

M I N U T E S
ORMOND BEACH PLANNING BOARD
WORKSHOP

September 28, 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.

Members Present

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

Staff Present

Randal Hayes, City Attorney
Ric Goss, AICP, Planning Director
Steven S. Spraker, AICP, Senior Planner
Chris Jarrell, Recording Technician

Workshop Item - Electronic Changeable Copy Signage

Mr. Steven Spraker said that the continuation of the August workshop was to allow for further analysis of some of the locational criteria as requested by the Planning Board: 1) potential roadways, 2) the number of properties with a minimum of 200 feet of lot frontage, 3) the number of properties that are 300-500 feet from residential uses, and 4) parcel acreage size. He said that staff had also added potential criteria to their research, e.g., buildings of more than 10,000 square feet or multi-use developments.

Mr. Spraker stated that the process was three-fold:

- 1) to provide roadway signage for all **multi-tenant users**.

He said that the Land Development Code (LDC) limited pole and monument signs for multi-tenant properties to six (6) tenant panels; properties with more than six tenants therefore had insufficient signage. Additionally, he said, the visibility of some properties was restricted by

having buildings that are removed from the road frontage. He said that based on staff analysis, the electronic copy signs provided a better aesthetic for multi-tenant panels that could be difficult to read and allowed for a cycle by which all tenants could advertise.

- 2) To identify the **roadway(s)** on which to allow electronic signage.

Mr. Spraker said staff recommended the follow locations:

➤ **Granada Boulevard, from Clyde Morris Boulevard to Breakaway Trails**

- Total 76 properties; 42 with 300' of lot frontage and 300' from residential
- Total 16 properties of 3 acres or more
- 11 multi-tenant properties larger than 3 acres, with 10,000 SF or more of building size, at least 200' in width and more than 300' from residential.
- Greenbelt Preservation District - allows only monument signs
- Mixture of both office and commercial uses; some complexes allow other uses
- Generally larger parcels west of Williamson Boulevard and Tymber Creek Road
- Residential uses between Clyde Morris and Williamson would limit the impacts
- Sites appearing to meet all criteria between Clyde Morris Boulevard and Seminole Drive were Tomoka Christian Church and Tuscany Shoppes.
- Approximately 10 sites between Seminole Drive and I-95 had multiple uses per the business tax receipts and appeared to meet all criteria, including Wal-Mart, Blockbuster Plaza and Ormond Towne Square. Blockbuster Plaza appeared to meet the 300-foot separation requirement.
- Sites appearing to meet all criteria between I-95 and Tymber Creek Road included Calvary Christian Church, Halifax Hospital and Tymber Creek Shoppes.
- Sites appearing to meet all criteria between Tymber Creek Road and Breakaway Trails included Faith Lutheran Church and Riverbend Church.

➤ **US1 from Nova Road to the Flagler County line**

- Total 88 eligible properties: 33 in the city, 55 in the county; 50 meet size criterion, but only 9 are multi-tenant, such as Bull Run, Ormond Beach Commercial Center, Ormond Commerce Park, Amaral Plaza, MBA Business Center, Gardens Business Center
- Greenbelt corridor - currently requires maximum 7-foot monument signs.
- Most properties are large and not within 300 feet for residential uses.

➤ **Nova Rd. from US1 to the south City limits**

- Primarily a commercial corridor with several multi-tenant shopping centers
- Six (6) eligible properties: The Trails, Capital Plaza, Nova Ace Plaza, Rivergate Shopping Center, Renaissance Center, and Ormond Marketplace

- Currently allows monument, ground monument and pole signage. Pole signage allows a 120 square feet; monument sign copy area limited to 64 square feet.

3) To provide the **minimum dimensional criteria**.

- **Minimum lot frontage of 200 feet.**
- **Minimum distance from residential of 300 feet.**
- **Minimum parcel size (to be determined).**

Mr. Spraker reported that the research indicated several properties over three acres in size with generally larger buildings, multi-tenants and that fit the purpose criteria.

Mr. Spraker said that the term “multi-use” needed to be better defined, noting that it could be multiple use per business tax receipts or perhaps a church with a pre-school. Distance separation, he explained, would be measured from the sign to the adjacent residential property line.

Mr. Spraker confirmed for Mr. Adams that churches, such as Faith Lutheran, would be considered multi-tenant because they have a pre-school daycare (two tenants). He commented that the Church of the Holy Child had only one business tax receipt, so it would not be considered multi-tenant. He agreed with Chair Thomas that they would be forced to start a daycare if they wanted an electronic changeable copy sign and surmised that there were 4-5 churches along the Granada corridor that would be eligible for the electronic signs [under the stated criteria].

Saying that the electronic signage would change once an hour, Mr. Spraker stated that the signs would give all tenants some exposure, thereby precluding the need for the occupants of the multi-tenant buildings to ask for sign waivers. He added that developments with two principal buildings would be allowed a second traditional sign, but not a second electronic sign. He said that there were instances in which two signs would be allowed, such as those having multiple principal buildings or those on corner lots.

Mrs. Press questioned the allowable height of a monument sign; she thought it was 20 feet.

Mr. Spraker explained that a *monument sign* within the Greenbelt Preservation corridor could be a maximum height of five feet (5') to the top of the copy, with an additional two feet (2') for the site address, a maximum of seven feet (7'). He said that in areas for which monument signs were not required (such as along Nova Road and Atlantic Avenue) *ground signs* could be utilized, which had a maximum height of 20 feet.

Mrs. Behnke asked if the bank and fast-food out-parcels at the Ormond Towne Square shopping center could each have their own sign.

Mr. Spraker responded that each of those outparcels was a separate lot of record; therefore, the shopping center had only two buildings and that signs for a principal building were based on the lot frontage. He said that the actual Granada Boulevard frontage was limited and that although they could have two signs, the signs would be quite small. He said that the outparcel businesses would be able to a standard sign, but would not qualify for electronic changeable copy signs, because they did not have 200 feet of lot frontage and were not three acres in size. He reminded the board that that the purpose of the criteria was to allow the electronic signs for larger, multi-tenant properties and

that simply being a multi-tenant property did not mean a property would be allowed an electronic sign.

Mrs. Press acknowledged the amount of work and research that staff had conducted in trying to establish acceptable criteria. She questioned, however, how they arrived at some of the numbers, such as the 200-foot frontage requirement, since they seemed to be arbitrary. She also thought that allowing the signs west from Clyde Morris Boulevard was also arbitrary and unfair.

Mr. Spraker explained that the locations had been chosen because they had commercial land uses and zonings, whereas the area from Orchard Street to Clyde Morris Boulevard consisted primarily of office uses, which are destination-oriented and have different characteristics than do commercial uses. He pointed out that those were the areas of the corridors that the Board had previously directed staff to study and noted that they made sense when viewed in the context of the stated purposes.

Mrs. Press disagreed, saying that the Office Depot located east of Clyde Morris, was commercial, as was the nearby strip center. She reiterated her concerns that the criteria were not fair.

Mr. Spraker said that although not requested by the Board, staff also studied the SRA1A corridor. He said that thoroughfare did not fit well with the criteria because of the close proximity to residential uses. He said that there were also not many parcels over three acres in size, and none that were also multi-tenant, with frontage of 200 feet and 300 feet away from residential.

Public Comments

Ms. Louise Taylor, 18 Village Drive in the Village of Pine Run, reported that it had taken EVAC 20 minutes to arrive at an incident call in Amaral Plaza on Saturday morning because they had been unable to find the plaza; she thought that the lack of signage had caused an unacceptable delay. She also stated that she had erected a legally permitted temporary sign and that during the time it was up, her business had increased significantly. She asked the Board if there was any way to extend the 14-day period for temporary signs in the interim, noting that the lack of signage was also hurting her business.

Mr. John Bandorf, 18 Village Drive, asked if staff had honored his previous request to see if the appeal process for electronic changeable copy signage was the same as it was for all other signs allowed by Code as he thought it should. He stated found it interesting that the city had been dealing with the issue of electronic changeable copy signs for two years, yet were able to become involved with the bikini bar [opening on North US1], shut off their water and attempt to force them into the city within a month. He asked what they needed to do in order to get that kind of attention for their signage request.

Planning Board Member Comments

Mr. Wigley confirmed with Mr. Spraker that the Tomoka Christian Church would meet the stated criteria for electronic changeable copy signs. He noted that their property was currently for sale and asked if a new owner would be allowed to maintain an electronic sign if it was for a different use or whether they would have to re-apply.

Mr. Spraker thought that if the new business did not meet the criteria, the sign would then be nonconforming. He said that the ordinance could include a provision stating that a different use would have to meet the criteria.

Mr. Wigley stated that as a resident of Breakaway Trails, he was not in favor of electronic signs on SR40. He thought the city had created a wonderful boulevard effect along Granada Boulevard from Clyde Morris Boulevard to I-95 and felt that there was nothing to be gained visually from allowing them. He said the signs might be appropriate on US1 or Nova Road, but thought they would be of limited use to passersby traveling at 45 mph or more. He felt that the issue was being driven by people who had located their retail businesses in a location originally planned as warehouse space and who thought that without the electronic signage, their businesses would fail. He did not believe that issue should dictate the need for electronic signs in the city of Ormond Beach, which he felt could affect the quality of life of the residents or the look of the city to visitors.

Mr. Jorzak asked the city attorney what the process would be if the Board were to adopt standards that were so stringent that they resulted in only a few electronic signs, and then later wanted to broaden those standards because they found that the public accepted them.

City Attorney Hayes responded that it would be the same as for the other matters the Board considered; i.e., it would require an LDC amendment, first heard by the Planning Board and then acted upon following the two public hearings before the City Commission. He agreed that a second effort might take less time because the basic structure had already been established, but pointed out that the time frame would depend on how controversial the change might be.

Mrs. Press questioned the effect of the city's Gateway standards on the issue of electronic changeable copy signage.

Mr. Spraker said that an existing provision in the Volusia County Code of Ordinances required businesses within the city's Greenbelt and Gateway areas to comply with the city's Land Development Code requirements for signage and was the reason why county properties had been included in the staff analysis. He said that vacant site located in the County's jurisdiction would have to comply with the city's landscaping, signage, building architecture and utilities. What was in debate, he said, was whether those standards applied to an existing site that was changing use.

City Attorney Hayes explained that his understanding of the County's position was that adherence to the City's Greenbelt standards depended on whether or not it was internal renovation of an existing structure or whether it involved a renovation of more than 25% of the existing footprint.

Mrs. Press said she had mentioned the gateway standards not only because of the situation on North US1, but also because of the Ormond Beach/Daytona Beach mix of properties on State Road 40 in the area across from Breakaway Trails, among others. She referenced the memorandum from the Elite Business Park, which had 17 all-inclusive office suites and now wanted commercial uses, and asked if office uses would also be allowed to have electronic signage.

Mr. Spraker said that the property was less than three acres in size and would not meet the drafted criteria. He noted, however, that the Board could change the criteria or could limit the roadways. He

explained to Mrs. Press and Mrs. Behnke that a percentage of commercial uses was allowed within the office zoned districts, as was personal services.

Mrs. Behnke felt that the infrequent sign changes would limit the effectiveness of advertising 17 businesses, even with multiple names on each iteration. She said that an owner could also use the sign to advertise the lease space for rent, thereby further limiting the tenant exposure. She felt that the current economic situation should not be used as an excuse to include in the LDC things that would not otherwise be permitted.

Mr. Spraker responded to Mrs. Behnke's inquiry that a double-wide mobile home on a site that was commercially land used and zoned would be considered nonconforming and would therefore have no effect on the distance requirements for electronic changeable copy signage.

Mrs. Behnke stated that the more standards in the code, the more need for code enforcement, and said that if staff could not handle the enforcement issues created by a particular standard, it did not need to be put into the Code. She commented that the city already had more sign problems than code enforcement staff could handle. She felt that allowing the signs for the multi-use businesses would open a can of worms; though limited at first, the business community would want more and more concessions from the city to allow additional locations and capabilities. She viewed everything that came before the Board as whether or not it would be good for the city, she said, and that in this instance there was too much potential for abuse.

Mr. Adams recalled his initial concern at the idea of the electronic signs along SR A1A and other major thoroughfares in the city, but had changed his mind once the Board had developed the criteria that would severely restrict their use. He thought that the criteria were a good solution in getting things started and complimented Mr. Spraker on his research in developing the guidelines. He thought the work was solid and lent credence to the numbers and saw no reason why the Board could not use that information to move the item forward.

Mr. Opalewski echoed Mr. Adams comments and said that the Board was under a directive from the City Commission to provide them with language for electronic changeable copy sign regulations so that they could decide whether or not the signs were appropriate for the city. He said he was encouraged that the last meeting had been so productive; he thought there was a place in the city for electronic signage and hoped the Board could find a compromise that was acceptable to everyone.

Chair Thomas remarked that the time and location of the workshop had been a feature on the front page of the Neighbors section of the newspaper and expressed disappointment that the meeting was not well-attended. He questioned the opposition to the electronic signage and stated that those with whom he had spoken wanted the signs. He agreed with Mr. Adams and Mr. Opalewski that he was not concerned about allowing the signs on A1A, given the results of the research that showed so few eligible locations along that tourist corridor south of Granada Boulevard.

Chair Thomas also stated that:

- Hand Avenue would become a commercial corridor, with traffic diverted from SR40 once the overpass over I-95 was constructed and the road connection made with LPGA Boulevard and should be considered as an eligible corridor for electronic signage.

- Electronic changeable copy signs belonged on SR40 between Tymber Creek Road and Breakaway Trails, noting that there were businesses there that required them.
- Although he thought Wilmette Avenue would be a good southern boundary for the electronic signage along US1, he had no problem with designating Nova Road.
- The criteria provided by staff would severely limit the number of properties that would be eligible for the electronic signage.
- Because he was a businessman, he would probably be more lenient than other Board members.

Mrs. Press remarked that the diversity of opinions of the Board members was a good thing and pointed out that although the City Commission did ask for the Board's recommendation, they should not function as a rubber stamp. She also stated that as Board members, they were charged with the responsibility of representing the residents and doing what they thought best for the city, regardless of whether or not people attended the meeting.

Mr. Jorczak asked whether it was legally acceptable to designate only a segment of a roadway.

City Attorney Hayes responded that it was alright, since it was a reasonable regulation that dealt with location and because it was an additional form of signage that did not take away another means of signage communication. He thought that by designating only a segment, the Board could evaluate the result over time, or that alternatively, they could accept the criteria and designate all the roadways.

Mr. Jorczak thought that electronic changeable copy signage was a huge issue for the city and that although he was not opposed to electronic signs *per se*, he was very cautious about how to employ the technology in Ormond Beach. He agreed with Mr. Wigley and stated he did not want them along SR40; he did not believe it was the appropriate look for that main entrance to the city. He said that US1 north of Nova Road was more of a general commercial corridor, with a mixture of uses including industrial and some retail, and would better serve as a test case to give some businesses the benefit of the signs, while gauging the reaction of the public. He said that allowing the signs on a limited basis would also help the Board to determine whether or not the established parameters were appropriate, while limiting the impacts to the city.

Mr. Spraker responded to Chair Thomas that the existing electronic sign at the Performing Arts Center (PAC) was currently nonconforming and could remain unless damaged more than 50% or completely destroyed.

Chair Thomas doubted that the city would allow it to be removed because of the cost of the sign and asked if it was possible to include a statement in the ordinance that would allow the existing signs to be grandfathered.

Mr. Spraker said that the corridor would have to be extended to Wilmette Avenue and that the property would have to meet the criteria; he did not believe the property was a multi-tenant use.

Chair Thomas pointed out that the sign benefitted a large percentage of the citizens of Ormond Beach and had been the reason he wanted Wilmette as the southern boundary of the designated

roadway segment. He said that the criteria and the presence of wetlands would preclude most other properties from Wilmette to Nova Road from having the signs.

City Attorney Hayes asked that the Board determine whether or not there was a consensus for the criteria not addressed at the last workshop, so that his staff could finalize the draft ordinance.

Mr. Spraker stated that the Board had reached consensus on all the criteria except for Items 1, 2 and 5, as shown in the Board minutes from that workshop.

Item 1 – Roadway Designation

- Staff wanted Board direction regarding US1, Granada Boulevard and/or Nova Road and offered to study the Hand Avenue corridor if the Board so requested.
- Three (3) board members were adamantly opposed to the concept of electronic signs; four (4) board members were not opposed, but would allow only with conditions.
- Mr. Adams and Mr. Jorzak liked the criteria provided, but wanted to allow electronic signage on a limited basis, only on North US1.
- City Attorney Hayes said that once electronic signage was allowed along a designated roadway segment, it would be permitted until the ordinance was amended or another ordinance was adopted to prohibit the signs (at which time any existing signs would become legally nonconforming). Not the same as sunseting.
- Chair Thomas wanted to include in the ordinance a time certain (two years) at which time staff would re-analyze the electronic signage issue. He thought that not allowing electronic signage continued to give license to the unattractive signage that already existed in the city. He did not think it should take so long for the city to decide whether or not to allow electronic changeable copy signage.
- Mr. Jorzak was not in favor of the signs and thought it would be a long-term nightmare, but felt the Board recommendation should provide the commissioners with the criteria developed should the City Commission want to permit them.
- Mrs. Press thought it ironic that those who wanted the signs were not located in the proposed corridor. She pointed out that the Commission directive had not been unanimous and said that it was not the right time to move the issue forward.
- Mr. Wigley questioned establishing Wilmette as the southern boundary on US1, since the PAC was not multi-tenant and would not meet the criteria if the existing electronic sign was destroyed. The city attorney pointed out that only if included could the city possibly re-establish another sign that did conform to regulations in the ordinance. Mr. Spraker said that the PAC did not currently have more than one business tax receipt (used to identify it as a multi-use property), but offered to look into it before the next meeting.
- Mr. Spraker also agreed to take a look at those businesses that had hung interior electronic signage in their windows, as noted by Mr. Jorzak. Both he and the city attorney were unsure whether or not those signs were legal.
- **The Board agreed to include the multi-tenant criteria.**

- **The Board agreed, for the purpose of drafting the ordinance, to identify the designated roadway segment in the draft ordinance as US1 between Wilmette Avenue and the northernmost city limits.**

Item #2 – Locational Criteria

- The draft would include 200 feet minimum lot frontage and three (3) contiguous acres.

Item #3 – Number of Signs

- Mr. Adams said that there did not appear to be any corner lots within the designated roadway segment, but felt that they should be allowed a second sign if they had 200 feet of frontage on both streets.
- A property with two two principal buildings and allowed two signs by right, could have one electronic sign and one regular sign, but would not be allowed to have a third sign. The electronic sign would be in lieu of one of the standard signs.
- City Attorney Hayes said that language needed to be included in the ordinance for electronic changeable copy signs, regardless of whether or not it was located elsewhere in the code.
- City Attorney Hayes agreed to include language to address the sign regulations for a multi-building, multi-tenant property.

Item #4 – Setback Criteria

- Mr. Spraker suggested a sign setback of five feet (5') rather than the ten feet (10') as specified in the draft ordinance, to be consistent per other regulations in the Land Development Code and prevent the unnecessary destruction of some landscaping in the buffer area to allow for site/sign visibility.
- In response to Mr. Jorczak, Mr. Spraker said that a sign to be constructed in a utility easement would require a release from the appropriate utility.
- **Consensus: 5-foot sign setback, as with other sign setbacks in the LDC.**

Item #5 – Distance Criteria

- The draft would include a 300-foot separation between electronic signage and residential uses.

Item #5 – Sign Type

- **Consensus was for a *monument sign*, rather than a ground monument sign.**
- Staff suggested setting a square footage standard within the ordinance, noting that the maximum for a monument sign was 64 square feet (100%).
- Chair Thomas thought that 100% text area would be easier for passersby to read.
- Mr. Adams thought that the signs should include the business location and address as well.
- Consensus was to leave sign area at 50%, with the option to amend it at the next meeting.

Item #11 – Brightness

- The Performing Arts Center signage is 25mm pixel spacing; staff recommended 20mm pixel spacing for static text and 16mm pixel spacing for changeable copy to ensure the sharpness.
- Chair Thomas asked that staff provide visual aids at the next meeting for purposes of illustration.
- Staff confirmed that light would be measured by foot-candle.

Appeal Process

- Current signage appeals are from the Chief Building Office or Site Plan Review Committee to the City Commission; further appeal is by writ of certiorari to the circuit court.
- **Consensus was the keep the appeals process the same for all signage.**

City Attorney Hayes advised the Board members that Legal would work with planning staff to revise the ordinance and present it to them at the next regular Planning Board meeting on October 14th.

Chair Thomas asked the city manager if they could call attention to the Planning Board's hearing regarding electronic changeable copy signage by using the Friday newsletter. He thought that a prominent notice would help in encouraging the public to attend.

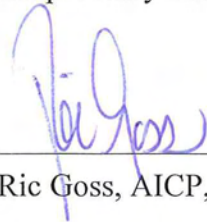
Mrs. Behnke opined that residents, both for and against the signage, would be more inclined to attend the City Commission meeting. She asked if there was any way to provide relief to the tenants at Amaral Plaza.

Mr. Goss explained that staff had to adhere to the regulations in the Code and could not simply waive those requirements. Mr. Spraker added that a Code amendment would be required, but pointed out that they could have a banner four times a year for 14 days each time. He cautioned that any amendment to the LDC would apply not only to one property, but would apply citywide. He responded to Mr. Jorczak that he could provide aerials of the locations along the US1 corridor that met the draft criteria and would include approved PRDs (planned residential developments) or those in the process of approval, even if they had not yet been constructed. He said that they could also identify larger vacant tracts with the potential for electronic signage.

I. ADJOURNMENT

The meeting was adjourned 9:05 p.m.

Respectfully submitted,



Ric Goss, AICP, Planning Director

ATTEST:



Doug Thomas, Chair

Minutes transcribed by Betty Ruger