first phase with construction of the infrastructure for both the commercial and residential infrastructure in the first phase. Commercial buildings and residential units will be constructed in phases based on the market demand.

D. Land Uses Within the MPUD. The development of the parcel shall be consistent with the uses prescribed for each area within the proposed MPUD. The location and size of said land use areas are shown on the Preliminary Plan, Exhibit "B". The following land uses shall be allowed as permitted principal uses and structures along with their customary accessory uses and structures.

Mixed development of residential and commercial uses as listed on Exhibit "F".

E. Development Standards: Principle Permitted Land Use:

MBA
Gardens at Addison Business Center

1.	Minimum lot area	±10 acres	±4.0 acres
2.	Maximum dwellings per building	6	
3.	Minimum yard size (building)		
	a. Front yard:	25 ft.	35 ft.
	b. Rear yard:	N/A	35 ft.
	c. Side yard:	N/A	35 ft.
	d. Waterfront yard:	20 ft.	35 ft.
4.	Minimum floor area:	1000 S.F.	N/A
5.	Maximum lot coverage:	25%	30%
6.	Maximum building height:	35 ft.	35 ft.
7.	Perimeter building setbacks:	45 ft.	35 ft.
8.	Minimum building separation:	15 ft. side	25 ft.
		50 ft. front/rear	
9.	Off-street parking requirements:	2 per Unit	1 space /225 S.F. for Bldg. A & B 1 space/ 300 S.F. for Bldg. C & D.
10.	Permitted Land Use	See Exhibit "F" for list of permitted uses	
11.	Total of Residential Lots	72	N/A
12.	Total commercial Building Square Footage	N/A	45,600 S.F.
13.	Signage (Exhibit "E")	4 signs on St. Johns St, max. copy	1 sign U.S. 1 125 S.F.

14. Landscape Buffer Requirements

<u>Buffer</u>	<u>Width</u>	<u>Plantings Required</u>
(Addison Dr.)	15 feet	4 group A/4 group B/27 group C or D per 100 feet
(U.S. 1)	20feet	4 group A/4group B/27 group C or D per 100 feet, 21 A/21 B/141 C or D
(St. Johns St.)	15 feet	4 group A/4 group B/27 group C or D per 100 feet
South	10 feet	6 group B/18 group C or D per 100 feet

A 10 foot buffer shall established between the two land uses and will contain a six-foot-high masonry screening wall as depicted on Exhibit "B". Planting requirements in this buffer will be 6 group B/18 group C or D per 100 feet. Trees shall be a minimum of 2-inch caliper and 8 feet in overall height immediately after planting. Existing trees and understory vegetation located in any buffer will be maintained. Where existing vegetation is nominal, the developer shall enhance the buffer areas with trees, shrubs, and other ground cover materials per the above planting requirements. At least 60% of all new or replacement plantings for any landscape area shall consist of native plant materials, and all other plant materials shall be species with equivalent drought resistant properties.

F. Environmental Considerations. The site has no proposed environmental easements or conservation areas. All specimen trees have been located on the Site Survey and the requirements of the Land Development Code Ordinance No. 83-3, as amended shall be met. A 0.99 acre man made borrow pit exists on the site. It will be filled with this development in accordance with the applicable regulations of the LDC.

G. Sewage Disposal and Potable Water. Provision for sewage disposal and potable water needs of the MPUD will be provided in accordance with the Comprehensive Plan, Ordinance No. 90-10, as amended, the Land Development Code Ordinance No. 88-3, as amended, and State of Florida Administrative Code 64E-6. The project is in the City of Ormond Beach service area and water and sewer will be provided by the City of Ormond Beach.

H. Stormwater Drainage. Provision for stormwater retention shall be in accordance with the Land Development Code, Article VIII, Ordinance No. 88-3, as amended. A master stormwater plan will be provided to serve both components of the MPUD.

I. Access and Transportation System Improvements. All access and transportation system improvements shall be provided in accordance with the Land Development Code, as amended. The parcel shall be developed in substantial accordance with the following access and transportation system improvements:

1. Access. Access will be provided by improving unopened St. Johns Street, an existing 60 ft. wide right-of-way to Volusia County Standards. A right turn in only is proposed to service the Commercial portion of the MPUD from U.S. 1. The residential portion will be accessed from two access points to St. Johns Road. Additional access to the Commercial portion to St. Johns Street is as indicated on Exhibit "B".

2. Transportation System Improvements. St. Johns Road, an unopened 60 ft. wide right-of-way, will be opened and constructed to Volusia County Standards. At U.S. 1, St. Johns Road traffic lanes meet up with an existing median cut with an existing U.S. 1 left hand turn lane. Additional improvements in U.S. 1 will be as required by the F.D.O.T. The residential portion (multi-family condominiums) of the MPUD will be accessed by a private roadway

J. Internal Roadways. St. Johns Road, an unopened existing 60 ft wide to Volusia County Standards will provide access to the residential portion of the site.

K. Building or Property Owners Association. It is the intent of the Applicant to create a condominium association. The charter and by-laws of said association and any other agreements, covenants, easements or restrictions shall be furnished to the County of Volusia at the time of creation. The Applicant shall be responsible for recording said information in the Public Records of Volusia County, Florida. Also, the Applicant shall bear and pay all costs for recording all of the aforementioned documents.

With respect to the enforcement of said agreements, covenants, easements or restrictions entered into between the applicant and the owners or occupiers of property within the MPUD, the County of Volusia shall only enforce the provisions of the "Development Agreement" and Volusia County Zoning Ordinance No. 80-8, as amended, whichever is applicable and not the private agreements entered into between the aforementioned parties.

L. Other Requirements

1. Architectural Controls

a. MBA Business Center – Building fronting U.S. 1 and St. Johns

Road right-of-way shall provide architectural treatments on their facades to prevent a long monotonous building design. A specific architectural treatment in the form of an elevation was proposed by the Applicant and approved for the buildings fronting on U.S. 1 and St. Johns Road (Exhibit "C"). These buildings have exteriors of masonry or stucco; no exposed metal walls shall be permitted for elevations fronting U.S. 1 or St. Johns Road. The typical elevation is attached as Exhibit "C". All other buildings may be masonry or metal.

b. Gardens at Addison Townhomes – Building exteriors to be consistent with photographs and floor plans of buildings provided and attached as Exhibit "D". These buildings have exteriors of masonry or stucco.

2. Onsite Billboards

The onsite billboards will be removed prior to the issuance of the first Certificate of Occupancy (C.O.) on the first building.

3. Signage

As shown on Exhibit "B" and permitted under Paragraph E. of this Agreement.

4. Screening Wall

A minimum 6-foot high masonry-screening wall shall be erected in the 10-foot rear landscape buffer that separates the MBA Business Center from the Gardens at Addison residential area. The screening wall shall be reduced to 4 feet in height within the 15-foot landscape buffer adjacent to St. Johns Street, and each panel shall be a maximum of 30 feet in length between columns. Half of the required rear buffer landscaping material will be planted on the residential side of the screening wall.

5. Screening of Mechanical Equipment

Air conditioning and mechanical equipment shall be screened from public view and/or landscaped to a minimum height of six (6) feet to limit visibility.

6. Screening of Solid Waste Receptacle

Solid waste containers shall be enclosed by a minimum six (6) foot high structural screen. The front of the enclosure shall be gated and must not be viewable from a public right-of-way.

7. Common Open Space

Per Section 813.04 of the Zoning Ordinance, 20% of the project area devoted to the residential use will be set aside as common open space areas for the use and enjoyment of the residents. These common open space areas shall be accessible with useable area comprised of active or passive recreational uses and structures. A swimming pool, ancillary bathhouse structure, and off-street parking will be centrally located in the residential area, as indicated on the

Preliminary Plan, Exhibit "B". A 5-foot pedestrian walkway shall be installed to provide pedestrian access *between the commercial and residential development areas, as depicted on the Exhibit "B".*

M. Utilities. The MPUD will provide underground electric and telephone utility lines. *All utilities proposed within the MPUD to be underground.*

N. Reverter Provision: Within five (5) years from the effective date of the Order and Resolution, the Applicant shall have submitted a Subdivision Plan or Final Site Plan as described In Section A, 3 or 4 of this "Development Agreement". In the event that the Subdivision Plan or Final Site Plan is not submitted on or before the date indicated, this agreement shall expire. Any subsequent proposed development of this property will be processed as a major amendment of the Master Development Plan in accordance with paragraph A, 2 of this Agreement.

O. Binding Effect of Plans; Recording; and Effective Date. The Master Development Plan, including any and all supplementary orders and resolutions, and the Preliminary Plan shall bind and inure to the benefit of the Applicant and his successor in title or interest. The MPUD zoning, provisions of the "Development Agreement," and all approved plans shall run with the land and shall be administered in a manner consistent with Article IX of the Volusia County Zoning Ordinance No. 80-8, as amended.

This Order and Resolution and all subsequent Orders and Resolutions shall be filed with the Clerk of the Court and recorded within ninety (90) days following execution of the document by the Volusia County Council, in the Official Records of Volusia County,

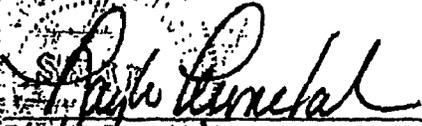
Florida. One copy of the document, bearing the book and page number of the Official Record in which the document was recorded, shall be submitted to the Growth and Resource Management Department. The date of receipt of this document by the Growth and Resource Management Department shall constitute the effective date of the MPUD or its subsequent amendments. The applicant shall pay all filing costs for recording documents.

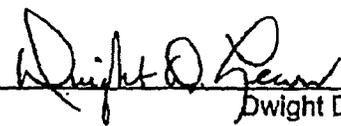
P. Conceptual Approval: The parties hereto acknowledge that reductions in density and/or intensity may and do occur; and that minor changes to roadway design, location and size of structures, actual location of parking spaces, specific locations for land uses, and locations and design of stormwater storage, landscape buffers and upland buffers may result to comply with the Volusia County Land Development Code Ordinance No. 88-3, as amended. Upon determination of the Zoning Enforcement Official, these revisions may be processed as minor amendments as set forth in Section 813.06 of the Volusia County Zoning Ordinance No. 80-8, as amended. The Applicant agrees to revise and record the Revised Preliminary Plan, which reflects any such changes with the Clerk of the Court immediately following the expiration of the 30 day period for appealing Development Review Committee (DRC) decisions to the County Council. A copy of the Revised Preliminary Plan, bearing the book and page number of the Official Record in which the document was recorded, shall be submitted to the Growth and Resource Management Department.

DONE and ORDERED by the County Council of Volusia County, Florida,
this 18th day of June, 2004 (mo/yr).

ATTEST

VOLUSIA COUNTY COUNCIL


Ray W. Pennabaker
Deputy County Manager


Dwight D. Lewis
Chair

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this 18th day of
June, 2004 (mo/yr), by Dwight D. Lewis and
Ray W. Pennabaker, as Deputy County
Manager and Chair, Volusia County Council, respectively, on behalf of the
County of Volusia, and who are personally known to me.

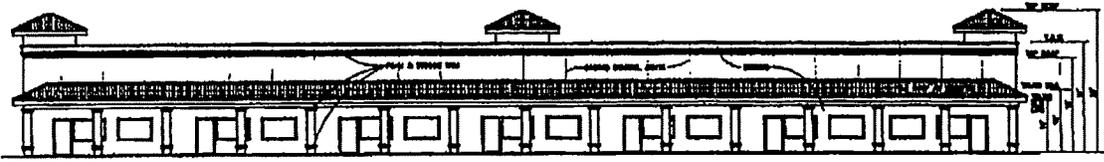


Susan M Whittaker
My Commission DD112645
Expires August 08, 2008

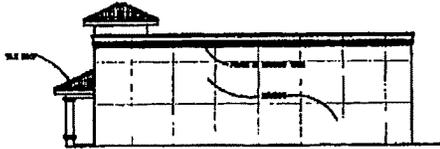

NOTARY PUBLIC, STATE OF FLORIDA
Type or Print Name:
SUSAN M. WHITTAKER

Commission No.: DD112645
My Commission Expires: 8/8/08

Best Available Copy



FRONT ELEVATION



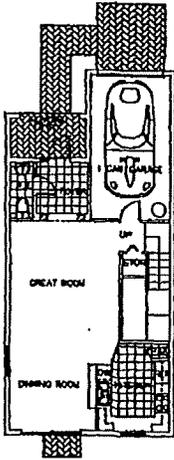
SIDE ELEVATION

PARKER MYNCHENBERG & ASSOCIATES, INC.	
PROFESSIONAL ENGINEERS & ARCHITECTS	
1720 ROYAL PALM BLVD. HOLLY HILL, FLORIDA 32117	
PHONE 407-591-5100 FAX 407-591-5101	
BUILDING ELEVATION	
MBA BUSINESS CENTER	
SUNSHINE BOULEVARD, SUITE 100	
ORLANDO, FLORIDA 32834	

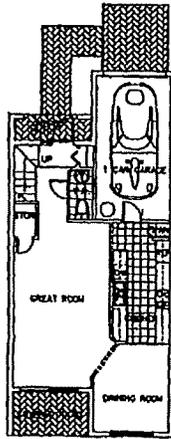
EXHIBIT C

Best Available Copy

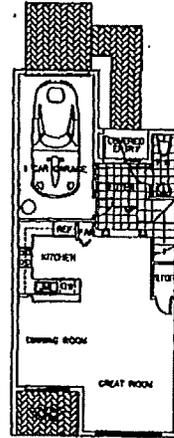
Book: 6353
Page: 1437



BOUGAINVILLE MODEL
W UNIT



CLAMATIS MODEL
B UNIT



JASMINE MODEL
H UNIT

EXHIBIT D

NO.	DATE	BY
PARKER SYMONDS & ASSOCIATES, INC.		
PROFESSIONAL DESIGNERS • LANDSCAPE ARCHITECTS		
1700 BROADWAY, SUITE 2000, NEW YORK, N.Y. 10019		
FLOOR PLAN (GROUND)		
BY: GARDNER AT ARDEN		
DATE: 08/11/03		

\\poe\joe\work\MSA CENTER (LORE)\units.dwg, 09/25/2003 03:10:22 PM, HP Desktop 720C.pct, 1:17,4907



FRONT ELEVATION

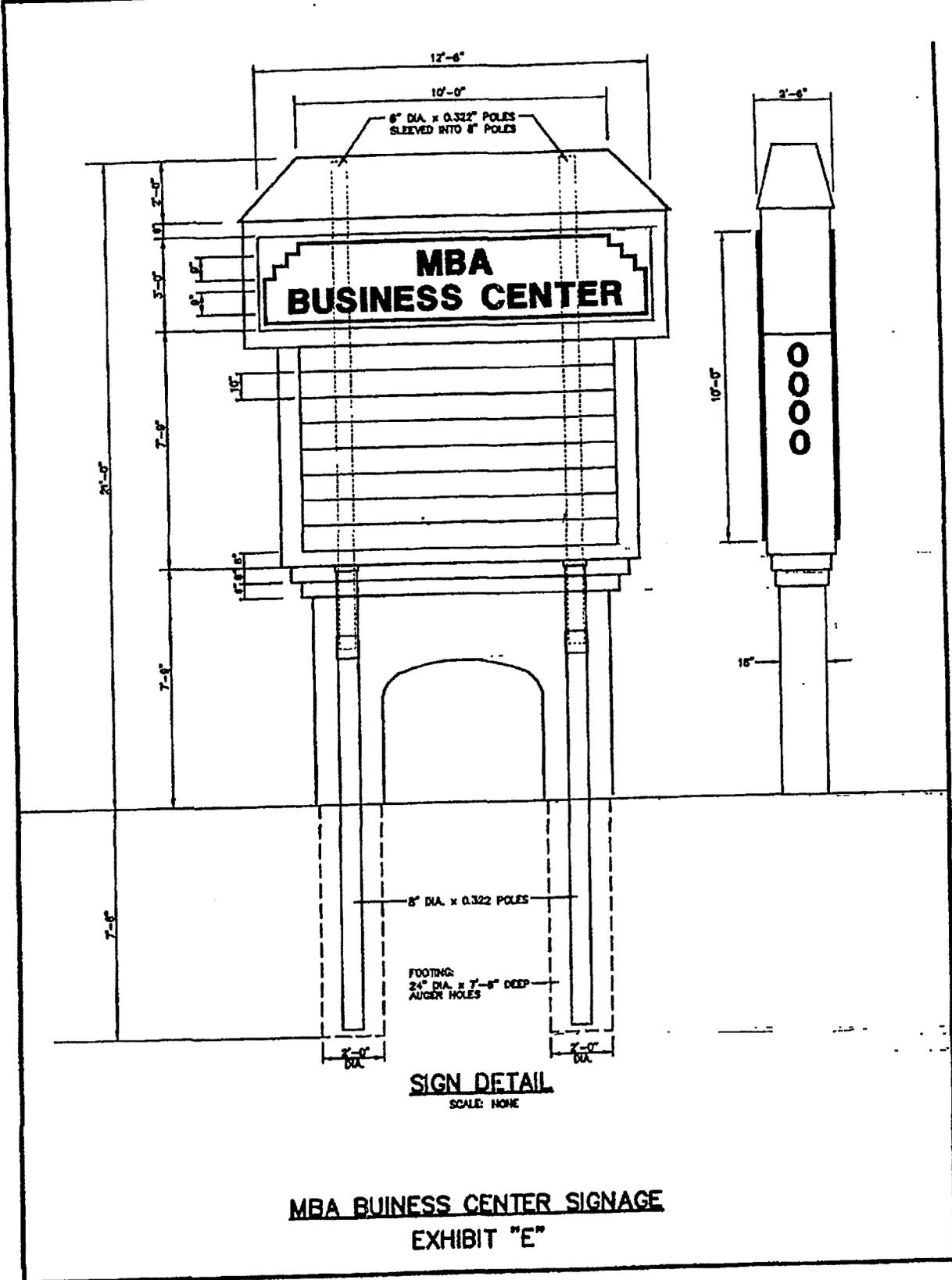


FRONT ELEVATION

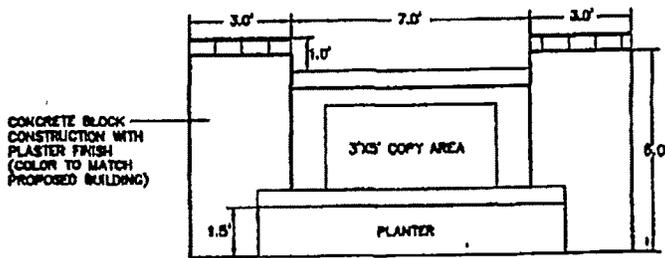


REAR ELEVATION

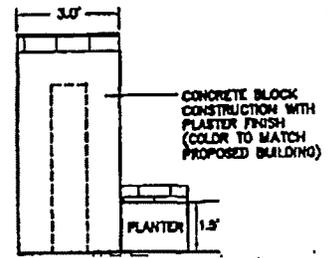
EXHIBIT "D"



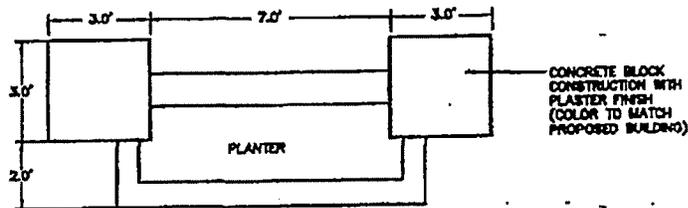
MBA BUSINESS CENTER SIGNAGE
EXHIBIT "E"



FRONT VIEW



SIDE VIEW



TOP VIEW

GARDENS AT ADDISION SIGNAGE
EXHIBIT "E"

EXHIBIT "F"

PERMITTED USES MBA BUSINESS CENTER AND GARDENS AT ADDISON MPUD

MBA BUSINESS CENTER USES

Art, dance, modeling and music schools.

Barber and beauty shops.

Catering services.

Dental laboratories.

Employment agencies.

Essential utility services.

Exempt excavations (refer to section 817.00(o)) and/or those which comply with article VIII of the Land Development Code of Volusia County [appendix A] and/or final site plan review procedures of this ordinance.

Exempt landfills (refer to section 817.00(p)).

Financial institutions.

General offices / office flex space.

Laundry and dry cleaning establishments.

Pawnshops.

Pest exterminators.

Private clubs.

Restaurants, types A and B.

Retail sales and services.

Retail specialty shops.

Tailors.

Travel agencies.

Veterinary clinics.

GARDENS AT ADDISON RESIDENTIAL USES

Essential utility services.

Exempt excavations (refer to section 817.00(o)) and/or those which comply with article VIII of the Land Development Code of Volusia County [appendix A] and/or final site plan review procedures of this ordinance.

Exempt landfills (refer to section 817.00(p)).

Home occupations, class A (refer to section 807.00).

Multifamily standard dwellings – maximum 72 units

Parks and recreational areas accessory to residential developments.

EXHIBIT "A"

DESCRIPTION:

A PORTION OF SECTION 36, TOWNSHIP 13 SOUTH, RANGE 32 EAST, VOLUSIA COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE NORTHEASTERLY RIGHT OF WAY LINE OF U.S. HIGHWAY #1, A 180 FT. RIGHT OF WAY AS CURRENTLY OCCUPIED AND ESTABLISHED, WITH THE SOUTHEASTERLY RIGHT OF WAY LINE OF UNOPENED ST. JOHNS STREET, A 60' STREET AS SHOWN ON THE REVISED PLAT OF NATIONAL GARDENS AS RECORDED IN MAP BOOK 10, PAGES 250 THROUGH 253, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, RUN THENCE N42°41'24"E ALONG SAID SOUTHEASTERLY RIGHT OF WAY LINE OF ST. JOHNS STREET FOR A DISTANCE OF 679.81 FEET TO A POINT; THENCE N00°18'05"E AND CONTINUING ALONG THE EASTERLY LINE OF ST. JOHNS STREET FOR A DISTANCE OF 244.41 FEET TO THE SOUTHERLY LINE OF ADDISON STREET, A 60' ROADWAY AS CURRENTLY OCCUPIED AND ESTABLISHED; THENCE S89°40'42"E AND ALONG SAID SOUTHERLY LINE OF ADDISON STREET FOR A DISTANCE OF 898.04 FEET TO THE NORTHWESTERLY LINE OF THE LAKES OF PINE RUN CONDOMINIUM SITE; THENCE S42°35'41"W ALONG SAID NORTHWESTERLY LINE OF THE LAKES OF PINE RUN CONDOMINIUM SITE AND THE VILLAGE OF PINE RUN, MAP BOOK 35, PAGE 40, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, FOR A DISTANCE OF 1484.91 FEET TO THE NORTHEASTERLY LINE OF U.S. HIGHWAY #1 AFORESAID; THENCE N 47°22'44"W ALONG U.S. HIGHWAY #1 FOR A DISTANCE OF 501.16 FEET TO THE POINT OF BEGINNING, SAID PARCEL CONTAINING 14.84 ACRES MORE OR LESS.

STAFF REPORT

City of Ormond Beach Department of Planning

DATE: December 13, 2012

SUBJECT: 1- 103 Bella Vita Way - Gardens at Addison –
Future Land Use Map Amendment through the State
Expedited Review Process

APPLICANT: City Initiated

NUMBER: LUPA 12-118

PROJECT PLANNER: Becky Weedo, AICP, CFM, Senior Planner

INTRODUCTION:

This is a City initiated request for a Future Land Use Map amendment pursuant to the Florida Expedited State Review Process for the Gardens at Addison located at 1-103 Bella Vita Way (Exhibit A). The request is to change approximately 11.50 acres from the existing land use designation of Volusia County "Commercial" and "Urban Medium Intensity" to City of Ormond Beach "Medium Density Residential" as the result of an annexation on June 19, 2012.

BACKGROUND:

The Gardens at Addison property located at 1-103 Bella Vita Way was approved by the Volusia County Development Review Committee (DRC) on February 17, 2004 and rezoned to County Mixed Planned Unit Development (MPUD) by Resolution #2003-209 on June 30, 2004. The development order allowed a maximum of 72 dwelling units. The property connected to City water in 2006. The property annexed into the City on June 19, 2012 based on the connection to City utilities and contiguity with the City of Ormond Beach boundary lines. Since the subject property is now located within the City of Ormond Beach, it is required to have a similar land use and compatible zoning. Until a City land use designation and zoning classification are adopted, the property maintains its County land use and zoning classifications.

The expected zoning classification will be PRD (Planned Residential Development) and will follow upon the completion of the administrative land use change. This Future Land Use Map Amendment is being processed pursuant to the Expedited State Review, Section 163.3184(3) and (5), Florida Statutes. Thus, the proposed land use amendment schedule of the subject property is as follows:

Action/Board	Date
Planning Board	December 13, 2012
City Commission 1 st Reading	January 15, 2013
Transmit to Florida Department of Economic Opportunity (DEO), State agencies, Volusia County Growth Management Commission, and adjoining jurisdictions.	January 18, 2013
City Commission 2 nd Reading	March 16, 2013
Send adopted package to DEO	March 18, 2013
Amendment Adoption Date (If no challenge is received by DEO)	April 19, 2013
Amendment Adoption Date (If a challenge is received by DEO)	The date the State or Administration Commission, respectively, issues a final order determining that the adopted amendment is in compliance (No challenge is expected).

ANALYSIS:

The proposed amendment seeks to change the land use designation of the subject property from unincorporated Volusia County to the City of Ormond Beach on the future land use map (Exhibits B). Staff has reviewed the proposed Future Land Use Map amendment according to the following criteria:

1. Whether the future land use amendment is consistent with the Comprehensive Plan Goals, Objectives and Policies.

The proposed FLU amendment is consistent with the Goals Objectives, and Policies of the Comprehensive Plan, including but not limited to (Exhibit C):

- Future Land Use Element: Goals: 5, and 6; Objectives 1.2, 2.5, 5.1, 6.1; and Policies 1.1.13, 2.5.2, 2.5.3, 5.1.1, 6.1.1, and 6.1.2
- Transportation Element: Goal 1
- Utilities Element: Policy 1.5.3
- Public School Facilities Element: Policies 1.4.1 and 1.4.2;
- Capital Improvements Element: Objective 1.7

- Intergovernmental Coordination Element: Policy 2.1.5

2. Whether the proposed plan amendment meets the criteria established in the Florida Statutes:

In accordance with Chapter 163.3184(3) and (5), Florida Statutes, any local government comprehensive plan amendments except for small-scale and state coordinated review amendments may be approved through the Expedited State review process. The requirements and review criteria of Chapter 163.3184(3) and (5), Florida Statutes are included in this report.

3. Whether the land use is an appropriate use of the land.

Land Use: The adjacent land uses and zoning are as follows:

Land Use and Zoning Designations of Adjacent Property			
	Current Land Uses	Future Land Use Designation	Zoning
North	Gardens Business Center	Volusia County "Commercial"	Volusia County B-4 (General Commercial)
South	Vacant	Volusia County "Urban Medium Intensity"	Volusia County R-6 (Urban Two-Family Residential)
East	Vacant	Volusia County "Commercial" and "Urban Medium Density"	Volusia County B-3 (Shopping Center) and R-4 (Urban Single-Family Residential)
West	MBA Business Center (Annexed May 15,2012)	Currently, Volusia County "Commercial"	Currently, Volusia County MPUD (Mixed Use Planned Unit Development)

The future land use classification presently assigned to the subject property is Volusia County "Commercial" and "Urban Medium Intensity" while the proposed future land use classification is Ormond Beach "Medium Density Residential". The Volusia County Comprehensive Plan states the following for the "Commercial" land use category:

"Commercial (C) - "This category accommodates the full range of sales and service activities. These uses may occur in self-contained centers, high rise structures, campus parks, municipal central business districts, or along arterial highways. In reviewing rezoning requests or site plans, the specific intensity and range of uses, and design will depend on locational factors, particularly compatibility with adjacent uses, availability of highway

capacity, ease of access and availability of other public services and facilities. Uses should be located to protect adjacent residential use from such impacts as noise or traffic. ”

“Urban Medium Intensity” (UMI) - Areas that contain residential development at a range of greater than four (4) to eight (8) dwelling units per acre. The types of housing typically found in areas designated urban medium intensity include single family homes, townhouses and low-rise apartments.

The UMI designation is primarily a residential designation but may allow neighborhood business areas (see Shopping Center definition in Chapter 20) and office development that meet the Comprehensive Plan's location criteria. The commercial intensity shall be no more than a fifty percent Floor Area Ratio (0.50 FAR) and shall be limited in a manner to be compatible with the allowable residential density. In order to be considered compatible, the commercial development should reflect similar traffic patterns, traffic generation, building scale, landscaping and open space, and buffers. More intensive commercial use, other than neighborhood business areas, shall be reserved to areas designated for Commercial.

All requests for nonresidential uses within one-quarter ($\frac{1}{4}$) mile of another jurisdiction shall require notification to that jurisdiction.

This request is for a land use amendment to assign the City “Low Intensity Commercial” future land use category. The directive text of the City’s Comprehensive Plan states the following for the “Medium Density Residential” category:

“Purpose: To allow a variety of highly aesthetic dwelling units, encouraging the establishment of recreation areas and open space and discouraging lookalike rows of dwellings. MDR also allows the development of relatively low density duplex, townhouse and multi-family projects which emphasize open space and maintain a low profile, thus maximizing the compatibility with single-family areas. Institutional uses may be permitted in accordance with the maximum floor area ratio.

Density: Minimum 5-12 units per acre except in the Downtown Community Redevelopment Area where 5 - 15 units shall be allowed.
Maximum FAR: 0.3”

The proposed future land use classification is compatible with adjacent land uses to the subject property.

4. Whether there is adequate infrastructure to serve the proposed land use.

Typically, an infrastructure analysis is performed to determine the maximum development scenario. This application is unique in that the project was originally approved by Volusia County as Gardens at Addison, a Commercial and Urban Medium Intensity (UMI) Development and the land use amendment is the result of annexation.

Transportation: The subject property is developed as townhomes approved for 72 maximum residential units. Currently, only 12 units have been built. A traffic impact analysis was prepared December 2003 as part of the Volusia County site plan review requirements. The land use analyzed 72 condominiums for trip generation projections. Since the current development built is less than what the County Development Order approved, the land use amendment shall not impact the trip generation rate. There are no deficiencies on the existing and future roadway network in this area in the mid-term (2020) or the long-term (2025). If the site were to expand in the future, a concurrency analysis would be required.

Water & Sewer: The subject property is located in the utility service area of the City of Ormond Beach and will not generate an increase in demand.

Stormwater Management: The property has an approved site plan that contains a stormwater management system.

Solid Waste: This property is developed and will not generate an increase in demand.

Schools: The site is currently approved for the development of 72 dwelling units. Currently, only 12 units have been built. The Volusia County School Board has reviewed for potential impacts and finds no objections as the proposed amendment will not increase density (Exhibit D).

Other Services: City police and fire protection services serve this area. The parcel is located within an approximate 4-5 minute response time from emergency facilities.

5. Whether the proposed map amendment impacts surrounding jurisdictions.

The proposed Future Land Use Map Amendment is to assign a similar City land use designation due to the annexation of the subject property. The proposed amendment will not impact surrounding jurisdictions.

CONCLUSION:

Staff supports the land use amendment from Volusia County "Commercial" and "Urban Medium Intensity" to Ormond Beach "Medium Density Residential". Since the existing parcel is developed as the Gardens at Addison, this large-scale land use map amendment is an administrative amendment required to assign a City Future Land Use Map designation to the subject parcel. Staff believes that the Ormond Beach "Medium Density Residential" land use category is appropriate for the following reasons:

1. The amendment meets the Goals, Objectives, and Policies of the City's comprehensive plan;
2. The amendment meets the requirements established in the Florida Statutes;
3. The proposed land use is an appropriate use of land; and

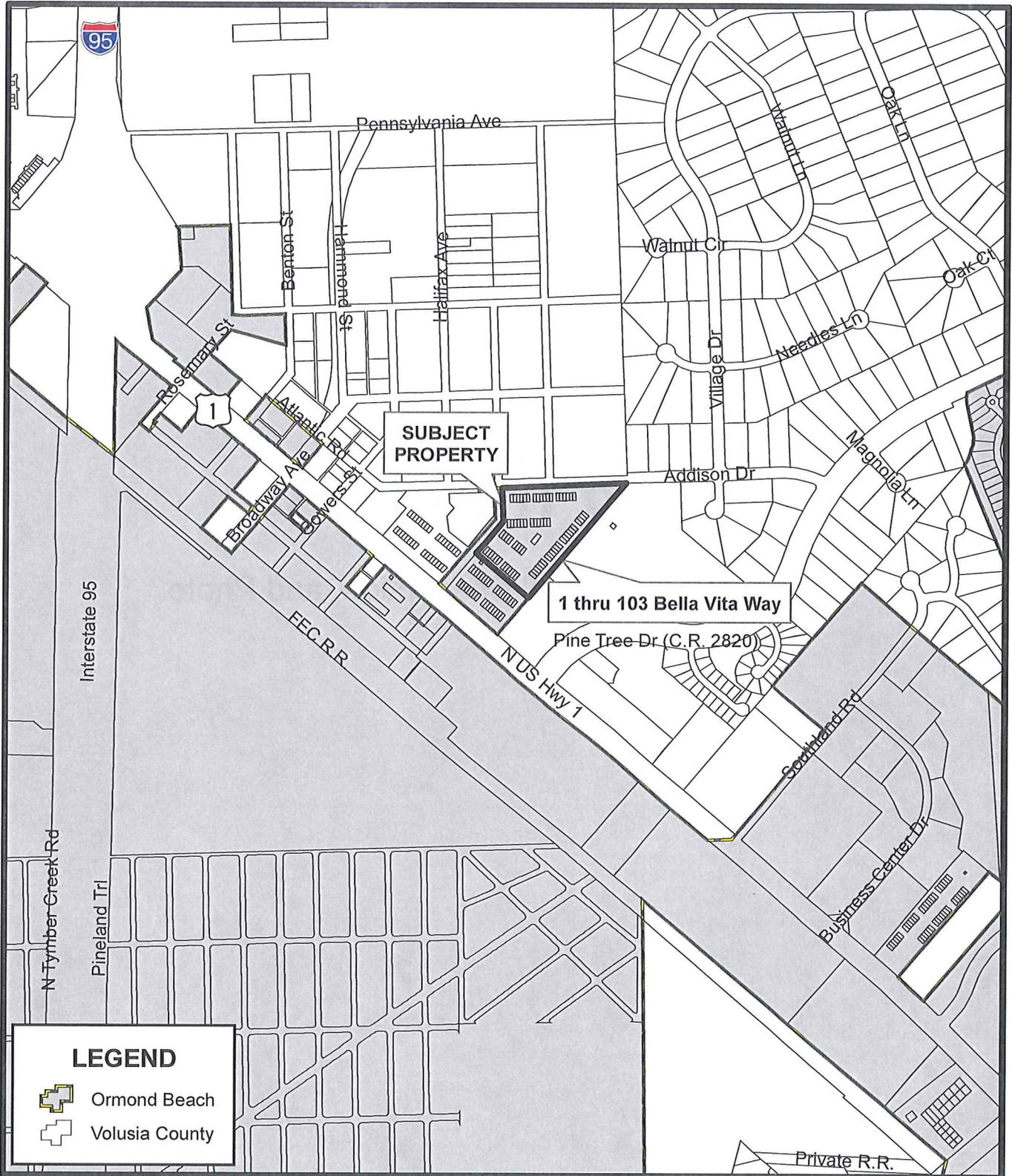
4. There is adequate infrastructure to serve the proposed land use. Since the site is already developed, there will be no change to impacts on facilities and services as a result of the administrative change in land use from County "Commercial" and "Urban Medium Intensity" to Ormond Beach "Medium Density Residential".
5. The proposed land use will not impact surrounding jurisdictions.

RECOMMENDATION:

Staff recommends that the Planning Board recommend **APPROVAL** of Case # LUPA 12-118 – a Future Land Use map amendment to change the land use for ±11.5 acres Volusia County "Commercial and "Urban Medium Intensity" to Ormond Beach "Medium Density Residential" at 1-103 Bella Vita Way, also known as Gardens at Addison.

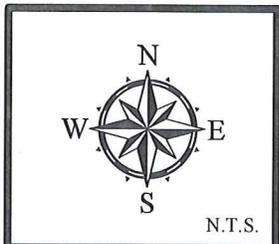
EXHIBIT A

Location Map, Legal Description, and Photo



**1 thru 103 Bella Vita Way
(Gardens at Addison)
LOCATION MAP**

The City of Ormond Beach G.I.S. Department
Prepared By: Steve Johnson 10/23/2012



**1-103 Bella Vita Way (Gardens at Addison) Legal Description
and Photo of Entrance**

LEGAL DESCRIPTION

A PORTION OF SECTION 36, TOWNSHIP 13 SOUTH, RANGE 31 EAST, VOLUSIA COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

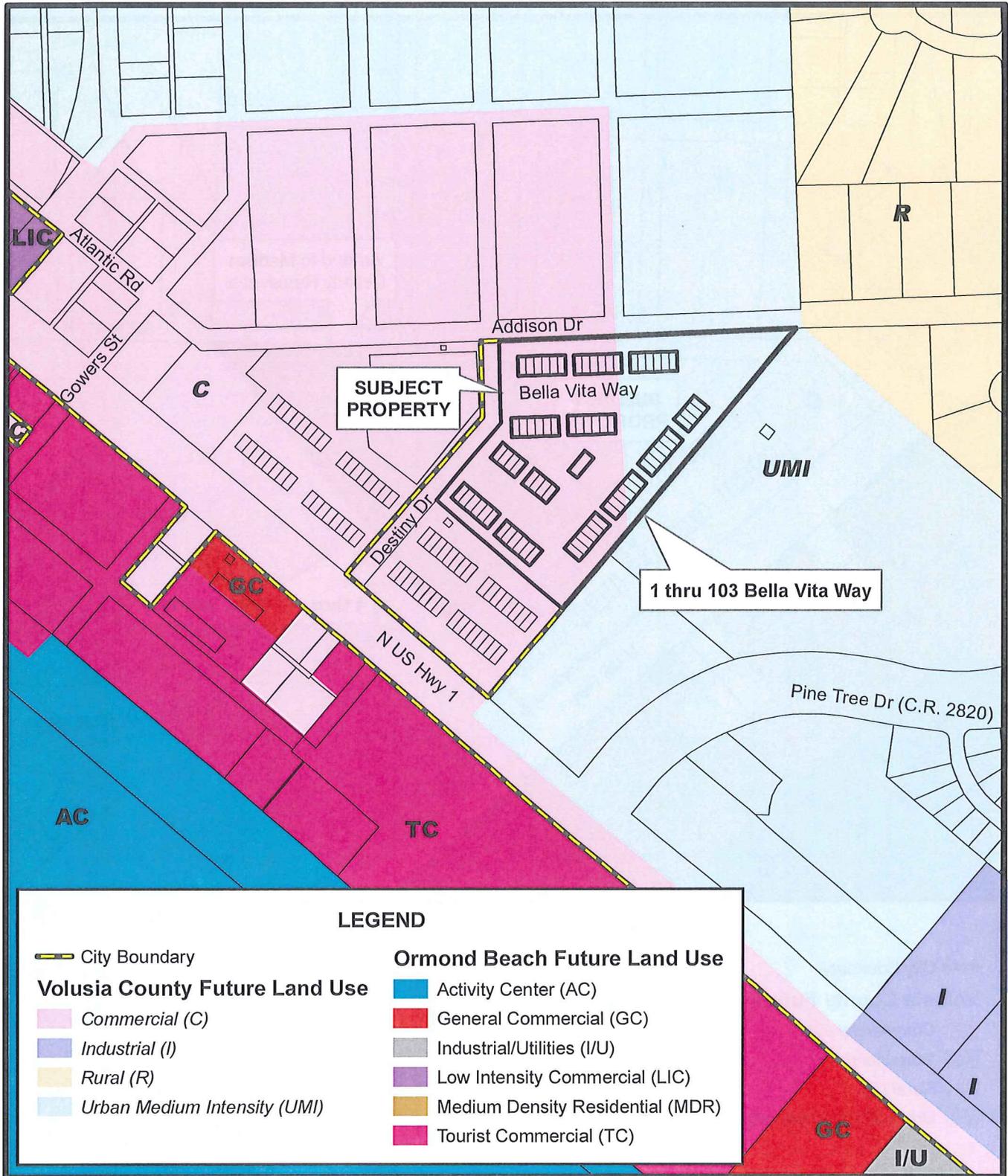
COMMENCE AT THE INTERSECTION OF THE NORTHEASTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO.1 (A 160 FT. RIGHT-OF-WAY AS CURRENTLY OCCUPIED AND ESTABLISHED), WITH THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF DESTINY DRIVE (A 60 FT. RIGHT-OF-WAY, ALSO KNOWN AS ST JOHNS STREET), AS SHOWN ON THE REVISED PLAT OF NATIONAL GARDENS, AS RECORDED IN MAP BOOK 10, PAGES 250-253, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, RUN THENCE N42°41'24"E ALONG SAID SOUTHEASTERLY RIGHT-OF-WAY LINE OF DESTINY DRIVE A DISTANCE OF 345.00 FEET TO THE POINT OF BEGINNING; FROM THE POINT OF BEGINNING, CONTINUE N42°41'24"E ALONG THE SOUTHEASTERLY LINE OF DESTINY DRIVE FOR A DISTANCE OF 334.81 FEET; THENCE N00°18'06"E A DISTANCE OF 244.41 FEET TO THE INTERSECTION OF SAID RIGHT-OF-WAY LINE AND THE SOUTHERLY LINE OF ADDISON STREET (A 60 FT RIGHT-OF-WAY AS SHOWN ON THE AFORESAID REVISED PLAT OF NATIONAL GARDENS); THENCE S89°40'42"E AND ALONG SAID SOUTHERLY LINE OF ADDISON STREET FOR A DISTANCE OF 898.04 FEET TO THE INTERSECTION OF SAID SOUTHERLY LINE AND THE NORTHWESTERLY LINE OF THE LAKES OF PINE RUN CONDOMINIUM SITE; THENCE S42°35'41"W ALONG SAID NORTHWESTERLY LINE OF THE LAKES OF PINE RUN CONDOMINIUM SITE AND THE VILLAGE OF PINE RUN AS RECORDED IN MAP BOOK 35, PAGE 40, OF SAID PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, FOR A DISTANCE OF 1119.91 FEET; THENCE DEPARTING SAID LINE, N47°22'44"W A DISTANCE OF 500.59 FEET TO THE POINT OF BEGINNING

SAID PARCEL CONTAINING 11.50 ACRES MORE OR LESS



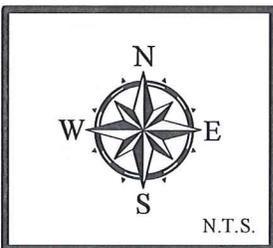
EXHIBIT B

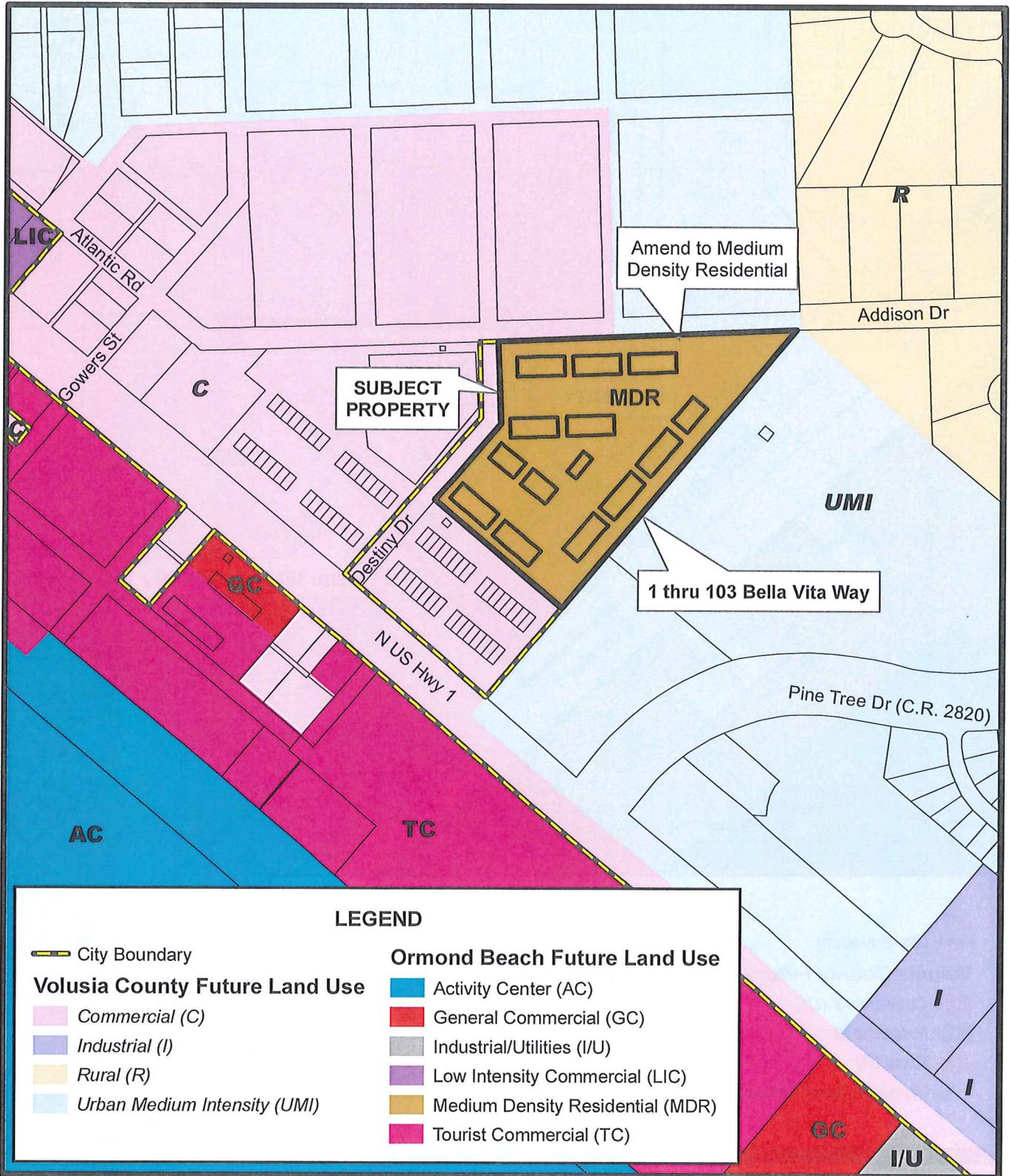
Future Land Use Maps



CURRENT FUTURE LAND USE MAP
1 - 103 Bella Vita Way (11.5 Acres)
PID 3136-07-00-0001 (Gardens at Addison)

The City of Ormond Beach G.I.S. Department
 Prepared By: Steve Johnson 10/23/2012





LEGEND

City Boundary

Volusia County Future Land Use

- Commercial (C)
- Industrial (I)
- Rural (R)
- Urban Medium Intensity (UMI)

Ormond Beach Future Land Use

- Activity Center (AC)
- General Commercial (GC)
- Industrial/Utilities (I/U)
- Low Intensity Commercial (LIC)
- Medium Density Residential (MDR)
- Tourist Commercial (TC)



**PROPOSED FUTURE LAND USE MAP
1 - 103 Bella Vita Way (11.5 Acres)
PID 3136-07-00-0001 (Gardens at Addison)**

The City of Ormond Beach G.I.S. Department
Prepared By: Steve Johnson 10/23/2012

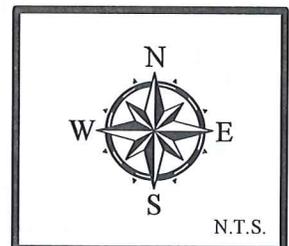


EXHIBIT C

Goals, Objectives, and Policies

Future Land Use Element

OBJECTIVE 1.2. COMMERCIAL LAND USE-Ensure that adequate amounts of land are available to meet the commercial land use needs of the community.

POLICY 1.2.13. Those properties for which a BPUD has been approved in the County can develop under those land uses, provided that the Development Agreement with the County is still valid and in effect. Applicants shall be encouraged to meet City land development standards.

OBJECTIVE 2.5. COMPREHENSIVE PLAN AMENDMENTS - The City shall review proposed text and Future Land Use Map amendments based upon state requirements, Volusia County regulations, and the Goals, Objectives, and Policies of the City's Comprehensive Plan.

POLICY 2.5.2. - The following criteria shall be used in reviewing Comprehensive Plan amendments:

1. Consistency with the Goals, Objectives, and Policies of this Plan.
2. Consistency with state requirements, including 9J-5 and Florida Statutes requirements.
3. If the amendment is a map amendment, is the proposed change an appropriate use of land.
4. If the amendment is a map amendment, the impacts on the Level of Service of public infrastructure including schools, roadways, utilities, stormwater, and park and recreation facilities.
5. If the amendment is a map amendment, impacts to surrounding jurisdictions.

POLICY 2.5.3. - All Comprehensive Plan amendments shall require the advertising and notification requirements of Florida Statutes and Chapter I, Introduction, Plan Administration of this Comprehensive Plan.

GOAL 5. ANNEXATION - THE CITY PROVIDES UTILITY SERVICE BEYOND IT'S MUNICIPAL LIMITS AND SHALL REQUIRE THAT ANY CONNECTION TO THE CITY UTILITIY SYSTEM ITHIER ANNEX INTO THE CITY OR ENTER INTO AN ANNEXATION AGREEMENT IF NOT CONTIGIOUS FOR UTILITY SERVICE.

OBJECTIVE 5.1. ANNEXATION - Newly annexed areas and new development shall not impose additional tax burdens on City residents or adversely impact City managed natural resources, public facilities and services, including potable water, sanitary sewer, drainage, solid waste, parks and recreation and cultural facilities. Future land uses shall be located consistent with the provision of public facilities and services.

POLICY 5.1.1. - Properties that are annexed into the City of Ormond Beach shall be assigned a similar land use that existed in Volusia County. Property owners may apply for more intensive land uses, but shall be required to provide the data and analysis to justify the increase in density and/or intensity.

GOAL 6. PLANNING PROCESS - CONTINUE TO IMPLEMENT A PERMANENT AND EFFECTIVE LOCAL LAND USE PLANNING PROCESS, BASED ON SOUND PROFESSIONAL PLANNING PRINCIPLES AND THE DESIRES OF THE CITIZENRY TO GUIDE THE FUTURE DEVELOPMENT OF THE CITY TO ENSURE THE HIGHEST QUALITY OF LIFE POSSIBLE FOR ALL EXISTING AND FUTURE RESIDENTS.

OBJECTIVE 6.1. PUBLIC PARTICIPATION - The City should continue to provide adequate opportunity for citizen initiative and participation in the planning process. This shall include notification procedures appropriate to the planning issue.

POLICY 6.1.1. - The City, through the City Commission, the Planning Department, and advisory boards, shall continue to solicit public input and involvement in all areas of planning.

POLICY 6.1.2. - The City Commission and the Planning Department shall continue and, where necessary, improve and initiate measures to increase citizen awareness concerning planning issues.

Transportation Element

GOAL 1. LAND USE - PROMOTE A BALANCED, AFFORDABLE, RELIABLE, CONVENIENT AND EFFICIENT MULTI-MODAL TRANSPORTATION SYSTEM THAT SUPPORTS THE LAND USE VISION OF THE ORMOND BEACH COMPREHENSIVE PLAN.

Utilities Element

POLICY 1.5.3. - The location and timing of providing public facilities and services shall be used as methods of implementing the Comprehensive Plan and associated sound and reasonable growth management policies and plans, and for the establishment of a direct, objective relationship between the entire array of public facilities and services and land use intensities.

Public School Facilities Element

POLICY 1.4.1.- The City of Ormond Beach shall take into consideration the School Board comments and findings on the availability of adequate school capacity in the evaluation of comprehensive plan amendments and other land use decisions including but not limited to developments of regional impact. School Board review shall follow the policies and procedures set forth in the interlocal agreement.

POLICY 1.4.2. - Amendments to the future land use map shall be coordinated with the School Board and the Public School Facilities Planning Maps.

Capital Improvements Element

OBJECTIVE 1.7. INTERGOVERNMENTAL COORDINATION

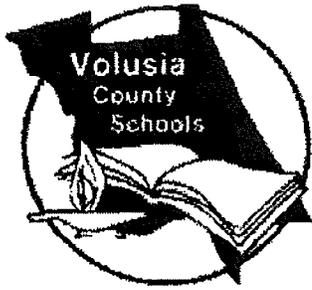
Intergovernmental cooperation and coordination shall be established and maintained in order to plan for and provide the best methods for providing efficient, cost-effective, and environmentally sound public facilities and services.

Intergovernmental Coordination Element

POLICY 2.1.5.- The City of Ormond Beach shall continue to implement school concurrency and Section 206 of the Volusia County Charter no later than February 1, 2008.

EXHIBIT D

Volusia County Schools Letter



Dr. Margaret A. Smith
Superintendent of Schools

FACILITIES SERVICES

3750 Olson Drive, Daytona Beach, Florida 32124
PHONE: 386/947-8786 FAX: 386/506-5056

School Board of Volusia County

Dr. Al Williams, Chairman
Ms. Judy Conte, Vice-Chairman
Mr. Stan Schmidt
Ms. Candace Lankford
Mrs. Diane Smith

October 22, 2012

Ms. Becky Weedo
Senior Planner
City of Ormond Beach
Planning Department
22 South Beach St., #104
Ormond Beach, FL 32174

RE: 2012 Administrative Future Land Use Amendments

Dear Ms. Weedo:

District staff has reviewed the information for five (5) administrative land use amendments for recently annexed properties located along U.S. Highway 1 in the Ormond Beach area. Staff understands that these land use amendments are necessary to change from Volusia County land use designations to the city's designations.

Regarding the following four (4) future land use amendments:

1. 1433, 1435, 1437, and 1439 N. US 1 Hwy (MBA Business Center) +3.97 acres.
2. 1444 N US 1 Hwy - +7.2 acres – Parcel ID 3136-01-58-0190
3. 1428 N. US 1 Hwy – + .53 acres – Parcel ID 3136-01-58-0460
4. 1438 N US 1 Hwy - + .15 – Parcel ID 3136-01-58-0210

The current Volusia County land use designations are commercial. The city proposes to change the future land use designations to low intensity commercial. It is the districts understanding that these amendments would be considered 'housekeeping' following the annexation into the city limits.

Regarding the Gardens at Addison Townhomes:

5. 1-103 Bella Vita Way (Gardens at Addison Townhomes) – ±11.5 acres

This townhome development received final development order approval in 2004 and remains valid for 72 townhome units. The current Volusia County future land use designation is commercial/urban medium intensity. The city proposed land use designation is medium density residential. At this time, there are no plans for additional development and no new residential dwelling units are proposed with this land use change.

Please be advised the school district has no objection to the future land use amendments since they will not result in an increase of residential density.

The district thanks you for the opportunity to review the proposed administrative future land use map amendments. If you should have questions or require additional information, please do not hesitate to contact me at (386) 947-8786, extension 50805.

Sincerely,

A handwritten signature in cursive script, appearing to read "Helen LaValley".

Helen LaValley
Planning Specialist

STAFF REPORT

City of Ormond Beach Department of Planning

DATE: December 13, 2012

SUBJECT: Gardens at Addison, 1- 103 Bella Vita Way Amendment to Official Zoning Map

APPLICANT: City Initiated

NUMBER: RZ12-119

PROJECT PLANNER: Becky Weedo, AICP, CFM, Senior Planner

INTRODUCTION:

This is a City initiated request, as the result of an annexation, to amend the City's Official Zoning Map for approximately 11.5 acres from the existing zoning classification of Volusia County MPUD (Mixed Planned Unit Development) to City of Ormond Beach PRD (Planned Residential Development). The subject property is located at 1-103 Bella Vita Way, Gardens at Addison.

BACKGROUND:

Gardens at Addison was approved by the Volusia County Development Review Committee (DRC) on February 17, 2004 and rezoned to County Mixed Planned Unit Development (MPUD) by Resolution #2003-209 on June 30, 2004. The County development order approved a maximum of 72 dwelling units. Currently, 12 units have been built. The property connected to City water in 2006. The City Commission approved the annexation of MBA Business Center on May 15, 2012 based on the connection to City utilities and contiguity with the City of Ormond Beach boundary lines. The City is presently processing a separate land use amendment from Volusia County "Commercial" and "Urban Medium Intensity" to City of Ormond Beach "Medium Density Residential". The proposed rezoning from Volusia County MPUD (Mixed Planned Unit Development) to Ormond Beach PRD (Planned Residential Development) is contingent upon adopting the land use change. As previously stated, the subject property is already developed and there is no site development or alterations proposed for the subject property associated with this rezoning. Subsequent to Planning Board review, the rezoning will be reviewed by the City Commission for final action.

ANALYSIS:

The existing Volusia County zoning classification for the subject property is MPUD (Mixed Planned Unit Development). The Volusia County MBA Business Center/Gardens at Addison MPUD Resolution #2003-209 designates the following allowed uses:

Volusia County Permitted MPUD Uses approved for Gardens at Addison

Exempt excavations	Essential utility services	Exempt landfills	Home occupations, class A
Multifamily standard dwelling-maximum 72 units	Parks and recreational areas accessory to residential developments		

The subject property is undergoing a land use amendment to assign a City Future Land Use designation of "Medium Density Residential". The goal of the zoning classification is to provide the most similar classification assigned by Volusia County. In accordance with the City's Comprehensive Plan the City "Planned Residential Development" land use designation was applied to the subject property. In choosing an appropriate zoning district, Table 2.2 under Chapter 2, Article I – Establishment of Zoning Districts and Official Zoning Map, Section 2.02 of the City's Land Development Code was referenced.

Comprehensive Plan Future Land Use Map Designation	Corresponding Compatible Zoning District
Medium Density Residential	Single Family Medium Density (R-3) Neighborhood Preservation (NP) Single Family Cluster & Townhouse (R-4) Multi-Family Medium Density (R-5) Manufactured/Mobile Home (T-1) Manufactured Home (T-2) Planned Residential Development (PRD)

Chapter 2, Article I Zoning Districts, Section 2.02 Future Land Use Map Designations and Zoning Districts, Table 2-2

Given the County's adopted Mixed Planned Unit Development (MPUD) zoning classification, under the "Medium Density Residential" future land use designation, the Planned Residential Development (PRD) zoning district is the most similar.

Zoning Adjacent Land Use:

Adjacent land uses and zoning are as follows:

Land Use Designations and Zoning Classifications of Surrounding Property

Land Use and Zoning Designations of Adjacent Property			
	Current Land Uses	Future Land Use Designation	Zoning
North	Gardens Business Center	Volusia County "Commercial"	Volusia County B-4 (General Commercial)
South	Vacant	Volusia County "Urban Medium Intensity"	Volusia County R-6 (Urban Two-Family Residential)
East	Vacant	Volusia County "Commercial" and "Urban Medium Density"	Volusia County B-3 (Shopping Center) and R-4 (Urban Single-Family Residential)
West	MBA Business Center (Annexed May 15,2012)	Currently, Volusia County "Commercial"	Currently, Volusia County MPUD (Mixed Use Planned Unit Development)

CONCLUSION/CRITERIA FOR APPROVAL:

Section 1-18 D.3. of the Land Development Code states that the Planning Board shall review non-planned development rezonings based on the Development Order criteria in Section 1-18.E. of the Land Development Code which are analyzed below:

- 1. The proposed development conforms to the standards and requirements of this Code and will not create undue crowding beyond the conditions normally permitted in the zoning district, or adversely affect the public health, safety, welfare, or quality of life.**

No new development is proposed and the request is based on a need to assign a City zoning classification to the property as the result of annexation. The zoning map amendment is contingent on a City land use being assigned and will not adversely affect public health, safety, welfare, or the quality of life.

- 2. The proposed development is consistent with the Comprehensive Plan.**

There is a separate land use map amendment that proposes to assign a City "Low Intensity Commercial" designation to the property. Policy 5.1.1. of the Future Land Use Element states that properties annexed into the City of Ormond Beach shall be assigned similar land uses that they had in Volusia County. The subject property is

developed and no additional improvements are proposed. The requested PRD zoning district is consistent with the “Medium Density Residential” land use designation.

- 3. The proposed development will not adversely impact environmentally sensitive lands or natural resources, including but not limited to waterbodies, wetlands, xeric communities, wildlife habitats, endangered or threatened plants and animal species or species of special concern, wellfields, and individual wells.**

The property has existing buildings and site improvements. There is no additional construction proposed beyond what has been approved so the criterion is not applicable.

- 4. The proposed use will not substantially or permanently depreciate the value of surrounding property; create a nuisance; or deprive adjoining properties of adequate light and air; create excessive noise, odor, glare, or visual impacts on the neighborhood and adjoining properties.**

This proposed zoning map amendment is not anticipated to have a significant impact on adjacent properties and the existing business center will continue to operate as it historically has.

- 5. There are adequate public facilities to serve the development, including but not limited to roads, sidewalks, bike paths, potable water, wastewater treatment, drainage, fire and police safety, parks and recreation facilities, schools, and playgrounds.**

The property has existing buildings and site improvements. There is no additional construction proposed beyond what has been approved so the criterion is not applicable.

- 6. Ingress and egress to the property and traffic patterns are designed to protect and promote motorized vehicle and pedestrian/bicycle safety and convenience, allow for desirable traffic flow and control, and provide adequate access in case of fire or catastrophe. This finding shall be based on a traffic report where available, prepared by a qualified traffic consultant, engineer or planner which details the anticipated or projected effect of the project on adjacent roads and the impact on public safety.**

The property has existing building and site improvements. There is no additional construction proposed beyond what has been approved so the criterion is not applicable.

- 7. The proposed development is functional in the use of space and aesthetically acceptable.**

The property has existing buildings and site improvements. There is no construction proposed so this criterion is not applicable.

8. The proposed development provides for the safety of occupants and visitors.

The property has existing buildings and site improvements. There is no additional construction proposed beyond what has been approved so the criterion is not applicable.

9. The proposed use of materials and architectural features will not adversely impact the neighborhood and aesthetics of the area.

The property has existing buildings and site improvements. There is no additional construction proposed beyond what has been approved so the criterion is not applicable.

10. The testimony provided at public hearings.

There has not been a public hearing at this time. The comments from the Planning Board meeting will be incorporated into the City Commission packet.

Section 1-18.E.3 of the Land Development Code states that the City Commission shall consider rezonings based on the consistency with the Comprehensive Plan. The rezoning is consistent based upon the following points:

- The impacts on facilities and services will not change as a result of the requested zoning amendment from Volusia County MPUD (Mixed Planned Unit Development) to Ormond Beach PRD (Planned Residential Development).
- The proposed City zoning classification of PRD is most consistent with the Volusia County zoning classification of MPUD and provides similar types of uses.
- The administrative request is consistent with the compatibility matrix outlined in the Land Development Code for the Future Land Use Plan Map designation of "Low Intensity Commercial".

RECOMMENDATION:

Staff recommends that the Planning Board recommend **APPROVAL** to the City Commission of the administrative request to amend the Official Zoning Map to change the zoning classification of 1-103 Bella Vita Way, as described in the attached legal description, from Volusia County MPUD (Mixed Planned Unit Development) to Ormond Beach PRD (Planned Residential Development).

Attachments:

Exhibit 1: Zoning Map

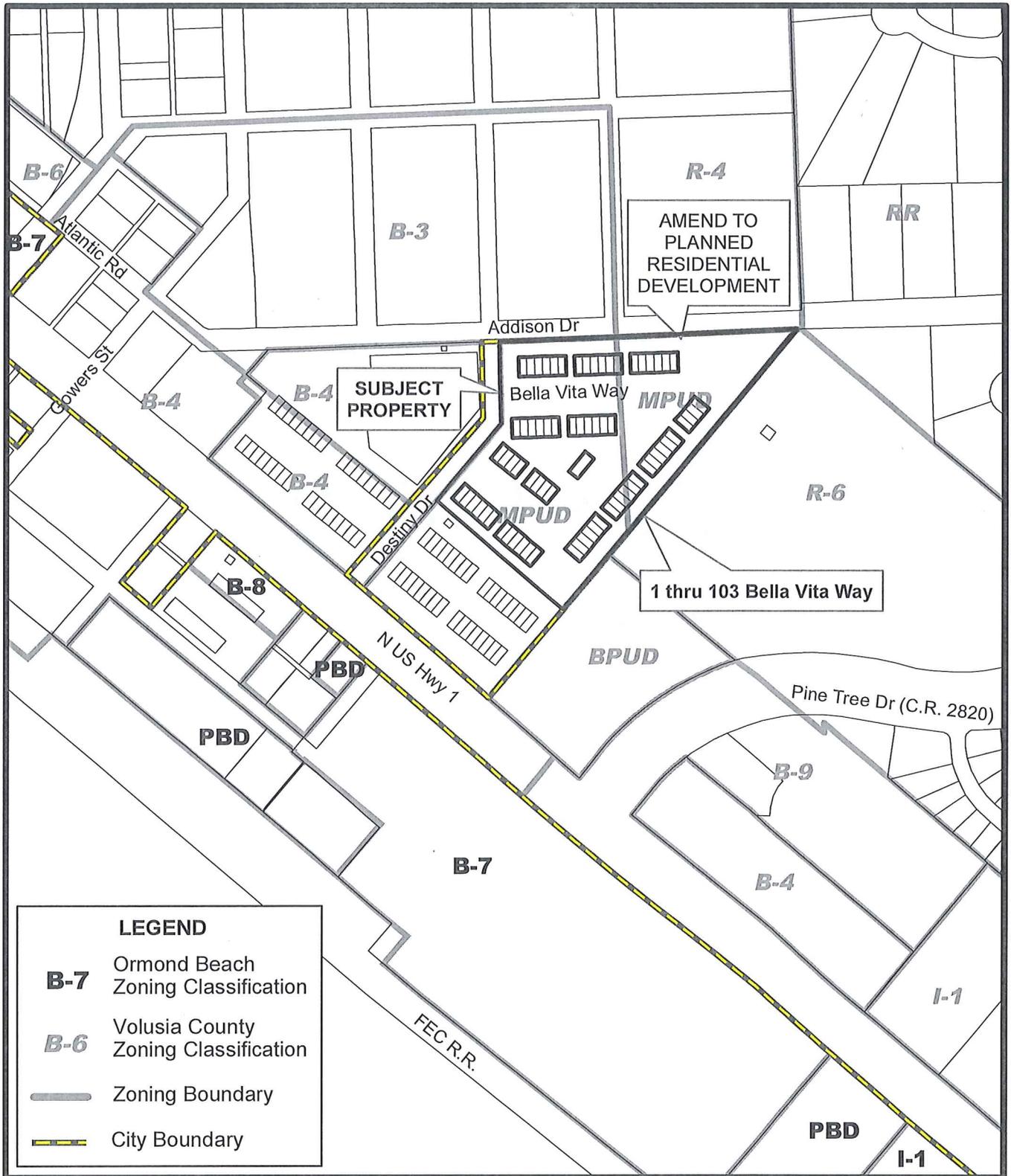
Exhibit 3: Legal Description

Exhibit 2: Photo and Location

Exhibit 4: Volusia County Resolution #2003-209

EXHIBIT 1

Zoning Map



ZONING MAP
1 thru 103 Bella Vita Way
PID 3136-07-00-0001 (Gardens at Addison)

The City of Ormond Beach G.I.S. Department
 Prepared By: Steve Johnson 10/23/2012

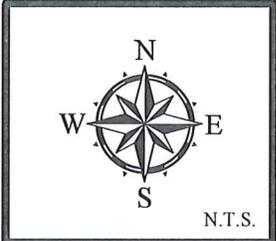


EXHIBIT 2

Photo and Location Aerial

**1-103 Bella Vita Way (Gardens at Addison)
and Photo of Entrance**





SUBJECT
PROPERTY

1 thru 103 Bella Vita Way



AERIAL MAP
1 thru 103 Bella Vita Way
(Gardens at Addison)

The City of Ormond Beach G.I.S. Deaprtment
Prepared By: Eric Dickens 11/14/11



N.T.S.

EXHIBIT 3

Legal Description

1-103 Bella Vita Way (Gardens at Addison) Legal Description

LEGAL DESCRIPTION

A PORTION OF SECTION 36, TOWNSHIP 13 SOUTH, RANGE 31 EAST, VOLUSIA COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF THE NORTHEASTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO.1 (A 160 FT. RIGHT-OF-WAY AS CURRENTLY OCCUPIED AND ESTABLISHED), WITH THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF DESTINY DRIVE (A 60 FT. RIGHT-OF-WAY, ALSO KNOWN AS ST JOHNS STREET), AS SHOWN ON THE REVISED PLAT OF NATIONAL GARDENS, AS RECORDED IN MAP BOOK 10, PAGES 250-253, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, RUN THENCE N42°41'24"E ALONG SAID SOUTHEASTERLY RIGHT-OF-WAY LINE OF DESTINY DRIVE A DISTANCE OF 345.00 FEET TO THE POINT OF BEGINNING; FROM THE POINT OF BEGINNING, CONTINUE N42°41'24"E ALONG THE SOUTHEASTERLY LINE OF DESTINY DRIVE FOR A DISTANCE OF 334.81 FEET; THENCE N00°18'06"E A DISTANCE OF 244.41 FEET TO THE INTERSECTION OF SAID RIGHT-OF-WAY LINE AND THE SOUTHERLY LINE OF ADDISON STREET (A 60 FT RIGHT-OF-WAY AS SHOWN ON THE AFORESAID REVISED PLAT OF NATIONAL GARDENS); THENCE S89°40'42"E AND ALONG SAID SOUTHERLY LINE OF ADDISON STREET FOR A DISTANCE OF 898.04 FEET TO THE INTERSECTION OF SAID SOUTHERLY LINE AND THE NORTHWESTERLY LINE OF THE LAKES OF PINE RUN CONDOMINIUM SITE; THENCE S42°35'41"W ALONG SAID NORTHWESTERLY LINE OF THE LAKES OF PINE RUN CONDOMINIUM SITE AND THE VILLAGE OF PINE RUN AS RECORDED IN MAP BOOK 35, PAGE 40, OF SAID PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, FOR A DISTANCE OF 1119.91 FEET; THENCE DEPARTING SAID LINE, N47°22'44"W A DISTANCE OF 500.59 FEET TO THE POINT OF BEGINNING

SAID PARCEL CONTAINING 11.50 ACRES MORE OR LESS

EXHIBIT 4

Volusia County Resolution #2003-209

BEST AVAILABLE COPY

07/06/2004 08:08 AM
Instrument# 2004-164614
Book: 5353
Page: 1419

IN THE COUNTY COUNCIL OF THE
COUNTY OF VOLUSIA, FLORIDA

IN RE: Case #PUD-03-093, Application of

MBA BUSINESS CENTER/GARDENS AT ADDISON MPUD

RESOLUTION # 2003-209

ORDER AND RESOLUTION

GRANTING A REQUEST FOR CHANGE OF ZONING FROM B-2, B-3, R-6 TO
(MPUD) MIXED PLANNED UNIT DEVELOPMENT

The application of SELF STORAGE 101, INC., LORE BLEDSOE, PRESIDENT, hereinafter, "Applicant", for rezoning was heard by and before the Volusia County Council, Volusia County, Florida, on November 13, 2003. Based upon the verified Application and other supporting documents, maps, charts, overlays, other evidence and instruments; the advice, report, and recommendations of the Growth and Resource Management Department, Legal Services, and other departments and agencies of Volusia County; and the testimony adduced and evidence received at the Public Hearing on this Application by the Planning and Land Development Regulation Commission on October 14, 2003, and otherwise being fully advised, the Volusia County Council does hereby find and determine as follows:

*This agreement
approved by C.C.
over rides City of
Ormond Beach
Standards*

GENERAL FINDINGS

- A. That the application of SELF STORAGE 101, INC., LORE BLEDSOE, PRESIDENT, was duly and properly filed herein on July 25, 2003, as required by law.
- B. That all fees and costs which are by law, regulation or Ordinance required to be borne and paid by the applicant have been paid.
- C. That the applicant is the OWNER of a 14.84 acre parcel of land which is situated in Volusia County. This parcel of land is described more particularly in the survey and legal description, a true copy of which is attached hereto as Exhibit "A".
- D. That the Applicant has held a pre-application meeting as required by the Volusia County Zoning Ordinance No. 80-8, as amended.
- E. That the Applicant has complied with the "Due Public Notice" requirements of the Volusia County Zoning Ordinance No. 80-8, as amended.
- F. That the owner of the property, SELF STORAGE 101, INC. agrees with the provisions of the Development Agreement.

FINDINGS REGARDING REZONING

A. That the Applicant has applied for a change of zoning from the present zoning classifications of the parcel described in Exhibit "A" from B-2, B-3, and R-6 to MPUD (Mixed-Use Planned Unit Development).

B. That the said rezoning to a MPUD is consistent with both the Volusia County Comprehensive Plan, Ordinance No. 90-10, as amended, and the intent and purpose of the Volusia County Zoning Ordinance No. 80-8, as amended, and does promote the public health, safety, morals, general welfare and orderly growth of the area affected by the rezoning request.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, IN OPEN MEETING DULY ASSEMBLED IN THE COUNTY ADMINISTRATION CENTER, COUNTY COUNCIL MEETING ROOM, DELAND, FLORIDA, THIS 13th DAY OF November, 2003 A.D. AS FOLLOWS:

A. That the Application of SELF STORAGE 101, INC., LORE BLEDSOE, PRESIDENT, for the rezoning of the subject parcel is hereby granted.

B. That the zoning classification of the subject parcel described in Exhibit "A" attached hereto is hereby amended from B-2, B-3, and R-6 to MPUD as described in Article VII of the Volusia County Zoning Ordinance No. 80-8, as amended.

C. That the Official Zoning Map of Volusia County is hereby amended to show the rezoning of said parcel to MBA BUSINESS CENTER/GARDENS AT ADDISON (MPUD).

D. That Volusia County Zoning Ordinance No. 80-8, as amended, is consistent with the provisions of the "Development Agreement" as hereinafter set forth in this Order and Resolution and with respect to any conflict between Ordinance No. 80-8, as amended, and the "Development Agreement", the provisions of the "Development Agreement" shall govern. Ordinance No. 80-8, as amended, shall govern with respect to any matter not covered by the "Development Agreement." The Volusia County Zoning Enforcement Official will ensure overall compliance with this Order and Resolution.

E. Unless otherwise provided for herein, Article VIII, Supplementary Regulations of Volusia County Zoning Ordinance No. 80-8, as amended, shall apply to the MPUD in the same manner as the R-6 classification for the residential portion and B-4 for the U.S. 1 frontage commercial portion.

F. Nothing in this Order and Resolution shall abridge the requirements of any Volusia County Ordinance other than Zoning Ordinance 80-8, as amended. Timing and review procedures contained in this Order and Resolution may be modified to comply with the Volusia County Land Development Code, Ordinance No. 88-3, as amended. Further, nothing in the Development Agreement is intended to abridge the requirements of Ordinance No. 88-3, as amended, and any other County Ordinances.

DEVELOPMENT AGREEMENT

A. Development Concept. The property shall be developed as a MPUD substantially in accordance with the Master Development Plan. The Master Development Plan shall govern the development of the property as a MPUD and shall regulate the future land use of this parcel.

1. Master Development Plan. The Master Development Plan shall consist of the Preliminary Plan prepared by Parker Mynchenberg & Associates, Inc., dated July 30, 2003; and revised September 22, 2003, and this development agreement. The Preliminary Plan is hereby approved and incorporated in this Order and Resolution by reference as Exhibit "B". The Master Development Plan shall be filed and retained for public inspection in the Growth and Resource Management Department and it shall constitute a supplement to the Official Zoning Map of Volusia County.

2. Amendments. All amendments of the Master Development Plan, other than those deemed by the Zoning Enforcement Official to be minor amendments as set out by Section 813.06 of Ordinance No. 80-8, as amended, shall require the review and recommendation of the Planning and Land Development Regulation Commission and action by the Volusia County Council in the same manner as a rezoning of the parcel.

3. Subdivision Approval. After the Master Development Plan is recorded, and prior to any construction, including clearing and landfill, the area to be subdivided shall be submitted for review and approval and the existing, underlying Plat and dedicated rights-of-way to be vacated by the Volusia County Council, in the manner required by Article II of the Volusia County Land Development Code, Ordinance No. 88-3, as amended.

4. Final Site Plan Approval. After the Master Development Plan is recorded, and prior to issuance of any permits for construction, including clearing and landfill, a Final Site Plan shall be prepared and submitted for review and approval in the manner required by Article III of the Volusia County Land Development Code, Ordinance No. 88-3, as amended.

B. Unified Ownership. The Applicant or his successors shall maintain unified Ownership of the subject parcel until after issuance of the Final Plat Development Order and Final Site Plan Development Order.

C. Phases of Development. The project infrastructure, including St. Johns Street improvements and the residential amenity area will be developed in the first phase with construction of the infrastructure for both the commercial and residential infrastructure in the first phase. Commercial buildings and residential units will be constructed in phases based on the market demand.

D. Land Uses Within the MPUD. The development of the parcel shall be consistent with the uses prescribed for each area within the proposed MPUD. The location and size of said land use areas are shown on the Preliminary Plan, Exhibit "B". The following land uses shall be allowed as permitted principal uses and structures along with their customary accessory uses and structures.

Mixed development of residential and commercial uses as listed on Exhibit "F".

E. Development Standards: Principle Permitted Land Use:

		MBA <u>Gardens at Addison Business Center</u>	
1.	Minimum lot area	±10 acres	±4.0 acres
2.	Maximum dwellings per building	6	
3.	Minimum yard size (building)		
	a. Front yard:	25 ft.	35 ft.
	b. Rear yard:	N/A	35 ft.
	c. Side yard:	N/A	35 ft.
	d. Waterfront yard:	20 ft.	35 ft.
4.	Minimum floor area:	1000 S.F.	N/A
5.	Maximum lot coverage:	25%	30%
6.	Maximum building height:	35 ft.	35 ft.
7.	Perimeter building setbacks:	45 ft.	35 ft.
8.	Minimum building separation:	15 ft. side	25 ft.
		50 ft. front/rear	
9.	Off-street parking requirements: 2 per Unit	1 space / 225 S.F. for Bldg. A & B	1 space / 300 S.F. for Bldg. C & D.
10.	Permitted Land Use	See Exhibit "F" for list of permitted uses	
11.	Total of Residential Lots	72	N/A
12.	Total commercial Building Square Footage	N/A	45,600 S.F.
13.	Signage (Exhibit "E")	4 signs on St. Johns St, max. copy	1 sign U.S. 1 125 S.F.

14. Landscape Buffer Requirements

<u>Buffer</u>	<u>Width</u>	<u>Plantings Required</u>
(Addison Dr.)	15 feet	4 group A/4 group B/27 group C or D per 100 feet
(U.S. 1)	20feet	4 group A/4group B/27 group C or D per 100 feet, 21 A/21 B/141 C or D
(St. Johns St.)	15 feet	4 group A/4 group B/27 group C or D per 100 feet
South	10 feet	6 group B/18 group C or D per 100 feet

A 10 foot buffer shall established between the two land uses and will contain a six-foot-high masonry screening wall as depicted on Exhibit "B". Planting requirements in this buffer will be 6 group B/18 group C or D per 100 feet. Trees shall be a minimum of 2-inch caliper and 8 feet in overall height immediately after planting. Existing trees and understory vegetation located in any buffer will be maintained. Where existing vegetation is nominal, the developer shall enhance the buffer areas with trees, shrubs, and other ground cover materials per the above planting requirements. At least 60% of all new or replacement plantings for any landscape area shall consist of native plant materials, and all other plant materials shall be species with equivalent drought resistant properties.

F. Environmental Considerations. The site has no proposed environmental easements or conservation areas. All specimen trees have been located on the Site Survey and the requirements of the Land Development Code Ordinance No. 83-3, as amended shall be met. A 0.99 acre man made borrow pit exists on the site. It will be filled with this development in accordance with the applicable regulations of the LDC.

G. Sewage Disposal and Potable Water. Provision for sewage disposal and potable water needs of the MPUD will be provided in accordance with the Comprehensive Plan, Ordinance No. 90-10, as amended, the Land Development Code Ordinance No. 88-3, as amended, and State of Florida Administrative Code 64E-6. The project is in the City of Ormond Beach service area and water and sewer will be provided by the City of Ormond Beach.

H. Stormwater Drainage. Provision for stormwater retention shall be in accordance with the Land Development Code, Article VIII, Ordinance No. 88-3, as amended. A master stormwater plan will be provided to serve both components of the MPUD.

I. Access and Transportation System Improvements. All access and transportation system improvements shall be provided in accordance with the Land Development Code, as amended. The parcel shall be developed in substantial accordance with the following access and transportation system improvements:

1. Access. Access will be provided by improving unopened St. Johns Street, an existing 60 ft. wide right-of-way to Volusia County Standards. A right turn in only is proposed to service the Commercial portion of the MPUD from U.S. 1. The residential portion will be accessed from two access points to St. Johns Road. Additional access to the Commercial portion to St. Johns Street is as indicated on Exhibit "B".

2. Transportation System Improvements. St. Johns Road, an unopened 60 ft. wide right-of-way, will be opened and constructed to Volusia County Standards. At U.S. 1, St. Johns Road traffic lanes meet up with an existing median cut with an existing U.S. 1 left hand turn lane. Additional improvements in U.S. 1 will be as required by the F.D.O.T. The residential portion (multi-family condominiums) of the MPUD will be accessed by a private roadway

J. Internal Roadways. St. Johns Road, an unopened existing 60 ft wide to Volusia County Standards will provide access to the residential portion of the site.

K. Building or Property Owners Association. It is the intent of the Applicant to create a condominium association. The charter and by-laws of said association and any other agreements, covenants, easements or restrictions shall be furnished to the County of Volusia at the time of creation. The Applicant shall be responsible for recording said information in the Public Records of Volusia County, Florida. Also, the Applicant shall bear and pay all costs for recording all of the aforementioned documents.

With respect to the enforcement of said agreements, covenants, easements or restrictions entered into between the applicant and the owners or occupiers of property within the MPUD, the County of Volusia shall only enforce the provisions of the "Development Agreement" and Volusia County Zoning Ordinance No. 80-8, as amended, whichever is applicable and not the private agreements entered into between the aforementioned parties.

L. Other Requirements

1. Architectural Controls

a. MBA Business Center – Building fronting U.S. 1 and St. Johns

Road right-of-way shall provide architectural treatments on their facades to prevent a long monotonous building design. A specific architectural treatment in the form of an elevation was proposed by the Applicant and approved for the buildings fronting on U.S. 1 and St. Johns Road (Exhibit "C"). These buildings have exteriors of masonry or stucco; no exposed metal walls shall be permitted for elevations fronting U.S. 1 or St. Johns Road. The typical elevation is attached as Exhibit "C". All other buildings may be masonry or metal.

b. Gardens at Addison Townhomes – Building exteriors to be consistent with photographs and floor plans of buildings provided and attached as Exhibit "D". These buildings have exteriors of masonry or stucco.

2. Onsite Billboards

The onsite billboards will be removed prior to the issuance of the first Certificate of Occupancy (C.O.) on the first building.

3. Signage

As shown on Exhibit "B" and permitted under Paragraph E. of this Agreement.

4. Screening Wall

A minimum 6-foot high masonry-screening wall shall be erected in the 10-foot rear landscape buffer that separates the MBA Business Center from the Gardens at Addison residential area. The screening wall shall be reduced to 4 feet in height within the 15-foot landscape buffer adjacent to St. Johns Street, and each panel shall be a maximum of 30 feet in length between columns. Half of the required rear buffer landscaping material will be planted on the residential side of the screening wall.

5. Screening of Mechanical Equipment

Air conditioning and mechanical equipment shall be screened from public view and/or landscaped to a minimum height of six (6) feet to limit visibility.

6. Screening of Solid Waste Receptacle

Solid waste containers shall be enclosed by a minimum six (6) foot high structural screen. The front of the enclosure shall be gated and must not be viewable from a public right-of-way.

7. Common Open Space

Per Section 813.04 of the Zoning Ordinance, 20% of the project area devoted to the residential use will be set aside as common open space areas for the use and enjoyment of the residents. These common open space areas shall be accessible with useable area comprised of active or passive recreational uses and structures. A swimming pool, ancillary bathhouse structure, and off-street parking will be centrally located in the residential area, as indicated on the

Preliminary Plan, Exhibit "B". A 5-foot pedestrian walkway shall be installed to provide pedestrian access between the commercial and residential development areas, as depicted on the Exhibit "B".

M. Utilities. The MPUD will provide underground electric and telephone utility lines. All utilities proposed within the MPUD to be underground.

N. Reverter Provision: Within five (5) years from the effective date of the Order and Resolution, the Applicant shall have submitted a Subdivision Plan or Final Site Plan as described in Section A, 3 or 4 of this "Development Agreement". In the event that the Subdivision Plan or Final Site Plan is not submitted on or before the date indicated, this agreement shall expire. Any subsequent proposed development of this property will be processed as a major amendment of the Master Development Plan in accordance with paragraph A, 2 of this Agreement.

O. Binding Effect of Plans; Recording; and Effective Date. The Master Development Plan, including any and all supplementary orders and resolutions, and the Preliminary Plan shall bind and inure to the benefit of the Applicant and his successor in title or interest. The MPUD zoning, provisions of the "Development Agreement," and all approved plans shall run with the land and shall be administered in a manner consistent with Article IX of the Volusia County Zoning Ordinance No. 80-8, as amended.

This Order and Resolution and all subsequent Orders and Resolutions shall be filed with the Clerk of the Court and recorded within ninety (90) days following execution of the document by the Volusia County Council, in the Official Records of Volusia County,

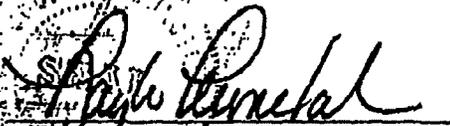
Florida. One copy of the document, bearing the book and page number of the Official Record in which the document was recorded, shall be submitted to the Growth and Resource Management Department. The date of receipt of this document by the Growth and Resource Management Department shall constitute the effective date of the MPUD or its subsequent amendments. The applicant shall pay all filing costs for recording documents.

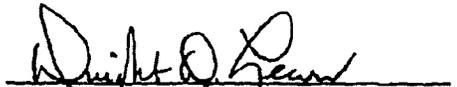
P. Conceptual Approval: The parties hereto acknowledge that reductions in density and/or intensity may and do occur; and that minor changes to roadway design, location and size of structures, actual location of parking spaces, specific locations for land uses, and locations and design of stormwater storage, landscape buffers and upland buffers may result to comply with the Volusia County Land Development Code Ordinance No. 88-3, as amended. Upon determination of the Zoning Enforcement Official, these revisions may be processed as minor amendments as set forth in Section 813.06 of the Volusia County Zoning Ordinance No. 80-8, as amended. The Applicant agrees to revise and record the Revised Preliminary Plan, which reflects any such changes with the Clerk of the Court immediately following the expiration of the 30 day period for appealing Development Review Committee (DRC) decisions to the County Council. A copy of the Revised Preliminary Plan, bearing the book and page number of the Official Record in which the document was recorded, shall be submitted to the Growth and Resource Management Department.

DONE and ORDERED by the County Council of Volusia County, Florida,
this 18th day of June, 2004. (mo/yr).

ATTEST

VOLUSIA COUNTY COUNCIL


Ray W. Pennebaker
Deputy County Manager

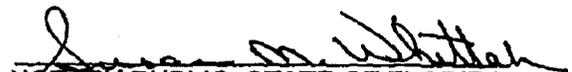

Dwight D. Lewis
Chair

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this 18th day of
June, 2004 (mo/yr), by Dwight D. Lewis and
Ray W. Pennebaker, as Deputy County
Manager and Chair, Volusia County Council, respectively, on behalf of the
County of Volusia, and who are personally known to me.



Susan M Whittaker
My Commission DD112645
Expires August 08, 2008


NOTARY PUBLIC, STATE OF FLORIDA
Type or Print Name:
SUSAN M. WHITTAKER

Commission No.: DD112645
My Commission Expires: 8/8/08

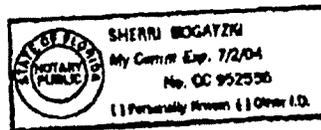
WITNESSES:

[Signature]
Signature

[Signature]
Lore Bledsoe, President
Self Storage 101, Inc.

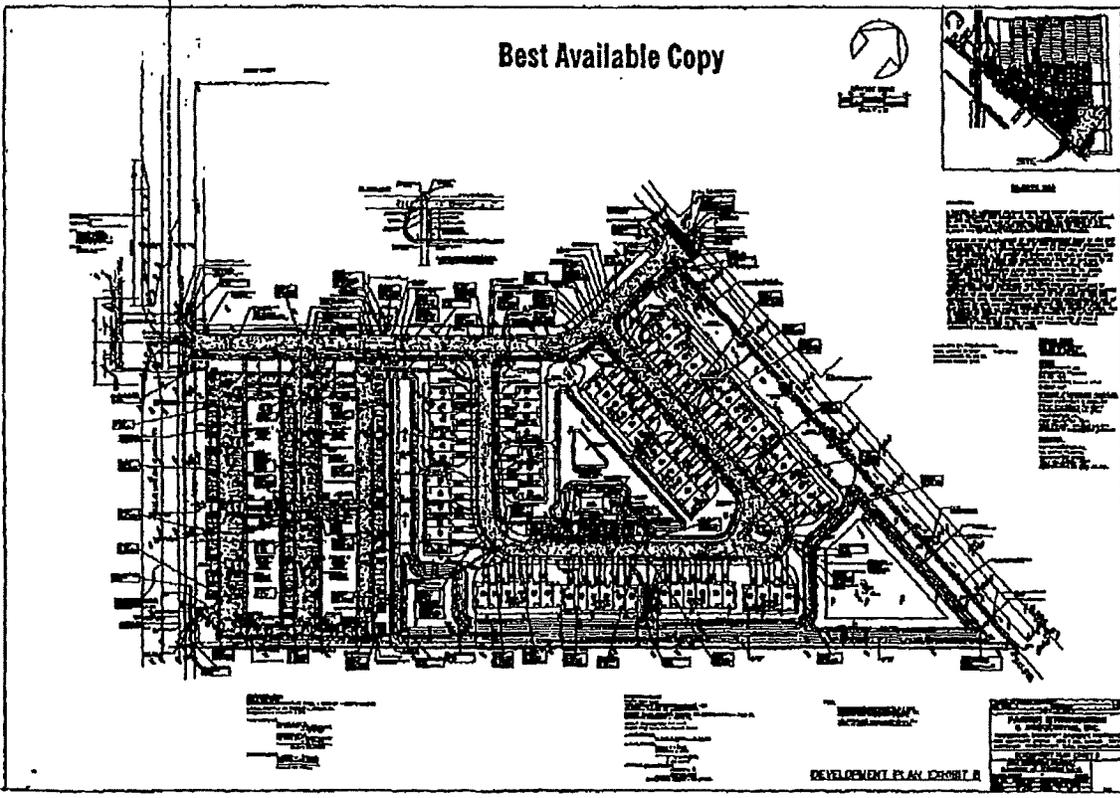
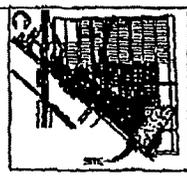
The foregoing instrument was acknowledged before me this 30th day of
June 2004 (mo/yr), by Lore Bledsoe, President,
Self Storage 101, Inc., who is personally known to me or who has produced
_____ as identification.

[Signature]
NOTARY PUBLIC, STATE OF FLORIDA
Type or Print Name:
SHERRI BOGATZKI
Commission No.: _____
My Commission Expires: _____



Revised June 14, 2004

Best Available Copy



Legend

- Building Footprint
- Street
- Utility Line
- Other

DEVELOPMENT PLAN

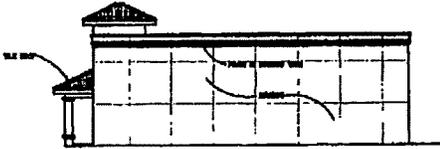
DEVELOPMENT PLAN

DATE: 1968

Best Available Copy



FRONT ELEVATION



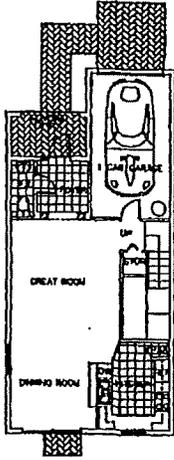
SIDE ELEVATION

PARKER MYNCHENBERG & ASSOCIATES, INC.	
PROFESSIONAL ENGINEERS & ARCHITECTS	
1720 BAYWOOD AVENUE WELLS HALL, FLORIDA 32211	
PHONE 375-4500 THE STATE OF FLORIDA LICENSE NO. 1250	
SHEETS ELEVATION	
MBA BUSINESS CENTER	
SHEET NO. 1	
DATE 11/11/78	

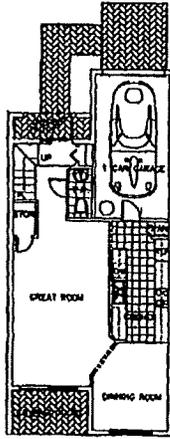
DSBMT C

Best Available Copy

Book: 6353
Page: 1437



BOUGAINVILLE MODEL
W UNIT



CLAMATIS MODEL
B UNIT



JASMINE MODEL
H UNIT

EXHIBIT D

NO. 10	DATE	BY
PARKER MYNCHBERG & ASSOCIATES, INC. PROFESSIONAL ENGINEERS & LANDSCAPE ARCHITECTS 2700 BAYVIEW AVENUE, SUITE 100, PALM BEACH, FLORIDA 33480 TEL: 561-832-1100 FAX: 561-832-1101		
FLOOR PLAN (02/06/00)		
THE CAROLAN AT LANTANA		

\\doe\work\mba CENTER (LORE)\units.dwg, 09/25/2003 03:10:22 PM, HP DeskJet 720C.pcl, 1:17.497



FRONT ELEVATION

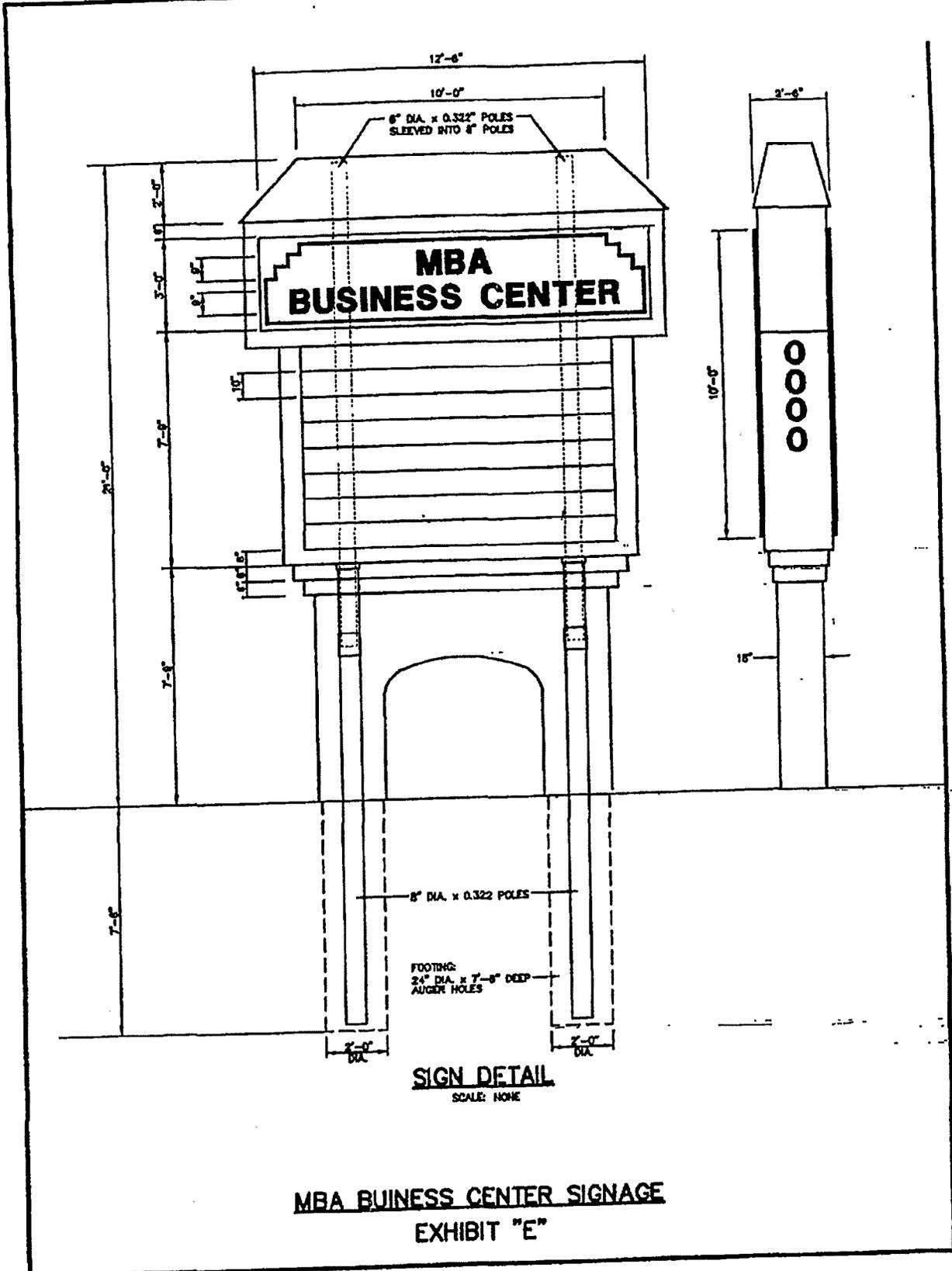


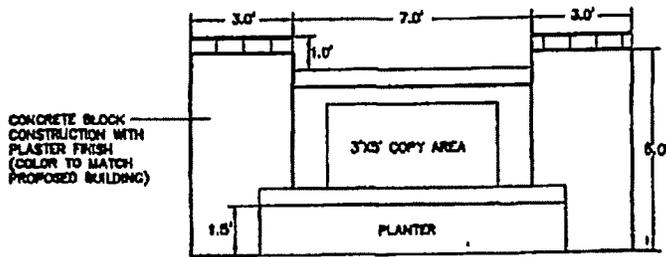
FRONT ELEVATION



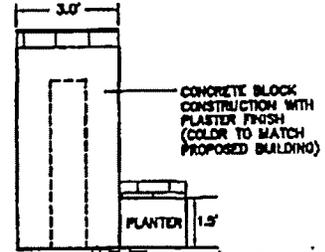
REAR ELEVATION

EXHIBIT "D"

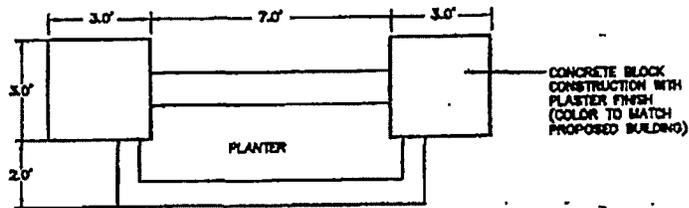




FRONT VIEW



SIDE VIEW



TOP VIEW

GARDENS AT ADDISON SIGNAGE
EXHIBIT "E"

EXHIBIT "F"

PERMITTED USES MBA BUSINESS CENTER AND GARDENS AT ADDISON MPUD

MBA BUSINESS CENTER USES

Art, dance, modeling and music schools.

Barber and beauty shops.

Catering services.

Dental laboratories.

Employment agencies.

Essential utility services.

Exempt excavations (refer to section 817.00(o)) and/or those which comply with article VIII of the Land Development Code of Volusia County [appendix A] and/or final site plan review procedures of this ordinance.

Exempt landfills (refer to section 817.00(p)).

Financial institutions.

General offices / office flex space.

Laundry and dry cleaning establishments.

Pawnshops.

Pest exterminators.

Private clubs.

Restaurants, types A and B.

Retail sales and services.

Retail specialty shops.

Tailors.

Travel agencies.

Veterinary clinics.

GARDENS AT ADDISON RESIDENTIAL USES

Essential utility services.

Exempt excavations (refer to section 817.00(o)) and/or those which comply with article VIII of the Land Development Code of Volusia County [appendix A] and/or final site plan review procedures of this ordinance.

Exempt landfills (refer to section 817.00(p)).

Home occupations, class A (refer to section 807.00).

Multifamily standard dwellings – maximum 72 units

Parks and recreational areas accessory to residential developments.

EXHIBIT "A"

DESCRIPTION:

A PORTION OF SECTION 36, TOWNSHIP 13 SOUTH, RANGE 32 EAST, VOLUSIA COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE NORTHEASTERLY RIGHT OF WAY LINE OF U.S. HIGHWAY #1, A 180 FT. RIGHT OF WAY AS CURRENTLY OCCUPIED AND ESTABLISHED, WITH THE SOUTHEASTERLY RIGHT OF WAY LINE OF UNOPENED ST. JOHNS STREET, A 60' STREET AS SHOWN ON THE REVISED PLAT OF NATIONAL GARDENS AS RECORDED IN MAP BOOK 10, PAGES 250 THROUGH 253, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, RUN THENCE N42°41'24"E ALONG SAID SOUTHEASTERLY RIGHT OF WAY LINE OF ST. JOHNS STREET FOR A DISTANCE OF 679.81 FEET TO A POINT; THENCE N00°18'05"E AND CONTINUING ALONG THE EASTERLY LINE OF ST. JOHNS STREET FOR A DISTANCE OF 244.41 FEET TO THE SOUTHERLY LINE OF ADDISON STREET, A 60' ROADWAY AS CURRENTLY OCCUPIED AND ESTABLISHED; THENCE S89°40'42"E AND ALONG SAID SOUTHERLY LINE OF ADDISON STREET FOR A DISTANCE OF 898.04 FEET TO THE NORTHWESTERLY LINE OF THE LAKES OF PINE RUN CONDOMINIUM SITE; THENCE S42°35'41"W ALONG SAID NORTHWESTERLY LINE OF THE LAKES OF PINE RUN CONDOMINIUM SITE AND THE VILLAGE OF PINE RUN, MAP BOOK 35, PAGE 40, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, FOR A DISTANCE OF 1484.91 FEET TO THE NORTHEASTERLY LINE OF U.S. HIGHWAY #1 AFORESAID; THENCE N 47°22'44"W ALONG U.S. HIGHWAY #1 FOR A DISTANCE OF 501.16 FEET TO THE POINT OF BEGINNING, SAID PARCEL CONTAINING 14.84 ACRES MORE OR LESS.

STAFF REPORT

City of Ormond Beach Department of Planning

DATE: January 10, 2011

SUBJECT: Mobility Fee

APPLICANT: City Initiated

NUMBER: 13-21

PROJECT PLANNER: Richard P. Goss, AICP

<u>Code Section Title</u>	<u>Code Section</u>	<u>Amendment</u>
Chapter 1, Article IV	1-26 – Mobility Fees	New Section added
Chapter 1, Article V	1-32 F 12	New paragraph 12 added
Chapter 1, Article V	1-32 1 & 3	New text added
Chapter 1, Article V	1-32 G 13	Existing paragraph deleted

A. INTRODUCTION: In 2009, the Legislature passed SB 360ER. This bill designated dense urban land areas (DULAs) and one of the definitions of DULA was an area having over 1000 people per square mile. Pursuant to that bill, the Florida Legislative Office of Economic and Demographic Research transmitted to the Department of Community Affairs on July 1, 2009, a list of counties and municipalities including the City of Ormond Beach, as qualifying for DULA status. Ormond Beach as a DULA is automatically designated a Transportation Concurrency Exception Area (TCEA). A designation of a citywide TCEA means that state concurrency no longer applies to development provided the City has a multimodal strategy approved and adopted in its Comprehensive Plan within two years of the bill's passage. However, Ormond Beach elected through its home rule powers to be more stringent and restrict the creation of TCEAs on roadway corridors which are environmentally or politically constrained.

The adopted multimodal plan or strategy was approved by Ordinance 10-48A on December 7, 2010 as part of a Remedial Amendment and Stipulated Settlement Agreement with the State Department of Community Affairs (DCA). The City's Comprehensive Plan and multimodal strategy was approved by the DCA on January 18, 2011. It was prepared as a balance between all roadway capacity improvements and all vehicle reduction strategies.

In February 2011, the Planning Board was presented with a mobility fee (Case No. M-11-12) designed to replace the Volusia County Roadway Impact Fee. The Planning Board was told that in no event would the City assess the mobility fee and the Volusia County Road Impact Fee together. For the past two years, the City has attempted to gain an exempt status from the Volusia County Road Impact Fee based upon SB 360ER. The city has been unsuccessful in this regard.

B. ANALYSIS:

There are benefits to retaining the TCEAs for the city, consequently the approach chosen is to convert its local road impact fee to a mobility fee for the US 1, A1A and SR40 corridors where each has a TCEA established. In order to make the mobility fee equivalent in cost to the city's local impact fee, a number of projects identified in the original multi-modal plan and strategy were taken out of the capital project list along with reducing the scope of projects.

The City's road portion of the mobility fee is smaller in costs since this component will be used to match funds from the TPO for efficiency improvements on state roads.

Table 1 below provides the estimated expenses for projects related to road efficiency improvements, non-motorized improvements, and transit improvements.

Table 1 – Person Trip Calculation

Mode	\$ Need by Mode ¹	2025 Development Trips ²	Average Vehicle Occupancy (AVO) ³	Person Trips (PT) ⁴	Cost per PT
Transit	\$1,335,000	114,680	1.502	172,249	\$16.00
Non-motorized	\$1,080,000				
Road	\$300,000				
Total	\$2,715,000				

¹ See attachments to staff report on sources and uses
² See Mobility Plan adopted by Ordinance 10-48A
³ Estimation and Prediction of Average Vehicle Occupancies using Traffic Accident Records, 2007
⁴ A person trip is a trip by one or more persons in any mode of transportation.

Table 2 depicts the most common land uses for infill and redevelopment and the resultant mobility fee for the most part is substantially less than the City's local road impact fee. These reductions should be incentives to redevelopment on the corridor.

Table 2- Land Uses with lower Mobility Fee than Impact Fees

ITE Code	Land Use	Per 1000 square feet		\$Over/ (Under)
		City Road Impact Fee	Mobility Fee	
710	General Office	\$299.04	\$243.42	(\$55.62)
720	Medical Office	\$5,819.26	\$695.34	(\$5,123.92)
820	Commercial <99K	\$3,938.93	\$505.65	(\$3,433.28)
	100K-199K	\$3,640.09	\$650.12	(\$2,989.97)
	200K-299.9K	\$2,063.43	\$773.95	(\$1,289.48)

934	CDB Sandwich Shop	\$2,175.17	\$773.95	(\$1,401.22)
932	Restaurants	\$4,403.59	\$2,413.98	(\$1,989.61)
565	Daycare	\$764.71	\$355.67	(\$409.04)
853	Convenience Store	\$10,410.36	\$5,079.52	(\$5,330.84)
912	Banks, Drive-thru	\$10,410.36	\$2,171.81	(\$8,238.55)
911	Banks (walk-in)	\$4,403.59	\$3,008.42	(\$1,395.17)

Table 3 depicts those uses where the mobility fee is more than the impact fee. Uses such as single family, parks/recreation and industrial are not new uses contemplated in the TCEA. Where existing uses are redeveloped, a credit is provided for the old use. On balance, the land uses in Table 2 have greater benefits for the corridors than the negatives associated with land uses in Table 3. The City's road impact fee will apply as presently adopted outside of the TCEAs. Volusia County road impact fee remains applicable for all state and county roads within the city regardless of the TCEA status.

Table 3 – Land Uses with Higher Mobility Fees than Impact Fees

ITE Code	Land Use	Per 1000 square feet		\$Over/ (Under)
		City Road Impact Fee	Mobility Fee	
210	Single Family	\$150.47	\$240.32	\$89.85
220	Multi-family	\$150.47	\$159.81	\$9.34
310	Hotel/Motel	\$74.39	\$98.88	\$24.49
620	Nursing Home	\$24.41	\$42.72	\$18.31
110	Industrial	\$55.56	\$154.10	\$98.54
411	Recreation/Parks	\$19.15	\$126.96	\$107.81
560	Churches/Education	\$125.01	\$197.04	\$72.03

Uses such as single family, parks/recreation and industrial are not new uses planned in the TCEA. Where existing uses are redeveloped, a credit is provided for the old use. On balance, the land uses in Table 2 have greater benefits for the corridors than the negatives associated with land uses in Table 3. The City's road impact fee will apply as presently adopted outside of the TCEAs. Volusia County road impact fee remains applicable for all state and county roads within the city regardless of the TCEA status.

The City proposes to use its mobility fees to support the following:

- improved transit amenities (Votran);
- expanded frequency of service on US 1, A1A, and SR40 (Votran);
- construct trails (City);
- implement the Elementary School pedestrian/bike improvement studies (City);
- enhance existing sidewalks by widening the existing width from 5 feet to 8 feet and,
- implement sidewalk connectivity from existing residential neighborhoods to transit stops, commercial shopping areas, public parks/recreation facilities and other public facilities such as the library, etc (City).

The City has started the preliminary steps to establish a redevelopment district on US1 and A1A is planned in the future to fund multimodal activities but the rest of the funds will need to come from other communities who are on the transit routes that are also traversed by routes 1, 3, and 18/19. In addition, the county will need to find new revenues to support transit, both rail and bus, in the future.

The mobility fee replaces city concurrency therefore conducting traffic studies will not be required within TCEAs. The roadway corridors that are TCEAs include SR 40 from A1A to Williamson, US 1 from Wilmette to the southern city line, and A1A from SR40 to the southern city line.

C. LDC CODE SECTIONS TO BE AMENDED:

- Chapter 1, Article IV, is proposed to be amended by adding a new Section 1-26 entitled, "Mobility Fee." It shall read as follows:

SECTION 1-26: MOBILITY FEE

A. Mobility Fee Purpose. Pursuant to Ordinance 10-48A, a mobility fee is hereby established to implement the City's Multimodal Strategy. The mobility fee is mode neutral and when used effectively in combination with infill land use development densities and intensities that are transit supportive, total vehicle miles travelled and greenhouse gas emissions shall be reduced while providing enhanced mobility options.

- Mobility Fee Components:** The mobility fee shall contain a road, transit and non-motorized (sidewalks, bike trails) component. It replaces the City's local road impact fee on the Transportation Concurrency Exception Area (TCEA) designated on US 1, A1A and SR 40 only. Elsewhere, the City's road impact fee applies.
- Applicability:** Table 1 below identifies the multi-modal corridor or geographical area where a Transportation Concurrency Exception Area (TCEA) is designated and to which each mobility fee component is applicable:

Table 1- Mobility Fee Applicability

<u>Modal Component</u>	<u>Downtown TCEA</u>	<u>SR 40, US1, A1A TCEA</u>	<u>Ormond Crossing TCEA¹</u>	<u>Outside TCEA</u>
Road	yes	yes	no	no
Transit	yes	yes	no	no
Non-motorized	yes	yes	no	no

NOTE: Ormond Crossing is governed by its own multimodal strategy and mitigation plan pursuant to Ordinance 2010-07.

A development located on a state or city road outside a TCEA shall be subject to concurrency and mitigation, if required, for those trips distributed outside of a TCEA. For those trips distributed onto a multimodal road corridor that is classified as a TCEA, a mobility fee shall apply only. Concurrency applies to all county roads and mobility fees are not applicable. The City's local road fee component shall apply outside of the TCEA in addition to mitigating impacts on the State, County or City roadway system due to the low density nature of those non-TCEA areas which do not support transit service and lack sufficient road connectivity.

3. **TCEA:** The following corridors are designated a TCEA resulting in mobility fees replacing concurrency:
- a. SR 40 from A1A to Williamson Boulevard;
 - b. US 1 from Wilmette to the southern city boundary line; and
 - c. A1A from SR40 to the southern city boundary line.

The area encompassed by a TCEA is ¼ mile in width and measured from the centerline of the corridor (See Map).

4. **Calculation of Mobility Fee:** Calculating the mobility fee is derived by multiplying the density or intensity to be developed by the assigned trip generation rate (TGR) from the latest ITE Trip Generation Manual. The Net TGR (minus pass-by trips) multiplied by the Average Vehicle Occupancy (AVO) factor of 1.502 equals the number of person trips (PT). PT is multiplied by the established mobility fee amount.

Formula: Density or Intensity x TGR – Passerby x AVO x PT x the mobility fee.

Where: TGR is Trip Generation Rate
AVO is Average Vehicle Occupancy
PT is Person Trip

Example:

<u>Land Use</u>	<u>S.F.</u>	<u>TGR</u>	<u>Pass-By</u>	<u>AVO</u>	<u>PT</u>	<u>Mobility Fee Per PT</u>	<u>Total</u>
<u>Commercial</u>	<u>1000</u>	<u>845</u>	<u>75%</u>	<u>1.502</u>	<u>318</u>	<u>\$16.00</u>	<u>\$5,079.52</u>

5. **Mobility Fee:** Table 2 depicts the mobility fee based on the projected costs to provide transit and non-motorized improvements identified in the Multimodal Strategy. The road component represents the conversion of the city's local road impact fee from an ELU to TGR and PT. The road fee is based upon the improvements specified in the City's Capital Improvements Program. Payment

of funds is at issuance of Certificate of Occupancy and it shall be deposited by the City into each component's account according to the prescribed percentage.

Table 2 – Mobility Fee

Modal Component	Cost Per PT	Mode allocation %
Roads	\$1.76	11%
Transit	\$8.00	50%
Bike/Pedestrian	\$6.24	39%
Total	\$16.00	100%

6. Applicability of Volusia County Impact Fees: Within a TCEA, mobility fees replace the City's local road impact fee but Volusia County Road Impact Fee for road improvements still applies.

6. Applicability of Volusia County Traffic Impact Assessment Guidelines: Within a TCEA, the Traffic Impact Assessment Guidelines do not apply.

2. Chapter 1, Article V, Section 1-32 F is amended to add mobility fees as a new subsection 12. It shall read as follows:

12. All development within a designated Transportation Concurrency Exception Area (TCEA) except for the Ormond Crossing TCEA shall pay a mobility fee, in lieu of concurrency. The mobility fee contains three sub component fees, one each for a road, transit and non-motorized (sidewalks, bike trails, etc.) travel mode. For development within a TCEA, no traffic study shall be required, concurrency shall not apply, and mitigation other than payment of the fee shall not be required. The mobility fee is a "pay & go" fee. Outside of a TCEA, concurrency shall apply. Development on State and County roads outside of a designated TCEA shall be required to follow the Volusia County Transportation Impact Assessment Guidelines as well as pay the City's road impact fee. Payment of the full or partial mobility fee to the City shall be at Certificate of Occupancy for non-residential development and at preliminary plat for residential developments. Credit against the mobility fee shall be applicable for on-site transit and off-site non-motorized improvements not required by code. Mobility fee deposits shall be allocated to each of the modes by the percentage specified.

Commentary: A new subsection 12 is added and it reiterates Section 1-26 for the most part. This also provides guidance in that credits can be obtained if transit or off-site non-motorized improvements are made. This section also directs the City to allocate the mobility fee collected to each mode by the percentage specified in Section 1-26.

3. Amend Subsection 1 entitled Purpose and Intent of Section 1-32 (G), Proportionate Fair Share Program shall apply only to transportation facilities outside of designated Transportation Concurrency Exception Areas.

4. Chapter 1, Article V, Section 1-32 G is amended by adding to subsection 3 a statement that development within a TCEA is exempt from city proportionate fair share.
5. Chapter 1, Article V, Section 1-32 G is also amended by deleting subsection 13 where a TCEA is subject to proportionate fair share.

Commentary: Proportionate Fair Share is a mitigation tool to meet concurrency. A concurrency alternative applies to development within the multimodal corridors of US 1, A1A or SR40.

D. CONCLUSION: There are certain criteria that must be evaluated before M-10-110 can be approved. According to Article I of the Land Development Code, the Planning Board shall consider the following when making its recommendation:

1. **The proposed development conforms to the standards and requirements of this Code and will not create undue crowding beyond the conditions normally permitted in the zoning district, or adversely affect the public health, safety, welfare or quality of life.**

The purpose of this amendment is to reverse the continued outmigration of business to the perimeter of the city because it is less expensive and easier to build greenfield development. Densities and intensities will not be increased above the land use designations therefore conditions will not be more than dictated in the Comprehensive Plan. The zoning ordinance due to its development standards make development constructing at the density or intensity in the land use plan almost impossible. The Land Use Plan minimums should not be the City's LDC maximums as it relates to density and intensity.

2. **The proposed development is consistent with the Comprehensive Plan.**

The mobility fee is consistent with the City's adopted Mobility Strategy (Ordinance 10-48A) and the recently adopted 2025 Comprehensive Plan. The mobility fee is part of the requirements of SB 360 designating the City as a Dense Urban Land Area (DULA). The mobility fee was required to make the mobility strategy a financially feasible strategy.

3. **The proposed development will not adversely impact environmentally sensitive lands or natural resources, including but not limited to waterbodies, wetlands, xeric communities, wildlife habitats, endangered or threatened plants and animal species or species of special concern, wellfields, and individual wells.**

This is not a project-specific development application and the proposed Land Development Code amendment will not have an adverse impact on environmentally sensitive lands.

4. **The proposed use will not substantially or permanently depreciate the value of surrounding property; create a nuisance; or deprive adjoining properties of adequate light and air; create excessive noise, odor, glare, or visual impacts on the neighborhood and adjoining properties.**

This is not a project-specific development application and the proposed Land Development Code amendments will have no adverse effect on surrounding property; create a nuisance; or deprive adjoining properties of adequate light and air; create excessive noise, odor, glare or visual impacts on adjoining properties.

5. **There are adequate public facilities to serve the development, including but not limited to roads, sidewalks, bike paths, potable water, wastewater treatment, drainage, fire and police safety, parks and recreation facilities, schools, and playgrounds.**

The purpose of the mobility strategy and fee is to ensure that travel can be accommodated by all types of modes and that the City's downtown and commercial corridors are not widened to a degree where the character of the city is no longer that of a city. The mobility fee will support road efficiency enhancements, transit improvements (capital and operating) and non-motorized to include bike and pedestrian sidewalks to ensure connectivity between residential neighborhoods and destination points to include transit stops.

6. **Ingress and egress to the property and traffic patterns are designed to protect and promote motorized vehicle and pedestrian/bicycle safety and convenience, allow for desirable traffic flow and control, and provide adequate access in case of fire or catastrophe. This finding shall be based on a traffic report where available, prepared by a qualified traffic consultant, engineer or planner which details the anticipated or projected effect of the project on adjacent roads and the impact on public safety.**

There is no development proposed for this amendment. The application pertains to a Land Development Code amendment.

7. **The proposed development is functional in the use of space and aesthetically acceptable.**

There is no development proposed for this amendment. The application pertains to a Land Development Code amendment.

8. **The proposed development provides for the safety of occupants and visitors.**

There is no development proposed for this amendment. The application pertains to a Land Development Code amendment.

9. **The proposed use of materials and architectural features will not adversely impact the neighborhood and aesthetics of the area.**

There is no development proposed for this amendment. The application pertains to a Land Development Code amendment.

10. **The testimony provided at public hearings.**

There has not been a public hearing at this time. The comments from the Planning Board meeting will be incorporated into the City Commission packet.

E. RECOMMENDATION: It is recommended that the Planning Board approve Case No. 13-21 to amend the Land Development Code by adding a mobility fee as an alternative to concurrency and local road impact fees within the designated multimodal corridors that are Transportation Concurrency Exception Areas.

Attachments: as

City Local Road Impact Fee applies everywhere but TCEA		Mobility Fee applies to TCEA on SR40, US 1, A1A		Mobility Fee applies everywhere but TCEA		Mobility Fee applies to TCEA on SR40, US 1, A1A		Mobility Fee applies everywhere but TCEA		Mobility Fee applies to TCEA on SR40, US 1, A1A		Mobility Fee applies everywhere but TCEA		Mobility Fee applies to TCEA on SR40, US 1, A1A	
ITE Code	Land Use Types In City Fee Schedule	2012-13 Fee	ELU	Per ELU (1000 sf)	Fee	Unit of	Equivalent Measure	Mobility Fee Over/Under	Impact Fee Over/Under	Equivalency Over/Under	Unit of	Equivalent Measure	Mobility Fee Over/Under	Impact Fee Over/Under	Equivalency Over/Under
210	Residential Single Family	\$150.47	1	\$150.47	\$240.32	DU	Room	OVER	\$89.85	60%			OVER	\$89.85	60%
220	Multi Family	\$150.47	1	\$150.47	\$159.81	DU		OVER	\$9.34	6%			OVER	\$9.34	6%
240	Mobile/Manufactured Homes	\$150.47	1	\$150.47	\$119.92	DU		UNDER	(\$30.55)	-20%			UNDER	(\$30.55)	-20%
310	Hotel/Motel	\$106.28	0.7	\$74.39	\$98.88	Room		OVER	\$24.49	33%			OVER	\$24.49	33%
710	Non-Residential General/Government Office	\$213.80	1.4	\$299.04	\$243.42	1000 sf		UNDER	(\$55.62)	-19%			UNDER	(\$55.62)	-19%
720	Medical Office	\$938.59	6.2	\$5,819.26	\$695.34	1000 sf		UNDER	(\$5,123.92)	-88%			UNDER	(\$5,123.92)	-88%
610	Hospital	\$196.77	1.3	\$255.80	\$218.54	Bed		UNDER	(\$37.26)	-15%			UNDER	(\$37.26)	-15%
620	Nursing Home	\$61.03	0.4	\$24.41	\$42.72	Bed		OVER	\$18.31	75%			OVER	\$18.31	75%
110	Industrial	\$92.60	0.6	\$55.56	\$154.10	1000 sf		OVER	\$98.54	177%			OVER	\$98.54	177%
150	Warehouse	\$92.60	0.6	\$55.56	\$44.22	1000 sf		UNDER	(\$11.34)	-20%			UNDER	(\$11.34)	-20%
151	Mini Warehouse	\$92.60	0.6	\$55.56	\$55.27	1000 sf		UNDER	(\$0.28)	-1%			UNDER	(\$0.28)	-1%
820	General Commercial 0-99,000	\$772.34	5.1	\$3,938.93	\$505.85	1000 sf		UNDER	(\$3,433.28)	-87%			UNDER	(\$3,433.28)	-87%
820	100,000-199,000	\$742.88	4.9	\$3,640.09	\$650.12	1000 sf		UNDER	(\$2,989.97)	-82%			UNDER	(\$2,989.97)	-82%
820	200,000-299,999	\$557.68	3.7	\$2,063.43	\$773.95	1000 sf		UNDER	(\$1,289.48)	-62%			UNDER	(\$1,289.48)	-62%
934	CDB Sandwich Shop, Type B	\$572.41	3.8	\$2,175.17	\$773.95	1000 sf		UNDER	(\$1,401.22)	-64%			UNDER	(\$1,401.22)	-64%
932	Restaurant, Type A/C/D	\$815.48	5.4	\$4,403.59	\$2,413.98	1000 sf		UNDER	(\$1,989.61)	-45%			UNDER	(\$1,989.61)	-45%
411	General Recreation	\$54.72	0.35	\$19.15	\$126.96	Parking Sp		OVER	\$107.81	563%			OVER	\$107.81	563%
411	Local Park	\$54.72	0.35	\$19.15	\$126.96	picnic sites		OVER	\$107.81	563%			OVER	\$107.81	563%
560	Churches/Education	\$138.89	0.9	\$125.01	\$197.04	1000 sf		OVER	\$72.03	56%			OVER	\$72.03	56%
565	Day Care	\$339.87	2.25	\$764.71	\$355.87	1000 sf		UNDER	(\$409.04)	-53%			UNDER	(\$409.04)	-53%
853	Convenience Store	\$1,254.26	8.3	\$10,410.36	\$5,079.52	1000 sf		UNDER	(\$5,330.84)	-51%			UNDER	(\$5,330.84)	-51%
912	Banks w/Drive Thru	\$1,254.26	8.3	\$10,410.36	\$2,171.81	1000 sf		UNDER	(\$8,238.55)	-79%			UNDER	(\$8,238.55)	-79%
911	Banks wo/Drive Thru	\$815.48	5.4	\$4,403.59	\$3,008.42	1000 sf		UNDER	(\$1,395.17)	-32%			UNDER	(\$1,395.17)	-32%

Cost Per Person Trip: \$16.00

Projected Transit Component Revenues and Expenses

<u>Transit:</u>	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	Total
Sources:															
Transit Fee	\$0	\$5,000	\$5,000	\$5,000	\$50,000	\$50,000	\$100,000	\$120,000	\$120,000	\$140,000	\$170,000	\$170,000	\$200,000	\$200,000	\$1,335,000
CRA Funding	\$0	\$0	\$0	\$0	\$50,000	\$50,000	\$180,000	\$160,000	\$160,000	\$230,000	\$200,000	\$200,000	\$170,000	\$170,000	\$1,570,000
Total:	\$0	\$5,000	\$5,000	\$5,000	\$100,000	\$100,000	\$280,000	\$280,000	\$280,000	\$370,000	\$370,000	\$370,000	\$370,000	\$370,000	\$2,905,000
Uses:															
Transit Amenities	\$5,000	\$5,000	\$5,000	\$5,000	\$10,000	\$10,000	\$10,000	\$10,000	\$10,000	\$10,000	\$10,000	\$10,000	\$10,000	\$10,000	\$115,000
SR 40 corridor frequency of service improvements from 1 hour headways to 30 minute headways. Route 18/19 Operating	\$0	\$0	\$0	\$0	\$0	\$0	180,000	\$180,000	\$180,000	\$180,000	\$180,000	\$180,000	\$180,000	\$180,000	\$1,440,000
US 1 Corridor Frequency of Service improvements from 1 hour headways to 30 minute headways Route 3 Operating	\$0	\$0	\$0	\$0	\$90,000	\$90,000	\$90,000	\$90,000	\$90,000	\$90,000	\$90,000	\$90,000	\$90,000	\$90,000	\$900,000
A1A corridor frequency of service improvements from 1 hour headways to 15 minute headways Route 1 Operating	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$90,000	\$90,000	\$90,000	\$90,000	\$90,000	\$450,000
Total:	\$0	\$5,000	\$5,000	\$5,000	\$100,000	\$100,000	\$280,000	\$280,000	\$280,000	\$370,000	\$370,000	\$370,000	\$370,000	\$370,000	\$2,905,000

NOTE: The transit component of the mobility fee does not include those costs related to improvements that are to be paid for by other sources

Projected Non-Motorized Component Revenue and Expenditures

<u>Non-Motorized</u>	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	Total
Sources:															
Non-motorized Fee	\$0	\$5,000	\$25,000	\$60,000	\$85,000	\$90,000	\$95,000	\$95,000	\$95,000	\$95,000	\$90,000	\$115,000	\$115,000	\$115,000	\$1,080,000
XU Funds	\$0	\$510,000	\$0						\$750,000						\$1,260,000
TIF	\$75,000	\$70,000	\$30,000	\$20,000		\$20,000			\$250,000						\$465,000
General Fund	\$51,000														\$51,000
Total:	\$75,000	\$636,000	\$55,000	\$80,000	\$85,000	\$110,000	\$95,000	\$95,000	\$1,095,000	\$95,000	\$90,000	\$115,000	\$115,000	\$115,000	\$2,856,000
Uses:															
Bike racks, storage lockers, etc	\$5,000	\$5,000	\$5,000			\$10,000				\$10,000	\$10,000	\$20,000	\$20,000	\$20,000	\$135,000
Thompson Creek Trail									\$1,000,000						\$1,000,000
Bike/Pedestrian Safety Study Projects	\$20,000	\$15,000		\$30,000	\$35,000	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000		\$45,000	\$45,000	\$45,000	\$485,000
Forest Hills Connector		\$566,000													\$566,000
Sidewalk enhancements (5' wide to 8' wide)											\$80,000	\$50,000	\$50,000	\$50,000	\$230,000
Sidewalk Connectivity	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000	\$45,000	\$45,000	\$45,000	\$35,000					\$470,000
Total:	\$75,000	\$636,000	\$55,000	\$80,000	\$85,000	\$110,000	\$95,000	\$95,000	\$1,095,000	\$95,000	\$90,000	\$115,000	\$115,000	\$115,000	\$2,856,000

Note: The non-motorized component of the mobility Fee does not include those costs related to improvements that are to be paid for by other sources

CITY ORDINANCE NO. 2011-XXX

AN ORDINANCE AMENDING CHAPTER 1 OF THE LAND DEVELOPMENT CODE, MORE SPECIFICALLY; AMENDING CHAPTER 1 ARTICLE IV, BY ADDING SECTION 1-26 ENTITLED MOBILITY FEE; AMENDING ARTICLE V, SECTION 1-32 F, ENTITLED, TRAFFIC CIRCULATION BY ADDING SUBSECTION (12); AMENDING ARTICLE V, SECTION 1-32 G, ENTITLED, PROPORTIONATE FAIR SHARE PROGRAM FOR TRANSPORTATION & PUBLIC SCHOOL FACILITIES BY AMENDING SUBSECTIONS (1), (3) AND DELETING SUBSECTION (13), REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

WHEREAS, Senate Bill 360 in 2009 designated the City of Ormond Beach as a Dense Urban Land Area (DULA) requiring the City to adopt and file a financially feasible multimodal strategy no later than July 2011; and

WHEREAS, the City submitted it EAR based amendments by adopting Ordinance 2010-31 on June 1, 2010 containing a multi-modal strategy to the Florida Department Community Affairs; and

WHEREAS, the Florida Department of Community Affairs issued its Notice of Intent in July, 2010 to find said amendments not in compliance; and

WHEREAS, the City approved a Stipulated Settlement Agreement with the Florida Department of Community Affairs by Resolution 2010-168 on October 19, 2010; and

WHEREAS, the City of Ormond Beach adopted Ordinance 10-48A (Mobility Strategy) and Ordinance 10-48 (2025 Comprehensive Plan) pursuant to the Stipulated Settlement Agreement; and

WHEREAS, the mobility fee as set forth in this ordinance establishes the multimodal strategy as financially feasible and replaces concurrency and the imposition of city road impact fees on certain state roads.

THEREFORE BE IT ENACTED BY THE PEOPLE OF THE CITY OF ORMOND BEACH, FLORIDA, THAT:

SECTION ONE. Chapter 1, General Administration, of Article IV, Schedule of Development Review and Impact Fees, of the LDC is hereby amended by adding Section 1-26 entitled Mobility Fee to read as follows:

SECTION 1-26: RESERVED MOBILITY FEE

A. Mobility Fee Purpose. Pursuant to Ordinance 10-48A, a mobility fee is hereby established to implement the City’s Multimodal Strategy. The mobility fee is mode neutral and when used effectively in combination with infill land use development densities and intensities that are transit supportive, total vehicle miles travelled and greenhouse gas emissions shall be reduced while providing enhanced mobility options.

1. **Mobility Fee Components:** The mobility fee shall contain a road, transit and non-motorized (sidewalks, bike trails) component. It replaces the City’s local road impact fee on the Transportation Concurrency Exception Areas (TCEAs) designated on US 1, A1A and SR 40 only. Elsewhere, the City’s road impact fee applies.
- 2.
3. **Applicability:** Table 1 below identifies the multi-modal corridor or geographical area where a Transportation Concurrency Exception Area (TCEA) is designated and to which each mobility fee component is applicable:

<u>Modal Component</u>	<u>Downtown TCEA</u>	<u>SR 40, US1, A1A TCEA</u>	<u>Ormond Crossing TCEA¹</u>	<u>Outside TCEA</u>
Road	yes	yes	no	no
Transit	yes	yes	no	no
Non-motorized	yes	yes	no	no

NOTE: Ormond Crossing is governed by its own multimodal strategy and mitigation plan pursuant to Ordinance 2010-07.

Table 1- Mobility Fee Applicability

A development located on a state or city road outside a TCEA shall be subject to concurrency and mitigation, if required, for those trips distributed outside of a TCEA. For those trips distributed onto a multimodal road corridor that is classified as a TCEA, a mobility fee shall apply only. Concurrency applies to all county roads and mobility fees are not applicable. The City's local road fee component shall apply outside of the TCEA in addition to mitigating impacts on the State, County or City roadway system due to the low density nature of those non-TCEA areas which do not support transit service and lack sufficient road connectivity.

3. TCEA: The following corridors are designated a TCEA resulting in mobility fees replacing concurrency:

- a. SR 40 from A1A to Williamson Boulevard;
- b. US 1 from Wilmette to the southern city boundary line; and
- c. A1A from SR40 to the southern city boundary line.

The area encompassed by a TCEA is ¼ mile in width and measured from the centerline of the corridor (See Map in Comprehensive Plan).

4. Calculation of Mobility Fee: Calculating the mobility fee is derived by multiplying the density or intensity to be developed by the assigned trip generation rate (TGR) from the latest ITE Trip Generation Manual. The Net TGR (minus pass-by trips) multiplied by the Average Vehicle Occupancy (AVO) factor of 1.502 equals the number of person trips (PT). PT is multiplied by the established mobility fee.

Formula: Density or Intensity x TGR – Passerby x AVO x PT x the applicable mobility fee.

Where: TGR is Trip Generation Rate
 AVO is Average Vehicle Occupancy
 PT is Person Trip

Example:

<u>Land Use</u>	<u>S.F.</u>	<u>TGR</u>	<u>Pass-By</u>	<u>AVO</u>	<u>PT</u>	<u>Mobility Fee Per PT</u>	<u>Total</u>
Commercial	1000	845	75%	1.502	318	\$16.00	\$5,079.52

5. Mobility Fee: Table 2 depicts the mobility fee based on the projected costs to provide transit and non-motorized improvements identified in the Multimodal Strategy. The road component represents the conversion of the city’s local road impact fee from an ELU to TGR and PT. The road fee is based upon the improvements specified in the City’s Capital Improvements Program. Payment of funds at building permit issuance shall be deposited by the City into each component’s account according to the prescribed percentage.

Table 2 – Mobility Fee

Modal Component	Cost Per PT	Mode allocation %
Roads	\$1.76	11%
Transit	\$8.00	50%
Bike/Pedestrian	\$6.24	39%
Total	\$16.00	100%

6. Applicability of Volusia County Impact Fees: Within a TCEA, mobility fees replace the City’s local road impact fee but Volusia County Road Impact Fee for road improvements still applies.

7. Applicability of Volusia County Traffic Impact Assessment Guidelines: Within a TCEA, the Traffic Impact Assessment Guidelines do not apply.

SECTION TWO. Section 1-32 (F) entitled Traffic Circulation of Chapter 1, General Administration, of Article V, Concurrency, of the *LDC* is hereby amended by adding subparagraph (12) to read as follows:

12. All development within a designated Transportation Concurrency Exception Area (TCEA) except for the Ormond Crossing TCEA shall pay a mobility fee, in lieu of concurrency. The mobility fee contains three sub component fees, one each for a road, transit and non-motorized (sidewalks, bike trails, etc.) travel mode. Within a TCEA, the road, transit and non-motorized fee component of the total mobility fee shall apply. For development within a TCEA, no traffic study shall be required, concurrency shall not apply, and mitigation other than payment of the fee shall not be required. The mobility fee is a “pay & go” fee. Volusia

County's Road Impact Fee shall apply. Outside of a TCEA, concurrency shall apply. Development on State and County roads outside of a designated TCEA shall be required to follow the Volusia County Transportation Impact Assessment Guidelines as well as pay the City's road impact fee. Payment of the mobility fee to the City shall be at Certificate of Occupancy for non-residential development and at preliminary plat for residential developments. Credit against the mobility fee shall be applicable for on-site transit and off-site non-motorized improvements not required by code. Mobility fee deposits shall be allocated to each of the modes by the percentage specified

SECTION THREE. Subsection 1 entitled Purpose and Intent of Section 1-32 (G), Proportionate Fair Share Program for Transportation and Public School Facilities of Chapter 1, General Administration, of Article V, Concurrency, of the *LDC* is hereby amended to read as follows:

1. Purpose and Intent

The purpose of this ordinance is to establish a method whereby the impacts of development on school, and transportation facilities outside of the designated TCEAs can be mitigated by the cooperative efforts of the public and private sectors, to be known as the Proportionate Fair-Share Program as required by, and in a manner consistent with, §163.3180 (13) (g) (5) and (16), F.S.

SECTION FOUR. Subsection 3 entitled Applicability of Section 1-32 (G), Proportionate Fair Share Program for Transportation and Public School Facilities of Chapter 1, General Administration, of Article V, Concurrency, of the *LDC* is hereby amended to read as follows:

3. Applicability

The Proportionate Fair-Share Program shall apply to all developments in the City of Ormond Beach that have been notified of a lack of capacity to satisfy transportation or public school concurrency on a transportation or school facility in the city Concurrency Management System (CMS), including transportation facilities maintained by FDOT or another jurisdiction that are relied upon for concurrency determinations, school facilities maintained by the Volusia County School District, pursuant to the requirements of Sections “d” and “g”. The Proportionate Fair-Share Program does not apply to developments of regional impact (DRIs) using proportionate fair-share under §163.3180(12), F.S., to designated TCEA’s that have a multimodal strategy approved pursuant to Senate Bill 360ER, or to developments exempted from concurrency as provided in Chapter 163.3180, F.S., regarding exceptions and de minimis impacts.

SECTION FIVE. Subsection 13 entitled Proportionate Share Program for TCEAs, TCMAs, and MMTDs, of Section 1-32 (G) entitled Proportionate Fair Share Program for Transportation and Public School Facilities of Chapter 1, General Administration, of Article V, Concurrency, of the *LDC* is hereby deleted in its entirety.

SECTION SIX. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION SEVEN. In the event any word, phrase, clause, sentence, paragraph, term, or provision of this Ordinance shall be held to be invalid by a court of competent jurisdiction, such judicial determination shall not affect any other word, clause, phrase, sentence, paragraph, term or provision, of this Ordinance, and the remainder of this Ordinance shall remain in full force and effect.

SECTION EIGHT. This Ordinance shall take effect immediately upon its adoption.

PASSED UPON at the first reading of the City Commission, this _____ day of October, 2008.

PASSED UPON at the second and final reading of the City Commission, this _____ day of November, 2008.

ED KELLEY
Mayor

ATTEST:

SCOTT Clerk

STAFF REPORT

City of Ormond Beach Department of Planning

DATE: November 8, 2012

SUBJECT: LDC Amendments – Doggie Dining

APPLICANT: City Initiated

NUMBER: Case# 13-24

PROJECT PLANNER: Richard P. Goss, AICP

Code Section Title	Code Section	Amendment
Chapter 2, Article IV	Section 2-57 R 5, 6, 7 and 8 Restaurant Types	Deleted in its entirety
Chapter 2, Article IV	Section 2-57 R 5 Restaurant Types, subsection 1 and 2	Restaurant type requirements placed in table, doggie dining criteria, administration and enforcement and penalties
Chapter 2, Article IV	Subsection 2-57 R 9, 10 and 11	Changed numerically to subsections 6, 7, and 8.

A. INTRODUCTION:

This is proposed amendment to the Land Development Code (LDC) to permit patrons of restaurants to bring their dogs to the premises subject to provisions provided for in the Dixie Cup Clary Local Control Act passed by the Florida Legislature. The Dixie Cup Clary Local Control Act, Florida Statute 509.233 grants the City the authority to provide exemptions from Section 6.501.115, 2001 FDA Food Code, as adopted and incorporated by the Division of Hotels and Restaurants ("Division") in F.A.C. § 61C-4.010(6).

B. BACKGROUND:

The Dixie Cup Clary Local Control Act (the "Act"), Section 509.233, Florida Statutes was initially enacted in 2006 as a 3-year pilot program authorizing the governing body of a local government the authority to establish by ordinance a local exemption procedure to certain provisions of the Food And Drug Administration Food Code. The Dixie Cup Clary Local Control Act provided a process whereby restaurants could allow their patrons' dogs within certain designated outdoor portions of public food service establishments, if these areas have outside access to the outdoor dining area; meaning the dogs would not be permitted to enter the restaurant to reach an outdoor dining area.

The Act was scheduled to expire July 1, 2009, unless reviewed and saved from repeal by the legislature. In the 2009 legislative session, the Act was amended to remove the 3-year

limitation. The prohibition against any animal other than service animals, such as leader dogs for the blind or deaf, inside any restaurant in the state remains firmly in place. Pet dogs are still prohibited inside public food service establishments, including traveling through the establishment.

C. DISCUSSION:

Pet dogs are generally prohibited at public food service establishments; however, the City may enact an ordinance permitting dogs in designated outdoor seating areas of public food service establishments, at the specific request of the restaurant. The ordinance must include specific requirements established by state law, including permit fees and sanitation and safety conditions that must be met.

Any local ordinances allowing dogs must include the following minimum requirements:

- All food service employees must wash their hands promptly after touching, petting, or otherwise handling dogs.
- Employees cannot touch, pet, or otherwise handle dogs while serving food or beverages or handling tableware or before entering other parts of the establishment.
- Patrons must be advised to wash their hands before eating. The establishment must provide waterless hand sanitizer at each table.
- Dogs shall not come into contact with serving dishes, utensils, tableware, linens, paper products or any other items involved in food service operations.
- Dogs shall be kept on a leash at all times and under reasonable control.
- Dogs shall not be allowed on chairs, tables, or other furnishings.
- Table and chair surfaces and any spillage shall be cleaned and sanitized between seating of patrons.
- Accidents involving dog waste shall be cleaned immediately and the area sanitized with an approved product. Establishments are required to keep a kit containing cleaning materials in the designated outdoor area.
- Signage reminding employees and patrons of adopted rules must be posted as required by local ordinance.
- Dogs are not permitted to travel through any indoor or non-designated outdoor portions of the establishment. Ingress and egress to the designated, permitted, area cannot require entrance into or passage through any indoor area of the establishment.

Local governments may adopt additional requirements that must be met to obtain a permit.

The City has received several letters from Mr. Patrick Daughtery who has a specific interest in the City of Ormond Beach passing similar legislation. As staff understands, Flagler Beach and Daytona Beach have passed or have considered similar legislation.

The City Commission discussed this issue at a work session on November 13, 2012. A draft ordinance has been drafted taking into consideration NID review and comments.

D. LDC CODE SECTION TO BE AMENDED:

The following amendments are proposed:

1. Section 2-57 R 5. Restaurant Type A, 6. Restaurant Type B, 7. Restaurant Type C, and 8. Restaurant Type D, of Chapter 2, District and General Regulations, of Article IV, Conditional and Special Exception Regulations of the City Land Development Code is proposed to be deleted in its entirety:

5. RESTAURANT, TYPE "A"

- ~~1. Screening and buffering in excess of that required under Chapter 3, Article 1 may be required in order to minimize impact on nearby residential uses to the maximum extent feasible, particularly with regard to noise, odor, fumes and glare impacts.~~
- ~~2. Hours of operation may be restricted if located adjacent to a conforming residential use or a residential district.~~
- ~~3. A full menu must be available at all times during which alcohol is consumed.~~
- ~~4. If inside entertainment is provided, there shall be no additional charge for admission and hours of operation may be limited. All entertainment will be contained inside, unless granted approval through Public Hearing.~~
- ~~5. Outdoor seating is permitted and shall be reviewed by the SPRC.~~

6. RESTAURANT, TYPE "B"

- ~~1. Screening and buffering in excess of that required under Chapter 3, Article 1 may be required in order to minimize impact on nearby residential uses to the maximum extent feasible, particularly with regard to noise, odor, fumes and glare impacts.~~
- ~~2. Hours of operation may be restricted if located adjacent to a conforming residential use or a residential district.~~
- ~~3. Type "B" establishments are permitted to offer beer and wine only.~~
- ~~4. If inside entertainment is provided, there shall be no additional charge for admission, and hours of operation may be limited. All entertainment will be contained inside unless granted approval through Public Hearing.~~

~~5. Outdoor seating is permitted and shall be reviewed by the SPRC.~~

~~7. RESTAURANT, TYPE "C"~~

~~1. Screening and buffering in excess of that required under Chapter 3, Article 1 may be required in order to minimize impact on nearby residential uses to the maximum extent feasible, particularly with regard to noise, odor, fumes and glare impacts.~~

~~2. Hours of operation may be restricted if located adjacent to a conforming residential use or a residential district.~~

~~3. Outdoor seating is permitted and shall be review by the SPRC.~~

~~4. Type "C" establishments are permitted to offer beer and wine only.~~

~~8. RESTAURANT, TYPE "D"~~

~~1. Screening and buffering in excess of that required under Chapter 3, Article 1 may be required in order to minimize impact on nearby residential uses to the maximum extent feasible, particularly with regard to noise, odor, fumes and glare impacts.~~

~~2. Hours of operation may be restricted if located adjacent to a conforming residential use or areidential district.~~

~~3. The restaurant shall have a minimum of 4000 total square feet, to include exterior dining area.~~

~~4. A minimum of 100 seats is required.~~

~~5. Shall be located within the Downtown Community Redevelopment Area.~~

~~6. Only a 4COP alcohol license is permitted.~~

~~7. The kitchen shall remain open to service and a full menu shall be available at all times during which alcohol is consumed.~~

~~8. A minimum of 25% gross revenue must be derived from the sale of food and nonalcoholic beverages. The restaurant shall provide the City Planning Director documentation by September 15th of each year that a minimum of 25% of their gross revenue is derived from the sale of food and nonalcoholic beverages. If the documentation is not submitted or shows less than 25% of their gross revenue is derived from the sale of food and nonalcoholic beverages, the restaurant~~

~~shall be denied a Business Tax Receipt for a type "D" restaurant for the next year.9. If inside entertainment is provided, there shall be no additional charge for admission, and hours of~~

operation may be limited. All entertainment will be contained inside unless granted approval through Public Hearing.

10. Outdoor seating is permitted and shall be reviewed by the SPRC.

2. Section 2-57 R of Chapter 2, District and General Regulations, of Article IV, Conditional and Special Exception Regulations of the City Land Development Code is hereby added to read as follows:

5. RESTAURANT TYPES

1. The following criteria by restaurant type apply as denoted in the table below:

CRITERIA	RESTAURANT TYPES			
	TYPE A	TYPE B	TYPE C	TYPE D
1. Screening and buffering in excess of that required under Chapter 3, Article 1 may be required in order to minimize impact on nearby residential uses to the maximum extent feasible, particularly with regard to noise, odor, fumes and glare impacts.	X	X	X	X
2. Hours of operation may be restricted if located adjacent to a conforming residential use or a residential district.	X	X	X	X
3. A full menu must be available at all times during which alcohol is consumed.	X	0	0	0
4. If inside entertainment is provided, there shall be no additional charge for admission and hours of operation may be limited. All entertainment will be contained inside, unless granted approval through Public Hearing.	X	X	0	0
5. Beer and Wine only.	0	X	X	
6. Restaurant shall have a minimum of 4000 total square feet, to include exterior dining area.	0	0	0	X
7. A minimum of 100 seats is required.	0	0	0	X
8. Shall be located in the Downtown Community Redevelopment Area.	0	0	0	X
9. Only a 4COP alcohol license is permitted.	0	0	0	X
10. The kitchen shall remain open to service and a full menu shall be available at all times during which alcohol is consumed.	0	0	0	X
11. A minimum of 25% gross revenue must be derived from the sale of food and nonalcoholic beverages. The restaurant shall provide the City Planning Director documentations by September 15th of each year that a minimum of 25% of their gross revenue is derived from the sale of food and nonalcoholic beverages. If the documentation is not submitted or shows less than 25% of their gross revenue is derived from the sale of food and nonalcoholic beverages, the restaurant shall be denied a Business Tax Receipt for a Type D restaurant for the next year.	0	0	0	X
12. Outdoor Seating is permitted and shall be reviewed by the SPRC.	X	X	X	X
13. Where outdoor seating is provided, doggie dining exemption is permitted subject to additional criteria and separate permit.	X	X	X	X
X Denotes applicable to restaurant type; 0 Denotes not applicable to restaurant type				

2. Each restaurant type which has outdoor seating may be granted a separate permit to allow an exemption to the Food and Drug Administration Code provisions which prohibit dogs on restaurant premises. The permitted exemption would permit patrons' dogs within certain designated outdoor portions of restaurants provided the following criteria is met:

a. No dog shall be in a restaurant unless allowed by state law and the restaurant has received and maintains an unexpired permit pursuant to this sub-subsection allowing dogs in designated outdoor areas of the establishment.

b. Restaurants must apply for and receive a permit from the City of Ormond Beach before patrons' dogs are allowed on the premises. The City Commission shall adopt a reasonable fee by resolution to cover the cost of processing the initial application, permitting, inspections, renewals, and enforcement.

c. The application for a permit shall require the following information:

1. Name, location, mailing address and Division-issued license number of the restaurant.
2. Title, name, mailing address, and telephone contact information of the permit applicant. Applications are accepted from only the owner of the restaurant or the owner's authorized agent, which authorization must be in writing and notarized. The name, mailing address, and telephone contact information of the owner of the restaurant shall be provided if the owner is not the permit applicant.
3. A diagram and description of the outdoor area which is requested to be designated as available to patrons' dogs, including dimensions of the designated area; a depiction of the number and placement of tables, chairs, and restaurant equipment, if any; the entryways and exits to the designated outdoor area; the boundaries of the designated area and of the other outdoor dining areas not available for patrons' dogs; any fences or other barriers; surrounding property lines and public rights-of-way, including sidewalks and common pathways.

4. The diagram shall be accurate and to scale but need not be prepared by a licensed design professional. A copy of the approved diagram shall be attached to the permit.
 5. Days of the week and hours of operation that patrons' dogs will be permitted in the designated outdoor area of the restaurant.
 6. An executed document holding harmless the City for any liability that may arise as a result of the enabling ordinance.
- d. Restaurants that receive a permit to allow dogs in a designated outdoor area pursuant to this subsection shall require that:
1. Employees wash their hands promptly after touching, petting, or otherwise handling any dog.
 2. Employees be prohibited from touching, petting, or otherwise handling any dog while serving food or beverages or handling tableware or before entering other parts of the Restaurant.
 3. Patrons in a designated outdoor area be advised by appropriate signage, at conspicuous locations, that they should wash their hands before eating and waterless hand sanitizer be provided at all tables in the designated outdoor area.
 4. Patrons keep their dogs under control and on a leash at all times.
 5. Employees and patrons not allow dogs to come into contact with serving dishes, utensils, tableware, linens, paper products, or any other items involved with food service operations.
 6. Employees and patrons not allow any part of a dog to be on chairs, tables, or other furnishings.

7. Employees clean and sanitize all table and chair surfaces with an approved product between seating of patrons.
8. Employees remove all dropped food and spilled drink from the floor or ground as soon as possible but in no event less frequently than between seating of patrons at the nearest table.
9. Employees and patrons remove all dog waste immediately and the floor or ground be immediately cleaned and sanitized with an approved product. Employees shall keep a kit with the appropriate materials for this purpose near the designated outdoor area.
10. Employees and patrons not permit dogs to be in, or to travel through, indoor or non-designated outdoor portions of the restaurant.
11. At all times while the designated outdoor portion of the restaurant is available to patrons and their dogs, at least one sign be posted in a conspicuous and public location near the entrance to the designated outdoor portion of the restaurant, notifying patrons that the designated outdoor portion of the restaurant is currently available to patrons accompanied by their dog or dogs. The mandatory sign shall be not less than eight and one-half inches in width and eleven inches in height (8 1/2 x 11) and printed in easily legible typeface of not less than twenty (20) point font size. Such signs shall be exempt from the sign regulations of the Land Development Code
12. At least one sign reminding patrons of the applicable rules, including those contained in this part, and any permit conditions, which may be imposed by the City, be posted in a conspicuous location within the designated outdoor portion of the restaurant. The mandatory sign shall be not less than eight and one-half inches in width and eleven inches in height (8 1/2

x 11) and printed in easily legible typeface of not less than twenty (20) point font size. Such sign shall be exempt from the sign regulations of the Land Development Code.

13. At least one sign reminding employees of the applicable rules, including those contained in this part, and any permit conditions, which may be imposed by the City, be posted in a conspicuous location frequented by employees within the restaurant. The mandatory sign shall be not less than eight and one-half inches in width and eleven inches in height (8 1/2 x 11) and printed in easily legible typeface of not less than twenty (20) point font size.
14. Ingress and egress to the designated outdoor area not require entrance into or passage through any indoor area or non-designated outdoor portions of the restaurant.
15. The restaurant and designated outdoor area comply with all permit conditions and the approved diagram.
16. Employees and patrons not allow any dog to be in the designated outdoor areas of the restaurant if the restaurant is in violation of any of the requirements of this subsection
17. Permits be conspicuously displayed in the designated outdoor area.
18. A permit issued pursuant to this sub-subsection shall expire automatically upon the sale of the restaurant and cannot be transferred to a subsequent owner. The subsequent owner may apply for a permit pursuant to this subsection if the subsequent owner wishes to continue to allow patrons' dogs in a designated outdoor area of the restaurant. Permits shall expire on September 30th of each year.

e. Administration.

1. It shall be the responsibility of the City to provide the Division of Hotels and Restaurants of the Department of Business and Profession Regulations a copy of all applications and permits issued.
2. The Planning Department shall provide the Neighborhood Improvement Division (NID) with a copy of all approved applications and permits issued.
3. All applications, permits, and other related materials shall contain the Planning Department's issued permit number for the Restaurant.

f. Enforcement and Penalties

1. Complaints shall be processed in accordance with Article VII Code Enforcement.
2. It shall be unlawful to fail to comply with any of the requirements of this subsection. Each instance of a dog on the premises of a restaurant that does not have a valid permit authorizing dogs at the restaurant is a separate violation. Each violation of a permit condition shall also be deemed a separate violation.
3. A permit may be revoked if, after notice and reasonable time in which the grounds for revocation may be corrected as specified in the notice, the Restaurant fails to comply with any condition of the permit, fails to comply with the approved diagram, fails to maintain any required state or local license, or is found to be in violation of any provision of this sub-subsection. If the ground for revocation is a failure to maintain any required state or local license, the revocation may take effect immediately upon giving notice of revocation to the permit holder.
4. If a restaurant's permit for allowing dogs is revoked, no new permit may be approved until the expiration of 180 days following the date of revocation.
5. Any restaurant that fails to comply with the requirements of this subsection shall be guilty of a Class III violation and shall be subject to any and all

enforcement proceedings consistent with the City Code of Ordinances and
general law.

3. Section 2-57 R 6, 7, and 8 of Chapter 2, District and General Regulations, of Article IV, Conditional and Special Exception Regulations of the City Land Development Code are to be amended to read numerically as follows:

9 6 RETAIL SALES AND SERVICE, DAILY NEEDS

10 7 RETAIL SALES AND SERVICE, SHOWROOM

11 8 RETAIL SALES AND SERVICE, SPECIALTY

D. CONCLUSION:

There are certain criteria that must be evaluated before Case# 13-5 can be act upon. According to Article I of the Land Development Code, the Planning Board shall consider the following criteria when making its recommendation on code amendments:

- 1. The proposed development conforms to the standards and requirements of this Code and will not create undue crowding beyond the conditions normally permitted in the zoning district, or adversely affect the public health, safety, welfare or quality of life.**

The standards are verbatim from state statute and therefore is considered consistent with state statute. If the standards are followed by patron and restaurant personnel, public health will not be compromised.

- 2. The proposed development is consistent with the Comprehensive Plan.**

The amendment is enabling legislation designed to assist restaurants to permit patrons to have their pets with them subject to the standards. This legislation does not require any business to do anything that it does not want to do however if a business decides to permit doggie dining, compliance with all the standards is a requirement.

- 3. The proposed development will not adversely impact environmentally sensitive lands or natural resources, including but not limited to waterbodies, wetlands, xeric communities, wildlife habitats, endangered or threatened plants and animal species or species of special concern, wellfields, and individual wells.**

Does not apply.

- 4. The proposed use will not substantially or permanently depreciate the value of surrounding property; create a nuisance; or deprive adjoining properties of adequate**

light and air; create excessive noise, odor, glare, or visual impacts on the neighborhood and adjoining properties.

The amendments have the potential to create nuisances however restaurants have the sole power to permit or not permit doggie dining. Compliance with the regulations will permit patrons that otherwise might night dine out to patronize restaurants. Restaurants and patrons that fail to follow the rules can cause the restaurant to have their doggie dining license revoked. Consequently, it is in the best interest of the restaurant to ensure compliance.

5. There are adequate public facilities to serve the development, including but not limited to roads, sidewalks, bike paths, potable water, wastewater treatment, drainage, fire and police safety, parks and recreation facilities, schools, and playgrounds.

Not applicable.

6. Ingress and egress to the property and traffic patterns are designed to protect and promote motorized vehicle and pedestrian/bicycle safety and convenience, allow for desirable traffic flow and control, and provide adequate access in case of fire or catastrophe. This finding shall be based on a traffic report where available, prepared by a qualified traffic consultant, engineer or planner which details the anticipated or projected effect of the project on adjacent roads and the impact on public safety.

Not applicable.

7. The proposed development is functional in the use of space and aesthetically acceptable.

Not applicable.

8. The proposed development provides for the safety of occupants and visitors.

The standards for doggie dining are adequate to ensure safety of patrons if compliance with the regulations is followed by the licensed restaurant.

9. The proposed use of materials and architectural features will not adversely impact the neighborhood and aesthetics of the area.

Not applicable.

10. The testimony provided at public hearings.

Not applicable until a public hearing occurs.

E. RECOMMENDATION:

It is recommended that the Planning Board approve Case # 13-24 amending the LDC.

ORDINANCE NO. 2012-XXXX

AN ORDINANCE OF THE CITY OF ORMOND BEACH, FLORIDA, AMENDING THE CITY LAND DEVELOPMENT CODE; CHAPTER 2 - DISTRICT AND GENERAL REGULATIONS, ARTICLE IV - CONDITIONAL AND SPECIAL EXCEPTION REGULATION; MORE PARTICULARLY SECTION 2-57, SUBSECTIONS R 5. RESTAURANT, TYPE A; 6. RESTAURANT TYPE B; 7 RESTAURANT TYPE C; AND 8. RESTAURANT TYPE D IS DELETED IN ITS ENTIRETY; BY ADDING SECTION 2-57 R 5. RESTAURANT TYPES BY PROVIDING A TABLE THAT CATEGORIZES THE REGULATIONS BY RESTAURANT TYPES AND A FS 509.233 DOG DINING EXEMPTION FOR RESTAURANTS; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEPARABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Florida Statutes §509.233, authorizes local governments to enact an ordinance and issue a permit to restaurants to allow dogs in outdoor dining areas in accordance with the terms and conditions as set forth in order to avoid risk of citation and penalty from the Florida Division of Hotels and Restaurants; and

WHEREAS, from time to time continued amendments to the telecommunication requirements are needed to maintain parity with changing technology while ensuring the purposes for such regulations are maintained; and

WHEREAS, the City Commission finds these amendments to be in the overall best interest of the public health, safety and welfare, now therefore,

BE IT ENACTED BY THE PEOPLE OF THE CITY OF ORMOND BEACH, FLORIDA, THAT:

SECTION ONE. Section 2-57, subsections R 5. Restaurant Type A; 6. Restaurant Type B; 7. Restaurant Type C; and 8. Restaurant Type D of Chapter 2, District and General

Regulations, of Article IV, Conditional and Special Exception Regulations of the City Land Development Code is hereby deleted in its entirety as follows:

~~5. RESTAURANT, TYPE "A"~~

- ~~1. Screening and buffering in excess of that required under Chapter 3, Article 1 may be required in order to minimize impact on nearby residential uses to the maximum extent feasible, particularly with regard to noise, odor, fumes and glare impacts.~~
- ~~2. Hours of operation may be restricted if located adjacent to a conforming residential use or a residential district.~~
- ~~3. A full menu must be available at all times during which alcohol is consumed.~~
- ~~4. If inside entertainment is provided, there shall be no additional charge for admission and hours of operation may be limited. All entertainment will be contained inside, unless granted approval through Public Hearing.~~
- ~~5. Outdoor seating is permitted and shall be reviewed by the SPRC.~~

~~6. RESTAURANT, TYPE "B"~~

- ~~1. Screening and buffering in excess of that required under Chapter 3, Article 1 may be required in order to minimize impact on nearby residential uses to the maximum extent feasible, particularly with regard to noise, odor, fumes and glare impacts.~~
- ~~2. Hours of operation may be restricted if located adjacent to a conforming residential use or a residential district.~~
- ~~3. Type "B" establishments are permitted to offer beer and wine only.~~
- ~~4. If inside entertainment is provided, there shall be no additional charge for admission, and hours of operation may be limited. All entertainment will be contained inside unless granted approval through Public Hearing.~~
- ~~5. Outdoor seating is permitted and shall be reviewed by the SPRC.~~

~~7. RESTAURANT, TYPE "C"~~

- ~~1. Screening and buffering in excess of that required under Chapter 3, Article 1 may be required in order to minimize impact on nearby residential uses to the maximum extent feasible, particularly with regard to noise, odor, fumes and glare impacts.~~
- ~~2. Hours of operation may be restricted if located adjacent to a conforming residential use or a residential district.~~

- ~~3. Outdoor seating is permitted and shall be review by the SPRC.~~
- ~~4. Type "C" establishments are permitted to offer beer and wine only.~~

~~8. RESTAURANT, TYPE "D"~~

- ~~1. Screening and buffering in excess of that required under Chapter 3, Article 1 may be required in order to minimize impact on nearby residential uses to the maximum extent feasible, particularly with regard to noise, odor, fumes and glare impacts.~~
- ~~2. Hours of operation may be restricted if located adjacent to a conforming residential use or areidential district.~~
- ~~3. The restaurant shall have a minimum of 4000 total square feet, to include exterior dining area.~~
- ~~4. A minimum of 100 seats is required.~~
- ~~5. Shall be located within the Downtown Community Redevelopment Area.~~
- ~~6. Only a 4COP alcohol license is permitted.~~
- ~~7. The kitchen shall remain open to service and a full menu shall be available at all times during which alcohol is consumed.~~
- ~~8. A minimum of 25% gross revenue must be derived from the sale of food and nonalcoholic beverages. The restaurant shall provide the City Planning Director documentation by September 15th of each year that a minimum of 25% of their gross revenue is derived from the sale of food and nonalcoholic beverages. If the documentation is not submitted or shows less than 25% of their gross revenue is derived from the sale of food and nonalcoholic beverages, the restaurant shall be denied a Business Tax Receipt for a type "D" restaurant for the next year.~~
- ~~9. If inside entertainment is provided, there shall be no additional charge for admission, and hours of operation may be limited. All entertainment will be contained inside unless granted approval through Public Hearing.~~
- ~~10. Outdoor seating is permitted and shall be reviewed by the SPRC.~~

SECTION TWO. Section 2-57 R of Chapter 2, District and General Regulations, of Article IV, Conditional and Special Exception Regulations of the City Land Development Code is hereby added read as follows:

5. RESTAURANT TYPES

1. The following criteria by restaurant type apply as denoted in the table below:

<u>CRITERIA</u>	<u>RESTAURANT TYPES</u>			
	<u>TYPE A</u>	<u>TYPE B</u>	<u>TYPE C</u>	<u>TYPE D</u>
<u>1. Screening and buffering in excess of that required under Chapter 3, Article 1 may be required in order to minimize impact on nearby residential uses to the maximum extent feasible, particularly with regard to noise, odor, fumes and glare impacts.</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
<u>2. Hours of operation may be restricted if located adjacent to a conforming residential use or a residential district.</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
<u>3. A full menu must be available at all times during which alcohol is consumed.</u>	<u>X</u>	<u>0</u>	<u>0</u>	<u>0</u>
<u>4. If inside entertainment is provided, there shall be no additional charge for admission and hours of operation may be limited. All entertainment will be contained inside, unless granted approval through Public Hearing.</u>	<u>X</u>	<u>X</u>	<u>0</u>	<u>0</u>
<u>5. Beer and Wine only.</u>	<u>0</u>	<u>X</u>	<u>X</u>	
<u>6. Restaurant shall have a minimum of 4000 total square feet, to include exterior dining area.</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>X</u>
<u>7. A minimum of 100 seats is required.</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>X</u>
<u>8. Shall be located in the Downtown Community Redevelopment Area.</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>X</u>
<u>9. Only a 4COP alcohol license is permitted.</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>X</u>
<u>10. The kitchen shall remain open to service and a full menu shall be available at all times during which alcohol is consumed.</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>X</u>
<u>11. A minimum of 25% gross revenue must be derived from the sale of food and nonalcoholic beverages. The restaurant shall provide the City Planning Director documentations by September 15th of each year that a minimum of 25% of their gross revenue is derived from the sale of food and nonalcoholic beverages. If the documentation is not submitted or shows less than 25% of their gross revenue is derived from the sale of food and nonalcoholic beverages, the restaurant shall be denied a Business Tax Receipt for a Type D restaurant for the next year.</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>X</u>
<u>12. Outdoor Seating is permitted and shall be reviewed by the SPRC.</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
<u>13. Where outdoor seating is provided, doggie dining exemption is permitted subject to additional criteria and separate permit.</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
<u>X Denotes applicable to restaurant type; 0 Denotes not applicable to restaurant type</u>				

2. Each restaurant type which has outdoor seating may be granted a separate permit to allow an exemption to the Food and Drug Administration Code provisions which prohibit dogs on restaurant

premises. The permitted exemption would permit patrons' dogs within certain designated outdoor portions of restaurants provided the following criteria is met:

a. No dog shall be in a restaurant unless allowed by state law and the restaurant has received and maintains an unexpired permit pursuant to this sub-subsection allowing dogs in designated outdoor areas of the establishment.

b. Restaurants must apply for and receive a permit from the City of Ormond Beach before patrons' dogs are allowed on the premises. The City Commission shall adopt a reasonable fee by resolution to cover the cost of processing the initial application, permitting, inspections, renewals, and enforcement.

c. The application for a permit shall require the following information:

1. Name, location, mailing address and Division-issued license number of the restaurant.

2. Title, name, mailing address, and telephone contact information of the permit applicant. Applications are accepted from only the owner of the restaurant or the owner's authorized agent, which authorization must be in writing and notarized. The name, mailing address, and telephone contact information of the owner of the restaurant shall be provided if the owner is not the permit applicant.

3. A diagram and description of the outdoor area which is requested to be designated as available to patrons' dogs, including dimensions of the designated area; a depiction of the number and placement of tables, chairs, and restaurant equipment, if any; the entryways and exits to the designated outdoor area; the boundaries of the designated area and of the other outdoor dining areas not available for patrons' dogs; any fences or other barriers; surrounding property lines and public rights-of-way, including sidewalks and common pathways.

4. The diagram shall be accurate and to scale but need not be prepared by a licensed design professional. A copy of the approved diagram shall be attached to the permit.

5. Days of the week and hours of operation that patrons' dogs will be permitted in the designated outdoor area of the restaurant.

d. Restaurants that receive a permit to allow dogs in a designated outdoor area pursuant to this subsection shall require that:

1. Employees wash their hands promptly after touching, petting, or otherwise handling any dog.

2. Employees be prohibited from touching, petting, or otherwise handling any dog while serving food or beverages or handling tableware or before entering other parts of the Restaurant.

3. Patrons in a designated outdoor area be advised by appropriate signage, at conspicuous locations, that they should wash their hands before eating and waterless hand sanitizer be provided at all tables in the designated outdoor area.

4. Patrons keep their dogs under control and on a leash at all times.

5. Employees and patrons not allow dogs to come into contact with serving dishes, utensils, tableware, linens, paper products, or any other items involved with food service operations.

6. Employees and patrons not allow any part of a dog to be on chairs, tables, or other furnishings.

7. Employees clean and sanitize all table and chair surfaces with an approved product between seating of patrons.

8. Employees remove all dropped food and spilled drink from the floor or ground as soon as possible but in no event less frequently than between seating of patrons at the nearest table.

9. Employees and patrons remove all dog waste immediately and the floor or ground be immediately cleaned and sanitized with an approved product. Employees shall keep a kit with the appropriate materials for this purpose near the designated outdoor area.

10. Employees and patrons not permit dogs to be in, or to travel through, indoor or non-designated outdoor portions of the restaurant.

11. At all times while the designated outdoor portion of the restaurant is available to patrons and their dogs, at least one sign be posted in a conspicuous and public location near the entrance to the designated outdoor portion of the restaurant, notifying patrons that the designated outdoor portion of the restaurant is currently available to patrons accompanied by their dog or dogs. The mandatory sign shall be not less than eight and one-half inches in width and eleven inches in height (8 1/2 x 11) and printed in easily legible typeface of not less than twenty (20) point font size. Such signs shall be exempt from the sign regulations of the Land Development Code

12. At least one sign reminding patrons of the applicable rules, including those contained in this part, and any permit conditions, which may be imposed by the City, be posted in a conspicuous location within the designated outdoor portion of the restaurant. The mandatory sign shall be not less than eight and one-half inches in width and eleven inches in height (8 1/2 x 11) and printed in easily legible typeface of not less than twenty (20) point font size. Such sign shall be exempt from the sign regulations of the Land Development Code.

13. At least one sign reminding employees of the applicable rules, including those contained in this part, and any permit conditions, which may be imposed by the City, be posted in a conspicuous location frequented by employees within

the restaurant. The mandatory sign shall be not less than eight and one-half inches in width and eleven inches in height (8 1/2 x 11) and printed in easily legible typeface of not less than twenty (20) point font size.

14. Ingress and egress to the designated outdoor area not require entrance into or passage through any indoor area or non-designated outdoor portions of the restaurant.

15. The restaurant and designated outdoor area comply with all permit conditions and the approved diagram.

16. Employees and patrons not allow any dog to be in the designated outdoor areas of the restaurant if the restaurant is in violation of any of the requirements of this subsection

17. Permits be conspicuously displayed in the designated outdoor area.

18. A permit issued pursuant to this sub-subsection shall expire automatically upon the sale of the restaurant and cannot be transferred to a subsequent owner. The subsequent owner may apply for a permit pursuant to this subsection if the subsequent owner wishes to continue to allow patrons' dogs in a designated outdoor area of the restaurant. Permits shall expire on September 30th of each year.

e. Administration.

1. It shall be the responsibility of the City to provide the Division of Hotels and Restaurants of the Department of Business and Profession Regulations a copy of all applications and permits issued.

2. The Planning Department shall provide the Neighborhood Improvement Division (NID) with a copy of all approved applications and permits issued.

3. All applications, permits, and other related materials shall contain the Planning Department's issued permit number for the Restaurant.

f. Enforcement and Penalties

1. Complaints shall be processed in accordance with Article VII Code Enforcement.

2. It shall be unlawful to fail to comply with any of the requirements of this subsection. Each instance of a dog on the premises of a restaurant that does not have a valid permit authorizing dogs at the restaurant is a separate violation. Each violation of a permit condition shall also be deemed a separate violation.

3. A permit may be revoked if, after notice and reasonable time in which the grounds for revocation may be corrected as specified in the notice, the Restaurant fails to comply with any condition of the permit, fails to comply with the approved diagram, fails to maintain any required state or local license, or is found to be in violation of any provision of this sub-subsection. If the ground for revocation is a failure to maintain any required state or local license, the revocation may take effect immediately upon giving notice of revocation to the permit holder.

4. If a restaurant's permit for allowing dogs is revoked, no new permit may be approved until the expiration of 180 days following the date of revocation.

5. Any restaurant that fails to comply with the requirements of this subsection shall be guilty of a Class III violation and shall be subject to any and all enforcement proceedings consistent with the City Code of Ordinances and general law.

SECTION THREE. Section 2-57 R of Chapter 2, District and General Regulations, of Article IV, Conditional and Special Exception Regulations of the City Land Development Code is hereby amended to read numerically as follows:

9 6 RETAIL SALES AND SERVICE, DAILY NEEDS

40 7 RETAIL SALES AND SERVICE , SHOWROOM

44-8 RETAIL SALES AND SERVICE, SPECIALTY

SECTION FOUR. Fees may be set by ordinance to ensure compliance with this ordinance.

SECTION FIVE. This ordinance in no manner assumes responsibility, obligation, or liability for any functions of the Florida Division of Hotel and Restaurants for the proper operations of such businesses as established by State and Federal laws.

SECTION SIX. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION SEVEN. In the event any word, phrase, clause, sentence, paragraph, term, or provision of this Ordinance shall be held to be invalid by a court of competent jurisdiction, such judicial determination shall not affect any other word, clause, phrase, sentence, paragraph, term or provision, of this Ordinance, and the remainder of this Ordinance shall remain in full force and effect.

SECTION NINE. This Ordinance shall take effect immediately upon its adoption.

PASSED UPON at the first reading of the City Commission, this ____ day of _____, 2012.

PASSED UPON at the second and final reading of the City Commission, this ____ day of _____, 2012.

ED KELLY
Mayor

ATTEST:

JOSHUA FREUCHT
City Clerk

STAFF REPORT

City of Ormond Beach Department of Planning

DATE: December 6, 2012

SUBJECT: LDC Amendment –Signage Amendments

APPLICANT: Administrative

NUMBER: LDC 12-112

PROJECT PLANNER: Steven Spraker, AICP, Senior Planner

INTRODUCTION:

This is an administrative request to amend the Land Development Code to alter the site signage regulations for the following Sections:

1. Chapter 3, Performance Standards, Article IV, Sign Regulations:
 - a. Section 3-49, Master Sign Plan: Delete existing language and replace it with a Special Exception process to allow ground and pole signs in lieu of monument signs, where required, based on certain conditions. All other sign variances would be required to be processed as a planned development rezoning.
 - b. Section 3-47.B.2, Monument signs, maximum height limit: Amendment to increase the maximum allowable height of monument signs to eight feet.
 - c. Sections 3-47.B.6 and 3-47.C.4, Monument signs, design requirements and Pole Signs, design requirements: Amendment to increase the number of allowable tenant panels from six to eight for monument and pole signs.
 - d. Section 3-47.C, Pole signs: Amend to include the word “ground” in the title.
2. Chapter 1: General Administration, Article III, Definitions and Acronyms:
 - a. Section 1-22, Definition of terms and words: Amendment to remove the five foot height limitation for monument signs.

BACKGROUND:

Below is a summary of the meetings conducted to date that have discussed the issue of site signage:

- April 3, 2012 City Commission work session. The City Commission discussed site signage at the April 3, 2012 workshop and the following points were discussed:
 1. Pole signs have change over time and can be aesthetically attractive. There was a belief that pole signs can be safer and more visible.

2. Belief that previous City Commissions desired monument signage along major entry roads and gateways throughout the City.
 3. In the Downtown, signs should be on buildings and not on the site, as the form based code is implemented.
 4. Monument signs on gateway areas work well, but they are so low it is difficult to read them. The City Commission requested that the Planning Board look at the issue of monument sign height and allow signs to be placed higher to increase readability.
 5. Non-conforming signage and when the requirement for replacement would apply.
 6. The issue of monument and freestanding signs was referred to the Planning Board for their deliberation and recommendation.
- June 14, 2012, Planning Board discussion item. The Planning Board reviewed a staff report that provided the existing site signage regulations and regulation of other jurisdictions. The following discussions occurred:
 1. Monument signs can create safety problems and act like walls.
 2. Potential to allow taller signs with a pedestal instead of pole to raise the height of the site sign.
 3. Site address needs to be required on the sign face.
 4. Maximum number of tenant panels allowed.
 5. The Board requested that sign contractors attend a Planning Board meeting to discuss the site signage section of the Land Development Code.
 - July 12, 2012 Planning Board discussion item. The Planning Board continued the discussion item from the June Planning Board meeting with Nick Ladaine from PJ Signs Systems, Susan Ward from Don Bell Signs, and Kim Freedman with the Jaffe Corporation in attendance. The following discussion occurred:
 1. Merits of pole signs versus monument signs, including the number of tenant panels.
 2. Not all tenants within shopping centers to be on the site signage.
 3. Electronic changeable copy signage and the ability to rotate through a number of tenants on one sign.
 4. Sign variances.
 5. The Board requested a joint workshop with the City Commission.
 - October 1, 2012, Joint workshop of the Planning Board and City Commission. Members of the Planning Board and City Commission

discussed site signage and requested that the following amendments be processed:

1. Establish a Special Exception process to permit ground (pedestal) or pole signs in lieu of the required monument signs based upon site specific constraints such as safety, visibility, or hazardous conditions that monument signs may cause.
2. Allow eight foot high monument signs rather than the current height limitation of five feet for sign copy.
3. Allow eight tenant panel signs rather than six tenant panels. At the workshop there was also discussion regarding the color of the tenant panels, but no final direction was provided.

ANALYSIS:

There are five amendments related to site signage and each are discussed below:

1. Section 3-49, Master Sign Plan: Delete existing language and replace it with a Special Exception process to allow ground and pole signs in lieu of monument signs, where required, based on certain conditions. All other sign variances would be required to be processed as a planned development rezoning. Staff proposes the following amendment (underline is added text and ~~strikethrough is deleted text~~):

SECTION 3-49: MASTER SIGN PLAN SIGN VARIANCES

~~A. **Master Sign Plan.** Sign design flexibility may be requested as part of a Planned Development or Special Exception based on an overall development plan or based upon a site's unique characteristics. Applicants may request variations from the strict interpretation of this Article in terms of the type, size, location, and number of signs. The application shall be reviewed under the following criteria:~~

- ~~1. The coordination and integration of the sign plan to ensure harmonious signage.~~
- ~~2. The use of monument signage instead of pole signage.~~
- ~~3. Impacts to abutting residential use(s).~~
- ~~4. The use of architectural elements in the site signage.~~
- ~~5. The integration of business premises signage into the overall architectural style of the building.~~
- ~~6. The ability to reduce the number or size of nonconforming signage of a site. Sign amortization schedules may be requested through this process.~~

Sign variances to the requirements of this Article shall be reviewed as a Special Exception or as part of a Planned Business Development as follows:

1. **Special Exception:** Sign variances may be requested through the Special Exception process where an applicant desires the use of a ground, pedestal, or pole sign in lieu of a required monument sign. No other type of variance shall be permitted other than the height of the site signage. Applications shall be reviewed against the following criteria:
 - a. There are special and unique conditions related to the property or structures on-site exist that limit the ability to identify business within the property and cause a need to modify the monument sign height regulations. Examples of special and unique conditions would include limited visibility and traffic safety.
 - b. The proposed signs would be conducive to promoting traffic safety by preventing visual distractions.
 - c. The Special Exception shall not amend the requirements of Section 3-47.C. of this Code (allowed square footage, height maximum of 20', or number of site signs).
 - d. Site signs otherwise not permitted within the sign article shall not be introduced through the Special Exception.
 - e. Impacts of the proposed sign(s) on residential uses.
 - f. Proposed ground, pedestal, or pole sign shall provide architectural elements, such as wrap columns and no exposed metal poles. Sign renderings shall be included as part of the Development Order.
2. **Planned Business Developments:** Sign variances may be requested as part of a Planned Business Development zoning designation. The City Commission may allow variances including but not limited to the maximum height, size, location, or number of signs per Section 2-36.G of this Code.

The amendment deletes the existing section in its entirety and establishes a Special Exception process to allow ground or pole signs where the Land Development Code requires monument signage. The Special Exception process is solely to amend the height of the sign and does not modify the number of allowed signs, the square footage of signs, or any design standards. Requests for any other type of signage flexibility would require a Planned Development rezoning application.

2. **Section 3-47.B.2, Monument signs, maximum height limit:** Amendment to increase the maximum allowable height of monument signs to eight feet.

2. Maximum Height Limit:

- a. ~~Five~~ Eight feet (5 8') in height as measured from site grade or crown of the road, whichever is higher.
- b. ~~An additional two feet (2') on top of sign is allowed for site address and architectural embellishments and shall not permit any additional sign copy area. This area shall not count as part of the total sign square footage.~~

A monument height of eight feet is common in several other jurisdictions surveyed and would allow a greater sign base to raise the overall height the sign. It is important to note that the Land Development Code has standards regarding placement of the sign, such as a five foot setback and prohibition against being in the site visibility triangle, which will address line of sight issues. It is understood that signs permitted prior to 2004 had a zero foot setback and may cause some of the site visibility issues described in past meetings.

- 3. Sections 3-47.B.6 and 3-47.C.4, Monument signs, design requirements and Pole Signs, design requirements: Amendment to increase the number of allowable tenant panels from six to eight for monument and pole signs.

Monument Signs

Sections 3-47.B.6

6. Design Requirements:

- a. No change in existing text....
- b. There shall be a maximum of ~~six~~ eight (6 8) tenant panels.
- c. No change in existing text....
- d. No change in existing text....

Pole signs

Sections 3-47.B.4

4. Design Requirements:

- a. No change in existing text....
- b. There shall be a maximum of ~~six~~ eight (6 8) tenant panels.
- c. No change in existing text....
- d. No change in existing text....

This amendment increases the allowable number of tenant panels from six to eight. There was a discussion at the joint workshop regarding the color of the tenant panels. The existing regulation requires the same dimensions, material, and color for the background. If there is a desire to amend the existing regulations, there would need to be a specific motion for an amendment.

4. Section 3-47.C, Pole signs: Amend to include the word “ground” in the title.

C. Pole/Ground Signs:

The addition of the term ground sign is designed to clarify where pole signs are allowed, a ground sign is also allowed. A ground sign includes a wide range of sign types, including monument and pedestal signs (no exposed pole bases) that exceed eight feet in height.

5. Section 1-22, Definition of terms and words: Amendment to remove the five foot height limitation for monument signs.

Sign, Leasing-Agent: No change to existing text....

Sign, Monument: Any self-supporting sign, ~~having a maximum height of five feet (5')~~, placed upon the ground and not attached to any building.

Sign, Nonconforming: No change to existing text....

CONCLUSION:

There are certain criteria that must be evaluated before adoption of an amendment according to the Land Development Code (LDC); the Planning Board must consider the following criteria when making their recommendation.

1. **The proposed development conforms to the standards and requirements of this Code and will not create undue crowding beyond the conditions normally permitted in the zoning district, or adversely affect the public health, safety, welfare or quality of life.**

The proposed Land Development Code amendments will not create undue crowding beyond the conditions normally permitted in the zoning district, or adversely affect the public health, safety, welfare or quality of life. The

purpose of the amendments is to update the site signage standards of the Land Development Code.

2. The proposed development is consistent with the Comprehensive Plan.

The proposed Land Development Code amendments are consistent with the Comprehensive Plan. Objective 2.1 of the Future Land Use Element of the Comprehensive Plan discussed the need to update Land Development Code regulations.

3. The proposed development will not adversely impact environmentally sensitive lands or natural resources, including but not limited to waterbodies, wetlands, xeric communities, wildlife habitats, endangered or threatened plants and animal species or species of special concern, wellfields, and individual wells.

The proposed Land Development Code amendments will not have an adverse impact on environmentally sensitive lands.

4. The proposed use will not substantially or permanently depreciate the value of surrounding property; create a nuisance; or deprive adjoining properties of adequate light and air; create excessive noise, odor, glare, or visual impacts on the neighborhood and adjoining properties.

The proposed Land Development Code amendments will have no adverse effect on surrounding property; create a nuisance; or deprive adjoining properties of adequate light and air; create excessive noise, odor, glare or visual impacts on adjoining properties. It is the goal of the amendments to ensure accessory uses are compatible to surrounding uses.

5. There are adequate public facilities to serve the development, including but not limited to roads, sidewalks, bike paths, potable water, wastewater treatment, drainage, fire and police safety, parks and recreation facilities, schools, and playgrounds.

The proposed Land Development Code amendments are not applicable to public facilities.

6. Ingress and egress to the property and traffic patterns are designed to protect and promote motorized vehicle and pedestrian/bicycle safety and convenience, allow for desirable traffic flow and control, and provide adequate access in case of fire or catastrophe. This finding shall be based on a traffic report where available, prepared by a qualified traffic consultant, engineer or planner which details the anticipated or projected effect of the project on adjacent roads and the impact on public safety.

There is no development proposed for the amendments. The application pertains to a Land Development Code amendment.

7. The proposed development is functional in the use of space and aesthetically acceptable.

There is no development proposed for the amendments. The application pertains to a Land Development Code amendment.

8. The proposed development provides for the safety of occupants and visitors.

There is no development proposed for the amendments. The application pertains to a Land Development Code amendment.

9. The proposed use of materials and architectural features will not adversely impact the neighborhood and aesthetics of the area.

There is no development proposed for the amendments. The application pertains to a Land Development Code amendment.

10. The testimony provided at public hearings.

There has not been a public hearing at this time. The comments from the Planning Board meeting will be incorporated into the City Commission packet.

RECOMMENDATION:

It is expected that the amendment will be reviewed by the City Commission on January 15, 2013 (1st reading) and February 5, 2013 (2nd reading). It is recommended that the Planning Board **APPROVE** LDC 12-112, to amend the Land Development Code for the site amendments as shown in the attached Exhibit A.

EXHIBIT A

SITE SIGNAGE AMENDMENTS

Section 3-49, Master Sign Plan:

SECTION 3-49: ~~MASTER SIGN PLAN~~ SIGN VARIANCES

A. ~~Master Sign Plan.~~ Sign design flexibility may be requested as part of a Planned Development or Special Exception based on an overall development plan or based upon a site's unique characteristics. Applicants may request variations from the strict interpretation of this Article in terms of the type, size, location, and number of signs. The application shall be reviewed under the following criteria:

- ~~1. The coordination and integration of the sign plan to ensure harmonious signage.~~
- ~~2. The use of monument signage instead of pole signage.~~
- ~~3. Impacts to abutting residential use(s).~~
- ~~4. The use of architectural elements in the site signage.~~
- ~~5. The integration of business premises signage into the overall architectural style of the building.~~
- ~~6. The ability to reduce the number or size of nonconforming signage of a site. Sign amortization schedules may be requested through this process.~~

Sign variances to the requirements of this Article shall be reviewed as a Special Exception or as part of a Planned Business Development as follows:

1. **Special Exception:** Sign variances may be requested through the Special Exception process where an applicant desires the use of a ground, pedestal, or pole sign in lieu of a required monument sign. No other type of variance shall be permitted other than the height of the site signage. Applications shall be reviewed against the following criteria:
 - a. There are special and unique conditions related to the property or structures on-site exist that limit the ability to identify business within the property and cause a need to modify the monument sign height regulations. Examples of special and unique conditions would include limited visibility and traffic safety.
 - b. The proposed signs would be conducive to promoting traffic safety by preventing visual distractions.

- c. The Special Exception shall not amend the requirements of Section 3-47.C. of this Code (allowed square footage, height maximum of 20', or number of site signs).
 - d. Site signs otherwise not permitted within the sign article shall not be introduced through the Special Exception.
 - e. Impacts of the proposed sign(s) on residential uses.
 - f. Proposed ground, pedestal, or pole sign shall provide architectural elements, such as wrap columns and no exposed metal poles. Sign renderings shall be included as part of the Development Order.
2. **Planned Business Developments:** Sign variances may be requested as part of a Planned Business Development zoning designation. The City Commission may allow variances including but not limited to the maximum height, size, location, or number of signs per Section 2-36.G of this Code.

Section 3-47.B.2, Monument signs, maximum height limit:

Section 3-47.B: Monument Signs

- 1. Monument Sign Required: *No change in existing text....*
- 2. **Maximum Height Limit:**
 - a. ~~Five~~ Eight feet (5 8') in height as measured from site grade or crown of the road, whichever is higher.
 - b. ~~An additional two feet (2') on top of sign is allowed for site address and architectural embellishments and shall not permit any additional sign copy area. This area shall not count as part of the total sign square footage.~~
- 3. Maximum Number: *No change in existing text....*

Section 3-47.B.6, Monument signs, Design Requirements

6. Design Requirements

- a. *No change in existing text....*
- b. There shall be a maximum of ~~six~~ eight (6 8) tenant panels.
- c. *No change in existing text....*
- d. *No change in existing text....*

Section 3-47.C.4, Pole Signs, Design Requirements

4. Design Requirements

- a. *No change in existing text....*
- b. There shall be a maximum of ~~six~~ eight (6 8) tenant panels.
- c. *No change in existing text....*
- d. *No change in existing text....*

Section 3-47.C, Pole Signs

B. Monument Signs *No change in existing text....*

C. Pole/Ground Signs

D. Changeable Copy Signs *No change in existing text....*

Section 1-22, Definition of terms and words

Sign, Leasing-Agent: *No change to existing text....*

Sign, Monument: Any self-supporting sign, ~~having a maximum height of five feet (5'),~~ placed upon the ground and not attached to any building.

Sign, Nonconforming: *No change to existing text....*

STAFF REPORT

City of Ormond Beach Department of Planning

DATE: November 30, 2012

SUBJECT: LDC Amendment –Rear Yard Setback Amendments

APPLICANT: Administrative

NUMBER: LDC 13-36

PROJECT PLANNER: Steven Spraker, AICP, Senior Planner

INTRODUCTION:

This is an administrative request to amend Chapter 2, District and General Regulations, Article II, District Regulations of the Land Development Code to reduce the rear yard setback in certain residential zoning districts to 20'. The rear yard setback amendments include the following zoning districts:

Section	Zoning District	Amendment
Section 2-14.B.9.b.	R-2.5	Reduce rear yard setback from 25' to 20'
Section 2-15.B.9.b.	R-3	Reduce rear yard setback from 25' to 20'
Section 2-17.B.9.b.	R-4	Reduce rear yard setback from 25' to 20' for all types, including single-family, cluster, patio, zero lot line, multi-family, duplex, triplex, and townhouse.
Section 2-18.B.9.b.	R-5	Reduce rear yard setback from 25' to 20' for all types, including single-family, cluster, patio, zero lot line, multi-family, duplex, triplex, and townhouse.
Section 2-19.B.9.b.	R-6	Reduce rear yard setback from 25' to 20' for all types, including single-family, cluster, patio, zero lot line, multi-family, duplex, triplex, and townhouse.

BACKGROUND:

The Zoning Ordinance in place for the City of Ormond Beach from 1978 to 1992 had a 20’ rear yard setback for the R-3 zoning district. The R-3 zoning district is the predominant single-family zoning district within the City. With the adoption of the 1992 Land Development Code, the rear yard setback was amended to 25’. In an attempt not to make all the permitted single-family homes non-conforming, there was a provision added to certain zoning districts that states,

“Setbacks that are less restrictive than the standards listed above are acceptable, provided that they are either shown on the approved plat or a less restrictive standard was in place at the time of recording the original plat.”

While this provision has been applied, it has been cumbersome and confusing what single-family homes are allowed a 20’ rear yard setback versus the homes that should have a 25’ setback.

ANALYSIS:

Planning staff has been reviewing the impacts of amending the rear yard setbacks and believe that it would lead to clearer and more effective application of setback standards. The 20’ rear yard setback is common for newer subdivisions, including Deer Creek, Ormond Lakes, Southern Pines and Creekside. During the build out of these subdivisions staff has not observed any negative impacts associated with a 20’ rear yard setback.

Staff has reviewed the residential zoning district rear yard setbacks in the table below. The table includes the zoning district, required lot size and existing and proposed rear yard setbacks. The proposed amendments are highlighted.

Zoning district	Required Lot Size	Existing rear yard setback	Proposed rear yard setback
REA (Rural Estate and Agricultural)	5 acres	50’	50’
RR (Rural Residential)	1 acre	30’	30’
SR (Suburban Residential)			
Permitted	2 acres	30’	30’
PRD Overlay	8,800 SF	20’	20’
SF - connected water	1 acre	30’	30’
R-1 (Residential Estate)	20,000 SF	30’ (average waterfront)	30’ (average waterfront)
R-2 (Single-Family Low Density)	10,000 SF	25’ (average waterfront)	25’ (average waterfront)
R-2.5 (Single-Family Low-Medium Density)	8,750 SF	25’	20’

Zoning district	Required Lot Size	Existing rear yard setback	Proposed rear yard setback
R-3 (Single-Family Medium Density)	8,625 SF	25'	20'
NP (Neighborhood Preservation)	5,250 SF	20'	20'
R-4 (Single-Family Cluster & Townhouse)			
Single-Family	8,625 SF	25'	20'
Cluster	6,500 SF	25'	20'
Patio	6,325 SF	25'	20'
Zero-Lot-Line	5,000 SF	25'	20'
Multi-Family	43,560 SF	25'	20'
Duplex	10,000 SF	25'	20'
Triplex	15,000 SF	25'	20'
Townhouse	6,900 SF	25'	20'
R-5 (Multi-Family Medium Density)			
Single-Family	8,625 SF	25'	20'
Cluster	6,500 SF	25'	20'
Patio	6,325 SF	25'	20'
Zero-Lot-Line	5,000 SF	25'	20'
Multi-Family	43,560 SF	25'	20'
Duplex	10,000 SF	25'	20'
Townhouse	6,900 SF	25'	20'
R-6 (Multi-Family Medium-High Density)			
Single-Family	8,625 SF	25'	20'
Cluster	6,500 SF	25'	20'
Patio	6,325 SF	25'	20'
Zero-Lot-Line	5,000 SF	25'	20'
Multi-Family	43,560 SF	25'	20'
Duplex	10,000 SF	25'	20'
Townhouse	6,900 SF	25'	20'
T-1 (Manufactured/Mobile Home)	7,500 SF	20'	20'
T-2 (Manufactured Home)	7,500 SF	20'	20'

The REA, RR, and SR zoning districts are large lots with minimum sizes ranging from five acres to one acre lots. There are no changes proposed for the rear yard setbacks in these zoning districts. The SR zoning district has a category for the Planned Residential Development (PRD Overlay) for subdivisions that were permitted prior to 2004 and have a 20' rear yard setback. No additional land will be zoned to the PRD Overlay because the Planned Developments are now zoning districts.

The R-1 and R-2 zoning districts are larger estate style lots generally located along the Halifax or Tomoka River. Lots that abut a river or the ocean are required to perform a calculated average setback so that no one house is constructed beyond an average setback. There are no changes proposed for the R-1 or R-2 zoning districts.

The amendments focus on the R-2.5, R-3, R-4, R-5, and R-6 zoning districts. The R-2.5 and R-3 zoning districts are single-family zoning districts. The proposed amendment reduces the setback from 25' to 20'. The R-4, R-5, and R-6 zoning districts allows single-family, duplexes, and multi-family uses. The amendment proposes to reduce the rear yard setback to 20' for all use types. There are no changes proposed to the NP, T-1 or T-2 zoning district where the existing rear yard setback is 20'.

The rear yard setback is the minimum distance between the house structure and the rear property line. Accessory uses, such as sheds and pools, can locate between the building setback line and the rear property line. If homeowners of vacant lots desire a pool it is likely that the house would be setback a distance greater than 20' to provide the area needed for the pool.

CONCLUSION:

There are certain criteria that must be evaluated before adoption of an amendment according to the Land Development Code (LDC); the Planning Board must consider the following criteria when making their recommendation.

- 1. The proposed development conforms to the standards and requirements of this Code and will not create undue crowding beyond the conditions normally permitted in the zoning district, or adversely affect the public health, safety, welfare or quality of life.**

The proposed Land Development Code amendments will not create undue crowding beyond the conditions normally permitted in the zoning district, or adversely affect the public health, safety, welfare or quality of life. The purpose of the amendments is to update the setback standards of the Land Development Code.

- 2. The proposed development is consistent with the Comprehensive Plan.**

The proposed Land Development Code amendments are consistent with the Comprehensive Plan. Objective 2.1 of the Future Land Use Element of the Comprehensive Plan discussed the need to update Land Development Code regulations.

3. **The proposed development will not adversely impact environmentally sensitive lands or natural resources, including but not limited to waterbodies, wetlands, xeric communities, wildlife habitats, endangered or threatened plants and animal species or species of special concern, wellfields, and individual wells.**

The proposed Land Development Code amendments will not have an adverse impact on environmentally sensitive lands.

4. **The proposed use will not substantially or permanently depreciate the value of surrounding property; create a nuisance; or deprive adjoining properties of adequate light and air; create excessive noise, odor, glare, or visual impacts on the neighborhood and adjoining properties.**

The proposed Land Development Code amendments will have no adverse effect on surrounding property; create a nuisance; or deprive adjoining properties of adequate light and air; create excessive noise, odor, glare or visual impacts on adjoining properties. It is the goal of the amendments to consistently apply the rear yard setback across the more dense residential subdivisions.

5. **There are adequate public facilities to serve the development, including but not limited to roads, sidewalks, bike paths, potable water, wastewater treatment, drainage, fire and police safety, parks and recreation facilities, schools, and playgrounds.**

The proposed Land Development Code amendments are not applicable to public facilities.

6. **Ingress and egress to the property and traffic patterns are designed to protect and promote motorized vehicle and pedestrian/bicycle safety and convenience, allow for desirable traffic flow and control, and provide adequate access in case of fire or catastrophe. This finding shall be based on a traffic report where available, prepared by a qualified traffic consultant, engineer or planner which details the anticipated or projected effect of the project on adjacent roads and the impact on public safety.**

There is no development proposed for the amendments. The application pertains to a Land Development Code amendment.

7. **The proposed development is functional in the use of space and aesthetically acceptable.**

There is no development proposed for the amendments. The application pertains to a Land Development Code amendment.

8. **The proposed development provides for the safety of occupants and visitors.**

There is no development proposed for the amendments. The application pertains to a Land Development Code amendment.

9. The proposed use of materials and architectural features will not adversely impact the neighborhood and aesthetics of the area.

There is no development proposed for the amendments. The application pertains to a Land Development Code amendment.

10. The testimony provided at public hearings.

There has not been a public hearing at this time. The comments from the Planning Board meeting will be incorporated into the City Commission packet.

RECOMMENDATION:

It is expected that the amendment will be reviewed by the City Commission on January 15, 2013 (1st reading) and February 5, 2013 (2nd reading). It is recommended that the Planning Board **APPROVE** LDC 13-36, to amend the Land Development Code for the rear yard setback amendments as shown in the attached Exhibit A.

EXHIBIT A

REAR YARD SETBACK AMENDMENTS

Section 2-14.B.9.b

R-2.5: SINGLE-FAMILY LOW-MEDIUM RESIDENTIAL Zoning District

9. Setbacks				
a. Front	b. Rear	c. Side	d. Street Side/ Corner	e. Waterbody
30'	25' 20'	8', total 20'	20'	30'

Section 2-15.B.9.b

R-3: SINGLE-FAMILY MEDIUM RESIDENTIAL Zoning District

9. Setbacks				
a. Front	b. Rear	c. Side	d. Street Side/ Corner	e. Waterbody
25'	25' 20'	8', total 20'	20'	30'

Section 2-17.B.9.b

R-4: SINGLE-FAMILY CLUSTER & TOWNHOUSE Zoning District

	9.				
	Setbacks				
Type	a. Front	b. Rear	c. Side	d. Street Side/ Corner	e. Waterbody
Single-Family	25'	25' 20'	8' total 20'	20'	30'
Cluster	25'	25' 20'	8' total 20'	20'	30'
Patio	25'	25' 20'	8' total 20'	20'	30'
Zero-Lot-Line	25'	25' 20'	0', 20'	20'	30'
Multi-Family	25'	25' 20'	10'	20'	30'
Duplex	30'	25' 20'	20'	20'	30'
Triplex	30'	25' 20'	20'	20'	30'
Townhouse	25'	25' 20'	15'	20'	30'

Section 2-18.B.9.b

R-5: MULTI-FAMILY MEDIUM DENSITY Zoning District

	9.				
	Setbacks				
Type	a. Front	b. Rear	c. Side	d. Street Side/ Corner	e. Waterbody
Single-Family	25'	25' 20'	8' total 20'	20'	30'
Cluster	25'	25' 20'	8' total 20'	20'	30'
Patio	25'	25' 20'	8' total 20'	20'	30'
Zero-Lot-Line	25'	25' 20'	0', 20'	20'	30'
Multi-Family	25'	25' 20'	10'	20'	30'
Duplex	30'	25' 20'	20'	20'	30'
Townhouse	25'	25' 20'	15'	20'	30'

Section 2-19.B.9.b

R-6: MULTI-FAMILY MEDIUM-HIGH DENSITY Zoning District

	9.				
	Setbacks				
Type	a. Front	b. Rear	c. Side	d. Street Side/ Corner	e. Waterbody
Single-Family	25'	25' <u>20'</u>	8' total 20'	20'	30'
Cluster	25'	25' <u>20'</u>	8' total 20'	20'	30'
Patio	25'	25' <u>20'</u>	8' total 20'	20'	30'
Zero-Lot-Line	25'	25' <u>20'</u>	0', 20'	20'	30'
Multi-Family	25'	25' <u>20'</u>	10'	20'	30'
Duplex	30'	25' <u>20'</u>	20'	20'	30'
Townhouse	25'	25' <u>20'</u>	15'	20'	30'

CITY OF ORMOND BEACH COMMERCIAL AND RESIDENTIAL DEVELOPMENT REPORT



Legend

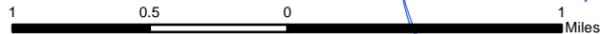
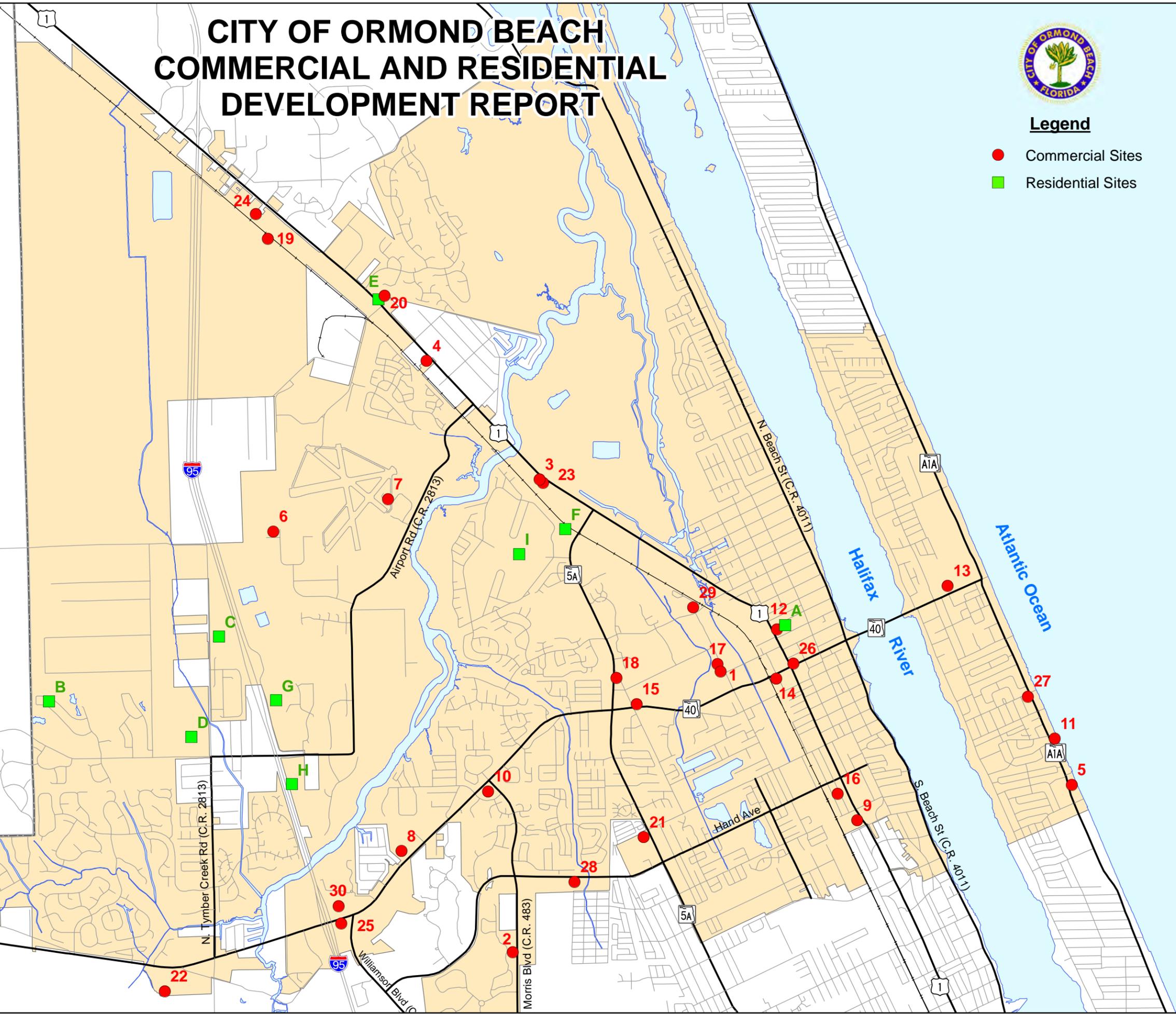
- Commercial Sites
- Residential Sites

RESIDENTIAL PROJECTS

- A Courtyard PBD
- B Deer Creek Subdivision
- C Enclave at North Point
- D Marshside at Groover Branch
- E Ormond Grande
- F Ormond Station
- G Pineland
- H River Oaks
- I Tomoka Golf Village

COMMERICAL PROJECTS

- 1 146 North Orchard Street
- 2 400 Clyde Morris Boulevard
- 3 906 North US Highway 1
- 4 American Legion - Post 267
- 5 Andy Romano Oceanfront Park
- 6 Atlantic Central Enterprises
- 7 Betnr Hangars at OB Airport
- 8 Brown/Thompson Commerical
- 9 Capital Telecom
- 10 Capital Telecom
- 11 Cardinal Drive Lifeguard Station
- 12 Courtyard PBD
- 13 Dr. Batniji Medical Care
- 14 Jimmy Johns
- 15 King's Crossings Centre
- 16 McNamara Warehouse
- 17 North Orchard Center
- 18 Nova Bank
- 19 Ormond Crossings PMUD
- 20 Ormond Grande
- 21 Prince of Peace - Social Service
- 22 Riverbend Church Expansion
- 23 Root Commerce Park
- 24 Stor-It
- 25 Sunoco - Conce pt
- 26 Sunoco - Conce pt
- 27 Sunoco - Conce pt
- 28 Tomoka Christian Church
- 29 Waste water Tre ament Expansion
- 30 Wal-Mart Parking Modifications



City of Ormond Beach Commercial Development Report - December 4, 2012

#	Project	Description	Applica-tion Date	1st Review	2nd Review	3rd Review	4th Review	5th Review	Advisory Board	City Commis-sion	Final Approval	DO Expiration	LDC Extension Expiration	2009 SB Expiration	SB 2156 Expiration	HB 7207 Expiration	Building Permit Info	Building Permit Value	Eng. Permit	Clearing Permit	Under Construct-ion	CO Issued	E or Arc = Project Engineer or Architect O = Owner A = Applicant		
1	146 NORTH ORCHARD STREET 146 North Orchard Street 12-134	Rezoning from B-1 to I-1, consistent with recently amended Industrial land use	08.22.12	No SPRC review					10.11.12	12.04.12 & 12.18.12													A = Clinton Baylor O = Pat Baylor		
2	400 CLYDE MORRIS BOULVERARD 400 Clyde Morris Boulevard 07-1240	Minor Modification to approved site plan for 2 office buildings (9,384 and 7,671 SF)	12.26.07	01.16.08	04.01.08				NA	NA	06.19.08	06.19.10	06.19.11	06.19.13	NA	06.14.15	Not Applied							E = Harpster Engineering O = Ormond Medical Arts ARC = BPF Design	
3	906 NORTH US HIGHWAY 1 906 North US Highway 1 12-136	Special Exception to allow iterant vendors and outdoor activity annually during Special Events	09.05.12						10.11.12	12.04.12														A = Nelson Jackson	
4	AMERICAN LEGION - POST 267 1142 North US Highway 1 11-105	Redevelop existing building into an American Legion, including building and site improvements	08.23.11	09.06.11	11.01.11	03.13.12					04.05.12	04.05.14												O = American Legion, Post 267 E = Daniel Johns, P.E. ARC = Stan Holle	
5	ANDY ROMANO OCEANFRONT PARK 839 South Atlantic Avenue 12-01	Construct public oceanfront park including parking, stormwater, recreational amenities, and landscaping.	10.04.11	10.18.11	01.24.12				11.10.11 Approved	02.07.12 & 02.21.12	03.21.12	Under Const.					Issued 05.24.12	\$1,295,170	Issued 05.24.12	Issued 05.24.12	75%			E = Zev Cohen and Associates, Inc. O = City of Ormond Beach ARC = DJ Designs, Inc.	
6	ATLANTIC CENTRAL ENTERPRISES 14 West Tower Circle 08-25000008	New 26,500 +/- SF Industrial Warehouse/Office	04.08.08	04.22.08	06.10.08				NA	NA	07.03.08	07.03.10	None	07.03.12	NA	07.03.14	Not Applied							O = Atlantic Central Enterprises A = Steve Traulson E = W.A. Cross Engineering, Inc	
7	BETNR HANGERS @ OB AIRPORT 85 Hanger Way 10-00000036	Phased construction of three buildings (1: 1,000 SF office, 5,300 SF manufacturing, 6,300 SF hanger) (2: 1,600 SF office, 10,500 SF hanger) (3: 4,800 Warehouse)	12.08.09	12.22.09	02.09.10				NA	NA	03.22.10	03.22.12					03.22.14	Not Applied						E = McKim & Creed A = BETNR ARC = BPF Design	
8	BROWN/THOMPSON COMMERCIAL 1287 West Granada Boulevard 08-25000037	9,225 square foot building and associated site improvements	12.01.08	12.16.08	01.04.11	06.07.11			Approved 07.14.11	Approved 09.06.2011 - Ord 11-31		DO = 09.06.16												E = Danny Johns O = Brown/Thompson ARC = Robert Hall	
9	CAPITAL TELECOM 610 South Yonge Street 12-69	Construct a 150 foot camouflaged telecommunications tower.	02.29.12	03.20.12	06.19.12						07.24.12	07.24.14					Issued 10.04.12	\$242,000	\$100,000		0%			E = AllPro Consulting Group O = Ormond Beach LLC, PTA - SI 908 APP = Capital Telecom	
10	CAPITAL TELECOM 1102 West Granada Boulevard 13-06	Construct a 150 foot camouflaged telecommunications tower.	10.16.12	10.31.12					Required	Required														E = P. Marshall & Associates, LLC O = Shah Industries LLC A = Capital Telecom	
11	CARDINAL DRIVE LIFEGUARD STATION 301 Cardinal Drive 11-23	Demolish existing structure and build new lifeguard station with public restrooms and expand parking.	02.22.11	03.08.11	05.25.11				NA	NA	06.27.11	06.27.13					Issued 08.31.12	\$362,476	Issued 08.31.12	Issued 08.31.12	55%			E = Alann Engineering Group O = County of Volusia ARC = DJ Designs, Inc.	
12	COURTYARD PBD 135 N. US1 (between Highland and Dix) 07-1243	12,000 Square Feet Retail (Dollar General complete) and 16 MF units	01.04.08	02.04.08	12.01.08	02.17.09			04.09.09 PB	06.02 CC Ord 09-17	06.12.09	Site plan vested w/ Phase 1	Not Applied	NA	NA	PBD/PRD, ph.2 06.02.14	Not Applied								E = Daniel Johns, P.E. O = Ormond Central Market Place ARC = Richard Brookfield
13	DR. BATNIJI MEDICAL CARE 121 East Granada Boulevard #12-114	Redevelop site for urgent care use, expand building by 2,316 square feet, and site improvements	06.19.12	07.03.12	09.11.12																			E = Parker Mynchenberg & Assoc O = Dr. Batniji ARC = BPF Design	
14	JIMMY JOHNS 300 West Granada Boulevard 12-81	Demolition of existing on-site building and construction of new buildings and associated site improvements	04.10.12	04.25.12	05.25.12						06.18.12						Issued 08.10.12	shell = \$342,069	\$117,600 Issued	Issued 08.10.12	70%	20		E = Parker Mynchenberg & Assoc O = Brent Triebel ARC = Ben Butera	
15	KING'S CROSSINGS CENTRE 775 West Granada Boulevard 12-113	Vacant land. Construction of two story, 11,352 square foot building and associated site improvements.	06.18.12	07.03.12							07.24.12						Issued 10.19.12	\$1,123,776	\$149,008 Issued	10.19.12	45%			E = Alann Engineering Group O = Arian Development, LLC ARC = Architectural Design & Associates, Inc.	
16	McNAMARA WAREHOUSE 480 Andalusia Drive 11-13	4,580 square foot warehouse and associated site improvements	12.22.10	01.05.11																				E = Parker Mynchenberg & Assoc O = McNamara Construction, LLC ARC = Stan Hoelle	

* Highlighted projects indicate change in status (such as SPRC approval, CC approval, building permits issued, or CO issued).

City of Ormond Beach Commercial Development Report - December 4, 2012

#	Project	Description	Applica-tion Date	1st Review	2nd Review	3rd Review	4th Review	5th Review	Advisory Board	City Commis-sion	Final Approval	DO Expiration	LDC Extension Expiration	2009 SB Expiration	SB 2156 Expiration	HB 7207 Expiration	Building Permit Info	Building Permit Value	Eng. Permit	Clearing Permit	Under Construct-ion	CO Issued	E or Arc = Project Engineer or Architect O = Owner A = Applicant
17	NORTH ORCHARD CENTER 150 North Orchard Street 07-1167	New 7,400 SF office (2,000SF), warehouse (10 units) and mini-storage (218 units)	05.14.07	06.06.07	08.29.07	11.14.07	01.02.08		PB 01.10.08 APP (6-0)	CC 03.04.08 Ord 08-09	04.08.08	04.08.10	04.07.11	04.07.13		Site plan 04.07.13 PBD 03.04.15	Not Applied						E = Alann Engineering Group O = Brian Share
18	NOVA BANK 115 North Nova Road 07-1200	1,800 SF Bank	08.29.07	09.12.07	10.24.07	12.05.07			NA	NA	01.08.08	01.09.10	01.09.11	01.09.12		01.19.14	In Review	\$163,765	\$112,876 In review				E = Alann Engineering Group O = Paul F. Holub, Jr. ARC = BPF Design
19	ORMOND CROSSINGS PMUD 100 Ormond Crossings Boulevard 10-134	Master Development Plan zoning document for Ormond Crossings project (no site plan approval)	08.16.10	09.02.10	11.28.11				Discussion 06.18.12														O = Tomoka Holdings LLC A = Tomoka Holdings LLC
20	ORMOND GRANDE 1255 North US1 10-0000006	New 4,800 SF industrial and 60 townhomes (see residential report)	10.13.09	10.27.09	01.05.10				Not required	Not Required	01.12.10	01.12.12	None	NA	NA	01.12.14	Not Applied						E = Parker Mynchenberg & Assoc O/A = Ormond Grande LLC
21	PRINCE OF PEACE - SOCIAL SERVICE 600 South Nova Road 10-0000007	12,160 square foot new building for Church thrift shop, meeting area, offices, and food pantry	11.03.09	11.17.09 (concept)	12.29.09				04.08.10	05.18.10			05.14.13 (Special Exception)										E - Alann Engineering O = Prince of Peace ARC = DJ Designs
22	RIVERBEND CHURCH EXPANSION 2080 West Granada Boulevard 09-2500008	Site improvements and utility connect in association with expansion in Daytona Beach	09.08.09	09.22.09	01.18.11				NA	NA	07.13.11	Under Constr.						\$515,034	Issued 11.09.11	X	25%		E = Mark Dowst & Associates O = Riverbend Church
23	ROOT COMMERCE PARK 900 North US Highway 1 06-4-1107	New 99,000 SF (49,200 office) and warehouse in 5 buildings on 12.48 acres	04.26.06	05.18.06	08.17.06	10.12.06	12.07.06		PB 11.09.06 A (5-0)	02.20.07- CC Ord 07-04	06.27.08	06.27.10	06.06.11	06.06.13	NA	Zoning 02.20.15 Site Plan 06.06.15	Not Applied						E = Parker Mynchenberg & Associates ARC = BPF Design A = Root Chapman
24	STOR-IT 99 Portland Avenue 11-09	Construction of vehicle storage facility with 87 bays and associated site improvements.	12.07.10	12.21.10	11.15.11				12.08.11	04.03.12 &04.17.12	04.18.12	04.18.14					06.12.12	\$460,159 (site work)	06.12.12	06.12.12	20%		E = Zev Cohen & Associates O = Vanacore Commercial Property
25	SUNOCO - CONCEPT 1546 West Granada Boulevard #13-02	Demolition of existing site buildings/improvements and construction of a 3,159 square foot building and related site improvements	05.14.12	CONCEPT 05.29.12	CONCEPT 10.17.12																		E = England, Thimus & Miller, Inc O = Sunoco, Inc.
26	SUNOCO - CONCEPT 3 North Yonge Street #13-03	Demolition of existing site buildings/improvements and construction of a 3,159 square foot building and related site improvements	10.03.12	CONCEPT 10.17.12																			E = England, Thimus & Miller, Inc O = Sunoco, Inc.
27	SUNOCO - CONCEPT 460 South Atlantic Avenue #13-04	Demolition of existing site buildings/improvements and construction of a 2,455 square foot building and related site improvements	05.22.12	CONCEPT 06.05.12	CONCEPT 10.17.12																		E = England, Thimus & Miller, Inc O = Sunoco, Inc.
28	TOMOKA CHRISTIAN CHURCH 1450 Hand Avenue 07-1201	Proposed New Church - 61,000 SF, 801 seats	08.29.07	09.26.07	11.14.07	02.05.08	03.04.08	04.01.08	Approved 03.27.08 DRB	App 05.06.08 Res. 08-102	06.19.08	06.16.10	06.16.11	05.06.13	NA	S. Except. 05.06.15s ite Plan	Issued 08.30.12	\$9,787,637	07.23.12 Issued, \$1,774,507	07.23.12 Issued	20%		E = Zev Cohen & Associates O = Tomoka Christian Church ARC = Hyde West Architects
29	WASTEWATER TREATMENT EXPANSION 550 Orchard Street 10-0000001	Wastewater treatment Expansion	10.06.09	10.20.09	03.02.10				NA	NA	03.10.10	03.10.12 Under Const.	Under Const.	Under Const.			Issued 10.20.11	Issued 10.20.11	Issued 10.20.11	60%		E = Camp Dresser & McKee Inc. O = City of Ormond Beach	

* Highlighted projects indicate change in status (such as SPRC approval, CC approval, building permits issued, or CO issued).

City of Ormond Beach Residential Development Report -- Ending December 4, 2012

#	Project	Description	Applica-tion Date	1st Review	2nd Review	3rd Review	4th Review	5th Review	Advisory Board	City Commis-sion	Final Approval	DO Expiration	LDC Extension Expiration	2009 SB Expiration	SB 2156 Expiration	HB 7207 Expiration	Building Permit Info	Eng. Permit	Clearing Permit	Under Construc-tion	CO Issued	E or Arc = Project Engineer or Architect O = Owner A = Applicant
A	COURTYARD PBD 135 N. US1 (between Highland and Dix) 07-1243	21,000 Square Feet Retail (9,000 Dollar General) and 16 MF units	01.04.08	02.04.08	12.01.08	02.17.09			04.09.09 PB	06.02 CC Ord 09-17 Expires Ph.2 06.02.12	06.12.09		Not Applied	NA			None for Residential					E = Danny Johns O = Ormond Central Market Place ARC = E.M.P. Architecture & Design
B	DEER CREEK SUBDIVISION 2400 Airport Road 04-08-989	346 Single-Family Lots (4 phases)	08.24.04								08.31.05	Under Const.	Under Const.	Under Const.				Phase 1 Phase 2 Phase 3 Phase 4 (phase 4a completed)	Done Done Done 0%		E = Mark Dowst & Associates O/A = Hunter's Ridge, Inc	
C	ENCLAVE AT NORTH POINTE Tymber Creek Road (Parcel # 4113-00-00-0032) 05-06-1041	34 Single-Family Lots	06.29.05	03.02.06	03.23.06	10.12.06	02.21.07	04.11.07		O 06-08 (PRD) R- 04-206 Plat	09.10.07	08.01.09 PRD Zoning	08.01.10	08.01.12 Zoning & 10.09.12 Site Plan	NA	08.01.14 Zoning & 10.09.14 Site Plan	Not Applied					E = Land Plan Engineering Group O = Silverstein & Goldberg Trust A = White Falcon Land & Development
D	MARSHSIDE AT GROOVER BRANCH Tymber Creek Rd. & Airport Rd. (Parcel # 4124-00-00-0240) 05-06-1035	68 Single-Family Lots	06.08.05	12.08.05	02.02.06	03.23.06	09.19.07	6.10.08	PB 06.08.06 Deny (3-2)	11.14.06 Ord. 06-09		11.14.09 PRD Rezoning	11.14.10 Zoning	11.14.12 Zoning	NA	11.14.14 Zoning						E = Land Plan Engineering Group O = Enclave of Timber Creek LLC A = White Falcon Land & Development
D	MARSHSIDE AT GROOVER BRANCH Tymber Creek Rd. & Airport Rd. (Parcel # 4124-00-00-0240) 10-152	Amendment & rezoning for Marshside subdivision to increase the number of lots from 68 to 104 units.	10.04.10	10.19.10	09.11.12				Denied by Planning Board	01.08.12												E = Land Plan Engineering Group O = Enclave of Timber Creek LLC A = White Falcon Land & Development
E	ORMOND GRANDE 1255 North US1 10-00000006	New 4,800 SF industrial and 60 townhomes	10.13.09	10.27.09	01.05.10				Not required	Not Required	01.12.10	01.12.12		NA	NA	01.12.14						E = Parker Mynchenberg & Assoc O/A = Ormond Grande LLC
F	ORMOND STATION 644 North Nova Road 08-25000039	29 Townhomes	11.06.08	12.02.08	06.09.09	12.22.09	02.23.10 (final)				03.09.10	03.09.12	None	None	09.09.12	09.09.14						E = Harpster Engineering O = Scott Vanacore
G	PINELAND East of I-95, north of Airport Road 08-23000002	Preliminary Plat of 192 Single-Family Lots	11.04.08	11.18.08	02.17.09				PB Approved (4-2)	Approved Ord 08-44		10.21.13 PRD Rezoning		NA	NA	10.21.15 PRD Rezoning						E = Zahn Engineering O = Funcoast Developers
H	RIVER OAKS Airport Road (Parcel # 4124-00-00-0040) 03-10-935	101 Single-Family Lots	06.28.06	07.13.06	01.24.07	08.01.07	09.12.07		10.25.07 DRB (6-0)	12.18.07 R07-226 (P. Plat)	11.07.07	Under Const.	PRD: 11.08.09 Site Plan 10.08.09	PRD: 11.08.11 Site Plan 10.08.11	NA	PRD: 11.08.13 Site Plan 10.08.13	Subdivision Imp. Value: \$1,256,900	05.12.10	05.12.10	35%		E =Harpster Engineering O/A = Vanacore Homes
I	TOMOKA GOLF VILLAGE 20 Tomoka Oaks Blvd. 05-06-1039	122 Townhomes & 3 Single-Family Lots	06.15.05	09.29.05	05.03.06	07.27.06			08.10.06	10.17.06 O 06-17		10.17.08 PRD Rezoning	1st Ext: 10.17.09 2nd Ext: 10.17.10	10.17.12	NA	10.17.14						E/A = CPH Engineers, Inc. O = Tomoka Oaks Golf/Country Club

* Highlighted projects indicate change in status (such as SPRC approval, CC approval, building permits issued, or CO issued).