

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

November 9, 2012

7:00 PM

City Commission Chambers
22 South Beach Street
Ormond Beach, FL 32174

PURSUANT TO SECTION 286.0105, FLORIDA STATUTES, IF ANY PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE PLANNING BOARD WITH RESPECT TO ANY MATTER CONSIDERED AT THIS PUBLIC MEETING, THAT PERSON WILL NEED A RECORD OF THE PROCEEDINGS AND FOR SUCH PURPOSE, SAID PERSON MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDING IS MADE, INCLUDING THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

PERSONS WITH A DISABILITY, SUCH AS A VISION, HEARING OR SPEECH IMPAIRMENT, OR PERSONS NEEDING OTHER TYPES OF ASSISTANCE, AND WHO WISH TO ATTEND CITY COMMISSION MEETINGS OR ANY OTHER BOARD OR COMMITTEE MEETING MAY CONTACT THE CITY CLERK IN WRITING, OR MAY CALL 677-0311 FOR INFORMATION REGARDING AVAILABLE AIDS AND SERVICES.

I. ROLL CALL

Members Present

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

Staff Present

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

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 MEETING MINUTES: August 9, 2012

Ms. Behnke moved to approve the minutes as submitted. Mr. Briley seconded the motion. Vote was called, and the motion unanimously approved.

VI. PLANNING DIRECTOR'S REPORT

None.

VII. PUBLIC HEARINGS

A. LDC 13-005: Water Survival Instruction Land Development Code Amendment.

Mr. Thomas stated he asked Meggan Znorowski, Recording Technician to provide copies of the draft minutes from the joint workshop with the City Commission, and Ms. Znorowski graciously provided them. Mr. Thomas added the Board could utilize them to refresh their memory.

Mr. Richard Goss, Planning Director, City of Ormond Beach, stated this item initially was raised during the summer when the Board was reviewing other home occupations amendments, which the Commission approved allowing swimming instruction, but carved out a provision with regards to water survival instruction which would be a conditional use for which the City Commission directed staff to draft the criteria. Mr. Goss stated on October 1, 2012, a joint work session was held by the City Commission and Planning Board, and what is before the Board now is a result of that work session. Mr. Goss explained the three parts to this amendment: a definition of what water survival instruction is, the addition of water survival instruction as a conditional use to 13 zoning districts, and the criteria for the conditional use. Mr. Goss explained the requirements such as proof of general liability insurance, certification, and business tax receipt.

Mr. Briley stated staff has addressed the concerns that arose from the joint meeting with the City Commission.

Ms. Press inquired if there is a handle on how many home based businesses are within the City, and how does a business tax receipt work.

Mr. Goss responded yes, and NID constantly finds people who are working in their homes without a business tax receipt (BTR) based upon complaints. Mr. Goss explained BTRs work by the applicant coming and completing the application, some of which require zoning approval, and then the conditions are attached to the BTR which would be kept on file with the certification and proof of insurance. Mr. Goss stated the fee is dependent upon the type of business.

Ms. Press asked if there are any subdivisions which would meet the 20,000 square feet minimum lot size for water survival instruction.

Mr. Goss replied that there would not be many 20,000 square foot lots in most of the subdivisions approved as PRDs unless someone bought 2 lots and combined them, but staff attempted to keep this out of the small lots and keep it to the larger lot because based upon the testimony there is noise, and the noise is not typical of swimming instruction.

Me. Press stated she felt 15 minutes in between students was too little, and suggested 30 minutes.

Mr. Heaster stated when he read #5 regarding the maximum number of students and the time in between because if you have young children, you want one child to start right after the other finishes. Mr. Heaster expressed he felt this item was overbearing and difficult to follow. Mr. Heaster commented that there is already a provision permitting only one child in the pool at a time as well as only parking in the driveway.

Mr. Thomas stated he could see both sides of this issue.

Mr. Jorczak stated it was his understanding that there was only one individual doing water survival instruction in the City.

Mr. Goss responded only one person he is aware of.

Mr. Jorczak asked if this is a big issue in terms of the number of people that are trying to do this.

Mr. Goss replied it will only be an issue if another is found.

Mr. Jorczak stated he views this as a set of restrictions which minimizes the capability of this occurring in the City.

Mr. Goss responded that with water survival instruction there shouldn't be more than 1 child in the pool because with more than 1 child there are safety issues, and the 15 minute break was to eliminate the stacking of cars.

Mr. Goss stated he would be happy to provide any comments the Board may have to the City Commission.

Mr. Jorczak commented from a practical perspective with the insurance, certifications, and business tax receipt, this is designed to limit the number of water survival instructors.

Mr. Goss responded that there is a lot of money in this; this type of instruction makes a lot of money.

Ms. Behnke added approximately \$700 a student. Ms. Behnke stated that when teaching survival it should be one on one, not two or three children at the same time. Ms. Behnke commented that 15 minutes in between is plenty of time because the instructor isn't going to dry the child off, the parent is. Ms. Behnke

added that this item is well written and meets the requirements that were made by the community.

Mr. Thomas stated, with regards to an indoor pool that is in your house, that should not be the City's business; there are noise regulations and the like. Mr. Thomas stated the City should not be placing regulations on an indoor pool.

Mr. Goss responded that you need a BTR to do any type of business within your house, so it applies to an indoor pool.

Mr. Briley moved to approve LDC 13-005 as presented. Mr. Jorczak seconded the motion. Vote was called, and the motion unanimously approved.

B. MM 13-013: Capital Improvements Element (CIE) Annual Update.

Ms. Lauren Kornel, Senior Planner, City of Ormond Beach, stated this is an update to the City's Comprehensive Plan; the 2011 legislation still requires that the schedules are updated annually, but the schedules are not required to be submitted to the Department of Economic Opportunity as a comprehensive plan amendment. Ms. Kornel explained that the purpose of the amendment is to identify the capital improvements needed to implement the Comprehensive Plan to ensure the City's meeting its Level of Service (LOS) standards. Ms. Kornel stated no goals, objectives, or policies have been changed as a result of the annual update, and the only LOS not being met is solid waste which is the same as last year. Ms. Kornel noted that Tables E and F have not been included with the agenda item as that data has not been received from VOTRAN, and once that data is received those tables will be updated and reviewed by the City Commission. Ms. Kornel stated staff is recommending approval.

Mr. Jorczak inquired as to the status of the mobility fee and its impact on the capital improvement budget.

Mr. Goss replied it will have an impact because it was originally thought that the mobility fee would be in lieu of the Volusia County Impact Fee and the Board was concerned that both would be charged. Now, after 3 years Volusia County doesn't want to do it due to issues at the Speedway which would be replicated in Daytona Beach if the County gave it to the City of Ormond Beach. Mr. Goss explained there are direct benefits to keep the Transportation Concurrency Exception Areas (TCEA) for SR 40 and US HWY 1 because development used to be turned down along those corridors, and with the TCEA that doesn't have to be done. Also, the City's local road impact fee, which is in addition to the County road impact fee and is citywide, would be converted for the 3 corridors to a mobility fee. Mr. Goss explained for the majority of the uses, there are significant reductions from the road impact fee to the mobility fee which becomes an incentive for redevelopment along those corridors. Mr. Goss stated outside those corridors just the road impact fees would apply. Mr. Goss continued that in order to do the fee, the original developed projects have to be cut back; now that the fee has been determined, the projects have to be adjusted to match those fees so that the mobility fee is not

higher than the road impact fee. Mr. Goss advised the Board that they will have the mobility fee before them at the next meeting.

Mr. Jorczak asked if it will impact resurfacing projects.

Mr. Goss replied no, it shouldn't impact resurfacing that much, but impact fee money should not be used for resurfacing. Mr. Goss explained impact fees are used for new roads and to be the City's match to the TPO for projects received from FDOT.

Ms. Press asked if staff could provide a schedule for resurfacing at the next meeting.

Mr. Goss answered that he would obtain the Paving Index from Engineering and provide it to the Board.

Ms. Press stated she read in the paper that the new County Chair was hoping to reduce the gas tax.

Mr. Briley added that Volusia County is at the highest it can tax.

Mr. Goss responded that the gas tax has been pledged to the impact fee bonds.

Mr. Briley stated the problem is that the gas tax does not fluctuate with the price of gasoline.

Mr. Goss added that collections are down.

Mr. Briley stated that the gas tax is what funds the infrastructure.

Mr. Heaster asked if there was a timeframe for the sanitary sewer build out.

Mr. Goss replied that the City has planned for expansion as the city grows. Specifically, the City doesn't know when build out will occur for Ormond Crossings.

Mr. Briley moved to approve MM 13-013 as presented. Ms. Press seconded the motion. Vote was called, and the motion unanimously approved.

C. LUPA 13-011: 1428 North US Highway 1- Small Scale Land Use Map Amendment.

Ms. Becky Weedo, Senior Planner, City of Ormond Beach stated the next three items LUPA 13-011, 13-009, and 13-007 are administrative small scale Comprehensive Plan Land Use Map amendments as a result of recent annexations, and if it pleases the Board, the three will be presented together with a vote on each individually for the record.

The Board had no objections.

Ms. Weedo explained since the properties are now annexed, they are required to have a similar City future land use assigned; the properties are currently Volusia County Commercial, and the most similar City future land use designation for this area is Low Intensity Commercial. Ms. Weedo explained the orientation, location, and properties of the subject parcels. Ms. Weedo stated staff is recommending approval.

Mr. Briley moved to approve LUPA 13-011 as presented. Mr. Jorczak seconded the motion. Vote was called, and the motion unanimously approved.

D. LUPA 13-009-1438 North US Highway 1- Small Scale Land Use Map Amendment

Mr. Jorczak moved to approve LUPA 13-009 as presented. Ms. Behnke seconded the motion. Vote was called, and the motion unanimously approved.

E. LUPA 13-007-1444 North US Highway 1- Small Scale Land Use Map Amendment

Mr. Jorczak moved to approve LUPA 13-007 as presented. Ms. Press seconded the motion. Vote was called, and the motion unanimously approved.

F. RZ 13-012: 1428 North US Highway 1- Zoning Map Amendment

Ms. Becky Weedo, Senior Planner, City of Ormond Beach stated the next three items RZ 13-012, 13-010, and 13-008 are administrative small scale zoning map amendments as a result of recent annexations, and if it pleases the Board, the three will be presented together with a vote on each individually for the record.

The Board had no objections.

Ms. Weedo explained the properties are required to have a similar City zoning classification assigned; the properties are currently Volusia County B-4 General Commercial, and the most similar City zoning classification is B-8. Ms. Weedo explained the orientation, location, and properties of the subject parcels. Ms. Weedo stated staff is recommending approval.

Mr. Jorczak moved to approve RZ 13-012 as presented. Mr. Briley seconded the motion. Vote was called, and the motion unanimously approved.

G. RZ 13-010: 1438 North US Highway 1- Zoning Map Amendment

Mr. Jorczak moved to approve RZ 13-010 as presented. Ms. Press seconded the motion. Vote was called, and the motion unanimously approved.

H. RZ 13-008: 1444 North US Highway 1- Zoning Map Amendment

Mr. Jorzak moved to approve RZ 13-008 as presented. Mr. Briley seconded the motion. Vote was called, and the motion unanimously approved.

VIII. OTHER BUSINESS

None.

IX. MEMBER COMMENTS

Mr. Thomas congratulated Mr. Wigley on the t-ball fields being named in his honor.

Mr. Heaster congratulated James Stowers on reelection for City Commission, and looks forward to continuing to work with him.

Mr. Wigley wished everyone a happy Veteran's Day.

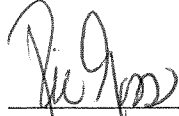
Mr. Briley echoed Mr. Thomas, Mr. Heaster, and Mr. Wigley's comments.

Mr. Thomas congratulated Mr. Stowers and stated the City Commission that has been in place the last 2 years has been an outstanding one which has worked very well together and he is looking forward to the same relationship.

X. ADJOURNMENT

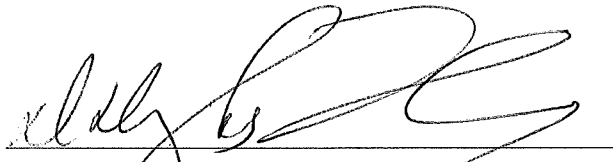
The meeting was adjourned at 7:48 p.m.

Respectfully submitted,



Ric Goss, AICP, Planning Director

ATTEST:



Doug Thomas, Chair

Minutes transcribed by Meggan Znorowski.