



A G E N D A

ORMOND BEACH PLANNING BOARD

Regular Meeting

April 14, 2016

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:** March 10, 2016
- VI. PLANNING DIRECTOR'S REPORT**
- VII. PUBLIC HEARINGS**

A. SE 2016-062: Perrine's Produce & Deli, 120 South Nova Road: Special Exception for Outdoor Activity

This is a request submitted by Dianna Perrine, of Perrine's Produce & Deli, for a Special Exception to authorize an outdoor activity use. Outdoor activity is permitted only by the issuance of a Special Exception. The request seeks to allow daily outdoor display and sales of produce under certain conditions at the Perrine's Produce & Deli store located at 120 South Nova Road. The Special Exception applies only to the unit at 120 South Nova Road and no other construction is proposed. The subject property is a unit within the Rivergate Village shopping center located at the southwest intersection of West Granada Boulevard and Nova Road.

B. RZ 2016-024: 500 North Tymber Creek Road, Amendment to Official Zoning Map

This is an administrative request for a Zoning Map amendment for the 9.60± acre property located at 500 North Tymber Creek Road. The zoning map amendment seeks to amend the 1.10± acre tract from Volusia County Resource Corridor (RC) to Ormond Beach Special Environmental (SE) and the 8.50± acre tract from Volusia County Rural (A-2) to Ormond Beach Rural Estate/Agricultural (REA).

VIII. OTHER BUSINESS

IX. MEMBER COMMENTS

X. ADJOURNMENT

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

March 10, 2016

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

Patricia Behnke
Harold Briley, Vice Chair
Lewis Heaster
Al Jorczak
Rita Press
Doug Thomas, Chair
Lori Tolland (excused)

Staff Present

Ric Goss, Planning Director
Steven Spraker, Senior Planner
Lauren Kornel, Senior Planner
Randy Hayes, City Attorney
Melanie Nagel, Recording Technician

II. INVOCATION

Mr. Briley led the invocation.

III. PLEDGE OF ALLEGIANCE

IV. NOTICE REGARDING ADJOURNMENT

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V. MINUTES

February 11, 2016

Mr. Briley moved to approve the February 11, 2016 Minutes as presented. Mr. Jorczak seconded the motion. Hearing no objections, the minutes were unanimously approved.

VI. PLANNING DIRECTOR'S REPORT

Planning Director, Ric Goss, stated that last month the Board had questions about wireless facilities, and Mr. Goss then provided members with a memo about previous actions that had been taken. There was a study prepared and presented to the Board in May of 2013, and minutes were shared from the meeting, as to the direction from this Board. Mr. Goss had hired an RF engineer to review types of wireless facilities, but that contract has expired, so this will be wrapped into the continuing services contract for engineering.

Mr. Goss continued that recently there was an inquiry with engineering about wireless facilities within the Right of Way. Mr. Goss was asked to prepare an amendment that would deal with small cell systems in the ROW. This was done, and will continue until a consultant can be brought in and explain to City Commission where the technology is headed.

Mr. Goss told the Board that on April 5, 2016, there will be a work session on compensatory storage and the bike plan. All of the comments received from neighbors, based on the bike plan, have overwhelmingly supported it. Mr. Goss will then bring the Bike Plan to the Planning Board in a work session. Following the work session, the Bike Plan will be proposed to City Commission for action.

Mr. Briley stated that at a previous Planning Board meeting, the Board had recommended approval of the cell tower on south US 40, which was then turned down by City Commission. Has this been discussed recently as a possibility of a comeback? Mr. Goss stated that he wasn't aware of any discussion, but he does know that the Commission is looking at trying to do a wireless facility at the airport.

Chairman Thomas asked if there is an estimated time frame on putting in the wireless facility at the airport. There are a lot of people in The Trails and Tomoka Oaks who have expressed to him that they have zero service. Mr. Goss stated that a person from a cell tower company has been spoken to, but there isn't anyone interested in going to the airport at this time.

Mr. Jorczak asked about the request that was made for service in the ROW's and wondered if this was city-wide or isolated areas. Mr. Goss stated that the company didn't state where they wanted to put the service in, they just inquired of engineering if they could put small cell systems within the ROW. When engineering looked into what was allowed in the ROW, there were no height restrictions, there were no incentives to use existing poles, and the City Commission didn't move into a 2nd and final reading because of the issues surrounding this project. The City Manager is looking to bring on someone who is a recognized RF engineer that works with communities, not with the private sector.

VII. PUBLIC HEARINGS

A. PRD Amendment 2016-035: Chelsea Place Subdivision

Ms. Lauren Kornel, Senior Planner, stated that this is the first amendment to the PRD for Chelsea Place Subdivision. As a result of market demand, the amendment seeks to increase the maximum lot coverage by 5% from 40% to 45%. In addition, the amendment seeks to allow front porches to encroach into the front yard setback by 5 feet from 25' to 20' with the condition that the porches may not be converted to habitable space. The amendment applies only to any undeveloped lots, owned by the developer, in Chelsea Place Subdivision, and there is no change in density proposed.

Ms. Kornel explained the location of the subdivision, and stated that there are 250 units within an area of about 167 acres, and the proposed amendment affects 132 vacant lots. The subdivision was annexed in 2013 into the City, but subsequent to the annexation, land use and zoning was applied with the County standards. In June of 2015, the City did grant the applicant, ICI Homes, an 18 month extension of their development order. Ms. Kornel entered into the record, the letter to ICI Homes, granting them the extension.

Ms. Kornel continued that the requested building coverage increase translates into roughly 300-500 square feet of additional living space. Staff completed the required notice to abutting property owners, and a number of inquiries were received regarding the amendment. One written objection was received, which was provided to the Planning Board members. Ms. Kornel stated again that the amendment applies only to the remaining undeveloped lots, and stated that Staff recommends approval.

Mr. Briley asked for clarification that this does not change the side yard setbacks. Ms. Kornel stated that it does not.

Mr. Heaster asked for clarification that the area shown in green on the maps is still undeveloped land, which drops the number of lots that this affects right now in Phase I & II, by about two-thirds. Ms. Kornel stated that there are a total of 132 lots affected by the amendment.

Ms. Behnke asked if the request to extend the homes 5' into the front yard setback, is strictly for porches. Ms. Kornel stated that was correct. Ms. Behnke asked what would stop someone from closing the porch in at a later date, and making a room out of it. Ms. Kornel stated that it will be written into the development order that the porch cannot be changed into habitable space.

Mr. Jorczak asked what is typical for lot coverage in other developments. Ms. Kornel stated that typically the Land Development Code allows 35% for building coverage and 75% for lot coverage, which would include hard surfaces such as driveways. Mr. Jorczak asked if 45% lot coverage would be a new high, relative to other developments. Ms. Kornel explained that the County had approved 40% coverage, which we adopted when we assigned it the PRD zoning. Mr. Jorczak stated that essentially a new level of coverage has been set with the application. Ms. Kornel explained that this is a development order specifically for Chelsea Place subdivision, and is very site specific for Chelsea Place only.

Mr. Jorczak asked, if this amendment is approved and porches are allowed, does this give the existing owners the ability to add a porch to their homes. Ms. Kornel

explained that these standards would not apply to any of the lots outside of what was highlighted on the maps that were shown to the Board. If any existing homeowners wanted to add a porch, they would have to apply for a permit, and they would need a variance, if they don't meet the setback requirements.

Mr. Heaster stated that if one of the existing homeowners wants to put a front porch on their home, then they need to go through the expense of a variance request. Mr. Heaster stated this is unfair to the present homeowners.

Chairman Thomas stated that quite a few of the homes in the subdivision already have porches on the front of them, but if neighbors on either side of you are allowed to build their houses out 5' further than yours is, then it could be a problem that the present homeowners have to get a variance to do the same thing.

Ms. Press stated that the present homeowners weren't aware that this could happen when they bought their homes. She is interested in hearing what the residents might have to say tonight.

Applicant, Mr. Dick Smith, VP of Development for ICI Homes, stated that since Chelsea Place was annexed to the City, sales have picked up, although they are losing some sales because of some objections. Mr. Smith pointed out that this community is different in that it has a density of 1.5 units per acre, which is a much lower density than the maximum allowed in most of the zoning categories. Chelsea Place is a PRD Zoning, which provides more flexibility with regard to land use, density and dimensional standards, and other requirements of the code. It encourages developments to incorporate innovative concepts of site planning, coordinated architectural and functional design, higher level of amenities, increased amounts of open space, recreation and landscaping, and a better living environment overall. Chelsea Place is a poster child to meet the criteria in the City's zoning code.

Mr. Smith continued by pointing out that there are two standard size lots – one is 55' x 120' and the other is 70' x 120'. On the smaller standard lots, by approving this amendment, an additional 330 sq. ft. of building would be allowed on the first floor. The buyers, who are primarily empty-nesters, young professionals, retirees – they want the square footage on the first floor. So it is critical that there is maximum square footage on the first floor. The second sized lots, 70' x 120', would give an additional 420 sq. ft. on the first floor. A lot of square footage can be put on the second floor, but putting the extra square footage on the first floor is critical to their market.

Mr. Smith also stated that his buyers want more outdoor living space under roof, and they also want 3-car garages, which uses up 600 sq. ft. of the first floor living space. The variance on the front porches is very important, since architectural details have been reduced, to enable the greater square footage on the first floor.

Mr. Samuel Morisset, division manager for ICI Homes, stated that the number one primary consideration for the variance request is that the demographics of people looking to buy in Chelsea Place are looking for more square footage on the first floor. Chelsea Place is predominantly a one-story neighborhood, which ICI would like to keep that way. If they start building up and putting a second floor on homes, then there might be a privacy issue with some of the people. In most cases it would

allow an extra 300-400 sq. ft. which equates to about half of a two-car garage. A benefit to the community is that sales will continue, and re-sales will be at a higher price per square foot. Also, the demand for larger outdoor living, specifically larger, covered patios is something that most of their buyers are wanting. The ability to have a pool is a primary consideration, and allowing the variance will enable ICI to continue to put on a front porch, and still keep the room allowed for the pool.

Chairman Thomas asked if this variance will allow them to make a wider front porch, or will they keep it at the smaller width and add to the living space. Mr. Morisset stated to make the square footage of living space greater in the home, as well as preserving room for a pool in the rear.

Ms. Press stated that there is a community pool in Chelsea Place, and she was wondering if people will really want to put in swimming pools when they are so close to the neighbors. Mr. Morisset stated that most of the people who are putting in pools have selected the larger lot size. Ms. Press asked if the porch is 5' closer to the street, what happens with the shrubbery. Wouldn't it be pretty close to the sidewalk? Mr. Morisset stated that a porch is usually not as obtrusive coming off the front of an elevation, but that Ms. Press was correct that it would bring everything closer to the front of the lot.

Mr. Briley will be anxious to hear from people who already live in the community and how they feel about this change affecting their homes, and thus wanting to get a variance to do the same at their residence. Mr. Morisset stated it would be a rare instance that someone would want to take an existing front elevation, and want to adapt it, since it would be a major remodel.

Ms. Behnke understands that there is a desire to offer as much living space as possible, and understands that adding the variance to Phase III, the homes would all be uniform. But, Phase I and II would have an in and out look, and would not be aesthetically pleasing, and she has a problem with that.

Chairman Thomas stated that he also has a problem with the vacant lots already in Phase I & II being part of the variance. He has concerns for the people in the existing homes that will now have a structure next to them that will extend 5' further than existing homes.

Mr. Gary Guzman, 361 Chelsea Place, wanted to clarify that the 5' variance was just for porches. Mr. Morisset stated that it was. Mr. Guzman stated that he loves living in Chelsea Place, it is a great subdivision, and he doesn't think that people in existing homes will want to add a front porch. He supports the variance, and is a big fan of ICI Homes and Chelsea Place.

Mr. David McDonald, 8 Mirror Lake Dr. which is adjacent to Chelsea Place, stated that a lot of the issues are about what neighbors would want. There is a neighborly aspect to Chelsea Place, and the subdivision abuts his property, and when he built 10 years ago, the City had them put a wall between his property and Chelsea Place. There have been some issues with trees from Chelsea Place smashing the wall during storms, and the City has come and mandated that Mr. McDonald repair the wall. A couple of months ago Mr. McDonald had contacted Chelsea Place because a lot of their trees were growing into the wall, and basically he was told "tough

luck” and it was his responsibility. Chelsea Place is maintaining an area by some black fencing along Granada, but they are not maintaining the area by his wall. Mr. McDonald was wondering if the City grants this variance, could they make it part of the agreement that Chelsea Place take care of the trees that are growing into his wall. Chairman Thomas suggested that Mr. McDonald should contact Mr. Smith direct.

Mr. Briley stated that he likes the idea of limiting the variance just to Phase III.

Ms. Press stated that everyone who lives in Chelsea Place was notified of the meeting, and she is surprised that there are so few people who have attended the meeting, which leaves her to think that this isn't as big of a deal as she thinks it is. Ms. Press stated that if people feel a certain way that they should attend these meetings. The Planning Board is just an advisory board, but then it goes before City Commission, and they are the ones who make the final decision on these matters. Approximately 300 letters were sent out and a sign was posted, and very few people have come to the meeting tonight.

Mr. Briley clarified that due to the flavor of the neighborhood, he just thought it would be nice to keep this to Phase III. He is fine with going either way on this.

Mr. Heaster stated that he was concerned about current homeowners being sandwiched in between two houses that extend further than theirs. If someone is going to spend money on an expansion to their home, they are going to expand bedrooms, or closets, or outdoor living space, not a porch on the front of the house. Mr. Heaster loves the aesthetics of the porches on the fronts of the homes in Chelsea Place. Mr. Heaster stated we had a homeowner in attendance tonight that doesn't have a problem with the variance, and a letter from one homeowner that does have a problem with it. Two responses that are split may not be as big of a deal as what they thought.

Mr. Heaster questioned if a provision could be put into the variance, that if an existing homeowner decided to do a front porch in the future, if the City would waive the variance process for a front porch only. Ms. Kornel stated that the notice went out and it was very specific which lots would be affected by the amendment. If the amendments were to apply to the developed lots, then the developer would have to get approval from every homeowner that they would be in agreement.

Chairman Thomas stated that there is actually no one who has opposed this other than the one letter. There will be two more meetings concerning this amendment with the City Commission, and people can still come and voice their opinions at these meetings.

Ms. Press stated that this Board listens to residents, and they get an opportunity to come and speak with the board. She thought a lot more people would be in attendance tonight.

Mr. Heaster moved to approve PRD Amendment 2016-035: Chelsea Place Subdivision. Mr. Jorczak seconded the motion. Vote was called, and the motion unanimously approved (6-0).

B. LDC Amendment 2016-045: Restaurant, Type D

Mr. Steven Spraker, Senior Planner, stated that this is a Land Development Code amendment to the Restaurant, Type D conditional use and definition. Back in 2011, the applicant created a new restaurant category that had some very specific standards. Basically they had to have a floor area of 4,000 sq. ft. and they had to be located within the City's downtown overlay district, and they had to have a minimum of 100 seats. The goal of the conditional use at the time addressed concerns of meeting the 51% food sales, in restaurants where alcohol was being served. This Land Development Code allowed the food sales to drop to 25%. There is one restaurant currently that is a Type D restaurant.

The applicant has met with Staff and their desire is to amend the 2011 ordinance to modify it to allow the restaurant to have a 2COP, or a 4COP. A 4COP is typically a bar alcohol license. There is no percentage of sales, and can serve full alcohol. A 2COP allows you to sell beer and wine on premise, and you can also serve package sales. Staff is recommending approval of the application.

Mr. Briley moved to approve LDC Amendment 2016-045: Restaurant, Type D. Ms. Press seconded the motion. Vote was called, and the motion unanimously approved (6-0).

C. PBD Amendment 2016-044: 280 Destination Daytona Lane, Giant Recreation World, electronic changeable copy interstate sign

Mr. Steven Spraker, Senior Planner, stated that this is a request for a Planned Business Development. The subject property is located within the Destination Daytona Phase I boundaries. This planned development was also called the Love's/Having Fun BPUD. The second phase of Destination Daytona is named the Strasser MPUD. There are two key pieces of zoning that were done. One was done in 2004 by a Volusia County resolution that re-zoned the property and gave the property certain entitlements. When the City annexed the property, and gave it PBD zoning, basically incorporating the original resolution.

Mr. Spraker continued that within the County approval, there is a section regarding signage. The signage allows three interstate signs that are 125 sq. ft. at 50' in height. It also allows a 650 sq. ft. sign for the Love's Travel Stop. They are allowed four signs total within the development order. Mr. Spraker explained the location, orientation, and characteristics of the property, and stated that staff is recommending approval.

Ms. Press asked if there were any standards that the Florida Department of Transportation has regarding interstate signs. Mr. Spraker stated that FDOT had been contacted, and they do not regulate signs on private property.

Mr. Briley asked if the FDOT regulated brightness of signs. Mr. Spraker stated no, and if the sign were to be a nuisance or a hazard, the City will probably be the first entity that would step in. The Land Development Code requires that there be automatic dimmers on the sign.

Mr. Heaster stated that when the land was annexed into the City, there was new zoning and land use placed on the property. Did they then lose their right to have an electronic sign board? Mr. Spraker explained that the original development order was approved in 2004. From a zoning perspective, the City took what was approved in the County and carried it over to the City. The original zoning

approval didn't specifically state that they could have electronic changeable signs. The general County Land Development Code allows electronic changeable copy signs, so that was one of the reasons why an amendment was done in 2015.

Ms. Behnke stated that she was under the impression that when they approved the first electronic sign, that it was just for that property. Mr. Spraker explained that the ordinance was written for both Phase I and Phase II, as an entertainment center. Ms. Behnke asked how many more electronic changeable signs will be allowed at this location. Mr. Spraker explained that this will be the last one allowed for the Love's Having Fun BPUD, there will be three total signs maximum allowed for the Strasser MPUD, and there is a condition in the development order that prohibits Wyotech from having a sign higher than 30'.

Ms. Behnke wanted to know how far apart the two signs are – the one that was recently approved and this one. Mr. Spraker stated that he is guessing around 200 linear feet, but he will let the applicant address that.

Mr. Jorzak asked Mr. Spraker if just one more sign would be allowed in the general area, with respect to the Ormond Beach line. Mr. Spraker stated that the development order states three, but Wyotech could theoretically come back to this Board and ask for an electronic copy sign and amend the development order.

Ms. Press asked if the entire property would have four signs, with the possibility of a fifth sign. Mr. Spraker explained that Phase I, which is Love's Having Fun, is allowed four electronic signs, which include three interstate signs and the billboard sign. The Strasser MPUD, which isn't any part of this application, has very similar language which states that they are allowed three interstate signs. Wyotech has a separate development order which limits their sign to 30'. Ms. Press wondered how all of the signs will be coordinated to give the maximum amount of information to people riding by.

Ms. Behnke wanted to know exactly how many electronic changeable signs can be put in the entire area – Wyotech all the way over to US Hwy 1. Mr. Spraker explained that Phase I is allowed three interstate signs and one billboard sign. Phase II is allowed three interstate signs. Wyotech is allowed a sign with a maximum height of 30'.

Mr. Keith Chapman, applicant, stated that the distance between the sign that is being installed right now, and this new one, will be about 750 linear feet. Typically in jurisdictions, there has to be 100' separation between signs, even if the signs are on multiple parcels of land.

Mr. Heaster wanted some information on the auto dimming, control of the signs, graphics, etc. Mr. Chapman explained that the signs have a cellular modem in the sign, and with an internet connection, someone can communicate with the sign and program it directly.

Mr. Briley asked about the auto dimming, and if that was controlled by an electric eye. Mr. Chapman explained that there is a photo cell, as well as a temperature probe. The photo cell allows it to go through 100 different levels of auto dimming. In the evening, it will only use 7% of the light capacity.

Ms. Press stated that we have no standards that control what is going on with the electronic signs. Mr. Spraker stated that standards are on page 5, 6 and 7 of the Staff Report. There was a Land Development Code amendment that was brought before this Board, that set the standards for anything within Destination Daytona Phase I and Phase II.

Mr. Heaster stated that he would have had a concern if there weren't already one going up, and if it wasn't in close proximity to an existing sign. So, he doesn't have an issue with it.

Ms. Behnke stated that she has a problem with our code enforcement being able to stay on top of these signs, with everything else that they have to do.

Ms. Press stated that she is not a fan of electronic changeable signs, but she will probably vote for the amendment, reluctantly, because it is in this one district, it is a tourist attraction, and it is on the interstate. If it were any other place, she is not sure she would agree with this.

Mr. Jorczak stated that we will never be able to get rid of the technology, and from the standpoint of where these are located, with sufficient spacing between them, and the way this particular area is laid out, this will give us a good taste of what this element looks like as it relates to where we move forward as a community.

Mr. Briley stated that since the signs are spaced well apart, he doesn't have an issue with them.

Mr. Jorczak moved to approve PBD Amendment 2016-044: 280 Destination Daytona Lane, Giant Recreation World, electronic changeable copy interstate sign. Mr. Heaster seconded the motion. Vote was called. Mr. Jorczak for; Ms. Press for; Ms. Behnke against; Mr. Briley for; Mr. Heaster for; Chairman Thomas for. The motion carried (5-1).

D. Preliminary Plat 2016-025: Deer Creek, Phase 4C Preliminary Plat.

Mr. Steven Spraker, Senior Planner, stated that the Deer Creek subdivision was started in 2005. This area was part of the platting of 2006, and this is the last remaining phase in Deer Creek. This is a request for a Preliminary Plat. It would eventually go to City Commission for Preliminary and Final Plat, and would be the final plat for Deer Creek within the City of Ormond Beach for single family homes.

Mr. Briley moved to approve Preliminary Plat 2016-025: Deer Creek, Phase 4C Preliminary Plat. Mr. Heaster seconded the motion. Vote was called, and the motion unanimously approved (6-0).

OTHER BUSINESS

None.

VIII. MEMBER COMMENTS

Ms. Press stated that she loves the Community Garden. She is there all the time and it is such a wonderful thing. She stated that people who move into some of the new

developments have no place to garden, and the City should give developers an incentive to have a community garden within the developments.

Mr. Heaster stated that he was glad to see that we didn't have the turnout that he was expecting for the Chelsea Place discussion. He drove through Chelsea Place and it really is a nice neighborhood, and others who are looking to develop should take some ideas from this area.

Mr. Briley also commented on the Community Garden. Mr. Briley was visiting another town, and the university had started a community garden and it wasn't as nice as what ours is.

Mr. Briley stated that he had a call from a resident in Spring Meadows about the retention pond between Spring Meadows and Chelsea Place, and wondered if this is property of Volusia County or Spring Meadows. Mr. Goss stated that some of the wetlands belong to Chelsea Place and some to Spring Meadows. Mr. Briley was wondering if there was any kind of liability if something were to happen at the pond.

Mr. Randy Hayes, City Attorney, stated that we wouldn't necessarily comment on liability for a private entity. They would need to consult with their own council. Liability would depend on a lot of different factors and case by case basis, proving some kind of negligence.

Mr. Jorczak stated that he also rode through Chelsea Place and the community has a nice look, and is an asset to the community.

Chairman Thomas was surprised also that more residents didn't show up for the Chelsea Place discussion. Chairman Thomas also stated that if he doesn't get cell reception pretty soon, he will be moving to the county.

IX. ADJOURNMENT

The meeting was adjourned at 7:28 p.m.

Respectfully submitted,

Steven Spraker, AICP, Senior Planner

ATTEST:

Doug Thomas, Chair

Minutes transcribed by Melanie Nagel.

STAFF REPORT

City of Ormond Beach Department of Planning

DATE: April 7, 2016

SUBJECT: 500 North Tymber Creek Road, Amendment to Official Zoning Map

APPLICANT: Administrative

NUMBER: RZ 2016-024

PROJECT PLANNER: Steven Spraker, AICP, Senior Planner

INTRODUCTION:

This is an administrative request for a Zoning Map amendment for the 9.60± acre property located at 500 North Tymber Creek Road. The zoning map amendment seeks to amend the 1.10± acre tract from Volusia County Resource Corridor (RC) to Ormond Beach Special Environmental (SE) and the 8.50± acre tract from Volusia County Rural (A-2) to Ormond Beach Rural Estate/Agricultural (REA).

BACKGROUND:

The City Geographic Information System (GIS) Department discovered that 500 North Tymber Creek Road was annexed into the City in 1985 with Ordinance 85-38 but was shown as located in unincorporated Volusia County. The City and Volusia County records have been corrected to reflect the annexation and the next step is to assign a City land use and zoning. Until a City land use and zoning designation is adopted, the property maintains its County land use and zoning designations.

Aerial map of the land area under application for zoning amendment:



The subject property does not have any structures. Staff understands that the property has historically operated as a mulching facility. The property owner owns the abutting properties at 482 and 510 North Tymber Creek Road on either side of the subject property. There has been no formal submittal to City staff, but a realtor for the property has indicated interest for the property as a garden center/nursery.

There is a separate land use map application seeking to amend a 1.10± acre tract from Volusia County "Environmental Systems Corridor" (ESC) to Ormond Beach "Open Space/Conservation" (OS/C) to Ormond Beach Special Environmental (SE) and an 8.50± acre tract from Volusia County "Rural" (R) to Ormond Beach "Rural Estate/Agricultural" (REA). Planning staff did present to the Planning Board a zoning map amendment where the entire parcel was to be rezoned to "Rural Estate/Agricultural" (REA) at the January 14, 2016 Planning Board meeting. As staff prepared the City Commission item, there was a preference to rezone the 1.10± acre tract from Volusia County "Environmental Systems Corridor" (ESC) to Ormond Beach "Open Space/Conservation" (OS/C) to Ormond Beach Special Environmental (SE). The preference was to show the 1.10± acre parcel as the Special Environment zoning designation so future individuals would know at a zoning level that there was a land use designation of "Open Space/Conservation" in place. The sole purpose of the proposed zoning amendment application is to ensure consistency for the zoning with the proposed land uses for the subject property.

ANALYSIS: The subject property is undergoing a separate Small Scale Comprehensive Plan Land Use Map amendment seeking to amend a 1.10± acre tract from Volusia County "Environmental Systems Corridor" (ESC) to Ormond Beach "Open Space/Conservation" (OS/C) and an 8.50± acre tract from Volusia County "Rural" (R) to Ormond Beach "Rural Estate/Agricultural" (REA). The subject property has two proposed land use designations. Section 2-02 of the Land Development Code provides compatible zoning districts to the land use categories. The sole zoning district consistent with the 8.50± acre tract "Rural Estate/Agricultural" (REA) is the REA (Rural Estate/Agriculture) zoning district. Based on the existing Volusia County zoning and the City's Comprehensive plan, Planning staff is recommending that the entire parcel be assigned the REA (Rural Estate/Agriculture) zoning district.

Zoning Adjacent Land Use:

Adjacent land uses and zoning are as follows:

Land Use and Zoning Designations of Surrounding Property

	Current Land Uses	Future Land Use Designation	Zoning
North	Vacant land	Volusia County "Rural"	A-2 (Rural)
South	Single-family house	Volusia County "Environmental System Corridor" and "Rural"	A-2 (Rural) and RC (Resource Corridor)
East	Single-family house	"Suburban Low Density Residential"	Enclave PRD (Planned Residential Development) - expired
West	Single-family house	"Rural Estate/Agricultural"	REA (Rural Estate/Agricultural)

CONCLUSION/CRITERIA FOR APPROVAL

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

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

No specific development is proposed and the request is based on a need to assign a City zoning classification consistent with the proposed "Open Space/Conservation" and "Rural Estate/Agricultural" land use designations. The zoning map amendment will not adversely affect public health, safety, welfare or the quality of life. Any future site redevelopment shall be reviewed based upon the standards of the Land Development Code.

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

There is a separate land use map amendment that proposes to assign a City land use designations to the property. The requested REA (Rural Estate/Agriculture) zoning district is consistent with the "Residential, Office, Retail" land use designation.

- 3. The proposed development will not adversely impact environmentally sensitive lands or natural resources, including but not limited to waterbodies, wetlands, xeric communities, wildlife habitats, endangered or threatened**

plants and animal species or species of special concern, wellfields, and individual wells.

The property is vacant and any new construction would require review by the Site Plan Review Committee. This criterion is not applicable.

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

This proposed zoning map amendment is not anticipated to have a significant impact on adjacent properties. Any site development would require separate approvals.

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

The property is vacant and any new construction would require review by the Site Plan Review Committee. This criterion is not applicable.

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

The property is vacant and any new construction would require review by the Site Plan Review Committee. This criterion is not applicable.

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

The property is vacant and any new construction would require review by the Site Plan Review Committee. This criterion is not applicable.

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

The property is vacant and any new construction would require review by the Site Plan Review Committee. This criterion is not applicable.

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

The property is vacant and any new construction would require review by the Site Plan Review Committee. This criterion is not applicable.

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

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

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

- The impacts on facilities and services will not change as a result of the requested zoning amendment.
- The proposed city zoning classification of SE (Special Environmental) and REA (Rural Estate/Agriculture) are the most consistent with the “Open Space/Conservation” and “Rural Estate/Agricultural” land use designations.

RECOMMENDATION:

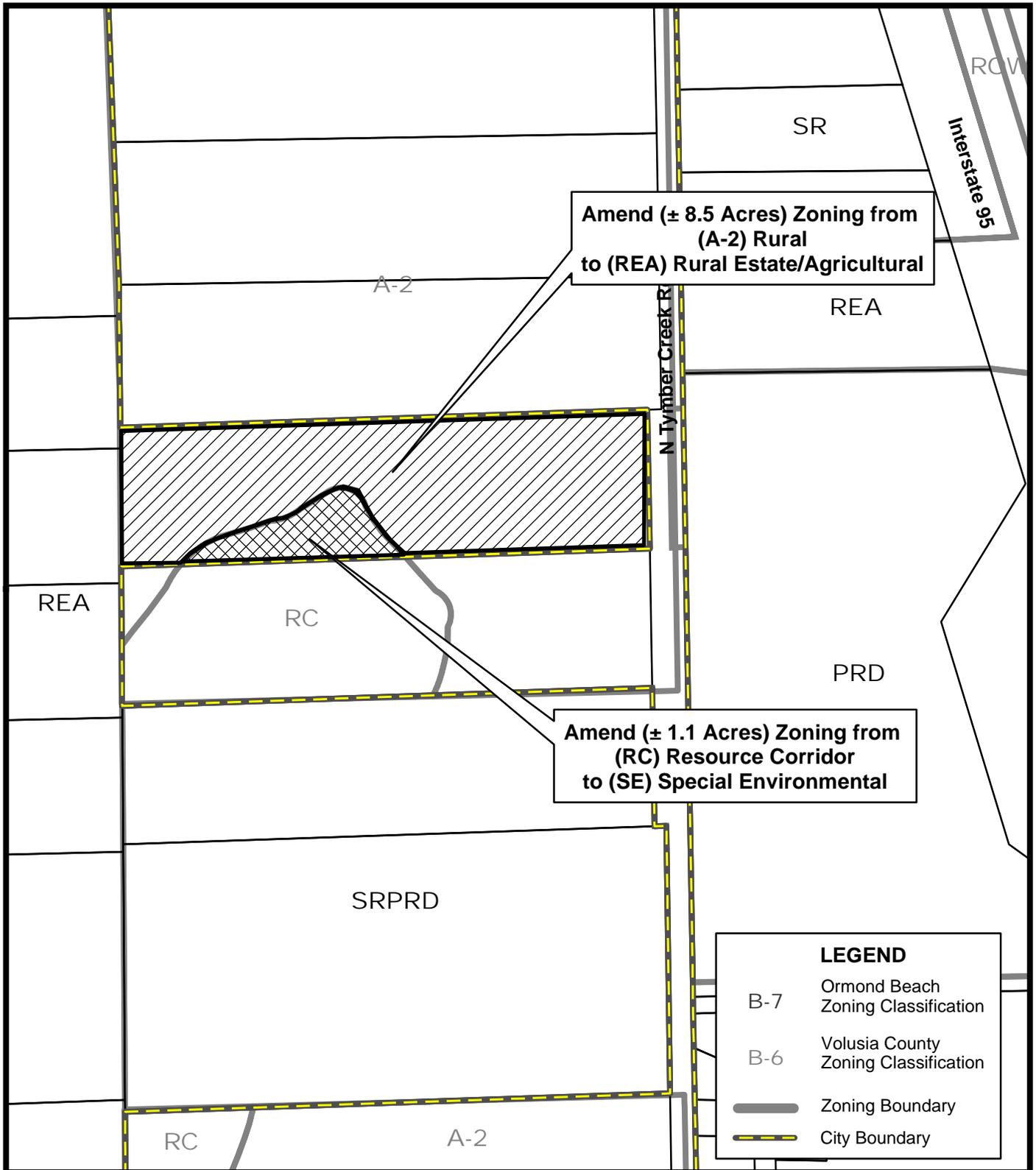
Staff recommends that the Planning Board recommend **APPROVAL** to the City Commission to amend the zoning designation of 9.60± acres at 500 North Tymber Creek Road from to amend a 1.10± acre tract from Volusia County Resource Corridor (RC) to Ormond Beach Special Environmental (SE) and the 8.50± acre tract from Volusia County Rural (A-2) to Ormond Beach Rural Estate/Agricultural (REA).

Attachments:

- 1: Zoning Map
- 2: Ormond Beach Land Development Code, Special Environmental (SE)
Ormond Beach Land Development Code, Rural Estate/Agriculture (REA)

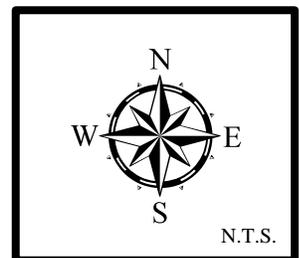
ATTACHMENT 1

Zoning
Map



PROPOSED ZONING MAP
 500 NORTH TYMBER CREEK ROAD
 (4113-00-00-0042)

Prepared By: The City of Ormond Beach
 G.I.S. Department - December 28, 2015



ATTACHMENT 2

REA Zoning District
SE Zoning District

Sec. 2-09. REA, Rural Estate/Agricultural Zoning District.

A. PURPOSE: The purpose of the Rural Estate/Agricultural (REA) Zoning District is to preserve and protect the rural character of certain areas that have some agricultural value and are suitable for rural estate living but have environmental constraints.																			
B. DIMENSIONAL STANDARDS																			
1. Density	2. Maximum Building Height	3. Maximum Building Coverage	4. Maximum Impervious Lot Coverage	5. Minimum Lot Size	6. Minimum Lot Width	7. Minimum Lot Depth	8. Minimum Perimeter	9. Setbacks											
								a. Front	b. Rear	c. Side	d. Street Side/Corner	e. Waterbody							
1 unit per 5 acres	30' Barns and Silos may be 45'	35%	75%	5 acres	150'	200'	None	50'	50'	25'	50'	50' Waterfront Yard (Tomoka/Halifax River Frontage Lots). The minimum rear yard setback from the mean or ordinary high water line for properties abutting a waterbody shall be the average building setback of all existing single family dwelling units within 300' of each side lot line of the lot on which the single-family dwelling unit is proposed to be located, minus 5', or as otherwise established under Florida Statutes or chapter 3, article II of this Code (Surface Waters and Marine Life Habitat), whichever is greater, provided that in no event shall the setback be less than 30'. For the purpose of meeting this requirement, the 300' shall be measured from points set back 30' from the mean high water line and shall run parallel with the street right-of-way line. The rear yard setback line may meander to follow the mean high-water line.							
C. PERMITTED USES				D. CONDITIONAL USES				E. SPECIAL EXCEPTION USES			F. OTHER STANDARDS								
1. Community Residential Home 2. Dwelling, Single-Family—Detached 3. School, Public				1. Adult Family Care Home 2. Agricultural Use, Minor 3. Family Day Care Home 4. Foster Home 5. Garden Center/Nursery 6. Greenhouse 7. Hobby Breeder 8. Hunting Dog 9. Parks and Recreation Facilities, Private 10. Parks and Recreation Facilities, Public 11. Public Facilities 12. Public Utilities 13. Telecommunication Tower or Antenna, Camouflaged 14. Water Survival Instruction 15. Wind Energy System				1. Agricultural Use, Major 2. House of Worship 3. Kennel 4. Mining and Excavation 5. Riding Stable, Horse 6. School, Private 7. Telecommunication Tower 8. Veterinarian			All development must comply with the following requirements: 1. Wetlands (chapter 3, article II). 2. Special corridors and buffer requirements (chapter 3, article I). 3. See conditional and special exception regulations (chapter 2, article IV). 4. Use of dwelling units for transient lodging is prohibited in order to protect and maintain the residential character of the zoning district. 5. Single-family residential buildings shall have the following minimum floor area: <table border="1" style="margin-left: auto; margin-right: auto;"> <tr> <th>1-Story</th> <th>Split Level</th> <th>2-Story</th> </tr> <tr> <td>1,500 SF</td> <td>1,800 SF</td> <td>2,100 SF</td> </tr> </table>			1-Story	Split Level	2-Story	1,500 SF	1,800 SF	2,100 SF
1-Story	Split Level	2-Story																	
1,500 SF	1,800 SF	2,100 SF																	
G. PERMITTED ACCESSORY USES: Accessory uses customarily associated with, dependent on and incidental to their permitted principal uses, provided that such uses conform to the regulations set forth in chapter 2, article III.																			

(Ord. No. 2013-13, § 2, 2-5-2013)

Sec. 2-08. SE, Special Environment Zoning District.

<p>A. PURPOSE: To protect persons and private property from the hazards of floodwater inundation and to conserve important natural, ecological, historic, or unique resources for the enjoyment and education of current and future residents, while providing for limited public or commercial outdoor activities and facilities such as equestrian trails, campgrounds, commercial recreation facilities and other centralized outdoor facilities. This classification is primarily intended to be applied to environmentally sensitive lands, public lands, lands held in trust for future open space use or lands held by nonprofit organizations or homeowners' associations and intended for open space uses.</p>												
<p>B. DIMENSIONAL STANDARDS</p>												
1. Density	2. Maximum Building Height	3. Maximum Building Coverage	4. Maximum Impervious Lot Coverage	5. Minimum Lot Size	6. Minimum Lot Width	7. Minimum Lot Depth	8. Minimum Perimeter	9. Setbacks				
								a. Front	b. Rear	c. Side	d. Street Side/ Corner	e. Waterbody
—	30'	35%	75%	1 acre	120'	200'	None	50'	30'	20'	50'	50'
C. PERMITTED USES			D. CONDITIONAL USES				E. SPECIAL EXCEPTION USES		F. OTHER STANDARDS			
<p>1. Wildlife Management Area, Fishing and Hunting 2. Wetland Preservation Area</p>			<p>1. Parks and Recreation Facilities, Private 2. Parks and Recreation Facilities, Public 3. Telecommunication Tower/Antennas, Camouflaged 4. Wind Energy System</p>				<p>1. Campground 2. Golf Course/Country Club 3. Hunting Lodge 4. Riding Stables, Horse 5. Telecommunication Tower</p>		<p>All development must comply with setback requirements for: 1. Wetlands (chapter 3, article II). 2. Special corridors and buffer requirements (chapter 3, article I). 3. See conditional and special exception regulations (chapter 2, article IV).</p>			
<p>G. PERMITTED ACCESSORY USES: Accessory uses customarily associated with, dependent on and incidental to their permitted principal uses, provided that such uses conform to the regulations set forth in chapter 2, article III.</p>												

STAFF REPORT

City of Ormond Beach Department of Planning

DATE: April 7, 2016

SUBJECT: Perrine's Produce & Deli, 120 South Nova Road: Special Exception for Outdoor Activity

APPLICANT: Dianna Perrine, of Perrine's Produce & Deli

NUMBER: 2016-062

PROJECT PLANNER: Steven Spraker, AICP, Senior Planner

INTRODUCTION: This is a request submitted by Dianna Perrine, of Perrine's Produce & Deli, for a Special Exception to authorize an outdoor activity use. Outdoor activity is permitted only by the issuance of a Special Exception. The request seeks to allow daily outdoor display and sales of produce under certain conditions at the Perrine's Produce & Deli store located at 120 South Nova Road. The Special Exception applies only to the unit at 120 South Nova Road and no other construction is proposed. The subject property is a unit within the Rivergate Village shopping center located at the southwest intersection of West Granada Boulevard and Nova Road.

BACKGROUND: Perrine's Produce & Deli is a family run business that is opening a store within the Rivergate Shopping center next to the Big Lots store. According to the Perrine's produce website, the business operates three locations including New Smyrna, South Daytona, and Titusville. The proposed location within the Rivergate Shopping center would be the first Ormond Beach location. As part of the business plan for the store, the applicant is seeking to allow outdoor activity, the display of produce under certain conditions. There is no construction activity proposed and the request applies only to the unit at 120 South Nova Road. Below is the surrounding land

Exhibit 1: Surrounding Uses with Land Use and Zoning

Direction	Use	Future Land Use Designation	Zoning
North	CVS, single-family houses, office	"General Commercial" "Low Density Residential" and "Residential, Office, Retail"	B-8 (Commercial), R-3 (Single-Family Medium Density), and B-1 (Office/Professional)
South	Cemetery	"Public/Institutional"	R-3 (Single-Family Medium Density)
East	Retail	"General Commercial"	B-8 (Commercial)
West	Single-family houses	Low Density Residential"	R-3 (Single-Family Medium Density)

Exhibit 2: Site aerial:



The following applications have been previously approved for outdoor activity:

Site address	Use	Date	Resolution
1340 W. Granada Boulevard	Lowe's	05.15.2012	2012-073
294 S. Yonge Street	Tropicasual Home and Patio	03.19.2013	2013-060
661 S. Nova Road	Curb Appeal	02.04.2014	2014-016
1626 N. US Highway 1	Dairy Queen vending	04.16.2014	2014-059
200 Highland Avenue	A1A Landscaping	06.17.2014	2014-099
815 & 821 N. US Highway 1	Canoe & Kayaks	06.17.2014	2014-100

PROJECT DESCRIPTION: The applicant requests the outdoor display and sales of produce as an outdoor activity use. **There is no other site or building construction or outdoor activity proposed with this application.** Staff views the application as very similar to the Lowe's Special Exception request at 1340 West Granada Boulevard and the Tropicasual Home and Patio request at 294 South Yonge Street. The applicant has provided a site plan exhibit shows the proposed outdoor activity which is shown in Exhibit 2 and below:

Exhibit 3: Site plan of proposed outdoor display area

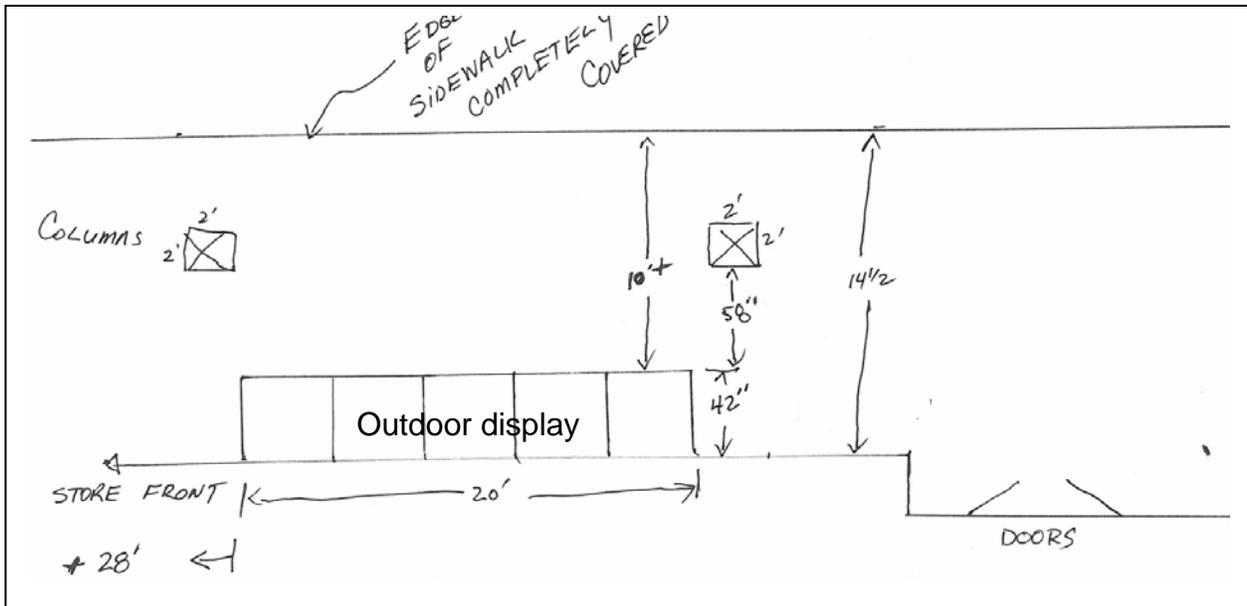


Exhibit 4: 04.06.2016 photo of display area



The City's Site Plan Review Committee reviewed the proposed location of the outdoor produce display and has no objections. The location of the produce display allows adequate pedestrian and handicapped access along the sidewalk.

With the previously approved applications, there were certain conditions that were required that would be recommended to be applied to this application. The list of conditions includes the following:

1. The product display and sales would be year round;
2. The outdoor display and sales of merchandise would only be displayed during business hours and brought in at night;
3. Outdoor product can only be stored, displayed, or sold within the delineated areas show on the site plan exhibit. There shall be no impedance to pedestrian traffic or means of egress;
4. Delineated areas shall be indicated by 4" wide yellow painted rectangular outline;
5. The applicant can determine what products are sold outside of the store within the boundaries of the site plan;
6. Product cannot encroach outside the painted delineated line.
7. If within any one (1) year period, there are two (2) demonstrated code violations of the permanent outdoor storage, display, and sales of merchandise per the site plan attached, as proven through the Special Master code enforcement system, the right to permanent outdoor storage, display, and sales of merchandise under the Special Exception development order shall be automatically revoked without further action of the City Commission. Upon the issuance of a second notice of code enforcement violation by either a Neighborhood Improvement Officer or Police Officer the ability to have the permanent outdoor storage, display, and sales of merchandise shall be suspended until the finding of the Special Master hearings are complete. If the Special Master determines that a second violation has occurred, the ability to have permanent outdoor storage, display, and sales of merchandise shall thereafter be deemed to have been revoked. If the Special Master determines that no violation occurred, the applicant shall be permitted to resume the permanent outdoor storage, display, and sales of merchandise.

ANALYSIS: There are multiple Land Development Code sections related to the outdoor storage, display and sales of merchandise. Section 1-22 of the Land Development Code defines outdoor activity as "the display of merchandise offered for sale or any activity, such as live entertainment, outside the building walls of a completely enclosed building." Within the B-8 zoning district outdoor activity is regulated as a Special Exception with review/recommendation by the Planning Board and a final decision by the City Commission. The Special Exception requires review of the criteria of the following Land Development Code Sections:

1. Section 2-57.O.1, Outdoor Activity (applies to specific use);
2. Section 2-56: General criteria and Special Exception review criteria (applies to all Special Exception requests);

3. Section 1-15.E: Planned Developments and Special Exceptions (Planning Board criteria for all Special Exceptions); and
4. Section 1-18.E: Criteria for Issuance of Development Order (City Commission criteria for all Special Exceptions).

The following other Sections of the Land Development Code are applicable to permanent outdoor storage, display, and sales of merchandise.

Section 2-50.U, Outdoor Activities, of the Land Development Code allows the outdoor sale of merchandise through a special event permit four times per year for fourteen days (56 days) with certain conditions. The conditions include that the outdoor sale of merchandise is limited to what is sold inside the business. If the Special Exception is approved, the property would still be eligible for the outdoor activities events of the accessory use section of the Land Development Code for 56 days per year.

Section 2-50-V, Outdoor Storage, Parking, or Use of Personal Property, of the Land Development Code states the following:

2. Commercial

- a. Outdoor storage of any type is prohibited in all commercial zoning districts unless a development order is received from the City Commission as a Special Exception or Planned Development or a Special Event permit is obtained.

Section 2-57.O.1, Outdoor Activity Criteria:

Section 2-57.O.1 of the Land Development Code outlines the criteria for outdoor activity and staff's review of these criteria are listed below:

O-

1. OUTDOOR ACTIVITY

- 1. If located adjacent to a residential use, appropriate screening and buffering shall be provided to minimize noise and glare impact to the maximum extent feasible.**

The proposed outdoor activity is minimal and there is no noise or glare impact to any residential uses.

- 2. A site plan displaying the area for activity and pedestrian movement shall be required.**

The applicant has provided a site plan that delineates the area for permanent outdoor display, and sales of merchandise. The location of the proposed merchandise shall have no impact of pedestrian movement.

- 3. Outdoor music shall provide a sound study demonstrating compliance with the adopted maximum decibel levels.**

There is no outdoor music proposed and this criterion is not applicable.

Section 2-56: Special Exception Criteria

Section 2-56 of the Land Development Code outlines the general criteria for all Special Exception approvals and staff's review of these criteria are listed below:

- A. *Off-street parking loading and service areas shall be provided and located such that there is no adverse impact on adjoining properties, beyond that generally experienced in the district.***

The Special Exception request involves one unit in a Shopping Center. There are no changes proposed to the parking areas and there will be no adverse impacts regarding parking.

- B. *Required yards, screening or buffering, and landscaping shall be consistent with the district in general, the specific needs of the abutting land uses, Chapter 3, Article 1, and other applicable provisions of this Code.***

The Special Exception application is limited to the display of outdoor produce under certain conditions. There are no proposed changes to the existing site landscaping.

- C. *Size, location, or number of conditional or Special Exceptions in an area shall be limited so as to maintain the overall character of the district in which said conditional or Special Exceptions are located.***

As provided above in this report, there have been several approved requests for outdoor activity, which is allowed as a Special Exception. There has been a policy decision only to allow outdoor product sales under a limited basis (56 days) as a staff approval and any other timeframe above this must be reviewed by the Planning Board and approved by the City Commission.

- D. *Hours of operation may be limited and the City may require additional information on structural design and site arrangement, to assure the compatibility of the development with existing and proposed uses in the surrounding area.***

The hours of the outdoor display and sales of merchandise are consistent with the hours of operation with the store. Per the application, the merchandise would be brought inside daily.

- E. *The Special Exception shall not generate hazardous waste or require use of hazardous materials in its operation without use of City-approved mitigative techniques.***

This Special Exception request will not generate hazardous waste.

- F. *All development proposed as a Special Exception within or adjacent to a historic district shall be reviewed based on applicable criteria stated herein***

for residential, commercial or mixed use development and shall also comply with appearance and design guidelines for historic structures.

The project is not located within, or adjacent to, a historic district and this criteria does not apply to the project development.

G. Outdoor lighting shall have no spillover onto adjacent property or rights-of-way beyond the building site property line and the lumens shall not exceed two (2) foot-candles at the property line.

The site lighting plan is not proposed for amendment and the applications solely for the permanent outdoor storage, display, and sales of merchandise.

Section 1-15.E: Planning Board Criteria and Section 1-18.E: City Commission Criteria

Sections 1-15.E. and 1-18.E of the Land Development Code establish the Planning Board and City Commission Development Order criteria. The Land Development Code states that the following criteria shall be considered:

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

The Land Development Code does not prohibit outdoor activity. Section 2-50.U allows retailers temporary outdoor activity four times per year for 14 days for each event. Within the B-8 zoning district, the outdoor activity use is allowed through a Special Exception with the criteria focusing on impacts to residential uses and the provision of an exhibit demonstrating the limits of the activity. Approving this request is not expected to create negative impacts to residential uses. The request will not adversely affect the public health, safety, welfare or quality of life.

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

The site has a Future Land Use designation of "General Commercial", which is consistent with the proposed use. The Future Land Use Element states that the "Commercial" land use category is designed for, "To provide for the sales of retail goods and services, high density multi-family, professional offices and services, and restaurants, depending on the range of population to be served and the availability of transit." The retail sales of merchandise, either inside or outside of the building, is consistent with the "General Commercial" land use category.

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

The proposed application for outdoor activity will not adversely impact environmentally sensitive lands or natural resources and is an existing developed site.

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

The proposed application for outdoor activity will not depreciate the value of surrounding property if the merchandise is displayed per the proposed plan.

- 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.**

Public facilities currently serve the site and there would be no impact to the existing infrastructure.

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

The Special Exception would have no impact to traffic patterns or vehicle movement.

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

There is no development proposed with the outdoor activity application.

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

There are no changes to the site and there is safe movement on the site for occupants and visitors.

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

There is no new building development for the outdoor activity and this criterion is not applicable.

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

This application has not been reviewed in a public forum and no testimony has been provided.

RECOMMENDATION: It is expected that the application will be reviewed by the City Commission on May 17, 2016. It is recommended that the Planning Board **APPROVE** the application for outdoor activity, the outdoor display and sales of produce, per the attached site plan exhibit and conditions listed below for the Perrine's Produce & Deli store located at 120 South Nova Road:

Proposed Conditions:

1. The product storage would be year round;
2. The outdoor display of merchandise would only be displayed during business hours and brought in at night;
3. Outdoor product can only be stored, displayed, or sold within the delineated areas show on the site plan exhibit. There shall be no impedance to pedestrian traffic or means of egress;
4. Delineated areas shall be indicated by 4" wide yellow painted rectangular outline;
5. The applicant can determine what products are sold outside of the store within the boundaries of the site plan;
6. Product cannot encroach outside the painted delineated line.
7. If within any one (1) year period, there are two (2) demonstrated code violations of the permanent outdoor storage, display, and sales of merchandise per the site plan attached, as proven through the Special Master code enforcement system, the right to permanent outdoor storage, display, and sales of merchandise under the Special Exception development order shall be automatically revoked without further action of the City Commission. Upon the issuance of a second notice of code enforcement violation by either a Neighborhood Improvement Officer or Police Officer the ability to have the permanent outdoor storage, display, and sales of merchandise shall be suspended until the finding of the Special Master hearings are complete. If the Special Master determines that a second violation has occurred, the ability to have permanent outdoor storage, display, and sales of merchandise shall thereafter be deemed to have been revoked. If the Special Master determines that no violation occurred, the applicant shall be permitted to resume the permanent outdoor storage, display, and sales of merchandise.

Attachments:

Attachment 1: Site Maps and Pictures

Attachment 2: Applicant Provide Information

ATTACHMENT 1

Site Maps and Pictures

PERRINE'S PRODUCE & DELI

NO
SMOKING

NO
SMOKING

Location of outdoor
activity



Location of outdoor activity





Looking
east of
Perrine's
Produce
front door.

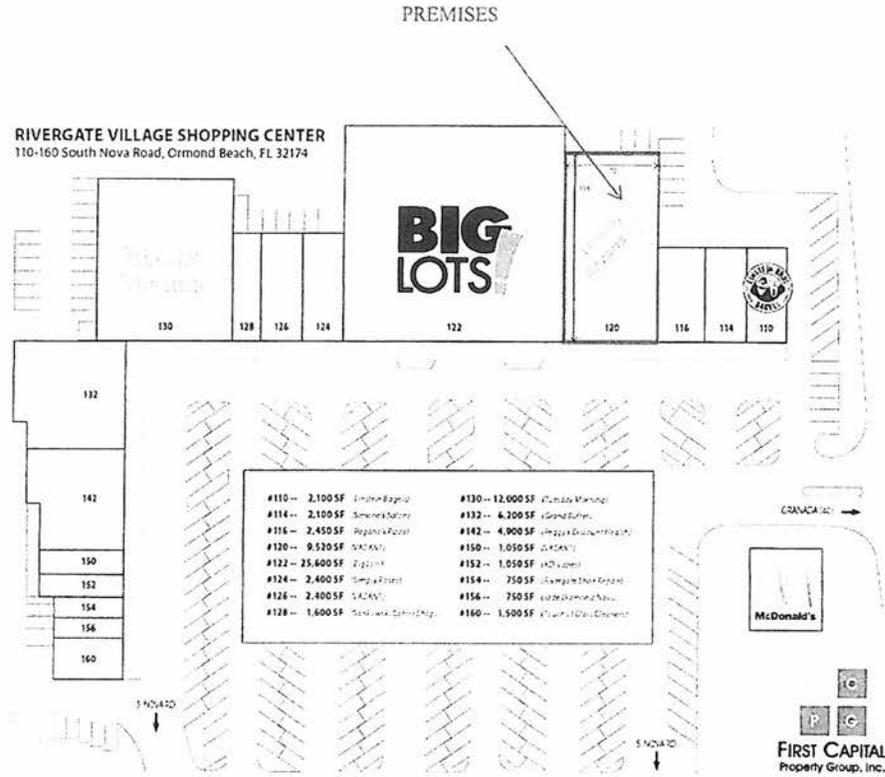
ATTACHMENT 2

Applicant submitted
information

EXHIBIT "B"

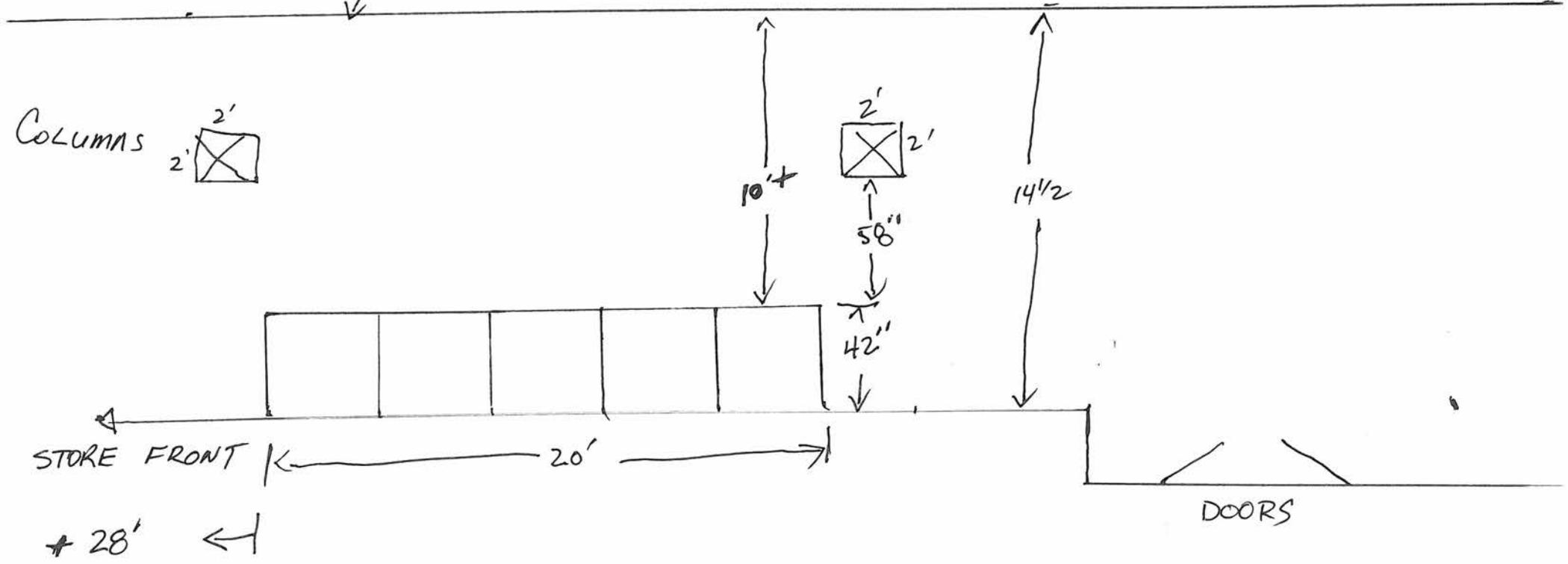
Demised Premises

Unit # 120 on the tenant site plan. Area 9,520 square feet.



FERRINES 1 ROLLUP
120 S. NOVA

EDGE OF SIDEWALK COMPLETELY COVERED



COLUMNS 2' x 2'

STORE FRONT 20'

DOORS



Perrine's Prods
1205. Nova Rd
Ormond Beach
Fl. 32174

outside
Displays



CITY OF ORMOND BEACH

FLORIDA

PLANNING

MEMORANDUM

TO: Planning Board members

FROM: Steven Spraker, AICP, Senior Planner

DATE: April 7, 2016

SUBJECT: Development projects

Please find attached the monthly development report. The significant events include:

SPRC Review:

1. **Granada Pointe and partial Tomoka Avenue ROW vacation.** The SPRC reviewed the second submittal for a Planned Business Development that encompasses 32.58 acres, including 10.05 acres of conservation and a 6.71 acre stormwater parcel. The project proposes to re-align Tomoka Avenue and Granada Boulevard with a traffic signal. The conceptual plan shows three retail buildings of 15,000 SF, 41,952 SF, 26,000 SF, a gas station of 5,539 SF, and a restaurant of 2,800 SF.
2. **875 Sterthaus Drive, Ormond Renaissance Center.** The site plan for this project was approved on April 1, 2016. The project proposes the phased development of 10 multi-family buildings totaling 280 units.
3. **111 West Granada Boulevard.** The site plan for this project was approved on March 30, 2016. This project proposes to construct a covered deck over the existing stormwater area.
4. **1280 North US1, S.R. Perrott offices.** Staff conducted a pre-construction meeting for this project and site and building permits have been issued. The project proposes to construct offices in front of the existing S.R. Perrott facility along North US1. The offices are proposed at 22,000 square feet.
5. **Clyde Morris Boulevard, south of Hand Avenue.** The Site Plan Review Committee met with the design team for a Planned Residential Development application for a 50 lot subdivision on 28.65 acres titled Grande Champion Cypress Trails. The project has portions of the overall development in Ormond Beach and Daytona Beach.
6. **30 Lincoln Avenue.** The Site Plan Review Committee received a submittal for a City parking lot containing 36 parking spaces. The project proposes to demolish the existing structure and create the public parking lot.

City of Ormond Beach Commercial Development Report April 7, 2016

Applications, site plans, and public hearing documents may be viewed at the Planning Department website:

<http://fl-ormondbeach.civicplus.com/index.aspx?NID=247>

Change in project status

Project nearing completion

#	Project	Description	Application Date	1st Review	2nd Review	3rd Review	4th Review	5th Review	Advisory Board	City Commission	Final Approval	DO Expiration	LDC Extension Expiration	Building Permit Info	Building Permit Value	Eng. Permit Info	Eng. Permit	Under Construction	CO Issued	E or Arc = Project Engineer or Architect O = Owner A = Applicant
1	30 LINCOLN AVENUE 30 Lincoln Avenue SPRC # 2016-061	Construct a public parking lot of 36 parking spaces	04.01.16	04.15.16																E = City of Ormond Beach O = City of Ormond Beach
2	146 NORTH ORCHARD STREET 146 North Orchard Street SPRC #14-015	56 space RV & Boat self storage facility with associated parking and infrastructure	11.07.13	11.26.13	01.14.13	06.09.15			NA	NA	07.01.15	07.01.17				Issued 07.06.15	\$194,733	92%		E = Alann Engineering Group O = Pat Baylor/Clinton Baylor
3	550 WEST GRANADA BOULEVARD (BELLA MARIE) 550 West Granada Boulevard SPRC# 2015-028	Modification of approved plan set to construct a retail/office building and 30 residential units.	11.18.14	12.02.14	01.13.15	02.10.15			Neighborhood meeting (2.18.15)	NA	04.13.15	04.13.17		Early review submitted						E = Daniel Johns, P.E. O = Granada Management, LLC ARC = Ben Butera
4	783 N US HWY 1, CAMPANA 783 N US HWY 1 SPRC 2016-010	Construction of a 1,216 SF building for kayak rental & repair and associated site improvements	11.06.15	11.20.15	02.03.16	03.11.16														E = Alann Engineering Group O = Steven Campana
5	ANTARES OF ORMOND BEACH 720 West Granada Boulevard SPRC# 2016-012	123 unit Assisted Living Facility and associated site improvements	11.11.15	11.25.15	02.24.16	03.18.16	04.19.16		Neighborhood meeting (12.09.15)		Pending									E = Alann Engineering Group ARC = Lawson Group Architects, Inc. O = Antares of Ormond Beach, LLC
6	CHILDREN'S WORKSHOP EXPANSION 506 Lincoln Avenue SPRC#15-109	New building for classroom(s) and an office.	07.14.15	07.28.15	09.17.15						10.15.15	Under Constr.		Submitted 12.04.15	\$316,457	Site Work = \$48,000	issued 12.21.15	15%		O = Brian Adair E = MetaWorld Civil Consulting, LLC ARC = Richard Brookfield
7	CENTER STREET PARTIAL ROW VACATION SPRC# 2016-014 Center Street, south of Sterhaus Drive	Partial ROW vacation associated with the YMCA parking project	11.25.15	12.10.15					Required											A = YMCA E = Zev Cohen & Associates
8	CVS HEALTH 795 W Granada Boulevard SPRC#2015-071	Demolition of the existing gas station and Burger King and construction of a 13,013 SF CVS and associated site improvements.	03.10.15	03.24.15	06.03.15	08.05.15					08.13.15	Under Constr.		Issued 02.01.16	\$2,641,707	Site Work = \$404,549	Issued 01.20.16	40%		E = England-Thims & Miller, Inc. ARC = Stefano DeLuca & Associates O = City of Ormond Beach
9	DOLLAR GENERAL 1545 North US 1 SPRC#2016-043	Demolish existing structure and construct a 9,100 SF store with associated site improvements	02.23.16	03.09.16	04.18.16															E = Jade Consulting LLC O = HSC Ormond Beach, LLC ARC = Jared Ducote, Architect
10	ENVIRONMENTAL DISCOVERY CENTER 601 Division Avenue SPRC#2015-077	Construct a 1,980 square foot environmental learning center and associated site improvements within Central Park.	03.31.15	04.14.15							08.03.15	Under Constr.		Issued 09.22.15	\$398,079		Issued 08.17.15	95%		E = Mark Dowst & Associates ARC = BPF Design Incorporated O = City of Ormond Beach
11	GEORGIAN INN, SITE WORK 759 South Atlantic Avenue SPRC#2015-039	Reconfiguration of the pool deck, addition of a gazebo and rear parking area modifications.	12.16.14	01.06.15	02.03.15						05.07.15	Under Constr.		Issued 08.07.15	\$300,000	With building permit		98%		ARC = Scott Waldroff O = Georgian Inn
12	GRANADA POINTE 600 West Granada Boulevard SPRC#2016-017	Proposed 4 unit, 19.5 acre commercial development on south side of Granada Blvd with associated improvements and 3 acre parcel on north side of Granada Blvd and 10 acre preservation area.	12.08.15	12.23.15	04.05.16															O = Granada Pointe, LLC Eng = Newkirk Engineering, Inc.
13	HULLS SEAFOOD DECK 111 West Granada Boulevard SPRC#2016-15	Construct 2,557 SF covered wood deck for dining and 700 SF bathroom	12.08.15	12.23.15	02.08.16	02.29.16	03.28.16				03.30.16									O = Hull's Seafood Eng = Mark Dowst & Associates ARC = Richard Brookfield
14	MCDONALD'S 1530 North US 1 SPRC#2016-040	Update existing drive thru and site ADA upgrades	02.10.16	02.29.16	04.20.16															E = CPH Inc. O = McDonald's USA LLC ARC = CPH Inc.

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Change in project status

Project nearing completion

#	Project	Description	Application Date	1st Review	2nd Review	3rd Review	4th Review	5th Review	Advisory Board	City Commission	Final Approval	DO Expiration	LDC Extension Expiration	Building Permit Info	Building Permit Value	Eng. Permit Info	Eng. Permit	Under Construction	CO Issued	E or Arc = Project Engineer or Architect O = Owner A = Applicant
15	McNAMARA WAREHOUSE 480 Andalusia Drive SPRC# 2011-13	4,580 square foot warehouse and associated site improvements	12.22.10	01.05.11					NA	NA	03.06.14	03.06.16		Approved 02.24.16	\$256,938	Approved		10%		E = Parker Mynchenberg & Assoc O = McNamara Construction, LLC ARC = Stan Hoelle
16	MOSS POINT, ENTRY WALL Moss Point subdivision SPRC#2015-072	Install subdivision entry wall, add brick façade to existing wall, and landscaping	03.10.15	03.24.15							04.21.15	Under Constr.		Issued 10.07.15	\$104,000			0%		E = Parker Mynchenberg & Assoc O = Moss Point HOA
17	ORMOND CROSSINGS, PHASE A PLAT East of I-95, west of US1 SPRC#2014-114	Subdivision and infrastructure improvements of approximately 220 acres for commercial/industrial uses.		01.09.09	10.08.14				NA											E - Singhofen & Associates, Inc. O = Tomoka Holdings, LLC
18	ORMOND CROSSINGS, PHASE B PLAT East of I-95, west of US1 SPRC#2015-042	Subdivision and infrastructure improvements of approximately 103.7acres for a four lot plat.	12.19.14	01.21.15																E - Singhofen & Associates, Inc. O = Tomoka Holdings, LLC
19	RIVERBEND CHURCH EXPANSION 2080 West Granada Boulevard SPRC# 09-25000008	Site improvements and utility connect in association with expansion in Daytona Beach	09.08.09	09.22.09	01.18.11				NA	NA	07.13.11	Under Constr.			\$515,034	Issued 11.09.11	X	35%		E = Mark Dowst & Associates O = Riverbend Church
20	SPECIALITY SURGERY CENTER OF FL 1545 Hand Avenue SPRC# 2016-026	Conversion of building to a Surgery Center with clinic including certain site improvements.	01.15.16	02.02.16	02.18.16															E = Jerry Finley, P.E. O = PRC Associates, LLC ARC = Gordon & Associates Architect, LLC
21	S.R PERROTT OFFICE ADDITION 1280 N. US Highway 1 SPRC#2016-041	Construct a 22,000 SF office building and associated site improvements	02.10.16	02.24.16	03.16.16						03.22.16			Issued 03.30.16	\$3,545,293	Issued 03.30.16	\$160,000	2%		E = Parker Mynchenberg & Assoc O = S.R. Perrott, Inc.
22	TOMOKA AVE, PARTIAL ROW VACATION SPRC#2016-18 Tomoka Avenue & W. Granada Boulevard	Partial ROW vacation associated with the Granada Pointe project	12.08.15	12.23.15	03.31.16					Required										A = Granada Pointe, LLC Eng = Newkirk Engineering, Inc.
23	VYSTAR CREDIT UNION 1301 West Granada Boulevard SPRC#2015-067	Construction of a single story 4,500 SF credit union with drive thru and associated site improvements	02.24.15	03.10.15	05.05.15	09.30.15			Neighborhood meeting (3.25.15)		11.02.15	Under Constr.		Approved 01.04.16	\$2,220,762	Approved	\$550,000	50%		E = Parker Mynchenberg & Assoc O = 1301 W Granada Investors LLC ARC = RS&H, Inc.
24	WINDOW WORLD 1142 North US Highway 1 SPRC#15-092	Construction of 2,975 SF office, showroom, and warehouse and associated site improvements.	05.19.15	06.02.15	08.31.15						01.04.16	01.04.18		Under review	\$500,000					E = Kirby Engineering, LLC O = Tillman Volusia Holdings, LLC ARC: A.L. Designs
25	WOODSTOCK CAFÉ 1535 North US Highway 1 SPRC# 2010-071	Redevelopment of former gas station into 99 seat restaurant.	05.28.12	6.11.13	12.31.13				NA	NA	04.08.14	04.08.16								E = Alann Engineering Group O = Michael Ferro ARC = BPF Design Group
26	YMCA PARKING EXPANSION 500 Sterthaus Drive SPRC#2015-011	Parking Lot Expansion	11.04.14	11.18.14	02.24.15															E = Zev Cohen & Associates O = Volusia/Flagler YMCA
27	ZAXBY'S 1287 West Granada Boulevard SPRC# 2014-102	Development of vacant land into a 3,847 square foot, 90 seat drive thru restaurant.	06.24.14	07.08.14	08.27.14				NA	NA	09.16.14	09.16.16								E = Newkirk Engineering APP = Demerburn, LLC ARC = HFR
28	ZAXBY'S/VYSTAR ENTRANCE IMPROVEMENTS SPRC#16-008 1287 & 1301 W. Granada Blvd.	Driveway entrance and lift station improvements	10.26.15	11.23.15							12.01.16	Under Constr.		Included in the Vystar project						E = Newkirk Engineering

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Change in project status

Project nearing completion

#	Project	Description	Application Date	1st Review	2nd Review	3rd Review	4th Review	5th Review	Advisory Board	City Commission	Final Approval	DO Expiration	LDC Extension Expiration	Building Permit Info	Building Permit Value	Eng. Permit Info	Eng. Permit	Under Construction	CO Issued	E or Arc = Project Engineer or Architect O = Owner A = Applicant
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Ormond Beach is Utility Provider Only

29	1368 OCEAN SHORE BLVD 1368 Ocean Shore Blvd. SPRC# 2015-121	Sewer connection for existing building	08.28.15	09.08.15							02.12.16									E = Finley Engineering Group O = 1368 Oceanshore Blvd. LLC
30	HUNTINGTON GREEN SPRC #2015-117 Flagler County	Provision of utilities to a Flagler County subdivision	07.03.15	07.17.15	09.03.15	12.09.15	02.08.16				02.12.16									E = Zev Cohen & Associates O = BADC Huntington Communities, LLC
31	HUNTINGTON VILLAS SPRC# 2015-070 Flagler County	Provision of utilities to a Flagler County subdivision	03.10.15	03.24.15	05.05.15	06.01.15	08.06.15				08.26.15	Under Constr.				Issued	\$537,833	80%		E = Zev Cohen & Associates O = BADC Huntington Communities, LLC
32	PLANTATION OAKS SPRC# 2016-001 I-95 and North US1	Water connection for phase of subdivision development	10.22.15	11.12.15																E = Parker Mynchenberg & Associates O = Plantation Oaks of Ormond Beach, L.C.
33	RECREATION WORLD SPRC#2015-099 280 Destination Daytona Lane	Provision of utilities for RV sales and service facility	06.17.15	6.30.15							08.19.15	Under Constr.				Issued 08.18.15		98%		E = Mark Dowst O = Giant Recreation World

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City of Ormond Beach Residential Development Report - April 7, 2016

#	Project	Description	Applica-tion Date	1st Review	2nd Review	3rd Review	4th Review	5th Review	Advisory Board	City Commis-sion	Final Approval	DO Expiration	LDC Extension Expiration	2009 SB Expiration	SB 2156 Expiration	HB 7207 Expiration	Building Permit Info	Eng. Permit	Clearing Permit	Under Construc-tion	CO Issued	E or Arc = Project Engineer or Architect O = Owner A = Applicant
A	CHELSEA PLACE, PHASE 3 Chelsea place subdivision SPRC #2016-034	65 single family lots	02.02.16	02.16.16	04.05.16	04.20.16																E = Parker Mynchenberg & Associates O = CP & SP Residnetial Land, LLC
B	GRANDE CHAMPION CYPRESS TRAILS Clyde Morris Boulevard SPRC# 2016-048	50 single family lots on 28.65 acres	02.29.16	03.14.16																		E = Matthews Deign Group O = Indigo Development, LLC Purchaser = Grande Champion Partners, LLC
C	ORMOND RENAISSANCE CONDOMINIUM 875 Sterthaus Drive 2014-061	286 multi-family unit	06.17.14	07.01.14	11.05.14	02.04.15			03.12.15	04.21.15 & 05.05.15	04.01.16											E = Parker Mynchenberg & Associates O = Ormond King Center, LLC ARC = David Howard
D	PINELAND East of I-95, north of Airport Road 08-23000002	Preliminary Plat of 192 Single-Family Lots	11.04.08	11.18.08	02.17.09	02.20.16	04.08.16		PB Approved (4-2)	Approved Ord 08-44		10.21.13 PRD Rezoning	10.21.16 PRD Rezoning	NA	NA	10.21.15 PRD Rezoning						E = Zahn Engineering O = Funcoast Developers

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