

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

January 10, 2013

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**

Meggan Znorowski, Recording Technician called the January 10, 2013, Planning Board meeting to order.

Members Present

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

Staff Present

Richard Goss, AICP, Planning Director  
Steven Spraker, AICP, Senior Planner  
Meggan Znorowski, Recording Technician

**II. ADMINISTRATIVE ITEMS**

**A. Election of Chairperson**

Ms. Znorowski called for nominations for chair.

**Mr. Wigley nominated Doug Thomas for chair. Mr. Briley seconded the motion. Vote was called, and the nomination to elect Mr. Thomas chair was unanimously approved.**

**Election of Vice Chairperson**

Mr. Thomas called for nominations for vice chair.

**Mr. Jorczak nominated Harold Briley for vice chair. Mr. Heaster seconded the motion. Vote was called, and the nomination to elect Mr. Briley vice chair was unanimously approved.**

**B. Adoption of 2013 Rules and Procedures**

**Ms. Behnke moved to adopt the 2013 Rules and Procedures as submitted. Ms. Press seconded the motion. Vote was called, and the motion unanimously approved.**

**C. Adoption of 2013 Planning Board Calendar**

**Mr. Briley moved to adopt the 2013 Planning Board Calendar as submitted. Mr. Jorczak seconded the motion. Vote was called, and the motion unanimously approved.**

**III. INVOCATION**

Mr. Thomas led the invocation.

**IV. PLEDGE OF ALLEGIANCE**

**V. 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).

**VI. APPROVAL OF MEETING MINUTES: November 9, 2012**

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

**VII. PLANNING DIRECTOR'S REPORT**

Mr. Richard Goss, Planning Director, stated the City Commission acted favorably on the mobility fees, doggie dining, and approved (4-1) the Marshside rezoning, which will have its second public hearing the beginning of February. The Commission also approved all of the land use plan amendments to include the zoning amendment for Orchard Street.

Mr. Goss stated indicated, if there is no objection, that future minutes will be summaries of the staff report, but the Board's questions and comments will be captured in the minutes.

Mr. Thomas suggested that if a member has a comment that they feel needs to be conveyed to the Commission, the member should make that point known so that it can be conveyed.

Mr. Goss agreed that those comments would be conveyed in the minutes.

Ms. Press added that staff should be sure that indeed the Commission gets the minutes.

Mr. Goss responded that one of the problems in getting the minutes to the Commission is that staff has so many things to do; previously it was not someone in the office who did the minutes, but rather someone who only attended the meetings, took the minutes. Now it is done by staff and it takes more time because another board was added when the thought was that boards were being dissolved. Mr. Goss stated he understands the Board's concerns, and will be sure the essence of the Board's comments are captured.

Ms. Behnke asked if the minutes and such are sent electronically to the Commission.

Mr. Goss responded no, staff will attach them in Minute Traq, and sometimes staff will make a note in Minute Traq when the item is inputted 3 weeks in advance of the meeting that the minutes are not ready but will be attached at a later time or sometimes the draft minutes are provided because the final minutes cannot be attached until approved and signed by the Board.

Mr. Jorczak inquired if the voice record stays intact.

Mr. Goss responded yes.

## **VIII. PUBLIC HEARINGS**

### **A. PBD 13-4: 460 South Atlantic Avenue, Sunoco, Planned Business Development Rezoning**

Mr. Steven Spraker, Senior Planner, stated this is a request by Bill Norris, C & R General Contractors, Inc. on behalf of Sunoco, Inc. for a rezoning from B-7 (Highway Tourist Commercial) to (PBD) Planned Business Development at 460 South Atlantic Avenue. The application seeks to demolish the existing convenience store and eight fueling stations and re-construct a 2,455 square foot Sunoco convenience store with six fueling positions and associated site improvements. Mr. Spraker explained the location, history, orientation, and constraints of the subject parcel, and presented the staff report. Mr. Spraker stated staff is recommending approval.

Ms. Press asked if there will be new fuel tanks, and asked if this location would have generators in the event of a storm.

Mr. Spraker responded that there will be new fuel tanks as there are none currently at this location, and deferred to the applicant regarding the generators.

Ms. Behnke inquired about soil contamination at this site.

Mr. Spraker deferred to the applicant.

Mr. Jorczak inquired as to the location of the bus stop.

Mr. Spraker replied it will be located where the existing bus stop is, but will be an improved Votran bus shelter.

Mr. Rob Merrill, Esquire with Cobb & Cole, 150 Magnolia Avenue, Daytona Beach, attorney for the applicant, introduced Rolando Bethart and Clayton McCain with Sunoco; Peter Ma, Civil Engineer; and Bill Norris, General Contractor. Mr. Merrill stated the applicant has 3 sites in Ormond Beach, this being the first before the Board. Mr. Merrill stated they will rely on Mr. Spraker's report and exhibits attached thereto. Mr. Merrill responded the question about the generators by stating they have 8 large commercial generators that are mobilized in the event of an emergency to each site fitted with a switch gear which allows the generator to hook directly into the location; and addressed the tank question by stating the tanks had long ago been removed and remediated, and has been deemed clean by FDEP. Mr. Merrill stated redeveloping this site will be a huge benefit to beachside as it is a tourist area and having a modern convenience store facility within walking distance of many the resorts is a positive.

Ms. Behnke asked if the Board was only voting on the zoning.

Mr. Merrill responded that before the Board is a Planned Business Development (PBD) zoning meaning that the zoning and site plan being presented to the Board is what will be approved jointly.

Mr. Briley stated he was glad to see something being done to this site, and he has no issues with the waiver of the wall because of FPL's easement. Mr. Briley added that he approved of the signage being requested and had no issues with the canopy signage.

Ms. Press commended the staff with regards to the packet provided to the Board. Ms. Press stated the comments by the landscape architects, engineer, etc. were extremely helpful in understanding the project.

Mr. Heaster stated the project utilized the site well, but had concerns with the canopy sign because it could set a precedent. Mr. Heaster added that the location has excellent visibility without the canopy signs, and other than the canopy signs he thinks it will be an excellent addition to beachside.

Mr. Merrill responded that each PBD stands on its own, but in the last two years his office processed another new service station with canopy signs. Mr. Merrill continued that the canopy signs they are requesting are tasteful.

Ms. Behnke asked for clarification of the location for the trash containers on site and if it would be in a fenced in area.

Mr. Merrill indicated the location on the site plan and responded yes, it will be fenced in.

Ms. Behnke inquired if there were bollards in front of the store.

Mr. Bethart replied that there will be three bollards in front of the building where it constructed of glass.

Ms. Behnke inquired if the monument sign meets the visibility requirements.

Mr. Spraker responded yes, a sight triangle will be maintained; there may be a slight adjustment from the plans submitted for first review.

Mr. Briley inquired if the sight triangle standards would apply to the bus shelter.

Mr. Spraker responded that the details for the bus shelter were still being worked out.

Mr. Marvin Miller, Riverside Drive, thanked the Planning Board for the work it does, it is appreciated. Mr. Miller thanked Mr. Goss for streamlining the process for development, and stated he hoped this project gets streamlined. Mr. Miller stated he only wanted to know when the shovel is going to go in the ground because this site has been vacant for many years and it will be a great improvement and it will help business in the area.

Mr. Wigley stated he agreed with Mr. Heaster regarding the canopy signs. Mr. Wigley explained that other applicants have been turned down, and the Board tries to be fair and consistent in the applications that come before the Board. Mr. Heaster concluded by stating that the canopy signs are a deal breaker for visibility, and the City does not permit canopy signs.

Mr. Briley asked if Circle K asked for a canopy sign when the permitted their project.

Mr. Spraker responded that canopy signs are prohibited by the Code, but the Planned Business Development (PBD) allows for the negotiation of canopy signs. Mr. Spraker explained that Circle K was a straight approval and had no interest in applying for a rezoning to obtain the canopy signs; whereas other gas stations such as RaceTrac, wanted the canopy signs, went through the process, and were granted the canopy signage in the PBD rezoning.

Mr. Briley asked if Circle K had gone through this process could they have had canopy signs as well.

Mr. Spraker responded they could have.

Mr. Merrill stated that there won't be stonework and special treatments by the architect like are being proposed for this project and have already been completed on the RaceTrac site. Mr. Merrill stated the applicant wants the canopy sign exposure, the size has been whittled down to a very small tasteful one, and the applicant was required to do a number of things in exchange for the canopy signs; it was a negotiation process in the PBD. Mr. Merrill stated they are bringing more than they are asking for in his opinion. Mr. Merrill explained the canopy signs are a deal breaker for this site and it means that much to the applicant businesswise.

Mr. Wigley responded that it is a beautiful project, but the Board has gone round and round with signs.

Mr. Merrill explained that by definition, a PBD is a custom zoning, and precedent doesn't come into play.

Ms. Press stated she disagreed with Mr. Heaster and Mr. Wigley because this project looks very appealing. Ms. Press continued that she hates most signs, but does not see a problem with the canopy signs.

Mr. Jorczak stated he thought it was an excellent presentation, the project is needed in the area, and the signage is tasteful.

Mr. Thomas stated he likes when he can see a gas station down the road and he can tell what brand it is, and since A1A is tourist area, he views it as more of an informational consumer service. Mr. Thomas continued that since it is a PBD there is not a precedent being set, and that the project is a wonderful idea.

Mr. Goss stated he knows the Board is struggling between normal development that goes through site plan versus an applicant going through a PBD. Mr. Goss explained that staff struggles through it also, but staff looks at it this way: most developers come to staff meeting code, which is a minimum code and our minimum is the maximum to them. Mr. Goss continued that when an applicant goes for a PBD it is a negotiation process. Projects such as the Circle K could go through a PBD, but then they have to provide public benefits. Those upgrades offset the variations in code, which is why straight site review applicants have to comply with the code. Mr. Goss explained in this case the City is getting a much better project that exceeds the City's minimum code in many ways, and when you put all of that together and look at the public benefits, overall it offsets the variations in code, even though he understands the concern about treating everyone equitably and fairly, but it is not the same process.

**Mr. Briley moved to approve PBD 13-4 as presented. Mr. Jorczak seconded the motion. Vote was called, and the motion unanimously approved.**

## **IX. OTHER BUSINESS**

None.

## **X. MEMBER COMMENTS**

Mr. Wigley requested there be a rotation for the invocation.

Ms. Press asked if community gardens had ever been discussed in Ormond Beach because she thinks a community garden is a great idea.

Mr. Goss responded that the City has considered community gardens on City property, but it came down to many of the properties not having access to reuse water and the liability issue.

Mr. Thomas agreed with Ms. Press, and added that it could be done at the airport when reuse water comes to that area.

Mr. Goss stated he will discuss it with Joyce Shanahan.

Mr. Jorzczak asked if there has been any movement on Ormond Crossings.

Mr. Goss replied that he is waiting for a meeting with the owners of Ormond Crossings to discuss the legal document, Master Development Agreement Plan. There were a number of changes the City conveyed to them in November; however Mr. Goss thinks they will meet in February.

Mr. Jorzczak asked if that is what has to be completed before they start the project.

Mr. Goss responded the development agreement has to be signed before the project is officially brought before the Planning Board for zoning because the Board has only had a workshop on Ormond Crossings.

Ms. Behnke stated she would be willing to be removed from a mailing list for the Board packets and use her Ipad instead.

Mr. Heaster stated that with regards to the development on Tymber Creek Road that the City Commission voted on, we need to keep in mind that everyone focuses on the developer and property owners and blames them, but the issue is the close proximity of two schools and the County has not built sufficient roads and infrastructure. Mr. Heaster continued that this issue has not happened over just few years, but this was an existing problem since before the 1990s when he developed a project in that area. Mr. Heaster stated the blame shouldn't fall on the end user, but hold the entities accountable for their failed planning.

Mr. Briley congratulated Mr. Thomas on his chairmanship, and thanked the Board for their vote of confidence in his nomination and approval as vice chair.

Mr. Briley commented that before SR 40 was four-laned, there was a right turn lane into Indian Springs subdivision, and when it was explained that turn lane was removed. Mr. Briley continued that there was a bad rear-end accident there last night, and he has been approached on different occasions by residents that have concerns with the west-bound traffic and someone getting hit with a carload of

children. Mr. Briley asked if there was anything the City can do or discuss with FDOT the possibility of reconstructing that turn lane.

Mr. Thomas stated that there is going to be a major problem on Tymber Creek Road when the four-lane is stopped between Tymber Crossing and Saddler's Run. Mr. Thomas asked the Planning Department to find out something about that for him; he wants to know who to go to and who to pressure on because it's not that great of a distance to Airport Road.

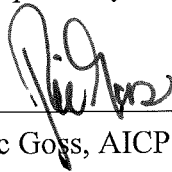
Mr. Wigley asked what can be done about people driving on the sidewalks along SR40 between the areas of Indian Spring and Breakaway Trails subdivisions.

Mr. Goss responded to take a picture of the license plate and send it to him, and he will turn it over to FDOT because their penalties are high.

## **XI. ADJOURNMENT**

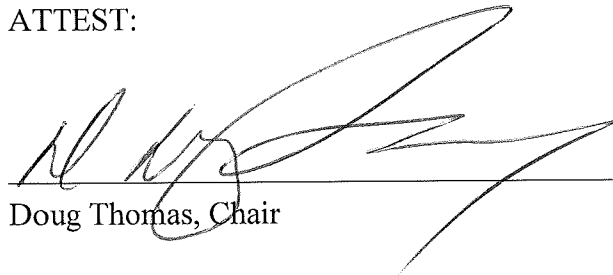
The meeting was adjourned at 8:45 p.m.

Respectfully submitted,



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Ric Goss, AICP, Planning Director

ATTEST:

  
\_\_\_\_\_  
Doug Thomas, Chair

*Minutes transcribed by Meggan Znorowski.*