

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

June 11, 2009

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

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

Staff Present

Randal Hayes, City Attorney
Steven Spraker, AICP, Senior Planner
Laureen Kornel, AICP, Senior Planner
Sabrina Johnson, Planning Technician
Chris Jarrell, Recording Technician

Members Absent

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. PLANNING DIRECTOR'S REPORT

Mr. Spraker, on behalf Planning Director Ric Goss, referenced the prior discussion with the Planning Board regarding the Activity Center future land use designation within the **Ormond Crossings** area, and reported that staff had been unable to resolve the issues. He said that staff would bring the item back before the Board following further discussion with the Department of Community Affairs to determine what the DCA would or would not support. He also reported that **The Courtyards** planned development had been approved by the City Commission at their last meeting. He said that the applicants had submitted final development and building plans and that the project appeared to be going forward.

Mrs. Press questioned the appropriateness and the procedure for addressing an issue not on the Planning Board's agenda. She advised that the subject of making John Anderson Drive a one-way street for southbound traffic had been proposed by the Mayor in conjunction with a stormwater project for that area. She stated that the proposal included the possibility of making John Anderson a single lane drive and perhaps reducing the speed limit to between 15-25 mph. She thought that the Planning Board might want to discuss the proposal to identify concerns so that when the proposal was presented, some of the concerns would already have been addressed. She also thought that their comments or concerns could then serve as a guide to staff and to the city commission.

Mr. Spraker suggested that staff prepare a packet of information regarding the proposal and then present it at the next Board meeting for discussion. He explained that staff typically did not advertise items on which action would not be taken.

Mrs. Press acknowledged some concern with the Board discussing something that the City Commission had not yet addressed, but felt that the potential change to John Anderson Drive could have far greater impacts than any development they might recommend for approval. She thought it important that the Board discuss the proposal.

City Attorney Hayes agreed with Mr. Spraker that there was no rule to preclude adding an item to a published agenda. He said that although the Board was free to discuss a simple matter, he thought that staff would like an opportunity to present a package to the members regarding the John Anderson proposal so that the Board could have an informed discussion.

Mr. Spraker agreed that it was a little outside the scope of reviewing land development codes or projects, but said staff would be happy to prepare the information if it was something that the Planning Board wished to review.

City Attorney Hayes added that the subject matter was certainly within the Board's purview.

Mrs. Press explained that the question had just been raised by the mayor, but recalled that two years earlier the City had spent money on a one-way study for John Anderson. She said that although nothing had transpired since, there had been many citizens who were unhappy with the idea. She thought the Board should be a little proactive discussing the problems and concerns of the proposal, even if they were not taking action.

City Attorney Hayes also recalled that when the issue was originally raised, there was some opposition from members in the community and elsewhere. He did not remember if the city commission had voted on the proposal or not, but did recall that the general consensus was that it was not an item on which they wanted to move forward.

Chair Thomas asked if it would be presumptuous to start talking about the issue before the City Commission asked them to do so.

City Attorney Hayes said that city commission certainly had the authority to assign a task to the Planning Board, but that no one knew whether or not they would. He said that he thought it was within the Board's authority to review, since they did not need permission to study [transportation] issues, and saw no problem with staff bringing information back to the Board.

Mr. Thomas was in favor of the discussion, but asked if it could wait until August, when he could attend. He noted that it would also give staff more time.

Mrs. Press suggested that areas of concern be forwarded to planning staff in the interim. She mentioned concerns such as fire service, response time for EVAC, mass transit issues, and communication with the County. She pointed out that left-turn traffic from Granada Boulevard onto Halifax northbound was already congested and posed the question of how many more cars could be added to that flow.

Mr. Spraker confirmed that staff would pull the data together and bring it back to the Board.

VI. APPROVAL OF THE MINUTES

Mrs. Press advised that she had provided the recording technician with corrections to the May 7 meeting of the Board. She said that Chair Thomas had opened the meeting to public comment, and not as reported. Also, she did not recall stating that the advertising for the Rose Villa was brilliant; rather, the minutes should have read "from a marketing standpoint, the period décor allows the Rose Villa to tout a unique dining experience unlike any other in the area".

The Chair accepted the minutes as corrected.

VII. PUBLIC HEARINGS

A. LDC 09-17: Chapter 2, Article III, 2-50(T)(10 & 11) – Outdoor Activities

Ms. Johnson said staff had recognized, and was in the process of, correcting inconsistencies in the Land Development Code (LDC) and that the item before the Board affected both the outdoor activities of retailers, houses of worship and non-profit charitable events. She said that the Item 11 language was to have replaced the Item 10 language when added in 2005, but removal of Item 10 had been inadvertently overlooked.

Ms. Johnson reported that in an effort to streamline the process for special events, staff had created a simple permit so that applicants can simply follow the process detailed in Item 11. She said it was designed not only to make it easier for charity or non-profit organizations, but also allowed staff to track the activity through the city's electronic (HTE) system to limit such special events for each applicant to four times per year. She added that the revised language had also been amended to extend current 10-day special event period to 14 days, making it consistent with the signage (temporary banner) regulations in the Code, and clarified inspection of temporary tents/structures by the city's fire inspectors would be required in order to ensure the safety of the public.

Mrs. Press referenced the language on Page 4, B and suggested eliminating the word "*typically*" from the requirement that "display is limited to the goods ~~typically~~ sold by the sponsoring business".

Mrs. Behnke pointed out that the second sentence would also have to be corrected to remove the same wording so that the regulation read, "...sale of items not sold..."

Ms. Johnson agreed to do so and to make sure the language was consistent.

Mrs. Press made a motion to accept LDC 09-17, eliminating the word "*typical*". Mr. Opalewski seconded the motion, which passed by unanimous vote of the Board.

VIII. OTHER BUSINESS/INFORMATIONAL ITEMS

A. EAR-Based Amendments Discussion: Intergovernmental Coordination Element and Cultural and Historic Resources Element

Ms. Kornel reported that the Recreation Element would be coming before the Planning Board in July. She agreed to delay that discussion to August so that Chair Thomas could be present, given that recreation was an area of particular interest to him. The Board agreed and Ms. Kornel advised the Board that staff was nearing the end of the EAR-based amendments discussions.

Intergovernmental Coordination Element

Ms. Kornel drew the Board's attention to Policy 1.4.2., which strengthened beach access and parking; Policy 1.8.6, which expanded the City's commitment to develop multi-modal strategies; and Objective 1.10 and Policies 1.10.1 through 1.10.3, which provided for a dispute resolution

process. She said the Schools policies had been eliminated and were now the newly developed Public Schools Element and that added was the Votran site plan review in accordance with the Transit Design Guidelines. She said a few minor changes had also been made, such as removing Policy 1.1.3. (grant procedures for the capital improvements projects), so as to remain consistent with the staff policy of removing specifics from the comprehensive plan. She said updates had also been made to 1) Policy 1.4.7. to work with the Metropolitan Planning Organization to develop and implement Bike/Ped studies and 2) the reference to the Volusia County 2030 Long Range Transportation Plan.

Mr. Jorczak questioned that in writing all of the policies and objectives as part of the Evaluation and Appraisal Report (E.A.R.) that would be submitted to the State, whether or not the City was creating a liability for itself. He expressed concern that, given the budget shortfalls, the city was obligating itself for things that it might not have the monetary resources to fulfill. He asked if the State DCA [Department of Community Affairs] could later take action against the city for failure to comply with those things set forth in comprehensive plan, i.e., did the comprehensive plan legally bind the city to perform actions that it might not be capable of doing. He told the Board that he had attended Commissioner Gillooly's zone meeting at which the residents were encouraged to identify community priorities, and learned that the current budget shortfall was expected to result in additional cuts in personnel and cuts in city programs. He added that there was nearly a 30% shortfall in unfunded pension liabilities for the city.

Mr. Thomas recalled that the Recreation Advisory Board, at their meeting the night before, had discussed that the more broad and vague the policy language, the less likely they would be to put themselves in such a situation.

City Attorney Hayes felt that the board members were talking about a lot of "what ifs" and but agreed with Mr. Thomas that the more broad the language, the more flexibility the City had in implementing those policies. He said that was the reason to rely upon the planning staff. He said some of the language was determined by what the State wanted to see in the documents. He reminded the board that the purpose of the document was to provide a broader policy perspective, with the implementing regulations following. He said he understood the concern, but did not think it was something that they needed to worry about long term.

Mr. Jorczak said that altering the language from "we *will* do this", as opposed to "we will *try* to do this", made it less definitive.

City Attorney Hayes suggested that they discuss any specific concerns with specific policies, but said he could not tell them that there would absolutely be no problems later; his best guess was that there would not, based on past experience. He pointed out that it would be difficult to have a policy guideline that was so permissive that it lacked any potential for enforceability. He thought the idea behind the policies was to have something more definitive, while the question was how far to take it.

Ms. Kornel explained that the Capital Improvements Program (CIP) outlined the projects and expenditures, which was then translated into the state mandated Capital Improvements Element (CIE). In addition, she said that the city was required to establish specific level of service (LOS) standards, such as those in the Recreation, Transportation, Schools and Utilities Elements. She

further explained that the comprehensive plan was meant to be a guiding document with broadly stated policies, backed up by the Land Development Code. She said that the budget concern expressed by Mr. Jorzak was something of which staff was cognizant.

Mr. Jorzak asked what would happen if the citizens decided they would rather spend money on police or fire services or other city functions, e.g. in lieu of budgeting money for maintenance of the road medians.

Mr. Spraker said the City would stand pretty well. He explained that maintenance of road medians was not a comprehensive plan issue; rather, it was a beautification/aesthetic issue and did not affect the LOS of the roadway. He said the goals, policies and objectives included both the levels of service that the city had to provide, as well as development-related goals, policies and objectives that were regulatory and did not cost the city anything, but were required for review of projects. He pointed out that secondly, there were levels of service for recreation and roads that were funded through development impact fees. He said that the comprehensive plan was coordinated so as to try to link the comprehensive plan, the land development code and the city's annual budget through the Capital Improvements Element. He said that obviously, the less development money available, the fewer projects that could be funded with those dollars, potentially resulting in a negative impact for recreation. He said that the "push and pull" would always be a part of the equation, but felt that City staff had strived to make the situation better by removing a lot of the detailed policies in the comp plan and to plan for things that were realistic that maintained the levels of service and the development standards.

Mr. Jorzak remarked that the language would be vague enough to allow funding in one area or another, still providing a service. He said it became subjective as to whether or not the service was adequate.

Mr. Spraker concurred and said that the example of the medians was a good one, because whether or not concrete, grass or trees were chosen for the medians, the functionality of the roadway was the same.

Chair Thomas put the example in recreation terms, saying that DCA cared only about the levels of service standards, which had to be established by percentage of the population, e.g., "x" number of basketball courts, baseball fields, passive parks, active parks, etc., for the population of Ormond Beach. He said DCA cared about how many cars were sitting at the traffic light at Tymber Creek and Airport Roads, and for how long. He said that he had had the privilege of working with several planning directors and 2-3 city attorneys during his time involved with the City and had found that while DCA provided guidelines for what they wanted, in reality, they would not come back to say that the City was not doing something exactly like they wanted. He pointed out that 1) they did not have the staff to do so, and 2) the agency was close to being dissolved during the past year. He said that although they could make noise, that was generally all they did.

City Attorney Hayes agreed, but pointed out that it was dependent upon who the city was dealing with, what was going on at DCA, and whether not there was an issue involved. He noted that an issue tended to highlight, or magnify, a problem. But he concurred that DCA was struggling just like everyone else and thought that everyone did their best to make sure their plans met the

requirements, while providing as much flexibility as possible. He agreed that DCA was not out looking for trouble, since they had too much other stuff to do.

Mrs. Press stated that the comprehensive plan was simply a road map to put into effect, in broad terms, what the city wanted to do. She agreed that if something happened and there was no money, DCA would not then say that the document was no good. She said she thought that staff had done a fine job.

Mrs. Behnke recalled that when the process first began, it had been decided that any specific deadlines or schedules should be removed from the comprehensive plan. She said she agreed that the broader the language, the more latitude the city had, and that even though it might be several years in the future, the Plan continued to lay out viable thoughts of things the City wanted to do.

Cultural and Historical Resources Element

Ms. Kornel pointed out that the Element's title had been changed, since the Historic Preservation objective and associated policies had been moved from the Future Land Use Element to the Cultural Affairs Element. She also stated that Policy 1.2.10 had been eliminated because the old coquina firehouse was no longer under city ownership and that a few policies were deleted that were related to the libraries, since those policies were a function of the county, rather than the city. She said that additional cleanup had been done to policies related to the Rockefeller Gardens and that those had been added into the 5-Year Capital Improvements Program; another policy had been amended to provide for clarification on the usage of the Ames House for the legal department, along with a few other minor clean-up type changes.

Ms. Kornel also reported that Element before the Planning Board incorporated the changes that had been requested by the Historic Landmark Preservation Board.

In response to Mr. Opalewski's inquiry, she thought that the final draft package would be presented to the Planning Board, and subsequently the City Commission, for their review in early fall. She explained that once approved, that the E.A.R. (Environmental and Appraisal Report) would be forwarded the Department of Community Affairs for their review and comments. She said that the City would then make final revisions before presenting it once again to the Board and City Commission for adoption, probably by Summer, 2010.

Mr. Thomas said that in concert with Ms. Behnke's prior comments, he, too, thought staff had made the EAR process much easier than the process a few years earlier. He expressed both his appreciation and his gratitude for the way the current review was being handled.

Ms. Kornel said that it had always been a team effort and thought that it had been a wise decision to bring forward the Elements individually, because of the daunting nature of the task.

Chair Thomas asked if the Rockefeller Gardens project would be finished in time for the Fourth of July festivities. Ms. Kornel replied that they were trying to finish it by then. She said they were working seven days per week.

IX. MEMBER COMMENTS

Mrs. Behnke wished everyone a happy Fourth of July.

Mrs. Press said that as the planning (Board's) liaison to the Volusia County School District, she had attended three meetings. She noted that the attendance at those meetings was steadily declining, but that in order to make her efforts worthwhile, she reported that:

- Last year, Volusia County had the highest percentage of student membership decline among the major Florida counties.
- The reduction of student population translated into a reduction of state revenues for the Volusia County school system.
- Most of the student enrollment reduction was expected in middle and high school.

(She responded to Chair Thomas that they had given no reason for that expectation.

Mr. Wigley wondered if the drop in student enrollment was consistent with a drop in the population of Volusia County. Mr. Opalewski thought that the decline in population was likely because of the lack of jobs and rising unemployment, particularly among young families. He thought that many in that age group had moved away in search of work.

Mr. Jorczak recalled that when the Board was discussing the developments in the western part of the city, it was believed that the decline in enrollment was spread across all grade levels.

Mrs. Press commented that there was no development occurring in that area and people were moving out instead of moving in.)

- The half-cent sales tax will sunset in 2016.
- The Pine Trail Elementary School project was shovel-ready, but it remained unknown whether the school would be eligible for state or federal stimulus funding.
- Nine additional classrooms had been added at Pine Trail and Pathways schools this school year.
- Ormond Beach Middle School had been slated for work to be done in four phases. Phase I was in progress, but the remaining three phases were presently unfunded. The District staff had proposed that funds for the Pierson Elementary replacement school be shifted to the OBMS Phases 2 & 3. Mrs. Press remarked that without completion of the project in that residential area, it would look like half of the building had been destroyed.
- The 2009 capital revenue projection (monies for buildings, buses, and technology) was nearly \$30,000,000 less than the school district received in 2008.

Mr. Jorczak apologized for missing the last meeting; he was away on business, but concurred with the findings of the Board at the last meeting.

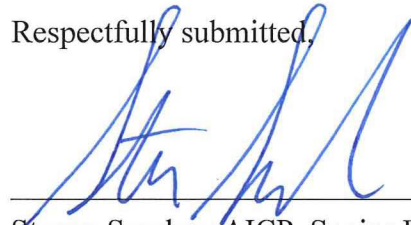
Mr. Wigley also wished everyone a nice Fourth.

Chair Thomas said that he thought the City and city employees had performed magnificently during the flooding and said the citizens should be proud. He reported that he had attended the zone meeting hosted by his commissioner and that he was proud of the citizens of Ormond Beach, because they recognized that funding must be provided for the services they receive. He thought that was partly because of the way city staff was presenting the problems to the citizens. He reiterated that he would be out of town at the time of the July meeting.

X. ADJOURNMENT

The meeting was adjourned at 7:50 p.m.

Respectfully submitted,



Steven Spraker, AICP, Senior Planner

ATTEST:

Doug Thomas, Chair

Minutes transcribed by Betty Ruger.