

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

October 14, 2010

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

Patricia Behnke
Al Jorczak
Patrick Opalewski
Rita Press
Doug Thomas
Doug Wigley

Staff Present

Ann-Margret Emery, Deputy City Attorney
Ric Goss, AICP, Planning Director
Steven Spraker, AICP, Senior Planner
Chris Jarrell, Recording Technician

Members Excused

John Adams

II. INVOCATION

Mr. Wigley led the invocation.

III. PLEDGE OF ALLEGIANCE

IV. NOTICE REGARDING ADJOURNMENT

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

V. APPROVAL OF THE MINUTES

The minutes of the September 9, 2010 Planning Board meeting were approved as presented.

VI. PLANNING DIRECTOR'S REPORT

Mr. Goss deferred any comments to the public hearing.

VII. PUBLIC HEARINGS

A. LDC 10-114: Electronic Changeable Copy (ECC) Signage Amendment

Mr. Spraker highlighted provisions in the draft ordinance that would allow a limited number of electronic changeable copy signs in the City of Ormond Beach. He reiterated that the purposes for potentially allowing ECC signs were to serve the tenants of multi-tenant or multi-use developments, who might not be able to have individual advertising panels on existing development signage, as well as to advance the aesthetics of the signage in the city. The provisions, previously agreed upon by consensus at the numerous meetings and workshops, would limit electronic signage:

- to the North US1 corridor, from Wilmette Avenue to the north city limits.
- to multi-tenant/multi-use developments that have a minimum parcel size of three (3) acres and minimum lot frontage of 200 feet.
- to one electronic changeable copy sign per parcel. Individual parcels that met the site criteria could have an electronic sign in lieu of their existing sign, or if otherwise allowed more than one sign (such as corner parcels), could utilize one electronic sign in lieu of one of the allowed signs.
- to monument signs only, with the display area limited to 50%. (Since the maximum signage area for a monument sign is 64 square feet, the maximum signage area for ECC signs would be a maximum of 32 square feet). Signs would always have a base and frame.
- to a minimum distance of 300 feet from residential uses.
- to text only; no scrolling, animation, flashing, fireworks, etc.
- pixel spacing for text to a minimum of 20mm, and would recommend pixel spacing of 16mm if graphics were to be allowed.
- to text changes of no more than once per hour.
- to a dark background with light-colored text.
- by requiring automatic dimmers to adjust the brightness of the sign. The Land Development Code (LDC) also regulates light emanation, with brightness based on 0.03 foot-candles.
- to proposed submittal/processing requirements: submittal to Building Division and review by Site Plan Review Committee within 45 days. Staff approval only, based on SPRC review. A manufacturer's sign manual would be required as part of submittal,

along with a certificate signed by the applicant stating that they will abide by Code regulations.

Mr. Spraker outlined the properties along the defined North US 1 corridor that met the proposed criteria for electronic changeable copy signs.

Wilmette Avenue to Nova Road

- No properties meet size criteria. Area comprised mostly of shallow lots and mosquito control ditches.
- Performing Arts Center (PAC) has an existing ECC sign, which would become nonconforming. By extending the southern boundary to Wilmette Avenue, it would be possible for the city to replace the sign if destroyed (contingent upon multi-use/multi-tenant).

Nova Road to Airport Road

- Action Golf and RV Storage
- Tomoka Business Center
- Bull Run Farm Supply

Airport Road to Hull Road

- One property in County met the criteria and would use the city's Gateway and corridor standards.

Hull Road to I-95 Interchange - 5 properties, including:

- Hull Pointe Business Park
- Ormond Commerce Park
- MBA Business Center
- Gardens Business Center

I-95 to North City Limits

- Hotel and restaurant at 1614 North US1
- Destination Daytona complex
- Large, vacant parcel could be developed to meet the criteria.

Recalling the discussion at the previous Planning Board meeting, Mr. Spraker reported that planning staff had analyzed the Hand Avenue corridor from Nova Road west and said that there were numerous properties that would meet the criteria, including 1400 Hand Avenue, Root Commerce Park, and two medical office buildings at the intersection with Clyde Morris Boulevard (Florida Urology and the offices of Drs. Cohen and Rubin).

Chair Thomas opened the meeting to public comment.

Ms. Kim Campbell, 1 Huntsman Look, a city resident since 1974, expressed concern that the signs had the potential to degrade the community aesthetic or the property values in the city. She

questioned whether they would benefit anyone other than the small group of people who were seeking exposure for their businesses.

Ms. Eunice Ennis, a business owner in Amaral Plaza and former marketing executive of a Fortune 500 company, stated that she had conducted some marketing research related to electronic changeable copy signage. She reported that a syndicated study by Harris Polls for the Silicon View company found that 94% of passersby remembered an electronic sign, whereas only 45% of people remembered monument signage. She added that a business owner could expect up to a 107% increase in sales, as opposed to only 57% for those with a monument sign. She said that denying the use of electronic signage would affect not only the business community, but the consumers as well, and said that the Planning Board had the power to create a look that would be acceptable in any community.

Ms. Constance Taylor, 18 Village Drive, felt that a sign was necessary in order for them to attract customers and stay in business. She likened the electronic changeable copy signs to cell phones and computers as simply another technological advancement and begged the Board members to approve the proposed ordinance.

Mr. John Bandorf, 18 Village Drive, said he was a fourth generation Floridian whose family had seen the changes made in the area over the years, from cars to flat screen televisions, computers and cell phones. He said the technological progression to electronic signs would happen whether the residents wanted them or not; he felt that they could not stop progress and agreed with the Board member who had pointed out that there were existing signs in the city that were much less attractive than the proposed signage. He opined that Ormond was no longer a bedroom community and that the Board decision should be based on job creation/retention and the economy. He said that it was time for Ormond to join the 21st century.

Mr. Greg Scull, 7 Watercliff Lane, asked if any consideration had been given to the added costs to the business community and whether or not the Board had considered regulation in different districts. He commended the Board for tackling the issue and hoped that they would be able to come to some resolution.

Mr. Wigley explained to Mr. Scull that incurring the additional cost for an electronic sign would be the choice of the individual property owner and assured him that both city staff and the Board had looked at the different areas of the city in their study and deliberations.

Board Member Comments

Mrs. Press stated that she was not opposed to electronic signs, but rather was opposed to their implementation at the present time. She also explained to the Amaral Plaza business owners that having been a small business owner herself, she was not anti-business. She said that she continued to remain active as a SCORE counselor, giving her time to mentor small business owners. She noted that the city had adopted Gateway standards that were not designed to deter retail from succeeding on that thoroughfare, but pointed out that the North US1 corridor was a median-divided high-speed highway along which the city required a minimum 36-foot landscape buffer. She said that Amaral Plaza had been designed for destination-oriented businesses, not

retailers, and that the limited visibility (because of the buffering and the site configuration), coupled with the speed of traffic, made for a difficult situation for retailers. She questioned whether, given the number of tenants at the plaza and the times per day that the text could change, an electronic sign would really help. She understood their dilemma, she said, but thought that there were other things the retailers could do to increase their customer contact, such as seminars, etc.

Mrs. Press stated that employing a test area for the electronic signage was not fair; if the city was to allow them she said, they should be allowed for everyone. She added that once allowed, those signs would always be present in the city. She thought it ironic that the one of the early proponents of the ECC signs, Calvary Christian Church, was located in an area that would not be designated for the electronic signage (west of I-95 on Granada Boulevard). She pointed out that the land areas west of I-95 on SR40 were under three jurisdictions and hoped that the new City Commission would push for Gateway standards for that area in order to give the city more negotiating power and hopefully, better control of the development in that area.

Mrs. Press said the city should be finding ways to improve the sign standards, since the proliferation of signs was detrimental to the community. She said that she did not want to see the electronic changeable copy signs throughout the city and did not think that the time was right for them. She concluded by saying that the proposal was arbitrary and unfair and remarked that the city did not need any more lawsuits.

Mrs. Behnke agreed that technology would advance and that businesses needed signage, but stated that she would not live in an area that allowed electronic signage. She pointed out that cell phones and computers were personal items and did not have the same potential to negatively affect others. She agreed with Mrs. Press that allowing the ECC signs in limited locations was unfair and that it was neither the right time nor the right place for electronic signage.

Mr. Jorczak commented that he had not changed his position and believed that the electronic signs were a problem for the city. He said that the city's legal and planning departments had spent considerable time in researching and establishing the parameters under which the signs could be developed and said that likewise, the Planning Board had invested considerable personal time and effort in developing acceptable standards. He said that while he preferred not to allow them, the net result of those efforts was an ordinance that could withstand legal challenges and signs that would, hopefully, provide for the most aesthetically pleasing electronic signage possible, should the City Commission desire to allow them. And, he added there was nothing in the proposed language that would prevent the Board from revisiting the issue to address other things, such as additional road segments or allowing logos and/or graphics. He hoped that the newly seated commission would provide their input regarding electronic changeable copy signs in the city of Ormond Beach.

Mr. Opalewski said he did not feel that there would be a proliferation of the electronic changeable copy signs and pointed out that there were already such signs in the city. He noted that they were not distracting and did not emanate any more light than the existing lighted monument signs. He said he supported the electronic signs and the proposed ordinance, given the stated parameters, and would support allowing the signs in other areas, as well.

In response to Mr. Wigley, Mr. Spraker explained said that the locational parameters included the Performing Arts Center because if it were not included they would not be able to replace their electronic sign if it were ever destroyed. He pointed out that just because they did not have more than one business tax receipt at present, did not mean that they would not have more than one business tax receipt at some future date.

Mr. Wigley felt that the legality of the ordinance would be challenged because of the city's attempt to limit the scope of the signs and to limit the corridors in which they would be allowed. He felt that the electronic signage issue would be fought in the courts for years to come and stated that the only way to eliminate such legal challenges was to prohibit electronic changeable copy signs in the city. He also stated that the city did not need to be enacting legislation for one small group of retailers who were experiencing severe economic problems in their current location. He agreed that change was inevitable, but felt that the quality of life experienced by those who live in Ormond Beach should be maintained; he said it was one of the things that brought people to the city.

Chair Thomas stated that whatever the Board decided to do, it needed to act on the ordinance. He pointed out that the meeting was the seventh time the Board had considered electronic changeable copy signage and that regardless of the outcome of the vote, it was time to move it forward. He said the Board owed that to the new members of the Board, to the city and to the residents, both for and against. He said that as a business person, he was embarrassed that they had spent so long on the issue. He also reminded the Board members that the city attorney had studied the issue and said that the proposed ordinance could withstand legal challenges as to time, place and manner, i.e., which included road segments. He advised Mrs. Press that she was free to make a motion to deny the electronic signs and stated that as Chair, he was charged with controlling the meeting. He said that he should be afforded the same opportunity as every other Board member to express his opinion.

Mrs. Press responded that she did not like the Chair's attitude and stated that she deserved the same respect as any other Board member.

Mr. Jorzak made a motion to adopt LDC 10-114, as presented. He added that it was his fervent hope (as a recommendation) that the new City Commission act on the amendment.

Mr. Opalewski seconded the motion.

Mr. Jorzak clarified for Mrs. Press that the motion included the area from Wilmette Avenue to the Flagler County line, as drafted, and that it did not include a time limit. If enacted, he explained, the electronic changeable copy signs approved under that ordinance would be there in perpetuity.

Chair Thomas noted that the ordinance would not be heard by the City Commission until after the November elections.

Ms. Jarrell called the vote.

Mr. Wigley	No
Mrs. Behnke	No
Mr. Jorczak	Yes
Mr. Opalewski	Yes
Mrs. Press	No
Chair Thomas	Yes

Chair Thomas stated that a recommendation of denial would be forwarded to the City Commission.

Deputy City Attorney Emery advised the Board that they could also send forward a recommendation of their feelings about the legislation if they so desired.

Mr. Wigley pointed out that the minutes included the comments and opinions of the members.

Deputy City Attorney Emery also remarked that other communities were struggling with the issue and said that the amount of time it had taken to produce a draft ordinance was not unusual.

Mrs. Press agreed that it was a complicated issue and that there were ramifications to the Board's actions, as shown by the split vote.

Chair Thomas concurred and pointed out that no one on the Board had changed their opinion in over a year, which was why he felt it was time to move it forward.

Mr. Jorczak said that although he had no desire to sit on the Commission, he would vote against the legislation if he had that decision to make.

VIII. OTHER BUSINESS

There was no other business to be discussed.

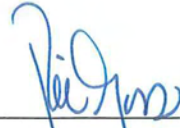
IX. MEMBER COMMENTS

There were no member comments offered.

X. ADJOURNMENT

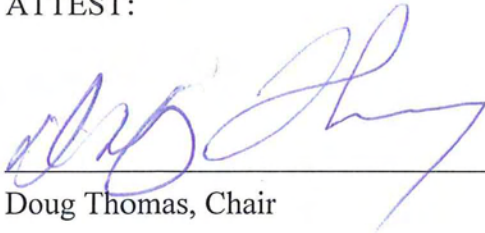
The meeting was adjourned 8:52 p.m.

Respectfully submitted,



Ric Goss, AICP, Planning Director

ATTEST:



Doug Thomas, Chair

Minutes transcribed by Betty Ruger