



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

**June 13, 2013**

**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: April 11, 2013 and May 9, 2013.**

**VI. PLANNING DIRECTOR'S REPORT**

**VII. PUBLIC HEARINGS**

**A. LDC 13-060: 393 John Anderson Drive Landmark List (Removal)**

This is a request by Heaster Family Limited Partnership, LLP, property owner, to amend Chapter 2, Article VI, Section 2-71, K. 15 of the Land Development Code to have one (1) Landmark property, 393 John Anderson Drive, removed from the Ormond Beach Historic Landmarks List.

**VIII. OTHER BUSINESS**

**IX. MEMBER COMMENTS**

**X. ADJOURNMENT**

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

April 11, 2013

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.

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**I. ROLL CALL**

Members Present

Al Jorczak  
Harold Briley  
Rita Press  
Pat Behnke  
Lewis Heaster  
Doug Thomas  
Doug Wigley (excused)

Staff Present

Richard Goss, AICP, Planning Director  
Steven Spraker, AICP, Senior Planner  
Lauren Kornel, AICP, Senior Planner  
Meggan Znorowski, Recording Technician

**II. INVOCATION**

Mr. Thomas led the invocation.

**III. PLEDGE OF ALLEGIANCE**

**IV. NOTICE REGARDING ADJOURNMENT**

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**V. APPROVAL OF MINUTES**

**A. February 14, 2013**

**Mr. Briley moved to approve the minutes of February 14, 2013, as submitted. Ms. Press seconded the motion. Vote was called, and the motion unanimously approved.**

**B. March 14, 2013**

**Mr. Briley moved to approve the minutes of February 14, 2013, as submitted. Mr. Heaster seconded the motion. Vote was called, and the motion unanimously approved.**

**VI. PLANNING DIRECTOR'S REPORT**

None.

**VII. PUBLIC HEARINGS**

**A. PBD 13-006: 1102 West Granada Boulevard, Capital Telecom, PBD Rezoning**

Mr. Steven Spraker, Senior Planner, City of Ormond Beach, stated this is an application for a rezoning to Planned Business Development (PBD) with a camouflaged telecommunications tower 150' in height. Mr. Spraker explained the location, orientation, characteristics, and history of the subject parcel, and presented the staff report. Mr. Spraker stated staff is recommending denial, specifically based on criterion 1, 4, and 7 of the Land Development Code (LDC).

Ms. Press asked for a clarification regarding the term "adequate coverage" in the staff report; and if there is adequate coverage, what is the applicant seeking.

Mr. Spraker responded from his understanding they are seeking to supplement capacity, or the volume of use; that there are so many people with electronic communication devices that they may have coverage, but the capacity is overwhelming their network. Mr. Spraker concluded, while there may be coverage, during periods of heavy use there might be dropped calls or the signal.

Ms. Press inquired if there will be other companies co-locating on the proposed tower.

Mr. Spraker replied he would let the applicant speak to that.

Mr. Jorczak stated he would like an explanation of why the applicant does not entertain putting up a shorter tower.

Lauralee Westine, 800 Tarpon Woods Boulevard, Palm Harbor, Florida, stated Charles Bachini, AT&T Radio Frequency Engineer, and Scott Von Ryan, Director of Site Development for Capital Telecom are both here tonight to answer the Board's question. Ms. Westine explained in an area that is difficult to find a site, as in this case, a carrier will reach out to a tower company and ask them if the tower company can find a location. Ms. Westine stated, in this case AT&T is the carrier, which will be the anchor tenant, but Capital Telecom will actually own the structure. Ms. Westine stated there are agent of record forms from AT&T and Capital Telecom for her because this is a team approach.

Ms. Westine explained that the applicant is proposing a 150' camouflaged monopine tower acceptable in a B-8 zoning district or a PBD. Ms. Westine continued that when Capital Telecom began looking in this area, they realized the property is adjacent to residential, but along Granada Boulevard there is fairly shallow commercial with residential behind. Therefore, Capital Telecom realized they were going to propose a

camouflage structure because the LDC directs them to do so to help buffer the visual impacts.

Ms. Westine stated the applicant is requesting a rezoning from B-8 to PBD, and is requesting one variance, which is the variance to the residential, R-4 zoning district across South Forty. Ms. Westine explained the tower is supposed to be 300' or twice the tower height and the tower is proposed at 183' setback, which is the only portion of the LDC that is not met. Ms. Westine continued that they have hosted the 2 community meetings, property owners were noticed within a 600' radius, a camouflaged tower is proposed, and the proposed tower is not located within a historic district. Ms. Westine explained that the proposed setbacks from Granada Boulevard and Clyde Morris Boulevard exceed the requirement, and no scenic drives are impacted by the proposed tower.

Ms. Westine explained that the proposed tower provides for a total of 6 carriers, there will not be any signs or banners, and the tower itself will be painted brown. Ms. Westine offered a picture of a tower constructed by the developer, attached hereto as Exhibit "1", which depicts the density of the branches, height, and is a sample of what the proposed tower will actually look like.

Ms. Westine stated the tower has been designed to 135 mph, which is the standard required by Florida Building Code, and they have obtained FAA approval. The site will be a 50 by 50 compound lease area surrounded by a solid fence which will be surrounded by the required landscape buffer.

Ms. Westine stated that in order for the Board to approve the proposed PBD, she has to prove there are two public benefits. Ms. Westine explained that they have doubled the landscape buffers as well as adding 178 trees, which meets the two public benefits and far exceeds the requirements in the LDC. Ms. Westine continued that she is proposing a third public benefit, which is enhanced E911 services for city services and residents.

Ms. Westine stated she spoke with the Volusia County Sheriff's Office, and was told that in 2012 over 75% of the 318,000 911 calls were made from wireless communication devices. Ms. Westine continued that she spoke with the City's Fire Department, Police Department, and the Sheriff's office and AT&T is one of their wireless providers for their laptops, and AT&T will be the anchor tenant in the proposed tower.

Scott Von Ryan, Director of Site Development, Capital Telecom, stated they have been working on this project for almost two years. Mr. Von Ryan stated before Capital Telecom ended up at this site, they looked at five other properties along Granada Boulevard: Tomoka Elementary School, Tomoka United Methodist Church, and others as possible locations for the tower. In all cases the property owners were not interested in a tower on their property.

Ms. Westine asked Mr. Von Ryan in reviewing this area were any of the reviewed parcels large enough to have a 300' setback from residential that could have been brought forward to the City.

Mr. Von Ryan responded no, and in fact no property reviewed would have met a 200' setback.

Mr. Briley asked if the applicant only looked along the Granada Boulevard corridor, and if Hand Avenue was looked at.

Mr. Von Ryan responded immediately north and south of Granada Boulevard is primarily residential, and through their review they could not find any commercial areas. Mr. Von Ryan added that Hand Avenue was too far south.

Ms. Westine asked Mr. Luccini if he has had time to review the Staff Report.

Mr. Charles Luccini, RF Design Engineer, AT&T, responded he has.

Ms. Westine stated a 91.5' tower would have been a conditional use on this site and would have met all of the criteria. Ms. Westine asked if that would have met AT&T's engineering need.

Mr. Luccini responded no.

Ms. Westine asked if this is a coverage or capacity site.

Mr. Luccini responded capacity.

Ms. Westine asked Mr. Luccini to define capacity.

Mr. Luccini responded that if there are more devices and people are using than AT&T has the capacity to actually process, then there is a capacity issue. So there are more devices than there is service available for the devices.

Ms. Westine asked if that would be an example of being on I-4 at 2:00 AM she can make a call, but sometimes over by Disney at mid-day why she is unable to make a call.

Mr. Luccini responded yes.

Ms. Westine asked if a lack of capacity causes blocked calls and dropped calls.

Mr. Luccini responded yes.

Ms. Westine asked when AT&T is reviewing their data and they decide they need a new site do they look at customer complaints.

Mr. Luccini responded that is typically first and foremost. Typically the complaints come in; they compile the information, and look at the area. Once the plots are done to see where the coverage actually is, usually coverage holes are found.

Ms. Westine asked what generates a plot.

Mr. Luccini responded that they use predictive software which makes it easy to see exactly where the holes are; something physical to look at.

Ms. Westine asked if Mr. Luccini has had an opportunity to review the plots for an 80' tower up to the 150' tower, and when discussing plots those are what were used through this propagation.

Mr. Luccini responded yes he had and yes it was.

Ms. Westine asked when AT&T is looking for real estate, how large is the search area or search ring.

Mr. Luccini responded it depends on how densely populated the areas are, but could range from ¼ mile radius to a 2 mile radius.

Ms. Westine asked for this particular site what the search ring was.

Mr. Luccini responded ¼ mile.

Ms. Westine stated in this particular case they ended up with a search area, Capital Telecom comes out, and they start looking at different sites. Ms. Westine asked if Mr. Luccini had the opportunity to learn whether AT&T had the opportunity to co-locate on the Old Kings Road tower.

Mr. Luccini stated he is not very familiar with this area, but looking at the existing towers that were provided as options, they are close to existing AT&T towers. Mr. Luccini explained they need to be central between the existing towers, and cannot be too close to existing towers because that causes interference. Mr. Luccini continued that if you get one site too close to another, the signals compete which results in squeaks and pops and is called pilot pollution. Mr. Luccini explained that the only way to minimize that is to keep the cell sites spread out on a certain grid or a minimum of 2 miles apart.

Ms. Behnke asked if they are line of site signals.

Mr. Luccini replied yes.

Ms. Westine stated staff proposed co-locating on the Old Kings Road tower and then placing a smaller tower on subject property, which they have labeled the "3 site solution. Ms. Westine asked that after reviewing this proposal, would this resolve AT&T's issue in this area.

Mr. Luccini responded that he did not believe it would.

Ms. Westine asked why AT&T could not co-locate on the Old Kings Road tower.

Mr. Briley asked if they had a Lincoln Avenue site.

Ms. Westine stated that was the answer to her question, the Old Kings Road tower is too close to the Lincoln Avenue tower.

Mr. Luccini added that the Old Kings Road tower is way too close as it is within 1,000' because these sites are designed to propagate 2.5 to 3 miles depending on the tilt of the antennae. Mr. Luccini continued that if they added another site that close then the two sites will interfere or compete with each other for the same service. Mr. Luccini stated that if you look at their sites, they are all spaced pretty far apart.

Mr. Jorczak asked if capacity is the ability to accept additional subscribers; what is the implication of the tower being 91' versus the 150' height with respect to capacity; and how does going lower affect capacity.

Mr. Luccini explained that if you use the shape of a Christmas tree, the coverage would be less if the height is lower, and the same applies to coverage. Mr. Luccini continued

that if they lower the height to 80' they will only be able to get about 50% increased capacity, and in that case they would need more towers.

Ms. Westine stated that Mr. Luccini had previously stated that this would allow for new subscribers. Ms. Westine clarified that point by stating that it would not allow for new subscribers, but rather existing subscribers that are getting blocked and dropped calls as a result of the capacity issue. Ms. Westine stated she wanted to make it clear that they are not looking for new customers, but rather seeking to correct a problem for existing customers.

Ms. Press asked if there is a problem, is AT&T at a critical stage? Ms. Press stated she wants to know how much of an emergency this is for the existing AT&T customer.

Mr. Luccini responded that depending on how many complaints are received from a certain area is what generates the urgency, and they have received quite a few calls from this area. Mr. Luccini continued that what is occurring now is called blocking, which means it is so busy that you cannot get on it.

Ms. Press asked what area this affects.

Ms. Westine asked the Board to refer to their staff packet as there are propagation maps. Ms. Westine stated Exhibit B2 is the current coverage. Ms. Westine asked Mr. Luccini what the yellow and red on the propagation map means.

Mr. Luccini responded the yellow represents bad signal or an area of concern while red means good quality coverage. Mr. Luccini explained that what is being looked at is called the footprint, or what is red on the propagation map around the cell site. Mr. Luccini explained that there is a 1.5 mile coverage gap between towers because of the density of the area.

Mr. Briley asked if there have been a lot of complaints in the gap area shown on the propagation maps.

Ms. Westine responded that the complaints are from the residential neighborhoods to the north and south. Ms. Westine stated there is certain propriety information that she cannot disclose, but AT&T has the technology to track customer complaints, dropped and blocked calls, as well as calls where there is not sufficient service. Ms. Westine spoke to the question of the state of emergency from 1 to 10 by stating that generally speaking, to get on a build plan there has to be sufficient customer complaints and issues in the area to start looking for a new site. Ms. Westine added that if she's been looking for a site for two years. Ms. Westine continued that if 75% of the area's 911 calls are coming from wireless devices, and you have unreliable service that would prevent a call from going out in those two residential areas and there is more of a problem that cannot be quantified.

Ms. Westine stated height has been discussed, and asked Mr. Luccini to address a slide.

Mr. Luccini explained various slides showing that as the height of the tower increases so does the coverage area, and with the 150' height the gap is slight and only would be eliminated if the site was moved to the east.

Mr. Jorczak asked if you extrapolate the difference between 90' and 150' what the length of the change in the gap is. Mr. Jorczak stated that if you look at the footprint on the maps provided, there is not a significant different.

Mr. Luccini responded that if you start at 180' and work your way up to 130' there are two differences. Once you get to 130' and move beyond that to 150' the changes are minute, but the minimum would be 130' to be effective in this particular area.

Mr. Jorczak stated he attended the balloon fly meeting and reviewed the pictures; this is a very visible site. Mr. Jorczak added that a lower tower would significantly improve the visibility issue for the residents in the area.

Mr. Briley stated the maps look like coverage maps.

Ms. Westine commented that they are propagation maps.

Mr. Briley asked if he could assume with height and coverage there is a correlation to capacity.

Ms. Westine asked Mr. Luccini what the difference between 130' and 150'; do these sites have to talk to each other; and what are the heights of the surrounding towers.

Mr. Luccini answered that the sites do talk to each, but they usually talk to each other through landlines because that goes through at the speed of light. Mr. Luccini continued as far as height is concerned, they try to base it on the area; for example, in a rural area they would be looking at 350', but for optimal performance in a highly populated area like this, generally 150-200' is perfect. Mr. Luccini explained that they try to keep all the sites at the same height so they have line of sight with each other, and as long as they have line of sight with each other anyone using their devices within line of sight of both of those towers usually gets very good coverage.

Ms. Westine asked if the surrounding towers are 150'.

Mr. Luccini responded they are that height or higher.

Mr. Scott Von Ryan stated he wanted to address the aesthetic difference between the 90' and 150'. Mr. Von Ryan stated Mr. Jorczak made a good point that when you drive east on Granada Boulevard, the trees shield the tower and from south of the site, the existing trees also shield the tower. Mr. Von Ryan stated the towers cannot be made invisible, but it would be a greater benefit to the City to solve the problem on a greater scale then going to a shorter tower that may not cover the areas where there are currently gaps in service. Mr. Von Ryan continued that if the tower is 90' you will still see it at the corner of Clyde Morris Boulevard and Granada Boulevard; likewise if it is 150' you will see it at that intersection. Mr. Von Ryan stated that with the surrounding trees and foliage the most affected people to the south are actually very well shielded from the tower itself.

Ms. Behnke stated that the residents that live in that area are going to see it all the time.

Mr. Von Ryan stated he would beg to differ for the fact that it is very heavily wooded along the rear portion of that property and along South Forty Trail there is an additional layer of woods.

Ms. Behnke responded that there will be a long stick with some fuzz sticking out of the top.

Mr. Von Ryan replied sure, and if you are a ¼ mile away you probably would see it, but you will see it if it is 90' or 100', and it will look the same.

Mr. Thomas asked how many people are in the audience to address this issue. Mr. Thomas seeing public present stated he would like to hear from the people present that will actually be affected by it. Mr. Thomas asked Ms. Westine to finish up her comments, then he would move to Mr. Goss for his comments, then to the public comments.

Ms. Westine asked Mr. Luccini if AT&T would build a site below 130'.

Mr. Luccini responded that it would not be beneficial for AT&T or its customers at this time.

Mr. Goss asked for an explanation of the ranges on the propagation maps.

Mr. Luccini explained that the red is the worst because these maps were done for capacity not coverage.

Mr. Goss asked if the one at 120 is worse, what is the one at 110.

Mr. Luccini explained that the lower the number is the worst the signal is.

Mr. Goss asked if that means there is no coverage.

Mr. Luccini responded at 120 would mean no coverage.

Mr. Goss asked that as you go up, the coverage/capacity is getting better.

Mr. Luccini replied that this site was done for capacity.

Mr. Goss stated that Mr. Luccini indicated that yellow is bad, but Mr. Goss would like to know what the ranges are from. Mr. Goss asked if the one they are trying to get is 70.

Mr. Luccini responded that when he did this particular plot, he eliminated the field on the bottom because that is not accurate. Mr. Luccini explained that what they are looking for is what the capacity is, that is the signal level they're talking about.

Mr. Goss asked if yellow on the map was the worst.

Mr. Luccini responded yes for signal level, not for capacity.

Mr. Goss asked what is green on the map.

Mr. Luccini responded that green is good coverage.

Mr. Goss stated pink is the best signal level.

Mr. Luccini stated a lot of this has to do with building coverage; a lot of the cell sites they have do not penetrate inside of a building very well, which is why this particular area is prime for that.

Mr. Goss asked that as we move towards 4G and 5G, and you're looking at the lower frequencies don't the towers need to be lower. Mr. Goss inquired if most of the towers are lower, and aren't most providers going to lower microcell towers.

Mr. Luccini replied no, and they keep all of their sites at a minimum of 150' if they can.

Mr. Goss asked if that applies to urban areas.

Mr. Luccini responded yes in urban areas 150' is normal.

Mr. Goss asked if they have provided a DAS, digital antennae system, in any cities in Florida.

Mr. Luccini replied that they use DAS systems in exclusively in stadiums, and he is not familiar with DAS systems.

Mr. Goss stated DAS systems are being used in cities in Florida on light posts.

Ms. Westine asked which city.

Mr. Goss answered Tamarac.

Mr. Luccini stated it is not impossible to do, but in this particular area there has not been a need for it and services is being provided through macro sites.

Mr. Goss asked if there are other technologies.

Mr. Luccini responded yes, Mr. Goss just mentioned one.

Mr. Goss added that there are microcells, picocells, and other cells to do it within a building or to penetrate buildings. Mr. Goss stated you don't need a macro tower to do this.

Mr. Westine asked how many towers would be needed to install DAS system.

Mr. Goss stated his question is if you would only need one base station with a number of smaller antennae.

Mr. Von Ryan explained that as far as a DAS system is concerned, there is a technology that uses DAS which is a distributive base station system where there is a piece of radio equipment that you connect to nodes (antennae) that send the signal out to lower areas, and those are usually done in stadiums, they have been done in urban areas where the density of traffic is so high and the height of the buildings don't make sense to place antennae on the buildings because they cannot be pointed down to get the coverage needed; so they are brought down to a lower height, which is done for blocks at a time. Mr. Von Ryan continued that ultimately to cover what this proposed tower is covering they need line of sight and height because this is a line of sight application; the signal needs to see what it is covering. Mr. Von Ryan explained that in order to do a DAS system to cover this gap in coverage that the submitted maps are depicting would require hundreds if not thousands of nodes, which is logistically impossible because you would need poles on every residential street and multiple radio stations. Mr. Von Ryan explained that it has never been done before on the scale that this site would require for a ½ mile radius.

Mr. Goss asked if AT&T has done microcells.

Mr. Luccini responded yes. Mr. Luccini stated they use microcells is usually in areas that they want to cover a lot of people in a small space, such as stadiums along with DAS systems for the same reason. Mr. Luccini explained that with 65,000 people in a stadium, which is not a very big area considering how many people are in it, and there are multiple antennas that they can connect together through cables without having to go through city streets, above and underground. Mr. Luccini stated it is a logistical nightmare to do it above ground or on the street, which is why they use the macro sites that are being discussed here exclusively in this area. Mr. Luccini stated he knows they have discussed DAS systems when he lived there 15 years ago, but he had no idea that they had done it.

Mr. Thomas asked if there were modulars that could be placed in individuals' homes to boost the signal.

Mr. Luccini responded yes, they are called femtocells or microcells; they are used through the internet or voice-over IP, which is like Wi-Fi.

Mr. Von Ryan added that the in-house repeaters do not deal with capacity issues.

Ms. Westine asked Mr. Goss for his background.

Mr. Goss responded that he is the Planning Director, AICP qualified, a master's degree in urban regional planning, and in the planning business for 35 years.

Ms. Westine asked the Board to keep in mind is that when a DAS system is being discussed, that is only one carrier and hundreds of small poles in the right-of-way on a light pole with an antenna on top and a box at the bottom. Ms. Westine stated every carrier that comes in is going to need a light pole, will need to negotiate a deal with the City, but in this instance, what it would take 6 carriers to cover that area would become clutter on light poles and right-of-ways truly where people see. Ms. Westine agreed that you will see that tower from wherever you go, with that said folks will see antennas on their light poles and boxes.

Ms. Westine directed the Board to the staff report on Pages and 7 and 8 which addresses the criteria for approval to determine whether or not a PBD rezoning is appropriate, and proposed to the Board that question before them is whether or not they have provided enough public benefits to ask for that variance. Ms. Westine respectfully suggested to the Board that the Florida Statutes allows them to review things that are height related, land development related, but does not allow the Board to question what AT&T's business model is or whether or not the distance between towers is acceptable. Ms. Westine explained that Florida Statute permits AT&T to set up what it considers to be appropriate for its network, but it does allow the Board to make determinations based on height and land development code criteria. Ms. Westine stated she points that out only because there are a lot of folks who go there.

Ms. Westine explored the criteria for approval by stating: the first is building form, architecture, and appropriateness of material, and in this particular case there is no question what is proposing which is 150' camouflaged monopine tower, which is the language in the City's code which states the very best way to minimize aesthetic impact is to camouflage and that is what is being proposed. Ms. Westine explained the second is landscaping and amenities to site, and in this particular case the applicant is proposing 47

additional trees than what is required, and does exceed the 25% marks that are considered public benefits because the applicant is trying to bring this parcel up to the maximum extent practical as it comes to the landscaping. Ms. Westine continued third is mitigation of off-site impacts, which there are none as it does not impact schools, water, or fire because it is a tower it uses power and telephone. Ms. Westine stated as a mitigator, they have chosen to camouflage this tower in a zoning district where they are really not required to. Ms. Westine stated that with regards to the overall lighting plan, there is none, and they have received their FAA Determination of No Air Hazard and on that they are not required to light the tower. Ms. Westine continued that the last item is signage, and no signage is proposed.

Ms. Westine addressed the criteria for approval by stating staff does not feel they have met the first criterion that 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 districts or adversely affect the public, safety, welfare, or quality of life, the latter being the focus of staff. Ms. Westine explained that she does not think staff is questioning public health, safety or welfare. Ms. Westine stated she believes staff is focusing on is the quality of life, and the only thing she would direct the Board to is that the City's code specifically says the one way they can mitigate the aesthetic impact is to camouflaged it, and that has been done. Ms. Westine continued by stating criterion two is if they are consistent with the Comprehensive Plan, and staff has found that they are; criteria three is whether there is an impact to environmentally sensitive lands or natural resources, and they are not. Ms. Westine stated criterion four is something that staff does not believe they have met which is that the proposed use will not substantially or permanently depreciate the value of surrounding property, create a nuisance, or deprive adjoining properties of adequate light, air, excessive noise, odor, glare, visual impacts on the neighborhood adjoining. Ms. Westine explained that staff focused on the visual impacts and that the one manner the City's code states that they can mitigate visual impact is to camouflage it, and that has been done. Ms. Westine stated criterion five is adequate public facilities, and they are a tower which does not need bike paths, sidewalks, etc., and for ingress/egress they have a site plan that does work and is functional. Ms. Westine explained that for every carrier there is one trip every 4-6 weeks from a technician. Ms. Westine added that the last criterion is that the proposed development is functional in the use of space and aesthetically acceptable. Ms. Westine stated that staff's first sentence is that the proposed site plan is functional, which means it goes back to visual impact. Ms. Westine stated that the code specifically directs them to camouflage, that is what has been done as well as collocation which also has been done because if you do not collocate everywhere you would need a tower you would have to have 6 if they are not collocated. Ms. Westine continued that if this tower was lowered to 130', everyone else will be bumped down 20' as well, and there may come a point where a carrier comes to you in 1-2 years from now and flat out tells you that I can't use 80' just like the propagation maps AT&T provided. Therefore, if the Board lowers this tower that extra 20' that may buy a new tower in the future because another carrier will be able to justify why they need a new tower.

Mr. Luccini added that one thing he would like everyone to remember is when this site is first built it will be a single carrier site, and every time they add a carrier which they can do 5 times to UMTS which is 3G, and 2 time to LTE will be increasing the capacity of the site by 100% each time they do it.

Ms. Press asked if each carrier increases the capacity.

Mr. Luccini responded that each carrier they add to each tower, in other words.

Ms. Westine clarified then when Mr. Luccini uses the term carrier he is not referring to T-Mobile or Sprint. Ms. Westine asked for Mr. Luccini to define the term carrier.

Mr. Luccini stated that they are not going to do anything to the site aesthetically, you would not be able to see any visible difference, but they would increase the capacity within the shelter in order to increase the capacity outside of it. So, basically inside the shelter they are adding another cell site which would double what they have now and that can be done up to 5 times for 3G.

Mr. Briley asked if AT&T would be at the top of the tower.

Mr. Luccini responded yes.

Mr. Briley asked with regards to Mr. Luccini's statement about collocation and if they had a smaller tower later other carriers would say it doesn't make sense to put an antenna there because it wouldn't serve the purpose; where would it come to a point when another carrier came and they needed to be at 150' what would happen.

Mr. Luccini responded they would have to make their case to the Board as well.

Ms. Westine added that city staff has put a considerable amount of effort into this. Ms. Westine explained that she was the zoning lawyer for the last two towers built in Ormond Beach, one for T-Mobile and the other was for Capital Telecom. Ms. Westine stated this is not a city where you walk in and you say, "I want this, please may I have it?" Ms. Westine explained that you are held to the code and standards. Ms. Westine continued that by statute they did not have to provide the propagation maps, and they are confident that these maps justify the 150' tower and justifies the need for capacity, which is why AT&T did not object providing it.

Mr. Thomas stated he wanted to move this along because the residents have been here awhile and he wants to hear from them. Mr. Thomas called for people in the audience to come forward if they want to speak to this issue.

Mr. Lee Khazraee, 763 North Beach Street, Ormond Beach, stated the applicant says this tower will benefit the public by providing 45 trees by Clyde Morris Boulevard and Granada Boulevard, and he would gladly donate those trees to the city because the tower is ugly, it does not have a buffer, and looks like a sore thumb in the gateway to the City of Ormond Beach. Mr. Khazraee stated he lives in Ormond Beach and is proud to live here. Mr. Khazraee explained that his background is engineering and has worked for government before, and the way the applicant is showing the illustration of 150' it works and at 90' it doesn't work, but there is so much technology available. Mr. Khazraee added that if you deny this tower they will come in tomorrow with 90' height and they will be able to provide better technology to illustrate and achieve.

Mr. Khazraee stated that he attended the community meetings and has questioned if they could put their signal on an existing tower, and they responded that they wanted to be on their own tower and territory, and have the area and then they can have four other providers on that tower. Mr. Khazraee stated if they can provide for other cellular companies, he doesn't understand why they cannot locate on an existing tower. Mr. Khazraee explained that the distance from Old Kings Road and Clyde Morris Boulevard

is not that large to affect the gap. Mr. Khazraee continued that he doesn't see anywhere that they are providing the tower for the City of Ormond Beach for the Police Department so they can use it for cell phones or city staff. Mr. Khazraee stated he worked for the City of Port Orange and when they put a tower in they provided benefits for the fire department and police department, which is helping the public. Mr. Khazraee stated there are other areas that the tower could be placed such as on Hand Avenue, and the City has great engineering staff that can illustrate the gap coverage.

Mr. Khazraee stated regarding the camouflaging of the tower, the proposed camouflage is like putting a hat on his head and saying he camouflaged his head; the remainder is like a sore thumb. Mr. Khazraee continued that he owns a property in the same area, 200' from the proposed tower, and he, as well as other residents, is concerned about the depreciation of the value of their property if this tower is erected. Mr. Khazraee explained that he is a business man, he buys and sells properties, but to other residents in the area, this is their home and their only asset. Mr. Khazraee stated that the question he asked at the last public meeting, for which he still does not have the answer, is how they came to the determination of what the maps show as his background is in engineering and he wants to see the proof of how they came to that determination so that city staff can review it. Mr. Khazraee thanks the Board for their time.

Dr. Charlene Evans Thomas, University of Maryland, and resident across the street from where this tower is proposed to be located. Dr. Thomas stated she is resident and the application says that people don't want the tower, but they want to use their cell phones. Dr. Thomas continued that she called 911 in July 28<sup>th</sup> for her husband when he was having a heart attack, and she did not use a cell phone. Dr. Thomas stated the map on Page 1 shows the current land use which mentions to the south is Trails South Forty, and there was a meeting held there, and she was not invited to that meeting; to the north is Trails North and the application also mentions east. Dr. Thomas addressed that area because it seems that there were notices sent to homeowners; however, the residents of the east are not mentioned in that. Dr. Thomas continued that there is a huge complex called Ormond in the Pines nursing home, assisted living, and apartments for elderly are within that area. Dr. Thomas stated she contacted people in that area, and those people know nothing about this; so when it calls for residents of Ormond Beach, a whole group has been excluded from this and yet are very much in the range of this tower which is directly across the street, and not much further than the houses found in South Forty. Dr. Thomas continued that she takes issue with the people that are renting and residing in this area have not been efficiently notified, and if they had there would be more people present for this meeting in her opinion.

Dr. Thomas stated on Page 2 the balloon fly does not accurately represent the height because the balloon is flying to the side; Page 3 stated homeowners, not residents, within 600' of the site were notified, and she must be living 601'. Dr. Thomas stated many of the people in her area are renting their homes. Dr. Thomas continued that Page 4 states that the site needs 117' waiver on a setback, and that the tower could be 91' and not the proposed 150'; Page 6 mentions the Green Belt, and if she believes that has been misrepresented because on Clyde Morris Boulevard it should be a 36' greenbelt area. Dr. Thomas explained that her deed for her house along Clyde Morris Boulevard says no parking lots, no buildings, no anything, only for natural development. Dr. Thomas stated she is concerned that if Houligans and the people at the shopping center knew that they're going to have to take out the first full row of their parking, and currently they are already parking at the bank in the evening. Dr. Thomas stated as she has to conform to the

greenbelt, she as a citizen, thinks it is only fair that she ask the Board that if this site is renovated that everyone along Clyde Morris Boulevard have to do everything that she has to do. Dr. Thomas addressed the statement that people want to use their cell phones but do not want the tower by stating she doesn't, therefore that statement should not say all residents it should say some.

Dr. Thomas stated with regards to Part D, she swims in her pool at night in the summer from 7 PM until 9 PM approximately; during these times she has called to the airport to find out why there are so many planes over her house. Dr. Thomas explained she found out that the tower closes at 7 so the flight schools do all their practicing over top of Clyde Morris Boulevard. Dr. Thomas stated she has talked to the pilots and they have said the use Clyde Morris Boulevard, and she has seen at least 134 planes go down Clyde Morris Boulevard right over this site, so she would like to know the source of the person that made the determination alluded to in the packet. Dr. Thomas stated if this tower is not going to have a light on it, she predicts that when a plane hits the tower it will land in someone's house that is 200' away or in her pool. Dr. Thomas stated she is concerned about the quality of life. Dr. Thomas asked how she is going to tell someone buying her house when she decides to go to a condo or Bishops Glen that there is a tower there. Dr. Thomas stated she knows it and she is going to have to disclose it, and there are people who are very concerned about radiation, and even if radiation doesn't exist, the perception that radiation from towers kills people is there. Dr. Thomas stated she is very much opposed to this tower, and cannot imagine a worse location to place this tower on. Dr. Thomas continued that if you wanted to find the most highly dense, populated area, you found it, and she is asking the Board to please consider this carefully.

Mr. Briley asked if there was to be a reduction in parking.

Mr. Spraker replied that there will not be a reduction in parking, they are replanting the landscape buffer.

Mr. Jorczak asked what the spacing is between the other carriers that would go on the tower; if AT&T is on the top, at what level on the tower is the next carrier.

Ms. Westine answered that generally speaking there is an antenna center line (ACL) and if the tower is at 150' the ACL will be at 145' and there are 10' between centerlines of the different carriers.

Mr. Jorczak asked if the actual antennas could actually touch or close thereto.

Ms. Westine responded yes.

Mr. Jorczak asked if the physical size of each antennae is 10'.

Ms. Westine replied that the antennae are not 10' tall, but the space they take up is about 10'.

Ms. Westine addressed emissions, by stating that the Telecommunication Act of 1996 prohibits the Board from considering any emissions in its determinations provided that they comply with the FCC emissions standards, and no parking will be removed. Ms. Westine continued that in regards to Dr. Thomas' statement that this is a highly densely populated area is exactly why they have proposed this location because this is a capacity issue. Ms. Westine stated with regards to the balloon, they cannot control the wind, they

do their best. Ms. Westine explained that they hired someone to fly the 5' helium balloon, and that person measures so there is no faking that line itself is 150', and the balloon is another 3 or 4' above that. Ms. Westine explained that she does not control notice except for the community meeting, and for that meeting she followed exactly what the City does; she got the same list of people that they would notify for this hearing tonight, and for both community meetings that is exactly what her office mailed. Therefore if someone did not get notice, they were not within 600' from the edge of the parcel.

Mr. Heaster asked Ms. Westine to Dr. Thomas' concerns about the FAA's determination on lit and painted towers.

Ms. Westine responded that generally towers do not have to be lit unless they are 200' or above, and in this particular case they received the determination of no hazard to air navigation from the FAA itself. Ms. Westine explained that slopes, flight schools, and other criteria are taken into consideration for FAA's determination.

Ms. Westine stated that she has three property appraisal reports to submit for the record addressing the issue of depreciation of property values: (1) June 30, 2011, from Long Boat Key, attached hereto as Exhibit "2"; (2) September 16, 2009, River Club Country Club, Manatee County, attached hereto as Exhibit "3"; (3) June 5, 2007, Sarasota County, attached hereto as Exhibit "4". Ms. Westine explained that in each of those instances, a comparison was done to properties sold before and after towers in those surrounding areas, and tower was not the cause of the decrease in property values, if in fact there was a decrease; there was no correlation between the decreases in property values to the installation of the towers.

Ms. Westine asked for the Board's recommendation of approval to the City Commission.

Ms. Behnke asked how the amount of branches on the tower was determined, and why they couldn't be brought down to slightly above tree-level.

Mr. Von Ryan answered that the branches are purchased based on density or branches per foot; the photograph entered as Exhibit "1" was 2 ¼ braches per foot. Mr. Von Ryan explained that typically they like to cover the antennas plus 10-15 feet below the antennas; the reason not to do more is engineering in that it increases wind loading on the tower.

Ms. Behnke asked what the branches are made from.

Mr. Von Ryan answered fiberglass engineered to match wind requirements for the tower which is 130 miles per hour.

Ms. Behnke inquired if the branches are damaged how soon they are repaired.

Mr. Von Ryan replied that if there is an event that causes damages to the branches, as soon as they are made aware of the situation, it will be rectified.

Ms. Behnke stated she feels the tower in unsightly, and would look better if the branches came further down it would be more appealing to look at.

Mr. Briley referred to the superimposed tower picture, and asked if the branches could be brought down lower.

Mr. Von Ryan responded that within reason they could increase the branches.

Mr. Briley stated from the simulation picture the tower looks like a tall sick tree.

Mr. Von Ryan replied that he wouldn't disagree, as that is not the best photo-simulation he has seen. Mr. Von Ryan stated he would direct the Board to Exhibit "1", the photograph of the actual tower at another location. Mr. Von Ryan added that they could propose branches lower within reason, perhaps another 10-20'.

Ms. Press stated the aesthetics of the proposed tree is low.

Ms. Westine stated based upon Mr. Von Ryan's comments on taking the branches lower, they do not have any objection to that being made a condition. Mr. Westine explained that it would be a code enforcement violation if the tower had missing or broken branches because when they get approval to build a tower, they are committing that what is proposed is what is being built. Ms. Westine continued that in the event a wind event or rain that the branches come down, she has no doubt that she will get a letter from code enforcement or staff. Ms. Westine explained that what the tower looks like is a condition of their approval and they are obligated to keep it to that standard.

Mr. Briley asked if they had 2 neighborhood meetings.

Ms. Westine replied yes.

Mr. Briley asked how well attended the neighborhood meetings were.

Ms. Westine responded approximately 25 at both. Ms. Westine explained the first was at Houligans, she had requested people to RSVP, and no one responded so she took a corner at Houligans because it was close, so that meeting was difficult because they were shouting over other people. Ms. Westine added that most of the same people attended both.

Mr. Briley asked where the second meeting was held.

Ms. Westine replied that the second meeting was in January and was held at the South Forty Clubhouse, and had approximately 5 new people at the second meeting.

Mr. Jorczak asked if the towers talk to each other through ground lines, not line of sight.

Mr. Luccini stated that the sites do talk to each other, especially when using E911. E911 uses triangulation, and 3 sites have to triangulate the area in order to pinpoint the location by line of sight tower to tower. Other than that, when you make a phone call, as you move and it goes from site to site it is not from tower to tower it is through landline from one tower to the next.

Mr. Jorczak asked if the reason they wanted all of their towers at 150' is not necessarily because there is interference from line of sight.

Mr. Luccini responded the reason that they want their sites at a certain height is because they then give optimal performance between 150 and 200' in densely populated areas.

Mr. Thomas stated he is going to take another comment from the audience, but does not want this to turn into a debate between two parties.

Mr. Khazraee stated for clarification his given address for the record is not the property he owns that is within 200' of the proposed site. Mr. Khazraee asked that the Board not let the pictures provided by the applicant mislead the Board that the tower is a tree and is beautiful. Mr. Khazraee asked that the Board look at the first picture provided because this is a gateway to the City of Ormond Beach.

Mr. Heaster stated that there is a stereotype that people don't like towers because we are a society that is driven by technology. Mr. Heaster continued that we all have an iPhone, iPad, or similar device, and they are data hogs. Mr. Heaster explained that it is not the calls, but rather the data that is needed. These carriers need more and more antennas for the data that society needs on a daily basis, businesses, government, law enforcement, on and on; that's technology which is where we're going. Mr. Heaster stated the reason they need it in the middle of town is because there are more people; it's not the people on the road always, it's the homes with the mom, dad, and kids with their iPads and the data needed. Mr. Heaster explained that he's familiar with it because his family has been in the cell tower business for 20-25 years. Mr. Heaster continued that a few things that were discussed that the company is willing to do such as enhance the landscaping around the center, additional landscaping and buffers around the base of the tower, and the camouflaged tower, which is an extreme expense because a monopine tower of this height with this type of camouflage. Mr. Heaster explained that he has built the ugly 300' guide towers for years that no one likes to see near residential areas that did not depreciate the values of those residential high-end homes, one of which is next door to Moss Point on Tymber Creek Road. Mr. Heaster stated a lot of these arguments he does not buy into, he knows that it is society as users demand data and demand the use of smartphones, tablets, etc. Mr. Heaster explained that the applicant is here because of "us" and the demand that "we" ask everyday; if you can't check your email because you're not getting LTE and you get dropped back to 4G or 3G, he gets upset; we all want it. Mr. Heaster added that if the applicant can do some extra branches, that is reasonable, but he is in favor of the tower.

Ms. Press stated she is not an engineer, and a lot of this she had to read over again. Ms. Press stated that she did research and found where technology would lead that there would not be a need for cell towers, and she feels that the technology will work so the cell towers will be replaced with something else. Ms. Press explained that she looks at it from a different point of view and that is of a resident, and asks the question of her if she would be happy having it in her neighborhood. Ms. Press stated the thing that troubles her is the fact that there is certain area that we need cell phones, and she has a smartphone and loves it, but it seems like there were a lot of locations such as the church and school that did not want the tower and only one person wants it, which is the person that owns that shopping center, and now the applicant is here before the Board. Ms. Press stated she thinks that a 300' setback is not a good setback, that is hardly anything, and this sets a precedent for the 300' that she thinks is very bad because someday there will be someone who will be in their kitchen and looking at a tower that might be 183' away from them. Ms. Press added that is not something she wants for her neighbors so she will be voting no on this item.

Mr. Briley stated that this is certainly not something that he would dream of seeing at the intersection of Clyde Morris Boulevard and Granada Boulevard. Mr. Briley explained that he also understands the way technology is, and that Mr. Lewis put it eloquently. Mr. Briley added that he is torn, but can see the need for it.

Ms. Behnke stated she has learned a lot, and has had AT&T for years and has never had any problem with her devices anywhere. Ms. Behnke added that she understands the residents not wanting this in their backyard because it is not just the pole sticking up; there is also a big base that goes around it with a fence. Ms. Behnke asked how large the base building is.

Ms. Westine responded that it is not a base building; there is a compound it is a 6' fence that will have landscaping around it. Ms. Westine explained the dimensions are 50' by 50', but it is a fenced in area.

Mr. Briley asked what type of fencing will be used.

Ms. Westine replied that it is an 8' board on board.

Ms. Behnke asked if the pole comes out of the ground and there is nothing around it.

Ms. Westine answered that there are equipment cabinets that will be within the compound, but the fencing is board on board so you will not be able to see through it as well as landscaping outside of that; you will not be able to see the cabinets at the base.

Ms. Behnke stated she does not like the pole with a little bit of fringe on the top. Ms. Behnke continued that bringing the branches and leaves down would help. Ms. Behnke commented that she cannot believe that this is the only location in the area that a tower could be placed. Ms. Behnke stated that she is torn on this item too; there is a need, but can see it from the resident's point of view.

Mr. Jorczak stated that this is a gateway entrance to the city, and he buys into all of the technology arguments, but this particular location as a part of the greenbelt gateway entrance is not visually appealing. Mr. Jorczak added that the other issue he is struggling with is the comment that a lower tower does not seem economically feasible to AT&T, and if it was lowered to 130' they would have virtually the same coverage, but even at 90' the reduced capability of additional capacity somehow he just can't equate what he is hearing to what the economic impact is against lowering the height of the tower.

Mr. Briley asked why a masonry wall is not being required around the compound.

Mr. Spraker replied all that is required is screening of the material, but if the Board feels a masonry wall is warranted, the Board is welcome to make that recommendation.

Mr. Briley stated his concern is maintenance, and the Board has required, as a rule, for commercial developments a masonry block wall. Mr. Briley added that he would make that a condition of this as well, and if this were approved he would echo Ms. Behnke and Mr. Jorczak's comments about bringing the limbs further down on the pole.

Mr. Thomas stated he would like to make a suggestion for the future: staff could take pictures from different directions of the balloon fly do to the questions regarding the appearance of how the proposed tower would look in the gateway coming into Ormond Beach.

Mr. Heaster stated that was something we was thinking of, but with all due respect, in the gateway to Ormond Beach there are some very blighted things coming down U.S. 1. Mr. Heaster added he would sooner see this type of tower than those buildings. Mr. Heaster stated when the balloon floated he does not recall coming into Ormond Beach on

Granada Boulevard heading east, seeing it until he reach the western edge of the plaza. Mr. Heaster added he doesn't necessarily agree with the theory that the tower is going to stand out as you drive down Granada Boulevard.

Ms. Press stated she is going to go by what the planning staff has said; it is obvious that they have done a lot of work, and the Planning Director has even noted another city. Ms. Press stated she moves that the Board accept the recommendations as noted in the packet.

Mr. Spraker stated that staff's recommendation is denial.

Ms. Press responded yes, but there were reasons.

Mr. Spraker stated staff recommended denial based on criterion 1, 4, and 7, and the Board has heard public testimony tonight, which falls under criterion 10, which may or may not impact your decision. Mr. Spraker explained that it is up to the Board as to whether they want to deny it, approve it as submitted, or modify the height and add conditions. Mr. Spraker continued, as shown in the staff report, the Board has those 3 options.

Mr. Hayes stated the Board actually has 2 options, to approve the application as submitted, or to deny it on the basis of Planning Staff's recommendation. Mr. Hayes explained that the Board cannot fashion a modified approval on number 3 without having to consider additional information that the Board does not have before it, it could be a recommendation, and the applicant may want to address that. Mr. Hayes stated that the decision from this body is advisory to the City Commission. Mr. Hayes continued that the Board has heard a lot of information, and the core decision is whether or not there are enough mitigating circumstances to grant a waiver of the setback requirement, which will have a direct impact on the height of tower. Mr. Hayes explained under the criteria of the LDC, that is what the Board's decision is based on; if the Board does not believe the applicant provided enough information to satisfy those conditions, then the Board can make a motion to deny, and conversely, if the Board feels the applicant did satisfy those requirements then the Board can make a motion to approve it. Mr. Hayes stated if the Board is going to get into option 3, then the Board needs to discuss that with the applicant before the Board formulates a motion.

Mr. Briley asked Mr. Hayes if the Board could modify items such as a masonry wall in place of the fence.

Mr. Hayes answered yes; the Board can impose those kinds of conditions.

Mr. Briley asked for clarification that when it comes to height, that is another issue.

Mr. Hayes replied yes.

Ms. Westine added that from her experience boards have limited the height as well as site restrictions.

Mr. Hayes responded that is the area of concern he has, that as long as the site plan material does not change in any substantial manner, then that may be ok, but to change plans that are not before the Board this evening could pose a problem. Mr. Hayes advised the Board that what the Board is hearing is that the applicant does not necessarily have a problem if the Board wants to fashion a recommendation between 91' and 150'.

Ms. Westine replied that she is going to be candid and the application is for 150', but what she is hearing is there is a desire to approve something at a lower height. Ms. Westine explained that she would like to walk out of the meeting with a recommendation of approval. Ms. Westine stated a 6' masonry wall will not be an issue. Ms. Westine respectfully explained that as the representative of the tower company, she can only agree to what AT&T, the anchor tenant, would agree to. Ms. Westine continued that the testimony is on the record that AT&T can accept nothing less than 130', and therefore she cannot agree to less than that.

Ms. Press stated that they all know that a tower is needed in this area, but she is not happy with this location or the setback as a precedent. Ms. Press added that she is trying to come to a consensus, and if this is approved it should be with the minimum of 91' not 150'.

Mr. Thomas inquired of Mr. Spraker if he attended the community meeting at Houligan's.

Mr. Spraker responded yes he attended both meetings.

Mr. Thomas asked if most of the residents in attendance from South Forty.

Mr. Spraker replied yes.

Mr. Thomas asked the audience how many in attendance were from South Forty.

Mr. Thomas noted 2. Mr. Thomas asked those 2 if they had spoken before the Board.

Mr. Dick Morgart, South Forty HOA President, stated he attended both community meetings, and there were people like he has heard tonight, and people like himself that believe that the technology is here. Mr. Morgart added that he doesn't know of anyone with concern other than one man that was concerned about the radiation off of the tower, and he was the closest property across the street from where the tower will be, which is behind Houligan's in a parking lot. Mr. Morgart explained that you don't even see the tower unless you are going around the back side of it. Mr. Morgart stated he doesn't see any reason why anyone should stand in the way of it. Mr. Morgart added it is high, but if you go back a few years they used to be 3-4 times as high and had guidelines, and if it was something like that he would be against it. Mr. Morgart stated they have shrunk the towers, and he is sorry they have to be 150', but if that is what is has to be to give us the coverage to keep the community growing and progressing then it is good. Mr. Morgart continued that he came with a telephone company, he was with the predecessor of Verizon, and he knows what telecommunications have moved through. Mr. Morgart added that if the tower is independent it could be working when nothing else is. Mr. Morgart explained that this was discussed at their last board meeting which followed a community meeting, and there was a lot of discussion about line of sight. Mr. Morgart stated there is new technology coming, but you have to stop somewhere and plant the tower, and his homeowner's association board felt the same way that they would just as soon not have it around, but who is going to stop progress.

Dr. Thomas asked for clarification as to whether Mr. Morgart is representing the whole homeowner's association of South Forty or himself.

Mr. Morgart stated the residents elect a board of directors for the year, and if they don't like how things are run they are kicked out. Mr. Morgart explained that he has been the president for 6 years and on committees for 16 years since he moved there. Mr. Morgart continued that he knows most of the owners by first name, but not the renters because they come and go, and feels that the renter should not have anything to say anything about the tower. Mr. Morgart stated the tower issue was published in their bulletin and in their newsletter that the Planning Board meeting was here tonight, and if anyone had anything to say he would expect that they would be there with him or expect him to speak for them.

Mr. Ron Albertson, 94 Cottonseed Trail, stated he wanted to echo what Dr. Thomas said. Mr. Albertson added that he cannot think of a worse place to put an extremely tall cell phone tower because this tower will be seen by people at the tennis court and people at the pool, and cannot think that the Board would want any of their kids in a pool or in the shopping center with a cell phone at this location.

Ms. Press stated she wanted to give the Planning Director an opportunity to state some of the reasons why he had alternatives in the packet even though it was not in the choices given to the Board because she feels the main issue is the height and location of the proposed tower.

Mr. Goss stated that the applicant's attorney has made a point that based upon his education he is not an RF Engineer and he does not bring the expertise to this Board with regards to this issue. One of the goals of the Telecommunications Ordinance is to minimize the number of new towers. This can be accomplished through co-location or through newer wireless technology that is not solely based on macrocell towers. Mr. Goss added that he does know that he will be bringing to the Board a wireless plan that staff has been putting together for almost 4 months which will be presented to the Board next month. Mr. Goss stated that the Board will be amazed by what technology is out there and what is being used in other communities in Florida and other states. Mr. Goss continued that if the heights don't work for AT&T then the Board has 2 choices, either approve it as submitted in the application with conditions of the additional branches and the masonry wall, or deny it. Mr. Goss added that the Board could reduce the tower to 91' which is no waiver at all and the applicant can take it to the City Commission, but the applicant has indicated to the Board that it will not work at 91' based upon their RF Engineer.

Ms. Press asked what Mr. Goss is bringing to the Board and if he is bringing information that would be helpful in their decision shouldn't this item be postponed until the Board hears this information.

Mr. Goss responded that he has been putting the plan off until this tower application process has been completed. Mr. Goss explained then it can be discussed what he has discovered, and discuss the plan with the carriers and have them discuss their future plans for Ormond Beach as well as including Florida Wireless Association. Mr. Goss stated this application needs to be moved forward and he will send the Board the wireless plan for a work-session for the next month.

Ms. Press asked if that meant to go ahead with an application when there may be more information coming that might affect a decision that the Board is making.

Mr. Goss answered that the plan is for how to proceed for the future with regards to where the technology is going for wireless communications. Mr. Goss added that the technology is changing drastically. Mr. Goss explained there was an article in the Huffington Post that towers will probably be gone and everything will be coming down.

Ms. Press added that is what she had read from Bell Labs.

Mr. Goss responded that what he is trying to explain is that he is not an expert like an RF Engineer. Therefore, that is the reason why the applicant's attorney asked what his background was. Mr. Goss stated his recommendation to the Board is to either vote yes with conditions or vote no because it does not meet the setbacks.

Mr. Thomas asked how low the branches go from the top of the tower.

Mr. Von Ryan as is currently shown on the site plan that was submitted to the City they are proposing the bottom of the branches to be at 90' above grade.

Mr. Thomas stated so they will be 60' from the top down.

Mr. Von Ryan responded that they could be increased by 10-15'.

Mr. Jorczak asked if the application were to be approved what the timeframe would be for construction from approval by the City Commission to completion of the tower.

Mr. Vin Ryan answered that they would have to file for their building permit, but once the permit is approved 30-45 days.

Mr. Jorczak reiterated from City Commission approval it would be 2 months.

**Mr. Heaster moved to approve PBD 13-006 with the following conditions: the addition of a masonry wall at the base of the tower and the artificial foliage down to 60' above grade instead of 90' above grade. Mr. Briley seconded the motion. Vote was called: Mr. Heaster for; Mr. Jorczak against; Ms. Press against; Ms. Behnke against; Mr. Briley for; Mr. Thomas for.**

Mr. Thomas asked if this item was complete.

Mr. Hayes replied yes unless someone would like to make a motion different than they one just stated.

Mr. Heaster asked if there was an interest in 130'.

Mr. Thomas closed the item hearing no further motion.

Mr. Hayes stated this item moves forward to the City Commission upon tie vote for denial.

**B. PP 13-050: Salh Subdivision, Preliminary Plat**

Mr. Spraker stated this is a request for a 3 lot subdivision at the intersection of South Ridgewood Avenue and Hand Avenue. Mr. Spraker explained the characteristics, orientation, and history of the property, and presented the Staff Report. Mr. Spraker stated staff is recommending approval.

**Mr. Heaster moved to approve PP 13-050 as submitted. Mr. Briley seconded the motion. Vote was called, and the motion unanimously approved.**

**C. M12-140 Designation of Granada Brownfield Area**

Ms. Lauren Kornel, Senior Planner, City of Ormond Beach, stated this is a request by Selby Realty to designate the property at 200 East Granada Boulevard as a brownfield area, and Selby Realty has also requested that the City consider designating the other beachside properties included in the Ormond Beach Community Redevelopment Area. Ms. Kornel explained the size, orientation, and location of the proposed brownfield, and presented the staff report.

**Mr. Jorczak moved to approve the designation as submitted. Mr. Briley seconded the motion. Vote was called, and the motion unanimously approved.**

**VIII. OTHER BUSINESS**

Mr. Richard Goss, Planning Director, stated everything presented at the meeting last month was approved by the City Commission at their last meeting. Mr. Goss continued that in May Sexually Oriented Business Land Development Code amendments and licensing provisions will be before the Board. Mr. Goss informed the Board he would be providing the telecommunication study to them with plenty of time to review due to it's complexity. Mr. Goss explained that there is a number of issues that the Board needs to discuss and deliberate, which may take longer than one meeting because there are some real policy issues. Mr. Goss stated that while it's true the City shouldn't tell the tower companies how to run their business, but they are not protected under §704 of The Telecommunications Act of 1996, only the actual carriers are, which means the tower developer/contractor is treated like anyone else coming through development. Therefore, the Board has the ability to look at height, visibility, and other factors based upon where the technology is going. Mr. Goss stated it is his intention, should the Board desire, to bring in the carriers to present their technology, and the Wireless Association do the same.

Ms. Press commended staff for that because this issue will constantly be before the Board.

Mr. Briley asked if Mr. Goss believed this issue will take more than one meeting.

Mr. Goss responded yes because the technology is changing

Mr. Heaster stated he wanted to make a note, and if staff could inquire: he saw a city employee in a code enforcement truck pulling up a farmer's market sign and throwing it in the back of the truck. Mr. Heaster advised he called Ormond Mainstreet, he talked to Julia Trillo, and she stated there has been a problem back and forth with that happening. Mr. Heaster stated he was dumbfounded because this is a City-sponsored event every Thursday at the city park that they are trying to get people to come to for it to be successful and then he sees code enforcement taking the sign out. Mr. Heaster added that we would appreciate if staff could look into that.

**IX. ADJOURNMENT**

The meeting was adjourned at 9:36 p.m.

Respectfully submitted,

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Ric Goss, AICP, Planning Director

ATTEST:

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Doug Thomas, Chair

*Minutes transcribed by Meggan Znorowski.*

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

May 9, 2013

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 Jorczak  
Harold Briley  
Lewis Heaster  
Doug Wigley  
Doug Thomas  
Pat Behnke (excused)  
Rita Press (excused)

Staff Present

Richard Goss, AICP, Planning Director  
Becky Weedo, AICP, Senior Planner  
Meggan Znorowski, Recording Technician

**II. INVOCATION**

Mr. Jorczak 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. PLANNING DIRECTOR'S REPORT**

None.

**VI. PUBLIC HEARINGS**

**A. LDC 13-046: Land Development Code Amendment, Sexually Oriented Business Standards**

Mr. Richard Goss, Planning Director, City of Ormond Beach, stated the case before the Board is LDC 13-046 SOB 2, Sexually Oriented Businesses which is the second amendment to the ordinance within the Land Development Code (LDC). Mr. Goss introduced a summary of Exhibits 1-7 into the record. Mr. Goss presented the staff report. The reasons for the amendments is to introduce new case law since the original adoption of the sexually oriented business ordinance in 2008 as well as introduce new support secondary effect studies, documents, and police reports some of which have been locally developed. Mr. Goss entered his notes into the record, a copy of which is attached hereto as Exhibit "A".

Mr. Goss stated the ordinance before the Board has 5 amendments: deleting the Board of Adjustment as the appeal body for a sexually oriented business (SOB) with regards to distance requirements; SOB is being removed as a conditional use and added as a permitted use in B-8; that SOBs much comply with the Sexually Oriented Business License and Permit which will be contained in the City Code of Ordinances which will be in the same section of the LDC for B-8; all of the conditional criteria will be deleted from the LDC and added into the Code of Ordinances. Mr. Goss added that Exhibits 1-7 detail the secondary effects that are reasonable to be considered by Ormond Beach that will occur when there are SOBs within your city, and there are reasonable secondary effects that need to be mitigated. Therefore, the City has the duty and responsibility to come up with some way to mitigate those through licensing requirements.

Mr. Briley asked how far the SOBs need to be from a bar.

Mr. Goss responded that the distance requirements is 500' after much review of various distances including 2000', 1500', 1000', 750' and 500'. Staff found that even at 750' there were no sites, so 500' became the distance at which sites began to occur where staff felt SOBs could be located legitimately. Mr. Goss explained that the distances are 500' from residential areas as a separation requirement as well as all sensitive areas such as playgrounds, parks, churches, schools, etc.

Mr. Briley stated he asked because schools and sexually oriented businesses are allowed in the same zoning district.

Mr. Goss responded absolutely, but they have to have separation from all the sensitive areas of 500', 500' between SOBs, and 250' between alcohol establishments and SOBs. Mr. Goss stated the secondary effects studies indicated that when you combine alcohol with nudity there is a propensity for high instances of crime, prostitution, and illicit activities. Mr. Goss continued that there is enough case law to support the separation of the two uses.

Mr. Thomas stated in the LDC there are definitions, but asked Mr. Goss for the definition of a park.

Mr. Goss responded there is no definition for a park; they are identified on the Comprehensive Land Use Map. Therefore staff would go by the park designation and the boundaries of the park. Mr. Goss added that all of the parks were inventoried in the city's Master Plan for parks several years ago, and is part of the Level of Service requirements for open space per 10,000 people.

Mr. Jorczak asked once the LDC is changed, does that documentation have to be sent to Tallahassee.

Mr. Randy Hayes, City Attorney, City of Ormond Beach, responded that all amendments of city ordinances now go to Tallahassee for codification purposes only.

**Mr. Heaster moved to approve LDC 13-046 as submitted. Mr. Briley seconded the motion. Vote was called, and the motion unanimously approved.**

**B. M 13-063: Adoption of Volusia County Integrated Floodplain Management Plan**

Ms. Becky Weedo, Senior Planner, stated this is a proposed resolution for the City Commission to adopt the City's designated portion of the 2013 Volusia County Integrated Floodplain Management Plan, and presented the staff report. Ms. Weedo stated staff recommendation is for approval for the City Commission to adopt the City's designated portion of the 2013 plan in accordance with the CRS planning process as the City of Ormond Beach Flood Management Plan.

Mr. Jorczak asked if the Ormond Crossings is totally in compliance with the County plan at this point or are there issues still being worked on.

Ms. Weedo responded that Ormond Crossings submitted a drainage study and is currently in compliance as far as she knows.

Mr. Thomas asked if in Ms. Weedo's review of the floodplain this year, has it changed drastically from previous years.

Ms. Weedo replied yes, the City received the preliminary flood insurance rate maps in 2011, and the City submitted appeals based on those changes. Ms. Weedo explained that staff did not agree with some of the changes. Ms. Weedo continued that there is a plan for when all of the improvements are done on Hand Avenue that the City will submit some information to FEMA to try to get the maps changed.

Mr. Thomas asked if they increased the 100 year floodplain.

Ms. Weedo responded that it was a balance because FEMA took a lot of properties out of the floodplain, but also added properties.

Mr. Thomas asked where they added.

Ms. Weedo explained that they expanded the Approximate A zone in the Central Park/ Hand Avenue area to the east and across U.S. 1 as well as in the northern area around Sanchez Avenue.

Mr. Thomas asked if they were expanded along the Halifax and Tomoka Rivers.

Ms. Weedo answered there is another study, which is the Surge Study currently underway and changes will most likely be made to the properties along the Halifax River and beachside.

**Mr. Briley moved to approve M 13-063 as submitted. Mr. Jorczak seconded the motion. Vote was called, and the motion unanimously approved.**

## **VII. OTHER BUSINESS**

### **A. Wireless Primer Handout**

Mr. Richard Goss, stated that it took 6 months to complete the wireless primer, and what he tried to accomplish was to lay out the 1996 Telecommunications Act and how the City's ordinance works as well as the technology versus then and now and where the technology is going in the future.

Mr. Goss explained that when the Board members are ready to discuss this item, a workshop will be scheduled, and then if the Board wishes, the carriers can be brought in to present their plans. Mr. Goss added that the primer should be able to prepare the Board to ask questions of carriers with regards to their wireless plans.

Mr. Briley stated that the president of his HOA found out about the tower behind Houligan's and now they have a vacant property outside of the village that they would be interested in talk to carriers about putting a tower there near Nova Road.

Mr. Goss advised the Board that he has found an RF Engineer, and will be putting out the RFQ. Mr. Goss explained that he has been looking for an RF Engineer since the ordinance allowed the City to hire someone and the applicant pays for the review of the applicant, and until now was unable to find one; so now there will be someone on staff to provide a review of the applications coming in. Mr. Goss continued that he will also be utilizing the RF Engineer to provide coverage and capacity maps for the City.

Mr. Jorczak commended Mr. Goss for the tremendous amount of technical information contained within the scope of the primer.

Mr. Wigley asked if it is a coverage problem or a capacity problem.

Mr. Goss replied that it is not a coverage problem at all. Mr. Goss stated that the coverage problem was resolved within several years after the 1996 ordinance, but now they are having capacity issues because there are too many users and not enough frequency.

Mr. Goss stated the City's first priority is collocation, but he can't prove that they cannot collocate even though the towers are built for that.

## **VIII. MEMBER COMMENTS**

Mr. Briley stated his step-son has been in the audience for a few meetings because he is working on his citizenship merit badge to become an Eagle Scout.

Mr. Thomas stated after 8 years he is tired of looking at the old gas station on the corner of Nova Road and Granada Boulevard, and on the northeast corner of the same intersection by the Green Tea restaurant, that landscaping is gross. Mr. Thomas asked what can be done. Mr. Thomas asked if it can be condemned.

Mr. Wigley replied code enforcement would deal with the landscaping issue.

Mr. Thomas suggested that the City buy the gas station and turn it into a park or rent it out to VOTRAN, but after 8 years something needs to be done.

Mr. Goss stated that staff worked with the bank and they had a good site plan for the bank, so it is not because the City has not tried to get something in there.

**IX. ADJOURNMENT**

The meeting was adjourned at 7:55 p.m.

Respectfully submitted,

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Ric Goss, AICP, Planning Director

ATTEST:

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Doug Thomas, Chair

*Minutes transcribed by Meggan Znorowski.*

**STAFF REPORT**  
**City of Ormond Beach**  
**Department of Planning**

**DATE:** June 13, 2013

**SUBJECT:** Amendment to the Land Development Code (Landmark Designations Ordinance)

**APPLICANT:** Heaster Family Limited Partnership, LLP (Lewis Heaster)

**NUMBER:** LDC 13-060

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

**INTRODUCTION:** This is a request by Heaster Family Limited Partnership, LLP, property owner, to amend the following section of the Ormond Beach Land Development Code (LDC):

Item	Section(s)	Name of Section or Purpose of Amendments
1	Section 2-71, Chapter 2, Article VI	Historic Districts and Landmarks/Remove locally designated historic landmark from Ormond Beach Historic Landmarks List

Specifically, the amendment proposes to remove 393 John Anderson Drive, a locally designated historic landmark from the Historic Landmarks List.

**BACKGROUND:** The subject property is ±1.6 acres and is located north of Granada Boulevard and east of the Intracoastal Waterway along the east side of John Anderson Drive at 393 John Anderson Drive in Ormond Beach (Exhibit A – Location Map). According to the Master Site File completed in 1986, and on file with the State Historic Preservation Office, the previous residence at the subject property was a frame vernacular building built in 1920. The primary structure had English Tudor with Japanese influences and detailing incorporated into the architectural style (Exhibit B - Photo). As listed in Ordinance No. 87-60, the subject property has been included with the Ormond Beach Historic Landmarks List since December 22, 1987. On April 15, 2013, at the request of the applicant, the Historic Landmark Preservation Board (HLPB) voted unanimously (7-0) to demolish the subject property (Exhibit C – April 15, 2013 HLPB Meeting Minutes). On May 13, 2013, at the request of the applicant, the HLPB voted unanimously (7-0) to remove the subject property from the Ormond Beach Historic Landmarks List established in the city’s LDC (Exhibit D – May 13, 2013 HLPB Meeting Minutes) . Since that time the applicant acquired a building permit for demolition and has commenced demolition of the property.

**LDC AMENDMENT:** Below is the LDC amendment as denoted in strikethrough proposed for Chapter 2, Article VI, Section 2-71, K. of the LDC.

### **~~15. 393 John Anderson Drive – H. Clay Irons House~~**

The numbers itemizing each historic landmark following 393 John Anderson Drive – H. Clay Irons House will be adjusted accordingly. No other text change is proposed with this LDC amendment.

**ANALYSIS:** There are procedures and specific criteria that must be evaluated before adoption of a Land Development Code amendment to remove an historic landmark from the City's historic landmark list. Any request to remove an historic landmark from the list follows the same procedure as a request to place a landmark on the list. In addition, in its review of any application requiring a land development code amendment, the Board shall consider development criteria. The Planning Board must consider the following two criterions when making their recommendation to the City Commission:

1. Landmark Designation (Removal) Procedures/Criteria: Chapter 2, Article VI, Section 2-71 of the LDC states that a building or site may be included on the Local List of Historic Landmarks if it meets any of the following criteria:
  - a. If the building or site exemplifies or reflects the broad cultural, political, economic, or social history of the nation, state, or community;
  - b. If the building or site is identified with historic personages or with important events in national, state, or local history; or
  - c. If the building or site embodies the distinguishing characteristics of an architectural type specimen, inherently valuable for a study of a period, style, method of construction, or of indigenous materials or craftsmanship.

With the demolition of the structure, the subject property does not meet the above established criterion for historic designation. The site does not reflect the broad cultural, political economic or social history of the nation, state or community. The site is not identified with historic personages or with important events in nation, state or local history. The site, as a vacant lot, does not add to the ambiance of the surrounding residential neighborhood.

Regardless of the demolition of 393 John Anderson Drive, the property had diminished in historic integrity and value. The property was a hybrid of architectural styles which made it a poor candidate as a contributing historical structure. Finally, with respect to the geographic location of the subject property much of the historical significance has been greatly reduced as a direct result of the construction of newer structures (380 John Anderson Drive constructed in 1999 and 376 John Anderson Drive constructed in 2003) located directly across the street which presently block the original river view from 393 John Anderson.

2. LDC Amendment Procedures/Criteria: Chapter 1, Article II, Section 1-15, E. of the LDC states that in its review of any application requiring a code amendment, the Board shall 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.**

There is no specific development proposed. The amendment will not adversely affect public health, safety, welfare or quality of life.

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

There is no specific development proposed. The proposed amendment is a matter of maintenance of the LDC and is therefore consistent with the Cultural and Historical Resources Element of the Comprehensive Plan. The City consulted with the Division of Historical Resources regarding the demolition of this property. The property no longer meets the criteria for designation and should therefore be removed from the city's historic landmarks list.

**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 amendment if approved, will not have an adverse environmental impact.

**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.**

No specific use has been proposed; however, the amendment, if adopted, will not 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 amendment only seeks to remove the subject property from the city's historic landmarks list.

**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.**

This criterion is not applicable. There is no specific development proposed; therefore, the amendment will have no impact on the provision of 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.**

This criterion is not applicable. There is no specific development proposed; therefore the amendment will have no impact on ingress, egress or traffic patterns.

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

This criterion is not applicable. There is no specific development proposed. The amendment only seeks to remove the subject property from the city's historic landmarks list.

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

This criterion is not applicable. There is no specific development proposed; therefore, the amendment will have no adverse impact on public safety.

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

This criterion is not applicable. With no proposed development, there are no proposed materials and architectural features associated with this amendment.

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

At the April 15, 2013, HLPB public hearing, the Board unanimously (7-0) voted to demolish the structure and accessory structures located at 393 John Anderson Drive, a locally designated historic landmark. At the May 13, 2013, HLPB public hearing, the Board unanimously (7-0) recommended that 393 John Anderson Drive, be removed from the Ormond Beach Historic Landmarks List established in the city's LDC. Copies of meeting minutes detailing public hearing discussions are attached as appendices C and D respectively.

The Land Development Code amendment is tentatively scheduled for 1st reading by the City Commission on July 2, 2013, and subsequently for a 2nd reading at the July 30, 2013, City Commission meetings.

**RECOMMENDATION:** It is recommended that the Planning Board recommend **approval** of LDC 13-060, to amend the Historic Districts and Landmarks section of the LDC to remove 393 John Anderson Drive from the Ormond Beach Historic Landmarks List as depicted in Exhibit E to this report.

Attachments: Appendix A – Location Map (393 John Anderson Drive)  
Appendix B – Photos (393 John Anderson Drive)  
Appendix C – April 15, 2013, HLPB Meeting Minutes  
Appendix D – May 13, 2013, HLPB Meeting Minutes  
Appendix E – Proposed Amendment – Ormond Beach Historic Landmarks list